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THE GENERAL STATUTES OF NORTH CAROLINA

1966 INTERIM SUPPLEMENT

Containing the General and Permanent Acts of the
1966 Extra Session

Prepared, under the Supervision of the Department of Justice,
by the Editorial Staff of the Publishers

UNDER THE DIRECTION OF

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The General Statutes of North Carolina 1966 Interim Supplement

Chapter 120. General Assembly.

ARTICLE 1.

Apportionment of Members; Compensation and Allowances.

§ 120-1. **Senators.**—For the purpose of nominating and electing members of the Senate in 1966 and every two years thereafter, senatorial districts are established and seats in the Senate are apportioned among those districts as follows:

District 1 shall consist of Bertie, Camden, Chowan, Currituck, Gates, Hertford, Northampton, Pasquotank, Perquimans, and Washington counties and shall elect two Senators.

District 2 shall consist of Beaufort, Dare, Hyde, Martin, and Tyrrell counties and shall elect one Senator.

District 3 shall consist of Carteret, Craven, and Pamlico counties and shall elect one Senator.

District 4 shall consist of Edgecombe, Halifax, Pitt, and Warren counties and shall elect two Senators.

District 5 shall consist of Greene, Jones, and Lenoir counties and shall elect one Senator.

District 6 shall consist of Onslow County and shall elect one Senator.

District 7 shall consist of Franklin, Granville, and Vance counties and shall elect one Senator.

District 8 shall consist of Johnston, Nash, and Wilson counties and shall elect two Senators.

District 9 shall consist of Wayne County and shall elect one Senator.

District 10 shall consist of Duplin, New Hanover, Pender, and Sampson counties and shall elect two Senators.

District 11 shall consist of Durham, Orange and Person counties and shall elect two Senators.

District 12 shall consist of Wake County and shall elect two Senators.

District 13 shall consist of Chatham, Harnett, and Lee counties and shall elect one Senator.

District 14 shall consist of Cumberland and Hoke counties and shall elect two Senators.

District 15 shall consist of Bladen, Brunswick, and Columbus counties and shall elect one Senator.

District 16 shall consist of Caswell and Rockingham counties and shall elect one Senator.

District 17 shall consist of Alamance County and shall elect one Senator.

District 18 shall consist of Guilford and Randolph counties and shall elect three Senators.

District 19 shall consist of Davidson, Montgomery, Moore, Richmond, and Scotland counties and shall elect two Senators.

District 20 shall consist of Robeson County and shall elect one Senator.

District 21 shall consist of Alleghany, Ashe, Stokes, and Surry counties and shall elect one Senator.

District 22 shall consist of Forsyth County and shall elect two Senators.

District 23 shall consist of Rowan County and shall elect one Senator.

District 24 shall consist of Anson, Cabarrus, Stanly, and Union counties and shall elect two Senators.

District 25 shall consist of Davie, Watauga, Wilkes, and Yadkin counties and shall elect one Senator.

District 26 shall consist of Alexander, Catawba, Iredell, and Lincoln counties and shall elect two Senators.

District 27 shall consist of Mecklenburg County and shall elect three Senators.

District 28 shall consist of Burke and Caldwell counties and shall elect one Senator.

District 29 shall consist of Cleveland and Gaston counties and shall elect two Senators.

District 30 shall consist of Avery, McDowell, and Rutherford counties and shall elect one Senator.

District 31 shall consist of Buncombe, Madison, Mitchell, and Yancey counties and shall elect two Senators.

District 32 shall consist of Haywood, Henderson, and Polk counties and shall elect one Senator.

District 33 shall consist of Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties and shall elect one Senator. (Code, s. 2844; Rev., s. 4398; 1911, c. 150; C. S., s. 6087; 1921, c. 161; 1941, c. 225; 1963, Ex. Sess., c. 1; 1966, Ex. Sess., c. 1, s. 1.)

Editor's Note.—

The 1966 amendment rewrote this section. Section 3 of the 1966 act provides that § 120-1 as it read immediately prior to the ratification of the 1966 act shall remain

in force until November 7, 1966, for the sole purpose of governing the filling of vacancies in the membership of the General Assembly elected in 1964.

§ 120-2. House of Representatives.—For the purpose of nominating and electing members of the House of Representatives in 1966 and every two years thereafter, representative districts are established and seats in the House of Representatives are apportioned among those districts as follows, which representative districts shall be numbered from 1 through 49, consecutively:

District 1 shall consist of Camden, Chowan, Currituck, Gates, Pasquotank, and Perquimans counties and shall elect two Representatives.

District 2 shall consist of Beaufort, Dare, Hyde, Tyrrell, and Washington counties and shall elect two Representatives.

District 3 shall consist of Carteret, Craven, and Pamlico counties and shall elect three Representatives.

District 4 shall consist of Onslow and Pender counties and shall elect three Representatives.

District 5 shall consist of New Hanover County and shall elect two Representatives.

District 6 shall consist of Bertie, Hertford, and Northampton counties and shall elect two Representatives.

District 7 shall consist of Halifax and Martin counties and shall elect two Representatives.

District 8 shall consist of Pitt County and shall elect two Representatives.

