

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 635
HOUSE BILL 1053

AN ACT TO MAKE VARIOUS AMENDMENTS TO THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

—CORRECTING OVERLOOKED STATUTES IN ALLOWING AN
ALTERNATIVE OATH.

Section 1. Effective upon the ratification of this act, G.S. 163-79 reads as rewritten:

"§ 163-79. Alternate oaths by voters and registrants.

In the event any person taking any of the oaths in G.S. 163-19, G.S. 163-30, G.S. 163-41(a), G.S. 163-41(b), G.S. 163-43, G.S. 163-72, G.S. 163-74(a), G.S. 163-74(b), G.S. 163-74(c), and G.S. 163-78(b) objects to the phrase 'so help me, God' appearing at the end of said oaths, the words 'I do so affirm' may be substituted therefor."

—CLARIFYING THAT NO ONE MAY VOTE IN A PARTY'S PRIMARY WHO
HAS NOT BECOME REGISTERED IN THAT PARTY BY THE TWENTY-FIRST
DAY BEFORE THE PRIMARY.

Sec. 2. Effective with respect to all elections occurring on or after January 1, 1990, G.S. 163-74(b) reads as rewritten:

"(b) Change of Party Affiliation or Unaffiliated Status. – No registered elector shall be permitted to change the record of his party affiliation or unaffiliated status for a primary, second primary or special or general election after the close of the registration books immediately prior to any such election. Any registrant who desires to have the record of his party affiliation or unaffiliated status changed on the registration book shall, no later than the twenty-first day (not including Saturdays and Sundays) before the election go to the chairman or the supervisor of elections of the county board of elections or to other registration officials specified in G.S. 163-80 and request that the change be made. Before being permitted to have the change made, the chairman, supervisor of elections or other registration official shall require the registrant to take the following oath, and it shall be the duty of the elections officer to administer it:

- (1) If the voter desires to change from one political party to another, or from unaffiliated to a political party:

I,, do solemnly swear (or affirm) that I desire in good faith to change my party affiliation from the Party (or from unaffiliated status) 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.

- (2) If the voter desires to change his affiliation with any political party to unaffiliated status:

I,, do solemnly swear (or affirm) that I desire in good faith to change my party affiliation with the Party to unaffiliated 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, or unaffiliated status, to conform to that stated in the oath. Thereafter the voter shall be considered registered and qualified to vote in accordance with the effected change.

Provided, in the event that a registrant has the record of his party affiliation or unaffiliated status changed later than the 21st day (not including Saturdays and Sundays) before a primary, the registrant shall not be entitled to vote in that primary."

—ALLOWING A COUNTY BOARD TO SEND LESS THAN A FULL SUPPLY OF BALLOTS TO A PRECINCT, IF A FULL SUPPLY IS AVAILABLE.

Sec. 3. Effective with respect to all elections occurring on or after September 1, 1989, G.S. 163-142 reads as rewritten:

"§ 163-142. Number of ballots to be furnished each voting place; packaging; date of delivery; receipt for ballots; accounting for ballots.

The county board of elections shall furnish each precinct voting place with each kind of ballot to be voted in the primary or election in a number equal to ~~one hundred percent (100%)~~ at least eighty percent (80%) of the number of persons registered to vote in the primary or election in the precinct. Provided that in those instances where precincts are provided with less than a number of ballots equal to one hundred percent (100%) of the number of voters registered to vote in the primary or election in the precinct, the responsible board of elections shall ensure that a number of additional ballots are stored in its offices for distribution to precincts where the need for additional ballots becomes evident so that a number of ballots equal to one hundred percent (100%) of the number of registered voters in the primary or election in each precinct is available.

Each kind of ballot shall be wrapped in a separate package or packages for each precinct voting place. The number of ballots to be placed in each package shall be determined by the chairman of the county board of elections, and the outside of each package shall be marked or stamped to show the kind of ballot and the number contained.

Three days before the primary or election, the county board of elections shall deliver to such precinct registrar the required number of ballots of each kind to be voted in his precinct, and the registrar shall immediately give a receipt for the ballots delivered to him in accordance with the information marked or stamped on the ballot packages.

Within three days after the primary or election, the registrar shall deliver to the county board of elections all ballots spoiled in his precinct. At the same time he shall also deliver to the county board of elections all unused ballots from his precinct. Thereupon, the county board of elections shall make a check to ascertain whether the total of spoiled ballots and unused ballots, when added to the number of ballots cast in

the precinct, equal the number of ballots furnished to and receipted for by the registrar prior to the primary or election.

The provisions of this section shall not apply to voting places at which voting machines are used."

Sec. 4. Effective upon ratification of this act, G.S. 163-161 reads as rewritten:

"(a) Discretionary authority. – The board of county commissioners, with the approval of the county board of elections, may adopt and purchase or lease a voting system of a type approved by the State Board of Elections for use in some or all voting places in the county at some or all primaries and elections. Specifically, the board may purchase a voting system upon an installment basis or otherwise, or it may lease a voting system with or without an option to purchase.

The board of county commissioners may decline to adopt and purchase or lease any voting system recommended by the county board of elections, but may not adopt and purchase or lease any voting system that has not been approved by the county board of elections. Provided that no board of county commissioners may purchase any item of equipment of an optical-scanning voting system if the manufacturer or supplier is no longer certified as an authorized vendor by the State Board of Elections, unless the county board of elections specifically approves the purchase of that item of equipment."

Sec. 5. Effective upon the ratification of this act, Section 5 of Chapter 485 of the 1987 Session Laws reads as rewritten:

"Sec. 5. Sections 1, 2, and 3 of this act shall become effective with respect to elections held on or after September 1, 1987, ~~except that Section 2 of this act shall expire with respect to elections held on or after September 1, 1989.~~ Section 4 of this act is effective upon ratification."

Sec. 6. This act is effective as provided herein.

In the General Assembly read three times and ratified this the 13th day of July, 1989.