

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 120

Short Title: Fair Election Act.

(Public)

Sponsors: Senators Rucho; Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Moore, Shaw of Guilford, and Webster.

Referred to: Judiciary II.

February 12, 2001

A BILL TO BE ENTITLED

1 AN ACT TO REFORM THE ELECTION LAWS FOR THE PURPOSE OF MAKING
2 VOTING SIMPLER AND FAIRER.
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 163-140 (b)(1) reads as rewritten:

6 "(1) Ballot for Presidential Electors: On the ballot for presidential electors
7 there shall be printed, under the titles of the offices, the names of the
8 candidates for President and Vice-President of the United States
9 nominated by each political party qualified under the provisions of
10 G.S. 163-96, and the names of the unaffiliated candidates for President
11 and Vice-President qualified under the provisions of G.S. 163-122 and
12 G.S. 163-209. A separate column shall be assigned to each political
13 party with candidates on the ballot, and a separate column shall be
14 assigned to each pair of unaffiliated candidates for President and
15 Vice-President, if any, and the columns shall be separated by distinct
16 black lines. At the head of each party column the party name shall be
17 printed in large type and below it a circle, one-half inch in diameter,
18 and below the circle the names of the party's candidates for President
19 and Vice-President in that order. At the head of the columns for
20 unaffiliated candidates shall be printed in large type the words
21 "Unaffiliated Candidates", and below it a circle, one-half inch in
22 diameter, and below the circle the names of a pair of unaffiliated
23 candidates for President and Vice-President. On the face of the ballot,
24 above the party column division, the following instructions shall be
25 printed in heavy black type:

- 1 a. To vote this ballot, make a cross (X) mark in the circle below
2 the name of the political party for whose candidates you wish to
3 vote or below the heading for the unaffiliated candidates for
4 whom you wish to vote.
- 5 b. A vote for the names of a political party's candidates for
6 President and Vice-President is a vote for the electors of that
7 party, and a vote for the names of unaffiliated candidates for
8 President and Vice-President is a vote for electors named by the
9 unaffiliated candidate for President, the names of whom are on
10 file with the Secretary of State.
- 11 c. If you tear or deface or wrongly mark this ballot, return it and
12 get another.

13 On the bottom of the ballot shall be printed an identified facsimile of
14 the signature of the Chairman of the State Board of Elections.

15 ~~The official ballot for presidential electors shall not be combined~~
16 ~~with any other official ballots."~~

17 **SECTION 2.** Article 13 of Chapter 163 of the General Statutes is amended
18 by adding a new section to read:

19 **"§ 163-140.2. Presidential vote part of straight-party ticket.**

20 On any ballot, regardless of the voting system used, that permits a voter to vote a
21 straight-party ticket covering some ballot items, the ballot item for presidential electors
22 shall be subject to that straight-party vote."

23 **SECTION 3.** G.S. 163-226(a1) reads as rewritten:

24 "(a1) No-Excuse Absentee Voting for One-Stop in General Elections Only. – The
25 only type of absentee voting that is not subject to the excuse requirements of subsection
26 (a) of this section is one-stop voting as provided in G.S. ~~163-227.2 for elections held on~~
27 ~~the day of the general elections in November of even numbered years.~~ 163-227.2."

28 **SECTION 4.** G.S. 163-227.2 reads as rewritten:

29 **"§ 163-227.2. Alternate procedures for requesting application for absentee ballot;**
30 **"one-stop" voting procedure in board office.**

31 (a) Except as provided in subsection (a1) of this section, a person expecting to be
32 absent from the county in which that person is registered during the entire period that
33 the polls are open on the day of an election in which absentee ballots are authorized or
34 is eligible under G.S. 163-226(a)(2), 163-226(a)(3a), or 163-226(a)(4) may request an
35 application for absentee ballots, complete the application, and vote under the provisions
36 of this section.

37 (a1) The excuse requirements of G.S. 163-226(a) do not apply to one-stop ~~voting~~
38 ~~for elections held on the day of the general elections in November of even numbered~~
39 ~~years.~~ voting.

