

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 403
Commerce Committee Substitute Adopted 5/9/13
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PROPOSED HOUSE COMMITTEE SUBSTITUTE S403-PCS35565-ST-114

Short Title: Omnibus Election Clarifications.

(Public)

Sponsors:

Referred to:

March 26, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND AND CLARIFY VARIOUS PROVISIONS OF THE ELECTION
3 LAWS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 163-106(b) reads as rewritten:

6 "(b) Eligibility to File. – No person shall be permitted to file as a candidate in a party
7 primary if, ~~at the time he offers to file notice of candidacy, he is registered on the appropriate~~
8 ~~registration book or record as an affiliate of a political party other than that in whose primary~~
9 ~~he is attempting to file. No person who has changed his political party affiliation or who has~~
10 ~~changed from unaffiliated status to party affiliation as permitted in G.S. 163-82.17, shall be~~
11 ~~permitted to file as a candidate in the primary of the party to which he changed unless he has~~
12 ~~been affiliated with the political party in which he seeks to be a candidate for at least 90 days~~
13 ~~prior to the filing date for the office for which he desires to file his notice of candidacy.~~unless
14 that person has been affiliated with that party for at least 90 days as of the date of that person
15 filing such notice of candidacy. A person registered as "unaffiliated" shall be ineligible to file
16 as a candidate in a party primary election."

17 **SECTION 1.(b)** This section is effective January 1, 2015, and applies to elections
18 conducted on or after that date.

19 **SECTION 2.** G.S. 163-165.6(c) reads as rewritten:

20 "(c) Order of Candidates on Primary and Nonpartisan Official Ballots. – The order in
21 which candidates shall appear on a county's official ballots in any (i) primary ballot ~~item-item,~~
22 whether the primary is partisan or nonpartisan, and (ii) in any nonpartisan general election
23 ballot item under Article 25 of this Chapter shall be determined by the county board of
24 elections using a process designed by the State Board of Elections for random selection. The
25 same random selection process shall be used for all primaries and elections in a calendar year."

26 **SECTION 3.** G.S. 163-227.2(g2) reads as rewritten:

27 "(g2) Notwithstanding the requirements of subsection (g) and (g1) of this section, for any
28 county board of elections that provided for one or more sites ~~as provided in subsection (g) of~~
29 ~~this section~~ during the 2010 or 2012 general election, that county shall provide, at a minimum,
30 the following:

- 31 (1) The county board of elections shall calculate the cumulative total number of
32 scheduled voting hours at all sites during the 2012 primary and general
33 elections, respectively, that the county provided for absentee ballots to be
34 applied for and voted under this section. For elections which include a



1 presidential candidate on the ballot, the county shall ensure that at least the
 2 same number of hours offered in 2012 is offered for absentee ballots to be
 3 applied for and voted under this section through a combination of hours and
 4 numbers of one-stop sites during the primary or general election,
 5 correspondingly.

- 6 (2) The county board of elections shall calculate the cumulative total number of
 7 scheduled voting hours at all sites during the 2010 primary and general
 8 elections, respectively, that the county provided for absentee ballots to be
 9 applied for and voted under this section. For elections which do not include a
 10 presidential candidate on the ballot, the county shall ensure that at least the
 11 same number of hours offered in 2010 is offered for absentee ballots to be
 12 applied for and voted under this section through a combination of hours and
 13 numbers of one-stop sites during the primary or general election,
 14 correspondingly.

15 As used in this subsection, the phrase "cumulative total number of scheduled voting hours"
 16 includes those at the office of the county board of elections or the reasonably proximate
 17 alternate site approved under subsection (g) of this section.

18 The State Board of Elections, to ensure compliance with this subsection, may approve a
 19 one-stop site in a building that the county board of elections is not entitled under G.S. 163-129
 20 to demand and use as an election-day voting place, but may deny approval if a member of that
 21 board presents evidence that other equally suitable sites were available and the use of the sites
 22 chosen would unfairly advantage or disadvantage geographic, demographic, or partisan
 23 interests of that county."

