

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 47
Judiciary I Committee Substitute Adopted 6/7/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S47-PCS75192-ST-74

Short Title: Restore Confidence in Elections.

(Public)

Sponsors:

Referred to:

February 9, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS AMENDMENTS TO THE ELECTION ADMINISTRATION
3 LAWS, CAMPAIGN FINANCE LAWS, AND OTHER CONFORMING CHANGES.
4 The General Assembly of North Carolina enacts:

5
6 **PART I. ELECTION ADMINISTRATION CHANGES.**

7 **SECTION 1.** Article 1 of Chapter 163 of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 163-3. Special elections.**

10 Special elections shall be called as permitted by law and conducted in accordance with
11 G.S. 163-287."

12 **SECTION 2.** G.S. 163-19 reads as rewritten:

13 **"§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

14 (a) All of the terms of office of the present members of the State Board of Elections
15 shall expire on May 1, 1969, or when their successors in office are appointed and qualified.

16 The State Board of Elections shall consist of five registered voters whose terms of office
17 shall begin on May 1, 1969, and shall continue for four years, and until their successors are
18 appointed and qualified. The Governor shall appoint the members of this Board and likewise
19 shall appoint their successors every four years at the expiration of each four-year term. Not
20 more than three members of the Board shall be members of the same political party. The
21 Governor shall appoint the members from a list of nominees submitted to him by the State
22 party chairman of each of the two political parties having the highest number of registered
23 affiliates as reflected by the latest registration statistics published by the State Board of
24 Elections. Each party chairman shall submit a list of five nominees who are affiliated with that
25 political party.

26 Any vacancy occurring in the Board shall be filled by the Governor, and the person so
27 appointed shall fill the unexpired term. The Governor shall fill the vacancy from a list of three
28 nominees submitted to him by the State party chairman of the political party that nominated the
29 vacating member as provided by the preceding paragraph. The three nominees must be
30 affiliated with that political party.

31 (b) At the first meeting held after new appointments are made, the members of the State
32 Board of Elections shall take the following oath:



1 "I, _____, do solemnly swear (or affirm) that I will support the Constitution
2 of the United States; that I will be faithful and bear true allegiance to the State of North
3 Carolina, and to the constitutional powers and authorities which are or may be
4 established for the government thereof; that I will endeavor to support, maintain and
5 defend the Constitution of said State, and that I will well and truly execute the duties of
6 the office of member of the State Board of Elections according to the best of my
7 knowledge and ability, according to law, so help me, God."

8 (c) After taking the prescribed oath, the Board shall organize by electing one of its
9 members chairman and another secretary. The term of office of the chairman is two years and
10 begins on May 1 of each odd-numbered year. No person may be elected as chairman for more
11 than two terms. In the case of a vacancy, a new chairman shall be elected to serve the
12 remainder of the unexpired term.

13 (d) No person shall be eligible to serve as a member of the State Board of Elections
14 who holds any elective or appointive office under the government of the United States, or of
15 the State of North Carolina or any political subdivision thereof. No person who holds any office
16 in a political party, or organization, or who is a candidate for nomination or election to any
17 office, or who is a campaign manager or treasurer of any candidate in a primary or election
18 shall be eligible to serve as a member of the State Board of Elections."

19 **SECTION 3.** G.S. 163-59 reads as rewritten:

20 **"§ 163-59. Right to participate or vote in party primary.**

21 No person shall be entitled to vote or otherwise participate in the primary election of any
22 political party unless that person complies with all of the following:

- 23 (1) Is a registered voter.
- 24 (2) Has declared and has had recorded on the registration book or record the fact
25 that the voter affiliates with the political party in whose primary the voter
26 proposes to vote or participate.
- 27 (3) Is in good faith a member of that party.

28 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under
29 G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that
30 primary except for subdivisions (2) and (3) of the previous paragraph.

31 Any person who will become qualified by age to register and vote in the general election
32 for which the primary is held, even though not so qualified by the date of the primary, shall be
33 entitled to register for the primary and general election prior to the primary and then to vote in
34 the primary after being registered. Such person may register not earlier than 60 days nor later
35 than the last day for making application to register under G.S. 163-82.6(c) prior to the primary.
36 In addition, persons who will become qualified by age to register and vote in the general
37 election for which the primary is held, who do not register during the special period may
38 register to vote after such period as if they were qualified on the basis of age, but until they are
39 qualified by age to vote, they may vote only in primary elections. ~~Such a person also may~~
40 ~~register and vote in the primary and general election pursuant to G.S. 163-82.6A(f)."~~

41 **SECTION 4.** G.S. 163-82.6 reads as rewritten:

42 **"§ 163-82.6. Acceptance of application forms.**

43 (a) How the Form May Be Submitted. – The county board of elections shall accept any
44 form described in G.S. 163-82.3 if the applicant submits the form by mail, facsimile
45 transmission, transmission of a scanned document, or in person. The applicant may delegate the
46 submission of the form to another person. Any person who communicates to an applicant
47 acceptance of that delegation shall deliver that form so that it is received by the appropriate
48 county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of
49 subsection (c) of this section for the next election. It shall be a Class 2 misdemeanor for any
50 person to communicate to the applicant acceptance of that delegation and then fail to make a
51 good faith effort to deliver the form so that it is received by the county board of elections in

1 time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section
2 for the next election. It shall be an affirmative defense to a charge of failing to make a good
3 faith effort to deliver a delegated form by the registration deadline that the delegatee informed
4 the applicant that the form would not likely be delivered in time for the applicant to vote in the
5 next election. ~~It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a~~
6 ~~completed voter registration form or to condition its delivery upon payment.~~

7 (a1) Misdemeanors. – It shall be a Class 2 misdemeanor for any person to do any of the
8 following:

- 9 (1) To communicate to the applicant acceptance of the delegation described in
10 subsection (a) of this section and then fail to make a good faith effort to
11 deliver the form so that it is received by the county board of elections in time
12 to satisfy the registration deadline in subdivision (1) or (2) of subsection (c)
13 of this section for the next election. It shall be an affirmative defense to a
14 charge of failing to make a good faith effort to deliver a delegated form by
15 the registration deadline that the delegatee informed the applicant that the
16 form would not likely be delivered in time for the applicant to vote in the
17 next election.
- 18 (2) To sell or attempt to sell a completed voter registration form or to condition
19 its delivery upon ~~payment~~ payment, including payment on a per voter
20 registration application completed basis.
- 21 (3) To change a person's information on a voter registration form prior to its
22 delivery to a county board of elections.
- 23 (4) To coerce a person into marking a party affiliation other than the party
24 affiliation the person desires.
- 25 (5) To offer a person a voter registration form that has a party affiliation
26 premarked unless the person receiving the form has requested the
27 premarking.
- 28 (6) To pay another person to register voters, or assist or encourage voters to fill
29 out voter registration forms, on the basis of per voter registration application
30 completed.
- 31 (7) To accept payment for registering voters, or assisting or encouraging voters
32 to fill out voter registration forms, on the basis of per voter registration
33 application completed.

34 (b) Signature. – The form shall be valid only if signed by the applicant. An
35 electronically captured image of the signature of a voter on an electronic voter registration form
36 offered by a State agency shall be considered a valid signature for all purposes for which a
37 signature on a paper voter registration form is used.

38 (c) Registration Deadlines for a Primary or Election. – In order to be valid for a primary
39 or election, ~~except as provided in G.S. 163-82.6A,~~ the form:

- 40 (1) If submitted by mail, must be postmarked at least 25 days before the primary
41 or election, except that any mailed application on which the postmark is
42 missing or unclear is validly submitted if received in the mail not later than
43 20 days before the primary or election,
- 44 (2) If submitted in person, by facsimile transmission, or by transmission of a
45 scanned document, must be received by the county board of elections by a
46 time established by that board, but no earlier than 5:00 P.M., on the
47 twenty-fifth day before the primary or election,
- 48 (3) If submitted through a delegatee who violates the duty set forth in subsection
49 (a) of this section, must be signed by the applicant and given to the delegatee
50 not later than 25 days before the primary or election, except as provided in
51 subsection (d) of this section.

1 (c1) If the application is submitted by facsimile transmission or transmission of a
2 scanned document, a permanent copy of the completed, signed form shall be delivered to the
3 county board no later than 20 days before the election.

4 ~~(d) Instances When Person May Register and Vote on Primary or Election Day.—If a~~
5 ~~person has become qualified to register and vote between the twenty-fifth day before a primary~~
6 ~~or election and primary or election day, then that person may apply to register on primary or~~
7 ~~election day by submitting an application form described in G.S. 163-82.3(a) or (b) to:~~

8 (1) A member of the county board of elections;

9 (2) The county director of elections; or

10 (3) The chief judge or a judge of the precinct in which the person is eligible to
11 vote;

12 and, if the application is approved, that person may vote the same day. The official in
13 subdivisions (1) through (3) of this subsection to whom the application is submitted shall
14 decide whether the applicant is eligible to vote. The applicant shall present to the official
15 written or documentary evidence that the applicant is the person he represents himself to be.
16 The official, if in doubt as to the right of the applicant to register, may require other evidence
17 satisfactory to that official as to the applicant's qualifications. If the official determines that the
18 person is eligible, the person shall be permitted to vote in the primary or election and the
19 county board shall add the person's name to the list of registered voters. If the official denies
20 the application, the person shall be permitted to vote a challenged ballot under the provisions of
21 G.S. 163-88.1, and may appeal the denial to the full county board of elections. The State Board
22 of Elections shall promulgate rules for the county boards of elections to follow in hearing
23 appeals for denial of primary or election day applications to register. No person shall be
24 permitted to register on the day of a second primary unless he shall have become qualified to
25 register and vote between the date of the first primary and the date of the succeeding second
26 primary.

27 (e) For purposes of subsection (d) of this section, persons who "become qualified to
28 register and vote" during a time period:

29 (1) Include those who during that time period are naturalized as citizens of the
30 United States or who are restored to citizenship after a conviction of a
31 felony; but

32 (2) Do not include persons who reach the age of 18 during that time period, if
33 those persons were eligible to register while 17 years old during an earlier
34 period.

35 (f) The county board of elections shall forward by electronic means any application
36 submitted for the purpose of preregistration to the State Board of Elections. No later than 60
37 days prior to the first election in which the applicant will be legally entitled to vote, the State
38 Board of Elections shall notify the appropriate county board of elections to verify the
39 qualifications and address of the applicant in accordance with G.S. 163-82.7."

40 **SECTION 5.** G.S. 163-82.6A is repealed.

41 **SECTION 6.** G.S. 163-82.25 is repealed.

42 **SECTION 7.** G.S. 163-98 reads as rewritten:

43 **"§ 163-98. General election participation by new political party.**

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

49 (b) For the first general election following the date on which it qualifies under
50 G.S. 163-96, a new political party shall select its candidates by party convention. Following
51 adjournment of the nominating convention, but not later than the first day of July prior to the

1 general election, the president of the convention shall certify to the State Board of Elections the
 2 names of persons chosen in the convention as the new party's candidates in the ensuing general
 3 election. Any candidate nominated by a new party shall be affiliated with the party at the time
 4 of certification to the State Board of Elections. The requirement of affiliation with the party
 5 will be met if the candidate submits at or before the time of certification as a candidate an
 6 application to change party affiliation to that party. The State Board of Elections shall print
 7 names thus certified on the appropriate ballots as the nominees of the new party. The State
 8 Board of Elections shall send to each county board of elections the list of any new party
 9 candidates so that the county board can add those names to the appropriate ballot.

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

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

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

21 **SECTION 8.** G.S. 163-106 reads as rewritten:

22 **"§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal.**

23 (a) Notice and Pledge. – No one shall be voted for in a primary election without having
 24 filed a notice of candidacy with the appropriate board of elections, State or county, as required
 25 by this section. To this end every candidate for selection as the nominee of a political party
 26 shall file with and place in the possession of the board of elections specified in subsection (c) of
 27 this section, a notice and pledge in the following form:

28 Date _____
 29 I hereby file notice as a candidate for nomination as _____ in the
 30 _____ party primary election to be held on _____, _____. I affiliate
 31 with the _____ party, (and I certify that I am now registered on the
 32 registration records of the precinct in which I reside as an affiliate of the
 33 _____ party.)

34 I pledge that if I am defeated in the primary, I will not run for the same
 35 office as a write-in candidate in the next general election.

36 Signed _____
 37 (Name of Candidate)

38 Witness:
 39 _____
 40 _____
 41 (Title of witness)

42 Each candidate shall sign the notice of candidacy in the presence of the chairman or secretary
 43 of the board of elections, State or county, with which the candidate files. In the alternative, a
 44 candidate may have the candidate's signature on the notice of candidacy acknowledged and
 45 certified to by an officer authorized to take acknowledgments and administer oaths, in which
 46 case the candidate may mail or deliver by commercial courier service the candidate's notice of
 47 candidacy to the appropriate board of elections.

48 In signing the notice of candidacy the candidate shall use only that candidate's legal name
 49 and may use any nickname by which ~~he~~ that candidate is commonly known. A candidate may
 50 also, in lieu of that candidate's legal first name and legal middle initial or middle name (if any)
 51 sign a nickname, provided that the candidate appends to the notice of candidacy an affidavit

1 that the candidate has been commonly known by that nickname for at least five years prior to
2 the date of making the affidavit. The candidate shall also include with the affidavit the way that
3 candidate's name (as permitted by law) should be listed on the ballot if another candidate with
4 the same last name files a notice of candidacy for that office.

5 A notice of candidacy signed by an agent or any person other than the candidate shall be
6 invalid.

7 Prior to the date on which candidates may commence filing, the State Board of Elections
8 shall print and furnish, at State expense, to each county board of elections a sufficient number
9 of the notice of candidacy forms prescribed by this subsection for use by candidates required to
10 file with county boards of elections.

11 (a1) Disclosure of Felony Conviction. – At the same time the candidate files notice of
12 candidacy under this section, the candidate shall file with the same office a statement
13 answering the following question: "Have you ever been convicted of a felony?" The State
14 Board of Elections shall adapt the notice of candidacy form to include the statement required
15 by this subsection. The form shall make clear that a felony conviction need not be disclosed if
16 the conviction was dismissed as a result of reversal on appeal or resulted in a pardon of
17 innocence or expungement. The form shall require a candidate who answers "yes" to the
18 question to provide the name of the offense, the date of conviction, the date of the restoration of
19 citizenship rights, and the county and state of conviction. The form shall require the candidate
20 to swear or affirm that the statements on the form are true, correct, and complete to the best of
21 the candidate's knowledge or belief. The form shall be available as a public record in the office
22 of the board of elections where the candidate files notice of candidacy and shall contain an
23 explanation that a prior felony conviction does not preclude holding elective office if the
24 candidate's rights of citizenship have been restored. This subsection shall also apply to
25 individuals who become candidates for election by the people under G.S. 163-114, 163-122,
26 163-123, 163-98, 115C-37, 130A-50, Article 24 of Chapter 163 of the General Statutes, or any
27 other statute or local act. Those individuals shall complete the question at the time the
28 documents are filed initiating their candidacy. The State Board of Elections shall adapt those
29 documents to include the statement required by this subsection. If an individual does not
30 complete the statement required by this subsection, the board of elections accepting the filing
31 shall notify the individual of the omission, and the individual shall have 48 hours after notice to
32 complete the statement. If the individual does not complete the statement at the time of filing or
33 within 48 hours after the notice, the individual's filing is not complete, the individual's name
34 shall not appear on the ballot as a candidate, and votes for the individual shall not be counted. It
35 is a Class I felony to complete the form knowing that information as to felony conviction or
36 restoration of citizenship is untrue. This subsection shall not apply to candidates required by
37 G.S. 138A-22(d) to file Statements of Economic Interest.

