

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 47
PROPOSED HOUSE COMMITTEE SUBSTITUTE S47-PCS75174-ST-50

Short Title: Restore Partisan Judicial Elections.

(Public)

Sponsors:

Referred to:

February 9, 2011

A BILL TO BE ENTITLED

AN ACT TO RESTORE JUDICIAL ELECTIONS TO A PARTISAN BASIS.

The General Assembly of North Carolina enacts:

SECTION 1. Subchapter X (Article 25) of Chapter 163 of the General Statutes is repealed.

SECTION 2. G.S. 163-106(c) reads as rewritten:

"(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the State Board of Elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the last business day in February preceding the primary:

Governor

Lieutenant Governor

All State executive officers

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

Judges of the superior courts

Judges of the district courts

United States Senators

Members of the House of Representatives of the United States

District attorneys

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

State Senators

Members of the State House of Representatives

All county offices."

SECTION 3. G.S. 163-106(d) reads as rewritten:

"(d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any primary in which there are two or more vacancies for associate justices for the Supreme Court, two or more vacancies for the Court of Appeals, two or more vacancies for district court judge, or two vacancies for United States Senator from North Carolina, each candidate shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the vacancy to which ~~he~~that candidate seeks nomination. Votes cast for a candidate shall be



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1 effective only for his nomination to the vacancy for which ~~he~~ that candidate has given notice of
2 candidacy as provided in this subsection."

3 **SECTION 4.** G.S. 163-107(a) reads as rewritten:

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

8 Office Sought	9 Amount of Filing Fee
10 Governor	One percent (1%) of the annual salary of the office sought
11 Lieutenant Governor	One percent (1%) of the annual salary of the office sought
12 All State executive offices	One percent (1%) of the annual salary of the office sought
13 All <u>Justices, Judges, and</u>	One percent (1%) of the annual salary of
14 District Attorneys of the General	the office sought
15 Court of Justice	
16 United States Senator	One percent (1%) of the annual salary of the office sought
17 Members of the United States House	One percent (1%) of the annual salary of
18 of Representatives	the office sought
19 State Senator	One percent (1%) of the annual salary of the office sought
20 Member of the State House of	One percent (1%) of the annual salary of
21 Representatives	the office sought
22 All county offices not compensated by fees	One percent (1%) of the annual salary of the office sought
23 All county offices compensated partly	One percent (1%) of the first annual
24 by salary and partly by fees	salary to be received (exclusive of fees)

25 The salary of any office that is the basis for calculating the filing fee is the starting salary
26 for the office, rather than the salary received by the incumbent, if different. If no starting salary
27 can be determined for the office, then the salary used for calculation is the salary of the
28 incumbent, as of January 1 of the election year."

29 **SECTION 5.** G.S. 163-107.1(c) reads as rewritten:

30 "(c) County, Municipal and District Primaries. – If the candidate is seeking one of the
31 offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this section, or a
32 municipal or any other office requiring a partisan primary which is not set forth in
33 G.S. 163-106(c) or (d), ~~he~~ the candidate shall file a written petition with the appropriate board
34 of elections no later than 12:00 noon on Monday preceding the filing deadline before the
35 primary. The petition shall be signed by ten percent (10%) of the registered voters of the
36 election area in which the office will be voted for, who are affiliated with the same political
37 party in whose primary the candidate desires to run, or in the alternative, the petition shall be
38 signed by no less than 200 registered voters regardless of said voter's political party affiliation,
39 whichever requirement is greater. The board of elections shall verify the names on the petition,
40 and if the petition is found to be sufficient, the candidate's name shall be printed on the
41 appropriate primary ballot. Petitions for candidates for member of the U.S. House of
42 Representatives, District Attorney, judge of the superior court, judge of the district court, and
43 members of the State House of Representatives from multi-county districts or members of the
44 State Senate from multi-county districts must be presented to the county board of elections for
45 verification at least 15 days before the petition is due to be filed with the State Board of
46 Elections, and such petition must be filed with the State Board of Elections no later than 12:00
47
48
49
50
51

1 noon on Monday preceding the filing deadline. The State Board of Elections may adopt rules to
 2 implement this section and to provide standard petition forms."

