

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

6

SENATE BILL 17
Judiciary I Committee Substitute Adopted 4/9/01
House Committee Substitute Favorable 7/17/01
House Committee Substitute #2 Favorable 7/26/01
Fifth Edition Engrossed 8/8/01
Sixth Edition Engrossed 9/13/01

Short Title: Election Rewrite-1.

(Public)

Sponsors:

Referred to:

January 29, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF
3 THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS
4 REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER
5 TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF
6 POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT;
7 TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING
8 A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25
9 FEET; AND TO MAKE CONFORMING CHANGES.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Articles 13 and 14 of Chapter 163 of the General Statutes are
12 repealed.

13 **SECTION 2.** G.S. 163-2 is repealed.

14 **SECTION 3.** Chapter 163 of the General Statutes is amended by adding a
15 new Article to read:

16 "Article 13A.

17 "Voting.

18 "Part 1. Definitions.

19 **"§ 163-165. Definitions.**

20 In addition to the definitions stated below, the definitions set forth in Article 15A of
21 Chapter 163 of the General Statutes also apply to this Article. As used in this Article:

22 (1) 'Ballot' means an instrument on which a voter indicates a choice so that
23 it may be recorded as a vote for or against a certain candidate or
24 referendum proposal. The term 'ballot' may include a paper ballot to be
25 counted by hand, a paper ballot to be counted on an electronic scanner,

1 the face of a lever voting machine, the image on a direct record
2 electronic unit, or a ballot used on any other voting system.

3 (2) 'Ballot item' means a single item on a ballot in which the voters are to
4 choose between or among the candidates or proposals listed.

5 (3) 'Ballot style' means the version of a ballot within a jurisdiction that an
6 individual voter is eligible to vote. For example, in a county that uses
7 essentially the same official ballot, a group office such as county
8 commissioner may be divided into districts so that different voters in
9 the same county vote for commissioner in different districts. The
10 different versions of the county's official ballot containing only those
11 district ballot items one individual voter may vote are the county's
12 different ballot styles.

13 (4) 'Election' means the event in which voters cast votes in ballot items
14 concerning proposals or candidates for office in this State or the
15 United States. The term includes primaries, general elections,
16 referenda, and special elections.

17 (5) 'Official ballot' means a ballot that has been certified by the State
18 Board of Elections and produced by or with the approval of the county
19 board of elections. The term does not include a sample ballot or a
20 specimen ballot.

21 (6) 'Provisional official ballot' means an official ballot that is voted and
22 then placed in an envelope that contains an affidavit signed by the
23 voter certifying identity and eligibility to vote.

24 (7) 'Referendum' means the event in which voters cast votes for or against
25 ballot questions other than the election of candidates to office.

26 (8) 'Voting booth' means the private space in which a voter is to mark an
27 official ballot.

28 (9) 'Voting enclosure' means the room or connected rooms within the
29 voting place that is used for voting.

30 (10) 'Voting place' means the building that contains the voting enclosure.

31 (11) 'Voting system' means a system of casting and tabulating ballots. The
32 term includes systems of paper ballots counted by hand as well as
33 systems utilizing mechanical and electronic voting equipment.

34 "Part 2. Ballots and Voting Systems.

35 **"§ 163-165.1. Scope and general rules.**

36 (a) Scope. – This Article shall apply to all elections in this State.

37 (b) Requirements of Official Ballots in Voting. – In any election conducted under
38 this Article:

39 (1) All voting shall be by official ballot.

40 (2) Only votes cast on an official ballot shall be counted.

41 (c) Compliance With This Article. – All ballots shall comply with the provisions
42 of this Article.

1 (d) Other Uses Prohibited. – An official ballot shall not be used for any purpose
2 not authorized by this Article.

3 **"§ 163-165.2. Sample ballots.**

4 (a) County Board to Produce and Distribute Sample Ballots. – The county board
5 of elections shall produce sample ballots, in all the necessary ballot styles of the official
6 ballot, for every election to be held in the county. The sample ballots shall be given an
7 appearance that clearly distinguishes them from official ballots. The county board shall
8 distribute sample ballots to the chief judge of every precinct in which the election is to
9 be conducted. The chief judge shall post a sample ballot in the voting place and may use
10 it for instructional purposes. The county board of elections may use the sample ballot
11 for other informational purposes.

12 (b) Document Resembling an Official Ballot to Contain Disclaimer. – No person
13 other than a board of elections shall produce or disseminate a document substantially
14 resembling an official ballot unless the document contains on its face a prominent
15 statement that the document was not produced by a board of elections and is not an
16 official ballot.