38 (b) Eligibility to File. – No person shall be permitted to file as a candidate in a primary
39 if, at the time ~~he~~that person offers to file notice of candidacy, ~~he~~that person is registered on
40 the appropriate registration book or record as an affiliate of a political party other than that in
41 whose primary ~~he~~the person is attempting to file. No person who has changed ~~his~~-political
42 party affiliation or who has changed from unaffiliated status to party affiliation as permitted in
43 G.S. 163-82.17, shall be permitted to file as a candidate in the primary of the party to which ~~he~~
44 that person changed unless ~~he~~that person has been affiliated with the political party in which ~~he~~
45 that person seeks to be a candidate for at least 90 days prior to the filing date for the office for
46 which ~~he~~that person desires to file ~~his~~a notice of candidacy.

47 A person registered as "unaffiliated" shall be ineligible to file as a candidate in a party
48 primary election.

49 (c) Time for Filing Notice of Candidacy. – Candidates seeking party primary
50 nominations for the following offices shall file their notice of candidacy with the State Board of

1 Elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00
2 noon on the last business day in February preceding the primary:

3 Governor

4 Lieutenant Governor

5 All State executive officers

6 Justices of the Supreme Court, Judges of the Court of Appeals

7 Judges of the superior courts

8 Judges of the district courts

9 United States Senators

10 Members of the House of Representatives of the United States

11 District attorneys

12 Candidates seeking party primary nominations for the following offices shall file their
13 notice of candidacy with the county board of elections no earlier than 12:00 noon on the second
14 Monday in February and no later than 12:00 noon on the last business day in February
15 preceding the primary:

16 State Senators

17 Members of the State House of Representatives

18 All county offices.

19 (d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any primary in
20 which there are two or more vacancies for associate justices for the Supreme Court, two or
21 more vacancies for the Court of Appeals, two or more vacancies for district court judge, or two
22 vacancies for United States Senator from North Carolina, each candidate shall, at the time of
23 filing notice of candidacy, file with the State Board of Elections a written statement designating
24 the vacancy to which ~~he~~ that candidate seeks nomination. Votes cast for a candidate shall be
25 effective only for ~~his~~ his nomination to the vacancy for which ~~he~~ that candidate has given notice of
26 candidacy as provided in this subsection.

27 (e) Withdrawal of Notice of Candidacy. – Any person who has filed notice of
28 candidacy for an office shall have the right to withdraw it at any time prior to the date on which
29 the right to file for that office expires under the terms of subsection (c) of this section. If a
30 candidate does not withdraw before the filing deadline, except as provided in G.S. 163-112, ~~his~~
31 that candidate's name shall be printed on the primary ballot, any votes for ~~him~~ that candidate
32 shall be counted, and ~~he~~ that candidate shall not be refunded ~~his~~ the filing fee.

33 (f) Candidates required to file their notice of candidacy with the State Board of
34 Elections under subsection (c) of this section shall file along with their notice a certificate
35 signed by the chairman of the board of elections or the director of elections of the county in
36 which they are registered to vote, stating that the person is registered to vote in that county,
37 stating the party with which the person is affiliated, and that the person has not changed ~~his~~
38 his affiliation from another party or from unaffiliated within three months prior to the filing
39 deadline under subsection (c) of this section. In issuing such certificate, the chairman or
40 director shall check the registration records of the county to verify such information. During the
41 period commencing 36 hours immediately preceding the filing deadline the State Board of
42 Elections shall accept, on a conditional basis, the notice of candidacy of a candidate who has
43 failed to secure the verification ordered herein subject to receipt of verification no later than
44 three days following the filing deadline. The State Board of Elections shall prescribe the form
45 for such certificate, and distribute it to each county board of elections no later than the last
46 Monday in December of each odd-numbered year.

47 (g) When any candidate files a notice of candidacy with a board of elections under
48 subsection (c) of this section or under G.S. 163-291(2), the board of elections shall,
49 immediately upon receipt of the notice of candidacy, inspect the registration records of the
50 county, and cancel the notice of candidacy of any person who does not meet the constitutional
51 or statutory qualifications for the office, including residency.

1 The board shall give notice of cancellation to any candidate whose notice of candidacy has
 2 been cancelled under this subsection by mail or by having the notice served on ~~him~~the
 3 candidate by the sheriff, and to any other candidate filing for the same office. A candidate who
 4 has been adversely affected by a cancellation or another candidate for the same office affected
 5 by a substantiation under this subsection may request a hearing on the cancellation. If the
 6 candidate requests a hearing, the hearing shall be conducted in accordance with Article 11B of
 7 Chapter 163 of the General Statutes.

8 (h) No person may file a notice of candidacy for more than one office described in
 9 subsection (c) of this section for any one election. If a person has filed a notice of candidacy
 10 with a board of elections under this section for one office, then a notice of candidacy may not
 11 later be filed for any other office under this section when the election is on the same date unless
 12 the notice of candidacy for the first office is withdrawn under subsection (e) of this section;
 13 provided that this subsection shall not apply unless the deadline for filing notices of candidacy
 14 for both offices is the same. Notwithstanding this subsection, a person may file a notice of
 15 candidacy for a full term as United States Senator, and also file a notice of candidacy for the
 16 remainder of the unexpired term of that same seat in an election held under G.S. 163-12, and
 17 may file a notice of candidacy for a full term as a member of the United States House of
 18 Representatives, and also file a notice of candidacy for the remainder of the unexpired term in
 19 an election held under G.S. 163-13.

20 (i) Repealed by Session Laws 2001-403, s. 3, effective January 1, 2002.

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

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

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

32 **SECTION 9.** G.S. 163-107(a) reads as rewritten:

33 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay
 34 to the board of elections with which ~~he~~that candidate files under the provisions of
 35 G.S. 163-106 a filing fee for the office ~~he seeks~~sought in the amount specified in the following
 36 tabulation:

Office Sought	Amount of Filing Fee
37 Governor	38 One percent (1%) of the annual salary of the 39 office sought
40 Lieutenant Governor	41 One percent (1%) of the annual salary of the 42 office sought
43 All State executive offices	44 One percent (1%) of the annual salary of the 45 office sought
46 <u>All Justices, Judges, and</u> 47 <u>District Attorneys of the General</u> 48 <u>Court of Justice</u>	49 One percent (1%) of the annual salary of 50 the office sought
47 United States Senator	48 One percent (1%) of the annual salary of the 49 office sought
49 Members of the United States House 50 of Representatives	50 One percent (1%) of the annual salary of the office sought

1	State Senator	One percent (1%) of the annual salary of the
2		office sought
3	Member of the State House of	One percent (1%) of the annual salary of
4	Representatives	the office sought
5	All county offices not compensated by fees	One percent (1%) of the annual salary of the
6		office sought
7	All county offices compensated partly	One percent (1%) of the first annual
8	by salary and partly by fees	salary to be received (exclusive of fees)
9	The salary of any office that is the basis for calculating the filing fee is the starting salary	
10	for the office, rather than the salary received by the incumbent, if different. If no starting salary	
11	can be determined for the office, then the salary used for calculation is the salary of the	
12	incumbent, as of January 1 of the election year."	

13 **SECTION 10.** G.S. 163-107.1(c) reads as rewritten:

14 "(c) County, Municipal and District Primaries. – If the candidate is seeking one of the
 15 offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this section, or a
 16 municipal or any other office requiring a partisan primary which is not set forth in
 17 G.S. 163-106(c) or (d), ~~he~~ the candidate shall file a written petition with the appropriate board
 18 of elections no later than 12:00 noon on Monday preceding the filing deadline before the
 19 primary. The petition shall be signed by ten percent (10%) of the registered voters of the
 20 election area in which the office will be voted for, who are affiliated with the same political
 21 party in whose primary the candidate desires to run, or in the alternative, the petition shall be
 22 signed by no less than 200 registered voters regardless of said voter's political party affiliation,
 23 whichever requirement is greater. The board of elections shall verify the names on the petition,
 24 and if the petition is found to be sufficient, the candidate's name shall be printed on the
 25 appropriate primary ballot. Petitions for candidates for member of the U.S. House of
 26 Representatives, District Attorney, judge of the superior court, judge of the district court, and
 27 members of the State House of Representatives from multi-county districts or members of the
 28 State Senate from multi-county districts must be presented to the county board of elections for
 29 verification at least 15 days before the petition is due to be filed with the State Board of
 30 Elections, and such petition must be filed with the State Board of Elections no later than 12:00
 31 noon on Monday preceding the filing deadline. The State Board of Elections may adopt rules to
 32 implement this section and to provide standard petition forms."

33 **SECTION 11.** G.S. 163-111(c)(1) reads as rewritten:

34 "(c) Procedure for Requesting Second Primary.

35 (1) A candidate who is apparently entitled to demand a second primary,
 36 according to the unofficial results, for one of the offices listed below, and
 37 desiring to do so, shall file a request for a second primary in writing with the
 38 Executive Director of the State Board of Elections no later than 12:00 noon
 39 on the ninth day (including Saturdays and Sundays) following the date on
 40 which the primary was conducted, and such request shall be subject to the
 41 certification of the official results by the State Board of Elections. If the vote
 42 certification by the State Board of Elections determines that a candidate who
 43 was not originally thought to be eligible to call for a second primary is in
 44 fact eligible to call for a second primary, the Executive Director of the State
 45 Board of Elections shall immediately notify such candidate and permit him
 46 to exercise any options available to him within a 48-hour period following
 47 the notification:

48 Governor,

49 Lieutenant Governor,

50 All State executive officers,

51 Justices, Judges, or District Attorneys of the General Court of Justice,

1 United States Senators,
 2 Members of the United States House of Representatives,
 3 State Senators in multi-county senatorial districts, and
 4 Members of the State House of Representatives in multi-county
 5 representative districts."

6 **SECTION 12.** G.S. 163-114 reads as rewritten:

7 **"§ 163-114. Filling vacancies among party nominees occurring after nomination and**
 8 **before election.**

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

14	Position	
15	President	Vacancy is to be filled by appointment of
16	Vice President	national executive committee of
17		political party in which vacancy occurs
18	Presidential elector or alternate elector	Vacancy is to be filled by appointment of
19	Any elective State office	State executive committee of political
20	United States Senator	party in which vacancy occurs
21	A district office, including:	Appropriate district executive committee of
22	Member of the United States House	political party in which vacancy occurs
23	of Representatives	
24	<u>Judge of district court</u>	
25	District Attorney	
26	State Senator in a multi-county	
27	senatorial district	
28	Member of State House of	
29	Representatives in a multi-county	
30	representative district	
31	State Senator in a single-county	County executive committee of political
32	senatorial district	party in which vacancy occurs,
33	Member of State House of	provided, in the case of the State
34	Representatives in a single-county	Senator or State Representative in a
35	representative district	single-county district where not all the
36	Any elective county office	county is located in that district, then in
37		voting, only those members of the
38		county executive committee who reside
39		within the district shall vote
40	<u>Judge of superior court in a</u>	<u>County executive committee</u>
41	<u>single-county judicial</u>	<u>of political party in</u>
42	<u>district where the district</u>	<u>which vacancy occurs;</u>
43	<u>is the whole county or part</u>	<u>provided, in the case of</u>
44	<u>of the county</u>	<u>a superior court judge in a</u>
45		<u>single-county district where</u>
46		<u>not all the county is</u>
47		<u>located in that district,</u>
48		<u>then in voting, only those</u>
49		<u>members of the county</u>
50		<u>executive committee who</u>
51		<u>reside within the</u>

1 district shall vote
2 Judge of superior court in a Appropriate district
3 multicounty judicial executive committee of
4 district political party in which
5 vacancy occurs

6 The party executive making a nomination in accordance with the provisions of this section shall
7 certify the name of its nominee to the chairman of the board of elections, State or county, that
8 has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made
9 under this section the general election ballots have already been printed, the provisions of
10 G.S.163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that
11 vacancy arises from a cause other than death and the vacancy in nomination occurs more than
12 120 days before the general election, the vacancy in nomination may be filled under this section
13 only if the appropriate executive committee certifies the name of the nominee in accordance
14 with this paragraph at least 75 days before the general election.

15 (b) In a county which is partly in a multicounty judicial district, in choosing that
16 county's member or members of the judicial district executive committee for the multicounty
17 district, only the county convention delegates or county executive committee members who
18 reside within the area of the county which is within that multicounty district may vote.

19 (c) In a county not all of which is located in one congressional district, in choosing the
20 congressional district executive committee member or members from that area of the county,
21 only the county convention delegates or county executive committee members who reside
22 within the area of the county which is within the congressional district may vote.

23 (d) In a county which is partly in a multi-county senatorial district or which is partly in
24 a multi-county House of Representatives district, in choosing that county's member or members
25 of the senatorial district executive committee or House of Representatives district executive
26 committee for the multi-county district, only the county convention delegates or county
27 executive committee members who reside within the area of the county which is within that
28 multi-county district may vote.

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

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

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

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

43 **SECTION 13.** G.S. 163-122 is amended by adding a new subsection to read:

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

47 (1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed
48 no later than the tenth day following the verification of the candidate's
49 petition by the appropriate board of elections or the tenth day following the
50 organization of the political committee, whichever occurs first. If the
51 organizational report is not filed within the required time frame, a civil late

1 penalty of two hundred fifty dollars (\$250.00) per day for each day the filing
2 is late shall be assessed against the candidate.

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

5 **SECTION 14.** G.S. 163-123 is amended by adding a new subsection to read:

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

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

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

18 **SECTION 15.** G.S. 163-165(6) reads as rewritten:

19 "(6) "Provisional official ballot" means an official ballot that is voted and then
20 placed in an envelope that contains an affidavit signed by the voter certifying
21 identity and eligibility to vote. ~~Except for its envelope, a provisional official~~
22 ~~ballot shall not be marked to make it identifiable to the voter."~~

23 **SECTION 16.(a)** G.S. 163-165.6 reads as rewritten:

24 **"§ 163-165.6. Arrangement of official ballots.**

25 (a) Order of Precedence Generally. – Candidate ballot items shall be arranged on the
26 official ballot before referenda.

27 (b) Order of Precedence for Candidate Ballot Items. – The State Board of Elections
28 shall promulgate rules prescribing the order of offices to be voted on the official ballot. Those
29 rules shall adhere to the following guidelines:

30 (1) Federal offices shall be listed before State and local offices. Member of the
31 United States House of Representatives shall be listed immediately after
32 United States Senator.

33 (2) State and local offices shall be listed according to the size of the electorate.

34 (3) Partisan offices, regardless of the size of the constituency, shall be listed
35 before nonpartisan offices.

36 (4) When offices are in the same class, they shall be listed in alphabetical order
37 by office name, or in numerical or alphabetical order by district name.
38 Governor and Lieutenant Governor, in that order, shall be listed before other
39 Council of State offices. Mayor shall be listed before other citywide offices.
40 Chair of a board, where elected separately, shall be listed before other board
41 seats having the same electorate. Chief Justice shall be listed before
42 Associate Justices.

43 (5) Ballot items for full terms of an office shall be listed before ballot items for
44 partial terms of the same office.

45 (c) Order of Candidates on Primary Official Ballots. – The order in which candidates
46 shall appear on a county's official ballots in any primary ballot item shall be determined by the
47 county board of elections using a process designed by the State Board of Elections for random
48 selection.

49 (d) Order of Party Candidates on General Election Official Ballot. – Candidates in any
50 ballot item on a general election official ballot shall appear in the following order:

- 1 (1) Nominees of political parties that reflect ~~at least five percent (5%)~~the two
2 highest percentages of statewide voter registration, according to the most
3 recent statistical report published by the State Board of Elections, in
4 alphabetical order by party and in alphabetical order within the party.
- 5 (2) Nominees of other political parties, in alphabetical order by party and in
6 alphabetical order within the party.
- 7 (3) Unaffiliated candidates, in alphabetical order.

