

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 793
HOUSE BILL 913

AN ACT TO REVISE PORTIONS OF CHAPTER 163 OF THE GENERAL STATUTES,
ELECTIONS AND ELECTION LAWS, DELETE OBSOLETE PROVISIONS THEREOF.
AND MAKE TECHNICAL CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-2 is repealed and rewritten to read as follows:

"§ 163-2. **Hours of primaries and elections.** — In all primaries, general elections, special elections, and referenda held in this State, including those held in and for municipalities and special districts, the polls shall be opened at 6:30 a.m., and shall be closed at 7:30 p.m.: Provided, however, that at all voting places at which voting machines are used the responsible county board of elections may permit the polls to remain open until 8:30 p.m."

Sec. 2. G.S. 163-22 is amended as follows:

- a. By adding "and municipal" following "county" and before "boards of elections" in subsection (b).
- b. By adding "and municipal elections board members" after "them" in line 2 of subsection (c); by adding "and municipal" after "county" and before "boards" in all places where those words appear in the second, third, fourth and fifth sentences of subsection (c); and by adding a new sentence to the end of subsection (c) as follows: "When any municipal board member shall be removed by the State Board of Elections, the vacancy occurring shall be filled by the city council of the city appointing members of that board."
- c. By adding "and municipality and special district" after "county" in line 3 of subsection (d).
- d. By adding "and municipal" after "county" in line 4 of subsection (e).
- e. By adding "and municipal" after "county" in line 1 of subsection (f).
- f. By adding thereto a new subsection (j), to read as follows:

"(j) Notwithstanding the provisions of any other section of this Chapter, the State Board of Elections is empowered to have access to any ballot boxes and their contents, any voting machines and their contents, any registration records, pollbooks, voter authorization cards or voter lists, any lists of absentee voters, any lists of presidential registrants under the Voting Rights Act of 1965 as amended, and any other voting equipment or similar records, books or lists in any precinct, county, municipality or electoral district over whose elections it has jurisdiction or for whose elections it has responsibility."

Sec. 3. G.S. 163-20 is repealed and rewritten to read as follows:

"§ 163-20. **Meetings of Board; quorum; minutes.** — (a) Call of meeting. The State Board of Elections shall meet at the call of the chairman whenever necessary to discharge the duties and functions imposed upon it by this Chapter. The chairman shall call a meeting of the Board upon the written application or applications of any two members thereof. If there is no chairman, or if the chairman does not call a meeting within three days after receiving a written request or requests from two members, any three members of the Board shall have power to call a meeting of the Board, and any duties imposed or powers conferred on the Board by this

Chapter may be performed or exercised at that meeting, although the time for performing or exercising the same prescribed by this Chapter may have expired.

(b) Place of meeting. Except as provided in subsection (c), below, the State Board of Elections shall meet in its offices in the City of Raleigh, or at another place in Raleigh to be designated by the chairman. However, subject to the limitation imposed by subsection (c), below, upon the prior written request of any four members, the State Board of Elections shall meet at any other place in the State designated by the three members.

(c) Meetings to investigate alleged violations of this Chapter. When called upon to investigate or hear sworn alleged violations of this Chapter, the State Board of Elections shall meet and hear the matter in the county in which the violations are alleged to have occurred.

(d) Quorum. A majority of the members constitutes a quorum for the transaction of business by the State Board of Elections. If any member of the Board fails to attend a meeting, and by reason thereof there is no quorum; the members present shall adjourn from day to day for not more than three days, by the end of which time, if there is no quorum, the Governor may summarily remove any member failing to attend and appoint his successor.

(e) Minutes. The State Board of Elections shall keep minutes recording all proceedings and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept in the office of the Board in Raleigh."

Sec. 4. G.S. 163-23 is repealed and rewritten to read as follows:

"§ 163-23. **Powers of chairman in execution of Board duties.** — In the performance of the duties enumerated in this Chapter, the chairman of the State Board of Elections shall have power to administer oaths, issue subpoenas, summon witnesses, and compel the production of papers, books, records and other evidence. Upon the written request or requests of two or more members of the State Board of Elections, he shall issue subpoenas for designated witnesses or identified papers, books, records and other evidence. In the absence of the chairman or upon his refusal to act, any two members of the State Board of Elections may issue subpoenas, summon witnesses, and compel the production of papers, books, records and other evidence. In the absence of the chairman or upon his refusal to act, any member of the Board may administer oaths."

Sec. 5. Chapter 163 of the General Statutes is amended by adding a new section 163-22.1, to read as follows:

"§ 163-22.1. **Power of State Board to order new elections.** — If the State Board of Elections, acting upon the agreement of at least four of its members, and after holding public hearings on election contests, alleged election irregularities or fraud, or violations of election laws, determines that a new primary, general or special election should be held, the Board may order that a new primary, general or special election be held, either statewide, or in any counties, electoral districts, special districts, or municipalities over whose elections it has jurisdiction.

Any new primary, general or special election so ordered shall be conducted under applicable constitutional and statutory authority and shall be supervised by the State Board of Elections and conducted by the appropriate elections officials.

The State Board of Elections has authority to adopt rules and regulations and to issue orders to carry out its authority under this section."

Sec. 6. G.S. 163-25 is amended by adding the words "or municipal" after the word "county" and before "board of elections" and by adding the words "or municipality" before "county" or "counties" where those words are not used as adjectives.

Sec. 7. G.S. 163-30 is amended by adding a new paragraph, at the end thereof to read as follows: "Each member of the county board of elections shall attend each instructional meeting held pursuant to G.S. 163-46, unless excused for good cause by the chairman of the board, and shall be paid the sum of fifteen dollars (\$15.00) per day for attending each of those meetings."

Sec. 8. G.S. 163-32 is amended by rewriting the first paragraph thereof to read as follows:

"§ 163-32. **Compensation of members of county boards of elections.** — In full compensation for their services, members of the county board of elections (including the chairman) shall be paid by the county twenty-five dollars (\$25.00) per day for the time they are actually engaged in the discharge of their duties, together with reimbursement for expenditures necessary and incidental to the discharge of their duties. The per diem payment shall be prorated if a board member is not actually engaged in the discharge of his duties for a full day. For the purposes of this section, a full day consists of five hours. In its discretion, the board of county commissioners of any county may pay the chairman of the county board of elections compensation in addition to the per diem and expense allowance provided in this paragraph."

Sec. 9. G.S. 163-33(2) and G.S. 163-33(3) are rewritten to read as follows:

- "(2) To appoint all registrars, judges, assistants, and other officers of elections, and designate the precinct in which each shall serve; and, after notice and hearing, to remove any registrar, judge of elections, assistant, or other officer of election appointed by it for incompetency, failure to discharge the duties of office, failure to qualify within the time prescribed by law, fraud, or for any other satisfactory cause. In exercising the powers and duties of this subsection, the board may act only when a majority of its members are present at any meeting at which such powers or duties are exercised.
- (3) To investigate irregularities, nonperformance of duties, and violations of laws by election officers and other persons, and to report violations to the State Board of Elections. In exercising the powers and duties of this subsection, the Board may act only when a majority of its members are present at any meeting at which such powers or duties are exercised."

