

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1263
Select Committee on Government and Election Reform Committee Substitute
Adopted 5/8/07
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Short Title: Election Law Amendments.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO AMEND THE ELECTION LAWS; TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE QUALIFIED TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-59 reads as rewritten:

"§ 163-59. Right to participate or vote in party primary.

No person shall be entitled to vote or otherwise participate in the primary election of any political party unless he:

- (1) Is a registered voter, and
- (2) Has declared and has had recorded on the registration book or record the fact that he affiliates with the political party in whose primary he proposes to vote or participate, and
- (3) Is in good faith a member of that party.

Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under G.S. 163-116 may also vote in the primary if the voter is otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

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 the last day for making application to register under G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to register and vote in the general election or regular municipal election for which the primary is held, who do not register during the special period may register to vote after such period

1 as if they were qualified on the basis of age, but until they are qualified by age to vote,
 2 they may vote only in primary elections."

3 **SECTION 2.(a)** G.S. 163-226.3(a)(4) reads as rewritten:

4 "(a) Any person who shall, in connection with absentee voting in any election
 5 held in this State, do any of the acts or things declared in this section to be unlawful,
 6 shall be guilty of a Class I felony. It shall be unlawful:

- 7 ...
- 8 (4) For any owner, manager, director, employee, or other person, other
 9 than the voter's near relative or verifiable legal guardian, to make a
 10 written request pursuant to G.S. 163-230.1 or an application on behalf
 11 of a registered voter who is a patient in any hospital, clinic, nursing
 12 home or rest home in this State or for any owner, manager, director,
 13 employee, or other person other than the voter's near relative or
 14 verifiable legal guardian, to mark the voter's absentee ballot or assist
 15 such a voter in marking an absentee ~~ballot;~~ballot. This subdivision
 16 does not apply to members, employees, or volunteers of the county
 17 board of elections, if those members, employees, or volunteers are
 18 working as part of a multipartisan team trained and authorized by the
 19 county board of elections to assist voters with absentee ballots. Each
 20 county board of elections shall train and authorize such teams,
 21 pursuant to procedures which shall be adopted by the State Board of
 22 Elections.

23"

24 **SECTION 2.(b)** This section becomes effective on January 1, 2008.

25 **SECTION 3.** G.S. 163-33.1 reads as rewritten:

26 **"§ 163-33.1. Power of chairman to administer oaths.**

27 The chairman of the county board of elections is authorized to administer to election
 28 officials specified in ~~G.S. 163-80~~ Articles 4, 5, and 20 of this Chapter the required oath,
 29 and may also administer the required oath to witnesses appearing before the county
 30 board at a duly called public hearing."

31 **SECTION 4.(a)** G.S. 163-165.1(e) reads as rewritten:

32 "(e) Voted ballots and paper records of individual voted ballots shall be treated as
 33 confidential, and no person other than elections officials performing their duties may
 34 have access to voted ballots or paper records of individual voted ballots except by court
 35 order or order of the appropriate board of elections as part of the resolution of an
 36 election protest or investigation of an alleged election irregularity or violation. Voted
 37 ballots and paper records of individual voted ballots shall not be disclosed to members
 38 of the public in such a way as to disclose how a particular voter voted, unless a court
 39 orders otherwise. Any person who has access to an official voted ballot and knowingly
 40 discloses in violation of this section how an individual has voted that ballot is guilty of a
 41 Class 2 misdemeanor."

42 **SECTION 4.(b)** G.S. 163-274 is amended by adding a new subdivision to
 43 read:

1 "(14) For any person who has access to an official voted ballot or record to
2 knowingly disclose in violation of G.S. 163-165.1(e) how an
3 individual has voted that ballot."

4 **SECTION 4.(c)** This section becomes effective December 1, 2007.

5 **SECTION 5.(a)** Chapter 128 of the General Statutes is amended by adding a
6 new section to read:

7 "**§ 128-7.2. Qualifications for appointment to fill vacancy in elective office.**

8 No person is eligible for appointment to fill a vacancy in any elective office, whether
9 State or local, unless that person would have been qualified to vote as an elector for that
10 office if an election were to be held on the date of appointment. This section is intended
11 to implement the provisions of Section 8 of Article VI of the Constitution."

12 **SECTION 5.(b)** G.S. 163-11 is amended by adding a new subsection to
13 read:

14 "(e) No person is eligible for appointment to fill a vacancy in the Senate or the
15 House of Representatives under this section, unless that person would have been
16 qualified to vote as an elector for that office if an election were to be held on the date of
17 appointment. This section is intended to implement the provisions of Section 8 of
18 Article VI of the Constitution."

19 **SECTION 5.(c)** This section becomes effective when it becomes law and
20 applies only to appointments made on or after that date.

21 **SECTION 6.** Except as otherwise provided in this act, this act is effective
22 when it becomes law.