

§ 163-41. Precinct chief judges and judges of election; appointment; terms of office; qualifications; vacancies; oaths of office.

OVERVIEW OF STATUTE

Section stipulates the procedure, duties, responsibilities, and terms of office for precinct chief judges and judges of election.

STATUTE

(a) **Appointment of Chief Judge and Judges.**—At the meeting required by G.S. [163-31](#) to be held on the Tuesday following the third Monday in August of the year in which they are appointed, the county [board](#) of elections shall appoint one [person](#) to act as chief judge and two other persons to act as judges of [election](#) for each precinct in the county. Their terms of [office](#) shall continue for two years from the specified date of appointment and until their successors are appointed and qualified, except that if a nonresident of the precinct is appointed as chief judge or judge for a precinct, that person’s term of [office](#) shall end if the [board](#) of elections appoints a qualified resident of the precinct of the same party to replace the nonresident chief judge or judge. It shall be their duty to conduct the primaries and elections within their respective precincts. Persons appointed to these offices must be registered voters and residents of the county in which the precinct is located, of good repute, and able to read and write. Not more than one judge in each precinct shall belong to the same [political party](#) as the chief judge.

(b) The term “precinct official” shall mean chief judges and judges appointed pursuant to this section, and all assistants appointed pursuant to G.S. [163-42](#), unless the context of a statute clearly indicates a more restrictive meaning.

No [person](#) shall be eligible to serve as a precinct official, as that term is defined above, who holds any elective [office](#) under the government of the [United States](#), or of the [State](#) of North Carolina or any political subdivision thereof.

No [person](#) shall be eligible to serve as a precinct official who is a [candidate](#) for nomination or [election](#).

No [person](#) shall be eligible to serve as a precinct official who holds any [office](#) in a [state](#), congressional district, county, or precinct [political party](#) or political organization, or who is a manager or [treasurer](#) for any [candidate](#) or [political party](#), provided however that the position of delegate to a [political party](#) convention shall not be considered an [office](#) for the purpose of this subsection.

(c) The chairman of each [political party](#) in the county where possible shall recommend two registered voters in each precinct who are otherwise qualified, are residents of the precinct, have good moral character, and are able to read and write, for appointment as chief judge in the precinct, and he shall also recommend where possible the same number of similarly qualified voters for appointment as judges of [election](#) in that precinct. If such recommendations are received by the county [board](#) of elections no later than the fifth [day](#) preceding the date on which appointments are to be [made](#), it must make precinct appointments from the names of those recommended. Provided that if only one name is submitted by the fifth [day](#) preceding the date on which appointments are to be [made](#), by a party for judge of [election](#) by the chairman of one of the two political parties in the county having the greatest numbers of registered voters in the [State](#), the county [board](#) of elections must appoint that [person](#).

If the recommendations of the party chairs for chief judge or judge in a precinct are insufficient, the county **board** of elections by unanimous vote of all of its members may name to serve as chief judge or judge in that precinct registered voters in that precinct who were not recommended by the party chairs. If, after diligently seeking to fill the positions with registered voters of the precinct, the county **board** still has an insufficient number of officials for the precinct, the county **board** by unanimous vote of all of its members may appoint to the positions registered voters in other precincts in the same county who meet the qualifications other than residence to be precinct officials in the precinct, provided that where possible the county **board** shall seek and adopt the recommendation of the county chairman of the **political party** affected. In making its appointments, the county **board** shall assure, wherever possible, that no precinct has a chief judge and judges all of whom are registered with the same party. In no instance shall the county **board** appoint nonresidents of the precinct to a majority of the three positions of chief judge and judge in a precinct.

(d) If, at any time other than on the **day** of a primary or **election**, a chief judge or judge of **election** shall be removed from **office**, or shall die or resign, or if for any other cause there be a vacancy in a precinct **election office**, the chairman of the county **board** of elections shall appoint another in his place, promptly notifying him of his appointment. If at all possible, the chairman of the county **board** of elections shall consult with the county chairman of the **political party** of the vacating official, and if the chairman of the county **political party** nominates a qualified voter of that precinct to fill the vacancy, the chairman of the county **board** of elections shall appoint that **person**. In filling such a vacancy, the chairman shall appoint a **person** who belongs to the same **political party** as that to which the vacating member belonged when appointed. If the chairman of the county **board** of elections did not appoint a **person** upon recommendation of the chairman of the party to fill such a vacancy, then the term of **office** of the **person** appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county **board** of elections under this Chapter, and any successor must be a **person** nominated by the chairman of the party of the vacating officer.

If any **person** appointed chief judge shall fail to be present at the **voting place** at the hour of opening the polls on primary or **election day**, or if a vacancy in that **office** shall occur on primary or **election day** for any reason whatever, the precinct judges of **election** shall appoint another to act as chief judge until such time as the chairman of the county **board** of elections shall appoint to fill the vacancy. If such appointment by the chairman of the county **board** of elections is not a **person** nominated by the county chairman of the **political party** of the vacating officer, then the term of **office** of the **person** appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county **board** of elections under this Chapter. If a judge of **election** shall fail to be present at the **voting place** at the hour of opening the polls on primary or **election day**, or if a vacancy in that **office** shall occur on primary or **election day** for any reason whatever, the chief judge shall appoint another to act as judge until such time as the chairman of the county **board** of elections shall appoint to fill the vacancy. Persons appointed to fill vacancies shall, whenever possible, be chosen from the same **political party** as the **person** whose vacancy is being filled, and all such appointees shall be sworn before acting.

(e) As soon as practicable, following their training as prescribed in G.S. [163-82.24](#), each chief judge and judge of **election** shall take and subscribe the following oath of **office** to be administered by an officer authorized to administer oaths and file it with the county **board** of elections:

“I,, do solemnly swear (or affirm) that I will support the Constitution of the **United States**; that I will be faithful and bear true allegiance to the **State** of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said **State** not inconsistent with the Constitution of the **United States**; that I will administer the duties of my **office** as chief judge of (judge of **election** in) precinct, County, without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular **candidate** or proposition; and that I will not keep or make any memorandum of anything occurring within a **voting booth**, unless I am called upon to testify in a judicial proceeding for a violation of the **election** laws of this **State**; so help me, God.”

Notwithstanding the previous paragraph, a [person](#) appointed chief judge by the judges of [election](#) under this section, or appointed judge of [election](#) by the chief judge under this section may take the oath of [office](#) immediately upon appointment.

Before the opening of the polls on the morning of the primary or [election](#), the chief judge shall administer the oath set out in the preceding paragraph to each assistant, and any judge of [election](#) not previously sworn, substituting for the words “chief judge of” the words “assistant in” or “judge of [election](#) in” whichever is appropriate.

(f) **Special Registration Commissioners Abolished; Optional Training.**—The [office](#) of special registration commissioner is abolished. The [State Board](#) of Elections and county boards of elections may provide training to persons assisting in voter registration.

(g) **Publication of Names of Precinct Officials.**—Immediately after appointing chief judges and judges as herein provided, the county [board](#) of elections shall publish the names of the persons appointed in some newspaper having general circulation in the county or, in lieu thereof, at the courthouse door, and shall notify each [person](#) appointed of his appointment, either by letter or by having a notice served upon him by the sheriff. Notice may additionally be [made](#) on a [radio](#) or [television](#) station or both, but such notice shall be in addition to the newspaper and other required notice.