

1997

**HOUSE
ELECTION LAWS &
CAMPAIGN REFORM**

MINUTES

**ELECTION LAWS
AND
CAMPAIGN REFORM
1997 - 98**

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1997-98 Session

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1997-98 Session

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1997-98 Session

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House Election Laws & Campaign Reform Committee

1997-98 Session

Members



Timothy N. Tallent



Alex Warner



John H. Weatherly

ATTENDANCE

ELECTION LAWS & CAMPAIGN REFORM

(Name of Committee)

DATES	97	$\frac{2}{19}$	$\frac{3}{5}$	$\frac{3}{19}$	$\frac{4}{2}$	$\frac{4}{16}$	$\frac{4}{30}$	$\frac{5}{14}$	$\frac{5}{28}$	$\frac{8}{5}$						
LARRY JUSTUS		✓	✓	✓	✓	✓	✓	✓	✓	✓						
CONNIE WILSON		✓	✓		✓	✓		✓	✓	✓						
HENRY ALDRIDGE		✓	✓	~~✓~~	✓	✓	✓	✓	✓	✓						
MARTHA ALEXANDER		✓	✓	✓	✓	✓	✓			✓						
GENE ARNOLD		✓	✓		✓	✓	✓		✓							
PHIL BADDOUR		✓	✓		✓	✓	✓	✓	✓	✓						
CHERIE BERRY		✓	✓		✓	✓	✓	✓	✓	✓						
DONALD BONNER			✓	✓		✓	✓	✓	✓	✓						
JERRY BRASWELL		✓	✓			✓	✓	✓	✓							
LANIER CANSLER		✓	✓		✓	✓	✓	✓	✓	✓						
WALTER CHURCH		✓		✓						✓						
ANDY DEDMON		✓	✓	✓	✓	✓	✓	✓	✓	✓						
SANDY HARDY		✓	✓		✓	✓	✓									
BILL HIATT		✓	✓	✓	✓	✓	✓		✓	✓						
VERLA INSKO		✓	✓	✓	✓	✓		✓	✓	✓						
MARY JARRELL		✓	✓				✓	✓	✓	✓						
JOE KISER		✓	✓	✓	✓	✓	✓	✓	✓	✓						
MICKEY MICHAUX		✓	✓		✓	✓	✓	✓	✓							
JOHN RAYFIELD		✓	✓		✓	✓	✓	✓	✓	✓						
FERN SHUBERT		✓	✓		✓	✓	✓	✓	✓							
TIM TALLENT		✓			✓				✓	✓						
WILLIAM WAINWRIGHT			✓													
ALEX WARNER			✓		✓	✓	✓	✓								
JOHN WEATHERLY		✓	✓	✓	✓		✓		✓	✓						
JULIA HOWARD									✓	✓						
LEO DAUGHTRY																
STEVE WOOD					✓	✓			✓							

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 3

Short Title: Full Disclosure Act.

(Public)

Sponsors: Representatives C. Wilson; Black, Cansler, Church, Hardy, Hill, Hurley, Morris, Mosley, Rayfield, Russell, Shubert, and G. Wilson.

Referred to: Election Law and Campaign Reform.

January 30, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE THE PUBLIC RIGHT TO KNOW ABOUT CAMPAIGNS.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 163-278.9(a) reads as rewritten:
5 "(a) The treasurer of each candidate and of each political committee shall file
6 under verification with the Board the following reports:
7 (1) Organizational Report. -- The appointment of the treasurer as
8 required by G.S. 163-278.7(a), the statement of organization
9 required by G.S. 163-278.7(b), and a report of all contributions and
10 expenditures not previously reported shall be filed with the Board
11 no later than the tenth day following the day the candidate files his
12 notice of candidacy or the tenth day following the organization of
13 the political committee, whichever occurs first. Any candidate
14 whose campaign is being conducted by a political committee which
15 is handling all contributions and expenditures for his campaign
16 shall file a statement with the Board stating such fact at the time
17 required herein for the organizational report. Thereafter, the
18 candidate's political committee shall be responsible for filing all
19 reports required by law.
20 (2) ~~Preprimary Report. -- The treasurer shall file a report with the~~
21 ~~Board no later than the tenth day preceding the primary election.~~
22 (3) ~~Postprimary Report(s). -- The treasurer shall file a report with the~~
23 ~~Board no later than the 30th day after the primary election if the~~

1 candidate was eliminated in the primary. If there is a second
2 primary, the treasurer shall file a report with the Board no later
3 than the 30th day after the second primary election if the candidate
4 was eliminated in the second primary.

5 (4) ~~Preelection Report.~~ The treasurer shall file a report with the
6 Board not later than the tenth day preceding the general election.

7 (5) ~~Repealed by Session Laws 1985, c. 164, s. 1.~~

8 (5a) Quarterly Reports. -- During even-numbered years during which
9 there is an election for that candidate or in which the campaign
10 committee is supporting a candidate, the treasurer shall file a
11 report with the Board not later than seven days after the end of
12 each calendar quarter, covering the prior calendar quarter, except
13 that the report for the third quarter shall also cover the period in
14 October through the seventeenth day before the election, the third
15 quarter report shall be due seven days after that date, and the
16 fourth quarter report shall not include that period if a third quarter
17 report was required to be filed.

18 If there are contributions or expenditures covering the prior
19 calendar year, they shall be included in the first quarterly report if
20 a report is due for the first quarter.

21 (6) ~~Annual~~ Semiannual Reports. -- If contributions are received or
22 expenditures made ~~during a calendar year~~, for which no reports
23 are otherwise required by this Article, any and all such
24 contributions and expenditures shall be reported by the last Friday
25 in ~~January~~ July, covering the period through the last day of June,
26 and shall be reported by the last Friday in January, covering the
27 period through the last day of December, of the following year."

28 Section 2. G.S. 163-278.11(a)(1) reads as rewritten:

29 "(1) Contributions. -- A list of all contributions required to be listed
30 under G.S. 163-278.8 received by or on behalf of a candidate,
31 political committee, or referendum committee. The statement shall
32 list the name and complete mailing address of each contributor,
33 the amount contributed, the occupation of the donor, and the date
34 such contribution was received. The total sum of all contributions
35 to date shall be plainly exhibited. Forms for required reports shall
36 be prescribed by the Board."

37 Section 3. G.S. 163-278.19(b) reads as rewritten:

38 "(b) It shall, however, be lawful for any corporation, business entity, labor union,
39 professional association or insurance company to communicate with its employees,
40 stockholders or members and their families on any subject; to conduct nonpartisan
41 registration and get-out-the-vote campaigns aimed at their employees, stockholders, or
42 members and their families; or for officials and employees of any corporation,
43 insurance company or business entity or the officials and members of any labor union
44 or professional association to establish, administer, contribute to, and to receive and

1 solicit contributions to a separate segregated fund to be utilized for political purposes
2 except as provided in G.S. 163-278.20, and those individuals shall be deemed to
3 become and be a political committee as that term is defined in G.S. 163-278.6(14) or
4 a referendum committee as defined in G.S. 163-278.6(18b); provided, however, that it
5 shall be unlawful for any such fund to make a contribution or expenditure by
6 utilizing contributions secured by physical force, job discrimination, financial reprisals
7 or the threat of force, job discrimination or financial reprisals, or by dues, fees, or
8 other moneys required as a condition of membership or employment or as a
9 requirement with respect to any terms or conditions of employment, including,
10 without limitation, hiring, firing, transferring, promoting, demoting, or granting
11 seniority or employment-related benefits of any kind, or by moneys obtained in any
12 commercial transaction whatsoever. Even if use of funds received from an employee
13 or member is otherwise not unlawful, no business entity, labor union, professional
14 association or insurance company may use any funds received from an employee or
15 member by payroll deduction for any political action committee unless the employee
16 or member has separately consented in writing."

17 Section 4. (a) G.S. 163-278.6(1) reads as rewritten:

18 "(1) The term 'board' means the State Board of Elections with respect
19 to all candidates for State and multi-county district offices and the
20 county or municipal board of elections with respect to all
21 candidates for single-county district, county and municipal offices.
22 The term means the State Board of Elections with respect to all
23 statewide ~~referenda~~. referenda and the county or municipal board
24 of elections conducting all local referenda."

25 (b) G.S. 163-278.6(18) reads as rewritten:

26 "(18) The term 'public office' means any office filled by election by the
27 people on a statewide, county, municipal or district basis, and this
28 Article shall be applicable to such elective offices whether the
29 election therefor is partisan or ~~nonpartisan, provided candidates for~~
30 ~~municipal and county offices in those municipalities and counties~~
31 ~~having less than 50,000 population, according to the most recent~~
32 ~~decennial census figures, shall not be required to file reports~~
33 ~~required by this Article, but this Article shall otherwise be~~
34 ~~applicable to such candidates for municipal and county offices.~~
35 nonpartisan."

36 (c) G.S. 163-278.6(18a) reads as rewritten:

37 "(18a) The term 'referendum' means any question, issue, or act referred
38 to a vote of the people of the entire State by the General ~~Assembly~~
39 Assembly, a unit of local government, or by the people under any
40 applicable local act and includes constitutional amendments and
41 State bond issues. The term 'referendum' ~~does not include~~
42 includes any type of municipal, county, or special district
43 referendum."

44 (d) G.S. 163-278.40(2) reads as rewritten:

"(2) The term 'city' means any incorporated city, town, or ~~village with a population of 50,000 or over, according to the most recent decennial federal census.~~ village."

Section 5. G.S. 163-278.9 is amended by adding a new subsection to read:

"(j) Treasurers for the following entities shall file the reports required by this section electronically, according to rules which shall be promulgated by the State Board of Elections:

(1) Candidates for statewide office;

(2) The State executive committees of political parties;

(3) Political committees that make contributions to candidates for statewide office or make independent expenditures that affect contests for statewide office."

Section 6. The State Board of Elections shall provide access to the public of campaign finance reports over the internet as soon as technically feasible.

Section 7. Sections 1 and 2 of this act apply beginning with reports to be filed in 1998. Section 3 of this act applies to dues paid after July 1, 1997. Section 4 of this act applies to municipal elections beginning in 1998. Section 5 of this act applies with respect to reports filed on or after January 1, 1998. Sections 6 and 7 of this act are effective upon becoming law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 6

Short Title: Term Limits for Legislature.

(Public)

Sponsors: Representatives Aldridge; Hardy, Rayfield, Shubert, and G. Wilson.

Referred to: Election Law and Campaign Reform.

January 30, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
3 PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF THE
4 LEGISLATURE AND LIMIT THEM TO THREE CONSECUTIVE TERMS IN A
5 HOUSE.

6 The General Assembly of North Carolina enacts:

7 Section 1. Article II of the Constitution of North Carolina is amended by
8 adding a new section to read:

9 **"Sec. 25. Limitation of consecutive terms.**

10 (1) No person shall be eligible for election to more than three consecutive terms
11 as a member of the House of Representatives, nor to more than three consecutive
12 terms as a member of the Senate. If a person is not elected to a full term, service
13 caused by filling of a vacancy shall be considered as a term for the purpose of this
14 section if the person takes office during the first two calendar years of the term.

15 (2) Terms of office beginning before January 1, 2003, shall not be considered for
16 the purpose of this section.

17 (3) A person disqualified by this section from election to the next succeeding term
18 as a member of the House of Representatives or Senate may not fill a vacancy in that
19 succeeding term."

20 Section 2. Section 2 of Article II of the Constitution of North Carolina
21 reads as rewritten:

22 **"Sec. 2. Number of Senators.**

23 The Senate shall be composed of 50 Senators, ~~biennially~~ quadrennially chosen by
24 ballot."

Section 3. Section 4 of Article II of the Constitution of North Carolina reads as rewritten:

"Sec. 4. Number of Representatives.

The House of Representatives shall be composed of 120 Representatives, ~~biennially~~ quadrennially chosen by ballot."

Section 4. Section 8 of Article II of the Constitution of North Carolina reads as rewritten:

"Sec. 8. Elections.

The election for members of the General Assembly shall be held for the respective districts in ~~1972~~ 2002 and every ~~two~~ four years thereafter, at the places and on the day prescribed by law."

Section 4.1. Section 14(1) of Article II of the Constitution of North Carolina reads as rewritten:

"(1) **President Pro Tempore - succession to presidency.** The Senate shall elect from its membership a President Pro Tempore, who shall become President of the Senate upon the failure of the Lieutenant Governor-elect to qualify, or upon succession by the Lieutenant Governor to the office of Governor, or upon the death, resignation, or removal from office of the President of the Senate, and who shall serve ~~until the~~ until:

(a) The expiration of his term of office as Senator; or

(b) The qualification of a new Lieutenant Governor whichever comes first.

A President Pro Tempore becoming President of the Senate under this section retains the same right to vote as any other Senator, and does not have an additional right to vote when the Senate is equally divided."

Section 4.2. Section 2(1) of Article III of the Constitution of North Carolina reads as rewritten:

"(1) **Election and term.** The Governor and Lieutenant Governor shall be elected by the qualified voters of the State in ~~1972~~ 2000 and every four years thereafter, at the ~~same time and places as members of the General Assembly are elected~~ at the places and on the day prescribed by law. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified."

Section 5. Section 7 of Article III of the Constitution of North Carolina reads as rewritten:

"Sec. 7. Other elective officers.

(1) **Officers.** A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the State in ~~1972~~ 2000 and every four years thereafter, at the same time and places as ~~members of the General Assembly are~~ the Governor is elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

1 (2) **Duties.** Their respective duties shall be prescribed by law.

2 (3) **Vacancies.** If the office of any of these officers is vacated by death,
3 resignation, or otherwise, it shall be the duty of the Governor to appoint another to
4 serve until his successor is elected and qualified. Every such vacancy shall be filled
5 by election at the first election for members of the General Assembly or Governor,
6 whichever comes first, that occurs more than 60 days after the vacancy has taken
7 place, and the person chosen shall hold the office for the remainder of the unexpired
8 term fixed in this Section. When a vacancy occurs in the office of any of the officers
9 named in this Section and the term expires on the first day of January succeeding the
10 next election for members of the General Assembly, the Governor shall appoint to
11 fill the vacancy for the unexpired term of the office.

12 (4) **Interim officers.** Upon the occurrence of a vacancy in the office of any one of
13 these officers for any of the causes stated in the preceding paragraph, the Governor
14 may appoint an interim officer to perform the duties of that office until a person is
15 appointed or elected pursuant to this Section to fill the vacancy and is qualified.

16 (5) **Acting officers.** During the physical or mental incapacity of any one of these
17 officers to perform the duties of his office, as determined pursuant to this Section, the
18 duties of his office shall be performed by an acting officer who shall be appointed by
19 the Governor.

20 (6) **Determination of incapacity.** The General Assembly shall by law prescribe
21 with respect to those officers, other than the Governor, whose offices are created by
22 this Article, procedures for determining the physical or mental incapacity of any
23 officer to perform the duties of his office, and for determining whether an officer who
24 has been temporarily incapacitated has sufficiently recovered his physical or mental
25 capacity to perform the duties of his office. Removal of those officers from office for
26 any other cause shall be by impeachment.

27 (7) **Special qualifications for Attorney General.** Only persons duly authorized to
28 practice law in the courts of this State shall be eligible for appointment or election as
29 Attorney General."

30 Section 6. Section 9(3) of Article V of the Constitution of North
31 Carolina reads as rewritten:

32 "(3) **Clerks.** A Clerk of the Superior Court for each county shall be elected for a
33 term of four years by the qualified voters thereof, at the same time and places as
34 members of the General Assembly or the Governor are elected. If the office of Clerk
35 of the Superior Court becomes vacant otherwise than by the expiration of the term,
36 or if the people fail to elect, the senior regular resident Judge of the Superior Court
37 serving the county shall appoint to fill the vacancy until an election can be regularly
38 held."

39 Section 7. Section 18(1) of Article IV of the Constitution of North
40 Carolina reads as rewritten:

41 "(1) **District Attorneys.** The General Assembly shall, from time to time, divide
42 the State into a convenient number of prosecutorial districts, for each of which a
43 District Attorney shall be chosen for a term of four years by the qualified voters
44 thereof, at the same time and places as members of the General Assembly or the

1 Governor are elected. Only persons duly authorized to practice law in the courts of
2 this State shall be eligible for election or appointment as a District Attorney. The
3 District Attorney shall advise the officers of justice in his district, be responsible for
4 the prosecution on behalf of the State of all criminal actions in the Superior Courts
5 of his district, perform such duties related to appeals therefrom as the Attorney
6 General may require, and perform such other duties as the General Assembly may
7 prescribe."

8 Section 8. Section 19 of Article IV of the Constitution of North Carolina
9 reads as rewritten:

10 **"Sec. 19. Vacancies.**

11 Unless otherwise provided in this Article, all vacancies occurring in the offices
12 provided for by this Article shall be filled by appointment of the Governor, and the
13 appointees shall hold their places until the next election for members of the General
14 Assembly or Governor, whichever comes first, that is held more than 60 days after
15 the vacancy occurs, when elections shall be held to fill the offices. When the
16 unexpired term of any of the offices named in this Article of the Constitution in
17 which a vacancy has occurred, and in which it is herein provided that the Governor
18 shall fill the vacancy, expires on the first day of January succeeding the next election
19 for members of the General Assembly or Governor, whichever comes first, the
20 Governor shall appoint to fill that vacancy for the unexpired term of the office. If
21 any person elected or appointed to any of these offices shall fail to qualify, the office
22 shall be appointed to, held and filled as provided in case of vacancies occurring
23 therein. All incumbents of these offices shall hold until their successors are
24 qualified."

25 Section 9. The amendments set out in Sections 1 through 8 of this act
26 shall be submitted to the qualified voters of the State at the general election in
27 November 1998, which election shall be conducted under the laws then governing
28 elections in the State. Ballots, voting systems, or both may be used in accordance
29 with Chapter 163 of the General Statutes. The question to be used in the voting
30 systems and ballots shall be:

31 "☐ FOR ☐ AGAINST

32 Constitutional amendments making the term of members of the General
33 Assembly four years, beginning with members elected in 2002, limiting members to
34 three consecutive terms in the Senate or House of Representatives, and making
35 conforming amendments concerning the election of other officers and the filling of
36 vacancies."

37 Section 10. If a majority of votes cast on the question are in favor of the
38 amendments set out in Sections 1 through 8 of this act, the State Board of Elections
39 shall certify the amendments to the Secretary of State. The constitutional
40 amendments shall become effective January 1, 2000, and shall apply to members of
41 the General Assembly elected in the 2002 general election so that they shall serve
42 four-year terms. The Secretary of State shall enroll the amendments so certified
43 among the permanent records of that office.

44 Section 11. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 7

Short Title: Term Limits/Legislature/Conform.

(Public)

Sponsors: Representatives Aldridge; Hardy, Shubert, Rayfield, and G. Wilson.

Referred to: Election Law and Campaign Reform.

January 30, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO MAKE STATUTORY CONFORMING CHANGES REQUIRED TO
3 IMPLEMENT AN ACT TO AMEND THE CONSTITUTION OF NORTH
4 CAROLINA TO PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF
5 THE LEGISLATURE AND LIMIT THEM TO THREE CONSECUTIVE TERMS
6 IN A HOUSE.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 7A-140 reads as rewritten:

9 "§ 7A-140. Number; election; term; qualification; oath.

10 There shall be at least one district judge for each district. Each district judge shall
11 be elected by the qualified voters of the district court district in which he is to serve
12 at the time ~~of the election for members of the General Assembly.~~ specified by
13 Chapter 163 of the General Statutes. The number of judges for each district shall be
14 determined by the General Assembly. Each judge shall be a resident of the district
15 for which elected, and shall serve a term of four years, beginning on the first Monday
16 in December following his election.

17 Each district judge shall devote his full time to the duties of his office. He shall not
18 practice law during his term, nor shall he during such term be the partner or
19 associate of any person engaged in the practice of law.

20 Before entering upon his duties, each district judge, in addition to other oaths
21 prescribed by law, shall take the oath of office prescribed for a judge of the General
22 Court of Justice."

23 Section 2. G.S. 147-4 reads as rewritten:

24 "§ 147-4. Executive officers -- election; term; induction into office.

1 The executive department shall consist of a Governor, a Lieutenant Governor, a
2 Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an
3 Attorney General, a Commissioner of Agriculture, a Commissioner of Insurance, and
4 a Commissioner of Labor, who shall be elected for a term of four years, by the
5 qualified electors of the State, ~~at the same time and places, and in the same manner,~~
6 ~~as members of the General Assembly are elected~~ as provided by Chapter 163 of the
7 General Statutes. Their term of office shall commence on the first day of January
8 next after their election and continue until their successors are elected and qualified.
9 The persons having the highest number of votes, respectively, shall be declared duly
10 elected, but if two or more be equal and highest in votes for the same office, then one
11 of them shall be chosen by joint ballot of both houses of the General Assembly.
12 Contested elections shall be determined by a joint ballot of both houses of the
13 General Assembly in such manner as shall be prescribed by law."

14 Section 3. G.S. 152-1 reads as rewritten:

15 "**§ 152-1. Election; vacancies in office; appointment by clerk in special cases.**

16 In each county a coroner shall be elected by the qualified voters thereof ~~in the~~
17 ~~same manner and at the same time as the election of members of the General~~
18 ~~Assembly~~ as provided by Chapter 163 of the General Statutes, and shall hold office
19 for a term of four years, or until his successor is elected and qualified.

20 A vacancy in the office of coroner shall be filled by the county commissioners, and
21 the person so appointed shall, upon qualification, hold office until his successor is
22 elected and qualified. If the coroner were elected as the nominee of a political party,
23 then the county commissioners shall consult with the county executive committee of
24 that political party before filling the vacancy, and shall appoint the person
25 recommended by that committee if the party makes a recommendation within 30 days
26 of the occurrence of the vacancy; this sentence shall apply only to the counties of
27 Alamance, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus,
28 Caldwell, Cherokee, Clay, Cleveland, Davidson, Davie, Graham, Guilford, Haywood,
29 Henderson, Jackson, Madison, McDowell, Mecklenburg, Moore, New Hanover, Polk,
30 Randolph, Rockingham, Rutherford, Stanly, Stokes, Transylvania, Wake, and Yancey.

31 When the coroner shall be out of the county, or shall for any reason be unable to
32 hold the necessary inquest as provided by law, or there is a vacancy existing in the
33 office of coroner which has not been filled by the county commissioners and it is
34 made to appear to the clerk of the superior court by satisfactory evidence that a
35 deceased person whose body has been found within the county probably came to his
36 death by the criminal act or default of some person, it is the duty of the clerk to
37 appoint some suitable person to act as coroner in such special case."

38 Section 4. G.S. 161-1 reads as rewritten:

39 "**§ 161-1. Election and term of office.**

40 In each county there shall be elected biennially by the qualified voters thereof, as
41 provided ~~for the election of members of the General Assembly~~ by Chapter 163 of the
42 General Statutes, a register of deeds."

43 Section 5. G.S. 162-1 reads as rewritten:

44 "**§ 162-1. Election and term of office.**

1 In each county a sheriff shall be elected by the qualified voters thereof, as is
2 prescribed ~~for members of the General Assembly by Chapter 163 of the General~~
3 Statutes, and shall hold his office for four years."

4 Section 6. G.S. 163-1 is amended in the table by rewriting the "DATE
5 OF ELECTION" entries for State Senator and member of the State House of
6 Representatives to read: "Tuesday next after the first Monday in November 2002 and
7 every four years thereafter".

8 Section 7. G.S. 163-1 is further amended in the table by rewriting the
9 "TERM OF OFFICE" entries for State Senator and member of the State House of
10 Representatives to read: "Four years".

11 Section 8. G.S. 163-1 is further amended in the table by rewriting the
12 "DATE OF ELECTION" entries for justices and judges of the Appellate Division,
13 judges of the superior courts, judges of the district courts, district attorney, county
14 commissioners, clerk of superior court, register of deeds, sheriff, and coroner, to read:
15 "At the next regular statewide election for Governor or for members of the General
16 Assembly, whichever comes first, immediately preceding the termination of each
17 regular term."

18 Section 9. G.S. 163-8 reads as rewritten:

19 **"§ 163-8. Filling vacancies in State executive offices.**

20 If the office of Governor or Lieutenant Governor shall become vacant, the
21 provisions of G.S. 147-11.1 shall apply. If the office of any of the following officers
22 shall be vacated by death, resignation, or otherwise than by expiration of term, it
23 shall be the duty of the Governor to appoint another to serve until his successor is
24 elected and qualified: Secretary of State, Auditor, Treasurer, Superintendent of
25 Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of
26 Labor, and Commissioner of Insurance. Each such vacancy shall be filled by election
27 at the first election for members of the General Assembly or Governor, whichever
28 occurs first, that occurs more than 60 days after the vacancy has taken place, and the
29 person chosen shall hold the office for the remainder of the unexpired four-year
30 term: Provided, that when a vacancy occurs in any of the offices named in this
31 section and the term expires on the first day of January succeeding the next election
32 for members of the General Assembly or Governor, whichever comes first, the
33 Governor shall appoint to fill the vacancy for the unexpired term of the office.