17 **"§ 163-165.3. Responsibilities for preparing official ballots.**

18 (a) State Board to Certify Official Ballots and Instructions to Voters. – The State
19 Board of Elections shall certify the official ballots and voter instructions to be used in
20 every election that is subject to this Article. In conducting its certification, the State
21 Board shall adhere to the following:

- 22 (1) No later than January 31 of every calendar year, the State Board shall
23 establish a schedule for the certification of all official ballots and
24 instructions during that year. The schedule shall include a time for
25 county boards of elections to submit their official ballots and
26 instructions to the State Board for certification and times for the State
27 Board to complete the certification.
- 28 (2) The State Board of Elections shall compose model ballot instructions,
29 which county boards of elections may amend subject to approval by
30 the State Board as part of the certification process. The State Board of
31 Elections may permit a county board of elections to place instructions
32 elsewhere than on the official ballot itself, where placing them on the
33 official ballot would be impractical.
- 34 (3) With regard only to multicounty ballot items on the official ballot, the
35 State Board shall certify the accuracy of the content on the official
36 ballot.
- 37 (4) With regard to the entire official ballot, the State Board shall certify
38 that the content and arrangement of the official ballot are in substantial
39 compliance with the provisions of this Article and standards adopted
40 by the State Board.
- 41 (5) The State Board shall proofread the official ballot of every county, if
42 practical, prior to final production.

1 (6) The State Board is not required to certify or review every official
2 ballot style in the county but may require county boards to submit and
3 may review a composite official ballot showing races that will appear
4 in every district in the county.

5 (b) County Board to Prepare and Produce Official Ballots and Instructions. –
6 Each county board of elections shall prepare and produce official ballots for all
7 elections in that county. The county board of elections shall submit the format of each
8 official ballot and set of instructions to the State Board of Elections for review and
9 certification in accordance with the schedule established by the State Board. The county
10 board of elections shall follow the directions of the State Board in placing candidates,
11 referenda, and other material on official ballots and in placing instructions.

12 (c) Late Changes in Ballots. – The State Board shall promulgate rules for late
13 changes in ballots. The rules shall provide for the reprinting, where practical, of official
14 ballots as a result of replacement candidates to fill vacancies in accordance with G.S.
15 163-114 or other late changes. If an official ballot is not reprinted, a vote for a candidate
16 who has been replaced in accordance with G.S. 163-114 will count for the replacement
17 candidate.

18 (d) Special Ballots. – The State Board of Elections, with the approval of a county
19 board of elections, may produce special official ballots, such as those for disabled
20 voters, where production by the State Board would be more practical than production by
21 the county board.

22 **"§ 163-165.4. Standards for official ballots.**

23 The State Board of Elections shall seek to ensure that official ballots throughout the
24 State have all the following characteristics:

- 25 (1) Are readily understandable by voters.
- 26 (2) Present all candidates and questions in a fair and nondiscriminatory
27 manner.
- 28 (3) Allow every voter to cast a vote in every ballot item without difficulty.
- 29 (4) Facilitate an accurate vote count.
- 30 (5) Are uniform in content and format, subject to varied presentations
31 required or made desirable by different voting systems.

32 **"§ 163-165.5. Contents of official ballots.**

33 Each official ballot shall contain all the following elements:

- 34 (1) The heading prescribed by the State Board of Elections. The heading
35 shall include the term 'Official Ballot'.
- 36 (2) The title of each office to be voted on and the number of seats to be
37 filled in each ballot item.
- 38 (3) The names of the candidates as they appear on their notice of
39 candidacy filed pursuant to G.S. 163-106 or G.S. 163-323, or on
40 petition forms filed in accordance with G.S. 163-122. No title,
41 appendage, or appellation indicating rank, status, or position shall be
42 printed on the official ballot in connection with the candidate's name.
43 Candidates, however, may use the title Mr., Mrs., Miss, or Ms.

1 Nicknames shall be permitted on an official ballot if used in the notice
2 of candidacy or qualifying petition, but the nickname shall appear
3 according to standards adopted by the State Board of Elections. Those
4 standards shall allow the presentation of legitimate nicknames in ways
5 that do not mislead the voter or unduly advertise the candidacy. In the
6 case of candidates for presidential elector, the official ballot shall not
7 contain the names of the candidates for elector but instead shall
8 contain the nominees for President and Vice President which the
9 candidates for elector represent.

10 (4) Party designations in partisan ballot items.

11 (5) A means by which the voter may cast write-in votes, as provided in
12 G.S. 163-123.

