

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 346
PROPOSED COMMITTEE SUBSTITUTE H346-PCS80250-TB-4

Short Title: Elections Omnibus.

(Public)

Sponsors:

Referred to:

March 15, 2011

A BILL TO BE ENTITLED

AN ACT RELATING TO POLITICAL COMMITTEE TREASURER TRAINING; LIMITING AN INDIVIDUAL FROM RUNNING ON THE SAME GENERAL ELECTION BALLOT FOR MORE THAN ONE OFFICE EXCEPT TO FILL A VACANCY FOR THE REMAINDER OF AN UNEXPIRED TERM; CREATING AN ADDITIONAL METHOD FOR REQUESTING AN ABSENTEE BALLOT; MAKING A TECHNICAL CHANGE TO CORRECT A STATUTORY REFERENCE; AND REQUIRING THE JOINT LEGISLATIVE ELECTIONS OVERSIGHT COMMITTEE TO STUDY THE FEASIBILITY OF REQUIRING CERTAIN REPORTS TO BE FILED ELECTRONICALLY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.7(f) reads as rewritten:

"(f) Every treasurer of a political committee shall participate in training as to the duties of the office within three months of appointment and at least once every four years thereafter. Every treasurer of a candidate campaign committee as defined by G.S. 163-278.38Z that files its organizational report after the time for filing notice of a candidacy has opened for the election for which that candidate has filed, or after the time that candidate qualifies to be on the ballot for the general election, shall participate in training as to the duties of the office within 45 days of appointment and at least once every four years thereafter. The State Board of Elections shall provide the training as to the duties of the office in person, through regional seminars, and through interactive electronic means. The treasurer may designate an assistant treasurer to participate in the training, if one is named under subdivision (b)(8) of this section. The treasurer may choose to participate in training prior to each election in which the political committee is involved. All such training shall be free of charge to the treasurer and assistant treasurer."

SECTION 2. G.S. 163-98 reads as rewritten:

"§ 163-98. General election participation by new political party.

(a) In the first general election following the date on which a new political party qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its candidates for national, State, congressional, and local offices printed on the official ballots upon paying a filing fee equal to that provided for candidates for the office in G.S. 163-107 or upon complying with the alternative available to candidates for the office in G.S. 163-107.1.

(b) For the first general election following the date on which it qualifies under G.S. 163-96, a new political party shall select its candidates by party convention. Following



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1 adjournment of the nominating convention, but not later than the first day of July prior to the
 2 general election, the president of the convention shall certify to the State Board of Elections the
 3 names of persons chosen in the convention as the new party's candidates in the ensuing general
 4 election. Any candidate nominated by a new party shall be affiliated with the party at the time
 5 of certification to the State Board of Elections. The requirement of affiliation with the party
 6 will be met if the candidate submits at or before the time of certification as a candidate an
 7 application to change party affiliation to that party. The State Board of Elections shall print
 8 names thus certified on the appropriate ballots as the nominees of the new party. The State
 9 Board of Elections shall send to each county board of elections the list of any new party
 10 candidates so that the county board can add those names to the appropriate ballot.

11 (c) When any candidate is nominated under this section, the board of elections with
 12 jurisdiction over the election shall issue a notification to the candidate stating the following:

13 (1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed
 14 with the Board no later than the tenth day following the day the candidate
 15 files notice of candidacy or the tenth day following the organization of the
 16 political committee, whichever occurs first. If the organizational report is not
 17 filed within the required time frame, a civil late penalty of two hundred fifty
 18 dollars (\$250.00) per day for each day the filing is late shall be assessed
 19 against the candidate.

20 (2) Every treasurer of a political committee shall participate in treasurer training
 21 required under G.S. 163-278.7(f)."

22 **SECTION 3.** G.S. 163-106 is amended by adding a new subsection to read:

23 "(j) When any candidate files a notice of candidacy, the board of elections with
 24 jurisdiction over the election shall issue a notification to the candidate stating the following:

25 (1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed
 26 with the Board no later than the tenth day following the day the candidate
 27 files notice of candidacy or the tenth day following the organization of the
 28 political committee, whichever occurs first. If the organizational report is not
 29 filed within the required time frame, a civil late penalty of two hundred fifty
 30 dollars (\$250.00) per day for each day the filing is late shall be assessed
 31 against the candidate.