24 **SECTION 4.** G.S. 115C-47 reads as rewritten:

25 "**§ 115C-47. Powers and duties generally.**

26 In addition to the powers and duties designated in G.S. 115C-36, local boards of education
 27 shall have the power or duty:

28 ...

- 29 (59) To Encourage Student Voter Registration. – Local boards of education are
 30 encouraged to adopt policies to promote student voter registration. These
 31 policies may include collaboration with county boards of elections to
 32 conduct voter registration ~~and preregistration~~ in high schools. Completion
 33 and submission of voter registration forms shall not be a course requirement
 34 or graded assignment for students.

35"

36 **SECTION 5.** Section 5.3 of S.L. 2013-381 reads as rewritten:

37 "**SECTION 5.3.** Education and Publicity Requirements. – The public shall be educated
 38 about the photo identification to vote requirements of this act as follows:

39 ...

- 40 (4) Notices of elections published by county boards of elections under
 41 ~~G.S. 163-22(8)~~ G.S. 163-33(8) for the 2014 primary and 2014 general
 42 election shall include a brief statement that photo identification will be
 43 required to vote in person beginning in 2016.

44"

45 **SECTION 6.** G.S. 163-166.14(e) reads as rewritten:

46 "(e) At any time a voter presents photo identification to a local election official other
 47 than on election day, the county board of elections shall have available to the local election
 48 official judges of election for the review required under subsection (b) of this section,
 49 appointed with the same qualifications as is in Article 5 of this Chapter, except that the
 50 individuals may (i) ~~may~~ reside anywhere in the county or (ii) be an employee of the county or
 51 the State. Neither the local election official nor the judges of election may be a county board

1 member. The county board is not required to have the same judges of election available
2 throughout the time period a voter may present photo identification other than on election day
3 but shall have at least two judges, who are not of the same political party affiliation, available
4 at all times during that period."

5 **SECTION 7.** G.S. 163-166.13(e) reads as rewritten:

6 "(e) As used in this section, "photo identification" means any one of the following that
7 contains a photograph of the registered voter. In addition, the photo identification shall have a
8 printed expiration date and shall be unexpired, provided that any voter having attained the age
9 of 70 years at the time of presentation at the voting place shall be permitted to present an
10 expired form of any of the following that was unexpired on the voter's 70th birthday.
11 ~~Notwithstanding the previous sentence, in the case of identification under subdivisions (4)~~
12 ~~through (6) of this subsection, if it does not contain a printed expiration date, it shall be~~
13 ~~acceptable if it has a printed issuance date that is not more than eight years before it is~~
14 ~~presented for voting:~~

- 15 (1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the
16 General Statutes, including a learner's permit or a provisional license.
- 17 (2) A special identification card for nonoperators issued under G.S. 20-37.7.
- 18 (3) A United States passport.
- 19 (4) A United States military identification card, except there is no requirement
20 that it have a printed expiration or issuance date.
- 21 (5) A Veterans Identification Card issued by the United States Department of
22 Veterans Affairs for use at Veterans Administration medical facilities
23 facilities, except there is no requirement that it have a printed expiration or
24 issuance date.
- 25 (6) A tribal enrollment card issued by a federally recognized ~~tribe~~.tribe,
26 provided that if the tribal enrollment card does not contain a printed
27 expiration date, it shall be acceptable if it has a printed issuance date that is
28 not more than eight years before it is presented for voting.
- 29 (7) A tribal enrollment card issued by a tribe recognized by this State under
30 Chapter 71A of the General Statutes, provided that card meets all of the
31 following criteria:
 - 32 a. Is issued in accordance with a process approved by the State Board
33 of Elections that requires an application and proof of identity
34 equivalent to the requirements for issuance of a special identification
35 card by the Division of Motor Vehicles under G.S. 20-7 and
36 G.S. 20-37.7.
 - 37 b. Is signed by an elected official of the tribe.
- 38 (8) A drivers license or nonoperators identification card issued by another state,
39 the District of Columbia, or a territory or commonwealth of the United
40 States, but only if the voter's voter registration was within 90 days of the
41 election."