District 9 shall consist of Greene, Jones, and Lenoir counties and shall elect two Representatives.

District 10 shall consist of Wayne County and shall elect two Representatives.

District 11 shall consist of Duplin County and shall elect one Representative.

District 12 shall consist of Bladen and Sampson counties and shall elect two Representatives.

District 13 shall consist of Brunswick and Columbus counties and shall elect two Representatives.

District 14 shall consist of Edgecombe and Nash counties and shall elect three Representatives.

District 15 shall consist of Johnston and Wilson counties and shall elect three Representatives.

District 16 shall consist of Franklin, Vance, and Warren counties and shall elect two Representatives.

District 17 shall consist of Caswell, Granville, and Person counties and shall elect two Representatives.

District 18 shall consist of Durham County and shall elect three Representatives.

District 19 shall consist of Wake County and shall elect four Representatives.

District 20 shall consist of Chatham and Orange counties and shall elect two Representatives.

District 21 shall consist of Alamance County and shall elect two Representatives.

District 22 shall consist of Harnett and Lee counties and shall elect two Representatives.

District 23 shall consist of Cumberland County and shall elect four Representatives.

District 24 shall consist of Hoke, Robeson, and Scotland counties and shall elect four Representatives.

District 25 shall consist of Rockingham County and shall elect two Representatives.

District 26 shall consist of Guilford County and shall elect six Representatives.

District 27 shall consist of Montgomery and Randolph counties and shall elect two Representatives.

District 28 shall consist of Moore County and shall elect one Representative.

District 29 shall consist of Richmond County and shall elect one Representative.

District 30 shall consist of Forsyth County and shall elect five Representatives.

District 31 shall consist of Davidson County and shall elect two Representatives.

District 32 shall consist of Stanly County and shall elect one Representative.

District 33 shall consist of Anson and Union counties and shall elect two Representatives.

District 34 shall consist of Rowan County and shall elect two Representatives.

District 35 shall consist of Cabarrus County and shall elect two Representatives.

District 36 shall consist of Mecklenburg County and shall elect seven Representatives.

District 37 shall consist of Alleghany, Ashe, Stokes, and Surry counties and shall elect three Representatives.

District 38 shall consist of Wilkes and Yadkin counties and shall elect two Representatives.

District 39 shall consist of Davie and Iredell counties and shall elect two Representatives.

District 40 shall consist of Catawba County and shall elect two Representatives.

District 41 shall consist of Gaston and Lincoln counties and shall elect four Representatives.

District 42 shall consist of Alexander, Burke, and Caldwell counties and shall elect three Representatives.

District 43 shall consist of Cleveland, Polk, and Rutherford counties and shall elect three Representatives.

District 44 shall consist of Avery, Mitchell, and Watauga counties and shall elect one Representative.

District 45 shall consist of Buncombe and McDowell counties and shall elect four Representatives.

District 46 shall consist of Henderson County and shall elect one Representative.

District 47 shall consist of Haywood, Madison, and Yancey counties and shall elect two Representatives.

District 48 shall consist of Jackson, Swain, and Transylvania counties and shall elect one Representative.

District 49 shall consist of Cherokee, Clay, Graham, and Macon counties and shall elect one Representative. (Code, s. 2845; Rev., s. 4399; 1911, c. 151; C. S., s. 6088; 1921, c. 144; 1941, c. 112; 1961, c. 265; 1966, Ex. Sess., c. 5, s. 1.)

Editor's Note.—

The 1966 amendment rewrote this section. Section 17 of the amendatory act provides that "G.S. 120-2 as that section read immediately prior to the ratification of this act shall remain in force until November 7, 1966, for the sole purpose of governing the filling of vacancies occurring in the membership of the General Assembly elected in 1964."

Session Laws 1966, Ex. Sess., c. 6, provides that in the event the United States Constitution is amended to permit representation in one house of bicameral state legislatures on some basis other than population, the membership of the North Carolina House of Representatives shall be reestablished as provided in § 120-2 as the same appears in the 1964 Replacement Volume 3B of the General Statutes.

Chapter 153.

Counties and County Commissioners.

Article 2.

County Commissioners.

Sec.

- 153-5.1. Reapportionment of board—finding of denial of equal representation.
- 153-5.2. Reapportionment of board—action which board may take by resolution.
- 153-5.3. Reapportionment of board — requirements for redefined election or residence areas.

Sec.

- 153-5.4. Reapportionment of board—unexpired terms.
- 153-5.5. Reapportionment of board—effective date of resolution.
- 153-5.6. Reapportionment of board—filing copies of resolution.
- 153-5.7. Reapportionment of board—effect on other laws.
- 153-5.8. Reapportionment of board—not applicable to Cherokee County.

ARTICLE 2.

County Commissioners.

§ 153-5.1. Reapportionment of board — finding of denial of equal representation.—The board of commissioners of any county in which by law

- (1) Any member of the board is nominated or elected by the voters of an area less than the whole county, or
- (2) Residence in any area less than the whole county is a condition of eligibility for candidacy for a seat on the board

is hereby authorized to find as a fact whether any citizens of the county are denied equal representation on the board because of the degree of differences in population of such election or residence areas. (1966, Ex. Sess., c. 2, s. 1.)