Sec. 10. G.S. 163-33(8) is amended by adding the following sentence to the end thereof:

"In addition, the county board of elections shall give notice at least twenty (20) days prior to the date on which the registration books or records are closed that there will be a primary, general or special election, the date on which it will be held, and the hours the voting places will be open for voting in that election. The notice also shall describe the nature and type of election, and the issues, if any, to be submitted to the voters at that election. Notice shall be given by advertisement at least once weekly during the 20-day period in a newspaper having general circulation in the county and by posting a copy of the notice at the courthouse door. This paragraph shall not apply in the case of bond elections called under the provisions of G.S. 159."

Sec. 11. G.S. 163-33 is amended by adding a new subsection thereto, as subsection (13), to read as follows:

- "(13) Notwithstanding the provisions of any other section of this Chapter, to have access to any ballot boxes and their contents, any voting machines and their contents, any registration records, pollbooks, voter authorization cards or voter lists, any lists of absentee voters, any lists of presidential registrants under the Voting Rights Act of 1965 as amended, and any other voting equipment or similar records, books or lists in any precinct or municipality over whose elections it has jurisdiction or for whose elections it has responsibility."

Sec. 12. G.S. 163-42 is amended by adding thereto a new sentence to the first paragraph to read as follows:

"Where there are two precinct assistants in each precinct, each shall be a registered voter of a different political party than the other, and where there are more than two precinct assistants in each precinct, no more than a majority of them shall be registered voters of the same political

party: provided, however, that if the requirements of this sentence cannot be met because there is an insufficient number of voters of the political parties available for appointment as precinct assistants, the county board of elections may, notwithstanding this statute, secure bi-partisan representation among precinct assistants."

Sec. 13. G.S. 163-44 is repealed.

Sec. 14. G.S. 163-45 is amended by rewriting the second sentence of the second paragraph to read as follows:

"Individuals authorized to appoint watchers must, prior to 10:00 a.m. on the fifth day prior to any primary or general election, submit in writing to the chairman of the county board of elections two signed copies of a list of watchers appointed by them, designating the precinct for which each watcher is appointed. Before the opening of the voting place on the day of a primary or general election, the chairman shall deliver one copy of the list to the registrar for each affected precinct. He shall retain the other copy. The chairman, or the registrar and judges for each affected precinct, may for good cause reject any appointee and require that another be appointed. The names of any persons appointed in place of those persons rejected shall be furnished in writing to the registrar of each affected precinct no later than the time for opening the voting place on the day of any primary or general election, either by the chairman of the county board of elections or the person making the substitute appointment."

Sec. 15. G.S. 163-46 is amended by adding a new sentence to the end of the first paragraph thereof to read as follows:

"Ballot counters appointed pursuant to G.S. 163-43 shall be paid a minimum of five dollars (\$5.00) for their services on the day of a primary, general or special election."

Sec. 16. G.S. 163-46 is amended by rewriting the fourth paragraph thereof to read as follows:

"In its discretion, the board of county commissioners of any county may provide funds with which the county board of elections may pay registrars, judges, assistants, and ballot counters in addition to the amounts specified in this section. Watchers shall be paid no compensation for their services."

Sec. 17. G.S. 163-47(a) is amended by adding a new sentence to the end thereof to read as follows:

"On the day of each primary and general and special election, the precinct registrar and judges shall remain at the voting place from the time fixed by law for the commencement of their duties there until they have completed all those duties, and they shall not separate nor shall any one of them leave the voting place except for unavoidable necessity."

Sec. 18. G.S. 163-55 is rewritten as follows:

§ 163-55. Qualifications to vote; exclusion from electoral franchise. — Every person born in the United States, and every person who has been naturalized, and who shall have resided in the State of North Carolina and in the precinct in which he offers to register and vote for 30 days next preceding the ensuing election, shall, if otherwise qualified as prescribed in this Chapter, be qualified to register and vote in the precinct in which he resides: Provided, that removal from one precinct to another in this State shall not operate to deprive any person of the right to vote in the precinct from which he has removed until 30 days after his removal.

The following classes of persons shall not be allowed to register or vote in this State:

- (1) Persons under 18 years of age.
- (2) Any person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, unless that person shall be first restored to the rights of citizenship in the manner prescribed by law."

Sec. 19. G.S. 163-56 is repealed.

Sec. 20. G.S. 163-59 is amended by rewriting the last paragraph thereof to read as follows:

"Any person who will become qualified by age or residence to register and vote in the general election or regular municipal election for which the primary is held, even though not so qualified by the date of the primary, shall be entitled to register for the primary and general or regular municipal election prior to the primary and then to vote in the primary after being registered. Such person may register not earlier than 60 days nor later than 21 days prior to the primary."

Sec. 21. G.S. 163-65(b) is repealed and G.S. 163-65(c) is renumbered as G.S. 163-65(b) and rewritten to read as follows:

"(b) Registration records. The applicant's application to register, when approved by the county board of elections, as provided in G.S. 163-67, shall become an official registration certificate. All original registration certificates shall be kept by the county board of elections in a safe place to be provided by the board of county commissioners. The county board of elections shall place an exact duplicate or copy of each original registration certificate in the proper precinct registration book, and certify each such book as containing the registration certificates of all persons entitled to vote in that precinct. Duplicate registration certificates filed in the precinct registration books, when properly certified by the county board of elections, shall be used in the precincts for purposes of all primaries and elections; provided, however, that the original registration certificates shall at all times be the official and final evidence of registration, and the county board of elections shall have the power to correct the duplicates in the precinct registration books to conform to the original registration certificates at any time, including the day of any primary or election."

Sec. 22. G.S. 163-66 is rewritten to read as follows:

"§ 163-66. **Custody of registration records and pollbooks; access; obtaining copies.** — In all counties the registration records, books, registration certificates, indexes, and other records of registration and voting shall be and remain in the possession of the county board of elections. The county board of elections shall keep these books in a safe and secure place where they may not be tampered with, stolen, or destroyed. If possible, the board shall keep them in a fireproof vault. The board may exercise supervision and control of these records through its properly designated officers and employees. It shall be the duty of the county board of elections, on application of any candidate, or the county chairman of any political party, or any other person, to furnish a list of the persons registered to vote in the county or in any precinct or precincts therein. No registrar shall furnish lists of registered voters or permit the registration records of his precinct to be copied. The county board of elections shall furnish such lists and, upon request, it may furnish selective lists according to party affiliation, sex, race, date of registration, or any other reasonable category. In all instances, however, the county board of elections shall require persons to whom any list is furnished to make full reimbursement for the expense incurred in preparing it. Notwithstanding the above, however, the chairman of each political party, as defined in G.S. 163-96, shall be entitled biennially, upon request, to one free list of all registered voters in his county showing the name, address, sex, political affiliation and precinct of each registered voter."