3 **SECTION 6.** G.S. 163-111(c)(1) reads as rewritten:

4 "(c) Procedure for Requesting Second Primary.

5 (1) A candidate who is apparently entitled to demand a second primary,
 6 according to the unofficial results, for one of the offices listed below, and
 7 desiring to do so, shall file a request for a second primary in writing with the
 8 Executive Director of the State Board of Elections no later than 12:00 noon
 9 on the ninth day (including Saturdays and Sundays) following the date on
 10 which the primary was conducted, and such request shall be subject to the
 11 certification of the official results by the State Board of Elections. If the vote
 12 certification by the State Board of Elections determines that a candidate who
 13 was not originally thought to be eligible to call for a second primary is in
 14 fact eligible to call for a second primary, the Executive Director of the State
 15 Board of Elections shall immediately notify such candidate and permit him
 16 to exercise any options available to him within a 48-hour period following
 17 the notification:

- 18 Governor,
- 19 Lieutenant Governor,
- 20 All State executive officers,
- 21 Justices, Judges, or District Attorneys of the General Court of Justice,
- 22 United States Senators,
- 23 Members of the United States House of Representatives,
- 24 State Senators in multi-county senatorial districts, and
- 25 Members of the State House of Representatives in multi-county
 26 representative districts."

27 **SECTION 7.** G.S. 163-114 reads as rewritten:

28 **"§ 163-114. Filling vacancies among party nominees occurring after nomination and**
 29 **before election.**

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

35	Position	
36	President	Vacancy is to be filled by appointment of
37	Vice President	national executive committee of
38		political party in which vacancy occurs
39	Presidential elector or alternate elector	Vacancy is to be filled by appointment of
40	Any elective State office	State executive committee of political
41	United States Senator	party in which vacancy occurs
42	A district office, including:	Appropriate district executive committee of
43	Member of the United States House	political party in which vacancy occurs
44	of Representatives	
45	<u>Judge of district court</u>	
46	District Attorney	
47	State Senator in a multi-county	
48	senatorial district	
49	Member of State House of	
50	Representatives in a multi-county	
51	representative district	

1 State Senator in a single-county
 2 senatorial district
 3 Member of State House of
 4 Representatives in a single-county
 5 representative district
 6 Any elective county office
 7
 8
 9

10 Judge of superior court in a
 11 single-county judicial
 12 district where the district
 13 is the whole county or part
 14 of the county
 15
 16
 17
 18
 19
 20
 21
 22

23 Judge of superior court in a
 24 multicounty judicial
 25 district
 26

County executive committee of political
 party in which vacancy occurs,
 provided, in the case of the State
 Senator or State Representative in a
 single-county district where not all the
 county is located in that district, then in
 voting, only those members of the
 county executive committee who reside
 within the district shall vote

County executive committee
of political party in
which vacancy occurs;
provided, in the case of
a superior court judge in a
single-county district where
not all the county is
located in that district,
then in voting, only those
members of the county
executive committee who
reside within the
district shall vote
Appropriate district
executive committee of
political party in which
vacancy occurs.

27 The party executive making a nomination in accordance with the provisions of this section shall
 28 certify the name of its nominee to the chairman of the board of elections, State or county, that
 29 has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made
 30 under this section the general election ballots have already been printed, the provisions of
 31 G.S.163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that
 32 vacancy arises from a cause other than death and the vacancy in nomination occurs more than
 33 120 days before the general election, the vacancy in nomination may be filled under this section
 34 only if the appropriate executive committee certifies the name of the nominee in accordance
 35 with this paragraph at least 75 days before the general election.

36 In a county which is partly in a multicounty judicial district, in choosing that county's
 37 member or members of the judicial district executive committee for the multicounty district,
 38 only the county convention delegates or county executive committee members who reside
 39 within the area of the county which is within that multicounty district may vote.