13 (6) Instructions to voters, unless the State Board of Elections allows
14 instructions to be placed elsewhere than on the official ballot.

15 (7) The printed title and facsimile signature of the chair of the county
16 board of elections.

17 **§ 163-165.6. Arrangement of official ballots.**

18 (a) Order of Precedence Generally. – Candidate ballot items shall be arranged on
19 the official ballot before referenda.

20 (b) Order of Precedence for Candidate Ballot Items. – The State Board of
21 Elections shall promulgate rules prescribing the order of offices to be voted on the
22 official ballot. Those rules shall adhere to the following guidelines:

23 (1) Federal offices shall be listed before State and local offices. Federal
24 offices shall be listed according to the size of the electorate.

25 (2) State and local offices shall be listed according to the size of the
26 electorate.

27 (3) Partisan offices shall be listed before nonpartisan offices.

28 (4) When offices are in the same class, they shall be listed in alphabetical
29 order by office name, or in numerical or alphabetical order by district
30 name. Governor and Lieutenant Governor, in that order, shall be listed
31 before other Council of State offices. Mayor shall be listed before
32 other citywide offices. Chair of a board, where elected separately, shall
33 be listed before other board seats having the same electorate. Chief
34 Justice shall be listed before Associate Justices.

35 (5) Ballot items for full terms of an office shall be listed before ballot
36 items for partial terms of the same office.

37 (c) Order of Candidates on Primary Official Ballots. – The order in which
38 candidates shall appear on a county's official ballots in any primary ballot item shall be
39 determined by the county board of elections using a process designed by the State Board
40 of Elections for random selection.

41 (d) Order of Party Candidates on General Election Official Ballot. – Candidates
42 in any ballot item on a general election official ballot shall appear in the following
43 order:

1 (1) Nominees of political parties that reflect at least five percent (5%) of
2 statewide voter registration, according to the most recent statistical
3 report published by the State Board of Elections so that such parties
4 rotate order each three years, and if there are more than two eligible
5 parties, then the order among those parties shall be determined by lot,
6 with no party being eligible for the top slot for three years after it has
7 left the top slot.

8 (2) Nominees of other political parties, in random order of the name of the
9 party.

10 (3) Unaffiliated candidates, in random order.

11 (e) Straight-Party Voting. – Each official ballot shall be arranged so that the
12 voter may cast one vote for a party's nominees for all offices except President and Vice
13 President. A vote for President and Vice President shall be cast separately from a
14 straight-party vote. The official ballot shall be prepared so that a voter may cast a
15 straight-party vote, but then make an exception to that straight-party vote by voting for a
16 candidate not nominated by that party or by voting for fewer than all the candidates
17 nominated by that party. Instructions for general election ballots shall clearly advise
18 voters of the rules in this subsection and of the statutes providing for the counting of
19 ballots.

20 (f) Write-In Voting. – Each official ballot shall be so arranged so that voters may
21 cast write-in votes for candidates except where prohibited by G.S. 163-123 or other
22 statutes governing write-in votes. Instructions for general election ballots shall clearly
23 advise voters of the rules of this subsection and of the statutes governing write-in
24 voting.

25 (g) Order of Precedence for Referenda. – The referendum questions to be voted
26 on shall be arranged on the official ballot in the following order:

27 (1) Proposed amendments to the North Carolina Constitution, in the
28 chronological order in which the proposals were approved by the
29 General Assembly.

30 (2) Other referenda to be voted on by all voters in the State, in the
31 chronological order in which the proposals were approved by the
32 General Assembly.

33 (3) Referenda to be voted on by fewer than all the voters in the State, in
34 the chronological order of the acts by which the referenda were
35 properly authorized.

36 **"§ 163-165.7. Voting systems: powers and duties of State Board of Elections.**

37 The State Board of Elections shall have authority to approve types, makes, and
38 models of voting systems for use in elections and referenda held in this State. Only
39 voting systems that have been approved by the State Board shall be used to conduct
40 elections under this Chapter, and the approved systems shall be valid in any election or
41 referendum held in any county or municipality. The State Board may, upon request of a
42 local board of elections, authorize the use of a voting system not approved for general
43 use. The State Board may also, upon notice and hearing, disapprove types, makes, and

1 models of voting systems. Upon disapproving a type, make, or model of voting system,
2 the State Board shall determine the process by which the disapproved system is
3 discontinued in any county. If a county makes a showing that discontinuance would
4 impose a financial hardship upon it, the county shall be given up to four years from the
5 time of State Board disapproval to replace the system. A county may appeal a decision
6 by the State Board concerning discontinuance of a voting system to the superior court in
7 that county or to the Superior Court of Wake County. The county has 30 days from the
8 time of the State Board's decision on discontinuance to make that appeal.