§ 153-5.2. Reapportionment of board—action which board may take by resolution.—Upon a finding of denial of equal representation as provided above, the board of county commissioners may by resolution:

- (1) Redefine the election or residence areas within the county and, if necessary, reapportion commissioners among the areas so defined, or
- (2) Provide that all persons otherwise qualified shall be eligible for candidacy for a seat on the board without restriction as to place of residence within the county, and that all such candidates shall be nominated and elected by the voters of the county as a whole. (1966, Ex. Sess., c. 2, s. 2.)

§ 153-5.3. **Reapportionment of board—requirements for redefined election or residence areas.**—Redefined election or residence areas shall be so composed that the ratios obtained by dividing the population of each area by the number of commissioners apportioned to that area are as nearly equal as practicable, taking into account contiguity and compactness of territory of the respective areas. Area boundaries should follow township lines and the corporate limits of municipalities wherever practicable. (1966, Ex. Sess., c. 2, s. 3.)

§ 153-5.4. **Reapportionment of board—unexpired terms.**—The unexpired term of office of any commissioner duly elected or appointed prior to the effective date of a resolution adopted pursuant to §§ 153-5.1 to 153-5.8 shall not be affected by any change in the boundaries of the area in which he resides. If the terms of office of all members of the board do not expire at the same time, the board of commissioners shall set forth in the resolution the expiring terms to be filled. (1966, Ex. Sess., c. 2, s. 4.)

§ 153-5.5. **Reapportionment of board—effective date of resolution.**—The effective date of a resolution adopted pursuant to §§ 153-5.1 to 153-5.8 shall be the date of its adoption; provided, however, that in order to assure an orderly election procedure, any such resolution adopted within the period of time beginning 60 days before a primary election, and ending 60 days after a general election, for the office of county commissioner, shall become effective upon the day next following the end of such period. (1966, Ex. Sess., c. 2, s. 5.)

§ 153-5.6. **Reapportionment of board—filing copies of resolution.**—Certified copies of any such resolution, as the same shall appear in the minutes of the board, shall, not later than 10 days following the effective date thereof, be filed in the office of the Secretary of State, the office of register of deeds of the county, and with the chairman of the county board of elections. (1966, Ex. Sess., c. 2, s. 6.)

§ 153-5.7. **Reapportionment of board—effect on other laws.**—Sections 153-5.1 to 153-5.6 shall not repeal the provisions of any law relating to the composition, nomination or election of county commissioners, except as such provisions are superseded by a resolution adopted, recorded and filed pursuant to §§ 153-5.1 to 153-5.6. (1966, Ex. Sess., c. 2, s. 8.)

§ 153-5.8. **Reapportionment of board—not applicable to Cherokee County.**—The provisions of §§ 153-5.1 to 153-5.7 shall not apply to Cherokee County. (1966, Ex. Sess., c. 2, s. 9½.)

Chapter 163.

Elections and Election Laws.

SUBCHAPTER I. GENERAL ELECTIONS.

Article 14.

Counting of Ballots; Precinct Returns; Canvass of Votes and Preparation of Abstracts; Certification of Results by County Board of Elections.

Sec.

163-92. Chairman of county board of elections to furnish certificate of election.

SUBCHAPTER I. GENERAL ELECTIONS.

ARTICLE 4.

County Board of Elections.

§ 163-14. Duties of county boards of elections.

(13) To issue certificates of election to county officers and members of the General Assembly, except those elected in districts composed of more than one county.

(1966, Ex. Sess., c. 5, s. 2.)

Editor's Note.—

The 1966 amendment substituted "those elected" for "State Senators" in subdivision (13). As the rest of the section was not affected by the amendment, it is not set out.

ARTICLE 14.

Counting of Ballots; Precinct Returns; Canvass of Votes and Preparation of Abstracts; Certification of Results by County Board of Elections.

§ 163-89. Duplicate abstracts to be sent to State Board of Elections; penalty for failure to comply.—When the county boards of elections shall have completed the original abstracts, they shall also prepare separate duplicate abstracts for all offices for which the State Board of Elections is required to canvass the votes and declare the results, which shall include the following: For President and Vice-President; for State officers and United States Senator; for Representatives to Congress; for solicitors; for State Senators in senatorial districts composed of more than one county; for members of the State House of Representatives in representative districts composed of more than one county; and for amendments and propositions submitted.

When said duplicate abstracts shall have been prepared, the county board of elections shall sign an affidavit on each abstract that they are true and correct; then the chairman of said board shall mail said duplicate abstracts, within five days after the primary or election is held, to the chairman of the State Board of Elections at Raleigh, so that said abstracts shall be received by the chairman of the State Board of Elections within one week after the primary or election.

The chairman of the county board of elections, failing or neglecting to transmit said abstracts to the chairman of the State Board of Elections within the time above prescribed shall be guilty of a misdemeanor and subject to a fine of one thousand dollars: Provided, that the penalty herein prescribed shall not apply where said

aforesaid officer was prevented from performing the duties herein prescribed because of sickness or other unavoidable delay, but the burden of proof shall be on such officer to show that his failure to perform his said duties was due to sickness or unavoidable delay. (1933, c. 165, s. 8; 1966, Ex. Sess., c. 5, s. 3.)