40 In a county not all of which is located in one congressional district, in choosing the
 41 congressional district executive committee member or members from that area of the county,
 42 only the county convention delegates or county executive committee members who reside
 43 within the area of the county which is within the congressional district may vote.

44 In a county which is partly in a multi-county senatorial district or which is partly in a
 45 multi-county House of Representatives district, in choosing that county's member or members
 46 of the senatorial district executive committee or House of Representatives district executive
 47 committee for the multi-county district, only the county convention delegates or county
 48 executive committee members who reside within the area of the county which is within that
 49 multi-county district may vote.

1 An individual whose name appeared on the ballot in a primary election preliminary to the
2 general election shall not be eligible to be nominated to fill a vacancy in the nomination of
3 another party for the same office in the same year."

4 **SECTION 8.** G.S. 138A-22(d) reads as rewritten:

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

21 **SECTION 9.** G.S. 163-22.3 reads as rewritten:

22 **"§ 163-22.3. State Board of Elections littering notification.**

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

33 **SECTION 10.** G.S. 163-82.10B reads as rewritten:

34 **"§ 163-82.10B. Confidentiality of date of birth.**

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

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

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

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

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

8 **SECTION 11.** G.S. 163-165.5(3) reads as rewritten:

9 **"§ 163-165.5. Contents of official ballots.**

10 Each official ballot shall contain all the following elements:

11 ...

- 12 (3) The names of the candidates as they appear on their notice of candidacy filed
13 pursuant to G.S. 163-106 ~~or G.S. 163-323~~, or on petition forms filed in
14 accordance with G.S. 163-122. No title, appendage, or appellation indicating
15 rank, status, or position shall be printed on the official ballot in connection
16 with the candidate's name. Candidates, however, may use the title Mr., Mrs.,
17 Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the
18 notice of candidacy or qualifying petition, but the nickname shall appear
19 according to standards adopted by the State Board of Elections. Those
20 standards shall allow the presentation of legitimate nicknames in ways that
21 do not mislead the voter or unduly advertise the candidacy. In the case of
22 candidates for presidential elector, the official ballot shall not contain the
23 names of the candidates for elector but instead shall contain the nominees for
24 President and Vice President which the candidates for elector represent. The
25 State Board of Elections shall establish a review procedure that local boards
26 of elections shall follow to ensure that candidates' names appear on the
27 official ballot in accordance with this subdivision.

28"

29 **SECTION 12.** G.S. 163-278.100(1) reads as rewritten:

30 **"§ 163-278.100. Definitions.**

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

- 32 (1) The term "candidate-specific communication" means any broadcast, cable,
33 or satellite communication that has all the following characteristics:
- 34 a. Refers to a clearly identified candidate for a statewide office or the
35 General Assembly.
 - 36 b. Is aired in an even-numbered year after the final date on which a
37 Notice of Candidacy can be filed for the office, pursuant to
38 ~~G.S. 163-106(c) or G.S. 163-323~~, G.S. 163-106(c), and through the
39 day on which the general election is conducted, excluding the time
40 period set in the definition for "electioneering communication" in
41 G.S. 163-278.80(2)b.
 - 42 c. Is targeted to the relevant electorate.

43"

44 **SECTION 13.** G.S. 163-278.110(1) reads as rewritten:

45 **"§ 163-278.110. Definitions.**

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

- 47 (1) The term "candidate-specific communication" means any mass mailing or
48 telephone bank that has all the following characteristics:
- 49 a. Refers to a clearly identified candidate for a statewide office or the
50 General Assembly.

- 1 b. Is transmitted in an even-numbered year after the final date on which
2 a Notice of Candidacy can be filed for the office, pursuant to
3 ~~G.S. 163-106(e) or G.S. 163-323, G.S. 163-106(c)~~, and through the
4 day on which the general election is conducted, excluding the time
5 period set in the definition for "electioneering communication" in
6 G.S. 163-278.90(2)b.
- 7 c. Is targeted to the relevant electorate.

8 "

9 **SECTION 14.** G.S. 163-1(b) reads as rewritten:

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

16 **SECTION 15.** G.S. 163-122(c) is repealed.