8 (d1) Rotation of Parties on General Election Official Ballot. – The order of the political
9 parties under subdivision (d)(1) of this section shall rotate every four years. The order of the
10 political parties under subdivision (d)(2) of this section shall rotate every four years.

11 ~~(e) Straight Party Voting. – Each official ballot shall be arranged so that the voter may~~
12 ~~cast one vote for a party's nominees for all offices except President and Vice President. A vote~~
13 ~~for President and Vice President shall be cast separately from a straight party vote. The official~~
14 ~~ballot shall be prepared so that a voter may cast a straight party vote, but then make an~~
15 ~~exception to that straight party vote by voting for a candidate not nominated by that party or by~~
16 ~~voting for fewer than all the candidates nominated by that party. Instructions for general~~
17 ~~election ballots shall clearly advise voters of the rules in this subsection and of the statutes~~
18 ~~providing for the counting of ballots.~~

19 (f) Write-In Voting. – Each official ballot shall be so arranged so that voters may cast
20 write-in votes for candidates except where prohibited by G.S. 163-123 or other statutes
21 governing write-in votes. Instructions for general election ballots shall clearly advise voters of
22 the rules of this subsection and of the statutes governing write-in voting.

23 (g) Order of Precedence for Referenda. – The referendum questions to be voted on shall
24 be arranged on the official ballot in the following order:

- 25 (1) Proposed amendments to the North Carolina Constitution, in the
26 chronological order in which the proposals were approved by the General
27 Assembly.
- 28 (2) Other referenda to be voted on by all voters in the State, in the chronological
29 order in which the proposals were approved by the General Assembly.
- 30 (3) Referenda to be voted on by fewer than all the voters in the State, in the
31 chronological order of the acts by which the referenda were properly
32 authorized."

33 **SECTION 16.(b)** This section becomes effective January 1, 2012, and applies to
34 elections held on or after that date. In implementing G.S. 163-165.6(d1), as enacted by this
35 section, the State Board of Elections shall start the rotating order with a party that has not been
36 first on the ballot in the past four years.

37 **SECTION 17.** G.S. 163-166.12(b2) reads as rewritten:

38 "(b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an
39 individual has registered by mail or by another method, if the individual has provided with the
40 registration form a drivers license number or last four digits of a Social Security number but the
41 computer validation of the number as required by G.S. 163-82.12 did not result in a match, and
42 the number has not been otherwise validated by the board of elections, in the first election in
43 which the individual votes that individual shall submit with the ballot the form of identification
44 described in subsection (a) or subsection (b) of this section, depending upon whether the ballot
45 is voted in person or absentee. If that identification is provided and the board of elections does
46 not determine that the individual is otherwise ineligible to vote a ballot, the failure of
47 identification numbers to match shall not prevent that individual from registering to vote and
48 having that individual's vote counted. ~~If the individual registers and votes under~~
49 ~~G.S. 163-82.6A, the identification documents required in that section, rather than those~~
50 ~~described in subsection (a) or (b) of this section, apply."~~

51 **SECTION 18.** G.S. 163-182.1(a)(7) is repealed.

1 **SECTION 19.(a)** Article 18 of Chapter 163 of the General Statutes is repealed.

2 **SECTION 19.(b)** Chapter 163 of the General Statutes is amended by adding a new
3 Article to read:

4 "Article 18B.

5 "Faithful Presidential Electors Act.

6 "§ 163-216.1. Designation of State's electors.

7 (a) For each elector position in this State, a political party contesting the position, or an
8 unaffiliated presidential candidate, shall submit to the Secretary of State the names of two
9 qualified individuals. One of the individuals must be designated "elector nominee" and the
10 other "alternate elector nominee." Except as otherwise provided in this Article, this State's
11 electors are the winning elector nominees under the laws of this State.

12 (b) The names of candidates for electors of President and Vice President nominated by
13 any political party recognized in this State under G.S. 163-96, or nominated under
14 G.S. 163-1(c) by a candidate for President of the United States who has qualified to have his or
15 her name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122,
16 shall be filed with the Secretary of State but shall not be printed on the ballot. In the case of the
17 unaffiliated candidate, the names of candidates for electors must be filed with the Secretary of
18 State no later than 12:00 noon on the first Friday in August. In place of their names, there shall
19 be printed on the ballot the names of the candidates for President and Vice President of each
20 political party recognized in this State and the name of any candidate for President who has
21 qualified to have his or her name printed on the general election ballot under G.S. 163-122. A
22 candidate for President who has qualified for the general election ballot as an unaffiliated
23 candidate under G.S. 163-122 shall, no later than 12:00 noon on the first Friday in August, file
24 with the State Board of Elections the name of a candidate for Vice President, whose name shall
25 also be printed on the ballot. A vote for the candidates named on the ballot shall be a vote for
26 the electors of the party or unaffiliated candidate by which those candidates were nominated
27 and whose names have been filed with the Secretary of State.

28 "§ 163-216.2. Pledge.

29 Each elector nominee and alternate elector nominee of a political party shall execute the
30 following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots
31 for President and Vice President for the nominees for those offices of the party that nominated
32 me." Each elector nominee and alternate elector nominee of an unaffiliated presidential
33 candidate shall execute the following pledge: "If selected for the position of elector as a
34 nominee of an unaffiliated presidential candidate, I agree to serve and to mark my ballots for
35 that candidate and for that candidate's vice presidential running mate." The executed pledges
36 must accompany the submission of the corresponding names to the Secretary of State.

37 "§ 163-216.3. Governor to proclaim results; casting State's vote for President and Vice
38 President.

39 Upon receipt of the certifications prepared by the State Board of Elections and delivered in
40 accordance with G.S. 163-182.15, the Secretary of State, under seal of the office, shall notify
41 the Governor of the names of the persons elected to the office of elector for President and Vice
42 President of the United States as stated in the abstracts of the State Board of Elections.
43 Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the
44 electors and instructing them to be present in the old Hall of the House of Representatives in
45 the State Capitol in the City of Raleigh at 12:00 noon on the first Monday after the second
46 Wednesday in December next after their election, at which time the electors shall meet and vote
47 on behalf of the State for President and Vice President of the United States. If the old Hall of
48 the House of Representatives in the State Capitol is unavailable, the Governor may specify
49 another location within the City of Raleigh. The Governor shall cause this proclamation to be
50 published on the Internet and in any daily newspaper published in the City of Raleigh and shall
51 cause the proclamation to be distributed to representatives of the news media. Notice may

1 additionally be made on a radio or television station or both, but such notice shall be in addition
2 to the newspaper and other required notice. The Secretary of State is responsible for making the
3 actual arrangements for the meeting, preparing the agenda, and inviting guests.

4 **"§ 163-216.4. Certification of electors.**

5 (a) Before the date fixed for the meeting of the electors, the Governor shall send by
6 registered mail to the Archivist of the United States either three duplicate original certificates or
7 one original certificate and two authenticated copies of the Certificates of Ascertainment under
8 the great seal of the State setting forth the names of the persons chosen as presidential electors
9 for this State and the number of votes cast for each. These Certificates of Ascertainment should
10 be sent as soon as possible after the election, but must be received before the Electoral College
11 meeting. At the same time the Governor shall deliver to the electors six duplicate originals of
12 the same certificate, each bearing the great seal of the State.

13 (b) In submitting this State's Certificate of Ascertainment as required by 3 U.S.C. § 6,
14 the Governor shall certify this State's electors and state in the certificate all of the following:

15 (1) The electors will serve as electors unless a vacancy occurs in the office of
16 elector before the end of the meeting at which elector votes are cast, in
17 which case a substitute elector will fill the vacancy.

18 (2) If a substitute elector is appointed to fill a vacancy, the Governor will submit
19 an amended Certificate of Ascertainment stating the names on the final list
20 of this State's electors.

21 **"§ 163-216.5. Presiding officer; elector vacancy.**

22 (a) The Secretary of State shall preside at the meeting of electors described in this
23 Article.

24 (b) The position of an elector not present to vote is vacant. The Secretary of State shall
25 appoint an individual as a substitute elector to fill a vacancy as follows:

26 (1) If the alternate elector is present to vote, by appointing the alternate elector
27 for the vacant position.

28 (2) If the alternate elector for the vacant position is not present to vote, by
29 appointing an elector chosen by lot from among the alternate electors present
30 to vote who were nominated by the same political party.

31 (3) If the number of alternate electors present to vote is insufficient to fill any
32 vacant position under subdivisions (1) and (2) of this subsection, by
33 appointing any immediately available individual who is qualified to serve as
34 an elector and chosen through nomination by and plurality vote of the
35 remaining electors, including nomination and vote by a single elector if only
36 one remains.

37 (4) If there is a tie between at least two nominees for substitute elector in a vote
38 conducted under subdivision (3) of this subsection, by appointing an elector
39 chosen by lot from among those nominees.

40 (5) If all elector positions are vacant and cannot be filled pursuant to
41 subdivisions (1) through (4) of this subsection, by appointing a single
42 presidential elector, with remaining vacant positions to be filled under
43 subdivision (3) of this subsection and, if necessary, subdivision (4) of this
44 subsection.

45 (c) To qualify as a substitute elector under subsection (b) of this section, an individual
46 who has not executed the pledge required under G.S. 163-216.2 shall execute the following
47 pledge: "I agree to serve and to mark my ballots for President and Vice President consistent
48 with the pledge of the individual to whose elector position I have succeeded."

49 **"§ 163-216.6. Elector voting.**

50 (a) At the time designated for elector voting and after all vacant positions have been
51 filled under G.S. 163-216.5, the Secretary of State shall provide each elector with a presidential

1 and a vice presidential ballot. The elector shall mark the elector's presidential and vice
2 presidential ballots with the elector's votes for the offices of President and Vice President,
3 respectively, along with the elector's signature and the elector's legibly printed name.

4 (b) Each elector shall present both completed ballots to the Secretary of State, who shall
5 examine the ballots and accept as cast all ballots of electors whose votes are consistent with
6 their pledges executed under this Article. The Secretary of State may not accept and may not
7 count either an elector's presidential or vice presidential ballot if the elector has not marked
8 both ballots or has marked a ballot in violation of the elector's pledge.

9 (c) An elector who refuses to present a ballot, presents an unmarked ballot, or presents
10 a ballot marked in violation of the elector's pledge executed under this Article vacates the office
11 of elector, creating a vacant position to be filled under G.S. 163-216.5.

12 (d) The Secretary of State shall distribute ballots to and collect ballots from a substitute
13 elector and repeat the process under this section of examining ballots, declaring and filling
14 vacant positions as required, and recording appropriately completed ballots from the substituted
15 electors until all of this State's electoral votes have been cast and recorded.

16 **"§ 163-216.7. Elector replacement; associated certificates.**

17 (a) After the vote of this State's electors is completed, if the final list of electors differs
18 from any list that the Governor previously included on a Certificate of Ascertainment prepared
19 and transmitted under 3 U.S.C. § 6, the Secretary of State immediately shall prepare an
20 amended Certificate of Ascertainment and transmit it to the Governor for the Governor's
21 signature.

22 (b) The Governor immediately shall deliver the signed amended Certificate of
23 Ascertainment to the Secretary of State and a signed duplicate original of the amended
24 Certificate of Ascertainment to all individuals entitled to receive this State's Certificate of
25 Ascertainment, indicating that the amended Certificate of Ascertainment is to be substituted for
26 the Certificate of Ascertainment previously submitted.

27 (c) The Secretary of State shall prepare a certificate of vote. The electors on the final
28 list shall sign the certificate. The Secretary of State shall process and transmit the signed
29 certificate with the amended Certificate of Ascertainment under 3 U.S.C. §§ 9, 10, and 11.

30 **"§ 163-216.8. Electors and dual office holding.**

31 (a) Upon receiving the filing of a name as a candidate for elector under G.S. 163-216.1,
32 the Secretary of State shall notify that candidate of the dual office holding requirements of the
33 North Carolina Constitution and the General Statutes, including specifically that if an
34 individual elected as elector holds another elective office at the time of taking the oath of office
35 as elector, that other office is vacated upon taking the oath of office.

36 (b) During January of each year in which electors are elected, the Secretary of State
37 shall notify each political party authorized to nominate electors of (i) the requirement under
38 G.S. 163-1(c) to nominate an elector and an alternate elector and (ii) the dual office holding
39 requirements of the North Carolina Constitution and the General Statutes, including specifically
40 that if a person elected as elector holds another elective office at the time of taking the oath of
41 office as elector, that other office is vacated upon taking the oath of office.

42 (c) The office of elector may be held in addition to the maximum number of appointive
43 offices allowed by G.S. 128-1.1.

44 **"§ 163-216.9. Appointment of Presidential Electors by General Assembly in certain**
45 **circumstances, by the Governor in certain other circumstances.**

46 (a) Appointment by General Assembly if No Proclamation by Six Days Before
47 Electors' Meeting Day. – As permitted by 3 U.S.C. § 2, whenever the appointment of any
48 Presidential Elector has not been proclaimed under G.S. 163-216.3 before 12:00 noon on the
49 date for settling controversies specified by 3 U.S.C. § 5, and upon the call of an extra session
50 pursuant to the North Carolina Constitution for the purposes of this section, the General

1 Assembly may fill the position of any Presidential Electors whose election is not yet
2 proclaimed.

3 (b) Appointment by Governor if No Appointment by the Day Before Electors' Meeting
4 Day. – If the appointment of any Presidential Elector has not been proclaimed under
5 G.S. 163-216.3 before 12:00 noon on the date for settling controversies specified by 3 U.S.C. §
6 5, nor appointed by the General Assembly by 12:00 noon on the day before the day set for the
7 meeting of Presidential Electors by 3 U.S.C. § 7, then the Governor shall appoint that Elector.

8 (c) Standard for Decision by General Assembly and Governor. – In exercising their
9 authority under subsections (a) and (b) of this section, the General Assembly and the Governor
10 shall designate Electors in accord with their best judgment of the will of the electorate. The
11 decisions of the General Assembly or Governor under subsections (a) and (b) of this section are
12 not subject to judicial review, except to ensure that applicable statutory and constitutional
13 procedures were followed. The judgment itself of what was the will of the electorate is not
14 subject to judicial review.

15 (d) Proclamation Before Electors' Meeting Day Controls. – If the proclamation of any
16 Presidential Elector under G.S. 163-216.3 is made any time before 12:00 noon on the day set
17 for the meeting of Presidential Electors by 3 U.S.C. § 7, then that proclamation shall control
18 over an appointment made by the General Assembly or the Governor. This section does not
19 preclude litigation otherwise provided by law to challenge the validity of the proclamation or
20 the procedures that resulted in that proclamation."

21 **SECTION 19.(c)** G.S. 163-1(c) reads as rewritten:

22 "(c) On Tuesday next after the first Monday in November in the year 1968, and every
23 four years thereafter, or on such days as the Congress of the United States shall direct, an
24 election shall be held in all of the election precincts of the State for the election of electors of
25 President and Vice-President of the United States. The number of electors to be chosen shall be
26 equal to the number of Senators and Representatives in Congress to which this State may be
27 entitled. Presidential electors shall not be nominated by primary election; instead, they shall be
28 nominated in a State convention of each political party as defined in G.S. 163-96 unless
29 otherwise provided by the plan of organization of the political party; provided, that in the case
30 of a candidate for President of the United States who has qualified to have his name printed on
31 the general election ballot as an unaffiliated candidate under G.S. 163-122, that candidate shall
32 nominate presidential electors. One presidential elector shall be nominated from each
33 congressional district and two from the state-at-large, and in addition, the State convention of
34 each party and the unaffiliated candidate shall each nominate ~~first and second alternate~~
35 electors an elector and an alternate elector who shall serve if their slate is elected as provided by
36 ~~G.S. 163-209~~G.S. 163-216.1 and if there is a vacancy as provided by
37 ~~G.S. 163-210~~G.S. 163-216.5."