32 (2) Every treasurer of a political committee shall participate in treasurer training
 33 required under G.S. 163-278.7(f)."

34 **SECTION 4.** G.S. 163-114 reads as rewritten:

35 **"§ 163-114. Filling vacancies among party nominees occurring after nomination and**
 36 **before election.**

37 (a) If any person nominated as a candidate of a political party for one of the offices
 38 listed below (either in a primary or convention or by virtue of having no opposition in a
 39 primary) dies, resigns, or for any reason becomes ineligible or disqualified before the date of
 40 the ensuing general election, the vacancy shall be filled by appointment according to the
 41 following instructions:

43	Position	
44	President	Vacancy is to be filled by appointment of
45	Vice President	national executive committee of
46		political party in which vacancy occurs
47		
48	Presidential elector or alternate elector	Vacancy is to be filled by appointment of
49	Any elective State office	State executive committee of political
50	United States Senator	party in which vacancy occurs
51		

<p>1 A district office, including: 2 Member of the United States House 3 of Representatives 4 District Attorney 5 State Senator in a multi-county 6 senatorial district 7 Member of State House of 8 Representatives in a multi-county 9 representative district 10 11 State Senator in a single-county 12 senatorial district 13 Member of State House of 14 Representatives in a single-county 15 representative district 16 Any elective county office 17 18 19 20</p>	<p>Appropriate district executive committee of political party in which vacancy occurs</p> <p>County executive committee of political party in which vacancy occurs, provided, in the case of the State Senator or State Representative in a single-county district where not all the county is located in that district, then in voting, only those members of the county executive committee who reside within the district shall vote</p>
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21 The party executive making a nomination in accordance with the provisions of this section shall
 22 certify the name of its nominee to the chairman of the board of elections, State or county, that
 23 has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made
 24 under this section the general election ballots have already been printed, the provisions of
 25 G.S.163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that
 26 vacancy arises from a cause other than death and the vacancy in nomination occurs more than
 27 120 days before the general election, the vacancy in nomination may be filled under this section
 28 only if the appropriate executive committee certifies the name of the nominee in accordance
 29 with this paragraph at least 75 days before the general election.

30 (b) In a county not all of which is located in one congressional district, in choosing the
 31 congressional district executive committee member or members from that area of the county,
 32 only the county convention delegates or county executive committee members who reside
 33 within the area of the county which is within the congressional district may vote.

34 (c) In a county which is partly in a multi-county senatorial district or which is partly in
 35 a multi-county House of Representatives district, in choosing that county's member or members
 36 of the senatorial district executive committee or House of Representatives district executive
 37 committee for the multi-county district, only the county convention delegates or county
 38 executive committee members who reside within the area of the county which is within that
 39 multi-county district may vote.

40 (d) An individual whose name appeared on the ballot in a primary election preliminary
 41 to the general election shall not be eligible to be nominated to fill a vacancy in the nomination
 42 of another party for the same office in the same year.

43 (e) When any candidate is nominated under this section, the board of elections with
 44 jurisdiction over the election shall issue a notification to the candidate stating the following:

45 (1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed
 46 with the Board no later than the tenth day following the day the candidate
 47 receives the nomination of the party or the tenth day following the
 48 organization of the political committee, whichever occurs first. If the
 49 organizational report is not filed within the required time frame, a civil late
 50 penalty of two hundred fifty dollars (\$250.00) per day for each day the filing
 51 is late shall be assessed against the candidate.

1 (2) Every treasurer of a political committee shall participate in treasurer training
2 required under G.S. 163-278.7(f)."

3 **SECTION 5.** G.S. 163-122 is amended by adding a new subsection to read:

4 "(f) When any candidate qualifies to have that candidate's name printed on the general
5 election ballot, the board of elections with jurisdiction over the election shall issue a
6 notification to the candidate stating the following:

7 (1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed
8 no later than the tenth day following the verification of the candidate's
9 petition by the appropriate board of elections or the tenth day following the
10 organization of the political committee, whichever occurs first. If the
11 organizational report is not filed within the required time frame, a civil late
12 penalty of two hundred fifty dollars (\$250.00) per day for each day the filing
13 is late shall be assessed against the candidate.

14 (2) Every treasurer of a political committee shall participate in treasurer training
15 required under G.S. 163-278.7(f)."