Sec. 23. G.S. 163-67.1 is amended by striking the words "The county boards of elections, whether operating under the provisions of G.S. 163-67(a) or (b)" and by inserting in lieu thereof the words "Each county board of elections".

Sec. 24. G.S. 163-68 is repealed.

Sec. 25. G.S. 163-69 is rewritten as follows:

"§ 163-69. **Permanent registration.** — The registration certificates shall be a permanent public record of registration and qualification to vote, and they shall not thereafter be cancelled except as otherwise provided in this Chapter. No new registration shall be ordered pursuant to G.S. 163-78 either by precinct, or countywide, unless the permanent registration certificates have been lost or destroyed by theft, fire, or other hazard.

In the event of any division of precincts or changes in precinct boundaries, the board of elections shall not cancel the existing registration or order a new registration, but it shall immediately correct the existing precinct registration certificates to conform to the division or change.

To the end that the permanent registration records shall be purged of the names of registrants who have died or who have become disqualified to vote since registration, the register of deeds of the county shall furnish free of charge, to the county board of elections a certification of all death certificates as soon as they are recorded in his office. Upon receipt of such a certification from the register of deeds, the county board of elections shall cause to be removed from its permanent registration records the name of any person appearing on the register of deeds' death certificate certification.

In addition, beginning in the twelve-month period following the Presidential election in 1972 and thereafter in the period beginning no later than 30 days after each subsequent Presidential election, the county board of elections shall remove from the permanent registration records the names of all persons who have failed to vote, according to the poll or other record of voting, for a period of four years. Also, at any other time, including the time required by this section for mandatory purging of persons who have not voted for a period of four years, the county board of elections may remove from the permanent registration records the names of all persons who have moved their residence from the county. Prior to removing any person's name from the registration records for failure to vote for four consecutive years or for removal of residence from the county as authorized by this section, the county board of elections shall cause to be mailed to the person affected, at the address shown on the permanent registration records, a notice to show cause why his registration should not be voided. If such a person shall appear and show that his qualifications to register and vote remain as they were when he was first registered, his name shall not be removed from the permanent registration records. Any person whose name has been removed from these records for failure to vote for four consecutive years or for removal of residence from the county shall be permitted to reregister at any time he can demonstrate that he is qualified to register and vote.

Nothing in this section shall prohibit the county board of elections from restoring to the permanent registration records the name of any person upon proof that he is not dead, or that he has voted in the county within the four-year period, or has not removed his residence from the county."

Sec. 26. G.S. 163-70 is rewritten to read as follows:

"§ 163-70. **Chairman to certify to State Board of Elections number of registered voters in county.** — The chairman of a county or municipal board of elections shall certify to the State Board of Elections the number of registered voters in the county or municipality. The certification shall be made on such forms as the State Board may prescribe and at such times as the State Board may fix."

Sec. 27. G.S. 163-72 is rewritten to read as follows:

"§ 163-72. **Registration procedure; oath.** — (a) Before questioning any applicant for registration as to his qualifications, the registrar shall administer the following oath to him:

'You swear (or affirm) that the statements and information you shall give me with respect to your identity and qualifications to register to vote shall be the truth, the whole truth, and nothing but the truth, so help you, God.'

After being sworn, the applicant shall state as accurately as possible his name, age, place of birth, place of residence, political party affiliation, if any, under the provisions of G.S. 163-74, the name of any municipalities in which he resides, and any other information which may be material to a determination of his identity and qualification to be admitted to registration. The applicant shall also present to the registrar written or documentary evidence that he is the person he represents himself to be. The registrar, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to him as to the applicant's qualifications.

(b) If the registrar finds the applicant duly qualified and entitled to be registered, he shall administer the following registration oath to him, omitting the words in parentheses if the applicant does not claim residence in any municipality:

'I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been or will have been a resident of the State of North Carolina and of this precinct for 30 days by the date of the next primary, special or general election; (that I am a resident of _____ (municipal corporation)); that I am at least 18 years of age or will be by the date of the next general election; and that I have not registered to vote in any other precinct, county, or state, nor will I vote in any other precinct, county, or state, so help me, God.'

If the registrar finds the applicant qualified and entitled to be registered, and if the applicant has taken the oath prescribed in the preceding paragraph, the registrar shall register him by recording his name, age, race, residence, place of birth, municipality in which entitled to vote, and the precinct, municipality, county, or state from which he has removed in the event of a removal, in the appropriate columns of the registration book or other registration record.

The registration book or other record containing the information required by the preceding paragraph shall be evidence against the applicant in any court of law in a proceeding for false or fraudulent registration.

(c) No registered voter shall be required to reregister upon moving from one precinct to another in the same county. In lieu thereof, in accordance with regulations prescribed by the county board of elections, the voter, not less than 21 days before any primary or election in which the removing elector desires to vote, shall file with the county board of elections or with a registrar an affidavit setting forth his former residence, and a statement that all his other qualifications to register and vote remain as they were at the time he was registered. If a registered voter by moving his place of residence from one place to another within the same county thereby affects his eligibility to vote in one or more municipalities, the affidavit also shall state the municipality in which he is now qualified to vote and/or those in which he is no longer qualified to vote. If the county board of elections finds the facts asserted in the affidavit to be true, it shall immediately transfer the voter's registration to the precinct of his new residence or shall correct his registration for municipal elections. Thereafter the voter shall be considered registered and qualified to vote in his new precinct of residence."

Sec. 28. Chapter 163 of the General Statutes is amended by adding a new section, immediately after G.S. 163-72, to read as follows:

"§ 163-72.1. **Cancellation of prior registration.** — (a) After having accepted the application for registration, and after advising the applicant that he is still bound by the oath first administered pursuant to G.S. 163-72, the registrar shall ask the applicant whether he is, at that time, also registered to vote in any other county, municipality or state. If the applicant answers in the affirmative, the registrar shall obtain from him a signed authorization (in triplicate) to cancel all prior registrations. The authorization shall set forth the name under which the person previously was registered, his prior address (including state, county, street address, and precinct, if known), and the name under which he is applying to register. It shall be addressed to the appropriate election officials in the other county, municipality or state and shall request them to cancel his voting registration in that county or state. It also shall direct the county board of elections to which he is currently applying for registration to transmit a signed copy of the authorization to the appropriate election officials in the other county, municipality or state.

(b) The registrar shall deliver all copies of the signed authorization, together with the person's application for registration, to the county board of elections. If the person, having stated that he is registered in another county or state, refuses to sign the authorization, the registrar shall complete the authorization as completely as possible without obtaining the person's signature and shall transmit it, together with the person's application for registration, to

the county board of elections, noting in the appropriate place on the authorization that the person refused to sign it after having stated that he is registered in another county or state.

(c) If the person's application for registration is rejected pursuant to G.S. 163-67, and upon exhaustion of any appeal from rejection that does not result in the granting of registration, the chairman of the county board of elections shall promptly destroy all copies of the person's authorization.

(d) If the person's application for registration is not rejected, the chairman of the county board of elections forthwith shall mail a signed copy of the authorization to the appropriate elections officials in the county, municipality or state where the person previously was registered.