34 Upon the occurrence of a vacancy in the office of any one of these officers for any
35 of the causes stated in the preceding paragraph, the Governor may appoint an acting
36 officer to perform the duties of that office until a person is appointed or elected
37 pursuant to this section and Article III, Section 7 of the State Constitution, to fill the
38 vacancy and is qualified."

39 Section 10. G.S. 163-9 reads as rewritten:

40 **"§ 163-9. Filling vacancies in State and district judicial offices.**

41 (a) Vacancies occurring in the offices of Justice of the Supreme Court, judge of
42 the Court of Appeals, and judge of the superior court for causes other than expiration
43 of term shall be filled by appointment of the Governor. An appointee to the office of
44 Justice of the Supreme Court or judge of the Court of Appeals shall hold office until

1 January 1 next following the election for members of the General Assembly or
2 Governor that is held more than 60 days after the vacancy occurs, whichever comes
3 first, at which time an election shall be held for an eight-year term and until a
4 successor is elected and qualified.

5 (b) Except for judges specified in the next paragraph of this subsection, an
6 appointee to the office of judge of superior court shall hold his place until the next
7 election for members of the General Assembly or Governor that is held more than 60
8 days after the vacancy occurs, whichever comes first, at which time an election shall
9 be held to fill the unexpired term of the office.

10 Appointees for judges of the superior court from any district:

- 11 (1) With only one resident judge; or
12 (2) In which no county is subject to section 5 of the Voting Rights Act
13 of 1965,

14 shall hold the office until the next election of members of the General Assembly that
15 is held more than 60 days after the vacancy occurs, at which time an election shall be
16 held to fill an eight-year term.

17 (c) When the unexpired term of the office in which the vacancy has occurred
18 expires on the first day of January succeeding the next election for members of the
19 General Assembly, the Governor shall appoint to fill that vacancy for the unexpired
20 term of the office.

21 (d) Vacancies in the office of district judge which occur before the expiration of a
22 term shall not be filled by election. Vacancies in the office of district judge shall be
23 filled in accordance with G.S. 7A-142."

24 Section 11. G.S. 163-10 reads as rewritten:

25 "**§ 163-10. Filling vacancy in office of district attorney.**

26 Any vacancy occurring in the office of district attorney for causes other than
27 expiration of term shall be filled by appointment of the Governor. An appointee shall
28 hold his place until the next election for members of the General Assembly or
29 Governor, whichever comes first, that is held more than 60 days after the vacancy
30 occurs, at which time an election shall be held to fill the unexpired term of the office:
31 Provided, that when the unexpired term of the office in which the vacancy has
32 occurred expires on the first day of January succeeding the next election for members
33 of the General Assembly or Governor, whichever comes first, the Governor shall
34 appoint to fill that vacancy for the unexpired term of the office."

35 Section 12. G.S. 163-12 reads as rewritten:

36 "**§ 163-12. Filling vacancy in United States Senate.**

37 Whenever there shall be a vacancy in the office of United States Senator from this
38 State, whether caused by death, resignation, or otherwise than by expiration of term,
39 the Governor shall appoint to fill the vacancy until an election shall be held to fill
40 the office. The Governor shall issue his writ for the election of a Senator to be held
41 at the time of the first election for members of the General Assembly or Governor,
42 whichever comes first, that is held more than 60 days after the vacancy occurs. The
43 person elected shall hold the office for the remainder of the unexpired term. The
44 election shall take effect from the date of the canvassing of the returns."

1 Section 13. Each statute and each local act which states that a vacancy in
2 an elected office shall be filled until the next election for members of the General
3 Assembly, or similarly relies on the date of General Assembly elections as
4 determining when an event is to take place or the duration of an appointment, shall
5 be considered instead to use the date of the next statewide election for Governor or
6 General Assembly, whichever comes first, as the determining date for whatever
7 purpose the date of the General Assembly election is now used.

8 Section 14. Sections 1 through 13 of this act shall take effect only upon
9 approval of the voters of the constitutional amendments set forth in Sections 1
10 through 8 of AN ACT TO AMEND THE CONSTITUTION OF NORTH
11 CAROLINA TO PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF THE
12 LEGISLATURE AND LIMIT THEM TO THREE CONSECUTIVE TERMS IN A
13 HOUSE. If the constitutional amendments proposed in those sections are approved
14 by the voters, Sections 1 through 13 of this act shall become effective at the same
15 time as the constitutional amendments.

16 Section 15. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 10

Short Title: No Revolving Door.

(Public)

Sponsors: Representatives Nichols; Aldridge, Allred, Cansler, Davis, Eddins, Gamble, Hall, Hardy, Hill, Ives, McComas, Mitchell, Moore, and Rayfield.

Referred to: Election Laws and Campaign Reform, if favorable Judiciary I.

February 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTRICT FORMER LEGISLATORS FROM LOBBYING FOR
3 TWO YEARS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 9A of Chapter 120 of the General Statutes is amended
6 by adding a new section to read:

7 "§ 120-47.12. Lobbying by former State legislators restricted.

8 Until two years after a member of either house of the General Assembly has
9 ceased to be a member of either house, that person may not engage in any
10 employment or other activity which would require registration as a lobbyist under
11 this Article."

12 Section 2. This act is effective when it becomes law, and applies to any
13 person who is a member of either the Senate or House of Representatives on or after
14 that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 23

Short Title: Campaign Standards.

(Public)

Sponsors: Representatives Cansler; Weatherly, Capps, McMahan, McComas, Rayfield, and Shubert.

Referred to: Election Law and Campaign Reform.

February 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A NORTH CAROLINA CAMPAIGN STANDARDS
3 CODE TO BE ENFORCED BY A CAMPAIGN STANDARDS COMMISSION.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 163 of the General Statutes is amended by adding a
6 new Article to read:

7 "ARTICLE 22D.
8 "Campaign Standards.

9 "§ 163-278.60. Purpose of Article.

10 The purpose of this Article is to use constitutional means to encourage informative
11 and civil political campaigning in North Carolina elections and to discourage false or
12 misleading attacks.

13 "§ 163-278.61. North Carolina Campaign Standards Commission established.

14 (a) Establishment of the Commission. -- There is established within the office of
15 the State Board of Elections the North Carolina Campaign Standards Commission.

16 (b) Appointment of Members. -- The Commission shall consist of six members to
17 be appointed by the Governor. No more than three members shall be affiliated with
18 the same political party. The Governor shall appoint the members from a list of
19 nominees submitted by the State Chair of each of the two political parties having the
20 highest number of registered affiliates as reflected by the latest registration statistics
21 published by the State Board of Elections. Each party Chair shall submit a list of at
22 least six nominees who are affiliated with that party.

(c) Terms of Office. -- By October 1, 1997, and as needed thereafter, the Governor shall appoint the six members of the Commission. Of the initial appointees, two shall be appointed for one-year terms, two shall be appointed for two-year terms, and two shall be appointed for three-year terms according to random lot. Thereafter, appointees shall be appointed to serve four-year terms. A person may not serve more than two full terms. The appointed members receive the legislative per diem pursuant to G.S.120-3.1.

(d) Election of Chair. -- One of the Commission members shall be elected by the members as chair.

(e) Vacancies. -- A vacancy during an unexpired term shall be filled in the same manner as a full term.

(f) Prohibitions. -- No member of the Commission shall do or be any of the following:

(1) Hold, or be a candidate for, public office;

(2) Serve in a political party office or on a political party executive committee or on a committee supporting or opposing a candidate;

(3) Be a registered lobbyist;

(4) Make or solicit a contribution on behalf of a candidate or political committee; or

(5) Be a State employee.

(g) Staff Assistance. -- The State Board of Elections shall provide staff assistance to the Commission.

"§ 163-278.62. Powers and duties of the Commission.

(a) Adoption of Rules. -- The Commission shall adopt any rules necessary for the effective administration of this Article, not inconsistent with the provisions of this Article.

(b) Receipt and Processing of Complaints. -- The Commission shall prescribe the form of complaints alleging violation of G.S. 163-278.63. A complaint shall be made by affidavit under penalty of perjury. Upon the filing of a complaint with the Commission, the Commission shall process the complaint in accordance with G.S. 163-278.64.

(c) Reports to the General Assembly. -- The Commission shall report to the General Assembly by the convening of every regular session of the General Assembly. The report shall review the most recent campaign with respect to the purpose of this Article and the Code of Campaign Standards set out in G.S. 163-278.63. The Commission may recommend legislation.

"§ 163-278.63. Code of Campaign Standards.

No person, during the course of any campaign for nomination or election to public office, by means of campaign materials, including sample ballots, an advertisement in radio or television or in a newspaper or periodical, a public speech, press release, or otherwise, shall knowingly and with intent to affect the outcome of the campaign do any of the following:

(1) Make a false or misleading statement concerning the voting record of a candidate or public official, 'Voting record' under this

subdivision means the recorded affirmative or negative on a bill, ordinance, resolution, motion, amendment, or confirmation. A 'misleading statement' under this subdivision includes taking votes or actions significantly out of context or distorting the opponent's record by the use of demonstrably unrepresentative votes or actions.

- (2) Make a false or misleading statement that a candidate or public official has been indicted or convicted of a theft offense, extortion, or other crime involving financial corruption or moral turpitude.
- (3) Make a statement that a candidate has been indicted for any crime or has been the subject of a finding by the Campaign Standards Commission without disclosing the outcome of any legal proceedings resulting from the indictment or finding.
- (4) Make a false or misleading statement that a candidate or official has a record of treatment or confinement for mental disorder.
- (5) Make a false or misleading statement that a candidate or official has been subjected to military discipline for criminal misconduct or dishonorably discharged from the armed services.
- (6) Identify in a false or misleading way the source of a statement, issue statements under the name of another person without attribution, or state in a false or misleading way the endorsement of or opposition to a candidate by a person or publication.
- (7) Use the title of an office not currently held by a candidate in a manner that implies that the candidate does currently hold that office or use the term 're-elect' when the candidate has never been elected at a primary, general, or special election to the office for which that person is a candidate.
- (8) Make a false or misleading statement concerning the formal schooling or training completed or attempted by a candidate; a degree, diploma, certificate, scholarship, grant, award, prize, or honor received, earned, or held by a candidate; or the period of time during which a candidate attended any school, college, community technical school, or institution.
- (9) Make a false or misleading statement concerning the professional, occupational, or vocational licenses held by a candidate, or concerning any position the candidate held for which the candidate received a salary or wages.
- (10) Use an appeal to discrimination based on race, gender, or religious belief.
- (11) Use any still photo, film, or video of a candidate that is designed to make that candidate look personally unpleasant or contorted or that is taken significantly out of context.

"§ 163-278.64. Processing of complaint.

1 (a) Probable Cause Hearing. -- If a complaint is filed alleging a violation of the
2 Code of Campaign Standards in G.S. 163-278.63, a panel of two members of the
3 Commission shall determine whether there is probable cause to refer the matter to
4 the full Commission. The two members of the panel shall not be of the same
5 political party. The panel shall meet within three business days after the attorney
6 makes a determination, unless it finds good cause to postpone the meeting. All
7 members of the panel shall participate if the panel refers a complaint to the full
8 Commission, provided that the panel's meeting may be conducted by conference call.
9 The panel shall make only one of the following two findings:

10 (1) That there is no probable cause to believe that a violation of the
11 Code has occurred. If the panel so finds, it shall dismiss the
12 complaint.

13 (2) That there is probable cause to believe that a violation of the Code
14 has occurred. If the panel so finds, it shall refer the complaint to
15 the full Commission.

16 A finding of probable cause may be entered only by a unanimous vote of the panel.

17 (b) Hearing by Full Commission. -- If a panel of the Commission finds pursuant to
18 subsection (a) of this section that there is probable cause that a violation of the Code
19 has taken place, the full Commission shall conduct a hearing within 10 business days
20 after the panel makes its finding. At the hearing, the Commission shall determine
21 whether or not a violation of the Code occurred and shall do one of the following:

22 (1) Enter a finding that a violation of the Code has not been proven
23 by clear and convincing evidence and dismiss the complaint.

24 (2) Enter a finding that a violation of the Code has occurred and issue
25 a letter of reprimand to the individual or entity that it determines
26 is in violation.

27 A finding that a violation has occurred may be entered only by a majority vote of all
28 the members of the Commission.

29 (c) Referral to District Attorney. -- If as a result of the evidence it has heard the
30 Commission determines that there is probable cause that a violation of G.S. 163-
31 274(8) has occurred in a matter that is before it, the Commission shall refer the
32 matter to the appropriate district attorney. The referral may be made only upon a
33 positive vote of a majority of all the members of the Commission."

34 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 24

Short Title: Close Runoff Loophole.

(Public)

Sponsors: Representatives Cansler; Weatherly, Capps, Ives, Rayfield, and Shubert.

Referred to: Election Law and Campaign Reform.

February 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE THE EXTRA CONTRIBUTION LIMIT PERIOD FOR
3 THE SECOND PRIMARY FOR CANDIDATES WHO ARE NOT ON THE
4 BALLOT IN A SECOND PRIMARY.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 163-278.13 reads as rewritten:

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

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

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

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

1 second primary, that second primary is not 'an election' with respect to that
2 candidate.

3 (e) This section shall not apply to any State, district or county executive
4 committee of any political party. For the purposes of this section only, the term
5 'political party' means only those political parties officially recognized under G.S.
6 163-96.

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

11 (f) Any individual, candidate, political committee, or referendum committee who
12 violates the provisions of this section is guilty of a Class 2 misdemeanor."

13 Section 2. This act is effective when it becomes law and applies to all
14 primaries conducted on and after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 79*

Short Title: Ballot Access Changes.

(Public)

Sponsors: Representatives Rayfield; Aldridge, Capps, Clary, Davis, Gulley, Sexton, and Shubert.

Referred to: Election Law and Campaign Reform.

February 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO STATUTES CONCERNING BALLOT
3 ACCESS FOR POLITICAL PARTIES.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 163-96 reads as rewritten:
6 "§ 163-96. 'Political party' defined; creation of new party.
7 (a) Definition. -- A political party within the meaning of the election laws of this
8 State shall be either:
9 (1) Any group of voters which, at the last preceding general State
10 election, polled for its candidate for Governor, or for presidential
11 electors, at least ten percent (10%) of the entire vote cast in the
12 State for Governor or for presidential electors; or
13 (2) Any group of voters which shall have filed with the State Board of
14 Elections petitions for the formulation of a new political party
15 which are signed by registered and qualified voters in this State
16 equal in number to two percent (2%) of the total number of voters
17 who voted in the most recent general election for Governor. Also
18 the petition must be signed by at least 200 registered voters from
19 each of four congressional districts in North Carolina. To be
20 effective, the petitioners must file their petitions with the State
21 Board of Elections before 12:00 noon on the ~~first day of June~~
22 second Thursday in July preceding the day on which is to be held
23 the first general State election in which the new political party

desires to participate. The State Board of Elections shall forthwith determine the sufficiency of petitions filed with it and shall immediately communicate its determination to the State chairman of the proposed new political party.

(b) Petitions for New Political Party. -- Petitions for the creation of a new political party shall contain on the heading of each page of the petition in bold print or all in capital letters the words: 'THE UNDERSIGNED REGISTERED VOTERS IN COUNTY HEREBY PETITION FOR THE FORMATION OF A NEW POLITICAL PARTY TO BE NAMED AND WHOSE STATE CHAIRMAN IS, RESIDING AT..... AND WHO CAN BE REACHED BY TELEPHONE AT..... THE SIGNERS OF THIS PETITION ~~INTEND TO ORGANIZE A NEW POLITICAL PARTY~~ DESIRE THAT A NEW POLITICAL PARTY BE ORGANIZED TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION.'

All printing required to appear on the heading of the petition shall be in type no smaller than 10 point or in all capital letters, double spaced typewriter size. In addition to the form of the petition, the organizers and petition circulators shall inform the signers of the general purpose and intent of the new party.

The petitions must specify the name selected for the proposed political party. The State Board of Elections shall reject petitions for the formation of a new party if the name chosen contains any word that appears in the name of any existing political party recognized in this State or if, in the Board's opinion, the name is so similar to that of an existing political party recognized in this State as to confuse or mislead the voters at an election.

The petitions must state the name and address of the State chairman of the proposed new political party.

The validity of the signatures on the petitions shall be proved in accordance with one of the following alternative procedures:

(1) The signers may acknowledge their signatures before an officer authorized to take acknowledgments, after which that officer shall certify the validity of the signatures by appropriate notation attached to the petition, or

(2) A person in whose presence a petition was signed may go before an officer authorized to take acknowledgments and, after being sworn, testify to the genuineness of the signatures on the petition, after which the officer before whom he has testified shall certify his testimony by appropriate notation attached to the petition.

Each petition shall be presented to the chairman of the board of elections of the county in which the signatures were obtained, and it shall be the chairman's duty:

(1) To examine the signatures on the petition and place a check mark on the petition by the name of each signer who is qualified and registered to vote in his county.

(2) To attach to the petition his signed certificate

- 1 a. Stating that the signatures on the petition have been
- 2 checked against the registration records and
- 3 b. Indicating the number found qualified and registered to vote
- 4 in his county.

- 5 (3) To return each petition, together with the certificate required by
- 6 the preceding subdivision, to the person who presented it to him
- 7 for checking.

8 The group of petitioners shall submit the petitions to the chairman of the county
9 board of elections in the county in which the signatures were obtained no later than
10 5:00 P.M. on the fifteenth business day preceding the date the petitions are due to be
11 filed with the State Board of Elections as provided in subsection (a)(2) of this section.
12 Provided the petitions are timely submitted, the chairman of the county board of
13 elections shall require a fee of five cents (5¢) for each signature appearing and shall
14 proceed to examine and verify the signatures under the provisions of this subsection.
15 Verification shall be completed within ~~two weeks~~ 15 business days from the date such
16 petitions are presented and the required fee ~~received~~ received. Notwithstanding the
17 previous sentence, the county board may extend its deadline for verifying the
18 signatures for a reasonable length of time, if meeting the deadline is unduly
19 burdensome and extending it will not disadvantage the petitioners."

20 Section 2. G.S. 163-97.1 reads as rewritten:

21 "**§ 163-97.1. Voters affiliated with expired political party.**

22 ~~The State Board of Elections shall be authorized to promulgate appropriate~~
23 ~~procedures to order the county boards of elections to change the registration~~
24 ~~affiliation of all voters who are recorded on the voter registration books as being~~
25 ~~affiliated with a political party which has lost its legal status as provided in G.S.~~
26 ~~163-97. The State Board of Elections shall not implement the authority contained in~~
27 ~~this section earlier than 90 days following the certification of the election in which~~
28 ~~the political party failed to continue its legal status as provided in G.S. 163-97. All~~
29 ~~voters affiliated with such expired political party shall be changed to "unaffiliated"~~
30 ~~designation by the State Board's order and all such registrants shall be entitled to~~
31 ~~declare a political party affiliation as provided in G.S. 163-74(b). Any voter registered~~
32 with a political party shall be allowed to retain that affiliation even if that party loses
33 its status as a political party under the provisions of G.S. 163-97. Unless the voter
34 indicates an intention otherwise, the county board of elections shall carry that voter
35 on its registration lists as a member of the expired party."

36 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-211
HOUSE BILL 277

AN ACT PROHIBITING CERTAIN RELATIVES OF A CANDIDATE FOR
NOMINATION OR ELECTION FROM SERVING ON THE COUNTY BOARD
OF ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-30 reads as rewritten:

"§ 163-30. County boards of elections; appointments; terms of office; qualifications; vacancies; oath of office; instructional meetings.

In every county of the State there shall be a county board of elections, to consist of three persons of good moral character who are registered voters in the county in which they are to act. Members of county boards of elections shall be appointed by the State Board of Elections on the last Tuesday in June 1985, and every two years thereafter, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. Not more than two members of the county board of elections shall belong to the same political party.

No person shall be eligible to serve as a member of a county board of elections who holds any elective office under the government of the United States, or of the State of North Carolina or any political subdivision thereof.

No person who holds any office in a state, congressional district, county or precinct political party or organization, or who is a campaign manager or treasurer of any candidate or political party in a primary or election, shall be eligible to serve as a member of a county board of elections, provided however that the position of delegate to a political party convention shall not be considered an office for the purpose of this section.

No person shall be eligible to serve as a member of a county board of elections who is a candidate for nomination or election.

No person shall be eligible to serve as a member of a county board of elections who is the wife, husband, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, sister, sister-in-law, ~~or brother~~ brother, brother-in-law, aunt, uncle, niece, or nephew of any candidate for nomination or election. Upon any member of the board of elections becoming ineligible, that member's seat shall be declared vacant. This paragraph only applies if the county board of elections is conducting the election for which the relative is a candidate.

The State chairman of each political party shall have the right to recommend to the State Board of Elections three registered voters in each county for appointment to the board of elections for that county. If such recommendations are received by the Board 15 or more days before the last Tuesday in June 1985, and each two years thereafter, it shall be the duty of the State Board of Elections to appoint the county boards from the names thus recommended.

Whenever a vacancy occurs in the membership of a county board of elections for any cause the State chairman of the political party of the vacating member shall have the right to recommend two registered voters of the affected county for such office, and it shall be the duty of the State Board of Elections to fill the vacancy from the names thus recommended.

At the meeting of the county board of elections required by G.S. 163-31 to be held on Tuesday following the third Monday in July in the year of their appointment the members shall take the following oath of office:

'I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of member of the County Board of Elections to the best of my knowledge and ability, according to law; so help me God.'

Each member of the county board of elections shall attend each instructional meeting held pursuant to G.S. 163-46, unless excused for good cause by the chairman of the board, and shall be paid the sum of twenty-five dollars (\$25.00) per day for attending each of those meetings."

Section 2. This act is effective when it becomes law and applies to appointments to county boards of elections for terms commencing on or after June 24, 1997.

In the General Assembly read three times and ratified this the 10th day of June, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 5:30 p.m. this 19th day of June, 1997

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 481

Short Title: Legible Election Disclaimers.

(Public)

Sponsors: Representatives Adams; Alexander, Baddour, Black, Boyd-McIntyre, Braswell, Dickson, Earle, Fitch, Goodwin, Hurley, Jarrell, Jeffus, Kinney, McAllister, Mosley, Oldham, Wainwright, C. Wilson, Womble, Wright, and Yongue.

Referred to: Election Laws.

March 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT ANY DISCLAIMERS REQUIRED BY LAW ON
3 ELECTION ADVERTISING BE LARGE, LEGIBLE, AND NOT MISLEADING.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 163-278.16(f) reads as rewritten:
6 "(f) No media advertisement of any kind may be made by a treasurer, candidate,
7 political committee, referendum committee or individual unless
8 (1) It bears the legend or includes the statement: 'Paid for by (or
9 Sponsored by)..... (Name of candidate, political
10 committee, referendum committee, individual)';
11 (2) The name used in the labeling required in subdivision (1) of this
12 subsection is the name that appears on the statement of
13 organization as required in G.S. 163-278.7(b)(1), provided that this
14 subdivision applies only if the sponsor is a political committee or
15 referendum committee;
16 (3) The sponsor states in the media advertisement its position:
17 a. For or against the candidate; or
18 b. For or against an opposing candidate
19 provided that this subdivision applies only if the media
20 advertisement is made for or against a candidate; and

(4) The sponsor states in the media advertisement its position for or against the ballot measure; provided this subdivision applies only if the media advertisement is made for or against a ballot measure.

~~The requirements of subdivisions (3) and (4) of this subsection do not apply to any print advertisement less than two inches by two inches in size, or to any radio or television advertisement of less than 20 seconds in length.~~

The legend or statement required by this subsection shall be legible, shall be of a readable size, and shall not be misleading.

The media shall not publish or broadcast any political advertisement unless it bears the legend or includes the statement required herein. For purposes of this subsection, 'media' means broadcasting stations, carrier current stations, newspapers, magazines, periodicals, outdoor advertising facilities, billboards, and newspaper inserts."

Section 2. This act becomes effective January 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 525

Short Title: Party Alignment Rotated.

(Public)

Sponsors: Representatives Morris; Arnold, Barbee, Berry, Cansler, Capps, Carpenter, Clary, Creech, Davis, Eddins, Gulley, Hall, Hardy, Ives, Kiser, McComas, McMahan, Mitchell, Neely, Nichols, Rayfield, Reynolds, Sexton, Starnes, and Wood.

Referred to: Election Law and Campaign Reform.