16 **SECTION 6.** G.S. 163-123 is amended by adding a new subsection to read:

17 "(f2) When any candidate qualifies to have that candidate's name printed on the election
18 ballot, the board of elections with jurisdiction over the election shall issue a notification to the
19 candidate stating the following:

20 (1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed
21 no later than the tenth day following the verification of the candidate's
22 petition by the appropriate board of elections or the tenth day following the
23 organization of the political committee, whichever occurs first. If the
24 organizational report is not filed within the required time frame, a civil late
25 penalty of two hundred fifty dollars (\$250.00) per day for each day the filing
26 is late shall be assessed against the candidate.

27 (2) Every treasurer of a political committee shall participate in treasurer training
28 required under G.S. 163-278.7(f)."

29 **SECTION 7.** G.S. 163-278.9(a)(1) reads as rewritten:

30 "(a) Except as provided in G.S. 163-278.10A, the treasurer of each candidate and of each
31 political committee shall file with the Board under certification of the treasurer as true and
32 correct to the best of the knowledge of that officer the following reports:

33 (1) Organizational Report. – The appointment of the treasurer as required by
34 G.S. 163-278.7(a), the statement of organization required by
35 G.S. 163-278.7(b), and a report of all contributions and expenditures not
36 previously reported shall be filed with the Board no later than the tenth day
37 following the day the candidate files notice of candidacy or the tenth day
38 following the organization of the political committee, whichever occurs first.
39 Any candidate whose campaign is being conducted by a political committee
40 which is handling all contributions and expenditures for his campaign shall
41 file a statement with the Board stating such fact at the time required herein
42 for the organizational report. Thereafter, the candidate's political committee
43 shall be responsible for filing all reports required by law. If the
44 organizational report is not filed within the required time frame, a civil late
45 penalty of two hundred fifty dollars (\$250.00) per day for each day the filing
46 is late shall be assessed against the candidate."

47 **SECTION 8.** Article 11 of Chapter 163 of the General Statutes is amended by
48 adding a new section to read:

49 "§ 163-124. No simultaneous run for separate offices.

1 (a) No individual is eligible to have that individual's name on the general election ballot
2 for two separate offices, unless one of the offices is for the remainder of the unexpired term for
3 an office that requires an election to fill the unexpired portion of the term.

4 (b) This section shall apply to any individual nominated under Article 9 of this Chapter,
5 filing under G.S. 163-106, or filing a petition under this Article."

6 **SECTION 9.** G.S. 163-230.2(a) reads as rewritten:

7 "(a) Valid Types of Written Requests. – A written request for an absentee ballot as
8 required by G.S. 163-230.1 is valid only if it is written entirely by the requester personally, or
9 is on a form generated by the county board of elections or the State Board of Elections and
10 signed by the requester. ~~The county board of elections shall issue a request form only to the~~
11 ~~voter seeking to vote by absentee ballot or to a person authorized by G.S. 163-230.1 to make a~~
12 ~~request for the voter.~~ If a requester, due to disability or illiteracy, is unable to complete a
13 written request, that requester may receive assistance in writing that request from an individual
14 of that requester's choice. The State Board of Elections shall create a uniform absentee ballot
15 request form that can be accessed from the Web site of the State Board of Elections. Contents
16 of the uniform absentee ballot request form, other than the requester's signature, may be filled
17 out electronically. A qualified voter shall personally sign the uniform absentee ballot request
18 form. A uniform absentee ballot request form that is signed electronically is not valid."

19 **SECTION 10.** G.S. 163-275(16) reads as rewritten:

20 "(16) For any person falsely to make the certificate provided by
21 G.S. 163-229(b)(2) or G.S. 163-250(a). G.S. 163-229(b) or
22 G.S. 163-250(a)(4)."

23 **SECTION 11.** The Joint Legislative Elections Oversight Committee shall study the
24 feasibility and applicability of requiring electronic filing of all reports required to be filed with
25 the State Board of Elections under G.S. 163-278.9, regardless of the amount. The Joint
26 Legislative Elections Oversight Committee shall report its findings and recommendations to the
27 2012 Regular Session of the 2011 General Assembly.

28 **SECTION 12.** Sections 1-9 become effective January 1, 2012, and apply with
29 respect to elections held on or after that date. The remainder of this act is effective when it
30 becomes law.