38 **SECTION 20.** G.S. 163-227.2 reads as rewritten:

39 **"§ 163-227.2. Alternate procedures for requesting application for absentee ballot;**
40 **"one-stop" voting procedure in board office.**

41 (a) Any voter eligible to vote by absentee ballot under G.S. 163-226 may request an
42 application for absentee ballots, complete the application, and vote under the provisions of this
43 ~~section and of G.S. 163-82.6A, as applicable section.~~

44 (a1) Repealed by Session Laws 2001-337, s. 2, effective January 1, 2002.

45 (b) Not earlier than the ~~third~~second Thursday before an election, in which absentee
46 ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last
47 Saturday before that election, the voter shall appear in person only at the office of the county
48 board of elections, except as provided in subsection (g) of this section. A county board of
49 elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M.
50 and may conduct it until 5:00 P.M. on that Saturday. A county board may not conduct one-stop
51 voting on any Sunday in any election. That voter shall enter the voting enclosure at the board

1 office through the appropriate entrance and shall at once state his or her name and place of
2 residence to an authorized member or employee of the board. In a primary election, the voter
3 shall also state the political party with which the voter affiliates and in whose primary the voter
4 desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a
5 particular party under G.S. 163-119, the voter shall state the name of the authorizing political
6 party in whose primary he wishes to vote. The board member or employee to whom the voter
7 gives this information shall announce the name and residence of the voter in a distinct tone of
8 voice. After examining the registration records, an employee of the board shall state whether
9 the person seeking to vote is duly registered. If the voter is found to be registered that voter
10 may request that the authorized member or employee of the board furnish the voter with an
11 application form as specified in G.S. 163-227. The voter shall complete the application in the
12 presence of the authorized member or employee of the board, and shall deliver the application
13 to that person.

14 (c) If the application is properly filled out, the authorized member or employee shall
15 enter the voter's name in the register of absentee requests, applications, and ballots issued and
16 shall furnish the voter with the ballots to which the application for absentee ballots applies. The
17 voter thereupon shall vote in accordance with subsection (e) of this section.

18 All actions required by this subsection shall be performed in the office of the board of
19 elections, except that the voting may take place in an adjacent room as provided by subsection
20 (e) of this section. The application under this subsection shall be signed in the presence of the
21 chair, member, director of elections of the board, or full-time employee, authorized by the
22 board who shall sign the application and certificate as the witness and indicate the official title
23 held by him or her. Notwithstanding G.S. 163-231(a), in the case of this subsection, only one
24 witness shall be required on the certificate.

25 (d) Only the chairman, member, employee, or director of elections of the board shall
26 keep the voter's application for absentee ballots in a safe place, separate and apart from other
27 applications and container-return envelopes. If the voter's application for absentee ballots is
28 disapproved by the board, the board shall so notify the voter stating the reason for disapproval
29 by first-class mail addressed to the voter at that voter's residence address and at the address
30 shown in the application for absentee ballots; and the board shall enter a challenge under
31 G.S. 163-89.

32 (e) The voter shall vote that voter's absentee ballot in a voting booth in the office of the
33 county board of elections, and the county board of elections shall provide a voting booth for
34 that purpose, provided however, that the county board of elections may in the alternative
35 provide a private room for the voter adjacent to the office of the board, in which case the voter
36 shall vote that voter's absentee ballot in that room. A voter at a one-stop site shall be entitled to
37 the same assistance as a voter at a voting place on election day under G.S. 163-166.8. The State
38 Board of Elections shall, where appropriate, adapt the rules it adopts under G.S. 163-166.8 to
39 one-stop voting.

40 (e1) If a county uses a voting system with retrievable ballots, that county's board of
41 elections may by resolution elect to conduct one-stop absentee voting according to the
42 provisions of this subsection. In a county in which the board has opted to do so, a one-stop
43 voter shall cast the ballot and then shall deposit the ballot in the ballot box or voting system in
44 the same manner as if such box or system was in use in a precinct on election day. At the end of
45 each business day, or at any time when there will be no employee or officer of the board of
46 elections on the premises, the ballot box or system shall be secured in accordance with a plan
47 approved by the State Board of Elections, which shall include that no additional ballots have
48 been placed in the box or system. Any county board desiring to conduct one-stop voting
49 according to this subsection shall submit a plan for doing so to the State Board of Elections.
50 The State Board shall adopt standards for conducting one-stop voting under this subsection and
51 shall approve any county plan that adheres to its standards. The county board shall adhere to its

1 State Board-approved plan. The plan shall provide that each one-stop ballot shall have a ballot
2 number on it in accordance with G.S. 163-230.1(a2), or shall have an equivalent identifier to
3 allow for retrievability. The standards shall address retrievability in one-stop voting on direct
4 record electronic equipment where no paper ballot is used.

5 (e2) A voter who has moved within the county more than 30 days before election day but
6 has not reported the move to the board of elections shall not be required on that account to vote
7 a provisional ballot at the one-stop site, as long as the one-stop site has available all the
8 information necessary to determine whether a voter is registered to vote in the county and
9 which ballot the voter is eligible to vote based on the voter's proper residence address. The
10 voter with that kind of unreported move shall be allowed to vote the same kind of absentee
11 ballot as other one-stop voters.

12 (f) Notwithstanding the exception specified in G.S. 163-36, counties which operate a
13 modified full-time office shall remain open five days each week during regular business hours
14 consistent with daily hours presently observed by the county board of elections, commencing
15 with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday
16 prior to that election and shall also be open on the last Saturday before the election. A county
17 board may conduct one-stop absentee voting during evenings or on weekends, as long as the
18 hours are part of a plan submitted and approved according to subsection (g) of this section. The
19 boards of county commissioners shall provide necessary funds for the additional operation of
20 the office during that time.

21 (g) Notwithstanding any other provision of this section, a county board of elections by
22 unanimous vote of all its members may provide for one or more sites in that county for
23 absentee ballots to be applied for and cast under this section. Every individual staffing any of
24 those sites shall be a member or full-time employee of the county board of elections or an
25 employee of the county board of elections whom the board has given training equivalent to that
26 given a full-time employee. Those sites must be approved by the State Board of Elections as
27 part of a Plan for Implementation approved by both the county board of elections and by the
28 State Board of Elections which shall also provide adequate security of the ballots and
29 provisions to avoid allowing persons to vote who have already voted. The Plan for
30 Implementation shall include a provision for the presence of political party observers at each
31 one-stop site equivalent to the provisions in G.S. 163-45 for party observers at voting places on
32 election day. A county board of elections may propose in its Plan not to offer one-stop voting at
33 the county board of elections office; the State Board may approve that proposal in a Plan only
34 if the Plan includes at least one site reasonably proximate to the county board of elections
35 office and the State Board finds that the sites in the Plan as a whole provide adequate coverage
36 of the county's electorate. If a county board of elections has considered a proposed Plan or
37 Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member
38 or members of that county board of elections may petition the State Board of Elections to adopt
39 a plan for it. If petitioned, the State Board may also receive and consider alternative petitions
40 from another member or members of that county board. The State Board of Elections may
41 adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors
42 including geographic, demographic, and partisan interests of that county.

43 (g1) The State Board of Elections shall not approve, either in a Plan approved
44 unanimously by a county board of elections or in an alternative Plan proposed by a member or
45 members of that board, a one-stop site in a building that the county board of elections is not
46 entitled under G.S. 163-129 to demand and use as an election-day voting place, unless the State
47 Board of Elections finds that other equally suitable sites were not available and that the use of
48 the sites chosen will not unfairly advantage or disadvantage geographic, demographic, or
49 partisan interests of that county. In providing the site or sites for one-stop absentee voting under
50 this section, the county board of elections shall make a request to the State, county, city, local
51 school board, or other entity in control of the building that is supported or maintained, in whole

1 or in part, by or through tax revenues at least 90 days prior to the start of one-stop absentee
2 voting under this section. The request shall clearly identify the building, or any specific portion
3 thereof, requested the dates and times for which that building or specific portion thereof is
4 requested and the requirement of an area for election related activity. If the State, local
5 governing board, or other entity in control of the building does not respond to the request
6 within 20 days, the building or specific portion thereof may be used for one-stop absentee
7 voting as stated in the request. If the State, local governing board, or other entity in control of
8 the building or specific portion thereof responds negatively to the request within 20 days, that
9 entity and the county board of elections shall, in good faith, work to identify a building or
10 specific portion thereof in which to conduct one-stop absentee voting under this section. If no
11 building or specific portion thereof has been agreed upon within 45 days from the date the
12 county board of elections received a response to the request, the matter shall be resolved by the
13 State Board of Elections.

14 (h) Notwithstanding the provisions of G.S. 163-89(a) and (b), a challenge may be
15 entered against a voter at a one-stop site under subsection (g) of this section or during one-stop
16 voting at the county board office. The challenge may be entered by a person conducting
17 one-stop voting under this section or by another registered voter who resides in the same
18 precinct as the voter being challenged. If challenged at the place where one-stop voting occurs,
19 the voter shall be allowed to cast a ballot in the same way as other voters. The challenge shall
20 be made on forms prescribed by the State Board of Elections. The challenge shall be heard by
21 the county board of elections in accordance with the procedures set forth in G.S. 163-89(e).

22 (i) At any site where one-stop absentee voting is conducted, there shall be a curtained
23 or otherwise private area where the voter may mark the ballot unobserved."

24 **SECTION 21.** G.S. 163-230.2 is repealed.

25 **SECTION 22.** G.S. 163-277 reads as rewritten:

26 **"§ 163-277. Compelling self-incriminating testimony; person so testifying excused from**
27 **prosecution.**

28 No person shall be excused from attending or testifying or producing any books, papers or
29 other documents before any court or magistrate upon any investigation, proceeding or trial for
30 the violation of any of the provisions of this Article, upon the ground or for the reason that the
31 testimony or evidence, documentary or otherwise, required of ~~him~~that person may tend to
32 incriminate or degrade ~~him~~that person. ~~but such~~Such person may be subpoenaed and required
33 to testify by and for the State relative to any offense arising under the provisions of this Article;
34 but such person shall not be prosecuted ~~or subjected to any penalty or forfeiture~~ for or on
35 account of any transaction, matter or thing concerning which ~~he~~that person may so testify or
36 produce evidence, documentary or otherwise, and no testimony so given or produced shall be
37 used against ~~him~~that person upon any criminal investigation or proceeding, but such person so
38 compelled to testify with respect to any acts of ~~his own~~that person shall be immune from
39 prosecution on account thereof, and shall be ~~pardoned for any violation of law about which~~
40 ~~such person shall be so required to testify thereof.~~"

41 **SECTION 23.(a)** Notwithstanding Section 36 of this act, G.S. 163-329 reads as
42 rewritten:

43 **"§ 163-329. Elections to fill vacancy in office created after primary filing period opens.**

44 (a) General. – If a vacancy is created in the office of justice of the Supreme Court,
45 judge of the Court of Appeals, or judge of superior court after the filing period for the primary
46 opens but more than 60 days before the general election, and under the Constitution of North
47 Carolina an election is to be held for that position, such that the office shall be filled in the
48 general election as provided in G.S. 163-9, the election to fill the office for the remainder of the
49 term shall be conducted without a primary using the method provided in subsection (b1) of this
50 section. If a vacancy is created in the office of justice of the Supreme Court, judge of the Court
51 of Appeals, or judge of superior ~~court before the filing period for the primary opens,~~court, and

1 under the Constitution of North Carolina an election is to be held for that position, such that the
2 office shall be filled in the general election as provided in G.S. 163-9, the election to fill the
3 office for the remainder of the term shall be conducted in accordance with
4 ~~G.S. 163-322~~.G.S. 163-115(c).

5 (b) Repealed by Session Laws 2006-192, s. 8(a), effective August 3, 2006, and
6 applicable to vacancies occurring on or after that date.

7 (b1) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme
8 Court, judge of the Court of Appeals, or judge of the superior court occurs more than 60 days
9 before the general election and after the opening of the filing period for the primary, then the
10 State Board of Elections shall designate a special filing period of one week for candidates for
11 the office. If more than two candidates file and qualify for the office in accordance with
12 G.S. 163-323, then the Board shall conduct the election for the office as follows:

13 (1) When the vacancy described in this section occurs more than 63 days before
14 the date of the second primary for members of the General Assembly, a
15 special primary shall be held on the same day as the second primary. The
16 two candidates with the most votes in the special primary shall have their
17 names placed on the ballot for the general election held on the same day as
18 the general election for members of the General Assembly.

19 (2) When the vacancy described in this section occurs less than 64 days before
20 the date of the second primary, a general election for all the candidates shall
21 be held on the same day as the general election for members of the General
22 Assembly and the plurality method of determining the results shall be used,
23 as follows:

24 a. When more than one person is seeking election to a single office, the
25 candidate who receives the highest number of votes shall be declared
26 elected.

27 b. When more persons are seeking election to two or more offices as
28 superior court judge (constituting a group) than there are offices to be
29 filled, those candidates receiving the highest numbers of votes, equal
30 in number to the number of offices to be filled, shall be declared
31 elected.

32 ~~"instant runoff voting" method shall be used to determine the winner. Under~~
33 ~~"instant runoff voting," voters rank up to three of the candidates by order of~~
34 ~~preference, first, second, or third. If the candidate with the greatest number~~
35 ~~of first-choice votes receives more than fifty percent (50%) of the~~
36 ~~first-choice votes, that candidate wins. If no candidate receives that~~
37 ~~minimum number, the two candidates with the greatest number of~~
38 ~~first-choice votes advance to a second round of counting. In this round, each~~
39 ~~ballot counts as a vote for whichever of the two final candidates is ranked~~
40 ~~highest by the voter. The candidate with the most votes in the second round~~
41 ~~wins the election. If more than one seat is to be filled in the same race, the~~
42 ~~voter votes the same way as if one seat were to be filled. The counting is the~~
43 ~~same as when one seat is to be filled, with one or two rounds as needed,~~
44 ~~except that counting is done separately for each seat to be filled. The first~~
45 ~~count results in the first winner. Then the second count proceeds without the~~
46 ~~name of the first winner. This process results in the second winner. For each~~
47 ~~additional seat to be filled, an additional count is done without the names of~~
48 ~~the candidates who have already won. In multi-seat contests, the State Board~~
49 ~~of Elections may give the voter more than three choices.~~

1 (3) If two or more candidates receiving the highest number of votes each receive
2 the same number of votes, the board of elections shall resolve the tie in
3 accordance with G.S. 163-182.8.

4 (c) Applicable Provisions. – Except as provided in this section, the provisions of this
5 Article apply to elections conducted under this section.

6 (d) Rules. – The State Board of Elections shall adopt rules for the implementation of
7 this section. The rules are not subject to Article 2A of Chapter 150B of the General Statutes.
8 ~~The rules shall include the following:~~

9 (1) ~~If after the first choice candidate is eliminated, a ballot does not indicate one
10 of the uneliminated candidates as an alternative choice, the ballot is
11 exhausted and shall not be counted after the initial round.~~

12 (2) ~~The fact that the voter does not designate a second or third choice does not
13 invalidate the voter's higher choice or choices.~~

14 (3) ~~The fact that the voter gives more than one ranking to the same candidate
15 shall not invalidate the vote. The highest ranking given a particular candidate
16 shall count as long as the candidate is not eliminated.~~

17 (4) ~~In case of a tie between candidates such that two or more candidates have an
18 equal number of first choices and more than two candidates qualify for the
19 second round, instant runoff voting shall be used to determine which two
20 candidates shall advance to the second round."~~

21 **SECTION 23.(b)** G.S. 163-329, as amended by this section, is recodified as
22 G.S. 163-120.