March 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ROTATE PARTY ALIGNMENT ON THE BALLOT.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 163-140.1 reads as rewritten:
5 "**§ 163-140.1. Political party alignment on ballots.**
6 All ballots printed for use in general elections in the State, district, county or any
7 other political subdivision, shall be aligned with the number of political party
8 columns required pursuant to instructions contained in G.S. 163-140(b) and the
9 columns shall be assigned in ~~strict alphabetical~~ order, beginning with the left column,
10 to the political parties entitled to ballot position provided such political parties reflect
11 at least five percent (5%) of the total statewide voter registration, according to the
12 latest statistical report published by the State Board of Elections. Elections so that
13 such parties rotate order each two years, and if there are more than two eligible
14 parties, then the order among those parties shall be determined by lot, with no party
15 being eligible for the left column for two years after it has had that column. Political
16 parties having less than five percent (5%) of the total statewide voter registration, but
17 otherwise eligible for ballot position shall be assigned column alignment to the right
18 of all other qualified political parties. The State Board of Elections shall be
19 responsible for implementing the procedures required by this section and shall issue
20 instructions to those counties using voting machines so as to accomplish the effect of
21 this section whether such counties utilize voting machines that list party columns in a

1 horizontal or vertical alignment. Every county board of elections shall follow the
2 column alignment prescribed by the State Board of Elections."

3 Section 2. This act becomes effective January 1, 1998. Rotation as
4 required by this act begins in 1998, with the party that had the second to the left
5 column in 1996 and 1997 having the left column in 1998 and 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 578
Committee Substitute Favorable 4/24/97

Short Title: Single-Member Districts.

(Public)

Sponsors:

Referred to:

March 20, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
3 REQUIRE SINGLE-MEMBER LEGISLATIVE DISTRICTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 3(1) of Article II of the Constitution of North
6 Carolina reads as rewritten:

7 "(1) Each Senator shall represent, as nearly as may be, an equal number of
8 inhabitants, ~~the number of inhabitants that each Senator represents being determined~~
9 ~~for this purpose by dividing the population of the district that he represents by the~~
10 ~~number of Senators apportioned to that district;~~ with each Senate district having one
11 member;".

12 Section 2. Section 5(1) of Article II of the Constitution of North
13 Carolina reads as rewritten:

14 "(1) Each Representative shall represent, as nearly as may be, an equal number of
15 inhabitants, ~~the number of inhabitants that each Representative represents being~~
16 ~~determined for this purpose by dividing the population of the district that he~~
17 ~~represents by the number of Representatives apportioned to that district;~~ with each
18 Representative district having one member;".

19 Section 3. The amendments set out in Sections 1 and 2 of this act shall
20 be submitted to the qualified voters of the State at an election on the Tuesday after
21 the first Monday in November of 1997, which election shall be conducted under the
22 laws then governing elections in the State. Ballots, voting systems, or both may be

1 used in accordance with Chapter 163 of the General Statutes. The question to be
2 used in the voting systems and ballots shall be:

3 "[] FOR [] AGAINST

4 Constitutional amendments providing that all members of the General
5 Assembly shall be elected from single-member districts".

6 Section 4. The 1997 General Assembly by a three-fifths vote of the
7 members of both houses shall amend G.S. 120-1 and G.S. 120-2 to divide existing
8 multimember districts into single-member districts. The General Assembly shall
9 amend those sections sufficiently early so that they will be in effect by January 1,
10 1998. Those amendments shall be effective only if the constitutional amendments set
11 out in Sections 1 and 2 of this act are approved.

12 Section 5. If a majority of votes cast on the question are in favor of the
13 amendments set out in Sections 1 and 2 of this act, the State Board of Elections shall
14 certify the amendments to the Secretary of State. The Secretary of State shall enroll
15 the amendments so certified among the permanent records of that office. The
16 amendments become effective beginning with the election in 1998, and Sections 3(4)
17 and 5(4) of Article II of the Constitution of North Carolina do not apply to a
18 districting plan adopted for that election and the 2000 election. Provided that, if the
19 1997 General Assembly does not approve a plan to divide the multimember districts
20 by a three-fifths vote of the members of both houses, the amendments in Sections 1
21 and 2 of this act become effective for the elections of 2002.

22 Section 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 663

Short Title: Gubernatorial Team Ticket.

(Public)

Sponsors: Representatives Wood; and Goodwin.

Referred to: Election Law and Campaign Reform.

March 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT
3 GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 2 of Article III of the Constitution of North Carolina
6 is amended by adding a new subsection to read:

7 "(3) Team Election. In the general election, all candidates for the offices of
8 Governor and Lieutenant Governor shall form joint candidacies so that each voter
9 shall cast a single vote for a candidate for Governor and a candidate for Lieutenant
10 Governor running together."

11 Section 2. The amendment set out in Section 1 of this act shall be
12 submitted to the qualified voters of the State at the general election in November
13 1998, which election shall be conducted under the laws then governing elections in
14 the State. Ballots, voting systems, or both may be used in accordance with Chapter
15 163 of the General Statutes. The question to be used in the voting systems and
16 ballots shall be:

17 "[] FOR [] AGAINST

18 Constitutional amendment providing that candidates for Governor and
19 Lieutenant Governor shall be listed on the general election ballot as a team."

20 Section 3. If a majority of the votes cast on the question are in favor of
21 the amendment set out in Section 1 of this act, the State Board of Elections shall
22 certify the amendment to the Secretary of State. The constitutional amendment shall
23 become effective beginning with candidacies for the 1996 General Election. The

1 Secretary of State shall enroll the amendment so certified among the permanent
2 records of that office.

3 Section 4. Chapter 163 of the General Statutes is amended by adding a
4 new section to read:

5 "**§ 163-115.1. Party must nominate candidates for Governor and Lieutenant Governor.**

6 If a party nominates a candidate for Governor under this Article, it must also
7 nominate a candidate for Lieutenant Governor, or the nomination as Governor is
8 void. If a party nominates a candidate for Lieutenant Governor under this Article, it
9 must also nominate a candidate for Governor, or the nomination as Lieutenant
10 Governor is void."

11 Section 5. Chapter 163 of the General Statutes is amended by adding a
12 new section to read:

13 "**§ 163-108.2. Nomination of Lieutenant Governor.**

14 Except for G.S. 163-114 and G.S. 163-115.1, the provisions of this Article do not
15 apply to the office of Lieutenant Governor. Nomination for such office is as
16 provided by Article 11A of this Chapter."

17 Section 6. G.S. 163-98 reads as rewritten:

18 "**§ 163-98. General election participation by new political party.**

19 In the first general election following the date on which a new political party
20 qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of
21 its candidates for State, congressional, and national offices printed on the official
22 ballots, but it shall not be entitled to have the names of candidates for other offices
23 printed on State, district, or county ballots at that election.

24 For the first general election following the date on which it qualifies under G.S.
25 163-96, a new political party shall select its candidates by party convention. Following
26 adjournment of the nominating convention, but not later than the first day of July
27 prior to the general election, the president of the convention shall certify to the State
28 Board of Elections the names of persons chosen in the convention as the new party's
29 candidates for State, congressional, and national offices in the ensuing general
30 election. The State Board of Elections shall print names thus certified on the
31 appropriate ballots as the nominees of the new party. The convention, if it nominates
32 a candidate for Governor, must also nominate a candidate for Lieutenant Governor,
33 or the nomination for Governor shall be void. The convention, if it nominates a
34 candidate for Lieutenant Governor, must also nominate a candidate for Governor, or
35 the nomination for Lieutenant Governor is void."

36 Section 7. G.S. 163-122 is amended by adding a new subsection to read:

37 "**(c) In filing petitions as an unaffiliated candidate, a petition for the office of**
38 Governor shall also contain the name of a candidate for Lieutenant Governor, and
39 the petition shall be a petition for both. In filing petitions as an unaffiliated
40 candidate, a petition for the office of Lieutenant Governor shall also contain the
41 name of a candidate for Governor, and the petition shall be a petition for both. The
42 form of the petition requesting unaffiliated candidates to be placed on the ballot for
43 Governor and Lieutenant Governor on the general election ballot shall contain on
44 the heading of each page of the petition in bold print or in all capital letters the

1 words 'THE UNDERSIGNED REGISTERED VOTERS IN COUNTY
2 HEREBY PETITION ON BEHALF OF AS AN UNAFFILIATED CANDIDATE
3 FOR GOVERNOR AND AS AN UNAFFILIATED CANDIDATE FOR
4 LIEUTENANT GOVERNOR IN THE NEXT GENERAL ELECTION. THE
5 UNDERSIGNED HEREBY PETITION THAT THE SUBJECT CANDIDATES BE
6 PLACED ON THE APPROPRIATE BALLOT UPON COMPLIANCE WITH THE
7 PROVISIONS OF G.S. 163-122.'"

8 Section 8. G.S. 163-140(b) is amended by adding a new subdivision to
9 read:

10 "(10) In the general election, the offices of Governor and Lieutenant
11 Governor shall be combined on the State ballot and the nominees
12 of each party or unaffiliated offices listed together so that a vote
13 for a candidate for one of those offices is a vote for the
14 candidates for both offices. Such team election of Governor and
15 Lieutenant Governor is not a multiseat race for the purpose of
16 subsection (f) of this section."

17 Section 9. G.S. 163-151(6) is amended by adding a new subparagraph to
18 read:

19 "f. A write-in vote for a candidate for Governor shall not be
20 counted unless that person has also written in the name of a
21 candidate for Lieutenant Governor. A write-in vote for a
22 candidate for Lieutenant Governor shall not be counted
23 unless that person has also written in the name of a
24 candidate for Governor. A write-in vote shall not be
25 counted for any candidate for Governor if that person
26 appears on the ballot as a candidate for that office. A write-
27 in vote shall not be counted for any candidate for
28 Lieutenant Governor if that person appears on the ballot as
29 a candidate for that office."

30 Section 10. Sections 5 through 9 of this act shall become effective only if
31 the constitutional amendment proposed by Section 1 of this act is approved as
32 provided by Sections 2 and 3 of this act, and if so approved, Sections 5 through 9 of
33 this act shall become effective beginning with the 2000 election.

34 Section 11. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 709

Short Title: Election Law Amendments.

(Public)

Sponsors: Representatives Alexander, McMahan (Cosponsors); Baddour, Beall, Black, Church, Cole, Cunningham, Earle, Easterling, Fox, H. Hunter, Luebke, Miller, Mosley, Nye, Oldham, Ramsey, Saunders, Wainwright, Wilkins, and C. Wilson.

Referred to: Election Law and Campaign Reform.

March 31, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO AMEND THE ELECTION LAWS TO SIMPLIFY BALLOTS AND
3 TO ALLOW FLEXIBILITY IN ALLOCATION OF VOTING MACHINES.

4 The General Assembly of North Carolina enacts:

5 --UNOPPOSED CANDIDATES FOR OFFICES CREATED BY STATUTE
6 DECLARED ELECTED, NOTICE OF WRITE-IN CANDIDACY IN MUNICIPAL
7 AND NONPARTISAN ELECTIONS.

8 Section 1. (a) Article 13 of Chapter 163 of the General Statutes is
9 amended by adding a new section to read:

10 "§ 163-135.1. Unopposed candidate for statutory office not to appear on ballot.

11 (a) If there are no more candidates for an office than there are positions to be
12 elected, whether such candidates are by:

13 (1) Nomination of a party under Article 9 or 10 of Chapter 163 of the
14 General Statutes;

15 (2) Nomination by petition under G.S. 163-122;

16 (3) Qualification as a write-in candidate under G.S. 163-123;

17 (4) Notice of candidacy under G.S. 139-6, 163-291, or 163-294.2; or

18 (5) Some other means allowed by general law or local act

19 those candidates are appointed to hold the office, as if they had been elected, and no
20 general election shall be held.

21 (b) The determination as to whether no election shall be held shall be made by
22 the county board of elections as soon as the deadline for verifying write-in petitions.

1 (the last method of qualification) under G.S. 163-123(c)(1) and (3) has passed, except
2 that if a party has nominated a candidate and there is a vacancy in nomination which
3 can be filled under G.S. 163-114, the determination shall be made on the tenth day
4 after the deadline for verifying write-in petitions under G.S. 163-123(c)(1) and (3).

5 (c) If a determination is made by the county board of elections that no election
6 shall be held, it shall issue a certificate appointing the person to office. The person
7 so certified shall qualify for office as if elected in the general election.

8 (d) This section applies only to offices which were established by statute. Such
9 offices include, but are not limited to:

10 (1) Boards of county commissioners;

11 (2) Registers of deeds;

12 (3) Coroners in counties which have such office;

13 (4) Boards of education;

14 (5) Mayors;

15 (6) City councils;

16 (7) Sanitary district boards;

17 (8) Soil and water conservation district supervisors; and

18 (9) Other elective offices created by local act.

19 (e) For the purpose of any law relating to the office a person is appointed to under
20 this section, including, but not limited to, terms of office, existence and filling of
21 vacancies, and removal from office, a person appointed to office under this section is
22 considered to have been elected."

23 (b) G.S. 163-123 reads as rewritten:

24 "§ 163-123. Declaration of intent and petitions for write-in candidates in partisan
25 elections.

26 (a) Procedure for Qualifying as a Write-In Candidate. -- Any qualified voter who
27 seeks to have write-in votes for him counted in a general election shall file a
28 declaration of intent in accordance with subsection (b) of this section and petition(s)
29 in accordance with subsection (c) of this section.

30 (b) Declaration of Intent. -- The applicant for write-in candidacy shall file his
31 declaration of intent at the same time and with the same board of elections as his
32 petition, as set out in subsection (c) of this section. The declaration shall contain:

33 (1) Applicant's name,

34 (2) Applicant's residential address,

35 (3) Declaration of applicant's intent to be a write-in candidate,

36 (4) Title of the office sought,

37 (5) Date of the election,

38 (6) Date of the declaration,

39 (7) Applicant's signature.

40 (c) Petitions for Write-in Candidacy. -- An applicant for write-in candidacy shall:

41 (1) If the office is a statewide office, file written petitions with the
42 State Board of Elections supporting his candidacy for a specified
43 office. These petitions shall be filed on or before noon on the 90th
44 day before the general election. They shall be signed by 500

1 qualified voters of the State. Before being filed with the State
2 Board of Elections, each petition shall be presented to the board of
3 elections of the county in which the signatures were obtained. A
4 petition presented to a county board of elections shall contain only
5 names of voters registered in that county. The chairman of the
6 county board of elections shall examine the names on the petition
7 and place a check mark by the name of each signer who is
8 qualified and registered to vote in his county. The chairman of the
9 county board shall attach to the petition his signed certificate. On
10 his certificate the chairman shall state that the signatures on the
11 petition have been checked against the registration records and
12 shall indicate the number of signers who are qualified and
13 registered to vote in his county and eligible to vote for that office.
14 The chairman shall return each petition, together with the
15 certificate required in this section, to the person who presented it
16 to him for checking. The chairman of the county board shall
17 complete the verification within two weeks from the date the
18 petition is presented. At the time of submitting the petition, a fee
19 of five cents (5¢) shall be paid for each name appearing on the
20 petition.

21 (2) If the office is a district office comprising all or part of two or
22 more counties, file written petitions with the State Board of
23 Elections supporting his candidacy for a specified office. These
24 petitions must be filed with the State Board of Elections on or
25 before noon on the 90th day before the general election and must
26 be signed by 250 qualified voters. Before being filed with the State
27 Board of Elections, each petition shall be presented to the board of
28 elections of the county in which the signatures were obtained. A
29 petition presented to a county board of elections shall contain only
30 names of voters registered in that county who are eligible to vote
31 for that office. The chairman of the county board shall examine the
32 names on the petition and the procedure for certification shall be
33 the same as specified in subdivision (1).

34 (3) If the office is a county office, or is a school administrative unit
35 ~~office elected on a partisan basis,~~ office, or is a legislative or
36 superior court district consisting of a single county or a portion of
37 a county, file written petitions with the county board of elections
38 supporting his candidacy for a specified office. A petition
39 presented to a county board of elections shall contain only names
40 of voters registered in that county. These petitions must be filed
41 on or before noon on the 90th day before the general election and
42 must be signed by 100 qualified voters who are eligible to vote for
43 the office, unless fewer than 5,000 persons are eligible to vote for
44 the office as shown by the most recent records of the appropriate

board of elections. If fewer than 5,000 persons are eligible to vote for the office, an applicant's petition must be signed by not less than one percent (1%) of those registered voters. Before being filed with the county board of elections, each petition shall be presented to the county board of elections for examination. The chairman of the county board of elections shall examine the names on the petition and the procedure for certification shall be the same as specified in subdivision (1).

(4) If the office is a municipal office governed by Subchapter IX of this Chapter, file written petitions with the board of elections conducting the election for that municipality supporting his candidacy for a specified office. A petition presented to a board of elections shall contain only names of voters registered in the area for which the election is being conducted. These petitions must be filed on or before noon on the seventh day after the filing deadline under G.S. 139-6, 163-291, or 163-294.2 and must be signed by 100 qualified voters who are eligible to vote for the office, unless fewer than 5,000 persons are eligible to vote for the office as shown by the most recent records of the appropriate board of elections. If fewer than 5,000 persons are eligible to vote for the office, an applicant's petition must be signed by not less than one percent (1%) of those registered voters. Before being filed with the county board of elections, each petition shall be presented to the board of elections for examination. The chairman of the board of elections shall examine the names on the petition and the procedure for certification shall be the same as specified in subdivision (1) of this subsection.

(d) Form of Petition. -- Petitions requesting the qualification of a write-in candidate in a general election shall contain on the heading of each page of the petition in bold print or in capital letters the words: 'THE UNDERSIGNED REGISTERED VOTERS IN COUNTY HEREBY PETITION ON BEHALF OF AS A WRITE-IN CANDIDATE IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED HEREBY PETITION THAT SUBJECT CANDIDATE BE PLACED ON THE LIST OF QUALIFIED WRITE-IN CANDIDATES WHOSE VOTES ARE TO BE COUNTED AND RECORDED IN ACCORDANCE WITH G.S. 163-123.'

(e) Defeated Primary Candidate. -- No person whose name appeared on the ballot in a primary election preliminary to the general election shall be eligible to have votes counted for him as a write-in candidate for the same office in that year.

(f) Counting and Recording of Votes. -- If a qualified voter has complied with the provisions of subsections (a), (b), and (c) and is not excluded by subsection (e), the board of elections with which petition has been filed shall count votes for him according to the procedures set out in G.S. 163-170(5), and the appropriate board of elections shall record those votes on the official abstract. Write-in votes for names

1 other than those of qualified write-in candidates shall not be counted for any purpose
2 and shall not be recorded on the abstract.

3 ~~(g) Municipal and Nonpartisan Elections Excluded. This section does not apply~~
4 ~~to municipal elections conducted under Subchapter IX of Chapter 163 of the General~~
5 ~~Statutes, and does not apply to nonpartisan elections.~~

6 (c) This section applies to elections held on or after January 1, 1998.

7

8 --SIMPLIFY BALLOT WORDING.

9 Section 2. G.S. 163-140(b)(7) reads as rewritten:

10 "(7) Ballot for Constitutional Amendments and Other Propositions
11 Submitted to the People: The form of ballot used in submitting a
12 constitutional amendment or other proposition or issue to the
13 voters of the entire State shall be prepared by the State Board of
14 Elections and approved by the Attorney General. The form of
15 ballot used in submitting propositions and issues to the voters of a
16 single county or subdivision shall be prepared by the county board
17 of elections. In a referendum the issue presented to the voters with
18 respect to each constitutional amendment, question, or proposition,
19 shall be printed in the form laid down by the General Assembly or
20 other body submitting it. In preparing ballot questions, the
21 submitting entity should seek to use simplified language that will
22 reduce voter confusion. If more than one amendment, question, or
23 proposition is submitted on a single ballot, each shall be printed in
24 a separate section, and the sections shall be numbered
25 consecutively. On the face of the ballot, above the issue or issues
26 being submitted, shall be printed instructions for marking the
27 voter's choice, in addition to the following instruction: 'If you tear
28 or deface or wrongly mark this ballot, return it and get another.'
29 On the bottom of the ballot shall be printed an identified facsimile
30 of the signature of the chairman of the responsible board of
31 elections, State or county."

32

33 --FLEXIBILITY IN VOTING EQUIPMENT ALLOCATION.

34 Section 3. G.S. 163-166 is repealed.

35 Section 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 736

Short Title: Voter I.D.

(Public)

Sponsors: Representatives Justus; Cansler, Capps, Davis, Ives, Morris, and
Sexton.

Referred to: Election Law and Campaign Reform.

April 1, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ALL COUNTIES TO ISSUE VOTER REGISTRATION
3 CARDS AND TO PROVIDE FOR A VOTER IDENTIFICATION
4 REQUIREMENT AT THE POLLS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 163-82.8 reads as rewritten:

7 "§ 163-82.8. Voter registration cards.

8 (a) Authority to Issue Card. -- ~~With the approval of the board of county~~
9 ~~commissioners, the~~ The county board of elections ~~may~~ shall issue to each voter in the
10 county a voter registration card, ~~or may issue cards to all voters registered after~~
11 ~~January 1, 1995.~~ card not later than December 31, 1997.

12 (b) Content and Format of Card. -- At a minimum, the voter registration card
13 shall:

- 14 (1) List the voter's name, address, and voting place;
15 (2) Contain the address and telephone number of the county board of
16 elections, along with blanks to report a change of address within
17 the county, change of name, and change of party affiliation; and
18 (3) Be wallet size.

19 No voter registration card may be issued by a county board of elections unless the
20 State Board of Elections has approved the format of the card.

21 (c) Ways County Board and Registrant May Use Card. -- ~~If the county board of~~
22 ~~elections issues voter registration cards, the~~ The county board may use that card as a
23 notice of tentative approval of the voter's application pursuant to G.S. 163-82.7(c),

1 provided that the mailing contains the statements and information required in that
2 subsection. The county board may also satisfy the requirements of G.S. 163-82.15(b),
3 163-82.16(b), or 163-82.17(b) by sending the registrant a replacement of the voter
4 registration card to verify change of address, change of name, or change of party
5 affiliation. A registrant may use the card to report a change of address, change of
6 name, or change of party affiliation, satisfying G.S. 163-82.15, 163-82.16, or 163-82.17.

7 (d) Card as Evidence of Registration. -- A voter registration card shall be evidence
8 of registration but shall not preclude a challenge as permitted by law.

9 (e) ~~Display of Card May Not Be Required to Vote. Card.~~ -- No Except as
10 provided by G.S. 163-150(a), no county board of elections may require that a voter
11 registration card be displayed in order to vote."

12 Section 2. G.S. 163-150(a) reads as rewritten:

13 "(a) Checking Registration. -- A person seeking to vote shall enter the voting
14 enclosure at the voting place through the appropriate entrance and shall at once state
15 his name and place of residence to one of the judges of election. A voter shall show
16 one of the following types of identification:

- 17 (1) A voter registration card issued under G.S. 163-82.8 in a county
18 which issues such cards;
- 19 (2) A drivers license;
- 20 (3) A special identification card issued under G.S. 20-37.7;
- 21 (4) A passport;
- 22 (5) An identification card issued by the U.S. Department of Defense;
23 or
- 24 (6) A social security card and one other type of identification showing
25 the name and a picture of the voter.

26 A voter who does not show one of those types of identification, but does not
27 otherwise appear to be ineligible to vote in the precinct, shall be allowed to mark a
28 provisional ballot. The provisional ballot shall be sealed in an envelope on which the
29 voter shall sign an affidavit attesting to identity and eligibility to vote the ballot. The
30 county board of elections shall determine if the voter is eligible to cast the ballot and,
31 if so, shall count it, and if not, shall not count it. The State Board of Elections shall
32 promulgate rules for provisional ballot procedures to include instructions for county
33 boards of elections in methods to determine the eligibility of persons who vote a
34 provisional ballot under this subsection. In a primary election, the voter shall also
35 state the political party with which he affiliates and in whose primary he desires to
36 vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a
37 particular party under G.S. ~~163-116, 163-119~~, the voter shall state the name of the
38 authorizing political party in whose primary he wishes to vote. The judge to whom
39 the voter gives this information shall announce the name and residence of the voter
40 in a distinct tone of voice. After examining the precinct registration records, the
41 chief judge shall state whether the person seeking to vote is duly registered."

42 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 745
Committee Substitute Favorable 7/16/97

Short Title: Election Notices/One-Stop.