Editor's Note. — The 1966 amendment added "for members of the State House of Representatives in representative districts composed of more than one county" near the end of the first paragraph.

§ 163-91. Who declared elected by county board; proclamation of result.—In the general election, the person having the greatest number of legal votes for a county or township 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. But, if two or more county candidates, having the greatest number of votes, shall have an equal number the county board of elections shall determine which shall be elected. Provided that a write-in candidate must receive as many as 5% of the votes cast for candidates for Congress in the township or county or other jurisdiction in which said write-in candidates is running as a prerequisite to his being elected.

When the county board of elections shall have completed the canvass, they shall judicially determine the result of the election in their county for all persons voted for, and proclaim the same at the courthouse door with the number of votes cast for each. (1933, c. 165, s. 8; 1957, c. 1263; 1966, Ex. Sess., c. 5, s. 4.)

Editor's Note.—

The 1966 amendment rewrote the first sentence.

§ 163-92. Chairman of county board of elections to furnish certificate of election.—The chairman of the county board of elections of each county shall furnish, within ten days, the person or persons elected to membership in the General Assembly in representative and senatorial districts composed of only one county, and the county officers, a certificate of election under his hand and seal. He shall also immediately notify all persons elected to the county offices to meet at the courthouse on the first Monday in the ensuing December to be qualified. The chairman of the county board of elections shall also issue a certificate of election to each township officer elected to office within the county: Provided, that where an election contest is properly pending before a county board of elections or on appeal from a county board to the State Board of Elections, either after a primary or a general election, the said county board of elections shall not certify the results of the primary or election for the office in controversy until the contest has been finally decided by the county or State Board of Elections, or until at least five days after the results of the election have been officially certified and public notice given of the results and no contest or appeals have been filed with the county board of elections contesting the official declared results. (1933, c. 165, s. 8; 1947, c. 505, s. 4; 1955, c. 871, s. 5; 1959, c. 1203, s. 3; 1966, Ex. Sess., c. 5, s. 5.)

Editor's Note.—

The 1966 amendment rewrote the first sentence.

ARTICLE 15.

Canvass of Returns for Higher Offices and Preparation of State Abstracts.

§ 163-93. State Board of Elections to canvass returns for higher offices.—The State Board of Elections shall constitute the legal canvassing board for the State of all national, State and district offices, including the offices of State Senator and member of the State House of Representatives in those senatorial and representative districts consisting of more than one county. No member of the State Board of Elections shall take part in canvassing the votes for any office

for which he himself is a candidate. (1933, c. 165, s. 9; 1966, Ex. Sess., c. 5, s. 6.)

Editor's Note. — The 1966 amendment rewrote that portion of the first sentence which follows the words "State Senator."

§ 163-96. Board to prepare abstracts and declare results of elections.—The State Board of Elections, at the conclusion of its canvass of the general election, shall cause to be prepared the following abstracts:

- (1) Upon a single sheet an abstract of votes for President and Vice-President of the United States when an election is held for same.
- (2) Upon another sheet an abstract of votes for Governor and all State officers, justices of the Supreme Court, judges of the superior court, and United States Senators.
- (3) Upon another sheet an abstract of votes for Representatives to Congress for the several congressional districts in the State.
- (4) Upon another sheet an abstract of votes for solicitor in the several judicial districts in the State.
- (5) Upon another sheet an abstract of votes for State Senators in the several senatorial districts in the State, where such districts are composed of more than one county.
- (6) Upon another sheet an abstract of votes for members of the State House of Representatives in the several representative districts in the State, where such districts are composed of more than one county.
- (7) Upon another sheet an abstract of votes for and against any constitutional amendments or propositions submitted to the people.

These abstracts so prepared by said Board shall state the number of legal ballots cast for each candidate, the names of all persons voted for, for what office they respectively receive the votes, the number of votes each receive, and whom said Board shall ascertain and judicially determine and declare by the count to be elected to the office. These abstracts shall be signed by the State Board of Elections in their official capacity and have the great seal of the State affixed thereto. (1933, c. 165, s. 9; 1966, Ex. Sess., c. 5, s. 7.)

Editor's Note. — The 1966 amendment added present subdivision (6).

ARTICLE 16.

State Officers, Senators and Congressmen.

§ 163-103. Congressional districts specified.—For the purpose of nominating and electing members of the House of Representatives of the United States Congress in 1966 and every two years thereafter, there are established the following congressional districts, from each of which one representative shall be elected:

District 1 shall consist of Beaufort, Bertie, Camden, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, Jones, Martin, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington counties.

District 2 shall consist of Edgecombe, Franklin, Granville, Greene, Halifax, Johnston, Lenoir, Vance, Warren, and Wilson counties.

District 3 shall consist of Carteret, Duplin, Harnett, Lee, Onslow, Pender, Sampson, and Wayne counties.

District 4 shall consist of Chatham, Montgomery, Moore, Nash, Orange, Randolph, and Wake counties.

District 5 shall consist of Caswell, Durham, Forsyth, Person, Rockingham, and Stokes counties.

District 6 shall consist of Alamance, Davidson, and Guilford counties.