17 **SECTION 16.** G.S. 163-123(g) reads as rewritten:

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

22 **SECTION 17.** G.S. 163-278.64(c) reads as rewritten:

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

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

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

38 **SECTION 18.** G.S. 163-278.64A is repealed.

39 **SECTION 19.(a)** Notwithstanding Section 1 of this act, G.S. 163-329 reads as
40 rewritten:

41 "**§ 163-329. Elections to fill vacancy in office created after primary filing period opens.**

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

1 shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for
2 the remainder of the term shall be conducted in accordance with G.S. 163-322.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **SECTION 19.(b)** G.S. 163-329, as amended by this section, is recodified as
19 G.S. 163-120.

20 **SECTION 20.** G.S. 105-159.2(b) reads as rewritten:

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

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

39 **SECTION 21.(a)** G.S. 84-34 reads as rewritten:

40 "**§ 84-34. Membership fees and list of members.**

41 Every active member of the North Carolina State Bar shall, prior to the first day of July of
42 each year, pay to the secretary-treasurer an annual membership fee in an amount determined by
43 the Council but not to exceed ~~three hundred dollars (\$300.00), plus a surcharge of fifty dollars~~
44 ~~(\$50.00) for the implementation of Article 22D of Chapter 163 of the General Statutes, three~~
45 hundred dollars (\$300.00) and every member shall notify the secretary-treasurer of the
46 member's correct mailing address. Any member who fails to pay the required dues by the last
47 day of June of each year shall be subject to a late fee in an amount determined by the Council
48 but not to exceed thirty dollars (\$30.00). All dues for prior years shall be as were set forth in
49 the General Statutes then in effect. The membership fee shall be regarded as a service charge
50 for the maintenance of the several services authorized by this Article, and shall be in addition to
51 all fees required in connection with admissions to practice, and in addition to all license taxes

1 required by law. The fee shall not be prorated: Provided, that no fee shall be required of an
2 attorney licensed after this Article shall have gone into effect until the first day of January of
3 the calendar year following that in which the attorney was licensed; but this proviso shall not
4 apply to attorneys from other states admitted on certificate. The fees shall be disbursed by the
5 secretary-treasurer on the order of the Council. ~~The fifty-dollar (\$50.00) surcharge shall be sent~~
6 ~~on a monthly schedule to the State Board of Elections.~~ The secretary-treasurer shall annually, at
7 a time and in a law magazine or daily newspaper to be prescribed by the Council, publish an
8 account of the financial transactions of the Council in a form to be prescribed by it. The
9 secretary-treasurer shall compile and keep currently correct from the names and mailing
10 addresses forwarded to the secretary-treasurer and from any other available sources of
11 information a list of members of the North Carolina State Bar and furnish to the clerk of the
12 superior court in each county, not later than the first day of October in each year, a list showing
13 the name and address of each attorney for that county who has not complied with the provisions
14 of this Article. The name of each of the active members who are in arrears in the payment of
15 membership fees shall be furnished to the presiding judge at the next term of the superior court
16 after the first day of October of each year, by the clerk of the superior court of each county
17 wherein the member or members reside, and the court shall thereupon take action that is
18 necessary and proper. The names and addresses of attorneys so certified shall be kept available
19 to the public. The Secretary of Revenue is hereby directed to supply the secretary-treasurer,
20 from records of license tax payments, with any information for which the secretary-treasurer
21 may call in order to enable the secretary-treasurer to comply with this requirement.

22 The list submitted to several clerks of the superior court shall also be submitted to the
23 Council at its October meeting of each year and it shall take the action thereon that is necessary
24 and proper."

25 **SECTION 21.(b)** G.S. 163-278.63(b)(7) is repealed.

26 **SECTION 21.(c)** Any unexpended funds from the tax on attorneys under
27 G.S. 163-278.63(b)(7) and G.S. 84-34 shall be retained by the State Board of Elections for the
28 North Carolina Public Campaign Fund.

29 **SECTION 22.** This act becomes effective with respect to primaries and elections
30 held on or after January 1, 2012.