(Public)

Sponsors:

Referred to:

April 2, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE STATE SHALL PAY THE COST OF ANY
3 REQUIRED LEGAL ADVERTISING IT REQUIRES COUNTIES TO PLACE IN
4 CONNECTION WITH ANY REFERENDUM PLACED ON THE BALLOT BY
5 THE GENERAL ASSEMBLY; AND TO ALLOW A COUNTY BOARD OF
6 ELECTIONS TO CONDUCT ONE-STOP VOTING ON ITS ELECTION-DAY
7 VOTING EQUIPMENT UNDER CERTAIN CIRCUMSTANCES.
8 The General Assembly of North Carolina enacts:
9 Section 1. G.S. 163-33(8) reads as rewritten:
10 "(8) To provide for the issuance of all notices, advertisements, and
11 publications concerning elections required by law. If the election
12 is on a State bond issue, an amendment to the Constitution, or
13 approval of an act submitted to the voters of the State, the State
14 Board of Elections shall reimburse the county boards of elections
15 for their reasonable additional costs in placing such notices,
16 advertisements, and publications. In addition, the county board of
17 elections shall give notice at least 20 days prior to the date on
18 which the registration books or records are closed that there will
19 be a primary, general or special election, the date on which it will
20 be held, and the hours the voting places will be open for voting in
21 that election. The notice also shall describe the nature and type of
22 election, and the issues, if any, to be submitted to the voters at that
23 election. Notice shall be given by advertisement at least once

1 weekly during the 20-day period in a newspaper having general
2 circulation in the county and by posting a copy of the notice at the
3 courthouse door. Notice may additionally be made on a radio or
4 television station or both, but such notice shall be in addition to
5 the newspaper and other required notice. This subdivision shall
6 not apply in the case of bond elections called under the provisions
7 of Chapter 159."

8 Section 2. G.S. 163-227.2 reads as rewritten:

9 **"§ 163-227.2. Alternate procedures for requesting application for absentee ballot;
10 'one-stop' voting procedure in board office.**

11 (a) A person expecting to be absent from the county in which he is registered
12 during the entire period that the polls are open on the day of an election in which
13 absentee ballots are authorized or is eligible under G.S. 163-226(a)(2), 163-226(a)(3a),
14 or 163-226(a)(4) may request an application for absentee ballots, complete the
15 application, receive the absentee ballots, vote and deliver them sealed in a container-
16 return envelope to the county board of elections in the county in which he is
17 registered under the provisions of this section.

18 (b) Not earlier than the ~~twenty-fourth day~~ first business day after the twenty-fifth
19 day before an election, in which absentee ballots are authorized, in which he seeks to
20 vote and not later than 5:00 P.M. on the Friday prior to that election, the voter shall
21 appear in person only at the office of the county board of elections and request that
22 the chairman, a member, or the director of elections of the board, or an employee of
23 the board of elections, authorized by the board, furnish him with an application form
24 as specified in G.S. 163-227. The voter shall complete the application in the presence
25 of the chairman, member, director of elections or authorized employee of the board,
26 and shall deliver the application to that person.

27 (c) If the application is properly filled out, the chairman, member, director of
28 elections of the board, or employee of the board of elections, authorized by the
29 board, shall enter the voter's name in the register of absentee ballot applications and
30 ballots issued; shall furnish the voter with the instruction sheets called for by G.S.
31 163-229(c); shall furnish the voter with the ballots to which the application for
32 absentee ballots applies; and shall furnish the voter with a container-return envelope.
33 The voter thereupon shall comply with the provisions of G.S. 163-231(a) except that
34 he shall deliver the container-return envelope to the chairman, member, director of
35 elections of the board, or an employee of the board of elections, authorized by the
36 board, immediately after making and subscribing the certificate printed on the
37 container-return envelope as provided in G.S. 163-229(b). All actions required by
38 this subsection shall be performed in the office of the board of elections. For the
39 purposes of this section only, the chairman, member, director of elections of the
40 board, or full-time employee, authorized by the board shall sign the application and
41 certificate as the witness and indicate the official title held by him or her.
42 Notwithstanding G.S. 163-231(a), in the case of this subsection, only one witness shall
43 be required on the certificate.

1 (d) Only the chairman, member or director of elections of the board shall keep
2 the voter's application for absentee ballots and the sealed container-return envelope
3 in a safe place, separate and apart from other applications and container-return
4 envelopes. At the first meeting of the board pursuant to G.S. 163-230(2) held after
5 receipt of the application and envelope, the chairman shall comply with the
6 requirements of G.S. 163-230(1) and G.S. 163-230(2)b. and c. If the voter's
7 application for absentee ballots is approved by the board at that meeting, the
8 application form and container-return envelope, with the ballots enclosed, shall be
9 handled in the same manner and under the same provisions of law as applications
10 and container-return envelopes received by the board under other provisions of this
11 Article. If the voter's application for absentee ballots is disapproved by the board,
12 the board shall so notify the voter stating the reason for disapproval by first-class mail
13 addressed to the voter at his residence address or at the address shown in the
14 application for absentee ballots; and the board chairman shall retain the container-
15 return envelope in its unopened condition until the day of the primary or election to
16 which it relates and on that day he shall destroy the container-return envelope and
17 the ballots therein, without, however, revealing the manner in which the voter
18 marked the ballots.

19 (e) The voter shall vote his absentee ballot in a voting booth and the county board
20 of elections shall provide a voting booth for that purpose, provided however, that the
21 county board of elections may in the alternative provide a private room for the voter
22 adjacent to the office of the board, in which case the voter shall vote his absentee
23 ballot in that room. The voting booth shall be in the office of the county board of
24 elections. If the voter needs assistance in getting to and from the voting booth and in
25 preparing and marking his ballots or if he is a blind voter, only a member of the
26 county board of elections, the director of elections, an employee of the board of
27 elections authorized by the board, a near relative of the voter as defined in G.S. 163-
28 227(c)(4), or the voter's legal guardian shall be entitled to assist the voter.

29 (e1) If a county uses a voting system with retrievable ballots, that county's board of
30 elections may by resolution elect to conduct one-stop absentee voting according to
31 the provisions of this subsection. In a county in which the board has opted to do so, a
32 one-stop voter shall cast the ballot and then shall deposit the ballot in the ballot box
33 or voting system in the same manner as if such box or system was in use in a precinct
34 on election day. At the end of each business day, or at any time when there will be
35 no employee or officer of the board of elections on the premises, the ballot box or
36 system shall be secured in accordance with a plan approved by the State Board of
37 Elections, which shall include that no additional ballots have been placed in the box
38 or system. Any county board desiring to conduct one-stop voting according to this
39 subsection shall submit a plan for doing so to the State Board of Elections. The State
40 Board shall adopt standards for conducting one-stop voting under this subsection and
41 shall approve any county plan that adheres to its standards. The county board shall
42 adhere to its State Board-approved plan. The plan shall provide that each one-stop
43 ballot shall have a ballot number on it in accordance with G.S. 163-230(3)a., or shall
44 have an equivalent identifier to allow for retrievability. The standards shall address

1 retrievability in one-stop voting on direct record electronic equipment where no
2 paper ballot is used.

3 (f) Notwithstanding the exception specified in G.S. 163-36, counties which operate
4 a modified full-time office shall remain open five days each week during regular
5 business hours consistent with daily hours presently observed by the county board of
6 elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing
7 until 5:00 P.M. on the Friday prior to that election or primary. The boards of county
8 commissioners shall provide necessary funds for the additional operation of the office
9 during such time."

10 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1014

Short Title: Shorter Lines at Polls.

(Public)

Sponsors: Representatives Nesbitt, Alexander, Michaux; Adams, Baddour, Barbee, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cole, Creech, Culpepper, Cunningham, Decker, Dedmon, Earle, Easterling, Esposito, Fitch, Gamble, Goodwin, Gulley, Hackney, Hensley, Hiatt, Hightower, H. Hunter, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Kinney, Luebke, McAllister, McCrary, McMahan, Miller, Miner, Moore, Mosley, Nichols, Nye, Oldham, Owens, Ramsey, Redwine, Rogers, Saunders, Sherrill, Smith, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Wilkins, G. Wilson, Womble, Wood, Wright, and Yongue.

Referred to: Election Law and Campaign Reform.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES IN THE ELECTION LAWS DESIGNED TO
3 PREVENT LONG LINES AT THE POLLS ON ELECTION DAY.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 163-226 reads as rewritten:
6 "§ 163-226. Who may vote an absentee ballot.
7 (a) Who May Vote Absentee Ballot; Generally. -- Any qualified voter of the State
8 may vote by absentee ballot in a statewide primary, general, or special election on
9 constitutional amendments, referenda or bond proposals, and any qualified voter of a
10 county is authorized to vote by absentee ballot in any primary or election conducted
11 by the county board of elections, in the manner provided in this Article if:
12 (1) The voter expects not to be ~~absent from the county in which he is~~
13 ~~registered during the entire period that the polls are open~~ present
14 at the voting place to vote in person on the day of the specified
15 election in which the voter desires to vote; or

(2) The voter is unable to be present at the voting place to vote in person on the day of the specified election in which the voter desires to vote because of the voter's sickness or other physical disability.

~~(3) The voter is incarcerated, whether in the voter's county of residence or elsewhere, shall be entitled to vote by absentee ballot in the county of the voter's residence in any election, specified herein, in which the voter otherwise would be entitled to vote. Absentee voting shall be in the same manner as provided in this Article. The chief custodian or superintendent of the institution or other place of confinement shall certify that the applicant is not a felon, and the certification shall be as prescribed by the State Board of Elections. The State Board of Elections is authorized to prescribe procedures to carry out the intent and purpose of this subsection;~~

~~(3a) The voter because of the observance of a religious holiday pursuant to the tenets of the voter's religion will be unable to cast a ballot at the polling place on the day of the election; or~~

~~(4) The voter is an employee of the county board of elections or a precinct official, observer, or ballot counter, in another precinct and the voter's assigned duties on the day of the election will cause the voter to be unable to be present at the voting place to vote in person and provided such employee has the application witnessed by the chairman of the county board of elections.~~

(b) Absentee Ballots; Exceptions. -- Notwithstanding the authority contained in G.S. 163-226(a), absentee ballots shall not be permitted in fire district elections.

(c) As used in this Subchapter, unless the context clearly requires otherwise, the term 'election' includes a general, primary, second primary, runoff election, bond election, referendum, or special election."

Section 2. G.S. 163-226.1 reads as rewritten:

"§ 163-226.1. Absentee voting in primary.

A qualified voter may vote by absentee ballot in a ~~statewide or countywide~~ partisan primary provided ~~he the qualified voter~~ he the qualified voter is affiliated, at the time ~~he the qualified voter~~ he the qualified voter makes application for absentee ballots, with the political party in whose primary ~~he the qualified voter~~ he the qualified voter wishes to ~~vote. vote, except that an unaffiliated voter may vote in a party primary if permitted under G.S. 163-119.~~ The official registration records of the county in which the voter is registered shall be proof of whether ~~he the qualified voter~~ he the qualified voter is affiliated with a political party and of the party, if any, with which ~~he the qualified voter~~ he the qualified voter is affiliated."

Section 3. G.S. 163-226.3 reads as rewritten:

"§ 163-226.3. Certain acts declared felonies.

(a) Any person who shall, in connection with absentee voting in any ~~primary, general, municipal or special~~ election held in this State, do any of the acts or things

1 declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be
2 unlawful:

- 3 (1) For any person except the voter's near relative ~~as defined in G.S.~~
4 ~~163-227(e)(4)~~ or the voter's verifiable legal guardian to assist the
5 voter to vote an absentee ballot when the voter is voting an
6 absentee ballot other than under the procedure described in G.S.
7 163-227.2; provided that if there is not a near relative or legal
8 guardian available to assist the voter, the voter may request some
9 other person to give assistance;
- 10 (2) For any person to assist a voter to vote an absentee ballot under
11 the absentee voting procedure authorized by G.S. 163-227.2 except
12 a member of the county board of elections, the director of
13 elections, an employee of the board authorized by the board, the
14 voter's near relative ~~as defined in G.S. 163-227(e)(4)~~, or the voter's
15 verifiable legal guardian;
- 16 (3) For a voter who votes an absentee ballot under the procedures
17 authorized by G.S. 163-227.2 to vote ~~his~~ that voter's absentee
18 ballot outside of the voting booth or private room provided to ~~him~~
19 the voter for that purpose in or adjacent to the office of the county
20 board of elections or at the additional site provided by G.S. 163-
21 227.2(f1), or to receive assistance in getting to and from the voting
22 booth or private room and in preparing and marking ~~his~~ that
23 voter's ballots from any person other than a member of the county
24 board of elections, the director of elections, an employee of the
25 board of elections authorized by the board, a near relative of the
26 voter ~~as defined in G.S. 163-227(e)(4)~~, or the voter's verifiable
27 legal guardian;
- 28 (4) For any owner, manager, director, employee, or other person,
29 other than the voter's near relative ~~as defined in G.S. 163-227(e)(4)~~
30 or verifiable legal guardian, to make a written request pursuant to
31 G.S. 163-230.1 or an application on behalf of a registered voter
32 who is a patient in any hospital, clinic, nursing home or rest home
33 in this State or for any owner, manager, director, employee, or
34 other person other than the voter's near relative or verifiable legal
35 guardian, ~~or officer authorized to administer oaths acting pursuant~~
36 ~~to G.S. 163-231(a)(1)~~, to mark the voter's absentee ballot or assist
37 such a voter in marking an absentee ballot;
- 38 (5) Repealed by Session Laws 1987, c. 583, s. 8.
- 39 (6) For any person to take into ~~his~~ that person's possession for
40 delivery to a voter or for return to a county board of elections the
41 absentee ballot of any voter, provided, however, that this
42 prohibition shall not apply to a voter's near relative ~~as defined in~~
43 ~~G.S. 163-227(e)(4)~~ or the voter's verifiable legal guardian;

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

7 (b) The State Board of Elections or a county board of elections, upon receipt of a
8 sworn affidavit from any qualified voter of the State or the county, as the case may
9 be, attesting to first-person knowledge of any violation of subsection (a) of this
10 section, shall transmit ~~such~~ that affidavit to the appropriate district attorney, who
11 shall investigate and prosecute any person violating subsection (a)."

12 Section 4. G.S. 163-227 is repealed.

13 Section 5. G.S. 163-227.1 reads as rewritten:

14 "**§ 163-227.1. Second primary; applications for absentee ballots for voting in second**
15 **primary.**

16 A voter applying for an absentee ballot for a primary election who will be ~~absent~~
17 ~~from the county of his residence~~ eligible to vote under this Article on the day of the
18 primary and second primary shall be permitted by the county board of elections to
19 indicate ~~such~~ that fact on ~~his~~ that voter's application and ~~such~~ that voter shall
20 automatically be issued an application and absentee ballot for the second primary if
21 one is called. The county board of elections shall consider ~~such~~ that indication a
22 separate request for application for the second primary and, at the proper time, shall
23 enter ~~such~~ that voter's name in the absentee register along with the listing of other
24 applicants for absentee ballots for the second primary.

25 In addition, a voter entitled to absentee ballots under the provisions of this Article
26 who did not make application for the primary or who failed to apply for a second
27 primary ballot at the time of application for a first primary ballot may ~~apply for~~ make
28 a written request for absentee ballots for a second primary not earlier than the day a
29 second primary is called and not later than ~~5:00 P.M. on the Tuesday prior to the~~
30 ~~date on which the second primary is held.~~ the date and time provided by G.S. 163-
31 230.1.

32 All procedures with respect to absentee ballots in a second primary shall be the
33 same as with respect to absentee ballots in a first primary except as otherwise
34 provided by this section."

35 Section 6. G.S. 163-227.2 reads as rewritten:

36 "**§ 163-227.2. Alternate procedures for requesting application for absentee ballot;**
37 **'one-stop' voting procedure in board office.**

38 (a) A person expecting ~~to be absent from the county~~ not to be present at the
39 polling place in which ~~he~~ that person is registered during the entire period that the
40 polls are open on the day of an election in which absentee ballots are authorized ~~or is~~
41 ~~eligible under G.S. 163-226(a)(2), 163-226(a)(3a), or 163-226(a)(4)~~ may request an
42 application for absentee ballots, complete the application, ~~receive the absentee~~
43 ~~ballots, vote and deliver them sealed in a container return envelope to the county~~

1 ~~board of elections in the county in which he is registered and vote~~ under the
2 provisions of this section.

3 (b) Not earlier than the ~~twenty-fourth day~~ first business day after the twenty-fifth
4 day before an election, in which absentee ballots are authorized, in which ~~he a voter~~
5 seeks to vote and not later than 5:00 P.M. on the Friday prior to that election, the
6 voter shall appear in person only at the office of the county board of elections and
7 request that the chairman, a member, or the director of elections of the board, or an
8 employee of the board of elections, authorized by the board, furnish ~~him~~ the voter
9 with an application form as specified in G.S. ~~163-227~~. 163-229. The voter shall
10 complete the application in the presence of the chairman, member, director of
11 elections or authorized employee of the board, and shall deliver the application to
12 that person.

13 (c) If the application is properly filled out, the chairman, member, director of
14 elections of the board, or employee of the board of elections, authorized by the
15 board, shall enter the voter's name in the register of absentee ballot requests,
16 applications, and ballots issued; shall furnish the voter with the instruction sheets
17 called for by G.S. 163-229(c); and shall furnish the voter with the ballots to which the
18 application for absentee ballots applies; ~~and shall furnish the voter with a~~
19 ~~container-return envelope.~~ applies. The voter thereupon shall ~~comply with the~~
20 ~~provisions of G.S. 163-231(a) except that he shall deliver the container-return~~
21 ~~envelope to the chairman, member, supervisor of elections of the board, or an~~
22 ~~employee of the board of elections, authorized by the board, immediately after~~
23 ~~making and subscribing the certificate printed on the container-return envelope as~~
24 ~~provided in G.S. 163-229(b).~~ vote in accordance with subsection (e) of this section.

25 All actions required by this subsection shall be performed in the office of the
26 board of ~~elections~~. elections, except that the voting may take place in an adjacent
27 room as provided by subsection (e) of this section. ~~For the purposes of this section~~
28 ~~only, the~~ The application under this subsection shall be signed in the presence of the
29 chairman, member, director of elections of the board, or full-time employee,
30 authorized by the board who shall sign the application and certificate as the witness
31 and indicate the official title held by him or her. Notwithstanding G.S. 163-231(a), in
32 the case of this subsection, only one witness shall be required on the certificate.

33 (d) Only the chairman, ~~member~~ member, employee, or director of elections of the
34 board shall keep the voter's application for absentee ballots ~~and the sealed~~
35 ~~container-return envelope~~ in a safe place, separate and apart from other applications
36 and container-return envelopes. ~~At the first meeting of the board pursuant to G.S.~~
37 ~~163-230(2) held after receipt of the application and envelope, the chairman shall~~
38 ~~comply with the requirements of G.S. 163-230(1) and G.S. 163-230(2) b. and c. If the~~
39 ~~voter's application for absentee ballots is approved by the board at that meeting, the~~
40 ~~application form and container-return envelope, with the ballots enclosed, shall be~~
41 ~~handled in the same manner and under the same provisions of law as applications~~
42 ~~and container-return envelopes received by the board under other provisions of this~~
43 ~~Article.~~ If the voter's application for absentee ballots is disapproved by the board, the
44 board shall so notify the voter stating the reason for disapproval by first-class mail

1 addressed to the voter at ~~his~~ that voter's residence address ~~or~~ and at the address
2 shown in the application for absentee ballots; and the board ~~chairman~~ shall retain the
3 ~~container return envelope in its unopened condition until the day of the primary or~~
4 ~~election to which it relates and on that day he shall destroy the container return~~
5 ~~envelope and the ballots therein, without, however, revealing the manner in which~~
6 ~~the voter marked the ballots.~~ enter a challenge under G.S. 163-89.

7 (e) The voter shall vote ~~his~~ that voter's absentee ballot in a voting booth in the
8 office of the county board of elections, and the county board of elections shall
9 provide a voting booth for that purpose, provided however, that the county board of
10 elections may in the alternative provide a private room for the voter adjacent to the
11 office of the board, in which case the voter shall vote ~~his~~ that voter's absentee ballot
12 in that room. ~~The voting booth shall be in the office of the county board of elections.~~
13 If the voter needs assistance in getting to and from the voting booth and in preparing
14 and marking ~~his~~ that voter's ballots or if ~~he~~ the voter is a blind voter, only a member
15 of the county board of elections, the director of elections, an employee of the board
16 of elections authorized by the board, a near relative of the voter ~~as defined in G.S.~~
17 ~~163-227(e)(4),~~ or the voter's verifiable legal guardian shall be entitled to assist the
18 voter. The ballot shall be a paper ballot or a voting system in which a paper ballot is
19 counted by computer or mechanical device. The ballot in any case shall have the
20 ballot number on it in accordance with G.S. 163-230.1(a2)(1). After the voter casts
21 the ballot, the voter shall deposit the ballot in the ballot box or voting system in the
22 same manner as if that box or system was in use in a precinct on election day. At the
23 end of each business day, or at any time when there will be no employee or officer of
24 the board of elections on the premises, the ballot box or system shall be secured in
25 accordance with rules approved by the State Board of Elections, which shall include
26 verifying that no additional ballots have been placed in the box or system. If a direct
27 record electronic voting system with retrievable ballots is approved by the State
28 Board of Elections, it may be used for ballots cast under this section under rules
29 approved by the State Board of Elections.

30 (f) Notwithstanding the exception specified in G.S. 163-36, counties which operate
31 a modified full-time office shall remain open five days each week during regular
32 business hours consistent with daily hours presently observed by the county board of
33 elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing
34 until 5:00 P.M. on the Friday prior to that election or primary. The boards of county
35 commissioners shall provide necessary funds for the additional operation of the office
36 during ~~such~~ that time.

37 (f1) Notwithstanding any other provision of this section, a county board of
38 elections may provide for one or more sites in that county for absentee ballots to be
39 applied for and cast under this section. Those sites must be approved by the State
40 Board of Elections as part of a Plan for Implementation approved by both the county
41 board of elections and by the State Board of Elections which shall also provide
42 adequate security of the ballots and provisions to avoid allowing persons to vote who
43 have already voted."

44 Section 7. G.S. 163-228 reads as rewritten:

1 "§ 163-228. Register of absentee ballot requests, applications, and ballots issued; a
2 public record.

3 The State Board of Elections shall ~~design~~ approve an official register and ~~provide a~~
4 ~~source of supply thereof from in~~ which the ~~chairman of the~~ county board of elections
5 in each county of the State shall ~~purchase a book to be called the register of absentee~~
6 ~~ballot applications and ballots issued in which shall be recorded~~ record the following
7 information:

- 8 (1) Name of voter for whom application and ballots are being
9 requested, and, if applicable, the name and address of the voter's
10 near relative or verifiable legal guardian who requested the
11 application and ballots for the voter.
- 12 (2) Number of assigned voter's application when issued.
- 13 (3) Precinct in which applicant is registered.
- 14 (4) Address to which ballots are to be mailed, or, if the voter voted
15 pursuant to G.S. 163-227.2, a notation of that fact.
- 16 (5) Reason assigned for requesting absentee ballots.
- 17 (6) Date request for application for ballots is received by the county
18 board of elections.
- 19 (7) The voter's party affiliation.
- 20 (8) The date the ballots were mailed or delivered to the voter.
- 21 (9) ~~whatever~~ Whatever additional information and official action may
22 be required by this Article.

23 The State Board of Elections may provide for the register to be kept by electronic
24 data processing equipment, and a copy shall be printed out each business day, or a
25 supplement printed out each business day of new information.

26 The register of absentee ~~ballot requests~~, applications, and ballots issued shall
27 constitute a public record and shall be opened to the inspection of any registered
28 voter of the county at any time within 50 days before and 30 days after an election in
29 which absentee ballots were authorized, or at any other time when good and
30 sufficient reason may be assigned for its inspection."

31 Section 8. G.S. 163-229 reads as rewritten:

32 "§ 163-229. Absentee ballots, applications on container-return envelopes, and
33 instruction sheets.

34 (a) Absentee Ballot Form. -- In accordance with the provisions of G.S. ~~163-230(3),~~
35 163-230.1, persons entitled to vote by absentee ballot shall be furnished with regular
36 official ballots. ~~Separate or distinctly marked absentee ballots shall not be used.~~

37 (b) Application on Container-Return Envelope. -- In time for use not later than 50
38 days before a statewide primary, general election or county bond election, the county
39 board of elections shall print a sufficient number of envelopes in which persons
40 casting absentee ballots may transmit their marked ballots to the ~~chairman of the~~
41 county board of elections. Each container-return envelope shall have printed on it an
42 application which shall be designed and prescribed by the State Board of Elections,
43 the voter's certification of eligibility to vote the enclosed ballot and of having voted
44 the enclosed ballot in accordance with this Article, a space for identification of the

1 envelope with the voter, and a space for approval by the county board of elections.
 2 The envelope shall allow reporting of a change of name as provided by G.S. 163-
 3 82.16. The container-return envelope shall be printed in accordance with the
 4 following instructions: instructions of the State Board of Elections.