23 **SECTION 24.** G.S. 163-283 reads as rewritten:

24 **"§ 163-283. Right to participate or vote in party primary.**

25 No person shall be entitled to vote or otherwise participate in the primary election of any
26 political party unless that person complies with all of the following:

27 (1) Is a registered voter.

28 (2) Has declared and has had recorded on the registration book or record the fact
29 that the voter affiliates with the political party in whose primary the voter
30 proposes to vote or participate.

31 (3) Is in good faith a member of that party.

32 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under
33 G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that
34 primary except for subdivisions (2) and (3) of the previous paragraph.

35 Any person who will become qualified by age to register and vote in the general election
36 for which the primary is held, even though not so qualified by the date of the primary election,
37 shall be entitled to register while the registration books are open during the regular registration
38 period prior to the primary and then to vote in the primary after being registered, provided
39 however, under full-time and permanent registration, such an individual may register not earlier
40 than 60 days nor later than the last day for making application to register under
41 G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to
42 register and vote in the general election for which the primary is held, who do not register
43 during the special period may register to vote after such period as if they were qualified on the
44 basis of age, but until they are qualified by age to vote, they may vote only in primary
45 elections. ~~Such a person also may register and vote in the primary and general election pursuant
46 to G.S. 163-82.6A(f)."~~

47 **SECTION 25.** G.S. 163-283.1 reads as rewritten:

48 **"§ 163-283.1. Voting in nonpartisan primary.**

49 Any person who will become qualified by age to register and vote in the general election
50 for which a nonpartisan primary is held, even though not so qualified by the date of the
51 primary, shall be entitled to register for the primary and general election prior to the primary

1 and then to vote in the primary after being registered. Such a person may register not earlier
2 than 60 days nor later than the last day for making application to register under
3 G.S. 163-82.6(c) prior to the primary. ~~Such a person also may register and vote in the primary
4 and general election pursuant to G.S. 163-82.6A(f)."~~

5 **SECTION 26.** G.S. 163-287, as amended by S.L. 2011-31, reads as rewritten:

6 "**§ 163-287. Special elections; procedure for calling.**

7 (a) Any county, municipality or any special district shall have authority to call special
8 elections as permitted by law. Prior to calling a special election, the ~~city council or~~ governing
9 body of the county, municipality, or special district shall adopt a resolution specifying the
10 details of the election, and forthwith deliver the resolution to the ~~appropriate~~ local board of
11 elections. The resolution shall call on the local board of elections to conduct the election
12 described in the resolution and shall state the date on which the special election is to be
13 conducted. The special election may be held only at the same time as any other State, county or
14 municipal ~~primary, election or special election or referendum, but may not otherwise be held~~
15 ~~within the period of time beginning 30 days before and ending 30 days after the date of any~~
16 ~~other primary, election, special election or referendum held for that city or special~~
17 ~~district.~~ general election or at the same time as the primary election in any even-numbered year.

18 (b) Legal notice of the special election shall be published no less than 45 days prior to
19 the special election. The local board of elections shall be responsible for publishing the legal
20 notice. The notice shall state the date and time of the special election, the issue to be submitted
21 to the voters, and the precincts in which the election will be held. This ~~paragraph~~ subsection
22 shall not apply to bond elections.

23 (c) Subsection (a) of this section shall not apply to any special election related to the
24 public health or safety, including a bond referendum for financing of health and sanitation
25 systems, if the governing body adopts a resolution stating the need for the special election at a
26 time different from any other State, county, or municipal general election or the primary in any
27 even-numbered year.

28 (d) The last sentence of subsection (a) of this section shall not apply to municipal
29 incorporation or recall elections pursuant to local act of the General Assembly.

30 (e) This section shall not impact the authority of the courts or the State Board to order a
31 new election at a time set by the courts or State Board under this Chapter."

32 **SECTION 27.** G.S. 163-330 reads as rewritten:

33 "**§ 163-330. Voting in primary.**

34 Any person who will become qualified by age to register and vote in the general election
35 for which the primary is held, even though not so qualified by the date of the primary, shall be
36 entitled to register for the primary and general election prior to the primary and then to vote in
37 the primary after being registered. Such person may register not earlier than 60 days nor later
38 than the last day for making application to register under G.S. 163-82.6(c) prior to the primary.
39 ~~Such a person also may register and vote in the primary and general election pursuant to~~
40 ~~G.S. 163-82.6A(f)."~~

41 **SECTION 28.** Subchapter X (Article 25) of Chapter 163 of the General Statutes is
42 repealed.

43 44 **PART II. CAMPAIGN FINANCE CHANGES.**

45 **SECTION 29.** G.S. 163-278.5 reads as rewritten:

46 "**§ 163-278.5. Scope of Article; severability.**

47 The provisions of this Article apply to primaries and elections for North Carolina offices
48 and to North Carolina referenda and do not apply to primaries and elections for federal offices
49 or offices in other States or to non-North Carolina referenda. Any provision in this Article that
50 regulates a non-North Carolina entity does so only to the extent that the entity's actions affect
51 elections for North Carolina offices or North Carolina referenda.

1 The provisions of this Article are severable. If any provision is held invalid by a court of
2 competent jurisdiction, the invalidity does not affect other provisions of the Article that can be
3 given effect without the invalid provision.

4 This section applies to Articles 22B, 22D, ~~22E, 22F,~~ 22G, 22H, ~~22J,~~ and 22M of the
5 General Statutes to the same extent that it applies to this Article."

6 **SECTION 30.** G.S. 163-278.13 reads as rewritten:

7 **"§ 163-278.13. Limitation on contributions.**

8 (a) No individual, political committee, or other entity shall contribute to any candidate
9 or other political committee any money or make any other contribution in any election in
10 excess of four thousand dollars (\$4,000) for that election.

11 (b) No candidate or political committee shall accept or solicit any contribution from any
12 individual, other political committee, or other entity of any money or any other contribution in
13 any election in excess of four thousand dollars (\$4,000) for that election.

14 (c) Notwithstanding the provisions of subsections (a) and (b) of this section, it shall be
15 lawful for a candidate or a candidate's spouse, parents, brothers and sisters to make a
16 contribution to the candidate or to the candidate's treasurer of any amount of money or to make
17 any other contribution in any election in excess of four thousand dollars (\$4,000) for that
18 election.

19 (d) For the purposes of this section, the term "an election" means any primary, second
20 primary, or general election in which the candidate or political committee may be involved,
21 without regard to whether the candidate is opposed or unopposed in the election, except that
22 where a candidate is not on the ballot in a second primary, that second primary is not "an
23 election" with respect to that candidate.

24 (d1) Notwithstanding subsections (a) and (b) of this section, a candidate or political
25 committee may accept a contribution knowing that the contribution is to be reimbursed to the
26 entity making the contribution and knowing the candidate or political committee has funds
27 sufficient to reimburse the entity making the contribution if all of the following conditions are
28 met:

- 29 (1) The entity submits sufficient information of the contribution to the candidate
30 or political committee for reimbursement within 45 days of the contribution.
- 31 (2) The candidate or political committee makes a reimbursement to the entity
32 making the contribution within seven days of submission of sufficient
33 information.
- 34 (3) The candidate or political committee indicates on its report under
35 G.S. 163-278.11 that the good, service, or other item resulting in the
36 reimbursement is an expenditure of the candidate or political committee, and
37 notes if the contribution was by credit card.
- 38 (4) The contribution does not exceed one thousand dollars (\$1,000.00).

39 (d2) Any contribution, or portion thereof, made under subsection (d1) of this section that
40 is not submitted for reimbursement in accordance with subsection (d1) of this section shall be
41 treated as a contribution for purposes of this section. Any contribution, or portion thereof, made
42 under subsection (d1) of this section that is not reimbursed in accordance with subsection (d1)
43 of this section shall be treated as a contribution for purposes of this section.

44 (e) Except as provided in this subsection and subsections (e2), (e3), and (e4)
45 subsections (e2) and (e3) of this section, this section shall not apply to any national, State,
46 district or county executive committee of any political party. For the purposes of this section
47 only, the term "political party" means only those political parties officially recognized under
48 G.S. 163-96.

49 (e1) No referendum committee which received any contribution from a corporation,
50 labor union, insurance company, business entity, or professional association may make any
51 contribution to another referendum committee, to a candidate or to a political committee.

1 (e2) In order to make meaningful the provisions of Article 22D of this Chapter, the
2 following provisions shall apply with respect to candidates for justice of the Supreme Court and
3 judge of the Court of Appeals:

4 (1) No candidate shall accept, and no contributor shall make to that candidate, a
5 contribution in any election exceeding one thousand dollars (\$1,000) except
6 as provided for elsewhere in this subsection.

7 (2) A candidate may accept, and a family contributor may make to that
8 candidate, a contribution not exceeding two thousand dollars (\$2,000) in an
9 election if the contributor is that candidate's parent, child, brother, or sister.

10 (3) Repealed by Session Laws 2008-150, s. 7(a), effective August 2, 2008.

11 As used in this subsection, "candidate" is also a political committee authorized by the
12 candidate for that candidate's election. Nothing in this subsection shall prohibit a candidate or
13 the spouse of that candidate from making a contribution or loan secured entirely by that
14 individual's assets to that candidate's own campaign.

15 (e3) Notwithstanding the provisions of subsections (a) and (b) of this section, no
16 candidate for superior court judge or district court judge shall accept, and no contributor shall
17 make to that candidate, a contribution in any election exceeding one thousand dollars (\$1,000),
18 except as provided in subsection (c) of this section. As used in this subsection, "candidate" is
19 also a political committee authorized by the candidate for that candidate's election. Nothing in
20 this subsection shall prohibit a candidate or the spouse of that candidate from making a
21 contribution or loan secured entirely by that individual's assets to that candidate's own
22 campaign.

23 ~~(e4) In order to make meaningful the provisions of the North Carolina Voter Owned~~
24 ~~Elections Act, as set forth in Article 22J of this Chapter, no candidate for an office subject to~~
25 ~~that Article shall accept, and no contributor shall make to that candidate, a contribution during~~
26 ~~the period beginning 21 days before the day of the general election and ending the day after the~~
27 ~~general election if that contribution causes the candidate to exceed the "trigger for matching~~
28 ~~funds" defined in G.S. 163-278.96(17). As used in this subsection, the term "candidate" also~~
29 ~~includes "candidate campaign committee" as defined in G.S. 163-278.38Z(3). Nothing in this~~
30 ~~subsection shall prohibit a candidate from making a contribution or loan secured entirely by~~
31 ~~that candidate's assets to that candidate's own campaign or to a political committee, the~~
32 ~~principal purpose of which is to support that candidate's campaign. This subsection applies with~~
33 ~~respect to a candidate only if both of the following statements are true regarding that candidate:~~

34 (1) ~~That candidate is opposed in the general election by a certified candidate as~~
35 ~~defined in Article 22J of this Chapter.~~

36 (2) ~~That certified candidate has not received the maximum matching funds~~
37 ~~available under G.S. 163-278.99B(c).~~

38 ~~The recipient of a contribution that apparently violates this subsection has three days to~~
39 ~~return the contribution or file a detailed statement with the State Board of Elections explaining~~
40 ~~why the contribution does not violate this subsection.~~

41 (e5) The contribution limits of subsections (a) and (b) of this section do not apply to
42 contributions made to an independent expenditure political committee. For purposes of this
43 section, an "independent expenditure political committee" is a political committee whose
44 treasurer makes and abides by a certification to the State Board of Elections that the political
45 committee does not and will not make contributions, directly or indirectly, to candidates or to
46 political committees that make contributions to candidates. The State Board of Elections shall
47 provide forms for implementation of this subsection. This subsection shall not apply to a
48 candidate or a political committee controlled by a candidate. The exception of this subsection is
49 in addition to any other exception provided by law.

50 (f) Any individual, candidate, political committee, referendum committee, or other
51 entity that violates the provisions of this section is guilty of a Class 2 misdemeanor."

1 **SECTION 31.** Article 22A of Chapter 163 of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 163-278.13D. Limitation on contributions from State vendors.**

4 (a) No vendor of this State may make a contribution greater than five hundred dollars
5 (\$500.00) per election to a candidate as defined in G.S. 163-278.38Z(2) or candidate campaign
6 committee as defined in G.S. 163-278.38Z(3) for a public servant as defined in
7 G.S. 138A-3(30)a. and G.S. 120C-104 if the public servant has authority over the contract with
8 the vendor.

9 (b) This section shall not apply to a vendor who has filed a notice of candidacy for
10 office under G.S. 163-106, G.S. 163-107.1, or Article 11 of Chapter 163 of the General Statutes
11 or has been nominated under G.S. 163-114 or G.S. 163-98 and is making a contribution to that
12 vendor's candidate campaign committee.

13 (c) For purposes of this section, the term "vendor" shall mean any of the following:

14 (1) An individual with a contract greater than twenty-five thousand dollars
15 (\$25,000) with any office established by Article III of the North Carolina
16 Constitution.

17 (2) An individual employed by a corporation or person with a contract greater
18 than twenty-five thousand dollars (\$25,000) with any office established by
19 Article III of the North Carolina Constitution in any of the following
20 capacities:

21 a. Will derive a direct financial benefit from the contract. Direct
22 financial benefit exists only if the individual (i) has more than a ten
23 percent (10%) beneficial ownership in a party to the contract or (ii)
24 acquires property under the contract.

25 b. Oversees the performance of the contract and has authority to make
26 decisions regarding the contract or to interpret the contract.

27 c. Participates in the development of specifications or terms and in the
28 preparation or award of the contract.

29 (3) An individual who is a member of a board, commission, or other body of a
30 corporation with a contract greater than twenty-five thousand dollars
31 (\$25,000) with any office established by Article III of the North Carolina
32 Constitution that takes action on the contract, whether or not the individual
33 actually participates in that action, unless the individual is prohibited from
34 voting by a policy of the corporation and does not vote on the contract."

35 **SECTION 32.** Article 22A of Chapter 163 of the General Statutes is amended by
36 adding a new section to read:

37 **"§ 163-278.19C. Contributions to political parties.**

38 (a) Notwithstanding G.S. 163-278.13 and G.S. 163-278.19, no political party shall
39 accept or solicit any contribution from any individual, political committee other than a
40 candidate campaign committee, referendum committee, person, or other entity, in any election,
41 in excess of two hundred fifty thousand dollars (\$250,000) for that election.

42 (b) No individual, candidate, political committee other than a candidate campaign
43 committee, referendum committee, person, or other entity, in any election, shall contribute to
44 any political party any contribution in any election in excess of two hundred fifty thousand
45 dollars (\$250,000) for that election.

46 (c) Any individual, candidate, political committee other than a candidate campaign
47 committee, referendum committee, person, or other entity that violates the provisions of this
48 section is guilty of a Class 2 misdemeanor."

49 **SECTION 33.** G.S. 163-278.29 reads as rewritten:

50 **"§ 163-278.29. Compelling self-incriminating testimony; individual so testifying excused**
51 **from prosecution.**

1 No individual shall be excused from attending or testifying or producing any books, papers,
2 or other documents before any court upon any proceeding or trial of another for the violation of
3 any of the provisions of this Article, upon the ground or for the reason that the testimony or
4 evidence, documentary or otherwise, required of ~~him~~that individual may tend to incriminate
5 ~~him~~that individual, but such individual may be subpoenaed and required to testify by and for
6 the State relative to any offense arising under the provisions of this Article; but such individual
7 shall not be prosecuted ~~or subjected to any penalty or forfeiture~~ for or on account of any
8 transaction, matter or thing concerning which ~~he~~that individual may be compelled to testify or
9 produce evidence, documentary or otherwise, and no compelled testimony so given or
10 produced shall be used against ~~him~~that individual upon any criminal proceeding, but such
11 individual so compelled to testify with respect to any acts of ~~his own~~that individual shall be
12 immune from prosecution on account thereof."