42 **SECTION 8.** Section 38.1(b) of S.L. 2013-381 reads as rewritten:

43 **"SECTION 38.1.(b)** Article 22J of Chapter 163 of the General Statutes is ~~repealed-~~
44 ~~repealed,~~ except that the repeal of G.S. 163-278.99E(d) is governed by subsection (l) of this
45 section, which provides that the repeal becomes effective upon exhaustion of the funds for
46 publication of the Judicial Voter Guide in G.S. 163-278.69."

47 **SECTION 9.** G.S. 163-278.40H reads as rewritten:

48 **"§ 163-278.40H. Notice of reports due.**

49 The director of the board shall advise, or cause to be advised, no less than five days nor
50 more than 15 days before each report is due each candidate or treasurer whose organizational
51 report has been filed under G.S. 163-278.40A of the specific date each report is due. ~~He~~The

1 director shall immediately notify any individual, candidate, treasurer, or political committee, to
2 file a statement under this Part if:

- 3 (1) It appears that the individual, candidate, treasurer, or political committee has
4 failed to file a statement as required by law or that a statement filed does not
5 conform to this Part; or
6 (2) A written complaint is filed under oath with the ~~board~~ State Board of
7 Elections by any registered voter of this State alleging that a statement filed
8 with the board does not conform to this Part or to the truth or that an
9 individual, candidate, treasurer, or political committee has failed to file a
10 statement required by this Part."

11 **SECTION 10.** G.S. 163-302(a) reads as rewritten:

12 "(a) In any municipal election, including a primary or general election or referendum,
13 ~~conducted by the county board of elections,~~ absentee voting may, upon resolution of the
14 municipal governing body, be permitted. Such resolution must be adopted no later than 60 days
15 prior to an election in order to be effective for that election. Any such resolution shall remain
16 effective for all future elections unless repealed no later than 60 days before an election. A
17 copy of all resolutions adopted under this section shall be filed with the State Board of
18 Elections and the county board of elections conducting the election within 10 days of passage
19 in order to be effective. ~~Absentee voting shall not be permitted in any municipal election unless~~
20 ~~such election is conducted by the county board of elections.~~ In addition, absentee voting shall
21 be allowed in any referendum on incorporation of a municipality."

22 **SECTION 11.** G.S. 163-231(a) reads as rewritten:

23 "(a) Procedure for Voting Absentee Ballots. – In the presence of two persons who are at
24 least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4) or
25 G.S. 163-237(b1), the voter shall do all of the following:

- 26 ...
27 (5) Require those two persons in whose presence the voter marked that voter's
28 ballots to sign the application and certificate as witnesses and to indicate
29 those persons' addresses. Failure to list a ZIP code does not invalidate the
30 application and certificate.

31"

32 **SECTION 12.(a)** G.S. 163-82.15(e) reads as rewritten:

33 "(e) Unreported Move to Another Precinct Within the County. – If a registrant has
34 moved from an address in one precinct to an address in another precinct within the same county
35 more than 30 days before an election and has failed to notify the county board of the change of
36 address before the close of registration for that election, the county board shall permit that
37 person to vote in that election. The county board shall permit the registrant described in this
38 subsection to vote at the registrant's new precinct, upon the registrant's written affirmation of
39 the new address, or, if the registrant prefers, at a central location in the county to be chosen by
40 the county board. If the registrant appears at the old precinct, the precinct officials there shall
41 (i) send the registrant to the new precinct or, (ii) if the registrant prefers, to the central location,
42 according to rules which shall be prescribed by the State Board of Elections. ~~Elections,~~ or (iii)
43 permit the voter to vote a provisional ballot and shall count the individual's provisional official
44 ballot for all ballot items on which it determines that the individual was eligible under State or
45 federal law to vote. At the new precinct, the registrant shall be processed by a precinct transfer
46 assistant, according to rules which shall be prescribed by the State Board of Elections. ~~Any~~
47 ~~voter subject to this subsection may instead vote a provisional ballot according to the~~
48 ~~provisions of G.S. 163-166.11."~~

49 **SECTION 12.(b)** G.S. 163-166.11(5) is repealed.