40 (b) Not earlier than the first business day after the ~~twenty-fifth-eighteenth~~
41 before an election, in which absentee ballots are authorized, in which a voter seeks to
42 vote and not later than 5:00 p.m. on the Friday prior to that election, the voter shall
43 appear in person only at the office of the county board of elections, except as provided
44 in subsection-(f1)-(g) of this section. That voter shall enter the voting enclosure at the

1 board office through the appropriate entrance and shall at once state his or her name and
2 place of residence to an authorized member or employee of the board. A voter shall
3 display one of the following types of valid identification:

4 (1) A North Carolina drivers license.

5 (2) A special identification card issued under G.S. 20-37.7.

6 (3) A passport.

7 (4) An identification card issued by the United States Department of
8 Defense.

9 (5) A social security card and one other type of identification showing the
10 name and a picture of the voter.

11 A voter who does not show one of those types of identification shall be allowed to mark
12 a ballot. That ballot shall be sealed in an envelope on which it shall be noted that the
13 voter did not display identification in compliance with the statute. The county board of
14 elections shall determine if the voter is eligible to cast the ballot and, if so, shall count it,
15 and if not, shall not count it. The State Board of Elections shall promulgate rules which
16 shall include instructions for county boards of elections in methods to determine the
17 eligibility of persons who apply to vote without presenting identification.

18 In a primary election, the voter shall also state the political party with which the
19 voter affiliates and in whose primary the voter desires to vote, or if the voter is an
20 unaffiliated voter permitted to vote in the primary of a particular party under G.S.
21 163-119, the voter shall state the name of the authorizing political party in whose
22 primary he wishes to vote. The board member or employee to whom the voter gives this
23 information shall announce the name and residence of the voter in a distinct tone of
24 voice. After examining the registration records, an employee of the board shall state
25 whether the person seeking to vote is duly registered. If the voter is found to be
26 registered that voter may request that the authorized member or employee of the board
27 furnish the voter with an application form as specified in G.S. 163-227. The voter shall
28 complete the application in the presence of the authorized member or employee of the
29 board, and shall deliver the application to that person.

30 (c) If the application is properly filled out, the authorized member or employee
31 shall enter the voter's name in the register of absentee requests, applications, and ballots
32 issued; shall furnish the voter with the instruction sheets called for by G.S. 163-229(c);
33 and shall furnish the voter with the ballots to which the application for absentee ballots
34 applies. The voter thereupon shall vote in accordance with subsection (e) of this section.

35 All actions required by this subsection shall be performed in the office of the board
36 of elections, except that the voting may take place in an adjacent room as provided by
37 subsection (e) of this section. The application under this subsection shall be signed in
38 the presence of the chairman, member, director of elections of the board, or full-time
39 employee, authorized by the board who shall sign the application and certificate as the
40 witness and indicate the official title held by him or her. Notwithstanding G.S.
41 163-231(a), in the case of this subsection, only one witness shall be required on the
42 certificate.

43 (d) Only the chairman, member, employee, or director of elections of the board
44 shall keep the voter's application for absentee ballots in a safe place, separate and apart

1 from other applications and container-return envelopes. If the voter's application for
2 absentee ballots is disapproved by the board, the board shall so notify the voter stating
3 the reason for disapproval by first-class mail addressed to the voter at that voter's
4 residence address and at the address shown in the application for absentee ballots; and
5 the board shall enter a challenge under G.S. 163-89.

6 (e) The voter shall vote that voter's absentee ballot in a voting booth in the office
7 of the county board of elections, and the county board of elections shall provide a voting
8 booth for that purpose, provided however, that the county board of elections may in the
9 alternative provide a private room for the voter adjacent to the office of the board, in
10 which case the voter shall vote that voter's absentee ballot in that room. If the voter
11 needs assistance in getting to and from the voting booth and in preparing and marking
12 that voter's ballots or if the voter is a blind voter, only a member of the county board of
13 elections, the director of elections, an employee of the board of elections authorized by
14 the board, a near relative of the voter or the voter's verifiable legal guardian shall be
15 entitled to assist the voter.