District 7 shall consist of Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Robeson and Scotland counties.

District 8 shall consist of Anson, Lincoln, Mecklenburg, Richmond, and Union counties.

District 9 shall consist of Alleghany, Ashe, Cabarrus, Caldwell, Davie, Rowan, Stanly, Surry, Watauga, Wilkes, and Yadkin counties.

District 10 shall consist of Alexander, Avery, Burke, Catawba, Cleveland, Gaston, and Iredell counties.

District 11 shall consist of Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey counties. (Rev., s. 4366; 1911, c. 97; C. S., s. 6004; 1931, c. 216; 1941, c. 3; 1961, c. 864; 1966, Ex. Sess., c. 7, s. 1.)

Editor's Note.—

The 1966 amendment, effective February 15, 1966, rewrote this section. Section 3 of the amendatory act provides that "G. S. 163-103 as that section read immediately

prior to the ratification of this act shall remain in force until November 7, 1966, for the sole purpose of governing the filling of any vacancy occurring in the term of office which ends in January 1967."

SUBCHAPTER II. PRIMARY ELECTIONS.

ARTICLE 19.

Primary Elections.

§ 163-124. Notices filed by candidates to be certified; printing and distribution of ballots.—When the time for filing notices by candidates for nomination shall have expired, the chairman of the State Board of Elections shall within three days thereafter certify the facts as to such notices as have been filed with it to the Secretary of State; and in the representative districts composed of more than one county and in the senatorial districts composed of more than one county where there is no agreement as provided for in § 163-113, the chairman or secretary of the county board of elections of each county in such representative or senatorial district shall, within three days after the time for filing such notice shall have expired, certify to every other chairman of the county board of elections in such representative or senatorial district the names of all candidates who have filed notice of candidacy in their respective counties for the office of member of the State House of Representatives or for the office of State Senator; and said chairman, acting under the direction of the State Board of Elections and under such rules and regulations as may be prescribed by it, shall, without delay, at the expense of the State, cause a sufficient number of official ballots to be printed for each political party having candidates to be voted for in the primary and distributed to the chairman of the county boards of elections in the several counties, upon which ballot shall appear the names of candidates who shall, under the provisions of this article, have filed notice of their candidacy and otherwise complied with the requirements of this article, except candidates for offices ballots for which are herein provided to be printed by the several county boards of elections, so that such ballots shall be received by the respective county boards of elections at least thirty days before the date of holding such primaries. The expense of printing and distributing such official ballots shall be paid by the State Treasurer out of funds appropriated to the State Board of Elections, in accordance with the Executive Budget Act. Said ballots so printed by the State Board of Elections shall be for each of the several political parties in the State, as hereinafter defined and described, and the names of the respective parties and the candidates shall be printed on the ballots prepared for the respective parties with which the candidates affiliate, and upon the ballots the office for which each aspirant is a candidate shall be indicated. Three days before the primary election the chairmen of the county boards of elections shall distribute the official ballots

to the several registrars in their respective counties, and take a receipt therefor, and the registrars shall have them at the several polling places for the use of the electors at the time of holding the primary. Any election or other officer who shall accept appointment and who shall, without previously resigning, fail to perform in good faith the duties prescribed in this article, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court. (1915, c. 101, s. 8; 1917, c. 218; C. S., s. 6028; 1927, c. 260, s. 22; 1966, Ex. Sess., c. 5, s. 8.)

Editor's Note.—

The 1966 amendment included in the first sentence the references to representa-

tive districts composed of more than one county and the office of member of the State House of Representatives.

§ 163-128. Names to be printed on official ballot; where only one candidate.—Only those who have filed notice of their candidacy and who shall have complied with the requirements of law applicable to candidates before primaries with respect to such primary elections shall have their names printed on the official ballot of their respective political parties. In all cases where only one aspirant for nomination for a particular political office to be voted for by his political party on the State or district ballot or, for the State Senate or House of Representatives in districts composed of two or more counties shall have filed such notice, the Board of Elections of the State shall, upon the expiration of the time for filing such notices, declare him the nominee of his party, and his name shall not therefore be placed on the primary ballot, but shall be placed on the ballot to be voted at the general election as his party's candidate for such office. (1915, c. 101, s. 13; 1917, c. 218; C. S., s. 6033; 1966, Ex. Sess., c. 5, s. 9.)

Editor's Note. — The 1966 amendment inserted "or House of Representatives."

§ 163-132. Primary ballots; provisions as to names of candidates printed thereon.—It shall be the duty of the State Board of Elections to print and furnish to the counties for primary elections a sufficient number of official ballots for each political party having candidates to be voted for in the primary within the time prescribed for in § 163-124, which official ballots shall have printed thereon the names of candidates for the United States Senate, for the national House of Representatives, and for Governor and for all other State offices, with the exception of the office of solicitor and judge of the superior court. All of these candidates, ballots for which are required to be furnished by the State, may be printed on one form of ballot or they may be printed on a number of forms of ballots as may be decided by the State Board of Elections.