9 Subject to the provisions of this Chapter, the State Board of Elections shall prescribe
10 rules for the adoption, handling, operation, and honest use of voting systems, including,
11 but not limited to, the following:

- 12 (1) Types, makes, and models of voting systems approved for use in this
13 State.
- 14 (2) Form of official ballot labels to be used on voting systems.
- 15 (3) Operation and manner of voting on voting systems.
- 16 (4) Instruction of precinct officials in the use of voting systems.
- 17 (5) Instruction of voters in the use of voting systems.
- 18 (6) Assistance to voters using voting systems.
- 19 (7) Duties of custodians of voting systems.
- 20 (8) Examination of voting systems before use in an election.

21 **"§ 163-165.8. Voting systems: powers and duties of board of county commissioners.**

22 The board of county commissioners, with the approval of the county board of
23 elections, may adopt and purchase or lease a voting system of a type, make, and model
24 approved by the State Board of Elections for use in some or all voting places in the
25 county at some or all elections.

26 The board of county commissioners may decline to adopt and purchase or lease any
27 voting system recommended by the county board of elections but may not adopt and
28 purchase or lease any voting system that has not been approved by the county board of
29 elections.

30 **"§ 163-165.9. Voting systems: powers and duties of county board of elections.**

31 Before approving the adoption and purchase or lease of any voting system by the
32 board of county commissioners, the county board of elections shall do all of the
33 following:

- 34 (1) Obtain a current financial statement from the proposed vendor or
35 lessor of the voting system and send copies of the statement to the
36 county attorney and the chief county financial officer.
- 37 (2) Witness a demonstration, in that county or at a site designated by the
38 State Board of Elections, of the voting system by the proposed vendor
39 or lessor and also witness a demonstration of at least one other type of
40 voting system approved by the State Board of Elections.
- 41 (3) Test, during an election, the proposed voting system in at least one
42 precinct in the county where the system would be used if adopted.

43 **"§ 163-165.10. Adequacy of voting system for each precinct.**

1 The county board of elections shall make available for each precinct voting place an
2 adequate quantity of official ballots or equipment so that all voters qualified to vote at
3 the precinct may do so. When the board of county commissioners has decided to adopt
4 and purchase or lease a voting system for voting places under the provisions of G.S.
5 165-165.8, the board of county commissioners shall, as soon as practical, provide for
6 each of those voting places sufficient equipment of the approved voting system in
7 complete working order. If it is impractical to furnish each voting place with the
8 equipment of the approved voting system, that which has been obtained may be placed
9 in voting places chosen by the county board of elections. In that case, the county board
10 of elections shall choose the voting places and allocate the equipment in a way that as
11 nearly as practicable provides equal access to the voting system for each voter. The
12 county board of elections shall appoint as many voting system custodians as may be
13 necessary for the proper preparation of the system for each election and for its
14 maintenance, storage, and care.

15 "Part 3. Procedures at the Voting Place.

16 **"§ 163-166. Hours for voting.**

17 In every election, the voting place shall be open at 6:30 A.M. and shall be closed at
18 7:30 P.M. In extraordinary circumstances, the county board of elections may direct that
19 the polls remain open until 8:30 P.M. If any voter is in line to vote at the time the polls
20 are closed, that voter shall be permitted to vote. No voter shall be permitted to vote who
21 arrives at the voting place after the closing of the polls.

22 **"§ 163-166.1. Duties of county board of elections.**

23 The county board of elections shall:

- 24 (1) Provide for the timely delivery to each voting place of the supplies,
25 records, and equipment necessary for the conduct of the election.
- 26 (2) Ensure that adequate procedures are in place at each voting place for a
27 safe, secure, fair, and honest election.
- 28 (3) Respond to precinct officials' questions and problems where necessary.

29 **"§ 163-166.2. Arrangement of the voting enclosure.**

30 Each voting enclosure shall contain at a minimum:

- 31 (1) A sufficient number of private spaces for all voters to mark their
32 official ballots in secrecy.
- 33 (2) Adequate space and furniture for the separate functions of:
 - 34 a. The checking of voter registration records.
 - 35 b. The distribution of official ballots.
 - 36 c. Private discussion with voters concerning irregular situations.
- 37 (3) A telephone or some facility for communication with the county board
38 of elections.

39 The equipment and furniture in the voting enclosure shall be arranged so that it can
40 be generally seen from the public space of the enclosure.

