

285.05 FALSE STATEMENTS UNDER OATH WITH REGARD TO ABSENTEE BALLOTS. MISDEMEANOR.

The defendant has been charged with making false statements under oath.

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

First, that the defendant willfully and falsely made a(n) [affidavit] [statement] while under oath.

And Second, that the [affidavit] [statement] was required to be made by North Carolina law.¹

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully and falsely made a(n) [affidavit] [statement] while under oath, and that the [affidavit] [statement] made under oath was required to be made by North Carolina law, 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 both of these things, then you would return a verdict of not guilty.

1. The statute refers to affidavits and statements required to be made under oath by Chapter 163 Article 20 of the North Carolina General Statutes. If appropriate, the court may decide to elaborate on the requirements outlined in Chapter 163 Article 20.