It shall be the duty of the county board of elections to print and furnish to the voting precincts in the county for primary elections a sufficient number of official ballots for each political party having candidates to be voted for in the primary within the time prescribed in § 163-124, which official ballot shall have printed thereon the names of candidates for the following offices in the order in which they are named and shall be known as the "official primary ballot for judge superior court, solicitor, State Senator, State Representative and county and township offices" when candidates for all of said offices are participating in the primary within the county. Whenever there is no contest for any of the aforesaid offices, then such names will not appear on the county ballot. The county board of elections may print the township ballot separate from the county ballot if it should so desire.

The ballots to be printed by the counties shall be of such width, color, form and printed in such type and on such paper as the State Board of Elections may direct.

It shall be the duty of the chairman of the State Board of Elections to certify to the chairman of the county board of elections in each county, by the fourth Saturday before each primary election, the names of such candidates for the nomination for judge of the superior court and solicitor as have filed the required notice and

pledge and filing fee with the State Board of Elections and entitled to have their names placed on the official county ballot, and it shall be the duty of each county chairman to acknowledge receipt within two days after the receipt of the letter of certification to the chairman of the State Board of Elections so that the State chairman will know that each candidate's name has been properly certified and received. (1915, c. 101, s. 17; 1917, c. 218; C. S., s. 6037; 1933, c. 165, s. 16; 1966, Ex. Sess., c. 5, s. 10.)

Editor's Note. — The 1966 amendment inserted "State Representative" in the second paragraph.

§ 163-134. Sole candidate declared nominee.—In all cases where only one aspirant for nomination by the party with which he affiliates for the State Senate or House of Representatives in a senatorial or representative district composed of only one county, or for a county office, shall have filed the notice of candidacy in this article required, the county board of elections shall, upon the expiration of the time fixed for filing such notice, declare him the nominee of his party, and his name shall therefore not be placed on the primary ballot, but shall be placed upon the ballot to be voted at the general election as his party's candidate for such office. (1915, c. 101, s. 19; 1917, c. 218; C. S., s. 6039; 1966, Ex. Sess., c. 5, s. 11.)

Editor's Note. — The 1966 amendment substituted "or House of Representatives in a senatorial or representative district composed of only one county" for "in dis-

tricts composed of only one county or for the House of Representatives of the General Assembly" near the beginning of the section.

§ 163-137. County board tabulates results of primaries; returns in duplicate.—The county boards of elections of the several counties shall tabulate the returns made by the judges and registrars of the several precincts in their respective counties with reference to candidates in the primaries, so as to show the total number of votes cast for each candidate of each political party for each office, and, when thus compiled on blanks to be prepared and furnished by the State Board of Elections for the purpose, these returns, in the case of officers other than members of the State House of Representatives and State Senate in representative and senatorial districts composed of only one county, and county officers, shall be made out for each county in duplicate, and one copy shall be forwarded to the State Board of Elections and one copy shall be filed with the clerk of the superior court of the county from which such returns are made; in the case of a State Representative or State Senator in a representative or senatorial district composed of only one county, and county officers, such returns shall be made out in duplicate, and one copy thereof filed with the clerk of the superior court and one copy retained by the county board of elections, which shall forthwith, as to such last mentioned offices, publish and declare the results. (1915, c. 101, s. 21½; 1917, c. 218; C. S., s. 6042; 1966, Ex. Sess., c. 5, s. 12.)

Editor's Note. — Prior to the 1966 amendment the section contained no references to representative districts.

§ 163-140. When results determined by plurality or majority; second primaries.—In the case of all officers mentioned in this article, nominations shall be determined by a majority of the votes cast.

If in the case of an office no aspirant shall receive a majority of the votes cast, a second primary, subject to the conditions hereinafter set out, shall be held in which only the two aspirants who shall have received the highest and next highest number of votes shall be voted for: Provided, that if either of such two shall withdraw and decline to run, and shall file notice to the effect with the appropriate board of elections, such board shall declare the other aspirant nominated: Provided further, that unless the aspirant for a county, township, or single-county legislative district

office who receives the second highest number of votes shall, by twelve o'clock noon on the fifth day after the result of the first primary election shall have been officially declared, and such aspirant has been notified by the chairman or secretary of the appropriate county board of elections, file in writing with the appropriate county board of elections a request that a second primary be called and held, the aspirant receiving the highest number of votes cast shall be declared nominated by the county board of elections; or unless the aspirant for a legislative office in a multi-county senatorial or representative district, or for a district or State office required by law to file with the State Board of Elections, who receives the second highest number of votes shall, by twelve o'clock noon on the third day after the result of the first primary election shall have been officially declared, and such aspirant has been notified by the chairman or secretary of the State Board of Elections, file in writing or by telegram with the State Board of Elections a request that a second primary be called and held, the aspirant receiving the highest number of votes cast shall be declared nominated by the State Board of Elections.

If a second primary be ordered by the State or a county board of elections, it shall be held four weeks after the first primary, in which case such second primary shall be held under the same laws, rules, and regulations as are provided for the first primary, except that there shall be no further registration of voters other than such as may have become legally qualified after the first primary election, and such persons may register on the day of the second primary, and shall be entitled to vote therein under the provisions of this article. If a nominee for a single office is to be selected, with more than one candidate, then the majority within the meaning of this section shall be ascertained by dividing the total vote cast for all candidates by two, and any excess of the sum so ascertained shall be a majority within the meaning of this section.