16 (e1) If a county uses a voting system with retrievable ballots, that county's board
17 of elections may by resolution elect to conduct one-stop absentee voting according to
18 the provisions of this subsection. In a county in which the board has opted to do so, a
19 one-stop voter shall cast the ballot and then shall deposit the ballot in the ballot box or
20 voting system in the same manner as if such box or system was in use in a precinct on
21 election day. At the end of each business day, or at any time when there will be no
22 employee or officer of the board of elections on the premises, the ballot box or system
23 shall be secured in accordance with a plan approved by the State Board of Elections,
24 which shall include that no additional ballots have been placed in the box or system.
25 Any county board desiring to conduct one-stop voting according to this subsection shall
26 submit a plan for doing so to the State Board of Elections. The State Board shall adopt
27 standards for conducting one-stop voting under this subsection and shall approve any
28 county plan that adheres to its standards. The county board shall adhere to its State
29 Board-approved plan. The plan shall provide that each one-stop ballot shall have a
30 ballot number on it in accordance with G.S. 163-230.1(a2), or shall have an equivalent
31 identifier to allow for retrievability. The standards shall address retrievability in
32 one-stop voting on direct record electronic equipment where no paper ballot is used.

33 (f) Notwithstanding the exception specified in G.S. 163-36, counties which
34 operate a modified full-time office shall remain open five days each week during
35 regular business hours consistent with daily hours presently observed by the county
36 board of elections, commencing with the date prescribed in G.S. 163-227.2(b) and
37 continuing until 5:00 p.m. on the Friday prior to that election or primary. The boards of
38 county commissioners shall provide necessary funds for the additional operation of the
39 office during that time.

40 (g) Notwithstanding any other provision of this section, a county board of
41 elections by unanimous vote of all its members may provide for one or more sites in that
42 county for absentee ballots to be applied for and cast under this section. ~~Any site other~~
43 ~~than the county board of elections office shall be in any building or part of a building~~
44 ~~that the county board of elections is entitled under G.S. 163-129 to demand and use as a~~

1 ~~voting place.~~ Every individual staffing any of those sites shall be a member or full-time
2 employee of the county board of elections or an employee of the county board of
3 elections whom the board has given training equivalent to that given a full-time
4 employee. Those sites must be approved by the State Board of Elections as part of a
5 Plan for Implementation approved by both the county board of elections and by the
6 State Board of Elections which shall also provide adequate security of the ballots and
7 provisions to avoid allowing persons to vote who have already voted. The Plan for
8 Implementation shall include a provision for the presence of political party observers at
9 each one-stop site equivalent to the provisions in G.S. 163-45 for party observers at
10 voting places on election day. By unanimous vote of all its members, a county board of
11 elections may propose in its Plan not to offer one-stop voting at the county board of
12 elections office but to rely exclusively on the other sites; the State Board shall approve
13 that proposal in a Plan only if it finds that the other sites provide adequate coverage of
14 the county's electorate. If a county board of elections has considered a proposed Plan or
15 Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a
16 member or members of that county board of elections may petition the State Board of
17 Elections to adopt a plan for it. If petitioned, the State Board may also receive and
18 consider alternative petitions from another member or members of that county board.
19 The State Board of Elections may adopt a Plan for that county. The State Board, in that
20 plan, shall take into consideration factors including geographic, demographic, and
21 partisan interests of that county.

22 (h) Notwithstanding the provisions of G.S. 163-89(a) and (b), a challenge may be
23 entered against a voter at a one-stop site under subsection (g) of this section or during
24 one-stop voting at the county board office. The challenge may be entered by a person
25 conducting one-stop voting under this section or by another registered voter who resides
26 in the same precinct as the voter being challenged. If challenged at the place where
27 one-stop voting occurs, the voter shall be allowed to cast a ballot in the same way as
28 other voters. The challenge shall be made on forms prescribed by the State Board of
29 Elections. The challenge shall be heard by the county board of elections in accordance
30 with the procedures set forth in G.S. 163-89(e)."

31 **SECTION 5.** G.S. 163-82.19 reads as rewritten:

32 "**§ 163-82.19. Voter registration at drivers license offices.**

33 The Division of Motor Vehicles shall, pursuant to the rules adopted by the State
34 Board of Elections, modify its forms so that any eligible person who applies for original
35 issuance, renewal or correction of a drivers license, or special identification card issued
36 under G.S. 20-37.7 may, on a part of the form, complete an application to register to
37 vote or to update his registration if the voter has changed his address or moved from one
38 precinct to another or from one county to another. The person taking the application
39 shall ask if the applicant is a citizen of the United States. If the applicant states that the
40 applicant is not a citizen of the United States, or declines to answer the question, the
41 person taking the application shall inform the applicant that it is a felony for a person
42 who is not a citizen of the United States to apply to register to vote. Any person who
43 willfully and knowingly and with fraudulent intent gives false information on the
44 application is guilty of a Class I felony. The application shall state in clear language the