(e) When a county or municipal board of elections in this State receives from another county or municipal board of elections in this State, or from appropriate elections officials of another state or political subdivision in another state, a signed authorization directing the removal of a person's name from the county's or municipality's permanent registration records, the board, ten days after giving written notice of receipt of the authorization to the person at the local address shown in the county's registration records and in the authorization, shall remove the person's name from its registration records.

If within 20 days after giving notice to the person affected the board is notified by the person that he objects to the removal of his name from the records, the chairman of the board shall enter a challenge to the person's qualifications to remain registered or vote. The challenge may be based on the person's removal of residence from the county or municipality or any other sufficient ground for objecting to the right of the person to remain registered or vote, and the challenge shall be heard as provided in G.S. Chapter 163, Article 8.

(f) The board of elections is responsible for the safekeeping of the authorization and any other documents relating to the cancellation of prior registration pursuant to this section. Except as provided in subsection (c), the board shall retain them for a period of at least one year after obtaining the authorization.

(g) The authorization form and the form for written notice of receipt of authorization shall be prescribed or approved by the State Board of Elections. No county or municipality may use any other such forms.

(h) For the purposes of this section, the word 'state' includes the District of Columbia."

Sec. 29. G.S. 163-73 is repealed.

Sec. 30. G.S. 163-74(a) is amended by striking the words "during a regular registration period" after the words "applies for registration" and before the words "prior to any primary or election" in the first paragraph.

Sec. 31. G.S. 163-74(b) is rewritten to read as follows:

"(b) Change of party affiliation. Any registered voter who desires to have his party affiliation changed on the registration records of the county shall, not less than 21 days prior to any primary, file an affidavit with the county board of elections, or a registrar, in accordance with regulations to be adopted by the county board of elections, in the following form:

'I, _____, do solemnly swear (or affirm) that I desire in good faith to change my party affiliation from the _____ party to the party, and that such change of affiliation be made on the registration records in the manner provided by law, so help me, God.'

Upon receipt of the required oath, the county board of elections shall immediately change the record of the registrant's party affiliation to conform to that stated in the oath. Thereafter the voter shall be considered registered and qualified to vote in the primaries of the political party which he designated in the oath."

Sec. 32. G.S. 163-78 is rewritten to read as follows:

"§ 163-78. **New registration; when permanent registration certificates lost or destroyed** — If all of the permanent registration certificates, required by G.S. 163-65, for any precinct, for the entire county, or for any municipality, are, prior to 30 days preceding any primary, general

or special elections, lost or destroyed by theft, fire, or other hazard, the county or municipal board of elections shall promptly provide the precinct registrar of each affected precinct with new loose-leaf registration books and new applications for registration, and shall order a new registration of qualified persons in each affected precinct. The new registration shall be conducted at the times and places in the manner prescribed by G.S. 163-67(a). The board of elections shall give notice that a new registration is in process by advertisement in a newspaper having general circulation in the county and by posting notice at the courthouse door. The notice shall state that a new registration is in process, and the location of the voting place and the name of the registrar in each affected precinct.

If the destruction or mutilation of the precinct registration book occurs less than 30 days before any primary, general, or special election, the board of elections shall, insofar as time will permit, adhere to the provisions of the first paragraph of this section. If the time available makes it impossible to conduct a new registration in the affected precinct, each person presenting himself to vote in the precinct on the day of the ensuing general or special election shall be allowed to cast his ballot after signing and delivering to the registrar an affidavit in the following form:

'I _____, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been a resident of the State of North Carolina and of this precinct or municipality for 30 days; that I am at least 18 years of age; and that I have not registered to vote in any other precinct, county, municipality or state, so help me, God.'

If the ensuing election is a primary rather than a general or special election, the following affidavit shall be used:

'I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been or will have been a resident of the State of North Carolina and of this precinct or municipality for 30 days by the date of the next general election; that I am at least 18 years of age or will be by the date of the next general election; and that I have not registered to vote in any other precinct, county, municipality, or state, so help me, God.'

Persons permitted to vote under this procedure may be challenged in accordance with the provisions of G.S. 163-87 and G.S. 163-88. The registrar shall deliver all affidavits deposited with him to the board of elections on canvass day. The affidavits shall not be deemed to constitute a new record of registration for the precinct, county or municipality for subsequent primaries and elections."

Sec. 33. G.S. 163-84 is rewritten to read as follows:

"§ 163-84. Time for challenge other than on day of primary or election. — The registration records of each county shall be open to inspection by any registered voter of the county, including any registrar or judge of elections, during the normal business hours of the county board of elections on the days when the board's office is open pursuant to G.S. 163-67. At those times the right of any person to register, remain registered, or vote shall be subject to objection and challenge."

Sec. 34. G.S. 163-85 is rewritten to read as follows:

"§ 163-85. Challenge procedures other than on day of primary or election. — (a) Who may challenge. Any registered voter of the county may challenge the right of any person to register, remain registered, or vote in the county.

(b) To whom challenge made; form and nature of challenge. Challenges shall be made to the county board of elections. Each challenge shall be made separately. The burden of proof shall be on the challenger in each case. Each challenge shall be made in writing and, if they are available, shall be made on forms prescribed by the State Board of Elections. Each challenge shall specify the reasons why the challenged voter is not entitled to be or remain registered or

to vote. The challenge shall be signed by the challenger and shall set forth the challenger's address.

(c) Recording challenge. When a challenge is made, the official to whom it is made shall write the word 'challenged' in pencil in the registration records beside the name of the person who is challenged. The official then shall prepare a written notice of the challenge, stating succinctly the grounds asserted. As soon as the challenge has been recorded, the official shall also set a time and place at which the merits of the challenge shall be heard. The official shall serve the notice of the time and place of the hearing on the challenged person either in person or by leaving a copy of the notice at the place of residence of the challenged person, as shown on the registration records. The official receiving the challenge shall also furnish the challenger with a copy of the notice either in person or by leaving it at the challenger's place of residence, as shown on the registration records.

(d) If the challenge is based on the challenged person's removal of his permanent residence to another county or state, the official receiving the challenge shall not set a time and place for the hearing to be held before the next ensuing primary or election day, but if the challenged person appears and seeks to vote on that day, the challenge shall be heard and decided as if it were held on that day."

Sec. 35. G.S. 163-86 is rewritten to read as follows:

"§ 163-86. Challenge hearings other than on day of primary or election. — (a) Hearing on challenge made prior to primary or election day. A challenge entered on a day other than the day of a primary or election shall be heard and decided before the date of the next ensuing primary or election. Challenges shall be heard and decided by the county board of elections.

At the time and place set for the hearing on a challenge entered prior to the date of a primary or election, the county board of elections shall explain to the challenged registrant the qualifications for registration and voting in this State. The board chairman, or in his absence the board secretary, shall then administer the following oath to the challenged registrant:

'You swear (or affirm) that the statements and information you shall give in this hearing with respect to your identity and qualifications to be registered and to vote shall be the truth, the whole truth, and nothing but the truth, so help you, God.'

