

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS25164-LU-90 (03/13)

Short Title: Precinct Offl/One-Stop Site/Late Ab. Ballots. (Public)

Sponsors: Senator Rucho (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE APPOINTMENT OF PRECINCT OFFICIALS AT EACH VOTING SITE DURING THE PERIOD FOR ONE-STOP VOTING AS WELL AS ON ELECTION DAY AND TO CLARIFY THE CONDITIONS UNDER WHICH A LATE MAIL-IN ABSENTEE BALLOT MAY BE ACCEPTED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-41(a) reads as rewritten:

"(a) Appointment of Chief Judge and Judges. – At the meeting required by G.S. 163-31 to be held on the Tuesday following the third Monday in August of the year in which they are appointed, the county board of elections shall appoint one person to act as chief judge and two other persons to act as judges of election ~~for~~ on election day at each precinct in the county, county and at each voting site during the period for one-stop absentee voting as determined by the county board of elections. Their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified, except that if a nonresident of the precinct is appointed as chief judge or judge for a precinct, that person's term of office shall end if the board of elections appoints a qualified resident of the precinct of the same party to replace the nonresident chief judge or judge. It shall be their duty to conduct the primaries and elections within their respective precincts. Persons appointed to these offices must be registered voters and residents of the county in which the precinct is located, of good repute, and able to read and write. Not more than one judge in each precinct shall belong to the same political party as the chief judge.

The term "precinct official" shall mean chief judges and judges appointed pursuant to this section, and all assistants appointed pursuant to G.S. 163-42, unless the context of a statute clearly indicates a more restrictive meaning.

No person shall be eligible to serve as a precinct official, as that term is defined above, who holds any elective office under the government of the United States, or of the State of North Carolina or any political subdivision thereof.

No person shall be eligible to serve as a precinct official who is a candidate for nomination or election.

No person shall be eligible to serve as a precinct official who holds any office in a state, congressional district, county, or precinct political party or political organization, or who is a manager or treasurer for any candidate or political party, provided however that the position of delegate to a political party convention shall not be considered an office for the purpose of this subsection.

The chairman of each political party in the county where possible shall recommend two registered voters in each precinct who are otherwise qualified, are residents of the precinct,



1 have good moral character, and are able to read and write, for appointment as chief judge in the
2 precinct, and he shall also recommend where possible the same number of similarly qualified
3 voters for appointment as judges of election in that precinct. If such recommendations are
4 received by the county board of elections no later than the fifth day preceding the date on
5 which appointments are to be made, it must make precinct appointments from the names of
6 those recommended. Provided that if only one name is submitted by the fifth day preceding the
7 date on which appointments are to be made, by a party for judge of election by the chairman of
8 one of the two political parties in the county having the greatest numbers of registered voters in
9 the State, the county board of elections must appoint that person.

10 If the recommendations of the party chairs for chief judge or judge in a precinct are
11 insufficient, the county board of elections by unanimous vote of all of its members may name
12 to serve as chief judge or judge in that precinct registered voters in that precinct who were not
13 recommended by the party chairs. If, after diligently seeking to fill the positions with registered
14 voters of the precinct, the county board still has an insufficient number of officials for the
15 precinct, the county board by unanimous vote of all of its members may appoint to the
16 positions registered voters in other precincts in the same county who meet the qualifications
17 other than residence to be precinct officials in the precinct, provided that where possible the
18 county board shall seek and adopt the recommendation of the county chairman of the political
19 party affected. In making its appointments, the county board shall assure, wherever possible,
20 that no precinct has a chief judge and judges all of whom are registered with the same party. In
21 no instance shall the county board appoint nonresidents of the precinct to a majority of the three
22 positions of chief judge and judge in a precinct.

23 If, at any time other than on the day of a primary or election, a chief judge or judge of
24 election shall be removed from office, or shall die or resign, or if for any other cause there be a
25 vacancy in a precinct election office, the chairman of the county board of elections shall
26 appoint another in his place, promptly notifying him of his appointment. If at all possible, the
27 chairman of the county board of elections shall consult with the county chairman of the
28 political party of the vacating official, and if the chairman of the county political party
29 nominates a qualified voter of that precinct to fill the vacancy, the chairman of the county
30 board of elections shall appoint that person. In filling such a vacancy, the chairman shall
31 appoint a person who belongs to the same political party as that to which the vacating member
32 belonged when appointed. If the chairman of the county board of elections did not appoint a
33 person upon recommendation of the chairman of the party to fill such a vacancy, then the term
34 of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next
35 canvass held by the county board of elections under this Chapter, and any successor must be a
36 person nominated by the chairman of the party of the vacating officer.