If nominees for two or more offices (constituting a group) are to be selected, and there are more candidates for nomination than there are such offices, then the majority within the meaning of this section shall be ascertained by dividing the total vote cast for all of such candidates by the number of positions to be filled, and then dividing the result by two. Any excess of the sum so ascertained, shall be the majority within the meaning of this section. If in ascertaining the result in this way, it appears that more candidates have obtained this majority than there are positions to be filled, then those having the highest vote, if beyond the majority just defined, shall be declared the nominees for the positions to be filled. Where candidates for all the offices within such group do not receive a majority as defined and set out in this section, those candidates equal in number to the positions to be filled and having the highest number of votes shall be declared nominated unless a second primary shall be demanded, which may be done by any one or all of the candidates equal in number to the positions remaining to be filled and having the second highest number of votes. When any one or all of such candidates in the group receiving the second highest number of votes demand a second primary, such second primary shall be held and the names of all those candidates in the group receiving the highest number of votes and all those in the group receiving the second highest number of votes and demanding a second primary shall be put on the ballot for such primary. In no case shall there be a third primary, but the candidates receiving the highest number of votes in the second primary shall be nominated.

In the event of a tie vote between two candidates for party nomination for a county, township, or single-county legislative district office in the first primary, a recount of the votes for both candidates shall be made by the county board of elections in the county in which the two candidates were voted for, and the results of said recount shall be declared by the county board of elections. If such recount should still result in a tie vote, then a second primary shall be had on the date prescribed for holding second primaries between the two candidates having an equal vote, unless one of the two candidates should withdraw and file a written notice of withdrawal within three days thereafter with the proper board of elections

with which the candidate filed his notice of candidacy. In the event of a tie vote in a primary election between two candidates for any State office, or for United States Senator, or for any district office (including State Senator and Representative in a multi-county senatorial or representative district), no recount shall be held by reason of the tie, but the two candidates having a tie vote shall be entered in a second primary to be held on the prescribed date for second primaries, unless one of the two candidates files a notice of withdrawal with the State Board of Elections within three days after the results of the first primary have been officially declared and published. If in any second primary there is a tie vote between any two candidates, no third primary shall be held, but the proper party executive committee shall select the party nominee for such office in accordance with the provisions of G. S. 163-145.

In the event of a tie vote between more than two candidates, all of whom received the same highest vote for party nomination, no recount shall be held, but all of such candidates shall run in a second primary and the one who receives the highest vote in the second primary shall be the nominee.

In the event one candidate receives the highest number of votes cast, but short of a majority, and two or more other candidates receive the second highest number of votes cast in an equal number, then unless all but one of the tied candidates receiving the second highest number of votes withdraw in writing within three days after the official declaration of the results of the primary, the proper board of elections shall declare the candidate having the highest vote as the party nominee. If all but one of the candidates receiving the second highest vote withdraw in writing within the three-day period herein prescribed, and such remaining candidate demands in writing a second primary, then a second primary shall be held between the candidates receiving the highest vote and the remaining candidate who received the second highest vote. (1915, c. 101, s. 24; 1917, c. 179, s. 2; c. 218; C. S., s. 6045; 1927, c. 260, s. 23; 1931, c. 254, s. 17; 1959, c. 1055; 1961, c. 383; 1966, Ex. Sess., c. 5, s. 13.)

Editor's Note.—

The 1966 amendment substituted "a county, township, or single-county legislative district office" for "any legislative, county or township office" near the beginning of the second proviso in the second paragraph, added "for a legislative office in a multi-county senatorial or representative district" near the middle of such proviso, substituted "county, town-

ship, or single-county legislative district office" for "legislative, county or township office" in the first sentence of the fifth paragraph, eliminated "district or" preceding "State office" near the beginning of the third sentence of the fifth paragraph and added "or for any district office (including State Senator and Representative in a multi-county senatorial or representative district)" in such sentence.

§ 163-145. Filling vacancies among candidates.—In the event that any person nominated in any primary election, or a person who has been declared nominated without opposition after the time for filing notice of candidacy has expired, as the candidate of a political party for a State office, including the office of United States Senator, shall die, resign or for any reason become ineligible or disqualified before the date of the ensuing general election, the vacancy in the nomination caused thereby shall be filled by the action of the State executive committee of such political party in which the vacancy occurred; in the event of such a vacancy in the nomination of a candidate for a district office, including the offices of Representative in the Congress of the United States, judge of the superior court, solicitor, or State Senator or Representative in a senatorial or representative district composed of more than one county, the same shall be filled by the action of the appropriate executive committee for such district of such political party in which the vacancy occurred; and in the event of such vacancy in the nomination of a candidate 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, and including the county entitled to furnish the Senator under a rotation

agreement as provided for in § 163-113, the same shall be filled by the action of the executive committee of the party affected thereby in the county wherein such vacancy occurred; provided that where the general election ballots have already been printed before the vacancy occurs then § 163-153 shall apply. Provided that except in case of the death of a candidate who is required by law to file his notice of candidacy with a county board of elections, no substitution of candidate may be made after the primary or convention except by order of the county board of elections for good cause shown.