After swearing the challenged registrant, the board shall examine him as to his qualifications to be registered and to vote. If the challenged registrant insists that he is qualified, the board shall tender to him the following oath or affirmation:

'You do solemnly swear (or affirm) that you are a citizen of the United States; that you are at least 18 years of age or will become 18 by the date of the next general election; that you have or will have resided in this State and in the precinct for which registered for 30 days by the date of the next general election; that you are not disqualified from voting by the Constitution and laws of this State; that your name is _____, and that in such name you were duly registered as a voter of _____ precinct; and that you are the person you represent yourself to be; so help you, God.'

If the challenged registrant refuses to take the tendered oath, or submit to the board the affidavit required by subsection (b), below, the challenge shall be sustained and the board shall delete his name from the registration records. If the challenged registrant takes the tendered oath, the board may, nevertheless, sustain the challenge unless it is satisfied that the challenged registrant is a legal voter. If it is satisfied that he is a legal voter, it shall overrule the challenge and erase the word 'challenged' which appears by the voter's name in the registration records.

The board, in conducting hearings on challenges, shall have authority to subpoena any witnesses it may deem appropriate, and administer the necessary oaths or affirmations to all witnesses brought before it to testify to the qualifications of the person challenged.

(b) Appearance by challenged registrant. The challenged registrant shall appear in person at the challenge hearing. If he is unable to appear in person, he may be represented by another person and must tender to the county board of elections an affidavit that he is a citizen

of the United States, is at least 18 years of age or will become 18 by the date of the next general election, has or will have resided in this State and in the precinct for which registered for 30 days by the date of the next general election, is not disqualified from voting by the Constitution and laws of this State, is named _____ and was duly registered as a voter of precinct in such name, and is the person represented to be by the affidavit."

Sec. 36. G.S. 163-106(d) is amended by repealing the last paragraph thereof.

Sec. 37. G.S. 163-107 is amended by deleting the following words in the tabulations of offices:

"All township offices not compensated by fees Constable, if compensated entirely by fees Justice of the peace, if compensated entirely by fees	One percent (1%) of the annual salary of the office sought Ten dollars (\$10.00), plus one percent (1%) of the income of the office above one thousand dollars (\$1,000) Ten dollars (\$10.00), plus one percent (1%) of the income of the office above one thousand dollars (\$1,000)"
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and by deleting the words "and township" after the words "All county" and before the words "offices compensated" in the last paragraph in the tabulation of offices.

Sec. 38. G.S. 163-108(c) is amended by striking out the words and punctuation in the first sentence "in which there is no rotation agreement as provided by G.S. 163-116," following the words "multi-county senatorial districts" and before the words "the chairman or".

Sec. 39. G.S. 163-109(a) is amended by striking out the words "and township" after the words "district, county" and before the words "ballots as" and by adding the word "and" before the word "county" and after the word "district" in the first sentence thereof.

Sec. 40. G.S. 163-109(c) is rewritten to read as follows:

"(c) Ballots to be furnished by county board of elections. It shall be the duty of the county board of elections to print official ballots for each political party having candidates for the following offices to be voted for in the primary:

- Superior court judge.
- District court judge,
- Solicitor,
- State Senator,
- Member of the House of Representatives of the General Assembly, and
- All county offices.

In printing primary ballots, the county board of elections shall be governed by instructions of the State Board of Elections with regard to width, color, kind of paper, form, and size of type.

In its discretion, the county board of elections may print separate primary ballots for the district and county offices listed in this subsection, or it may combine some or all of them on a single ballot. In a primary election, if there shall be 10 or more candidates for nomination to any one office, the county board of elections in its discretion may prepare a separate ballot for said office.

Three days before the primary election, the chairman of the county board of elections shall distribute official State, district, and county ballots to the registrar of each precinct in his county, and the registrar shall give him a receipt for the ballots received. On the day of the primary it shall be the registrar's duty to have all the ballots delivered to him available for use at the precinct voting place."

Sec. 41. G.S. 163-109 is amended by adding a new subsection (d) to read as follows:

"(d) District Solicitors' ballots. In all primary elections for the nomination of candidates to the office of Solicitor, the State or county board of elections responsible under this section for preparing ballots for that office shall cause to be printed after the title 'Solicitor' on the ballot the words 'District Attorney' and shall cause the initial letter of those words to be capitalized and the words to be put in parentheses and in quotation marks."

Sec. 42. G.S. 163-110 is amended by deleting the words and punctuation "all township offices," after the words "All county offices" and before the words "State Senators" in the proviso in the first sentence.

Sec. 43. G.S. 163-111(c) is rewritten to read as follows:

"(c) Procedure for requesting second primary.

(1) An aspirant entitled to demand a second primary for one of the offices listed below, and desiring to do so, shall file a request for a second primary in writing or by telegram with the State Board of Elections by 12:00 noon, on the third day after the result of the first primary has been officially declared: Governor, Lieutenant Governor, All State executive officers, Justices, Judges, or Solicitors of the General Court of Justice United States Senators, Members of the United States House of Representatives, State Senators in multi-county senatorial districts, and Members of the State House of Representatives in multi-county representative districts.

(2) An aspirant entitled to demand a second primary for one of the offices listed below, and desiring to do so, shall file a written request for a second primary with the board of elections in the county in which he filed notice of candidacy by 12:00 noon, on the fifth day after the result of the first primary has been officially declared: State Senators in single-county senatorial districts, Members of the State House of Representatives in single-county representative districts, and All county officers."

Sec. 44. G.S. 163-111(d)(1) and (2) are rewritten to read as follows:

"(d) Tie votes; how determined.

(1) In the event of a tie for the highest number of votes in a first primary between two candidates for party nomination for a single county, or single-county legislative district office, the board of elections of the county in which the two candidates were voted for shall conduct a recount and declare the results. If the recount shows a tie vote, a second primary shall be held on the date prescribed in subsection (e) of this section between the two candidates having an equal vote, unless one of the aspirants, within three days after the result of the recount has been officially declared, files a written notice of withdrawal with the board of elections with which he filed notice of candidacy. Should that be done, the remaining aspirant shall be declared the nominee. In the event of a tie for the highest number of votes in a first primary among more than two candidates for party nomination for one of the offices mentioned in this subdivision, no recount shall be held, but all of the tied candidates shall be entered in a second primary.

(2) In the event of a tie for the highest number of votes in a first primary between two candidates for a State office, for United States Senator, or for any district office (including State Senator in a multi-county senatorial district and member of the State House of Representatives in a multi-county representative district), no recount shall be held "solely by reason of the tie, but the two candidates having an equal vote shall be entered in a second primary to be held on the date prescribed in subsection (e) of this section, unless one of the two candidates files a written notice of withdrawal with the State Board of Elections within three days after the result of the first primary

has been officially declared and published. Should that be done, the remaining aspirant shall be declared the nominee. In the event of a tie for the highest number of votes in a first primary among more than two candidates for party nomination for one of the offices mentioned in this subdivision, no recount shall be held, but all of the tied candidates shall be entered in a second primary."