13 **SECTION 34.** G.S. 163-278.34 is amended by adding a new subsection to read:

14 "(e1) A candidate shall be jointly and severally liable for any civil penalty assessed by the
15 State Board against a candidate campaign committee if that candidate campaign committee
16 organized by the candidate has no funds with which to pay the assessed civil penalty. As used
17 in this subsection, the term "candidate campaign committee" means the same as in
18 G.S. 163-278.38Z(3)."

19 **SECTION 35.** G.S. 163-278.35 reads as rewritten:

20 "§ **163-278.35. Preservation of records.**

21 All reports, records and accounts required by this Article to be made, kept, filed, or
22 maintained by any individual, media, candidate or treasurer shall be preserved and retained by
23 the individual, media, candidate or treasurer for at least two years counting from the date of the
24 ~~election~~last report due to be filed with the appropriate board of elections to which such reports,
25 records and accounts refer. All reports, records, and accounts include any underlying
26 documentation upon which the information in the last report due to be filed with the
27 appropriate board of elections is based."

28 **SECTION 36.(a)** Article 22J of Chapter 163 of the General Statutes is repealed.

29 **SECTION 36.(b)** The balances of the North Carolina Voter-Owned Elections Fund
30 upon this act becoming law are transferred to the General Fund.

31 **SECTION 36.(c)** This section becomes effective July 1, 2011.

32 **PART III. TECHNICAL CHANGES.**

33 **SECTION 37.** G.S. 163-275(16) reads as rewritten:

34 "(16) For any person falsely to make the certificate provided by
35 ~~G.S. 163-229(b)(2)~~ ~~or~~ ~~G.S. 163-250(a).~~ G.S. 163-229(b) ~~or~~
36 G.S. 163-250(a)(4)."
37

38 **PART IV. CONFORMING CHANGES.**

39 **SECTION 38.** G.S. 18B-601(f) reads as rewritten:

40 "(f) Election Date. – The board of elections shall conduct and set the date for the
41 alcoholic beverage election, ~~which may not be sooner than 60 days nor later than 120 days~~
42 ~~from the date the request was received from the governing body or the petition was verified by~~
43 ~~the board.~~election in accordance with G.S. 163-287. No alcoholic beverage election may be
44 held on the Tuesday next after the first Monday in November of an even-numbered year."
45

46 **SECTION 39.** G.S. 63-80(c) reads as rewritten:

47 "(c) Following the joint public hearing but prior to the adoption by a unit of local
48 government of any resolution creating a special airport district, the governing body of such unit
49 may submit the question of the unit's participation in a special airport district to the qualified
50 voters of such unit. The form of the question as stated on the ballot shall be in substantially the
51 following words:

1 "Shall the governing body of _____ approve _____'s
2 participation in the proposed _____ special airport district?

3 [] YES [] NO"

4 If a majority of the qualified voters of the unit who vote thereon approve such participation, the
5 governing body of such unit may adopt a resolution creating the particular special airport
6 district. The election shall be conducted in accordance with G.S. 163-287 and the results
7 thereof certified, declared and published in the same manner as bond elections within the unit."

8 **SECTION 40.** G.S. 63-87 reads as rewritten:

9 **"§ 63-87. Bond elections.**

10 Elections for the purpose of authorizing the levy of taxes for the issuance of bonds shall be
11 called by the district board and shall be conducted in accordance with G.S. 163-287 and the
12 results canvassed by the boards of elections having jurisdiction within the participating units.
13 Such results shall be certified to the district board and such board shall certify and declare the
14 result of the election and publish a statement of the result once as provided in the Local
15 Government Bond Act."

16 **SECTION 41.** G.S. 69-25.1 reads as rewritten:

17 **"§ 69-25.1. Election to be held upon petition of voters.**

18 Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area
19 lying outside the corporate limits of any city or town, which area is described in the petition
20 and designated as " _____ Fire District," the board of county

21 (Here insert name)

22 commissioners of the county shall call ~~an~~ a special election in said district for the purpose of
23 submitting to the qualified voters therein the question of levying and collecting a special tax on
24 all taxable property in said district, of not exceeding fifteen cents (15¢) on the one hundred
25 dollars (\$100.00) valuation of property, for the purpose of providing fire protection in said
26 district. The county tax office shall be responsible for checking the freeholder status of those
27 individuals signing the petition and confirming the location of the property owned by those
28 individuals. Unless specifically excluded by other law, the provisions of Chapter 163 of the
29 General Statutes concerning petitions for referenda and special elections shall apply. If the
30 voters reject the special tax under the first paragraph of this section, then no new election may
31 be held under the first paragraph of this section within two years on the question of levying and
32 collecting a special tax under the first paragraph of this section in that district, or in any
33 proposed district which includes a majority of the land within the district in which the tax was
34 rejected.

35 Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area
36 which has previously been established as a fire protection district and in which there has been
37 authorized by a vote of the people a special tax not exceeding ten cents (10¢) on the one
38 hundred dollars (\$100.00) valuation of property within the area, the board of county
39 commissioners shall call an election in said area for the purpose of submitting to the qualified
40 voters therein the question of increasing the allowable special tax for fire protection within said
41 district from ten cents (10¢) on the one hundred dollars (\$100.00) valuation to fifteen cents
42 (15¢) on the one hundred dollars (\$100.00) valuation on all taxable property within such
43 district. Elections on the question of increasing the allowable tax rate for fire protection shall
44 not be held within the same district at intervals less than two years."

45 **SECTION 42.** G.S. 69-25.2 reads as rewritten:

46 **"§ 69-25.2. Duties of county board of commissioners regarding conduct of elections; cost
47 of holding.**

48 The board of county commissioners, after consulting with the county board of elections,
49 shall set a date for the special election in accordance with G.S. 163-287 by resolution adopted.
50 The county board of elections shall hold and conduct the election in the district. The county
51 board of elections shall advertise and conduct said election, in accordance with the provisions

1 of this Article and with the procedures prescribed in Chapter 163 governing the conduct of
2 special and general elections. No new registration of voters shall be required, but the deadline
3 by which unregistered voters must register shall be contained in the legal advertisement to be
4 published by the county board of elections. The cost of holding the election to establish a
5 district shall be paid by the county, provided that if the district is established, then the county
6 shall be reimbursed the cost of the election from the taxes levied within the district, but the cost
7 of an election to increase the allowable tax under G.S. 69-25.1 or to abolish a fire district under
8 G.S. 69-25.10 shall be paid from the funds of the district."

9 **SECTION 43.** G.S. 105-159.2(b) reads as rewritten:

10 "(b) Returns. – Individual income tax returns must give an individual an opportunity to
11 agree to the allocation of three dollars (\$3.00) of the individual's tax liability to the North
12 Carolina Public Campaign Fund. The Department must make it clear to the taxpayer that the
13 dollars ~~will support a nonpartisan court system, that the dollars~~ will go to the Fund if the
14 taxpayer marks an agreement, and that allocation of the dollars neither increases nor decreases
15 the individual's tax liability. The following statement must be used to meet this requirement:
16 "Mark 'Yes' if you want to designate \$3 of taxes to this special Fund for voter education
17 materials and for candidates who accept spending limits. Marking 'Yes' does not change your
18 tax or refund." The Department must consult with the State Board of Elections to ensure that
19 the information given to taxpayers complies with the intent of this section.

20 The Department must inform the entities it approves to reproduce the return that they must
21 comply with the requirements of this section and that a return may not reflect an agreement or
22 objection unless the individual completing the return decided to agree or object after being
23 presented with the statement required by subsection (b) of this section and, as available
24 background information or instructions, the information required by subsection (c) of this
25 section. No software package used in preparing North Carolina income tax returns may default
26 to an agreement or objection. A paid preparer of tax returns may not mark an agreement or
27 objection for a taxpayer without the taxpayer's consent."

28 **SECTION 44.** G.S. 105-465 reads as rewritten:

29 **"§ 105-465. County election as to adoption of local sales and use tax.**

30 The board of elections of any county, upon the written request of the board of county
31 commissioners, or upon receipt of a petition signed by qualified voters of the county equal in
32 number to at least fifteen percent (15%) of the total number of votes cast in the county, at the
33 last preceding election for the office of Governor, shall call a special election for the purpose of
34 submitting to the voters of the county the question of whether a one percent (1%) sales and use
35 tax will be levied.

36 The special election shall be held under the same rules applicable to the election of
37 members of the General Assembly. No new registration of voters shall be required. All
38 qualified voters in the county who are properly registered not later than 21 days (excluding
39 Saturdays and Sundays) prior to the election shall be entitled to vote at the election. The county
40 board of elections shall give at least 20 days' public notice prior to the closing of the
41 registration books for the special election.

42 The county board of elections shall prepare ballots for the special election. The question
43 presented on the ballot shall be "FOR one percent (1%) local sales and use tax on items subject
44 to State sales and use tax at the general State rate and on food" or "AGAINST one percent (1%)
45 local sales and use tax on items subject to State sales and use tax at the general State rate and
46 on food".

47 The county board of elections shall fix the date of the special ~~election,~~ election on a date
48 permitted by G.S. 163-287, except that the special election shall not be held ~~on the date or~~
49 ~~within 60 days of any biennial election for county officers, nor~~ within one year from the date of
50 the last preceding special election under this section."

51 **SECTION 45.** G.S. 105-473(a) reads as rewritten:

1 "(a) The board of elections of any county, upon the written request of the board of
2 county commissioners thereof, or upon receipt of a petition signed by qualified voters of the
3 county equal in number to at least fifteen percent (15%) of the total number of votes cast in the
4 county at the last preceding election for the office of Governor, shall call a special election for
5 the purpose of submitting to the voters of the county the question of whether the levy of a one
6 percent (1%) sales and use tax theretofore levied should be repealed.

7 The special election shall be held under the same rules and regulations applicable to the
8 election of members of the General Assembly. No new registration of voters shall be required.
9 All qualified voters in the county who are properly registered not later than 21 days (excluding
10 Saturdays and Sundays) prior to the election shall be entitled to vote at said election. The
11 county board of elections shall give at least 20 days' public notice prior to the closing of the
12 registration books for the special election.

13 The county board of elections shall prepare ballots for the special election which shall
14 contain the words "FOR repeal of the one percent (1%) local sales and use tax levy," and the
15 words "AGAINST repeal of the one percent (1%) local sales and use tax levy," with
16 appropriate squares so that each voter may designate his vote by his cross (X) mark.

17 The county board of elections shall fix the date of the special ~~election; election on a date~~
18 ~~permitted by G.S. 163-287; provided, however, that the special election shall not be held on the~~
19 ~~day of any biennial election for county officers, nor within 60 days thereof, nor within one year~~
20 ~~from the date of the last preceding special election held under this section."~~

21 **SECTION 46.** G.S. 105-507.1(a) reads as rewritten:

22 "(a) Resolution. – The board of commissioners of a county may direct the county board
23 of elections to conduct an advisory referendum within the county on the question of whether a
24 local sales and use tax at the rate of one-half percent (½%) may be levied in accordance with
25 this Part. The election shall be held ~~on a date jointly agreed upon by the boards and shall be~~
26 ~~held~~ in accordance with the procedures of G.S. 163-287. The board of commissioners shall
27 hold a public hearing on the question at least 30 days before the date the election is to be held."

28 **SECTION 47.** G.S. 105-509(b) reads as rewritten:

29 "(b) Resolution. – The board of trustees of the regional public transportation authority
30 may, if all of the conditions listed in this subsection have been met, direct the respective county
31 board or boards of elections to conduct an advisory referendum within the special district on
32 the question of whether a local sales and use tax at the rate of one-half percent (½%) may be
33 levied within the district in accordance with this Part. The tax may not be levied without voter
34 approval. The election shall be held on a date jointly agreed upon by the authority, the county
35 board or boards of commissioners, and the county board or boards of elections and shall be
36 held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a
37 tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first~~
38 ~~Monday of November in the even numbered year, the date of the general election under~~
39 ~~G.S. 163-1, (ii) the date of the primary election in the even numbered year under G.S. 163-1(b),~~
40 ~~(iii) Tuesday after the first Monday in November of the odd numbered year, or (iv) a date in~~
41 ~~September or October of the odd numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but~~
42 ~~only if at least one municipality in the county is holding a primary or election on that date in~~
43 accordance with G.S. 163-287. The conditions are as follows:

- 44 (1) The board of trustees has obtained approval to conduct a referendum by a
45 vote of the following:
- 46 a. A majority vote of each of the county boards of commissioners
 - 47 within the special district, if it is a multicounty special district.
 - 48 b. A majority of the county board of commissioners within the special
 - 49 district, if it is a single-county special district.
- 50 (2) A public hearing is held on the question by the board or boards of
51 commissioners at least 30 days before the date the election is to be held."

1 **SECTION 48.** G.S. 105-510(b) reads as rewritten:

2 "(b) Resolution. – The board of trustees of the regional transportation authority may, if
3 all of the conditions listed in this subsection have been met, direct the respective county board
4 or boards of elections to conduct an advisory referendum within the special district on the
5 question of whether a local sales and use tax at the rate of one-half percent (½%) may be levied
6 within the district in accordance with this Part. The tax may not be levied without voter
7 approval. The election shall be held on a date jointly agreed upon by the authority, the county
8 board or boards of commissioners, and the county board or boards of elections and shall be
9 held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a
10 tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first~~
11 ~~Monday of November in the even-numbered year, the date of the general election under~~
12 ~~G.S. 163-1, (ii) the date of the primary election in the even-numbered year under G.S. 163-1(b),~~
13 ~~(iii) Tuesday after the first Monday in November of the odd-numbered year, or (iv) a date in~~
14 ~~September or October of the odd-numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but~~
15 ~~only if at least one municipality in the county is holding a primary or election on that date in~~
16 accordance with G.S. 163-287. The conditions are as follows:

- 17 (1) The board of trustees has obtained approval to conduct a referendum by a
18 vote of the following:
19 a. A majority vote of both of the county boards of commissioners
20 within the special district, if it is a multicounty special district.
21 b. A majority of the county board of commissioners within the special
22 district, if it is a single-county special district.
23 (2) A public hearing is held on the question by the board or boards of
24 commissioners at least 30 days before the date the election is to be held."

25 **SECTION 49.** G.S. 105-511.2(a) reads as rewritten:

26 "(a) Resolution. – The board of commissioners of a county may direct the county board
27 of elections to conduct an advisory referendum within the county on the question of whether a
28 local sales and use tax at the rate of one-quarter percent (¼%) may be levied in accordance with
29 this Part. The election shall be held on a date jointly agreed upon by the boards and shall be
30 held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a
31 tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first~~
32 ~~Monday of November in the even-numbered year, the date of the general election under~~
33 ~~G.S. 163-1, (ii) the date of the primary election in the even-numbered year under G.S. 163-1(b),~~
34 ~~(iii) Tuesday after the first Monday in November of the odd-numbered year, or (iv) a date in~~
35 ~~September or October of the odd-numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but~~
36 ~~only if at least one municipality in the county is holding a primary or election on that date in~~
37 accordance with G.S. 163-287. The board of commissioners shall hold a public hearing on the
38 question at least 30 days before the date the election is to be held."

39 **SECTION 50.** G.S. 105-537(b) reads as rewritten:

40 "(b) Vote. – The board of county commissioners may direct the county board of
41 elections to conduct an advisory referendum on the question of whether to levy a local sales
42 and use tax in the county as provided in this Article. The election shall be held ~~on a date jointly~~
43 ~~agreed upon by the board of county commissioners and the board of elections and shall be held~~
44 in accordance with the procedures of G.S. 163-287."