50 **SECTION 12.(c)** G.S. 163-182.2(a)(4) reads as rewritten:

1 "(4) If the county board of elections finds that an individual voting a provisional
2 official ballot (i) was registered in the county as provided in G.S. 163-82.1,
3 (ii) voted in the proper precinct under G.S. 163-55 and G.S. 163-57, and (iii)
4 was otherwise eligible to vote, the Provisionalprovisional official ballots
5 shall be counted by the county board of elections before the canvass. If the
6 county board finds that an individual voting a provisional official ballot is
7 not eligible to vote in one or more ballot items on the official ballot, the
8 board shall not count the official ballot in those ballot items, but shall count
9 the official ballot in any ballot items for which the individual is eligible to
10 vote. Eligibility shall be determined by whether the voter is registered in the
11 county as provided in G.S. 163-82.1 and whether the voter is qualified by
12 residency to vote in the precinct as provided in G.S. 163-55 and G.S. 163-57.
13 Except as provided in G.S. 163-82.15(e), if the county board finds that an
14 individual voting a provisional official ballot (i) did not vote in the proper
15 precinct under G.S. 163-55 and G.S. 163-57, (ii) is not registered in the
16 county as provided in G.S. 163-82.1, or (iii) is otherwise not eligible to vote,
17 the ballot shall not be counted. If a voter was properly registered to vote in
18 the election by the county board, no mistake of an election official in giving
19 the voter a ballot or in failing to comply with G.S. 163-82.15 or
20 G.S. 163-166.11 shall serve to prevent the counting of the vote on any ballot
21 item the voter was eligible by registration and qualified by residency to
22 vote."

23 **SECTION 13.(a)** G.S. 138A-22 reads as rewritten:

24 "**§ 138A-22. Statement of economic interest; filing required.**

25 (a) Every covered person subject to this Chapter who is elected, appointed, or
26 employed, including one appointed to fill a vacancy in elective office, except for public
27 servants (i) included under G.S. 138A-3(30)b., e., f., or g. whose annual compensation from the
28 State is less than sixty thousand dollars (\$60,000), or (ii) who are ex officio student members
29 under Chapters 115D and 116 of the General Statutes, shall file a statement of economic
30 interest with the Commission prior to the covered person's initial appointment, election, or
31 employment and no later than April 15 of every year thereafter, except as otherwise filed under
32 subsections (c1) and (d) of this section. A prospective covered person required to file a
33 statement under this Chapter shall not be appointed, employed, or receive a certificate of
34 election, prior to submission by the Commission of the Commission's evaluation of the
35 statement in accordance with this Article. The requirement for an annual filing under this
36 subsection also shall apply to covered persons whose terms have expired but who continue to
37 serve until the covered person's replacement is appointed. Once a statement of economic
38 interest is properly completed and filed under this Article, the statement of economic interest
39 does not need to be supplemented or refiled prior to the next due date set forth in this
40 subsection.

41 (b) Notwithstanding subsection (a) of this section, individuals hired by, and appointees
42 of, constitutional officers of the State may file a statement of economic interest within 30 days
43 after their appointments or employment when the appointment or employment is made during
44 the first 60 days of the constitutional officer's initial term in that constitutional office.

45 (c) Notwithstanding subsection (a) of this section, public servants, under
46 G.S. 138A-3(30)j. and k., who have submitted a statement of economic interest under
47 subsection (a) of this section, may be hired, appointed, or elected provisionally prior to
48 submission by the Commission of the Commission's evaluation of the statement in accordance
49 with this Article, subject to dismissal or removal based on the Commission's evaluation.

50 (c1) A public servant reappointed to a board between January 1 and April 15 shall file a
51 current statement of economic interest prior to the reappointment.

1 (c2) A public servant appointed to a board determined and designated as nonadvisory
2 under G.S. 138A-10(a)(3) shall file the initial statement of economic interest within 60 days of
3 notification of the designation by the Commission and as provided in this section thereafter.

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

22 (d1) In addition to subsections (a) and (d) of this section, a covered person holding
23 elected office or a former covered person who held elected office subject to this Article shall
24 file a statement of economic interest in all of the following instances, as specified:

25 (1) Filed on or before April 15 of the year following the year a covered person
26 or former covered person does not file a notice of candidacy or petition for
27 election, or does not receive a certificate of election, to the position making
28 that individual a covered person, with all information provided in the
29 statement of economic interest current as of the last day of December of the
30 preceding year.