Sec. 45. G.S. 163-114 is amended by striking "not having a rotation agreement" after the words "State Senator in a multi-county senatorial district", by striking "State Senator in a multi-county senatorial district having a rotation agreement", and by striking "any elective township office".

Sec. 46. G.S. 163-115 is amended by rewriting the first paragraph to read as follows:

"If a vacancy occurs in the office of the clerk of superior court, otherwise than by expiration of the term, or if the people fail to elect, the vacancy shall be filled as provided in Section 9(3) of Article IV of the North Carolina Constitution. If the vacancy occurs after the time for filing notice of candidacy in the primary has expired in a year when a regular election is not being held to elect a clerk of superior court by expiration of term, then the county executive committee of each political party shall nominate a candidate whose name shall appear on the general election ballot. The candidate elected in the general election shall serve the unexpired portion of the term of the person causing the vacancy."

Sec. 47. G.S. 163-116 is repealed.

Sec. 48. G.S. 163-117 is repealed.

Sec. 49. G.S. 163-118 is repealed.

Sec. 50. G.S. 163-122 is amended by striking out "twenty-five percent (25%)" and inserting in lieu thereof "ten percent (10%)".

Sec. 51. G.S. 163-128 is amended by adding a new sentence to the end of the first paragraph to read as follows:

"There shall be at least one voting place in each precinct."

Sec. 52. G.S. 163-128 is amended by repealing the second paragraph thereof.

Sec. 53. G.S. 163-128 is amended by rewriting the third paragraph thereof to read as follows:

"The county board of elections shall have power from time to time, by resolution, to establish, alter, discontinue, or create such new election precincts or voting places as it may deem expedient. Upon adoption of a resolution establishing, altering, discontinuing, or creating a precinct or voting place, the board shall give 20 days' notice thereof prior to the date on which the registration books or records next close pursuant to G.S. 163-67. Notice shall be given by advertisement in a newspaper having general circulation in the county, by posting a copy of the resolution at the courthouse door, and by mailing a copy of the resolution to the chairman of every political party in the county."

Sec. 54. G.S. 163-129 is amended by rewriting the last paragraph thereof to read as follows:

"The county board of elections shall inspect each precinct voting place to ascertain how it should be arranged for voting purposes, and shall direct the registrar and judges of any precinct to define the voting place by roping off the area or otherwise enclosing it or by marking its boundaries. The boundaries of the voting place shall at any point lie no more than 100 feet from each ballot box or voting machine. The space so roped off or enclosed or marked for the voting place may contain area both inside and outside the structure in which registration and voting are to take place."

Sec. 55. G.S. 163-136(b)(2) is amended by deleting the word "township" between the words "For county" and "single-county district".

Sec. 56. G.S. 163-140 is amended in subsection (a) by deleting subparagraph (6) and renumbering subparagraph (7) to be subparagraph (6); in subsection (b) by deleting subparagraph (6) and renumbering subparagraph (7) to be subparagraph (6); in subsection (c)(1) by deleting paragraph e.; and by repealing and rewriting subsection (d) to read as follows:

"(d) Municipal primary and election ballots. In all municipal elections there shall be an official ballot on which shall be printed the names of all candidates for offices in the municipality. The municipal ballot shall conform as nearly as possible to the provisions of subsection (a) through (c) of this section, but on the bottom of the municipal ballot shall be printed an identified facsimile of the signature of the chairman of the county or municipal board of elections, as appropriate."

Sec. 57. G.S. 163-140 is amended by adding a new subsection (e) to read as follows:

"(e) District Solicitors' ballots - In all general elections for the election of nominees to the office of Solicitor, the State or county board of elections responsible for preparing ballots for that office shall cause to be printed after the title 'Solicitor' on the ballot the words 'District Attorney' and shall cause the initial letter of those words to be capitalized, and the words to be put in parentheses and in quotation marks."

Sec. 58. G.S. 163-146 is amended by rewriting the first paragraph thereof to read as follows:

"At each precinct voting place as described in G.S. 163-129, there shall be a room or area set apart as the voting enclosure. The limits of the voting enclosure shall be defined by walls, guard rails, or other boundary markers which at no point stand nearer than 10 feet nor farther than 20 feet from each ballot box or voting machine. This enclosure shall be arranged so that a single door or opening (not more than three feet wide) can be used as the entrance for persons seeking to vote."

Sec. 59. G.S. 163-148 is amended in the first paragraph by deleting the words and punctuation, "and, if allowed, official markers," after the word "assistants" and before the words "shall meet"; by adding the word "and" after the words "the judges of elections" and before the word "assistants"; and by deleting the words and punctuation ", and G.S. 163-44" and adding the word "and" between the words "G.S. 163-41(a)" and "G.S. 163-42".

Sec. 60. G.S. 163-150 is amended by deleting the last sentence of paragraph (c) and by adding a new paragraph (g) to read as follows:

"(g) Subject to the provisions of G.S. 163-152 and G.S. 163-152.1, no voter shall be allowed to occupy a voting booth or voting machine already occupied by another voter, provided, however, that this prohibition shall not apply to husbands and wives. No voter shall be allowed to occupy a voting booth or voting machine more than five minutes if all the booths or machines are in use and other voters are waiting to obtain booths or machines."

Sec. 61. G.S. 163-150(f) is amended by repealing the last paragraph thereof and by rewriting the first paragraph to read as follows:

"(f) Maintenance of pollbook or other record of voting. At each primary and general or special election, the precinct registrar shall appoint two clerks (one from each political party, having been recommended by the county chairman of their respective political parties) who shall jointly keep the pollbook or such other record of persons voting as may be approved for use in the county by the State Board of Elections. He shall enter into the pollbook or other approved record the name of every person who shall vote. In a primary election each voter's party affiliation shall be entered in the proper column of the book or other approved record opposite his name. The judge shall make each entry at the time the ballots are handed to the voter. As soon as the polls are closed and the names of absentee voters have been entered as required by G.S. 163-234, the registrar and judges of election shall sign the pollbook or other approved record immediately beneath the last voter's name entered therein. The registrar or the

judge appointed to attend the county canvass shall deliver the pollbook or other approved record to the chairman of the county board of elections at the time of the county canvass, and the chairman shall remain responsible for its safekeeping."

Sec. 62. G.S. 163-151(2)d and (3)b are repealed, and G.S. 163-151(3) is amended to read as follows:

"(3) In a Primary. A voter shall not write the name of any person on the official ballot."

Sec. 63. G.S. 163-152 is amended by repealing all of subsection (b); renumbering subsection (c) to be subsection (b), subsection (d) to be subsection(c), and subsection (e) to be subsection (d); and by adding the words "or general election" after the words "primary" or "primaries" wherever they appear.