- 5 (1) ~~On one side shall be printed an identified space in which shall be~~
 6 ~~inserted the application number of the voter and the following~~
 7 ~~statement which shall be certified by one member of the county~~
 8 ~~board of elections:~~

9
 10 ~~"Certification of Election Official"~~

11 ~~The undersigned election official does by his hand~~
 12 ~~and seal certify that..... is a registered and qualified voter~~
 13 ~~of County, Precinct # and has made~~
 14 ~~proper application to vote under the Absentee Ballot Law of~~
 15 ~~North Carolina.~~

16(Seal)

17 Chairman-Member"

- 18
 19 (2) ~~On the other side shall be printed the return address of the~~
 20 ~~chairman of the county board of elections and the following~~
 21 ~~certificate:~~

22
 23 ~~"Certificate of Absentee or Sick Voter"~~

24 ~~State of.....~~

25 ~~County of.....~~

26 ~~I, ..., do certify that I am a resident and~~
 27 ~~registered voter in precinct, ... County, North~~
 28 ~~Carolina; that on the day of an election, ..., ...~~

29 ~~(check whichever of the following statements is correct.)~~

30 ~~☐ I will be absent from the county in which I reside.~~

31 ~~☐ Due to sickness or physical disability, or incarceration as~~
 32 ~~a misdemeanor, I will be unable to travel to the voting~~
 33 ~~place in the precinct in which I reside.~~

34 ~~☐ Due to the observance of a religious holiday pursuant to~~
 35 ~~the tenets of my religion, I will be unable to cast a ballot at~~
 36 ~~the polling place on the day of the election.~~

37 ~~I further certify that I made application for absentee~~
 38 ~~ballots, and that I marked the ballots enclosed herein,~~
 39 ~~or that they were marked for me in my presence and~~
 40 ~~according to my instructions. I understand it is a~~
 41 ~~felony to falsely sign this certificate.~~

42

43 (Signature of voter)

1 ~~Signature of Witness #1~~

~~Signature of Witness #2~~

2

.....

3 ~~Address of Witness #1~~

~~Address of Witness #2~~

4 (c) Instruction Sheets. -- In time for use not later than 50 days before a statewide
5 primary, general or county bond election, the county board of elections shall prepare
6 and print a sufficient number of sheets of instructions on how voters are to prepare
7 absentee ballots and return them to the ~~chairman of the~~ county board of elections."

8 Section 9. G.S. 163-230 is repealed.

9 Section 10. G.S. 163-230.1 reads as rewritten:

10 "§ 163-230.1. Simultaneous issuance of absentee ballots with application.

11 (a) ~~When a~~ A qualified voter ~~personally requests by mail who is eligible to vote~~
12 by absentee ballot under G.S. 163-226(a)(1), or that voter's near relative or verifiable
13 legal guardian, shall request in writing an application for absentee ballots, so that the
14 county board of elections receives the request not later than 5:00 p.m. on the Tuesday
15 before the election, an application for absentee ballots, The county board of
16 elections shall enter in the register of absentee requests, applications, and ballots
17 issued the information required in G.S. 163-228 as soon as each item of that
18 information becomes available. Upon receiving the application, the county board of
19 elections shall cause to be mailed to that voter in a single package:

20 (1) The official ballots the voter is entitled to ~~vote if his application is~~
21 ~~approved; vote;~~

22 (2) A container-return envelope for the ballots, ~~upon the outside of~~
23 ~~which shall be printed the appropriate application form as~~
24 ~~provided in G.S. 163-227; printed in accordance with G.S. 163-229;~~
25 ~~and~~

26 (3) ~~A large envelope (similar to a No. 14 or larger manila envelope) in~~
27 ~~which the container-return envelope with the ballots may be~~
28 ~~returned and on which the affidavit provided by G.S. 163-229(b)~~
29 ~~shall be printed; and~~

30 (4) An instruction sheet.

31 The ballots, ~~envelopes~~ envelope, and instructions shall be mailed to the voter by
32 the county board's ~~chairman, secretary or director~~ chairman, member, officer, or
33 employee as determined by the board and entered in ~~its official minutes. the register~~
34 as provided by this Article.

35 ~~On the back of the large transmittal envelope shall be clearly printed or stamped~~
36 ~~the following statement:~~

37 ~~DO NOT PLACE THE ENVELOPE CONTAINING YOUR BALLOTS INTO~~
38 ~~THIS ENVELOPE UNTIL YOU HAVE COMPLETED THE APPLICATION ON~~
39 ~~THE ENVELOPE CONTAINING YOUR BALLOTS AND SECURED THE~~
40 ~~SIGNATURE OF A WITNESS.~~

41 (a1) Absence for Sickness or Physical Disability. -- Notwithstanding the provisions
42 of subsection (a) of this section, if a voter expects to be unable to go to the voting
43 place to vote in person on election day because of that voter's sickness or other
44 physical disability, that voter or that voter's near relative or verifiable legal guardian

1 may make written request in person for absentee ballots to the board of elections of
2 the county in which the voter is registered after 5:00 p.m. on the Tuesday before the
3 election but not later than 5:00 p.m. on the Friday before the election. The county
4 board of elections shall enter in the register of absentee requests, applications, and
5 ballots issued the information required in G.S. 163-228 as soon as each item of that
6 information becomes available. The county board of elections shall personally deliver
7 to the requester in a single package:

8 (1) The official ballots the voter is entitled to vote;

9 (2) A container-return envelope for the ballots, printed in accordance
10 with G.S. 163-229; and

11 (3) An instruction sheet.

12 (a2) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. --
13 When the county board of elections receives a request for applications and absentee
14 ballots, the board shall promptly issue and transmit them to the voter in accordance
15 with the following instructions:

16 (1) On the top margin of each ballot the applicant is entitled to vote,
17 the chair, a member, officer, or employee of the board of elections
18 shall write or type the words 'Absentee Ballot No.' or an
19 abbreviation approved by the State Board of Elections and insert
20 in the blank space the number assigned the applicant's application
21 in the register of absentee requests, applications, and ballots issued.
22 That person shall not write, type, or print any other matter upon
23 the ballots transmitted to the absentee voter. Alternatively, the
24 board of elections may cause to be barcoded on the ballot the
25 voter's application number, if that barcoding system is approved by
26 the State Board of Elections.

27 (2) The chair, member, officer, or employee of the board of elections
28 shall fold and place the ballots (identified in accordance with the
29 preceding instruction) in a container-return envelope and write or
30 type in the appropriate blanks thereon, in accordance with the
31 terms of G.S. 163-229(b), the absentee voter's name, the absentee
32 voter's application number, and the designation of the precinct in
33 which the voter is registered. If the ballot is barcoded under this
34 section, the envelope may be barcoded rather than having the
35 actual number appear. The person placing the ballots in the
36 envelopes shall leave the container-return envelope holding the
37 ballots unsealed.

38 (3) The chair, member, officer, or employee of the board of elections
39 shall then place the unsealed container-return envelope holding
40 the ballots together with printed instructions for voting and
41 returning the ballots, in an envelope addressed to the voter at the
42 post office address stated in the request, seal the envelope, and
43 mail it at the expense of the county board of elections, or deliver it
44 to the voter in person: Provided, that in case of a request received

1 after 5:00 p.m. on the Tuesday before the election under the
2 provisions of subsection (a1) of this section, in lieu of transmitting
3 the ballots to the voter in person or by mail, the chair, member,
4 officer, or employee of the board of elections may deliver the
5 sealed envelope containing the instruction sheet and the container-
6 return envelope holding the ballots to a near relative or verifiable
7 legal guardian of the voter.

8 The county board of elections may receive written requests for applications earlier
9 than 50 days prior to the election but shall not mail applications and ballots to the
10 voter or issue applications and ballots in person earlier than 50 days prior to the
11 election, except as provided in G.S. 163-227.2. No election official shall issue
12 applications for absentee ballots except in compliance with this Article.

13 (b) The application shall be ~~completed~~, completed and signed by the voter
14 personally, the ballots marked, the ballots sealed in the container-return envelope,
15 and the ~~large envelope affidavit~~ certificate completed as provided in G.S. 163-227 and
16 G.S. 163-231. The container-return envelope shall be placed in the large transmittal
17 envelope for return to the chairman of the county board of elections.

18 (c) At its next official meeting after return of the completed container-return
19 envelope and ~~large envelope~~ with the voter's ballots, the county board of elections
20 shall determine whether the container-return envelope and ~~large envelope~~ have
21 been properly executed. If the board determines that ~~both~~ the container-return
22 envelope and ~~large envelope~~ have been properly executed, it shall approve the
23 application and deposit the container-return envelope with other container-return
24 envelopes for the envelope to be opened and the ballots counted at the same time as
25 all other container-return envelopes and absentee ballots.

26 (c1) Required Meeting of County Board of Elections. -- During the period
27 commencing on the third Tuesday before an election, in which absentee ballots are
28 authorized, the county board of elections shall hold one or more public meetings
29 each Tuesday at 5:00 p.m. for the purpose of action on applications for absentee
30 ballots. At these meetings, the county board of elections shall pass upon applications
31 for absentee ballots.

32 If the county board of elections changes the time of holding its meetings or
33 provides for additional meetings in accordance with the terms of this subsection,
34 notice of the change in hour and notice of the schedule of additional meetings, if any,
35 shall be published in a newspaper circulated in the county at least 30 days prior to
36 the election.

37 At the time the county board of elections makes its decision on an application for
38 absentee ballots, the board shall enter in the appropriate column in the register of
39 absentee requests, applications, and ballots issued opposite the name of the applicant
40 a notation of whether the applicant's application was 'Approved' or 'Disapproved'.

41 The decision of the board on the validity of an application for absentee ballots
42 shall be final subject only to such review as may be necessary in the event of an
43 election contest. The county board of elections shall constitute the proper official
44 body to pass upon the validity of all applications for absentee ballots received in the

1 county; this function shall not be performed by the chairman or any other member of
2 the board individually.

3 ~~(d) The provisions of this section shall apply only to requests received by mail~~
4 ~~from and signed by the voter individually and personally. No near relative, guardian,~~
5 ~~or other person other than the voter himself shall be permitted to apply for absentee~~
6 ~~ballots under this section.~~

7 (e) The State Board of Elections, by regulation rule or by instruction to the
8 county board of elections, shall establish procedures to provide appropriate
9 safeguards in the implementation of this section.

10 (f) For the purpose of this Article, 'near relative' means spouse, brother, sister,
11 parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law,
12 son-in-law, stepparent, or stepchild."

13 Section 11. G.S. 163-231 reads as rewritten:

14 "§ 163-231. Voting absentee ballots and transmitting them to ~~chairman of the county~~
15 ~~board of elections.~~

16 (a) Procedure for Voting Absentee Ballots. -- In the presence of two other persons
17 who are at least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4)
18 or G.S. 163-274(5a), the voter shall:

- 19 (1) Mark ~~his~~ the voter's ballots, or cause them to be marked by one of
20 such persons in ~~his~~ the voter's presence according to ~~his~~ the voter's
21 instruction;
22 (2) Fold each ballot separately, or cause each of them to be folded in
23 ~~his~~ the voter's presence;
24 (3) Place the folded ballots in the container-return envelope and
25 securely seal it, or have this done in ~~his~~ the voter's presence;
26 (4) Make the application printed on the container-return envelope
27 according to the provisions of G.S. 163-229(b) and make the
28 certificate printed on the container-return envelope according to
29 the provisions of G.S. 163-229(b).

30 The persons in whose presence the ballot is marked shall at all times respect the
31 secrecy of the ballot and the privacy of the absentee voter, unless the voter requests
32 their assistance and they are otherwise authorized by law to give assistance. The
33 persons in whose presence the ballot was marked shall sign the application and
34 certificate as witnesses, and shall indicate their address. When thus executed, the
35 sealed container-return envelope, with the ballots enclosed, shall be transmitted in
36 accordance with the provisions of subsection (b) of this section to the ~~chairman of the~~
37 ~~county board of elections~~ who which issued the ballots.

38 (a1) Repealed by Session Laws 1987, c. 583, s. 1.

39 (b) Transmitting Executed Absentee Ballots to ~~Chairman of County Board of~~
40 ~~Elections.~~ -- The sealed container-return envelope in which executed absentee ballots
41 have been placed shall be transmitted to the ~~chairman of the county board of~~
42 ~~elections who issued them as follows: All ballots issued under the provisions of~~
43 ~~Articles 20 and 21 of this Chapter shall be transmitted by mail, mail or by~~
44 commercial courier service, at the voter's expense, or delivered in person, or by the

1 voter's spouse, brother, sister, parent, grandparent, child or grandchild near relative
 2 or verifiable legal guardian not later than 5:00 P.M. on the day before the statewide
 3 ~~primary or general election or county bond~~ 7:30 p.m. on the day of the election. If
 4 such ballots are received later than that hour, they shall not be accepted for voting."

5 Section 12. G.S. 163-232 reads as rewritten:

6 "**§ 163-232. Certified list of executed absentee ballots; distribution of list.**

7 (a) ~~The chairman of the county board of elections shall prepare, or cause to be~~
 8 prepared, a list in at least quadruplicate, of all absentee ballots returned to the county
 9 board of elections to be counted, which have been approved by the county board of
 10 ~~elections.~~ elections, and which have been received as of 5:00 p.m. on the day before
 11 the election. At the end of the list, the chairman shall execute the following
 12 certificate under oath:

13 'State of North Carolina

14 County of

15 I, ..., chairman of the County board of elections, do hereby
 16 certify that the foregoing is a list of all executed absentee ballots to be
 17 voted in the election to be conducted on the day of, 19,
 18 which have been approved by the county board of ~~elections.~~ elections and
 19 which have been returned no later than 5:00 p.m. on the day before the
 20 election. ~~I further certify that I have issued ballots to no other persons than~~
 21 ~~those listed herein, whose original applications or original applications~~
 22 ~~made by near relatives are filed in the office of the county board of~~
 23 ~~elections; and I further certify that I have~~ the chairman, member, officer,
 24 or employee of the board of elections has not delivered ballots for absentee
 25 voting to any person other than the voter himself, voter, by mail or by
 26 commercial courier service or in person, except as provided by law, in the
 27 ~~case of approved applications received after 5:00 P.M. on the Tuesday or~~
 28 ~~Friday before the election. and have not mailed or delivered ballots when~~
 29 the request for the ballot was received after the deadline provided by law.
 30 This the day of, 19.....

31

32 (Signature of chairman of county board of elections)

33 Sworn to and subscribed before me this day of, 19 Witness
 34 my hand and official seal.

35

36 (Signature of officer administering oath)

37

38 (Title of officer)'

39 No ~~earlier than 3:00 P.M. on the day before the election and no later than 10:00~~
 40 A.M. on election day, the ~~chairman~~ county board of elections shall cause one copy of
 41 the list of executed absentee ballots, which may be a continuing countywide list or a
 42 separate list for each precinct, to be immediately deposited as 'first-class' mail to the
 43 State Board of Elections. ~~He~~ The board shall retain one copy in the board office for
 44 public inspection and ~~he~~ the board shall cause two copies of the appropriate precinct

1 list to be delivered to the chief judge of each precinct in the county. The ~~chairman~~
2 county board of elections shall be authorized to call upon the sheriff of the county to
3 distribute the list to the precincts. In addition the ~~chairman~~ county board of elections
4 shall, upon request, provide a copy of the complete list to the chairman of each
5 political party, recognized under the provisions of G.S. 163-96, represented in the
6 county.

7 The chief judge shall post one copy of the list immediately in a conspicuous
8 location in the voting place and retain one copy until all challenges of absentee
9 ballots have been heard by the county board of elections. Challenges shall be made
10 to absentee ballots as provided in G.S. 163-89.

11 After receipt of the list of absentee voters required by this section the chief judge
12 shall call the name of each person recorded on the list and enter an 'A' in the
13 appropriate voting square on the voter's permanent registration ~~record~~ record, or a
14 similar entry on the computer list used at the polls. If such person is already
15 recorded as having voted in that election, the chief judge shall enter a challenge
16 which shall be presented to the ~~chairman of the~~ county board of elections for
17 resolution by the board of elections prior to certification of results by the board.

18 (b) The county board of elections shall prepare, or cause to be prepared, a list in
19 at least duplicate, of all absentee ballots returned to the county board of elections to
20 be counted, which have been approved by the county board of elections, and which
21 have been received after 5:00 p.m. on the day before the election but before 7:30 p.m.
22 on election day. At the end of the list, the chairman shall execute the following
23 certificate under oath:

24 'State of North Carolina

25 County of

26 I, ..., chairman of the County board of elections, do hereby
27 certify that the foregoing is a list of all executed absentee ballots to be
28 voted in the election to be conducted on the day of, which
29 have been approved by the county board of elections and which have been
30 returned after 5:00 p.m. on the day before the election but before 7:30 p.m.
31 on election day, and I further certify that the chairman, member, officer, or
32 employee of the board of elections has not delivered ballots for absentee
33 voting to any person other than the voter, by mail or in person, except as
34 provided by law, and have not mailed or delivered ballots when the
35 request for the ballot was received after the deadline provided by law.
36 This the day of

37
38 (Signature of chairman of county board of elections)

39 Sworn to and subscribed before me this day of, Witness my
40 hand and official seal.

41
42 (Signature of officer administering oath)

43
44 (Title of officer)'

1 No later than 10:00 p.m. on election day, the county board of elections shall cause
2 one copy of the list of executed absentee ballots, which may be a continuing
3 countywide list or a separate list for each precinct, to be immediately deposited as
4 'first-class' mail to the State Board of Elections. The board shall retain one copy in
5 the board office for public inspection. In addition the county board of elections shall,
6 upon request, provide a copy of the complete list to the chairman of each political
7 party, recognized under the provisions of G.S. 163-96, represented in the county.
8 Challenges shall be made to absentee ballots as provided in G.S. 163-89.

9 On or before the day of the canvass by the county board of elections, a member or
10 employee of the board of elections shall call the name of each person recorded on
11 the list and enter an 'A' in the appropriate voting square on the voter's permanent
12 registration record. If that person is already recorded as having voted in that election,
13 the director of elections shall enter a challenge which shall be presented to the
14 county board of elections for resolution by the board of elections prior to certification
15 of results by the board.

16 (c) All lists required by this section shall be retained by the county board of
17 elections for a period of ~~four years~~ 22 months after which they may then be
18 destroyed."

19 Section 13. G.S. 163-233 reads as rewritten:

20 "**§ 163-233. Applications for absentee ballots; how retained.**

21 The ~~chairman of the~~ county board of elections shall retain, in a safe place, the
22 original of all applications made for absentee ballots and shall make them available to
23 inspection by the State Board of Elections or to any person upon the directive of the
24 State Board of Elections.

25 All applications for absentee ballots shall be retained by the county board of
26 elections for a period of one year after which they may be destroyed."

27 Section 14. G.S. 163-234 reads as rewritten:

28 "**§ 163-234. Counting absentee ballots by county board of elections.**

29 All absentee ballots returned to the ~~chairman or supervisor of elections of the~~
30 county board of elections in the container-return envelopes shall be retained by the
31 ~~chairman~~ board to be counted by the county board of elections as herein provided.

32 (1) Only those absentee ballots returned to the county board of
33 elections no later than ~~5:00 P.M.~~ 7:30 p.m. on the ~~day before~~
34 election day in a properly executed container-return envelope shall
35 be counted.

36 (2) The county board of elections shall meet at 5:00 P.M. on election
37 day in the board office or other public location in the county
38 courthouse for the purpose of counting all absentee ballots except
39 those which have been challenged before 5:00 P.M. on election
40 day. Any elector of the county shall be permitted to attend the
41 meeting and allowed to observe the counting process, provided ~~he~~
42 the elector shall not in any manner interfere with the election
43 officials in the discharge of their duties.

1 Provided, that the county board of elections is authorized to
2 begin counting absentee ballots between the hours of 2:00 P.M. and
3 5:00 P.M. upon the adoption of a resolution at least two weeks
4 prior to the election wherein the hour and place of counting
5 absentee ballots shall be stated. A copy of the resolutions shall be
6 published once a week for two weeks prior to the election, in a
7 newspaper having general circulation in the county. Notice may
8 additionally be made on a radio or television station or both, but
9 such notice shall be in addition to the newspaper and other
10 required notice. The count shall be continuous until completed
11 and the members shall not separate or leave the counting place
12 except for unavoidable ~~necessity~~. necessity, except that if the count
13 has been completed prior to the time the polls close, it shall be
14 suspended until that time pending receipt of any additional ballots,
15 and except that one-stop ballots under G.S. 163-227.2 counted
16 electronically shall not be counted until the polls close; provided,
17 however, that if there are outstack ballots in the counting device,
18 they may be counted at the same time as other ballots are counted
19 under this subdivision. The county board of elections may begin
20 putting them in the tabulator at the same time as other ballots are
21 counted under this subdivision if the system for counting one-stop
22 ballots requires them to be put in a tabulator but the process has
23 the voter place them in a ballot box. The board shall not
24 announce the result of the count before 7:30 P.M.

25 (3) The counting of absentee ballots shall not commence until a
26 majority and at least one board member of each political party
27 represented on the board is present and ~~such~~ that fact is publicly
28 declared and entered in the official minutes of the county board.

29 (4) The county board of elections may employ such assistants as
30 deemed necessary to count the absentee ballots, but each board
31 member present shall be responsible for and observe and supervise
32 the opening and tallying of the ballots.

33 (5) As each ballot envelope is opened, the board shall cause to be
34 entered into a pollbook designated 'Pollbook of Absentee Voters'
35 the name of the absentee ~~voter~~. voter, or if the pollbook is
36 computer-generated, the board shall check off the name.
37 Preserving secrecy, the ballots shall be placed in the appropriate
38 ballot boxes, at least one of which shall be provided for each type
39 of ballot. The 'Pollbook of Absentee Voters' shall also contain the
40 names of all persons who voted under G.S. 163-227.2, but those
41 names may be printed by computer for inclusion in the pollbook.

42 After all ballots have been placed in the boxes, the counting
43 process shall begin.

1 If one-stop ballots under G.S. 163-227.2 are counted
2 electronically, that count shall commence at the time the polls
3 close. If one-stop ballots are paper ballots counted manually, that
4 count shall commence at the same time as other absentee ballots
5 are counted.

6 If a challenge transmitted to the board on canvass day by a
7 chief judge is sustained, the ballots challenged and sustained shall
8 be withdrawn from the appropriate boxes, as provided in G.S.
9 163-89(e).

10 As soon as the absentee ballots have been counted and the
11 names of the absentee voters entered in the pollbook as required
12 herein, the board members and assistants employed to count the
13 absentee ballots shall each sign the pollbook immediately beneath
14 the last absentee voter's name entered therein. The ~~chairman~~
15 county board of elections shall be responsible for the safekeeping
16 of the pollbook of absentee voters.

17 (6) Upon completion of the counting process the board members shall
18 cause the results of the tally to be entered on the absentee abstract
19 prescribed by the State Board of Elections. The abstract shall be
20 signed by the members of the board in attendance and the original
21 mailed immediately to the State Board of Elections, ~~Raleigh, North~~
22 ~~Carolina 27602.~~ Elections. The county board of elections may have
23 a separate count on the abstract for one-stop absentee ballots under
24 G.S. 163-227.2.

25 (7) One copy of the absentee abstract shall be retained by the county
26 board of elections and the totals appearing thereon shall be added
27 to the final totals of all votes cast in the county for each office as
28 determined on the official canvass.

29 (8) In the event a political party does not have a member of the
30 county board of elections present at the ~~5:00 P.M.~~ meeting to count
31 absentee ballots due to illness or other cause of the member, the
32 counting shall not commence until the county party chairman of
33 said absent member, or a member of the party's county executive
34 committee, is in attendance. Such person shall act as an official
35 witness to the counting and shall sign the absentee ballot abstract
36 as an 'observer.'

37 (9) The county board of elections shall retain all container-return
38 envelopes and absentee ballots, in a safe place, for at least four
39 months, and longer if any contest is pending concerning the
40 validity of any ballot."

41 Section 15. G.S. 163-236 reads as rewritten:

42 "**§ 163-236. Violations by ~~chairman~~ of county board of elections.**

43 The ~~chairman~~ of the county board of elections shall be sole custodian of blank
44 applications for absentee ballots, official ballots, and container-return envelopes for

1 absentee ballots. ~~He~~ The board shall issue and deliver blank applications for absentee
2 ballots in strict accordance with the provisions of G.S. ~~163-227(e)~~. 163-230.1. The
3 issuance of ballots to persons whose ~~applications~~ requests for absentee ballots have
4 been ~~approved~~ received by the county board of elections under the provisions of G.S.
5 ~~163-230(3)~~ 163-230.1 is the responsibility and duty of the ~~chairman of the county~~
6 board of elections.

7 * It shall be the duty of the ~~chairman of the county board of elections~~ to keep
8 current all records required ~~of him~~ by this Article and to make promptly all reports
9 required ~~of him~~ by this Article. If that duty has been assigned to the chair, member,
10 officer, or employee of the board of elections, they shall carry out the duty.