41 **"§ 163-166.3. Limited access to the voting enclosure.**

42 During the time allowed for voting in the voting place, only the following persons
43 may enter the voting enclosure:

- 1 (1) An election official.
- 2 (2) An observer appointed pursuant to G.S. 163-45.
- 3 (3) A person seeking to vote in that voting place on that day but only
4 while in the process of voting or seeking to vote.
- 5 (4) A voter in that precinct while entering or explaining a challenge
6 pursuant to G.S. 163-87 or G.S. 163-88.
- 7 (5) A person authorized under G.S. 163-166.8 to assist a voter but, except
8 as provided in subdivision (6) of this section, only while assisting that
9 voter.
- 10 (6) Minor children of the voter under the age of 18, or minor children
11 under the age of 18 in the care of the voter, but only while
12 accompanying the voter and while under the control of the voter.
- 13 (7) Persons conducting or participating in a simulated election within the
14 voting place or voting enclosure, if that simulated election is approved
15 by the county board of elections.
- 16 (8) Any other person determined by election officials to have an urgent
17 need to enter the voting enclosure but only to the extent necessary to
18 address that need.

19 **"§ 163-166.4. Limitation on activity in the voting place and in a buffer zone around**
20 **it.**

21 No person or group of persons shall hinder access, harass others, distribute campaign
22 literature, place political advertising, solicit votes, or otherwise engage in election-
23 related activity in the voting place or in a buffer zone which shall be prescribed by the
24 county board of elections around the voting place. In determining the dimensions of that
25 buffer zone for each voting place, the county board of elections shall, where practical,
26 set the limit at 50 feet from the door of entrance to the voting place, measured when that
27 door is closed, but in no event shall it set the limit at less than 25 feet. The county board
28 of elections shall also, where practical, provide an area outside the buffer zone for each
29 voting place in which persons or groups of persons may distribute campaign literature,
30 place political advertising, solicit votes, or otherwise engage in election-related activity.
31 No later than 30 days before each election, the county board of elections shall make
32 available to the public the following information concerning each voting place:

- 33 (1) The door from which the buffer zone is measured.
- 34 (2) The distance the buffer zone extends from that door.
- 35 (3) Any available information concerning political activity, including sign
36 placement, that is permitted beyond the buffer zone.

37 **"§ 163-166.5. Procedures at voting place before voting begins.**

38 The State Board of Elections shall promulgate rules for precinct officials to set up
39 the voting place before voting begins. Those rules shall emphasize:

- 40 (1) Continual participation or monitoring by officials of more than one
41 party.
- 42 (2) Security of official ballots, records, and equipment.

1 (3) The appearance as well as the reality of care, efficiency, impartiality,
2 and honest election administration.

3 The county boards of elections and precinct officials shall adhere to those
4 procedures.

5 **"§ 163-166.6. Designation of tasks.**

6 The State Board of Elections shall promulgate rules for the delegation of tasks
7 among the election officials at each precinct. Those rules shall emphasize:

8 (1) The need to place primary managerial responsibility upon the chief
9 judge.

10 (2) The need to have maximum multiparty participation in all duties where
11 questions of partisan partiality might be raised.

12 (3) The need to provide flexibility of management to the county board of
13 elections and to the chief judge, in consideration of different abilities
14 of officials, the different availability of officials, and the different
15 needs of voters precinct by precinct.

16 **"§ 163-166.7. Voting procedures.**

17 (a) Checking Registration. – A person seeking to vote shall enter the voting
18 enclosure through the appropriate entrance. A precinct official assigned to check
19 registration shall at once ask the voter to state current name and residence address. The
20 voter shall answer by stating current name and residence address. In a primary election,
21 that voter shall also be asked to state, and shall state, the political party with which the
22 voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to
23 vote. After examination, that official shall state whether that voter is duly registered to
24 vote in that precinct and shall direct that voter to the voting equipment or to the official
25 assigned to distribute official ballots.

26 (b) Distribution of Official Ballots. – If the voter is found to be duly registered
27 and has not been successfully challenged, the official assigned to distribute the official
28 ballots shall hand the voter the official ballot that voter is entitled to vote, or that voter
29 shall be directed to the voting equipment that contains the official ballot. No voter in a
30 primary shall be permitted to vote in more than one party's primary. The precinct
31 officials shall provide the voter with any information the voter requests to enable that
32 voter to vote as that voter desires.

