

259.98 VOTING MORE THAN ONE TIME IN AN ELECTION. FELONY.

The defendant has been charged with voting more than one time in an election in North Carolina.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that the defendant voted in a single election event. (*Name election event or contest, e.g., the Democratic Primary in May 2017, would be a single election event.*) By law, a properly registered and qualified voter may only vote once in any given election event.

Second, that the defendant voted more than one time in the same election event.<sup>1</sup>

And Third, the defendant voted more than once with the intent to commit a fraud. Intent is a mental attitude seldom provable by direct evidence. It must ordinarily be proved by circumstances from which it may be inferred. You arrive at the intent of a person by such just and reasonable deductions from the circumstances proven as a reasonably prudent person would ordinarily draw therefrom. Specific intent is a mental purpose, aim or design to accomplish a specific harm or result.<sup>2</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant voted more than one time in the same election event, the (*name election event or contest*), and that defendant did so with the intent to commit a fraud, then it would be your duty to return a verdict of guilty. If you do not so find, or if you have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

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1. The statute also prohibits a person registering or voting at more than one precinct, as well as voting more than one time. It also prohibits inducing another to vote more than once in a primary or election.

N.C.P.I.—CRIMINAL 259.98  
VOTING MORE THAN ONE TIME IN AN ELECTION (WITH VERDICT FORM). FELONY.  
GENERAL CRIMINAL VOLUME  
JUNE 2017  
N.C. Gen. Stat. § 163-275(7)  
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2. See N.C.P.I. 120.10 for intent instruction.