1 penalty for violation of this section. The necessary forms shall be prescribed by the
2 State Board of Elections. The form must ask for the previous voter registration address
3 of the voter, if any. If a previous address is listed, and it is not in the county of residence
4 of the applicant, the appropriate county board of elections shall treat the application as
5 an authorization to cancel the previous registration and also process it as such under the
6 procedures of G.S. 163-82.9. If a previous address is listed and that address is in the
7 county where the voter applies to register, the application shall be processed as if it had
8 been submitted under G.S. 163-82.9.

9 Registration shall become effective as provided in G.S. 163-82.7. Applications to
10 register to vote accepted at a drivers license office under this section until the deadline
11 established in G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no
12 person who completes an application at that drivers license office shall be denied the
13 vote in that election for failure to apply earlier than that deadline.

14 All applications shall be forwarded by the Department of Transportation to the
15 appropriate board of elections not later than five business days after the date of
16 acceptance, according to rules which shall be promulgated by the State Board of
17 Elections. Those rules shall provide for a paperless, instant, electronic transfer of
18 applications to the appropriate county board of elections."

19 **SECTION 6.** G.S. 163-150(a) reads as rewritten:

20 "(a) Checking Registration. – A person seeking to vote shall enter the voting
21 enclosure at the voting place through the appropriate entrance and shall at once state his
22 name and place of residence to one of the judges of election. In a primary election, the
23 voter shall also state the political party with which he affiliates and in whose primary he
24 desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of
25 a particular party under G.S. 163-119, the voter shall state the name of the authorizing
26 political party in whose primary he wishes to vote. The judge to whom the voter gives
27 this information shall announce the name and residence of the voter in a distinct tone of
28 voice. A voter shall display one of the following types of valid identification:

29 (1) A North Carolina drivers license.

30 (2) A special identification card issued under G.S. 20-37.7.

31 (3) A passport.

32 (4) An identification card issued by the United States Department of
33 Defense.

34 (5) A social security card and one other type of identification showing the
35 name and a picture of the voter.

36 A voter who does not show one of those types of identification shall be allowed to mark
37 a ballot. That ballot shall be sealed in an envelope on which it shall be noted that the
38 voter did not display identification in compliance with the statute. The county board of
39 elections shall determine if the voter is eligible to cast the ballot and, if so, shall count it,
40 and if not, shall not count it. The State Board of Elections shall promulgate rules which
41 shall include instructions for county boards of elections in methods to determine the
42 eligibility of persons who apply to vote without presenting identification.

43 After examining the precinct registration records, the chief judge shall state whether
44 the person seeking to vote is duly registered."

1 **SECTION 7.(a)** G.S. 163-140.1 reads as rewritten:

2 "**§ 163-140.1. Political party alignment on ballots.**

3 All ballots printed for use in general elections in the State, district, county or any
4 other political subdivision, shall be aligned with the number of political party columns
5 required pursuant to instructions contained in G.S. 163-140(b) and the columns shall be
6 assigned in ~~strict alphabetical~~ order, beginning with the left column, to the political
7 parties entitled to ballot position provided such political parties reflect at least five
8 percent (5%) of the total statewide voter registration, according to the latest statistical
9 report published by the State Board of ~~Elections.~~ Elections so that such parties rotate
10 order each three years, and if there are more than two eligible parties, then the order
11 among those parties shall be determined by lot, with no party being eligible for the
12 left column for three years after it has had that column. Political parties having less than
13 five percent (5%) of the total statewide voter registration, but otherwise eligible for
14 ballot position shall be assigned column alignment to the right of all other qualified
15 political parties. The State Board of Elections shall be responsible for implementing the
16 procedures required by this section and shall issue instructions to those counties using
17 voting machines so as to accomplish the effect of this section whether such counties
18 utilize voting machines that list party columns in a horizontal or vertical alignment.
19 Every county board of elections shall follow the column alignment prescribed by the
20 State Board of Elections."

21 **SECTION 7.(b)** This section becomes effective January 1, 2002. Rotation
22 as required by this section begins in 2002, with the party that had the second to the left
23 column in 2000 having the left column in 2002, 2003, and 2004.