33 (c) The State Board of Elections shall promulgate rules for the process of voting.
34 Those rules shall emphasize the appearance as well as the reality of dignity, good order,
35 impartiality, and the convenience and privacy of the voter. Those rules, at a minimum,
36 shall include procedures to ensure that all the following occur:

37 (1) The voting system remains secure throughout the period voting is
38 being conducted.

39 (2) Only properly voted official ballots are introduced into the voting
40 system.

41 (3) No official ballots leave the voting enclosure during the time voting is
42 being conducted there.

- 1 (4) All improperly voted official ballots are returned to the precinct
2 officials and marked as spoiled.
- 3 (5) Voters leave the voting place promptly after voting.
- 4 (6) Voters not clearly eligible to vote in the precinct but who seek to vote
5 there are given proper assistance in voting a provisional official ballot
6 or guidance to another voting place where they are eligible to vote.
- 7 (7) Information gleaned through the voting process that would be helpful
8 to the accurate maintenance of the voter registration records is
9 recorded and delivered to the county board of elections.
- 10 (8) The registration records are kept secure.
- 11 (9) Party observers are given access as provided by G.S. 163-45 to current
12 information about which voters have voted.

13 **§ 163-166.8. Assistance to voters.**

14 (a) Any registered voter qualified to vote in the election shall be entitled to
15 assistance with entering and exiting the voting booth and in preparing ballots in
16 accordance with the following rules:

- 17 (1) Any voter is entitled to assistance from the voter's spouse, brother,
18 sister, parent, grandparent, child, grandchild, mother-in-law, father-in-
19 law, daughter-in-law, son-in-law, stepparent, or stepchild, as chosen by
20 the voter.
- 21 (2) A voter in any of the following four categories is entitled to assistance
22 from a person of the voter's choice, other than the voter's employer or
23 agent of that employer or an officer or agent of the voter's union:
- 24 a. A voter who, on account of physical disability, is unable to
25 enter the voting booth without assistance.
- 26 b. A voter who, on account of physical disability, is unable to
27 mark a ballot without assistance.
- 28 c. A voter who, on account of illiteracy, is unable to mark a ballot
29 without assistance.
- 30 d. A voter who, on account of blindness, is unable to enter the
31 voting booth or mark a ballot without assistance.

32 (b) A qualified voter seeking assistance in an election shall, upon arriving at the
33 voting place, request permission from the chief judge to have assistance, stating the
34 reasons. If the chief judge determines that such assistance is appropriate, the chief judge
35 shall ask the voter to point out and identify the person the voter desires to provide such
36 assistance. If the identified person meets the criteria in subsection (a) of this section, the
37 chief judge shall request the person indicated to render the assistance. The chief judge,
38 one of the judges, or one of the assistants may provide aid to the voter if so requested, if
39 the election official is not prohibited by subdivision (a)(2) of this section. Under no
40 circumstances shall any precinct official be assigned to assist a voter qualified for
41 assistance, who was not specified by the voter.

42 (c) A person rendering assistance to a voter in an election shall be admitted to the
43 voting booth with the voter being assisted. The State Board of Elections shall

1 promulgate rules governing voter assistance, and those rules shall adhere to the
2 following guidelines:

- 3 (1) The person rendering assistance shall not in any manner seek to
4 persuade or induce any voter to cast any vote in any particular way.
- 5 (2) The person rendering assistance shall not make or keep any
6 memorandum of anything which occurs within the voting booth.
- 7 (3) The person rendering assistance shall not, directly or indirectly, reveal
8 to any person how the assisted voter marked ballots, unless the person
9 rendering assistance is called upon to testify in a judicial proceeding
10 for a violation of the election laws.

11 **"§ 163-166.9. Curbside voting.**

12 In any election or referendum, if any qualified voter is able to travel to the voting
13 place, but because of age or physical disability and physical barriers encountered at the
14 voting place is unable to enter the voting enclosure to vote in person without physical
15 assistance, that voter shall be allowed to vote either in the vehicle conveying that voter
16 or in the immediate proximity of the voting place. The State Board of Elections shall
17 promulgate rules for the administration of this section.

18 **"§ 163-166.10. Procedures after the close of voting.**

19 The State Board of Elections shall promulgate rules for closing the voting place and
20 delivering voting information to the county board of elections for counting, canvassing,
21 and record maintenance. Those rules shall emphasize the need for the appearance as
22 well as the reality of security, accuracy, participation by representatives of more than
23 one political party, openness of the process to public inspection, and honesty. The rules,
24 at a minimum, shall include procedures to ensure all of the following:

- 25 (1) The return and accurate accounting of all official ballots, regular,
26 provisional, voted, unvoted, and spoiled, according to the provisions of
27 Articles 15 and 16 of this Chapter.
- 28 (2) The certification of ballots and voter-authorization documents by
29 precinct officials of more than one political party.
- 30 (3) The delivery to the county board of elections of registration documents
31 and information gleaned through the voting process that would be
32 helpful in the accurate maintenance of the voter registration records.
- 33 (4) The return to the county board of all issued equipment.
- 34 (5) The restoration of the voting place to the condition in which it was
35 found."