11 The willful violation of this section shall constitute a Class 2 misdemeanor."

12 Section 16. G.S. 163-82.7(g)(2) reads as rewritten:

13 "(2) If the Postal Service has returned as undeliverable a notice sent
14 within 25 days before the election to the applicant under
15 subsection (c) of this section, then the applicant may vote only in
16 person in that first election and may not vote by ~~mailed~~ absentee
17 ~~ballot~~. ballot except in person under G.S. 163-227.2. The county
18 board of elections shall establish a procedure at the voting site for:
19 a. Obtaining the correct address of any person described in
20 this subdivision who appears to vote in person; and
21 b. Assuring that the person votes in the proper place and in
22 the proper contests.

23 If a notice mailed under subsection (c) or subsection (e) of this
24 section is returned as undeliverable after a person has already
25 voted by absentee ballot, then that person's ballot may be
26 challenged in accordance with G.S. 163-89."

27 Section 17. G.S. 163-137(b) reads as rewritten:

28 "(b) The ballots prepared for use in general and special elections under the
29 provisions of this Article by the State Board of Elections shall be printed and
30 delivered to the county boards of elections at least ~~60~~ 50 days prior to the date of any
31 ~~election in which absentee voting is permitted and at least 60 days prior to the date of~~
32 ~~any election in which absentee voting is not permitted.~~ election."

33 Section 18. G.S. 163-155(4) reads as rewritten:

34 "(4) The affidavit executed by the voter shall be retained by the county
35 board of elections for a period of six months. In those precincts
36 using voting machines, the county board of elections shall furnish
37 paper ballots of each kind for use by persons authorized to vote
38 outside the voting place by this section. In any precinct using
39 direct record electronic voting equipment, the county board of
40 elections, with the approval of the State Board of Elections, may
41 provide for all such paper ballots to be transported upon closing of
42 the polls to the office of the county board of elections for counting.
43 Those ballots may be transported only by the chief judge, judge, or
44 assistant. Upon receipt by the county board of elections, those

1 ballots shall be counted and canvassed in the same manner as one-
2 stop ballots cast under G.S. 163-227.2, except that rather than the
3 count commencing when the polls close under G.S. 163-234(5) as
4 provided for one-stop ballots, the count shall commence when the
5 board has received from each precinct either that precinct's ballots
6 or notification that no such ballots were cast.

7 The total for ballots counted by the county board of
8 elections under this subdivision shall be canvassed as if it were a
9 separate precinct."

10 Section 19. G.S. 163-169(i) reads as rewritten:

11 "(i) Absentee Ballots. -- Absentee ballots shall be deposited and voted in
12 accordance with the provisions of G.S. 163-227.2 and G.S. 163-234; they shall be
13 counted and tabulated as provided in this section and G.S. 163-170."

14 Section 20. Article 21 is amended by adding a new section to read:

15 "**§ 163-257. Facsimile transmission of election materials.**

16 An applicant entitled to exercise the rights conferred by this Article may apply for
17 registration and an absentee ballot by facsimile if otherwise qualified to apply for and
18 vote by absentee ballot. A county board of elections may send and receive facsimile
19 absentee ballot applications and accept voted ballots by facsimile from eligible
20 electors as defined in G.S. 163-245."

21 Section 21. This act applies to elections held on or after January 1, 1998,
22 except that the State Board of Elections may issue rules required or permitted by this
23 act prior to that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1145

Short Title: Judicial Retention.

(Public)

Sponsors: Representative Culpepper.

Referred to: Election Law and Campaign Reform.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR RETENTION OF APPELLATE JUSTICES AND
3 JUDGES OF THE GENERAL COURT OF JUSTICE BY VOTE OF THE
4 PEOPLE.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 16 of Article IV of the Constitution of North Carolina
7 reads as rewritten:
8 "Sec. 16. Terms of office and election of Justices of the Supreme Court, Judges of
9 the Court of Appeals, and Judges of the Superior Court.
10 As vacancies occur whether by expiration of term, failure of the voters to retain a
11 Justice or Judge in office, or otherwise, Justices of the Supreme Court, Court and
12 Judges of the Court of Appeals, and regular Appeals shall be appointed by the
13 Governor from a list of three recommendations of qualified nominees submitted by a
14 commission established by law consisting of members of the General Assembly, and
15 shall serve until January following the next statewide general election held at least
16 one year from taking office. The General Assembly may provide by law for the
17 Speaker of the House of Representatives and the President Pro Tempore of the
18 Senate to appoint members of the commission. To continue in office after that time,
19 the Justice or Judge must have been retained in office by a vote of the qualified
20 voters of the State, and shall hold office for terms of eight years. Regular Judges of
21 the Superior Court shall be elected by the qualified voters and shall hold office for
22 terms of eight years and until their successors are elected and qualified. Justices of
23 the Supreme Court and Judges of the Court of Appeals shall be elected by the
24 qualified voters of the State. Regular Judges of the Superior Court may be elected by

1 the qualified voters of the State or by the voters of their respective districts, as the
2 General Assembly may prescribe."

3 Section 2. The amendment set out in Section 1 of this act shall be
4 submitted to the qualified voters of the State at an election to be conducted on the
5 Tuesday after the first Monday in November 1997, which election shall be conducted
6 under the laws then governing elections in the State. Ballots, voting systems, or both
7 may be used in accordance with Chapter 163 of the General Statutes. The question
8 to be used in the voting systems and ballots shall be:

9 "[] FOR [] AGAINST

10 Constitutional amendment allowing appointment of Appellate Justices
11 and Judges by the Governor upon recommendation of three names from a
12 nominating commission, and allowing the voters to decide whether or not Appellate
13 Justices and Judges should remain in office."

14 Section 3. If a majority of the votes cast on the question are in favor of
15 the amendment set out in Section 1 of this act, the State Board of Elections shall
16 certify the amendment to the Secretary of State. The amendment becomes effective
17 upon this certification. The Secretary of State shall enroll the amendment so
18 certified among the permanent records of that office.

19 Section 4. Chapter 163 of the General Statutes is amended by adding a
20 new Subchapter to read:

21 "SUBCHAPTER X. RETENTION OF JUSTICES AND JUDGES.

22 "ARTICLE 26.

23 "Retention of Appellate Justices and Judges

24 by Vote of the People.

25 "§ 163-341. Applicability.

26 This Article applies to every Appellate Justice and Judge of the General Court of
27 Justice who on July 1, 1997, was serving a term of office for which he or she was
28 elected, and to every Appellate Justice and Judge of the General Court of Justice
29 elected to, or retained in, office after that date. Vacancies in judgeships shall be
30 filled as provided by law.

31 "§ 163-342. Notice of candidacy for retention vote; payment of filing fee.

32 (a) Form of Notice. -- Each Justice or Judge who has been elected to office, or
33 retained in office, who wishes to stand for a retention vote must state that intention to
34 the State Board of Elections by filing a notice of candidacy for retention with the
35 State Board of Elections in the following form, inserting the words in parentheses
36 when appropriate:

37
38 'Date ;

39
40 I hereby file notice that (a) I was elected to the office of on
41 (date), [(b) the following if applicable: I was last retained for a succeeding regular
42 term of office on (date)], (c) my current term expires at the end of the next
43 calendar year, and (d) I wish to stand for a retention vote about whether I should
44 remain in my office for the next succeeding regular term of office.

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Witness:

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8

Each candidate for retention shall sign the notice of candidacy in the presence of the chairman or secretary of the State Board of Elections. Or, a candidate may sign and acknowledge the notice of candidacy before an officer authorized to take acknowledgments and administer oaths; in this case, the officer shall certify the notice under seal. An acknowledged and certified notice may be mailed to the State Board of Elections.

The candidate for retention shall sign the notice of candidacy with his or her legal name, and, in his or her discretion, any nickname by which the candidate is commonly known, in the form that the candidate wishes to appear on the retention ballot but substantially as in the following example: 'Richard D. (Dick) Roc.' A candidate for retention may also, in lieu of his or her legal first name and legal middle initial or middle name (if any) sign his or her nickname, provided that he or she appends to the notice of candidacy for retention an affidavit that the candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit.

(b) Time for Filing Notice of Candidacy for Retention. -- Any Appellate Justice or Judge of the General Court of Justice who is seeking to remain in office by retention vote must file a notice of candidacy for retention with the State Board of Elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the first Friday in August of the year immediately preceding the final year of the Justice's or Judge's current term of office. Failure to comply with this subsection means that regular election procedures provided elsewhere in the General Statutes apply to the judgeship in question.

(b1) Time for Filing Notice of Candidacy for Retention Where Term Expires in 1998. -- Notwithstanding subsection (b) of this section, any Appellate Justice or Judge of the General Court of Justice, whose term of office expires in 1998 and who is seeking to remain in office by retention vote, must file a notice of candidacy for retention with the State Board of Elections no earlier than 12:00 noon on the seventh day after the date upon which this Article is approved under section 5 of the Voting Rights Act of 1965 and no later than 12:00 noon on the twenty-first day after the date upon which this Article is approved under section 5 of the Voting Rights Act of 1965. This section expires December 31, 1998. The State Board of Election may promulgate a special filing period for the 1998 election for any case in which a regular election for that office is required.

(c) Payment of Filing Fee. -- At the time he or she files notice of candidacy for retention, a Justice or Judge seeking to remain in office by retention vote must pay the filing fee applicable to that office provided in G.S. 163-107(a).

1 (d) Withdrawal of Notice of Candidacy for Retention. -- A Justice or Judge of the
2 General Court of Justice who has filed notice of candidacy for retention shall have
3 the right to withdraw it at any time prior to the date on which the right to file notice
4 of candidacy for retention expires, as provided in subsection (b) of this section. If a
5 Justice or Judge seeking retention does not withdraw before the filing deadline, his or
6 her name shall be printed on the retention ballot, any votes for that Justice or Judge
7 shall be counted, and that Justice or Judge shall not be refunded the filing fee.

8 "§ 163-343. Retention ballot.

9 (a) General. -- A Justice or Judge to whom G.S. 163-341 applies, and who has
10 filed a notice of candidacy and paid a filing fee as required by G.S. 163-342, shall
11 stand for approval by ballot by the people on the issue of the Justice's or Judge's
12 retention. The Justice's or Judge's name shall appear on the ballot, but his or her
13 political party affiliation shall not be identified on the ballot. The issue on the ballot
14 is whether the Justice or Judge should remain in office. This retention ballot shall be
15 held in an election on the Tuesday next after the first Monday in November of the
16 year immediately preceding the final year of the Justice's or Judge's current term of
17 office.

18 (b) Voters Eligible to Participate in Retention Ballot. -- Voting on retention of the
19 Chief Justice, Associate Justices, and Judges of the Appellate Division shall be by the
20 qualified voters of the whole State.

21 (c) Effect of Retention. -- If a majority of the votes cast in the retention ballot are
22 for the Justice or Judge to remain in office, the Justice or Judge shall continue in
23 office for the next succeeding regular term.

24 (d) Effect of Failure to Retain. -- If the voters fail to approve for retention a
25 Justice or Judge, the judgeship is deemed open for the next succeeding regular term
26 of office, and candidates may file and run for election to that office as provided
27 elsewhere in the General Statutes.

28 (e) Unretained Justice or Judge May File for Election. -- A Justice or Judge who
29 was not retained by the retention vote may file and run for election, as provided
30 elsewhere in the General Statutes, to the judgeship the Justice or Judge has vacated.

31 "§ 163-344. Death, disqualification, or resignation of Justice or Judge seeking
32 retention, or who has been retained.

33 (a) Death, Disqualification, or Resignation After Filing Notice of Candidacy for
34 Retention Vote, but Before Retention Vote. -- If a Justice or Judge of the General
35 Court of Justice seeking retention dies, is disqualified, or resigns after filing his or her
36 notice of candidacy for a retention vote, the office shall be deemed vacant and shall
37 be filled as provided by law.

38 (b) Death, Disqualification, or Resignation After Retention, but Before End of
39 Original Term Extended by Retention. -- If a Justice or Judge of the General Court
40 of Justice who has been retained in office dies, is disqualified, or resigns before the
41 end of his or her original term of office extended by retention, the office shall be
42 deemed vacant and shall be filled as provided by law.

43 (c) Death, Disqualification, or Resignation After Retention, and After End of
44 Original Term Extended by Retention. -- If a Justice or Judge of the General Court

1 of Justice who has been in office dies, is disqualified, or resigns after retention and
2 after the end of the original term extended by retention, the Governor shall appoint
3 to fill the vacancy, as provided by law, until the next election at which members of
4 the General Assembly are elected, occurring more than 60 days after the death,
5 disqualification, or resignation.

6 "§ 163-345. Applicability of laws governing administration of elections to retention
7 votes.

8 Insofar as they do not conflict with the provisions of this Article, the provisions of
9 Subchapter I. (Time of Primaries and Elections), Subchapter II. (Election Officers),
10 Subchapter III. (Qualifying to Vote), Subchapter VI. (Conduct of Primaries and
11 Elections), Subchapter VII. (Absentee Voting), and Subchapter VIII. (Regulation of
12 Election Campaign) of this Chapter (Elections and Election Law) apply to the
13 administration of the retention votes described in this Article. The State Board of
14 Elections may adopt rules to implement this Article."

15 Section 5. Chapter 7A of the General Statutes is amended by adding a
16 new Article to read:

17 "ARTICLE 6A.

18 "Joint Legislative Commission on Selection of Appellate Judges.

19 "§ 7A-39.21. Joint Legislative Commission on Selection of Appellate Judges.

20 (a) There is established in the General Assembly the Joint Legislative Commission
21 on Selection of Appellate Judges.

22 (b) The Commission shall consist of six members of the House of Representatives
23 appointed by the Speaker of the House of Representatives and six members of the
24 Senate appointed by the President Pro Tempore of the Senate.

25 (c) For each vacancy in the office of Justice or Judge of the Appellate Division of
26 the General Court of Justice, the Commission shall nominate to the Governor three
27 eligible persons as candidates."

28 Section 6. The Administrative Office of the Courts shall notify every
29 Judge and Justice of the General Court of Justice who is affected by G.S. 163-342(b1)
30 as enacted by this act of its contents immediately upon its approval under section 5 of
31 the Voting Rights Act of 1965.

32 Section 7. Sections 4 and 5 of this act become effective only if the
33 constitutional amendment proposed by Section 1 of this act is approved by the
34 qualified voters as provided in Section 2 of this act, and in such case they are
35 effective 10 days after the date upon which it is approved under section 5 of the
36 Voting Rights Act of 1965.

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

SENATE BILL 1
RATIFIED BILL

AN ACT TO CHANGE THE FILING SCHEDULE OF CAMPAIGN REPORTS; TO REQUIRE THE LISTING OF A CONTRIBUTOR'S PRINCIPAL OCCUPATION AND TO PROVIDE FOR A "BEST EFFORTS" RULE; TO REQUIRE THAT COORDINATED PARTY EXPENDITURES BE REPORTED; TO EXPAND REPORTING IN LOCAL ELECTIONS AND REFERENDA AND TO SET A THREE THOUSAND DOLLAR THRESHOLD FOR REPORTING GENERALLY; TO REQUIRE ELECTRONIC FILING OF CERTAIN CAMPAIGN REPORTS AND INTERNET ACCESS; TO PROVIDE FOR CIVIL PENALTIES FOR LATE FILING OF CAMPAIGN REPORTS; TO CLOSE THE SECOND PRIMARY LOOPHOLE FOR CONTRIBUTION LIMITS; TO REWRITE AND EXPAND THE LIMITS ON FUND-RAISING DURING LEGISLATIVE SESSIONS; TO CHANGE THE METHOD FOR DISTRIBUTING MONEY FROM THE POLITICAL PARTIES FINANCING FUND; TO REQUIRE THE DISCLOSURE OF SPENDING FOR MATERIAL THAT NAMES CANDIDATES; TO DISCLOSE THE FLOW OF MONEY THROUGH NORTH CAROLINA AND NATIONAL POLITICAL ORGANIZATIONS; TO PROHIBIT A DECLARED COUNCIL OF STATE CANDIDATE FROM USING STATE FUNDS FOR ADS AND ANNOUNCEMENTS CONTAINING THE CANDIDATE'S NAME, PICTURE, OR VOICE DURING THE CALENDAR YEAR PRECEDING AN ELECTION; AND TO REQUIRE 12-POINT DISCLAIMERS IN OPPOSITION PRINT ADS.

The General Assembly of North Carolina enacts:

-- QUARTERLY AND SEMIANNUAL REPORTING.

Section 1. (a) G.S. 163-278.9(a) reads as rewritten:

"(a) ~~The~~ Except as provided in G.S. 163-278.10A, the treasurer of each candidate and of each political committee shall file under verification with the Board the following reports:

- (1) Organizational Report. -- The appointment of the treasurer as required by G.S. 163-278.7(a), the statement of organization required by G.S. 163-278.7(b), and a report of all contributions and expenditures not previously reported shall be filed with the Board no later than the tenth day following the day the candidate files ~~his~~ notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first. Any candidate whose campaign is being conducted by a political committee which is handling all contributions and expenditures for his campaign shall file a statement with the Board stating such fact at the time required herein for the organizational report. Thereafter, the

candidate's political committee shall be responsible for filing all reports required by law.

- (2) Preprimary Report. -- The treasurer shall file a report with the Board no later than the tenth day preceding the primary election. A candidate who is not on the ballot in the primary and who has filed a first quarter report pursuant to subdivision (5a) of this subsection shall not be required to file a separate preprimary report under this subdivision.
- (3) ~~Postprimary Report(s). -- The treasurer shall file a report with the Board no later than the 30th day after the primary election if the candidate was eliminated in the primary. If there is a second primary, the treasurer shall file a report with the Board no later than the 30th day after the second primary election if the candidate was eliminated in the second primary.~~
- (4) ~~Preelection Report. -- The treasurer shall file a report with the Board not later than the tenth day preceding the general election.~~
- (5) ~~Repealed by Session Laws 1985, c. 164, s. 1.~~
- (5a) Quarterly Reports. -- During even-numbered years during which there is an election for that candidate or in which the campaign committee is supporting a candidate, the treasurer shall file a report by mailing or otherwise delivering it to the Board no later than seven working days after the end of each calendar quarter covering the prior calendar quarter, except that the report for the third quarter shall also cover the period in October through the seventeenth day before the election, the third quarter report shall be due seven days after that date, and the fourth quarter report shall not include that period if a third quarter report was required to be filed.
- (6) ~~Annual Semiannual Reports. -- If contributions are received or expenditures made during a calendar year, for which no reports are otherwise required by this Article, any and all such contributions and expenditures shall be reported by the last Friday in January July, covering the period through the last day of June, and shall be reported by the last Friday in January, covering the period through the last day of December, of the following year."~~

(b) The State Board of Elections shall study the feasibility of requiring monthly reporting by campaign treasurers during even-numbered years, with weekly reports required during the month before each primary and election. The State Board shall report in writing to the General Assembly by March 1, 1998.

(c) Subsection (a) of this section becomes effective January 1, 1998, and applies to all financial activity occurring on or after that date. Subsection (b) of this section is effective when it becomes law.

--DONOR'S PRINCIPAL OCCUPATION; BEST EFFORTS RULE.

Section 2. (a) G.S. 163-278.11(a)(1) reads as rewritten:

- "(1) Contributions. -- A list of all contributions required to be listed under G.S. 163-278.8 received by or on behalf of a candidate, political committee, or referendum committee. The statement shall list the name and complete mailing address of each contributor, the amount contributed, the principal occupation of the contributor, and the date such contribution was received. The total sum of all contributions to date shall be plainly exhibited. Forms for required reports shall be prescribed by the Board. As used in

this section, 'principal occupation of the contributor' means the contributor's:

- a. Job title or profession; and
- b. Employer's name or employer's specific field of business activity.

The State Board of Elections shall prepare a schedule of specific fields of business activity, adapting or modifying as it deems suitable the business activity classifications of the Internal Revenue Code or other relevant classification schedules. In reporting a contributor's specific field of business activity, the treasurer shall use the classification schedule prepared by the State Board."

(b) G.S. 163-278.11 is amended by adding a new subsection to read:

"(c) Best Efforts. -- When a treasurer shows that best efforts have been used to obtain, maintain, and submit the information required by this Article for the candidate or political committee, any report of that candidate or committee shall be considered in compliance with this Article. The State Board of Elections shall promulgate rules that specify what are 'best efforts' for purposes of this Article, adapting as it deems suitable the provisions of 11 C.F.R. § 104.7. The rules shall include the provision that if the treasurer, after complying with the rules, does not know the occupation of the contributor, it shall suffice for the treasurer to report 'unable to obtain'."

(c) This section becomes effective February 1, 1998, and applies to all reports due on or after that date.

-- REPORTING OF COORDINATED EXPENDITURES.

Section 3. (a) G.S. 163-278.11(b) reads as rewritten:

"(b) Statements shall reflect anything of value paid for or contributed by any person or individual, both as a contribution and expenditure. A political party executive committee that makes an expenditure that benefits a candidate or group of candidates shall report the expenditure, including the date, amount, and purpose of the expenditure and the name of and office sought by the candidate or candidates on whose behalf the expenditure was made. A candidate who benefits from the expenditure shall report the expenditure or the proportionate share of the expenditure from which the candidate benefitted as an in-kind contribution if the candidate or the candidate's committee has coordinated with the political party executive committee concerning the expenditure."

(b) This section becomes effective February 1, 1998, and applies to all reports due on or after that date.

-- EXPANDED REPORTING IN LOCAL ELECTIONS AND REFERENDA; \$3,000 THRESHOLD FOR ALL REPORTING.

Section 4. (a) G.S. 163-278.6(1) reads as rewritten:

"(1) The term 'board' means the State Board of Elections with respect to all candidates for State and multi-county district offices and the county or municipal board of elections with respect to all candidates for single-county district, county and municipal offices. The term means the State Board of Elections with respect to all statewide referenda, referenda and the county or municipal board of elections conducting all local referenda."

(b) G.S. 163-278.6(18) reads as rewritten:

"(18) The term 'public office' means any office filled by election by the people on a statewide, county, municipal or district basis, and this Article shall be applicable to such elective offices whether the election therefor is partisan or nonpartisan, provided candidates for municipal and county offices in those municipalities and counties

~~having less than 50,000 population, according to the most recent decennial census figures, shall not be required to file reports required by this Article, but this Article shall otherwise be applicable to such candidates for municipal and county offices: nonpartisan."~~

(c) G.S. 163-278.6(18a) reads as rewritten:

"(18a) The term 'referendum' means any question, issue, or act referred to a vote of the people of the entire State by the General Assembly, a unit of local government, or by the people under any applicable local act and includes constitutional amendments and State bond issues. The term 'referendum' ~~does not include~~ includes any type of municipal, county, or special district referendum."

(d) G.S. 163-278.40(2) reads as rewritten:

"(2) The term 'city' means any incorporated city, town, or ~~village with a population of 50,000 or over, according to the most recent decennial federal census.~~ village."

(d1) G.S. 163-278.9(d) reads as rewritten:

"(d) Candidates and committees for municipal offices ~~in a city with a population of 50,000 or greater, which are required to submit reports by G.S. 163-278.6(18)~~ are not subject to subsections (a), (b) and (c) of this section. Reports for those candidates and committees are covered by Part 2 of this Article."

(e) G.S. 163-278.10A reads as rewritten:

"§ 163-278.10A. Threshold of ~~\$1,000.00~~ \$3,000 for Financial Reports.

(a) Notwithstanding any other provision of this Chapter, a candidate shall be exempted from the reports of contributions, loans, and expenditures required in G.S. 163-278.9(a), 163-278.40B, 163-278.40C, 163-278.40D, and 163-278.40E if to further his campaign that candidate:

- (1) Does not receive more than ~~one~~ three thousand dollars (~~\$1,000.00~~) (\$3,000) in contributions, and
- (2) Does not receive more than ~~one~~ three thousand dollars (~~\$1,000.00~~) (\$3,000) in loans, and
- (3) Does not spend more than ~~one~~ three thousand dollars (~~\$1,000.00~~) (\$3,000).

To qualify for the exemption from those reports, the candidate's treasurer shall file a certification under oath that he does not intend to receive in contributions or loans or expend more than ~~one~~ three thousand dollars (~~\$1,000.00~~) (\$3,000) to further his campaign. The certification shall be filed with the Board at the same time the candidate files his Organizational Report as required in G.S. 163-278.7, G.S. 163-278.9, and G.S. 163-278.40A. If the candidate's campaign is being conducted by a political committee which is handling all contributions, loans, and expenditures for his campaign, the treasurer of the political committee shall file a certification of intent to stay within the threshold amount. If the intent to stay within the threshold changes, or if the ~~\$1,000~~ three thousand dollar (~~\$3,000~~) threshold is exceeded, the treasurer shall immediately notify the Board and shall be responsible for filing all reports required in G.S. 163-278.9 and 163-278.40B, 163-278.40C, 163-278.40D, and 163-278.40E; provided that any contribution, loan, or expenditure which would have been required to be reported on an earlier report but for this section shall be included on the next report required after the intent changes or the threshold is exceeded.