45 **SECTION 51.** G.S. 106-343 reads as rewritten:

46 "**§ 106-343. Appropriations by counties; elections.**

47 The several boards of county commissioners in the State are hereby expressly authorized
48 and empowered to make such appropriations from the general funds of their county as will
49 enable them to cooperate effectively with the state Department of Agriculture and Consumer
50 Services and Federal Department of Agriculture in the eradication of tuberculosis in their
51 respective counties: Provided, that if in 10 days after said appropriation is voted, one fifth of

1 the qualified voters of the county petition the board of commissioners to submit the question of
2 tuberculosis eradication or no tuberculosis eradication to the voters of the county, said
3 commissioners shall submit such questions to said voters. Said election shall be held and
4 conducted under ~~the rules and regulations provided for holding stock law elections in~~
5 ~~G.S. 68-16, 68-20 and 68-21.~~ G.S. 163-287. If at any such election a majority of the votes cast
6 shall be in favor of said tuberculosis eradication, the said board shall record the result of the
7 election upon its minutes, and cooperative tuberculosis eradication shall be taken up with the
8 state Department of Agriculture and Consumer Services and Federal Department of
9 Agriculture. If, however, a majority of the votes cast shall be adverse, then said board shall
10 make no appropriation."

11 **SECTION 52.** G.S. 115C-501(h) reads as rewritten:

12 "(h) To Annex or Consolidate Areas or Districts from Contiguous Counties and to
13 Provide a Supplemental School Tax in Such Annexed Areas or Consolidated Districts. – An
14 election may be called in any districts or other school areas, from contiguous counties, as to
15 whether the districts in one county shall be enlarged by annexing or consolidating therewith
16 any adjoining districts, or other school area or areas from an adjoining county, and if a special
17 or supplemental school tax is levied and collected in the districts of the county to which the
18 territory is to be annexed or consolidated, whether upon such annexation or consolidation there
19 shall be levied and collected in the territory to be annexed or consolidated the same special or
20 supplemental tax for schools as is levied and collected in the districts in the other county. If
21 such election carries, the said special or supplemental tax shall be collected pursuant to
22 G.S. 115C-511 and remitted to the local school administrative unit on whose behalf such
23 special and supplemental tax is already levied: ~~Provided, that notwithstanding the provisions of~~
24 ~~G.S. 115C-508, if the notice of election clearly so states, and the election shall be held prior to~~
25 ~~August 1, the annexation or consolidation shall be effective and the tax so authorized shall be~~
26 ~~levied and collected beginning with the fiscal year commencing July 1 next preceding such~~
27 ~~elections.levied."~~

28 **SECTION 53.** G.S. 115C-501 is amended by adding a new subsection to read:

29 "(j) All elections called under this section shall be conducted in accordance with
30 G.S. 163-287."

31 **SECTION 54.** G.S. 115D-33(d) reads as rewritten:

32 "(d) All elections shall be held in the same manner as elections held under Article 4,
33 Chapter 159, of the General Statutes, the Local Government Bond Act, and ~~may be held at any~~
34 ~~time fixed by the tax levying authority of the administrative area or proposed administrative~~
35 ~~area of the institution for which such election is to be held.~~ shall be held on a date permitted by
36 G.S. 163-287."

37 **SECTION 55.** G.S. 115D-35(a) reads as rewritten:

38 "(a) Formal requests for elections on the question of authority to appropriate nontax
39 revenues or levy special taxes, or both, and to issue bonds, when such elections are to be held
40 for the purpose of establishing an institution, shall be originated and submitted only in the
41 following manner:

- 42 (1) Proposed multiple-county administrative areas: Formal requests for elections
43 may be submitted jointly by all county boards of education in the proposed
44 administrative area, or by petition of fifteen percent (15%) of the number of
45 qualified voters of the proposed area who voted in the last preceding election
46 for Governor, to the boards of commissioners of all counties in the proposed
47 area, who ~~may shall~~ fix the time for such election by joint resolution on a
48 date permitted by G.S. 163-287, which shall be entered in the minutes of
49 each board.
- 50 (2) Proposed single-county administrative area: Formal requests shall be
51 submitted by the board of education of any public school administrative unit

1 within the county of the proposed administrative area or by petition of
2 fifteen percent (15%) of the number of qualified voters of the county who
3 voted in the last preceding election for Governor, to the board of
4 commissioners of the county of the proposed administrative area, who ~~may~~
5 shall fix the time for such election by resolution on a date permitted by
6 G.S. 163-287, which shall be entered in the minutes of the board."

7 **SECTION 56.** G.S. 130A-69 reads as rewritten:

8 "(a) If after a sanitary district has been created or the provisions of this Part have been
9 made applicable to a sanitary district, a petition signed by not less than fifteen percent (15%) of
10 the resident freeholders within any territory contiguous to and adjoining the sanitary district
11 may be presented to the sanitary district board requesting annexation of territory described in
12 the petition. The sanitary district board shall send a copy of the petition to the board of
13 commissioners of the county or counties in which the district is located and to the Department.
14 The sanitary district board shall request that the Department hold a joint public hearing with the
15 sanitary district board on the question of annexation. The Secretary and the chairperson of the
16 sanitary district board shall name a time and place for the public hearing. The chairperson of
17 the sanitary district board shall publish a notice of public hearing once in a newspaper or
18 newspapers published or circulating in the sanitary district and the territory proposed to be
19 annexed. The notice shall be published not less than 15 days prior to the hearing. If after the
20 hearing, the Commission approves the annexation of the territory described in the petition, the
21 Department shall advise the board or boards of commissioners of the approval. The board or
22 boards of commissioners shall order and provide for the holding of a special election in
23 accordance with G.S. 163-287 upon the question of annexation within the territory proposed to
24 be annexed.

25 (b) If at or prior to the public hearing, a petition is filed with the sanitary district board
26 signed by not less than fifteen percent (15%) of the freeholders residing in the sanitary district
27 requesting an election be held on the annexation question, the sanitary district board shall send
28 a copy of the petition to the board or boards of commissioners who shall order and provide for
29 the submission of the question to the voters within the sanitary district. This election may be
30 held on the same day as the election in the territory proposed to be annexed, and both elections
31 and registrations may be held pursuant to a single notice. A majority of the votes cast is
32 necessary for a territory to be annexed to a sanitary district.

33 (c) The election shall be held by the county board or boards of elections ~~as soon as~~
34 possible in accordance with G.S. 163-287 after the board or boards of commissioners orders the
35 election. The cost of the election shall be paid by the sanitary district. Registration in the area
36 proposed for annexation shall be under the same procedure as G.S. 163-288.2.

37"

38 **SECTION 57.** G.S. 139-39 reads as rewritten:

39 "**§ 139-39. Alternative method of financing watershed improvement programs by special**
40 **county tax.**

41 The board of county commissioners in any county is authorized to call a special election to
42 determine whether it be the will of the qualified voters of the county that they levy and cause to
43 be collected annually, at the same time and in the same manner as the general county taxes are
44 levied and collected, a special tax at a rate not to exceed twenty-five cents (25¢) on each one
45 hundred dollars (\$100.00) valuation of property in said county, to be known as a "Watershed
46 Improvement Tax," the funds therefrom, if the levy be authorized by the voters of said county,
47 to be used for the prevention of flood water and sediment damages, and for furthering the
48 conservation, utilization and disposal of water and the development of water resources. Any
49 special election shall be conducted in accordance with G.S. 163-287."

50 **SECTION 58.** G.S. 147-69.6(f) reads as rewritten:

1 (f) The Board of Commissioners of Swain County may direct the Swain County Board
2 of Elections to conduct an advisory referendum on the question of whether any portion of the
3 principal of the Fund should be disbursed to and expended by the county for a particular
4 purpose. The election shall be held ~~on a date jointly agreed upon by the two boards, which may~~
5 ~~be the same day as any other referendum or election in the county, but may not otherwise be~~
6 ~~during the period beginning 30 days before and ending 30 days after the day of any other~~
7 ~~referendum or election to be conducted by the board of elections and already validly called or~~
8 ~~scheduled by law. The election shall be held~~ in accordance with the procedures of
9 G.S. 163-287. The question to be presented on the ballot shall disclose the specific purpose
10 proposed for expenditure of the principal investment of the Trust Fund and the amount
11 proposed for expenditure."

12 **SECTION 59.** G.S. 153A-60 reads as rewritten:

13 "**§ 153A-60. Initiation of alterations by resolution.**

14 The board of commissioners shall initiate any alteration in the structure of the board by
15 adopting a resolution. The resolution shall:

- 16 (1) Briefly but completely describe the proposed alterations;
- 17 (2) Prescribe the manner of transition from the existing structure to the altered
18 structure;
- 19 (3) Define the electoral districts, if any, and apportion the members among the
20 districts;
- 21 (4) Call a special referendum on the question of adoption of the alterations. The
22 referendum shall be held and conducted by the county board of elections.
23 The referendum may be held only on a date permitted by G.S. 163-287, at
24 ~~the same time as any other state, county or municipal primary, election,~~
25 ~~special election or referendum, or on any date set by the board of county~~
26 ~~commissioners, provided, that such referendum shall not be held within the~~
27 ~~period of time beginning 60 days before and ending 60 days after any other~~
28 ~~primary, election, special election or referendum held in the county.~~

29 Upon its adoption, the resolution shall be published in full."

30 **SECTION 60.** G.S. 153A-405(a) reads as rewritten:

31 "(a) If authorized to do so by the concurrent resolutions that established it, a commission
32 may call a referendum on its proposed plan of governmental consolidation. If authorized or
33 directed in the concurrent resolutions, the ballot question may include the assumption of debt
34 secured by a pledge of faith and credit language and may also include the assumption of the
35 right to issue authorized but unissued faith and credit debt language as provided in subsection
36 (b) of this section. ~~The referendum may be held on the same day as any other referendum or~~
37 ~~election in the county or counties involved, but may not otherwise be held during the period~~
38 ~~beginning 30 days before and ending 30 days after the day of any other referendum or election~~
39 ~~to be conducted by the board or boards of elections conducting the referendum and already~~
40 ~~validly called or scheduled by law, shall be held in accordance with G.S. 163-287."~~

41 **SECTION 61.** G.S. 158-16 reads as rewritten:

42 "**§ 158-16. Board of commissioners may call tax election; rate and purposes of tax.**

43 The board of county commissioners in any county is authorized and empowered to call a
44 special election to determine whether it be the will of the qualified voters of said county that
45 they levy and cause to be collected annually, at the same time and in the same manner as the
46 general county taxes are levied and collected, a special tax at a rate not to exceed five cents (5¢)
47 on each one hundred dollars (\$100.00) valuation of property in said county, to be known as an
48 "industrial development tax," the funds therefrom, if the levy be authorized by the voters of
49 said county, to be used for the purpose of attracting new and diversified industries to said
50 county, and for the encouragement of new business and industrial ventures by local as well as
51 foreign capital, and for the purpose of aiding and encouraging the location of manufacturing

1 enterprises, making industrial surveys and locating industrial plants in said county, and for the
2 purpose of encouraging agricultural development in said county. Any special election shall be
3 conducted in accordance with G.S. 163-287."

4 **SECTION 62.** G.S. 159-61(b) reads as rewritten:

5 "(b) The date of a bond referendum shall be fixed by the governing board, but shall not
6 be more than one year after adoption of the bond ~~order~~ order, only on a date permitted by
7 G.S. 163-287. The governing board may call a special referendum for the purpose of voting on
8 a bond issue on any day, including the day of any regular or special election held for another
9 purpose (unless the law under which the bond referendum or other election is held specifically
10 prohibits submission of other questions at the same time). A special bond referendum may not
11 be held within 30 days before or 10 days after a statewide primary, election, or referendum, or
12 within 30 days before or 10 days after any other primary, election, or referendum to be held in
13 the same unit holding the bond referendum and already validly called or scheduled by law at
14 the time the bond referendum is called. The clerk shall mail or deliver a certified copy of the
15 resolution calling a special bond referendum to the board of elections that is to conduct it
16 within three days after the resolution is adopted, but failure to observe this requirement shall
17 not in any manner affect the validity of the referendum or bonds issued pursuant thereto. Bond
18 referenda shall be conducted by the board of elections conducting regular elections of the
19 county, city, or special district. In fixing the date of a bond referendum, the governing board
20 shall consult the board of elections in order that the referendum shall not unduly interfere with
21 other elections already scheduled or in process. Several bond orders or other matters may be
22 voted upon at the same referendum."

23 **SECTION 63.** G.S. 160A-103 reads as rewritten:

24 **"§ 160A-103. Referendum on charter amendments by ordinance.**

25 An ordinance adopted under G.S. 160A-102 that is not made effective upon approval by a
26 vote of the people shall be subject to a referendum petition. Upon receipt of a referendum
27 petition bearing the signatures and residence addresses of a number of qualified voters of the
28 city equal to at least 10 percent of the whole number of voters who are registered to vote in city
29 elections according to the most recent figures certified by the State Board of Elections or 5,000,
30 whichever is less, the council shall submit an ordinance adopted under G.S. 160A-102 to a vote
31 of the people. The date of the special election shall be fixed ~~at~~ on a date permitted by
32 G.S. 163-287. not more than 120 nor fewer than 60 days after receipt of the petition. A
33 referendum petition shall be addressed to the council and shall identify the ordinance to be
34 submitted to a vote. A referendum petition must be filed with the city clerk not later than 30
35 days after publication of the notice of adoption of the ordinance."

36 **SECTION 64.** G.S. 160A-104 reads as rewritten:

37 **"§ 160A-104. Initiative petitions for charter amendments.**

38 The people may initiate a referendum on proposed charter amendments. An initiative
39 petition shall bear the signatures and resident addresses of a number of qualified voters of the
40 city equal to at least ten percent (10%) of the whole number of voters who are registered to vote
41 in city elections according to the most recent figures certified by the State Board of Elections or
42 5,000, whichever is less. The petition shall set forth the proposed amendments by describing
43 them briefly but completely and with reference to the pertinent provisions of G.S. 160A-101,
44 but it need not contain the precise text of the charter amendments necessary to implement the
45 proposed changes. The petition may not propose changes in the alternative, or more than one
46 integrated set of charter amendments. Upon receipt of a valid initiative petition, the council
47 shall call a special election on the question of adopting the charter amendments proposed
48 therein, and shall give public notice thereof in accordance with G.S. 163-287. The date of the
49 special election shall be fixed ~~at~~ on a date permitted by G.S. 163-287, not more than 120 nor
50 fewer than 60 days after receipt of the petition. If a majority of the votes cast in the special
51 election shall be in favor of the proposed changes, the council shall adopt an ordinance

1 amending the charter to put them into effect. Such an ordinance shall not be subject to a
2 referendum petition. No initiative petition may be filed (i) between the time the council initiates
3 proceedings under G.S. 160A-102 by publishing a notice of hearing on proposed charter
4 amendments and the time proceeding under that section have been carried to a conclusion
5 either through adoption or rejection of a proposed ordinance or lapse of time, nor (ii) within
6 one year and six months following the effective date of an ordinance amending the city charter
7 pursuant to this Article, nor (iii) within one year and six months following the date of any
8 election on charter amendments that were defeated by the voters.

9 The restrictions imposed by this section on filing initiative petitions shall apply only to
10 petitions concerning the same subject matter. For example, pendency of council action on
11 amendments concerning the method of electing the council shall not preclude an initiative
12 petition on adoption of the council-manager form of government.

13 Nothing in this section shall be construed to prohibit the submission of more than one
14 proposition for charter amendments on the same ballot so long as no proposition offers a
15 different plan under the same option as another proposition on the same ballot."