24 **SECTION 8.** G.S. 163-82.14 reads as rewritten:

25 "**§ 163-82.14. List maintenance.**

26 (a) Uniform Program. – The State Board of Elections shall adopt a uniform
27 program that makes a reasonable effort:

- 28 (1) To remove the names of ineligible voters from the official lists of
29 eligible voters, and
30 (2) To update the addresses and other necessary data of persons who
31 remain on the official lists of eligible voters.

32 That program shall be nondiscriminatory and shall comply with the provisions of the
33 Voting Rights Act of 1965, as amended, and with the provisions of the National Voter
34 Registration Act. The State Board of Elections, in addition to the methods set forth in
35 this section, may use other methods toward the ends set forth in subdivisions (1) and (2)
36 of this subsection, including address-updating services provided by the Postal Service.
37 Each county board of elections shall conduct systematic efforts to remove names from
38 its list of registered voters in accordance with this section and with the program adopted
39 by the State Board.

40 (b) Death. – The Department of Health and Human Services shall furnish free of
41 charge to the State Board of Elections every month, in a format prescribed by the State
42 Board of Elections, the names of deceased persons who were residents of the State. The
43 State Board of Elections shall distribute every month to each county board of elections
44 the names on that list of deceased persons who were residents of that county. The

1 Department of Health and Human Services shall base each list upon information
2 supplied by death certifications it received during the preceding month. Upon the
3 receipt of those names, each county board of elections shall remove from its voter
4 registration records any person the list shows to be dead. The county board need not
5 send any notice to the address of the person so removed.

6 (c) Conviction of a Felony. –

7 (1) Report of Conviction Within the State. – The clerk of superior court,
8 on or before the fifteenth day of every month, shall report to the
9 county board of elections of that county the name, county of residence,
10 and residence address if available, of each individual against whom a
11 final judgment of conviction of a felony has been entered in that
12 county in the preceding calendar month. Any county board of elections
13 receiving such a report about an individual who is a resident of another
14 county in this State shall forward a copy of that report to the board of
15 elections of that county as soon as possible.

16 (2) Report of Federal Conviction. – The Executive Secretary-Director of
17 the State Board of Elections, upon receipt of a notice of conviction
18 sent by a United States Attorney pursuant to section 8(g) of the
19 National Voter Registration Act, shall notify the appropriate county
20 boards of elections of the conviction.

21 (3) County Board's Duty Upon Receiving Report of Conviction. – When a
22 county board of elections receives a notice pursuant to subdivision (1)
23 or (2) of this subsection relating to a resident of that county and that
24 person is registered to vote in that county, the board shall, after giving
25 30 days' written notice to the voter at his registration address, and if
26 the voter makes no objection, remove the person's name from its
27 registration records. If the voter notifies the county board of elections
28 of his objection to the removal within 30 days of the notice, the
29 chairman of the board of elections shall enter a challenge under G.S.
30 163-85(c)(5), and the notice the county board received pursuant to this
31 subsection shall be prima facie evidence for the preliminary hearing
32 that the registrant was convicted of a felony.

33 (d) Change of Address. – A county board of elections shall conduct a systematic
34 program to remove from its list of registered voters those who have moved out of the
35 county, and to update the registration records of persons who have moved within the
36 county. The county board shall remove a person from its list if the registrant:

37 (1) Gives confirmation in writing of a change of address for voting
38 purposes out of the county. "Confirmation in writing" for purposes of
39 this subdivision shall include:

40 a. A report to the county board from the Department of
41 Transportation or from a voter registration agency listed in G.S.
42 163-82.20 that the voter has reported a change of address for
43 voting purposes outside the county;

44 b. A notice of cancellation received under G.S. 163-82.9; or

- 1 c. A notice of cancellation received from an election jurisdiction
2 outside the State.
- 3 (2) Fails to respond to a confirmation mailing sent by the county board in
4 accordance with this subdivision and does not vote or appear to vote in
5 an election beginning on the date of the notice and ending on the day
6 after the date of the second general election for the United States
7 House of Representatives that occurs after the date of the notice. A
8 county board sends a confirmation notice in accordance with this
9 subdivision if the notice:
- 10 a. Is a postage prepaid and preaddressed return card, sent by
11 forwardable mail, on which the registrant may state current
12 address;
- 13 b. Contains or is accompanied by a notice to the effect that if the
14 registrant did not change residence but remained in the county,
15 the registrant should return the card not later than the deadline
16 for registration by mail in G.S. 163-82.6(c)(1); and
- 17 c. Contains or is accompanied by information as to how the
18 registrant may continue to be eligible to vote if the registrant
19 has moved outside the county.