(b) The exemption in subsection (a) of this section applies to political party committees under the same terms as for candidates, except that the term 'to further his campaign' does not relate to a political party committee's exemption, and all

contributions, expenditures, and loans during an election shall be counted against the political party committee's threshold amount."

(f) This section applies to primaries, elections, and referenda beginning in 1998.

-- ELECTRONIC REPORTING.

Section 5. (a) G.S. 163-278.9 is amended by adding a new subsection to read:

"(j) Treasurers for the following entities shall electronically file each report required by this section that shows in excess of five thousand dollars (\$5,000) in contributions, in expenditures, or in loans, according to rules adopted by the State Board of Elections:

- (1) A candidate for statewide office;
- (2) A State, district, county, or precinct executive committee of a political party, if the committee makes contributions or independent expenditures in excess of five thousand dollars (\$5,000) that affect contests for statewide office;
- (3) A political committee that makes contributions in excess of five thousand dollars (\$5,000) to candidates for statewide office or makes independent expenditures in excess of five thousand dollars (\$5,000) that affect contests for statewide office.

The State Board of Elections shall provide the software necessary to file an electronic report to a treasurer required to file an electronic report at no cost to the treasurer."

(b) This section applies to reports to be filed during or after 1998.

-- INTERNET ACCESS.

Section 6. The State Board of Elections shall provide full access to the public of campaign finance reports over the Internet as soon as technically feasible.

-- CIVIL PENALTIES FOR LATE FILING.

Section 7. (a) G.S. 163-278.34 reads as rewritten:

"§ 163-278.34. Filings; penalty for late filings.

(a) ~~All~~ Except as provided in G.S. 163-278.9, all reports, statements or other documents required by this Article to be filed with the Board shall be filed either by manual delivery to or by ~~certified or registered~~ mail addressed to the Board. Timely filing shall be complete if postmarked on the day the reports, statements or other documents are to be delivered to the Board. If a report, statement or other document is not filed within the time required by this Article, then the individual, person, media, candidate, political committee, referendum committee or treasurer responsible for filing shall pay to the State Board of Elections election enforcement costs and a civil late penalty of twenty dollars (\$20.00) per day for each day the filing is late not to exceed five days; as follows:

- (1) Two hundred fifty dollars (\$250.00) per day for each day the filing is late for a report that affects statewide elections, not to exceed a total of ten thousand dollars (\$10,000); and
- (2) Fifty dollars (\$50.00) per day for each day the filing is late for a report that affects only nonstatewide elections, not to exceed a total of five hundred dollars (\$500.00).

The State Board shall immediately notify, or cause to be notified, late filers, from which reports are apparently due, by registered or certified mail, return receipt requested, of the penalties under this section. ~~If the penalty has not been paid to or the report has not been filed with the Board within five days after receipt of the notification, then the Board shall report the late filing or failure to file to the appropriate district attorney who shall indict and prosecute the offender as required in G.S. 163-278.27. No criminal penalty shall be imposed if the penalty required by~~

~~this section is paid and the delinquent report is filed within five days after notification by the Board.~~

(a1) The State Board shall calculate and assess the amount of the civil penalty due under subsection (a) of this section and shall notify the person who is assessed the civil penalty of the amount. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator either to pay the assessment or to contest the assessment within 30 days by filing a petition for a contested case under Article 3 of Chapter 150B of the General Statutes. If a violator does not pay a civil penalty assessed by the Board within 30 days after it is due, the Board shall request the Attorney General to institute a civil action to recover the amount of the assessment. The civil action may be brought in the superior court of any county where the report was due to be filed or any county where the violator resides or maintains an office. A civil action must be filed within three years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment. Consistent with G.S. 115C-437, the State Controller shall pay the clear proceeds of civil penalties collected under this section to the County School Fund in the county in which the person charged with the violation resides. The State Controller shall reduce the monies collected by the enforcement costs and the collection costs to determine the clear proceeds payable to the County School Fund. Monies set aside for the costs of enforcement and the costs of collection shall be credited to accounts of the State Board of Elections.

~~(b) When a report, statement or other document, required by this Article is not apparently due (i.e., media, inactive candidate, individual, no organizational report filed, supplementary final report or annual report), the Board shall notify, as set forth above, the person or persons responsible for filing if information is presented indicating that the report, statement, or other document was in fact due. No criminal penalties shall be imposed if the late penalty is paid and the delinquent report is filed within five days after notification. The State Board of Elections may waive a late penalty if it determines there is reasonable cause."~~

(b) G.S. 163-278.6 is amended by adding a new subdivision to read:

"(7a) The term 'costs of collection' means monies spent by the State Board of Elections in the collection of the penalties levied under this Article to the extent the costs do not constitute more than fifty percent (50%) of the civil penalty. The costs are presumed to be ten percent (10%) of the civil penalty unless otherwise determined by the State Board of Elections based on the records of expenses incurred by the State Board of Elections for its collection procedures."

(c) G.S. 163-278.6 is amended by adding a new subdivision to read:

"(7b) The term 'day' means calendar day."

(d) G.S. 163-278.6 is amended by adding a new subdivision to read:

"(8a) The term 'enforcement costs' means salaries, overhead, and other monies spent by the State Board of Elections in the enforcement of the penalties provisions of this Article, including the costs of investigators, attorneys, travel costs for State Board employees and its attorneys, to the extent the costs do not constitute more than fifty percent (50%) of the sum levied for the enforcement costs and civil late penalty."

(e) G.S. 163-278.22 is amended by adding a new subdivision to read:

"(14) To calculate, assess, and collect civil penalties pursuant to this Article."

(f) This section becomes effective January 1, 1998, and applies to all reports due on or after that date.

--CLOSE THE LOOPHOLE FOR SECOND PRIMARIES.

Section 8. (a) G.S. 163-278.13(d) reads as rewritten:

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

(b) This section becomes effective January 1, 1998, and applies to all elections occurring on or after that date.

-- FUND-RAISING IN SESSION.

Section 9. (a) G.S. 163-278.13A is repealed.

(b) Article 22A of the General Statutes is amended by adding a new section to read:

"§ 163-278.13B. Limitation on fund-raising during legislative session.

(a) Definitions. -- For purposes of this section:

- (1) 'Limited contributor' means a lobbyist registered pursuant to Article 9A of Chapter 120 of the General Statutes, that lobbyist's agent, or a political committee that employs or contracts with or whose parent entity employs or contracts with a lobbyist registered pursuant to Article 9A of Chapter 120 of the General Statutes.
- (2) 'Limited contributee' means a member of or candidate for the Council of State, a member of or candidate for the General Assembly, or a political committee the purpose of which is to assist a member or members of or candidate or candidates for the Council of State or General Assembly.
- (3) The General Assembly is in 'regular session' from the date set by law or resolution that the General Assembly convenes until the General Assembly either adjourns sine die or recesses or adjourns for more than 10 days.
- (4) A contribution is 'made' during regular session if the check or other instrument is dated during the session, or if the check or other instrument is delivered to the limited contributee during session, or if the limited contributor pledges during the session to deliver the check or other instrument at a later time.
- (5) A contribution is 'accepted' during regular session if the check or other instrument is dated during the session, or if the limited contributee receives the check or other instrument during session and does not return it within 10 days, or agrees during session to receive the check or other instrument at a later time.

(b) Prohibited Solicitations. -- While the General Assembly is in regular session, no limited contributee or the real or purported agent of a limited contributee shall:

- (1) Solicit a contribution from a limited contributor to be made to that limited contributee or to be made to any other candidate, officeholder, or political committee; or
- (2) Solicit a third party, requesting or directing that the third party directly or indirectly relay to the prohibited contributor the prohibited contributee's solicitation of a contribution.

(c) Prohibited Contributions. -- While the General Assembly is in regular session:

- (1) No limited contributor shall make or offer to make a contribution to a limited contributee.

- (2) No limited contributor shall make a contribution to any candidate, officeholder, or political committee, directing or requesting that the contribution be made in turn to a limited contributee.
- (3) No limited contributor shall transfer any amount of money or anything of value to any entity, directing or requesting that the entity use what was transferred to contribute to a limited contributee.
- (4) No limited contributee shall accept a contribution from a limited contributor.

(c1) Exception. -- The provisions of this section do not apply with regard to a limited contributee during the three weeks prior to the day of a second primary if that limited contributee is a candidate who will be on the ballot in that second primary.

(d) Prosecution. -- A violation of this section is a Class 2 misdemeanor."

(c) This section becomes effective January 1, 1998, and applies to all contributions solicited, made, or accepted on or after that date.

-- CHANGE THE METHOD OF DISTRIBUTING MONEY FROM THE POLITICAL PARTIES FINANCING FUND.

Section 10. (a) G.S. 105-159.1(a) reads as rewritten:

"(a) Every individual whose income tax liability for the taxable year is one dollar (\$1.00) or more may designate on his or her income tax return that one dollar (\$1.00) of the tax shall be credited to the North Carolina Political Parties Financing ~~Fund~~. Fund for the use of the political party designated by the taxpayer. In the case of a married couple filing a joint return whose income tax liability for the taxable year is two dollars (\$2.00) or more, each spouse may designate on the income tax return that one dollar (\$1.00) of the tax shall be credited to the North Carolina Political Parties Financing ~~Fund~~. Fund for the use of the political party designated by the taxpayer. Amounts credited to the Fund shall be allocated among the political parties according to the designation of the taxpayer. Where any taxpayer elects to designate but does not specify a particular political party, those funds shall be distributed among the political parties on a pro rata basis according to their respective party voter registrations as determined by the most recent certification of the State Board of Elections. As used in this section, the term 'political party' means one of the following that has at least one percent (1%) of the total number of registered voters in the State:

- (1) A political party that at the last preceding general State election received at least ten percent (10%) of the entire vote cast in the State for Governor or for presidential electors.
- (2) A group of voters who by July 1 of the preceding calendar year, by virtue of a petition as a new political party, had duly qualified as a new political party within the meaning of Chapter 163 of the General Statutes."

(b) This section becomes effective with respect to the 1997 taxable year and subsequent taxable years.

--DISCLOSURE OF SPENDING FOR MATERIAL THAT NAMES CANDIDATES.

Section 11. (a) Article 22A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-278.12A. Disclosure of spending for material that names candidates.

(a) General Duty to Report. -- Any individual, person, political committee, or other entity that makes an expenditure for printed material or advertisements broadcast or distributed to anyone other than members of the entity shall report those expenditures in accordance with subsection (b) of this section if the printed material

or advertisement names a candidate or names an individual whose prospective or potential candidacy is the principal purpose of a political committee. The disclosure requirements of this section do not apply to the following:

- (1) Material that is solely informational and is not intended to advocate the election or defeat of a candidate or prospective candidate; or
- (2) The owner of a newspaper, magazine, radio outlet, or television outlet, if that owner is not a candidate, political committee, or the parent entity of a political committee under G.S. 163-278.19.

(b) Procedures for Reporting: Exceptions. -- Any political committee or other entity otherwise required by this Article to file reports with a board of elections shall include an expenditure described in subsection (a) of this section on those reports. Any entity not otherwise required by this Article to file reports shall report expenditures described in subsection (a) of this section to the State Board of Elections within 10 days after the aggregate expenditure has reached the lowest threshold amount set for candidates and political party committees in G.S. 163-278.10A. After the initial report, each entity shall report subsequent expenditures described in subsection (a) of this section according to the schedule set out in G.S. 163-278.9(a) or Part 2 of this Article, whichever is appropriate.

(c) Definition. -- For the purpose of this section, notwithstanding G.S. 163-278.6(9), the term 'expenditure' means any purchase, advance, conveyance, deposit, distribution, transfer of funds, loans, payment, gift, pledge, or subscription of money or anything of value whatsoever, whether or not made in an election year, and any contract, agreement, promise, or other obligation, whether or not legally enforceable. An individual or entity is deemed to have made an expenditure for printed material or advertisements if that individual or entity has agreed to compensate another individual or entity for purchasing such printed material or advertisements.

(d) No Criminal Liability. -- No duty imposed by this section alone, and by no other law, shall be relied upon or otherwise interpreted to create criminal liability for any person."

(b) This section becomes effective December 1, 1997.

--DISCLOSING THE FLOW OF MONEY THROUGH NORTH CAROLINA AND NATIONAL POLITICAL ORGANIZATIONS.

Section 12. (a) G.S. 163-278.9(a) is amended by adding a new subdivision to read:

"(4a) 48-Hour Report. -- A political committee or political party that receives a contribution or transfer of funds from any political committee shall disclose within 48 hours of receipt a contribution or transfer of one thousand dollars (\$1,000) or more received after the last preelection report but before an election. The disclosure shall be by report to the State Board of Elections identifying the source and amount of the funds. The State Board of Elections shall specify the form and manner of making the report."

(b) G.S. 163-278.9A(a) is amended by adding a new subdivision to read:

"(2a) 48-Hour Report. -- A referendum committee that receives a contribution or transfer of funds from any political committee shall disclose within 48 hours of receipt a contribution or transfer of one thousand dollars (\$1,000) or more received after the last preelection report but before an election. The disclosure shall be by report to the State Board of Elections identifying the source and amount of such funds. The State Board of Elections shall specify the form and manner of making the report."

(c) This section becomes effective December 1, 1997.
--PROHIBIT A DECLARED COUNCIL OF STATE CANDIDATE FROM USING STATE FUNDS FOR ADS AND ANNOUNCEMENTS CONTAINING THE CANDIDATE'S NAME, PICTURE, OR VOICE DURING THE CALENDAR YEAR PRECEDING AN ELECTION.

Section 13. (a) Article 22A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-278.16A. Restriction on use of State funds by declared candidate for Council of State for advertising or public service announcements using their names, pictures, or voices.

After December 31 prior to a general election in which a Council of State office will be on the ballot, no declared candidate for that Council of State office shall use or permit the use of State funds for any advertisement or public service announcement in a newspaper, on radio, or on television that contains that declared candidate's name, picture, or voice, except in case of State or national emergency and only if the announcement is reasonably necessary to that candidate's official function. For purposes of this section, 'declared candidate' means someone who has publicly announced an intention to run."

(b) This section becomes effective January 1, 1998.

--REQUIRE 12-POINT DISCLAIMERS IN OPPOSITION PRINT ADS.

Section 13.1. (a) G.S. 163-278.16 is amended by adding a new subsection to read:

"(g) All printed matter for a political purpose from a political party or political committee which identifies a candidate that party or committee is opposing shall indicate in type no smaller than 12 point the name of the political party or political committee and the name of the candidate that is intended to benefit from the printed matter."

(b) This section becomes effective December 1, 1997.

Section 14. The provisions of this act are severable. If any provision is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the act that can be given effect without the invalid provision.

Section 15. Except as otherwise provided herein, this act is effective when it becomes law. Prosecutions for, or sentences based on, offenses occurring before the relevant effective dates in this act are not abated or affected by this act, and the statutes that would be applicable to those prosecutions or sentences but for the provisions of this act remain applicable to those prosecutions or sentences.

In the General Assembly read three times and ratified this the 28th day of August, 1997.

MARC BASNIGHT

Marc Basnight
President Pro Tempore of the Senate

HAROLD J. BRUBAKER

Harold J. Brubaker
Speaker of the House of Representatives

James B. Hunt, Jr.
Governor

Approved _____ m. this _____ day of _____, 19____

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-25
SENATE BILL 199

AN ACT TO ALLOW TOWN MANAGERS OF SMALL TOWNS TO HOLD
CONCURRENTLY APPOINTIVE AND MUNICIPAL ELECTIVE OFFICES
UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-147 reads as rewritten:

"§ 160A-147. Appointment of city manager; dual office holding.

(a) In cities whose charters provide for the council-manager form of government, the council shall appoint a city manager to serve at its pleasure. The manager shall be appointed solely on the basis of ~~his~~ the manager's executive and administrative qualifications. ~~He~~ The manager need not be a resident of the city or State at the time of ~~his~~ appointment. The office of city manager is hereby declared to be an office that may be held concurrently with other appointive (but not elective) offices pursuant to Article VI, Sec. 9, of the Constitution.

(b) Notwithstanding the provisions of subsection (a), a city manager may serve on a county board of education ~~which~~ that is elected on a non-partisan basis if the following criteria are met:

- (1) The population of the city by which the city manager is employed does not exceed 10,000;
- (2) The city is located in two counties; and
- (3) The population of the county in which the city manager resides does not exceed 40,000.

(c) Notwithstanding the provisions of subsection (a), a city manager may hold elective office if the following criteria are met:

- (1) The population of the city by which the city manager is employed does not exceed 3,000.
- (2) The city manager is an elected official of a city other than the city by which the city manager is employed.

(d) For the purposes of this section, The population figures shall be according to the latest United States decennial figures issued at the time the second office is assumed. If census figures issued after the second office is assumed increase the city or county population beyond the limits of this subsection, section, the city manager may complete the term on the county board of education which he of elected office that the city manager is then serving."

Section 2. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 7th day of
April, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 12:10 p.m. this 17th day of April, 1997

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

SENATE BILL 553
RATIFIED BILL

AN ACT TO PROVIDE THAT THE STATE SHALL PAY THE COST OF ANY REQUIRED LEGAL ADVERTISING IT REQUIRES COUNTIES TO PLACE IN CONNECTION WITH ANY REFERENDUM PLACED ON THE BALLOT BY THE GENERAL ASSEMBLY; TO ALLOW A COUNTY BOARD OF ELECTIONS TO CONDUCT ONE-STOP VOTING ON ITS ELECTION-DAY VOTING EQUIPMENT AT THE COUNTY BOARD OF ELECTIONS OFFICE USING CURRENT EXCUSE REQUIREMENTS UNDER A PLAN APPROVED BY THE STATE BOARD OF ELECTIONS; AND TO ALLOW THE CATAWBA COUNTY BOARD OF ELECTIONS TO USE PAPER BALLOTS IN SECOND PRIMARY ELECTIONS WHERE VOTING SYSTEMS ARE USED IN THE FIRST PRIMARY ELECTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-33(8) reads as rewritten:

"(8) To provide for the issuance of all notices, advertisements, and publications concerning elections required by law. If the election is on a State bond issue, an amendment to the Constitution, or approval of an act submitted to the voters of the State, the State Board of Elections shall reimburse the county boards of elections for their reasonable additional costs in placing such notices, advertisements, and publications. In addition, the county board of elections shall give notice at least 20 days prior to the date on which the registration books or records are closed that there will be a primary, general or special election, the date on which it will be held, and the hours the voting places will be open for voting in that election. The notice also shall describe the nature and type of election, and the issues, if any, to be submitted to the voters at that election. Notice shall be given by advertisement at least once weekly during the 20-day period in a newspaper having general circulation in the county and by posting a copy of the notice at the courthouse door. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. This subdivision shall not apply in the case of bond elections called under the provisions of Chapter 159."

Section 2. G.S. 163-227.2 reads as rewritten:

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

(a) A person expecting to be absent from the county in which he is registered during the entire period that the polls are open on the day of an election in which

absentee ballots are authorized or is eligible under G.S. 163-226(a)(2), 163-226(a)(3a), or 163-226(a)(4) may request an application for absentee ballots, complete the application, receive the absentee ballots, vote and deliver them sealed in a container-return envelope to the county board of elections in the county in which he is registered under the provisions of this section.

(b) Not earlier than the ~~twenty-fourth day~~ first business day after the twenty-fifth day before an election, in which absentee ballots are authorized, in which he seeks to vote and not later than 5:00 P.M. on the Friday prior to that election, the voter shall appear in person only at the office of the county board of elections and request that the chairman, a member, or the director of elections of the board, or an employee of the board of elections, authorized by the board, furnish him with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the chairman, member, director of elections or authorized employee of the board, and shall deliver the application to that person.

(c) If the application is properly filled out, the chairman, member, director of elections of the board, or employee of the board of elections, authorized by the board, shall enter the voter's name in the register of absentee ballot applications and ballots issued; shall furnish the voter with the instruction sheets called for by G.S. 163-229(c); shall furnish the voter with the ballots to which the application for absentee ballots applies; and shall furnish the voter with a container-return envelope. The voter thereupon shall comply with the provisions of G.S. 163-231(a) except that he shall deliver the container-return envelope to the chairman, member, director of elections of the board, or an employee of the board of elections, authorized by the board, immediately after making and subscribing the certificate printed on the container-return envelope as provided in G.S. 163-229(b). All actions required by this subsection shall be performed in the office of the board of elections. For the purposes of this section only, the chairman, member, director of elections of the board, or full-time employee, authorized by the board shall sign the application and certificate as the witness and indicate the official title held by him or her. Notwithstanding G.S. 163-231(a), in the case of this subsection, only one witness shall be required on the certificate.

(d) Only the chairman, member or director of elections of the board shall keep the voter's application for absentee ballots and the sealed container-return envelope in a safe place, separate and apart from other applications and container-return envelopes. At the first meeting of the board pursuant to G.S. 163-230(2) held after receipt of the application and envelope, the chairman shall comply with the requirements of G.S. 163-230(1) and G.S. 163-230(2)b. and c. If the voter's application for absentee ballots is approved by the board at that meeting, the application form and container-return envelope, with the ballots enclosed, shall be handled in the same manner and under the same provisions of law as applications and container-return envelopes received by the board under other provisions of this Article. If the voter's application for absentee ballots is disapproved by the board, the board shall so notify the voter stating the reason for disapproval by first-class mail addressed to the voter at his residence address or at the address shown in the application for absentee ballots; and the board chairman shall retain the container-return envelope in its unopened condition until the day of the primary or election to which it relates and on that day he shall destroy the container-return envelope and the ballots therein, without, however, revealing the manner in which the voter marked the ballots.

(e) The voter shall vote his absentee ballot in a voting booth and the county board of elections shall provide a voting booth for that purpose, provided however, that the county board of elections may in the alternative provide a private room for the voter adjacent to the office of the board, in which case the voter shall vote his absentee

ballot in that room. The voting booth shall be in the office of the county board of elections. If the voter needs assistance in getting to and from the voting booth and in preparing and marking his ballots or if he is a blind voter, only a member of the county board of elections, the director of elections, an employee of the board of elections authorized by the board, a near relative of the voter as defined in G.S. 163-227(c)(4), or the voter's legal guardian shall be entitled to assist the voter.

(e1) If a county uses a voting system with retrievable ballots, that county's board of elections may by resolution elect to conduct one-stop absentee voting according to the provisions of this subsection. In a county in which the board has opted to do so, a one-stop voter shall cast the ballot and then shall deposit the ballot in the ballot box or voting system in the same manner as if such box or system was in use in a precinct on election day. At the end of each business day, or at any time when there will be no employee or officer of the board of elections on the premises, the ballot box or system shall be secured in accordance with a plan approved by the State Board of Elections, which shall include that no additional ballots have been placed in the box or system. Any county board desiring to conduct one-stop voting according to this subsection shall submit a plan for doing so to the State Board of Elections. The State Board shall adopt standards for conducting one-stop voting under this subsection and shall approve any county plan that adheres to its standards. The county board shall adhere to its State Board-approved plan. The plan shall provide that each one-stop ballot shall have a ballot number on it in accordance with G.S. 163-230(3)a., or shall have an equivalent identifier to allow for retrievability. The standards shall address retrievability in one-stop voting on direct record electronic equipment where no paper ballot is used.

(f) Notwithstanding the exception specified in G.S. 163-36, counties which operate a modified full-time office shall remain open five days each week during regular business hours consistent with daily hours presently observed by the county board of elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday prior to that election or primary. The boards of county commissioners shall provide necessary funds for the additional operation of the office during such time."

Section 3. (a) Article 14 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-162.2. Use of paper ballots in a second primary where voting systems are used in the first primary.

In counties in which voting systems are used in some or all precincts in a primary election, the county board of elections shall have authority to furnish in a second primary election paper ballots of each kind to precincts that used voting systems in the first primary election."

(b) This section applies only to Catawba County.

Section 4. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 28th day of
August, 1997.

MARC BASNIGHT

Dennis A. Wicker
President of the Senate

HAROLD J. BRUBAKER

Harold J. Brubaker
Speaker of the House of Representatives

James B. Hunt, Jr.
Governor

Approved _____m. this _____ day of _____, 19_____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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3

SENATE BILL 573*

Judiciary Committee Substitute Adopted 4/30/97

House Committee Substitute Favorable 8/5/97

Short Title: Election Law Reform.