Sec. 64. G.S. 163-153 is rewritten as follows:

"§ 163-153. **Access to voting enclosure.** — In all counties, only the following persons shall be allowed within the voting enclosure while the polls are open to voting:

1. Officers of election, that is, members of the State Board of Elections, members of the county board of elections, and the precinct registrar, precinct judges of election, and assistants appointed for the precinct under the provisions of G.S. 163-42.
2. Voters in the act of voting.
3. A near relative of a voter, but only while assisting the voter as authorized in G.S. 163-152.
4. Any voter of the precinct called upon to assist another voter, but only while assisting him as authorized in G.S. 163-152.
5. Municipal policemen assigned by the municipal authorities to keep the peace at a voting place located within the municipality, but only when requested to come within the voting enclosure by the registrar and judges for the purpose of preventing disorder; at the request of the registrar and judges, they shall withdraw from the voting enclosure and remain at least 10 feet from its entrance.
6. Any voter of the precinct while entering and explaining a challenge.
7. Watchers appointed under the provisions of G.S. 163-45."

Sec. 65. G.S. 163-155 is amended by adding a new paragraph (5) after the present paragraph (4) as follows:

"(5) If there is no assistant appointed under G.S. 163-42 to perform the duties required by this section, the precinct registrar or one of the precinct judges, to be designated by the voter, if he chooses, or, if he does not, by the precinct registrar, shall perform those duties."

Sec. 66. G.S. 163-162 is amended by adding the words and numbers "and G.S. 163-155" at the end following the words and numbers "under the provisions of G.S. 163-150(e)".

Sec. 67. G.S. 163-168 is rewritten to read as follows:

"At the time set by G.S. 163-2 for closing the polls on the day of a primary, general or special election, the precinct registrar shall announce that the polls are closed, but any qualified voters who are then in the process of voting or who are in line at the voting place waiting to vote, whether or not they are within the voting enclosure or voting place boundaries, shall be allowed to vote.

At closing time, the registrar, or a judge designated by the registrar, shall enter into the pollbook, on a separate page labeled 'Persons Waiting to Vote at Closing Time in the Primary/Election Held the _____ Day of 19__', the names of all persons then in line at the voting place waiting to vote, beginning with the person last in line and proceeding to the person first in line at closing time. No persons shall be allowed to vote after closing time unless their names are so listed."

Sec. 68. G.S. 163-170 is amended by deleting paragraphs (7) and (8).

Sec. 69. G.S. 163-177 is amended by deleting the words in the first sentence of the first paragraph "Within five days after a primary or election is held" and inserting in lieu thereof "Within twenty-four hours after the returns of a primary or election have been canvassed and the results judicially determined".

Sec. 70. G.S. 163-179 is rewritten to read as follows:

"§ 163-179. **Who declared elected by county board.** — In a general election, the person having the greatest number of legal votes for a county office or for membership in one of the houses of the General Assembly in a representative or senatorial district composed of only one county shall be declared elected by the county board of elections. If two or more candidates for a county office, having the greatest number of votes, shall have an equal number, the county board of elections shall determine by lot which shall be elected. If two or more candidates for membership in one of the houses of the General Assembly in a representative or senatorial district composed of only one county, having the greatest number of votes, shall have an equal number, the determination of which of the candidates is elected shall be governed by the provisions of G.S. 163-191."

Sec. 71. G.S. 163-245(2) is amended by striking the words "wives of men", and inserting in lieu thereof "spouses of persons", and by striking the word "husbands" and inserting in lieu thereof the word "spouses".

Sec. 72. G.S. 163-248(c)(2) is amended by striking the words "the wife of a member of the armed forces of the United States residing outside the county of my husband's residence", and inserting in lieu thereof the words "the spouse of a member of the armed forces of the United States residing outside the county of my spouse's residence".

Sec. 73. G.S. 163-263 is amended by striking the words "federal" and "except where there shall be agreement for rotation as provided in G.S. 163-116" in the first paragraph.

Sec. 74. G.S. 163-267 is amended by striking the word "federal" in the first sentence thereof.

Sec. 75. G.S. 163-280(a) is rewritten in the first paragraph only to read as follows:

"(a) In each city that is authorized and elects to conduct its own elections in the manner provided by G.S. 163-285, there shall be a municipal board of elections consisting of three persons of good moral character who are registered voters of the city. Members of the municipal boards of elections shall be appointed by the city council at its regularly scheduled meeting held next before July 1 in each year preceding each regular municipal primary or election, and their terms of office shall be for two years beginning July 1 and until their successors are appointed and qualify. In municipalities where there are registered voters of more than one party, not more than two members of the municipal board of elections shall belong to the same political party, if the municipal offices are elected on a partisan basis."

Sec. 76. G.S. 163-280(c) is amended by adding a new sentence between the present first and second sentences, as follows:

"The municipal board of elections may then or at any time thereafter appoint an executive secretary, who shall have all of the powers and duties of an executive secretary to a county board of elections."

Sec. 77. G.S. 163-280 is amended by adding a new paragraph (g) as follows:

"(g) No municipal, county, State or national chairman of any political party shall have the right to recommend to the city council the names of any person for appointment to membership on a municipal board of elections."

Sec. 78. G.S. 163-280 is amended by adding a new paragraph (h) as follows:

"(h) Whenever a vacancy occurs in the membership of any municipal board of elections for any cause, the appointing city council shall fill the vacancy within 30 days of when it occurs."

Sec. 79. G.S. 163-280 is amended by adding a new paragraph (i) as follows:

"(i) The city council with power to appoint a member of a municipal board of elections or the State Board of Elections may remove a member of a municipal board of elections for incompetency, neglect or failure to perform duties, fraud, or any other satisfactory cause. Before exercising this removal power, the city council or the State Board of Elections shall notify the municipal board member affected and give him an opportunity to be heard."

Sec. 80. G.S. 163-281(a) is amended by adding a new sentence between the first and second sentences thereof, as follows:

"Not more than one judge in each precinct where there are registered voters of more than one political party shall belong to the same political party as the registrar, if the municipal elections are on a partisan basis."

Sec. 81. G.S. 163-281 is amended by adding a new paragraph as follows:

"(g) No municipal, county, State or national chairman of any political party shall have the right to recommend to the municipal board of elections the name of any person for appointment as a precinct registrar, judge of elections, assistant or ballot counter."

Sec. 82. G.S. 163-281 is amended by adding a new paragraph (h) as follows:

"(h) The municipal board of elections may designate the precinct in which each registrar, judge, assistant, ballot counter, or watcher or other officers of elections shall serve; and, after notice and hearing, may remove any registrar, judge, assistant, ballot counter, watcher, executive secretary or other officers of elections appointed by it for incompetency, failure to discharge the duties of office, failure to qualify within the time prescribed by law, fraud, or for any other satisfactory cause."

Sec. 83. G.S. 163-281 is amended by adding a new paragraph (i) as follows:

"(i) Except as otherwise provided in this Chapter, precinct assistants, ballot counters, watchers, and the executive secretary and other officers of elections appointed by the municipal board of elections shall have the same powers and duties with respect to municipal elections as precinct assistants, ballot counters, watchers, and executive secretaries and other officers of elections appointed by county boards of elections."

Sec. 84. G.S. 163-284(a) is amended by adding the word "forthwith" after the words "the county board of elections shall" and before the words "notify any such person" in the fourth sentence.

