

February 9, 2005

H 128. EARLY PREP FOR ABSENTEE COUNT. TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ELECTRONIC VOTING SYSTEMS. Adds new GS 163-234(2a) giving to county boards of elections in counties that use optical scan devices authority to remove absentee ballots from their envelopes prior to election day and have those ballots read by an optical scanning machine without printing totals. Directs the State Board of Elections to provide County boards of election instructions for carrying out the early counting procedure.

Intro. by Insko, Preston.

Ref. to Election Law

GS 163

August 12, 2005

H 128. ELECTION CHANGES (NEW). Intro. 2/9/05. Senate committee substitute makes the following changes to 1st edition. Amends GS 163-82.15(a) to delete requirement to report date of move within county. Amends GS 163-57(1) to provide that if a person does not have a traditional residence, then person's usual sleeping area will determine person's residence. Makes following changes to Article 8 of GS Chapter 163 (Election Challenges), effective January 1, 2006: (1) deletes requirement in GS 163-84 that registration records be open to inspection by public; (2) provides that the fact that a person does not live in a precinct is not a basis for challenging person's eligibility to vote, but that fact that person does not live at the address given is; (3) transfers the initial authority to decide election day challenges from the precinct judges to the county board of elections; (4) requires that, in a situation in which a voter was eligible to vote a portion of a challenged ballot, a county elections board must count the portion of the ballot that the voter was eligible to vote. Effective January 1, 2006, amends GS 163-165(6) to prohibit the marking of a provisional official ballot to make it identifiable to the voter. Effective January 1, 2006, provides that bank may make loan to candidate or political committee only in ordinary course of business and only if loan is fully secured by collateral or guaranteed by individual or entity eligible to make contributions. Collateral or guarantee is treated as campaign contribution.

Enacts new GS 163-278.64A to establish procedures for candidates in plurality elections to participate in NC Public Campaign Fund. Clarifies that if Fund is insufficient to fully fund all certified candidates, a candidate may make up the difference through private contributions in an amount up to candidate's Fund eligibility amount. Requires that entities making expenditures in support of noncertified candidates shall report the total funds spent to the Board of Elections once amount exceeds \$5,000 (was, exceeds \$3,000 and 50% of trigger for rescue funds). Amends GS 105-159.2 to require that Fund allocations made by individual taxpayers during annual tax filings be credited to Fund on a quarterly basis (was, monthly). Also amends section to modify tax form description of Fund. Amends GS 163-278.13(e2) (contributions to candidates the Supreme Court the Court of Appeals) to prohibit a candidate from accepting a contribution during the period beginning 21 days before the general election and ending the day after election if contribution causes the candidate to exceed the "trigger for rescue funds" defined in GS 163-278.62(18). Effective January 1, 2006, enacts new GS 163-278.13(e3) to prohibit a candidate for superior court judge from accepting a contribution exceeding \$1,000, except as provided in subsection (c) (allowing contributions up to \$4,000 from candidate's family members). Makes technical corrections and conforming changes.

August 13, 2005

H 128. ELECTION CHANGES. Intro. 2/9/05. Senate amendment makes the following changes to 2nd edition. Changes title to *AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES; TO CLARIFY HOW A VOTER SHALL REPORT A MOVE; TO CLARIFY THE RESIDENCE FOR VOTING PURPOSES OF CERTAIN PERSONS; TO AMEND THE STATUTES RELATING TO CHALLENGES; TO SPECIFY HOW FINANCIAL INSTITUTIONS MAY MAKE LOANS WITHOUT VIOLATING THE PROHIBITION ON CORPORATE CONTRIBUTIONS; TO MAKE CHANGES TO THE APPROPRIATIONS ACT AS IT RELATES TO ELECTIONS APPOINTMENTS; TO PROVIDE*

THAT EXCEPT FOR THEIR ENVELOPE, PROVISIONAL BALLOTS SHALL NOT BE MARKED TO BE IDENTIFIABLE TO A VOTER; AND TO MAKE CHANGES TO THE PUBLIC CAMPAIGN FUND. Enacts new GS 163-278.19(a2) to replace and expand GS 163-278.19(a)(1) bank loan exception from statute prohibiting contributions by business entities. New subsection (a2) requires that loans be made in the ordinary course of business and be fully secured by collateral or guaranteed by an individual or entity eligible to make contributions. Counts collateral or guarantee as a contribution by the person making it for purposes of computing dollar limits and reporting. Permits loan repayment only by candidate or political committee receiving loan. Requires reporting of loan on campaign report, but specifies that qualifying loan is not reported or treated as a contribution. Repeals (in the event S 622 becomes law) S 622 amendments to GS 163-19 that allow Governor to depart from lists submitted by state party chairs in appointing members of State Board of Elections.

July 27, 2006

H 128. ELECTION CHANGES. Filed 2/8/05. Conference report recommends the following changes to 3rd edition to reconcile matters in controversy. Deletes all the proposed changes to statutes on election challenges except (1) permits a challenge under GS 163-87 on the basis that the person attempting to vote in a partisan primary is a member of another party to be made by any registered voter of the precinct rather than by a voter who is member of the party holding the primary and (2) modifies GS 163-90.2 on action when a challenge is sustained. Modifies the provisions permitting campaign loans by banks to allow these loans to be repaid by the candidate's spouse (as well as the candidate or his or her political committee) and moves part of the provisions from GS 163-278.19 to GS 163-278.15. Deletes proposed changes to Public Campaign Fund. Amends GS 163-278.19(e) to detail the sorts of administrative support that may be given to a political committee under that subsection. Makes provisions authorizing financial institutions to make loans to candidates and political committees effective January 1, 2007 (was, January 1, 2006) and makes remainder of act effective when it becomes law, except for criminal penalties, which become effective October 1, 2006.

September 14, 2006

SL 2006-262 (H 128). ELECTION CHANGES. AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO TAKE STEPS EARLIER TO COUNT MAILED ABSENTEE VOTES; TO CLARIFY HOW A VOTER SHALL REPORT A MOVE; TO CLARIFY THE RESIDENCE FOR VOTING PURPOSES OF CERTAIN PERSONS; TO AMEND THE STATUTES RELATING TO CHALLENGES; TO SPECIFY HOW FINANCIAL INSTITUTIONS MAY MAKE LOANS WITHOUT VIOLATING THE PROHIBITION ON CORPORATE CONTRIBUTIONS; TO MAKE CHANGES TO THE APPROPRIATIONS ACT AS IT RELATES TO ELECTIONS APPOINTMENTS; TO CLARIFY WHAT REASONABLE ADMINISTRATIVE EXPENSES INCLUDE; AND TO PROVIDE THAT EXCEPT FOR THEIR ENVELOPE, PROVISIONAL BALLOTS SHALL NOT BE MARKED TO BE IDENTIFIABLE TO A VOTER. Summarized in *Daily Bulletin* 2/9/05, 8/12/05, 8/13/05, and 7/27/06. Enacted August 27, 2006. Section 4 is effective January 1, 2007. The remainder is effective August 27, 2006, except that any criminal penalty resulting from this act is effective October 1, 2006.