31 (2) Filed on or before April 15 of the year following the year the covered person
32 or former covered person resigns from the position making that individual a
33 covered person, with all information provided in the statement of economic
34 interest current as of the last day in the position.

35 (e) The State Board of Elections shall provide for notification of the statement of
36 economic interest requirements of this Article to be given to any candidate filing for
37 nomination or election to those offices subject to this Article ~~at the time of the filing of~~
38 ~~candidacy~~ and to any nominee under G.S. 163-114.

39 (f) Within 10 days of the filing deadline for office of a covered person, the executive
40 director of the State Board of Elections shall send to the State Ethics Commission a list of the
41 names and addresses of each candidate who ~~have~~ has filed as a candidate for office as a covered
42 person. Within five days of an individual otherwise qualifying to be on the ballot, the State
43 Board of Elections shall send notice of that qualification to the State Ethics Commission. ~~A~~
44 ~~county board of election shall forward any statements of economic interest filed with the board~~
45 ~~under this section to the State Board of Elections. The executive director of the State Board of~~
46 ~~Elections shall forward a certified copy of the statements of economic interest to the~~
47 ~~Commission for evaluation upon its filing with the State Board of Elections under this section.~~

48 (g) The Commission shall issue forms to be used for the statement of economic interest
49 and shall revise the forms from time to time as necessary to carry out the purposes of this
50 Chapter. Except as otherwise set forth in this section and in G.S. 138A-15(h), upon notification

1 by the employing entity, the Commission shall furnish to all other covered persons the
2 appropriate forms needed to comply with this Article."

3 **SECTION 13.(b)** This section becomes effective January 1, 2015, and applies to
4 statements of economic interest filed on or after that date.

5 **SECTION 14.** G.S. 20-9.2 is amended by adding a new subsection to read:

6 "(c) This section does not apply to special identification cards issued pursuant to
7 G.S. 20-37.7(d)(5) or (6)."

8 **SECTION 15.(a)** G.S. 163-226.3(a)(7) reads as rewritten:

9 "(7) Except as provided in subsections (1), (2), (3) and (4) of this section,
10 G.S. 163-231(a), ~~G.S. 163-250(a)~~, and G.S. 163-227.2(e), for any voter to
11 permit another person to assist the voter in marking that voter's absentee
12 ballot, to be in the voter's presence when a voter votes an absentee ballot, or
13 to observe the voter mark that voter's absentee ballot."

14 **SECTION 15.(b)** G.S. 163-237(b1) reads as rewritten:

15 "(b1) Candidate Witnessing Absentee Ballots of Nonrelative Made Class 2
16 Misdemeanor. - A person is guilty of a Class 2 misdemeanor if that person acts as a witness
17 under G.S. 163-231(a) ~~or G.S. 163-250(a)~~ in any primary or election in which the person is a
18 candidate for nomination or election, unless the voter is the candidate's near relative as defined
19 in G.S. 163-230.1(f)."

20 **SECTION 15.(c)** G.S. 163-275(16) reads as rewritten:

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

23 **SECTION 15.(d)** G.S. 163-89(a) reads as rewritten:

24 **§ 163-89. Procedures for challenging absentee ballots.**

25 (a) Time for Challenge. – The absentee ballot of any voter may be challenged on the
26 day of any statewide primary or general election or county bond election beginning no earlier
27 than noon and ending no later than 5:00 P.M., or by the chief judge at the time of closing of the
28 polls as provided in G.S. 163-232 and ~~G.S. 163-251(b)~~. G.S. 163-258.26(b). The absentee
29 ballot of any voter received by the county board of elections pursuant to G.S. 163-231(b)(ii) or
30 (iii) may be challenged no earlier than noon on the day following the election and no later than
31 5:00 p.m. on the next business day following the deadline for receipt of such absentee ballots."

32 **SECTION 16.** G.S. 163-82.14 is amended by adding a new subsection to read:

33 "(e) Cooperation on List Maintenance Efforts. – The State Board has the authority to
34 perform list maintenance under this section with the same authority as a county board."