16 **SECTION 65.** G.S. 160A-583 reads as rewritten:

17 **"§ 160A-583. Funds.**

18 The establishment and operation of a transportation authority as herein authorized are
19 governmental functions and constitute a public purpose, and the municipality is hereby
20 authorized to appropriate funds to support the establishment and operation of the transit
21 authority. The municipality may also dedicate, sell, convey, donate or lease any of its interest in
22 any property to the authority. Further, the authority is hereby authorized to establish such
23 license and regulatory fees and charges as it may deem appropriate, subject to the approval of
24 the governing body of the municipality. If the governing body finds that the funds otherwise
25 available are insufficient, it may call a special election without a petition and submit to the
26 qualified voters of the municipality the question of whether or not a special tax shall be levied
27 and/or bonds issued, specifying the maximum amount thereof, for the purpose of acquiring
28 lands, buildings, equipment and facilities and for the operations of the transit authority. Any
29 special election shall be conducted in accordance with G.S. 163-287."

30 **SECTION 66.** G.S. 162A-68(d) reads as rewritten:

31 "(d) If, at or prior to such public hearing, there shall be filed with the district board a
32 petition, signed by not less than ten per centum (10%) of the qualified voters residing in the
33 district, requesting an election to be held therein on the question of including the political
34 subdivision or unincorporated area, the district board shall certify a copy of such petition to the
35 board or boards of commissioners, and the board or boards of commissioners shall request the
36 county board or boards of elections to submit such question to the qualified voters within the
37 district in accordance with G.S. 163-287 and the other applicable provisions of Chapter 163 of
38 the General Statutes; provided, that the election shall not be held unless the Environmental
39 Management Commission has adopted a resolution approving the inclusion of the political
40 subdivision or unincorporated area in the district.

41 Notice of such election, which shall contain a statement of the boundaries of the territory
42 proposed to be included in the district and the boundaries of the district after inclusion, shall be
43 given by publication once a week for three successive weeks in a newspaper or newspapers
44 having general circulation within the district, the first publication to be at least 30 days prior to
45 the election."

46 **SECTION 67.** G.S. 162A-77.1 reads as rewritten:

47 **"§ 162A-77.1. Special election upon the question of the merger of metropolitan sewerage
48 districts into cities or towns.**

49 Any district lying entirely within the corporate limits of a city or town may be merged into
50 such city or town in accordance with the provisions of this section.

1 The governing body of a city or town, with the approval of the district board, shall call and
2 conduct a special election within such city or town on the question of the merger of the district
3 into the city or town. A vote in favor of such merger shall constitute a vote for such city or
4 town to assume the obligations of the district. Such special election may be called and
5 conducted by the governing body of a city or town upon its own motion after passage of a
6 resolution of the district board requesting or approving the special election. Any special
7 election shall be conducted in accordance with G.S. 163-287.

8 A new registration of voters shall not be required for the special election. The special
9 election shall be conducted in accordance with the provisions of law applicable to regular
10 elections in the city or town.

11 If a majority of the votes are in favor of the merger, then:

- 12 (1) All property, real and personal and mixed, including accounts receivable,
13 belonging to such district shall vest in, belong to, and be the property of,
14 such city or town. All district boards are hereby authorized to take such
15 actions and to execute such documents as will carry into effect the
16 provisions and the intent of this section.
- 17 (2) All judgments, liens, rights of liens, and causes of action of any nature in
18 favor of such district shall vest in and remain and inure to the benefit of such
19 city or town.
- 20 (3) All taxes, assessments, sewer charges, and any other debts, charges or fees,
21 owing to such district shall be owed to and collected by such city or town.
- 22 (4) All actions, suits and proceedings pending against, or having been instituted
23 by, such district shall not be abated by this section or by the merger herein
24 provided for, but all such actions, suits, and proceedings shall be continued
25 and completed in the same manner as if merger had not occurred, and such
26 city or town shall be a party to all such actions, suits, and proceedings in the
27 place and stead of the district and shall pay or cause to be paid any
28 judgments rendered against the district in any such actions, suits, or
29 proceedings. No new process need be served in any such action, suit, or
30 proceeding.
- 31 (5) All obligations of the district, including outstanding indebtedness, shall be
32 assumed by such city or town, and all such obligations and outstanding
33 indebtedness shall constitute obligations and indebtedness of such city or
34 town, and the full faith and credit of such city or town shall be deemed to be
35 pledged for the punctual payment of the principal of and the interest on any
36 general obligation bonds or bond anticipation notes of such district, and all
37 the taxable property within such city or town, as well as that formerly
38 located within the district, shall be and remain subject to taxation for such
39 payment.
- 40 (6) All ordinances, rules, regulations, and policies of such district shall continue
41 in full force and effect until repealed or amended by the governing body of
42 such city or town.
- 43 (7) Such district shall be abolished, and shall no longer be constituted a public
44 body or a body politic and corporate, except for the purposes of carrying into
45 effect the provisions and the intent of this section.

46 If a majority of the votes are against the merger, then such merger shall not be effective
47 unless approved by a majority of the qualified voters who vote thereon in a subsequent special
48 election conducted under authority of this section.

49 Any action or proceeding in any court to set aside a special election held under authority of
50 this section or the result thereof, or to obtain any other relief upon the ground that such election
51 or any proceeding or action taken with respect to the holding of such election is invalid, must

1 be commenced within 30 days after the day of such special election. After the expiration of
2 such period of limitation, no right of action or defense founded upon the invalidity of the
3 election or the result thereof shall be asserted, nor shall the validity of the election or of the
4 result thereof be open to question in any court upon any ground whatever, except in an action
5 or proceeding commenced within such period."

6 **SECTION 68.** G.S. 115C-47(59) is repealed.

7 **SECTION 69.** G.S. 115C-81(g1)(1)b. reads as rewritten:

8 "b. Instruction on the importance of voting and otherwise participating in
9 the democratic process, including instruction on voter ~~registration~~
10 ~~and preregistration; registration~~:"

11 **SECTION 70.** G.S. 138A-22(d) reads as rewritten:

12 "(d) A candidate for an office subject to this Article shall file the statement of economic
13 interest at the same place and in the same manner as the notice of candidacy for that office is
14 required to be filed under G.S. 163-106 ~~or G.S. 163-323~~ within 10 days of the filing deadline
15 for the office the candidate seeks. An individual who is nominated under G.S. 163-114 after the
16 primary and before the general election, and an individual who qualifies under G.S. 163-122 as
17 an unaffiliated candidate in a general election, shall file a statement of economic interest with
18 the county board of elections of each county in the senatorial or representative district. An
19 individual nominated under G.S. 163-114 shall file the statement within three days following
20 the individual's nomination, or not later than the day preceding the general election, whichever
21 occurs first. An individual seeking to qualify as an unaffiliated candidate under G.S. 163-122
22 shall file the statement of economic interest with the petition filed under that section. An
23 individual seeking to have write-in votes counted for that individual in a general election shall
24 file a statement of economic interest at the same time the candidate files a declaration of intent
25 under G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of
26 economic interest at the same time that the president of the convention certifies the names of its
27 candidates to the State Board of Elections under G.S. 163-98."

28 **SECTION 71.** G.S. 163-1(b) reads as rewritten:

29 "(b) On Tuesday next after the first Monday in May preceding each general election to
30 be held in November for the officers referred to in subsection (a) of this section, there shall be
31 held in all election precincts within the territory for which the officers are to be elected a
32 primary election for the purpose of nominating candidates for each political party in the State
33 for those ~~offices, and nonpartisan candidates as to offices elected under the provisions of~~
34 ~~Article 25 of this Chapter offices.~~"

35 **SECTION 72.** G.S. 163-22.3 reads as rewritten:

36 "**§ 163-22.3. State Board of Elections littering notification.**

37 At the time an individual files with the State Board of Elections a notice of candidacy
38 pursuant to G.S. 163-106, 163-112, 163-291, ~~163-294.2, or 163-323,~~ or 163-294.2, is certified
39 to the State Board of Elections by a political party executive committee to fill a nomination
40 vacancy pursuant to G.S. 163-114, is certified to the State Board of Elections by a new political
41 party as that party's nominee pursuant to G.S. 163-98, qualifies with the State Board of
42 Elections as an unaffiliated or write-in candidate pursuant to Article 11 of this Chapter, or
43 formally initiates a candidacy with the State Board of Elections pursuant to any statute or local
44 act, the State Board of Elections shall notify the candidate of the provisions concerning
45 campaign signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the Department of
46 Transportation pursuant to G.S. 136-18."

47 **SECTION 73.** G.S. 163-82.10B reads as rewritten:

48 "**§ 163-82.10B. Confidentiality of date of birth.**

49 Boards of elections shall keep confidential the date of birth of every voter-registration
50 applicant and registered voter, except in the following situations:

- 1 (1) When a voter has filed notice of candidacy for elective office under
 2 G.S. 163-106, 163-122, 163-123, or 163-294.2, ~~or 163-323,~~ has been
 3 nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has
 4 otherwise formally become a candidate for elective office. The exception of
 5 this subdivision does not extend to an individual who meets the definition of
 6 "candidate" only by beginning a tentative candidacy by receiving funds or
 7 making payments or giving consent to someone else to receive funds or
 8 transfer something of value for the purpose of exploring a candidacy.
- 9 (2) When a voter is serving in an elective office.
- 10 (3) When a voter has been challenged pursuant to Article 8 of this Chapter.
- 11 (4) When a voter-registration applicant or registered voter expressly authorizes
 12 in writing the disclosure of that individual's date of birth.

13 The disclosure of an individual's age does not constitute disclosure of date of birth in
 14 violation of this section.

15 The county board of elections shall give precinct officials access to a voter's date of birth
 16 where necessary for election administration, consistent with the duty to keep dates of birth
 17 confidential.

18 Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of
 19 action. This limitation of liability does not apply to the disclosure of a date of birth in violation
 20 of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing
 21 that would otherwise be actionable."

22 **SECTION 74.** G.S. 163-122(c) is repealed.

23 **SECTION 75.** G.S. 163-123(g) reads as rewritten:

24 "(g) Municipal and Nonpartisan Elections Excluded. – This section does not apply to
 25 municipal elections conducted under Subchapter IX of Chapter 163 of the General Statutes, and
 26 does not apply to nonpartisan elections. ~~elections except for elections under Article 25 of this~~
 27 ~~Chapter."~~

28 **SECTION 76.** G.S. 163-165.5(3) reads as rewritten:

29 **"§ 163-165.5. Contents of official ballots.**

30 Each official ballot shall contain all the following elements:

31 ...

- 32 (3) The names of the candidates as they appear on their notice of candidacy filed
 33 pursuant to G.S. 163-106 ~~or G.S. 163-323,~~ or on petition forms filed in
 34 accordance with G.S. 163-122. No title, appendage, or appellation indicating
 35 rank, status, or position shall be printed on the official ballot in connection
 36 with the candidate's name. Candidates, however, may use the title Mr., Mrs.,
 37 Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the
 38 notice of candidacy or qualifying petition, but the nickname shall appear
 39 according to standards adopted by the State Board of Elections. Those
 40 standards shall allow the presentation of legitimate nicknames in ways that
 41 do not mislead the voter or unduly advertise the candidacy. In the case of
 42 candidates for presidential elector, the official ballot shall not contain the
 43 names of the candidates for elector but instead shall contain the nominees for
 44 President and Vice President which the candidates for elector represent. The
 45 State Board of Elections shall establish a review procedure that local boards
 46 of elections shall follow to ensure that candidates' names appear on the
 47 official ballot in accordance with this subdivision.

48"

49 **SECTION 77.** G.S. 163-278.64(c) reads as rewritten:

1 "(c) Certification of Candidates. – Upon receipt of a submittal of the record of
2 demonstrated support by a participating candidate, the Board shall determine whether or not the
3 candidate has complied with all the following requirements:

- 4 (1) Signed and filed a declaration of intent to participate in this Article.
- 5 (2) Submitted a report itemizing the appropriate number of qualifying
6 contributions received from registered voters, which the Board shall verify
7 through a random sample or other means it adopts. The report shall include
8 the county of residence of each registered voter listed.
- 9 (3) Filed a valid notice of candidacy pursuant to Article ~~25~~ 10 of this ~~Chapter~~
10 Chapter, a valid petition or declaration of intent under Article 11 of this
11 Chapter, or is nominated under G.S. 163-98.
- 12 (4) Otherwise met the requirements for participation in this Article.

13 The Board shall certify candidates complying with the requirements of this section as soon
14 as possible and no later than five business days after receipt of a satisfactory record of
15 demonstrated support."

16 **SECTION 78.** G.S. 163-278.64A is repealed.

17 **SECTION 79.** G.S. 163-278.100(1) reads as rewritten:

18 **"§ 163-278.100. Definitions.**

19 As used in this Article, the following terms have the following definitions:

- 20 (1) The term "candidate-specific communication" means any broadcast, cable,
21 or satellite communication that has all the following characteristics:
 - 22 a. Refers to a clearly identified candidate for a statewide office or the
23 General Assembly.
 - 24 b. Is aired in an even-numbered year after the final date on which a
25 Notice of Candidacy can be filed for the office, pursuant to
26 ~~G.S. 163-106(e) or G.S. 163-323, G.S. 163-106(c),~~ and through the
27 day on which the general election is conducted, excluding the time
28 period set in the definition for "electioneering communication" in
29 G.S. 163-278.80(2)b.
 - 30 c. Is targeted to the relevant electorate.

31"

32 **SECTION 80.** G.S. 163-278.110(1) reads as rewritten:

33 **"§ 163-278.110. Definitions.**

34 As used in this Article, the following terms have the following definitions:

- 35 (1) The term "candidate-specific communication" means any mass mailing or
36 telephone bank that has all the following characteristics:
 - 37 a. Refers to a clearly identified candidate for a statewide office or the
38 General Assembly.
 - 39 b. Is transmitted in an even-numbered year after the final date on which
40 a Notice of Candidacy can be filed for the office, pursuant to
41 ~~G.S. 163-106(e) or G.S. 163-323, G.S. 163-106(c),~~ and through the
42 day on which the general election is conducted, excluding the time
43 period set in the definition for "electioneering communication" in
44 G.S. 163-278.90(2)b.
 - 45 c. Is targeted to the relevant electorate.

46"

47 **SECTION 81.** If House Bill 351, 2011 Regular Session, becomes law, Section 1.3
48 of that act is repealed.

49 **SECTION 82.** If House Bill 351, 2011 Regular Session, becomes law, Section
50 38.(b) of this act reads as rewritten:

1 "SECTION 38.(b) The ~~balances unexpended funds remaining in~~ of the North Carolina
2 Voter-Owned Elections Fund upon this act becoming law are ~~transferred to the General Fund to~~
3 be used for the purposes of Section 1.9(a)(8) of House Bill 351, 2011 Regular Session."

4 **SECTION 83.** If Senate Bill 456, 2011 Regular Session, becomes law, Sections 4
5 and 5 of that act are repealed.

6 **SECTION 84.** The Joint Legislative Elections Oversight Committee shall study the
7 feasibility and applicability of requiring electronic filing of all reports required to be filed with
8 the State Board of Elections under G.S. 163-278.9, regardless of the amount. The Joint
9 Legislative Elections Oversight Committee shall report its findings and recommendations to the
10 2012 Regular Session of the 2011 General Assembly.

11 **SECTION 85.** If any provision of this act or its application is held invalid, the
12 invalidity does not affect other provisions or applications of this act that can be given effect
13 without the invalid provisions or application, and to this end the provisions of this act are
14 severable.

15 **SECTION 86.** Except as otherwise provided herein, this act becomes effective
16 January 1, 2012, and applies to elections held on or after that date.