Sec. 85. G.S. 163-286 is retitled to read "Conduct of municipal and special district elections; application of Chapter 163.", and G.S. 163-286(a) is repealed and rewritten to read as follows:

"(a) To the extent that the laws, rules and procedures applicable to the conduct of primary, general and special elections by county boards of elections under Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19 and 22 of this Chapter are not inconsistent with provisions of this Article, those laws, rules and procedures shall apply to municipal and special district elections and their conduct by the board of elections conducting those elections. The State Board of Elections shall have the same authority over all such elections as it has over county and State elections under those Articles."

Sec. 86. G.S. 163-287 is rewritten to read as follows:

"§ 163-287. **Special elections; procedure for calling.** — Any city, whether its elections are conducted by the county board of elections or the municipal board of elections, or any special district shall have authority to call special elections as permitted by law. Prior to calling a special election, the city council or the governing body of the special district shall adopt a resolution specifying the details of the election, and forthwith deliver the resolution to the appropriate board of elections. The resolution shall call on the board of elections to conduct the election described in the resolution and shall state the date on which the special election is to be conducted. The special election may be held at the same time as any other State, county or municipal primary, election or special election or referendum, but may not otherwise be held

within the period of time beginning 30 days before and ending 30 days after the date of any other primary, election, special election or referendum held for that city or special district.

Legal notice of the special election shall be published no less than 20 days prior to the date on which the registration books or records close for the special election. The appropriate board of elections shall be responsible for publishing the legal notice. The notice shall state the date and time of the special election, the issue to be submitted to the voters, and the precincts in which the election will be held. This paragraph shall not apply to bond elections."

Sec. 87. G.S. 163-288(b) is rewritten as follows:

"(b) Where the municipal board of elections conducts the elections, each such municipality shall purchase only those loose-leaf binders for the registration records that have been approved by the State Board of Elections.

The loose-leaf registration forms shall be those approved by the State Board of Elections. When completed by each municipal registrant, the forms shall be the official registration record in each municipality and shall be kept in agreement with the county registration records for that registrant. They shall be prepared, completed, maintained and kept current pursuant to the same provisions of Article 7, G.S. Chapter 163, as apply to registration records of county boards of elections. They also shall be furnished by the State Board of Elections, through the respective county boards of elections, to the municipalities.

Every municipal board of elections conducting the elections in any city, town, or incorporated village shall secure and install those binders and loose-leaf forms required by this section no later than January 1, 1973, or no later than 90 days after any such municipality elects to conduct its own elections."

Sec. 88. G.S. 163-288.1(a) is rewritten to read as follows:

"§ 163-288.1. **Activating voters for newly annexed or incorporated areas.** — (a) Whenever any new city or special district is incorporated or whenever an existing city or district annexes any territory, the city or special district shall cause a map of the corporate or district limits to be prepared from the boundary descriptions in the act, charter or other document creating the city or district or authorizing or implementing the annexation. The map shall be delivered to the county or municipal board of elections conducting the elections for the city or special district. The board of elections shall then activate for city or district elections each voter eligible to vote in the city or district who is registered to vote in the county to the extent that residence addresses shown on the county registration certificates can be identified as within the limits of the city or special district. Each voter whose registration is thus activated for city or special district elections shall be so notified by mail. The cost of preparing the map of the newly incorporated city or special district or of the newly annexed area, and of activating voters eligible to vote therein, shall be paid by the city or special district. In lieu of the procedures set forth in this section, the county board of elections may use either of the methods of registration of voters set out in G.S. 163-288.2 when activating voters pursuant to the incorporation of a new city or election of city officials or both under authority of an act of the General Assembly."

Sec. 89. G.S. 163-289 is amended by adding a new subsection (c) as follows:

"(c) If a municipal board of elections sustains a challenge on the grounds that a voter registered to vote in the municipality is not a resident of the municipality, it shall forthwith certify its decision to the county board of elections of the county or counties in which the municipality lies, and the voter's registration for municipal elections shall be expunged from the county registration records."

Sec. 90. G.S. 163-293(e) is amended by deleting the reference to "G.S. 163-111(e)" and inserting in lieu thereof "G.S. 163-279(a)(4)."

Sec. 91. G.S. 163-295 is repealed and rewritten to read as follows:

"§ 163-295. **Municipal and special district elections; application of Chapter 163.** — To the extent that the laws, rules and procedures applicable to the conduct of primary, general or special elections by county boards of elections under Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,

14, 15, 19 and 22 of this Chapter are not inconsistent with the provisions of this Article, those laws, rules and procedures shall apply to municipal and special district elections and their conduct by the board of elections conducting those elections. The State Board of Elections shall have the same authority over all such elections as it has over county and State elections under those Articles."

Sec. 92. G.S. 163-304 is rewritten as follows:

"§ 163-304. State Board of Elections to have jurisdiction over municipal elections and election officials, and to advise. — The State Board of Elections shall have the same authority over municipal elections and election officials as it has over county and State elections and election officials. The State Board of Elections shall advise and assist cities, towns, incorporated villages and special districts, municipal boards of elections, their members and legal officers on the conduct and administration of their elections and registration procedure.

The county and municipal boards of elections shall be governed by the same rules for settling controversies with respect to counting ballots or certification of the returns of the vote in any municipal or special district election as are in effect for settling such controversies in county and State elections."

Sec. 93. G.S. 163-1 is amended by striking from it all references to constables, justices of the peace and all other township officers to be elected by the people.

Sec. 94. G.S. 163 is amended by deleting the word "watchers" wherever it appears and inserting in lieu thereof the word "observers".

Sec. 95. G.S. 163-42 is rewritten to read as follows:

"§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of office. — Each county board of elections shall appoint at least two assistants for each precinct within the county, and in its discretion may appoint more than two, to aid the registrar and the judges. Assistants shall, in all cases, be qualified voters of the precinct for which appointed, and shall serve for the primary or election for which appointed and no longer.

The Chairman of each political party in the county shall have the right to recommend from three to five registered voters in each precinct for appointment as precinct assistants in that precinct. If the recommendations are received by it before the seventh Saturday before the primary is to be held, the board shall make appointments of the two required precinct assistants from the names thus recommended, making one such appointment from the recommended names of each of the two parties. The board may make appointments of additional precinct assistants from the names recommended, but it shall not be required to do so.

No person who is a candidate for nomination or elections shall be eligible to serve as an assistant.

In a precinct in which voting machines are not used, the county board of elections may appoint one precinct assistant in addition to the two required precinct assistants for each 300 voters registered in that precinct. In a precinct in which voting machines are used, the board may appoint one assistant in addition to the two required precinct assistants for each 500 voters registered in that precinct.

Before entering upon the duties of the office, each assistant shall take the oath prescribed in G.S. 163-41(a) to be administered by the registrar of the precinct for which the assistant is appointed."

Sec. 96. This act shall become effective on July 1, 1973.

In the General Assembly read three times and ratified, this the 24th day of May, 1973.