In the event that any vacancy in any elective office, except a county office other than the office of clerk of superior court, should occur at any time within ten days prior to the closing of the filing time as now prescribed by law for the office in which such vacancy occurs, or after such closing of the filing time and thirty days prior to the next general election, a nomination shall be made by the proper executive committee of all political parties as above provided, and the names of the party candidates so nominated shall be printed on the official general election ballots, provided that where the general election ballots have already been printed before the vacancy occurs, then the provisions of § 163-153 shall apply; and in the event of any such vacancy arising in any elective office more than ten days prior to the closing of the filing time, as now prescribed by law, for candidates to file for the office affected, nominations of party candidates for such office shall be made in the ensuing primary election, and all candidates for said office shall file their notices of candidacy with the proper board of elections as is provided for in §§ 163-119 and 163-120; provided that in all special elections held for congressmen the provisions of § 163-105 shall apply.

In the event of a vacancy in the office of a clerk of a superior court within thirty days prior to a general election, then the nomination of a party candidate shall be made by the county executive committee. (1915, c. 101, s. 33; 1917, c. 179, s. 3; c. 218; C. S., s. 6053; 1923, c. 111, s. 16; 1955, c. 574; 1957, c. 1242; 1966, Ex. Sess., c. 5, s. 14.)

Editor's Note.—

The 1966 amendment substituted "State Senator or Representative in a senatorial or representative district" for "State Senator in a senatorial district" in the first sentence and also substituted "for member-

ship in one of the houses of the General Assembly in a representative or senatorial district" for "the State House of Representatives, or the State Senate in a district" in such sentence.

SUBCHAPTER III. GENERAL ELECTION LAWS.

ARTICLE 21.

Corrupt Practices Act of 1931.

§ 163-193. Statements under oath of pre-primary expenses of candidates; report after primary.—It shall be the duty of every person who shall be a candidate for nomination in any primary for any federal, State or district office, or for the State Senate in a district composed of more than one county, except where there shall be agreement for rotation as provided in § 163-113, to file, under oath, ten days before such primary, with the Secretary of State, an itemized statement of all expenditures made by him or which he knows to have been made by anyone for him, and of all contributions made to him, directly or indirectly and also to file, under oath, within twenty days after such primary, with the Secretary of State, an itemized statement of all expenditures made by him or which he knows to have been made by anyone else for him, and also of all contributions made to him, directly or indirectly, by any person, with detailed account of such contributions and expenditure as set out in § 163-194. And it shall be the duty of every person who shall be a candidate for nomination for the State Senate, except those to whom the preceding sentence applies, for the House of Representatives,

and for any county office, to file a like statement with the clerk of the superior court of the county of his residence at the times hereinbefore prescribed for filing such statements by candidates for federal, State and district officers as set out in the preceding sentence: Provided, however, that candidates for the House of Representatives in multi-county representative districts shall file copies of the said statement with the clerk of superior court of each county in the representative district. It shall be the duty of each chairman of a county board of elections to send a written notice to each candidate in a primary election who filed a notice of candidacy with said chairman, and who had one or more candidates to run against the candidate in the primary, of this requirement to file his or her primary campaign statement of expenses with the clerk of the superior court both before and after the primary. Such notice shall not be required where an unopposed candidate did not have to run in the primary and was nominated without party opposition. (1931, c. 348, s. 6; 1959, c. 1203, s. 10; 1966, Ex. Sess., c. 5, s. 15.)

Editor's Note.—

The 1966 amendment added the proviso at the end of the second sentence.

VIII. Comparative Tables

(3) TABLE OF LAWS CODIFIED SUBSEQUENT TO 1919

SESSION LAWS	OF 1966, EX. SESS.	Ch.	Sec.	General Statutes	
Ch. 1	Sec. 1	120-1	5	9	163-128
1	3	120-1 note	5	10	163-132
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5	7	163-96	7	1	163-103
5	8	163-124	7	3	163-103 note

IX. Table of Sections Amended or Repealed (BY 1966 SESSION LAWS)

Sec.	Sec
120-1. Amended by Session Laws 1966, Ex. Sess., c. 1, s. 1.	163-124. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 8.
120-2. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 1.	163-128. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 9.
163-14. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 2.	163-132. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 10.
163-89. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 3.	163-134. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 11.
163-91. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 4.	163-137. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 12.
163-92. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 5.	163-140. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 13.
163-93. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 6.	163-145. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 14.
163-96. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 7.	163-193. Amended by Session Laws 1966, Ex. Sess., c. 5, s. 15.
163-103. Amended by Session Laws 1966, Ex. Sess., c. 7, s. 1.	

STATE OF NORTH CAROLINA

DEPARTMENT OF JUSTICE

Raleigh, North Carolina

February 1, 1966

I, Thomas Wade Bruton, Attorney General of North Carolina, do hereby certify that the foregoing 1966 Interim Supplement to the General Statutes of North Carolina was prepared and published by The Michie Company under the supervision of the Division of Legislative Drafting and Codification of Statutes of the Department of Justice of the State of North Carolina.

THOMAS WADE BRUTON
Attorney General of North Carolina

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