37 If any person appointed chief judge shall fail to be present at the voting place at the hour of
38 opening the polls on primary or election day, or if a vacancy in that office shall occur on
39 primary or election day for any reason whatever, the precinct judges of election shall appoint
40 another to act as chief judge until such time as the chairman of the county board of elections
41 shall appoint to fill the vacancy. If such appointment by the chairman of the county board of
42 elections is not a person nominated by the county chairman of the political party of the vacating
43 officer, then the term of office of the person appointed to fill the vacancy shall expire upon the
44 conclusion of the next canvass held by the county board of elections under this Chapter. If a
45 judge of election shall fail to be present at the voting place at the hour of opening the polls on
46 primary or election day, or if a vacancy in that office shall occur on primary or election day for
47 any reason whatever, the chief judge shall appoint another to act as judge until such time as the
48 chairman of the county board of elections shall appoint to fill the vacancy. Persons appointed to
49 fill vacancies shall, whenever possible, be chosen from the same political party as the person
50 whose vacancy is being filled, and all such appointees shall be sworn before acting.

1 As soon as practicable, following their training as prescribed in G.S. 163-82.24, each chief
 2 judge and judge of election shall take and subscribe the following oath of office to be
 3 administered by an officer authorized to administer oaths and file it with the county board of
 4 elections:

5 "I, _____, do solemnly swear (or affirm) that I will support the Constitution of the
 6 United States; that I will be faithful and bear true allegiance to the State of North Carolina, and
 7 to the constitutional powers and authorities which are or may be established for the government
 8 thereof; that I will endeavor to support, maintain and defend the Constitution of said State not
 9 inconsistent with the Constitution of the United States; that I will administer the duties of my
 10 office as chief judge of (judge of election in) _____precinct, _____County, without fear
 11 or favor; that I will not in any manner request or seek to persuade or induce any voter to vote
 12 for or against any particular candidate or proposition; and that I will not keep or make any
 13 memorandum of anything occurring within a voting booth, unless I am called upon to testify in
 14 a judicial proceeding for a violation of the election laws of this State; so help me, God."

15 Notwithstanding the previous paragraph, a person appointed chief judge by the judges of
 16 election under this section, or appointed judge of election by the chief judge under this section
 17 may take the oath of office immediately upon appointment.

18 Before the opening of the polls on the morning of the primary or election, the chief judge
 19 shall administer the oath set out in the preceding paragraph to each assistant, and any judge of
 20 election not previously sworn, substituting for the words "chief judge of" the words "assistant
 21 in" or "judge of election in" whichever is appropriate."

22 **SECTION 2.** G.S. 163-231(b)(2) reads as rewritten:

23 "(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed
 24 container-return envelope in which executed absentee ballots have been placed shall be
 25 transmitted to the county board of elections who issued those ballots as follows:

- 26 ...
- 27 (2) If ballots are received later than the hour stated in subdivision (1) of this
 28 subsection, those ballots shall not be accepted unless one of the following
 29 applies:
 - 30 a. Federal law so requires.
 - 31 b. The ballots issued under this Article are postmarked and that
 32 postmark is dated on or before the day of the statewide primary or
 33 general election or county bond election and are received by the
 34 county board of elections not later than three days after the election
 35 by 5:00 p.m. If a ballot issued under this Article does not bear a
 36 postmark or the postmark is illegible, the county board of elections
 37 shall accept the ballot only if it is received the day after the election
 38 from the U.S. Postal Service.
 - 39 c. The ballots issued under Article 21A of this Chapter are received by
 40 the county board of elections not later than the end of business on the
 41 business day before the canvass conducted by the county board of
 42 elections held pursuant to G.S. 163-182.5."

43 **SECTION 3.** This act is effective when it becomes law.