20 A county board shall send a confirmation mailing in accordance with
21 this subdivision ~~if the to every registrant remains on the list, the~~
22 ~~registrant has not voted in two successive presidential elections or in~~
23 ~~any election in between, and after every congressional election if the~~
24 county board has not confirmed the registrant's address by another
25 means. ~~The county board may send a confirmation mailing in~~
26 ~~accordance with this subdivision if the registrant has been identified as~~
27 ~~residing outside the county through change of address information~~
28 ~~supplied by the Postal Service through its licensees."~~

29 **SECTION 9.** All municipal elections shall be held on the days specified in
30 G.S. 163-279. All local acts in conflict with G.S. 163-279 are repealed.

31 **SECTION 10.** The State Board of Elections shall prepare a feasible plan to
32 implement voting on the Internet or determine that such a plan is not feasible. The State
33 Board shall report on that plan to the 2003 General Assembly by March 1, 2003.

34 **SECTION 11.** Article 1 of Chapter 120 of the General Statutes is amended
35 by adding a new section to read:

36 **"§ 120-2.3. Single-member districts required in House and Senate.**

37 An act of the General Assembly that revises Senate or House districts shall consist
38 exclusively of single-member districts."

39 **SECTION 12.** Article 1 of Chapter 120 of the General Statutes is amended
40 by adding a new section to read:

41 **"§ 120-2.4. Dividing counties limited in House and Senate plans.**

42 An act of the General Assembly that revises Senate and House districts shall divide
43 counties only where necessary to achieve single-member districts and to comply with

1 the State Constitution and with federal law in achieving required population equality
2 and avoiding racial discrimination."

3 **SECTION 13.** Article 17 of Chapter 163 of the General Statutes is amended
4 by adding a new section to read:

5 "**§ 163-201.3. Dividing counties limited in congressional plans.**

6 An act of the General Assembly that revises districts for the United States House of
7 Representatives shall divide counties only where necessary to achieve single-member
8 districts and to comply with the State Constitution and with federal law in achieving
9 required population equality and avoiding racial discrimination."

10 **SECTION 14.** The State Board of Elections shall resubmit to the Attorney
11 General of the United States, for preclearance under section 5 of the Voting Rights Act,
12 G.S. 120-2.2, and G.S. 163-201.2, as ratified in Chapter 355 of the 1995 Session Laws.

13 **SECTION 15.** G.S. 163-160 reads as rewritten:

14 "**§ 163-160. Voting systems; approval; rules and regulations.**

15 The State Board of Elections shall have authority to approve types of voting systems
16 for use in primaries and elections held in this State. The use of voting systems that have
17 been approved by the State Board of Elections in any primary or election held in any
18 county or municipality shall be as valid as the use of paper ballots by the voters.

19 The State Board of Elections shall prescribe rules and regulations for the adoption,
20 handling, operation, and honest use of voting systems, including, but not limited to, the
21 following:

- 22 (1) Types of voting systems approved for use in this State; provided that
23 the State Board shall approve only those voting systems that have been
24 approved by the National Association of State Election Directors and
25 the State Board shall not approve a punch-card voting system;
26 (2) Form of ballot labels to be used on voting systems;
27 (3) Operation and manner of voting on voting systems;
28 (4) Instruction of precinct officials in the use of voting systems;
29 (5) Instruction of voters in the use of voting systems;
30 (6) Assistance to voters using voting systems;
31 (7) Duties of custodians of voting systems;
32 (8) Examination of voting systems before use in a primary election; and
33 (9) Use of paper or other ballots where voting systems are used as set out
34 in G.S. 163-162."

35 **SECTION 16.** G.S. 163-170 is amended by adding a new subdivision to
36 read:

- 37 "(8) Rules and Directions by State Board of Elections. -- The State Board
38 of Elections shall prescribe procedures and standards for counting and
39 recounting votes for each type of voting system. Those procedures and
40 standards shall be followed uniformly throughout the State in all
41 places where that type of voting system is used. The State Board shall
42 direct the county boards of elections in the application of the principles
43 and rules in individual circumstances."