36 **SECTION 3.1.** If Senate Bill 14, 2001 Session, becomes law, then G.S.
37 163-166.10(1) as enacted by Section 3 of this act reads as rewritten:

- 38 "(1) The return and accurate accounting of all official ballots, regular,
39 provisional, voted, unvoted, and spoiled, according to the provisions of
40 ~~Articles 15 and 16~~ Article 15A of this Chapter."

41 **SECTION 4.** G.S. 163-114 reads as rewritten:

42 **"§ 163-114. Filling vacancies among party nominees occurring after nomination**
43 **and before election.**

1 If any person nominated as a candidate of a political party for one of the offices
 2 listed below (either in a primary or convention or by virtue of having no opposition in a
 3 primary) dies, resigns, or for any reason becomes ineligible or disqualified before the
 4 date of the ensuing general election, the vacancy shall be filled by appointment
 5 according to the following instructions:

6		
7	Position	Vacancy is to be filled by
8	Any elective State office	appointment of State
9	United States Senator	executive committee of
10		political party in which
11		vacancy occurs
12	A district office, including:	
13	Member of the United States	
14	House of Representatives	
15	Judge of district court	Appropriate district executive
16	District Attorney	committee of political party
17	State Senator in a multi-	in which vacancy occurs
18	county senatorial district	
19	Member of State House of	
20	Representatives in a multi-	
21	county representative	
22	district	
23	State Senator in a single-	County executive committee
24	county senatorial district	of political party in which
25	Member of State House of	vacancy occurs, provided, in
26	Representatives in a	the case of the State
27	single-county	Senator or State
28	representative district	Representative in a
29	Any elective county office	single-county district where
30		not all the county is
31		located in that district,
32		then in voting, only those
33		members of the county
34		executive committee who
35		reside within the
36		district shall vote
37		

38 The party executive making a nomination in accordance with the provisions of this
 39 section shall certify the name of its nominee to the chairman of the board of elections,
 40 State or county, charged with the duty of printing the ballots on which the name is to
 41 appear. If at the time a nomination is made under this section the general election ballots
 42 have already been printed, the provisions of ~~G.S. 163-139~~ G.S. 163-165.3(c) shall
 43 apply. If any person nominated as a candidate of a political party vacates such

1 nomination and such vacancy arises from a cause other than death and the vacancy in
2 nomination occurs more than 120 days before the general election, the vacancy in
3 nomination may be filled under this section only if the appropriate executive committee
4 certifies the name of the nominee in accordance with this paragraph at least 75 days
5 before the general election.

6 In a county not all of which is located in one congressional district, in choosing the
7 congressional district executive committee member or members from that area of the
8 county, only the county convention delegates or county executive committee members
9 who reside within the area of the county which is within the congressional district may
10 vote.

11 In a county which is partly in a multi-county senatorial district or which is partly in a
12 multi-county House of Representatives district, in choosing that county's member or
13 members of the senatorial district executive committee or House of Representatives
14 district executive committee for the multi-county district, only the county convention
15 delegates or county executive committee members who reside within the area of the
16 county which is within that multi-county district may vote."

17 **SECTION 5.** G.S. 163-209 reads as rewritten:

18 **"§ 163-209. Names of presidential electors not printed on ballots.**

19 The names of candidates for electors of President and Vice-President nominated by
20 any political party recognized in this State under G.S. 163-96, or nominated under G.S.
21 163-1(c) by a candidate for President of the United States who has qualified to have his
22 name printed on the general election ballot as an unaffiliated candidate under G.S.
23 163-122, shall be filed with the Secretary of State but shall not be printed on the ballot.
24 In the case of the unaffiliated candidate, the names of candidates for electors must be
25 filed with the Secretary of State no later than 12:00 noon on the first Friday in August.
26 In place of their names, ~~in accordance with the provisions of G.S. 163-140~~ there shall be
27 printed on the ballot the names of the candidates for President and Vice-President of
28 each political party recognized in this State, and the name of any candidate for President
29 who has qualified to have his name printed on the general election ballot under G.S.
30 163-122. A candidate for President who has qualified for the general election ballot as
31 an unaffiliated candidate under G.S. 163-122 shall, no later than 12:00 noon on the first
32 Friday in August, file with the State Board of Elections the name of a candidate for
33 Vice-President, whose name shall also be printed on the ballot. A vote for the
34 candidates named on the ballot shall be a vote for the electors of the party or unaffiliated
35 candidate by which those candidates were nominated and whose names have been filed
36 with the Secretary of State."