35 **SECTION 17.(a)** G.S. 163-111(e) reads as rewritten:

36 "(e) Date of Second Primary; Procedures. – If a second primary is required under the
37 provisions of this section, the appropriate board of elections, State or county, shall order that it
38 be held 10 weeks after the first primary if any of the offices for which a second primary is
39 required are for a candidate for the office of United States Senate or member of the United
40 States House of Representatives. Otherwise, the second primary shall be held seven weeks after
41 the first primary.

42 There shall be no registration of voters between the dates of the first and second
43 ~~primaries-primaries, except as provided in this subsection.~~ Persons whose qualifications to
44 register and vote mature after the day of the first primary and before the day of the second
45 primary may register on the day of the second primary and, when thus registered, shall be
46 entitled to vote in the second primary. The second primary is a continuation of the first primary
47 and any voter who files a proper and timely written affirmation of change of address within the
48 county under the provisions of G.S. 163-82.15, in the first primary may vote in the second
49 primary without having to refile that written affirmation if the voter is otherwise qualified to
50 vote in the second primary. A registered voter who (i) votes in a first primary, (ii) moves to
51 another county within the State prior to a second primary, (iii) qualifies to vote in the precinct

1 to which the voter has moved as provided in G.S. 163-55, and (iv) registers in a timely manner
2 in the county to which the voter has moved shall be permitted to vote a provisional official
3 ballot in the precinct in which the voter resides at the time of the second primary, and the
4 voter's provisional official ballot shall be counted for all ballot items on which the county board
5 of elections determines that the individual was eligible to vote in the first primary in which the
6 voter voted. Subject to this provision for registration, the second primary shall be held under
7 the laws, rules, and regulations provided for the first primary."

8 **SECTION 17.(b)** This section becomes effective January 1, 2015, and applies to
9 all elections occurring on or after that date.

10 **SECTION 18.** G.S. 160A-102 reads as rewritten:

11 "**§ 160A-102. Amendment by ordinance.**

12 By following the procedure set out in this section, the council may amend the city charter
13 by ordinance to implement any of the optional forms set out in G.S. 160A-101. The council
14 shall first adopt a resolution of intent to consider an ordinance amending the charter. The
15 resolution of intent shall describe the proposed charter amendments briefly but completely and
16 with reference to the pertinent provisions of G.S. 160A-101, but it need not contain the precise
17 text of the charter amendments necessary to implement the proposed changes. At the same time
18 that a resolution of intent is adopted, the council shall also call a public hearing on the proposed
19 charter amendments, the date of the hearing to be not more than 45 days after adoption of the
20 resolution. A notice of the hearing shall be published at least once not less than 10 days prior to
21 the date fixed for the public hearing, and shall contain a summary of the proposed amendments.
22 Following the public hearing, but not earlier than the next regular meeting of the council and
23 not later than 60 days from the date of the hearing, the council may adopt an ordinance
24 amending the charter to implement the amendments proposed in the resolution of intent.

25 The council may, but shall not be required to unless a referendum petition is received
26 pursuant to G.S. 160A-103, make any ordinance adopted pursuant to this section effective only
27 if approved by a vote of the people, and may by resolution adopted at the same time call a
28 special election for the purpose of submitting the ordinance to a vote. The date fixed for the
29 special election shall be ~~not more than 90 days~~ the next date permitted under G.S. 163-287(a)
30 that is more than 70 days after adoption of the ordinance.

31 Within 10 days after an ordinance is adopted under this section, the council shall publish a
32 notice stating that an ordinance amending the charter has been adopted and summarizing its
33 contents and effect. If the ordinance is made effective subject to a vote of the people, the
34 council shall publish a notice of the election in accordance with G.S. 163-287, and need not
35 publish a separate notice of adoption of the ordinance.

36 The council may not commence proceedings under this section between the time of the
37 filing of a valid initiative petition pursuant to G.S. 160A-104 and the date of any election called
38 pursuant to such petition."

39 **SECTION 19.** Except as provided herein, this act is effective when it becomes law.