44 **SECTION 17.** G.S. 163-140(a) reads as rewritten:

1 "(a) Kinds of General Election Ballots; Right to Combine. – For purposes of
2 general elections, there shall be seven kinds of official ballots entitled:

- 3 (1) Ballot for presidential electors
- 4 (2) Ballot for United States Senator
- 5 (3) Ballot for member of the United States House of Representatives
- 6 (4) State ballot
- 7 (5) County ballot
- 8 (6) Repealed by Session Laws 1973, c. 793, s. 56
- 9 (7) Ballot for constitutional amendments and other propositions submitted
10 to the people
- 11 (8) Judicial ballot for superior court.

12 Use of official ballots shall be limited to the purposes indicated by their titles. The
13 printing on all ballots shall be plain and legible but, unless large type is specified by this
14 section, type larger than 10-point shall not be used in printing ballots. All general
15 election ballots shall be prepared in such a way as to leave sufficient blank space
16 beneath each name printed thereon in which a voter may conveniently write the name of
17 any person for whom he may desire to vote.

18 No general election ballot shall be used which requires the voter to punch out a hole
19 with a stylus or other tool.

20 Unless prohibited by this section, the board of elections, State or county, charged by
21 law with printing ballots may, in its discretion, combine any two or more official
22 ballots. Whenever two or more ballots are combined, the voting instructions for the
23 State ballot set out in subsection (b)(4) of this section shall be used, except that if the
24 two ballots being combined do not contain a multi-seat race, then the second sentence of
25 instruction b. shall not appear on the ballot.

26 Contests in the general election for seats in the State House of Representatives and
27 State Senate shall be on ballots that are separate from ballots containing non-legislative
28 contests, except where the voting system used makes separation of ballots impractical.
29 State House and State Senate contests shall be on the same ballot, unless one is a
30 single-seat contest and the other a multi-seat contest.

31 All candidates for the Appellate Division shall appear on the same ballot."

32 **SECTION 18.** G.S. 163-140(b)(1) reads as rewritten:

- 33 "(1) Ballot for Presidential Electors: On the ballot for presidential electors
34 there shall be printed, under the titles of the offices, the names of the
35 candidates for President and Vice-President of the United States
36 nominated by each political party qualified under the provisions of
37 G.S. 163-96, and the names of the unaffiliated candidates for President
38 and Vice-President qualified under the provisions of G.S. 163-122 and
39 G.S. 163-209. A separate column shall be assigned to each political
40 party with candidates on the ballot, and a separate column shall be
41 assigned to each pair of unaffiliated candidates for President and
42 Vice-President, if any, and the columns shall be separated by distinct
43 black lines. The ballot shall not have two parallel sets of columns with
44 some of the parties in one column and the other parties in a second

1 column. At the head of each party column the party name shall be
2 printed in large type and below it a circle, one-half inch in diameter,
3 and below the circle the names of the party's candidates for President
4 and Vice-President in that order. At the head of the columns for
5 unaffiliated candidates shall be printed in large type the words
6 "Unaffiliated Candidates", and below it a circle, one-half inch in
7 diameter, and below the circle the names of a pair of unaffiliated
8 candidates for President and Vice-President. On the face of the ballot,
9 above the party column division, the following instructions shall be
10 printed in heavy black type:

- 11 a. To vote this ballot, make a cross (X) mark in the circle below
12 the name of the political party for whose candidates you wish to
13 vote or below the heading for the unaffiliated candidates for
14 whom you wish to vote.
- 15 b. A vote for the names of a political party's candidates for
16 President and Vice-President is a vote for the electors of that
17 party, and a vote for the names of unaffiliated candidates for
18 President and Vice-President is a vote for electors named by the
19 unaffiliated candidate for President, the names of whom are on
20 file with the Secretary of State.
- 21 c. If you tear or deface or wrongly mark this ballot, return it and
22 get another.

23 On the bottom of the ballot shall be printed an identified facsimile of
24 the signature of the Chairman of the State Board of Elections.

25 The official ballot for presidential electors shall not be combined
26 with any other official ballots."

27 **SECTION 19.** Except as otherwise provided in the other sections of this act,
28 this act becomes effective January 1, 2002.