37 **SECTION 6.** G.S. 163-294(b) reads as rewritten:

38 "(b) In the primary, the two candidates for a single office receiving the highest
39 number of votes, and those candidates for a group of offices receiving the highest
40 number of votes, equal to twice the number of positions to be filled, shall be declared
41 nominated. In both the primary and election, a voter should not mark more names for
42 any office than there are positions to be filled by ~~election, as provided in G.S. 163-~~
43 ~~135(e) and G.S. 163-151(2).~~ election. If two or more candidates receiving the highest

1 number of votes each received the same number of votes, the board of elections shall
2 determine their relative ranking by lot, and shall declare the nominees accordingly. The
3 canvass of the primary shall be held on the third day (Sunday excepted) following the
4 primary. In accepting the filing of complaints concerning the conduct of an election, a
5 board of elections shall be subject to the rules concerning Sundays and holidays set
6 forth in G.S. 103-5."

7 **SECTION 7.** G.S. 163-299(b) reads as rewritten:

8 "(b) The form of municipal ballots to be used in partisan municipal elections shall
9 be the same as the form prescribed in this Chapter for the county ballot. ~~A nonpartisan
10 municipal ballot shall be divided into sections according to the offices to be filled.
11 Within each section the names of the candidates for that office shall be printed. At the
12 left of each name shall be printed a voting square, and all voting squares on the ballot
13 shall be arranged in a perpendicular line. On the face of the ballot, above the list of
14 candidates and below the title of the ballot shall be printed in heavy black type the
15 following instructions: "If you tear or deface or wrongly mark this ballot, return it and
16 get another."~~

17 **SECTION 8.** G.S. 163-299(d) reads as rewritten:

18 "(d) The provisions of ~~G.S. 163-151(1), (2) and (3)~~ Articles 13A and 15A of this
19 Chapter shall apply to ballots used in municipal primaries and elections in the same
20 manner as it is applied to county ballots provided, however, the exceptions contained in
21 ~~G.S. 163-151 shall be adhered to if applicable.~~ ballots."

22 **SECTION 9.** G.S. 163-332(a) reads as rewritten:

23 "(a) General. – In elections there shall be official ballots. The ballots shall be
24 printed to conform to the requirement of ~~G.S. 163-140(e)~~ G.S. 163-165.6(c) and to show
25 the name of each person who has filed notice of candidacy, and the office for which
26 each aspirant is a candidate.

27 Only those who have filed the required notice of candidacy with the proper board of
28 elections, and who have paid the required filing fee or qualified by petition, shall have
29 their names printed on the official primary ballots. Only those candidates properly
30 nominated shall have their names appear on the official general election ballots."

31 **SECTION 10.** Article 25 of Chapter 163 of the General Statutes is amended
32 by adding a new section to read:

33 **"§ 163-327.1. Rules when vacancies for superior court judge are to be voted on.**

34 If a vacancy occurs in a judicial district for any offices of superior court judge, and
35 on account of the occurrence of such vacancy, there is to be an election for one or more
36 terms in that district to fill the vacancy or vacancies, at that same election in accordance
37 with G.S. 163-9 and Article IV, Section 19 of the North Carolina Constitution, the
38 nomination and election shall be determined by the following special rules in addition to
39 any other provisions of law:

40 (1) If the vacancy occurs prior to the opening of the filing period under
41 G.S. 163-323(b), nominations shall be made by primary election as
42 provided by this Article, without designation as to the vacancy.

- 1 (2) If the vacancy occurs beginning on opening of the filing period under
2 G.S. 163-323(b), and ending on the sixtieth day before the general
3 election, candidate filing shall be as provided by G.S. 163-329 without
4 designation as to the vacancy.
- 5 (3) The general election ballot shall contain, without designation as to
6 vacancy, spaces for the election to fill the vacancy where nominations
7 were made or candidates filed under subdivision (1) or (2) of this
8 section. The persons receiving the highest numbers of votes equal to
9 the term or terms to be filled shall be elected to the term or terms."

10 **SECTION 11.** Sections 9 and 10 of S.L. 2001-403 are repealed.

11 **SECTION 12.** This act becomes effective January 1, 2002.