(Public)

Sponsors:

Referred to:

April 1, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A CAMPAIGN STANDARDS CODE TO BE
3 ENFORCED BY A CAMPAIGN STANDARDS COMMISSION; TO CHANGE
4 THE DEADLINES AND PROCEDURES BY WHICH NEW PARTIES MAY
5 GAIN BALLOT ACCESS AND CHOOSE CANDIDATES, TO ALLOW
6 VOTERS TO RETAIN OFFICIAL AFFILIATION WITH AN EXPIRED PARTY,
7 TO MAKE CERTAIN CHANGES TO EQUALIZE CANDIDACY
8 REQUIREMENTS, AND TO REMOVE CERTAIN COURT-INVALIDATED
9 REQUIREMENTS FROM THE PETITION PROCEDURES FOR NEW
10 PARTIES, UNAFFILIATED CANDIDATES, AND WRITE-IN CANDIDATES;
11 TO CLOSE THE CONTRIBUTION-LIMIT LOOPHOLE FOR SECOND
12 PRIMARIES; TO REQUIRE VOTER IDENTIFICATION; AND TO ROTATE
13 BALLOT ALIGNMENT OF POLITICAL PARTIES.
14 The General Assembly of North Carolina enacts:
15 --CAMPAIGN STANDARDS.
16 Section 1. (a) Chapter 163 of the General Statutes is amended by adding
17 a new Article to read:
18 "ARTICLE 22D.
19 "Campaign Standards.
20 "§ 163-278.60. Purpose of Article.

1 The purpose of this Article is to use constitutional means to encourage informative
2 and civil political campaigning in North Carolina elections and to discourage false or
3 misleading attacks.

4 **"§ 163-278.61. North Carolina Campaign Standards Commission established.**

5 (a) Establishment of the Commission. -- There is established within the office of
6 the State Board of Elections the North Carolina Campaign Standards Commission.

7 (b) Appointment of Members. -- The Commission shall consist of six members to
8 be appointed by the Governor. No more than three members shall be affiliated with
9 the same political party. The Governor shall appoint the members from a list of
10 nominees submitted by the State Chair of each of the two political parties having the
11 highest number of registered affiliates as reflected by the latest registration statistics
12 published by the State Board of Elections. Each party Chair shall submit a list of at
13 least six nominees who are affiliated with that party.

14 (c) Terms of Office. -- By October 1, 1997, and as needed thereafter, the
15 Governor shall appoint the six members of the Commission. Of the initial appointees,
16 two shall be appointed for one-year terms, two shall be appointed for two-year terms,
17 and two shall be appointed for three-year terms according to random lot. Thereafter,
18 appointees shall be appointed to serve four-year terms. A person may not serve more
19 than two full terms. The appointed members receive the legislative per diem
20 pursuant to G.S. 120-3.1.

21 (d) Election of Chair. -- One of the Commission members shall be elected by the
22 members as Chair.

23 (e) Vacancies. -- A vacancy during an unexpired term shall be filled in the same
24 manner as a full term.

25 (f) Prohibitions. -- No member of the Commission shall do or be any of the
26 following:

27 (1) Hold, or be a candidate for, public office;

28 (2) Serve in a political party office or on a political party executive
29 committee or on a committee supporting or opposing a candidate;

30 (3) Be a registered lobbyist;

31 (4) Make or solicit a contribution on behalf of a candidate or political
32 committee; or

33 (5) Be a State employee.

34 (g) Staff Assistance. -- The State Board of Elections shall provide staff assistance
35 to the Commission.

36 **"§ 163-278.62. Powers and duties of the Commission.**

37 (a) Adoption of Rules. -- The Commission shall adopt any rules necessary for the
38 effective administration of this Article, not inconsistent with the provisions of this
39 Article.

40 (b) Receipt and Processing of Complaints. -- The Commission shall prescribe the
41 form of complaints alleging violation of G.S. 163-278.63. A complaint shall be made
42 by affidavit under penalty of perjury. Upon the filing of a complaint with the
43 Commission, the Commission shall process the complaint in accordance with G.S.
44 163-278.64.

1 (c) Reports to the General Assembly. -- The Commission shall report to the
2 General Assembly by the convening of every regular session of the General
3 Assembly. The report shall review the most recent campaign with respect to the
4 purpose of this Article and the Code of Campaign Standards set out in G.S. 163-
5 278.63. The Commission may recommend legislation.

6 "§ 163-278.63. Code of Campaign Standards.

7 No person, during the course of any campaign for nomination or election to public
8 office, by means of campaign materials, including sample ballots, an advertisement in
9 radio or television or in a newspaper or periodical, a public speech, press release, or
10 otherwise, shall knowingly and with intent to affect the outcome of the campaign do
11 any of the following:

12 (1) Make a false or misleading statement concerning the voting record
13 of a candidate or public official. 'Voting record' under this
14 subdivision means the recorded affirmative or negative on a bill,
15 ordinance, resolution, motion, amendment, or confirmation. A
16 'misleading statement' under this subdivision includes taking votes
17 or actions significantly out of context or distorting the opponent's
18 record by the use of demonstrably unrepresentative votes or
19 actions.

20 (2) Make a false or misleading statement that a candidate or public
21 official has been indicted or convicted of a theft offense, extortion,
22 or other crime involving financial corruption or moral turpitude.

23 (3) Make a statement that a candidate has been indicted for any crime
24 or has been the subject of a finding by the Campaign Standards
25 Commission without disclosing the outcome of any legal
26 proceedings resulting from the indictment or finding.

27 (4) Make a false or misleading statement that a candidate or official
28 has a record of treatment or confinement for mental disorder.

29 (5) Make a false or misleading statement that a candidate or official
30 has been subjected to military discipline for criminal misconduct or
31 dishonorably discharged from the armed services.

32 (6) Identify in a false or misleading way the source of a statement,
33 issue statements under the name of another person without
34 attribution, or state in a false or misleading way the endorsement
35 of or opposition to a candidate by a person or publication.

36 (7) Use the title of an office not currently held by a candidate in a
37 manner that implies that the candidate does currently hold that
38 office or use the term 'reelect' when the candidate has never been
39 elected at a primary, general, or special election to the office for
40 which that person is a candidate.

41 (8) Make a false or misleading statement concerning the formal
42 schooling or training completed or attempted by a candidate; a
43 degree, diploma, certificate, scholarship, grant, award, prize, or
44 honor received, earned, or held by a candidate; or the period of

time during which a candidate attended any school, college, community technical school, or institution.

(9) Make a false or misleading statement concerning the professional, occupational, or vocational licenses held by a candidate, or concerning any position the candidate held for which the candidate received a salary or wages.

(10) Use an appeal to discrimination based on race, gender, or religious belief.

(11) Use any still photo, film, or video of a candidate that is designed to make that candidate look personally unpleasant or contorted or that is taken significantly out of context.

"§ 163-278.64. Processing of complaint.

(a) Probable Cause Hearing. -- If a complaint is filed alleging a violation of the Code of Campaign Standards in G.S. 163-278.63, a panel of two members of the Commission shall determine whether there is probable cause to refer the matter to the full Commission. The two members of the panel shall not be of the same political party. The panel shall meet within three business days after the attorney makes a determination, unless it finds good cause to postpone the meeting. All members of the panel shall participate if the panel refers a complaint to the full Commission, provided that the panel's meeting may be conducted by conference call. The panel shall make only one of the following two findings:

(1) That there is no probable cause to believe that a violation of the Code has occurred. If the panel so finds, it shall dismiss the complaint.

(2) That there is probable cause to believe that a violation of the Code has occurred. If the panel so finds, it shall refer the complaint to the full Commission.

A finding of probable cause may be entered only by a unanimous vote of the panel.

(b) Hearing by Full Commission. -- If a panel of the Commission finds pursuant to subsection (a) of this section that there is probable cause that a violation of the Code has taken place, the full Commission shall conduct a hearing within 10 business days after the panel makes its finding. At the hearing, the Commission shall determine whether or not a violation of the Code occurred and shall do one of the following:

(1) Enter a finding that a violation of the Code has not been proven by clear and convincing evidence and dismiss the complaint.

(2) Enter a finding that a violation of the Code has been proven by clear and convincing evidence to have occurred and issue a letter of reprimand to the individual or entity that it determines is in violation.

A finding that a violation has occurred may be entered only by a majority vote of all the members of the Commission.

(c) Referral to District Attorney. -- If as a result of the evidence it has heard the Commission determines that there is probable cause that a violation of G.S. 163-274(8) has occurred in a matter that is before it, the Commission shall refer the

1 matter to the appropriate district attorney. The referral may be made only upon a
2 positive vote of a majority of all the members of the Commission."

3 (b) This section is effective when it becomes law.

4 --BALLOT ACCESS CHANGES.

5 Section 2. (a) G.S. 163-96 reads as rewritten:

6 "**§ 163-96. 'Political party' defined; creation of new party.**

7 (a) Definition. -- A political party within the meaning of the election laws of this
8 State shall be either:

9 (1) Any group of voters which, at the last preceding general State
10 election, polled for its candidate for Governor, or for presidential
11 electors, at least ten percent (10%) of the entire vote cast in the
12 State for Governor or for presidential electors; or

13 (2) Any group of voters which shall have filed with the State Board of
14 Elections petitions for the formulation of a new political party
15 which are signed by registered and qualified voters in this State
16 equal in number to two percent (2%) of the total number of voters
17 who voted in the most recent general election for Governor. Also
18 the petition must be signed by at least 200 registered voters from
19 each of four congressional districts in North Carolina. To be
20 effective, the petitioners must file their petitions with the State
21 Board of Elections before 12:00 noon on the ~~first day of June~~
22 thirty-first day of December preceding the day on which is to be
23 held the first general State election in which the new political
24 party desires to participate. The State Board of Elections shall
25 forthwith determine the sufficiency of petitions filed with it and
26 shall immediately communicate its determination to the State
27 chairman of the proposed new political party.

28 (b) Petitions for New Political Party. -- Petitions for the creation of a new political
29 party shall contain on the heading of each page of the petition in bold print or all in
30 capital letters the words: 'THE UNDERSIGNED REGISTERED VOTERS IN
31 COUNTY HEREBY PETITION FOR THE FORMATION OF A NEW POLITICAL
32 PARTY TO BE NAMED AND WHOSE STATE CHAIRMAN IS,
33 RESIDING AT..... AND WHO CAN BE REACHED BY TELEPHONE
34 AT..... THE SIGNERS OF THIS PETITION ~~INTEND TO ORGANIZE A NEW~~
35 ~~POLITICAL PARTY~~ DESIRE THAT A NEW POLITICAL PARTY BE
36 ORGANIZED TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL
37 ELECTION.'

38 All printing required to appear on the heading of the petition shall be in type no
39 smaller than 10 point or in all capital letters, double spaced typewriter size. In
40 addition to the form of the petition, the organizers and petition circulators shall
41 inform the signers of the general purpose and intent of the new party.

42 The petitions must specify the name selected for the proposed political party. The
43 State Board of Elections shall reject petitions for the formation of a new party if the
44 name chosen contains any word that appears in the name of any existing political

1 party recognized in this State or if, in the Board's opinion, the name is so similar to
2 that of an existing political party recognized in this State as to confuse or mislead the
3 voters at an election.

4 The petitions must state the name and address of the State chairman of the
5 proposed new political party.

6 ~~The validity of the signatures on the petitions shall be proved in accordance with~~
7 ~~one of the following alternative procedures:~~

8 (1) ~~The signers may acknowledge their signatures before an officer~~
9 ~~authorized to take acknowledgments, after which that officer shall~~
10 ~~certify the validity of the signatures by appropriate notation~~
11 ~~attached to the petition, or~~

12 (2) ~~A person in whose presence a petition was signed may go before~~
13 ~~an officer authorized to take acknowledgments and, after being~~
14 ~~sworn, testify to the genuineness of the signatures on the petition,~~
15 ~~after which the officer before whom he has testified shall certify his~~
16 ~~testimony by appropriate notation attached to the petition.~~

17 Each petition shall be presented to the chairman of the board of elections of the
18 county in which the signatures were obtained, and it shall be the chairman's duty:

19 (1) To examine the signatures on the petition and place a check mark
20 on the petition by the name of each signer who is qualified and
21 registered to vote in his county.

22 (2) To attach to the petition his signed certificate
23 a. Stating that the signatures on the petition have been
24 checked against the registration records and
25 b. Indicating the number found qualified and registered to vote
26 in his county.

27 (3) To return each petition, together with the certificate required by
28 the preceding subdivision, to the person who presented it to him
29 for checking.

30 The group of petitioners shall submit the petitions to the chairman of the county
31 board of elections in the county in which the signatures were obtained no later than
32 5:00 P.M. on the fifteenth business day preceding the date the petitions are due to be
33 filed with the State Board of Elections as provided in subsection (a)(2) of this section.
34 ~~Provided the petitions are timely submitted, the chairman of the county board of~~
35 ~~elections shall require a fee of five cents (5¢) for each signature appearing and shall~~
36 ~~proceed to examine and verify the signatures under the provisions of this subsection.~~
37 Verification shall be completed within two weeks 15 business days from the date such
38 petitions are presented and the required fee received. presented. Notwithstanding the
39 previous sentence, the county board may extend its deadline for verifying the
40 signatures for a reasonable length of time, if meeting the deadline is unduly
41 burdensome and extending it will not disadvantage the petitioners."

42 (b) G.S. 163-97.1 reads as rewritten:

43 "§ 163-97.1. Voters affiliated with expired political party.

~~The State Board of Elections shall be authorized to promulgate appropriate procedures to order the county boards of elections to change the registration affiliation of all voters who are recorded on the voter registration books as being affiliated with a political party which has lost its legal status as provided in G.S. 163-97. The State Board of Elections shall not implement the authority contained in this section earlier than 90 days following the certification of the election in which the political party failed to continue its legal status as provided in G.S. 163-97. All voters affiliated with such expired political party shall be changed to "unaffiliated" designation by the State Board's order and all such registrants shall be entitled to declare a political party affiliation as provided in G.S. 163-74(b). Any voter registered with a political party shall be allowed to retain that affiliation even if that party loses its status as a political party under the provisions of G.S. 163-97. Unless the voter indicates an intention otherwise, the county board of elections shall carry that voter on its registration lists as a member of the expired party."~~

(c) G.S. 163-98 reads as rewritten:

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

In the first general election following the date on which a new political party qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its candidates for municipal, county, district, State, congressional, and national offices printed on the official ballots, ~~but it shall not be entitled to have the names of candidates for other offices printed on State, district, or county ballots at that election.~~ ballots in accordance with the procedures in this section.

For the first general election following the date on which it qualifies under G.S. 163-96, a new political party shall select its candidates ~~by party convention. Following adjournment of the nominating convention, but not later than the first day of July prior to the general election, the president of the convention shall certify to the State Board of Elections the names of persons chosen in the convention as the new party's candidates for State, congressional, and national offices in the ensuing general election. The State Board of Elections shall print names thus certified on the appropriate ballots as the nominees of the new party.~~ in accordance with Article 10 of this Chapter."

(d) Article 9 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-100. Political party for presidential election only.

A party shall be recognized only for the purposes of nominating candidates for presidential elector in a general election if the party meets the other requirements of this Article except that the petitioners for that party file their petitions as provided in G.S. 163-96(a)(2) with the State Board of Elections before 12:00 noon on the second Thursday in July before that general election. If that party so qualifies, it may nominate its electors in convention no later than 90 days before the general election. Unless the party has met the petition deadline of G.S. 163-96, it shall cease to be a political party within the provisions of this Chapter."

(e) G.S. 163-106(b) reads as rewritten:

1 "(b) Eligibility to File." -- No person shall be permitted to file as a candidate in a
2 primary if, at the time he offers to file notice of candidacy, he is registered on the
3 appropriate registration book or record as an affiliate of a political party other than
4 that in whose primary he is attempting to file. No person who has changed his
5 political party affiliation or who has changed from unaffiliated status to party
6 affiliation as permitted in G.S. 163-82.17, shall be permitted to file as a candidate in
7 the primary of the party to which he changed unless he has been affiliated with the
8 political party in which he seeks to be a candidate for at least 90 days prior to the
9 filing date for the office for which he desires to file his notice of ~~candidacy.~~
10 candidacy, provided that the requirement of this sentence shall not apply to a person
11 filing a notice of candidacy in the primary of a party holding its first primary since
12 gaining ballot access under the provisions of G.S. 163-96(a)(2).

13 A person registered as 'unaffiliated' shall be ineligible to file as a candidate in a
14 party primary election."

15 (f) G.S. 163-107.1 reads as rewritten:

16 "**§ 163-107.1. Petition in lieu of payment of filing fee.**

17 (a) Any qualified voter who seeks nomination in the party primary of the political
18 party with which he affiliates may, in lieu of payment of any filing fee required for
19 the office he seeks, file a written petition requesting him to be a candidate for a
20 specified office with the appropriate board of elections, State, county or municipal.

21 (b) If the candidate is seeking the office of United States Senator, Governor,
22 Lieutenant Governor, any State executive officer, Justice of the Supreme Court or
23 Judge of the Court of Appeals, the petition must be signed by ~~10,000 registered voters~~
24 ~~who are members of the political party in whose primary the candidate desires to~~
25 ~~run, except that in the case of a political party as defined by G.S. 163-96(a)(2) which~~
26 ~~will be making nominations by primary election, the petition must be signed by ten~~
27 ~~percent (10%) of the registered voters of the State who are affiliated with the same~~
28 ~~political party in whose primary the candidate desires to run, or in the alternative,~~
29 ~~the petition shall be signed by no less than 10,000 registered voters regardless of the~~
30 ~~voter's political party affiliation, whichever requirement is greater. registered voters~~
31 of the State equal in number to two percent (2%) of the total number of registered
32 voters in the State as reflected by the most recent statistical report issued by the State
33 Board of Elections. The petition must be filed with the State Board of Elections not
34 later than 12:00 noon on Monday preceding the filing deadline before the primary in
35 which he seeks to run. The names on the petition shall be verified by the board of
36 elections of the county where the signer is registered, and the petition must be
37 presented to the county board of elections at least 15 days before the petition is due
38 to be filed with the State Board of Elections. When a proper petition has been filed,
39 the candidate's name shall be printed on the primary ballot.

40 (c) County, Municipal and District Primaries. -- If the candidate is seeking one of
41 the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this
42 section, or a municipal or any other office requiring a partisan primary which is not
43 set forth in G.S. 163-106(c) or (d), he shall file a written petition with the appropriate
44 board of elections no later than 12:00 noon on Monday preceding the filing deadline

1 before the primary. The petition shall be signed by ~~ten percent (10%) of the~~
2 ~~registered voters of the election area in which the office will be voted for, who are~~
3 ~~affiliated with the same political party in whose primary the candidate desires to run,~~
4 ~~or in the alternative, the petition shall be signed by no less than 200 registered voters~~
5 ~~regardless of said voter's political party affiliation, whichever requirement is greater.~~
6 registered voters in the election area in which the office will be voted for equal to
7 four percent (4%) of the registered voters of that area, as reflected by the latest
8 statistical report issued by the appropriate board of elections. The board of elections
9 shall verify the names on the petition, and if the petition is found to be sufficient, the
10 candidate's name shall be printed on the appropriate primary ballot. Petitions for
11 candidates for member of the U.S. House of Representatives, District Attorney, and
12 judge of the District Court or members of the State House of Representatives from
13 multi-county districts or members of the State Senate from multi-county districts must
14 be presented to the county board of elections for verification at least 15 days before
15 the petition is due to be filed with the State Board of Elections, and such petition
16 must be filed with the State Board of Elections no later than 12:00 noon on Monday
17 preceding the filing deadline. The State Board of Elections may adopt rules to
18 implement this section and to provide standard petition forms.

19 (d) Nonpartisan Primaries and Elections. -- Any qualified voter who seeks to be a
20 candidate in any nonpartisan primary or election may, in lieu of payment of the filing
21 fee required, file a written petition signed by ~~ten percent (10%) of the registered~~
22 ~~voters in the election area in which the office will be voted for with the appropriate~~
23 ~~board of elections.~~ registered voters in the election area in which the office will be
24 voted for equal to four percent (4%) of the registered voters of that area, as reflected
25 by the latest statistical report issued by the appropriate board of elections. Any
26 qualified voter may sign the petition. The petition shall state the candidate's name,
27 address and the office which he is seeking. The petition must be filed with the
28 appropriate board of elections no later than 60 days prior to the filing deadline for
29 the primary or election, and if found to be sufficient, the candidate's name shall be
30 printed on the ballot. "

31 (g) G.S. 163-122 reads as rewritten:

32 "**§ 163-122. Unaffiliated candidates nominated by petition.**

33 (a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. --
34 Any qualified voter who seeks to have his name printed on the general election ballot
35 as an unaffiliated candidate shall:

36 (1) If the office is a statewide office, file written petitions with the
37 State Board of Elections supporting his candidacy for a specified
38 office. These petitions must be filed with the State Board of
39 Elections on or before 12:00 noon on the ~~last Friday in June~~ day of
40 the first primary for the office preceding the general election and
41 must be signed by qualified voters of the State equal in number to
42 two percent (2%) of the total number of registered voters in the
43 State as reflected by the most recent statistical report issued by the
44 State Board of Elections. Each petition shall be presented to the

1 chairman of the board of elections of the county in which the
2 signatures were obtained. The chairman shall examine the names
3 on the petition and place a check mark on the petition by the
4 name of each signer who is qualified and registered to vote in his
5 county and shall attach to the petition his signed certificate. Said
6 certificates shall state that the signatures on the petition have been
7 checked against the registration records and shall indicate the
8 number of signers to be qualified and registered to vote in his
9 county. The chairman shall return each petition, together with the
10 certificate required in this section, to the person who presented it
11 to him for checking. Verification by the chairman of the county
12 board of elections shall be completed within two weeks from the
13 date such petitions are ~~presented and a fee of five cents (5¢) for~~
14 ~~each name appearing on the petition has been received.~~ presented.

15 (2) If the office is a district office comprised of two or more counties,
16 file written petitions with the State Board of Elections supporting
17 his candidacy for a specified office. These petitions must be filed
18 with the State Board of Elections on or before 12:00 noon on the
19 ~~last Friday in June~~ day of the first primary for the office preceding
20 the general election and must be signed by qualified voters of the
21 district equal in number to four percent (4%) of the total number
22 of registered voters in the district as reflected by the latest
23 statistical report issued by the State Board of Elections. Each
24 petition shall be presented to the chairman of the board of
25 elections of the county in which the signatures were obtained. The
26 chairman shall examine the names on the petition and the
27 procedure for certification shall be the same as specified in (1)
28 above.

29 (3) If the office is a county office or a single county legislative district,
30 file written petitions with the chairman or director of the county
31 board of elections supporting his candidacy for a specified county
32 office. These petitions must be filed with the county board of
33 elections on or before 12:00 noon on the ~~last Friday in June~~ day of
34 the first primary for the office preceding the general election and
35 must be signed by qualified voters of the county equal in number
36 to four percent (4%) of the total number of registered voters in the
37 county as reflected by the most recent statistical report issued by
38 the State Board of Elections, except if the office is for a district
39 consisting of less than the entire county and only the voters in that
40 district vote for that office, the petitions must be signed by
41 qualified voters of the district equal in number to four percent
42 (4%) of the total number of voters in the district according to the
43 most recent figures certified by the State Board of Elections. Each
44 petition shall be presented to the chairman or director of the

1 county board of elections. The chairman shall examine, or cause to
2 be examined, the names on the petition and the procedure for
3 certification shall be the same as specified in (1) above.

- 4 (4) If the office is a partisan municipal office, file written petitions
5 with the chairman or director of the county board of elections in
6 the county wherein the municipality is located supporting his
7 candidacy for a specified municipal office. These petitions must be
8 filed with the county board of elections on or before the time and
9 date specified in G.S. 163-296 and must be signed by the number
10 of qualified voters specified in G.S. 163-296. The procedure for
11 certification shall be the same as specified in (1) above.

12 Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the
13 board of elections with which the petitions and affidavit have been timely filed shall
14 cause the unaffiliated candidate's name to be printed on the general election ballots
15 in accordance with G.S. 163-140.

16 An individual whose name appeared on the ballot in a primary election
17 preliminary to the general election shall not be eligible to have his name placed on
18 the general election ballot as an unaffiliated candidate for the same office in that
19 year.

20 (b) Form of Petition. -- Petitions requesting an unaffiliated candidate to be placed
21 on the general election ballot shall contain on the heading of each page of the
22 petition in bold print or in all capital letters the words: 'THE UNDERSIGNED
23 REGISTERED VOTERS IN COUNTY HEREBY PETITION ON BEHALF
24 OF AS AN UNAFFILIATED CANDIDATE IN THE NEXT GENERAL
25 ELECTION. THE UNDERSIGNED HEREBY PETITION THAT SUBJECT
26 CANDIDATE BE PLACED ON THE APPROPRIATE BALLOT UPON
27 COMPLIANCE WITH THE PROVISIONS CONTAINED IN G.S. 163-122.'

28 (c) This section does not apply to elections under Article 25 of this Chapter.

29 (d) Presidential Electors. -- Unaffiliated candidates for presidential electors who
30 comply with the other provisions of this section shall qualify for the ballot if the
31 petitions for their candidacy are filed with the State Board of Elections at least 75
32 days before the general election."

33 (h) G.S. 163-123(c)(1) reads as rewritten:

- 34 "(1) If the office is a statewide office, file written petitions with the
35 State Board of Elections supporting his candidacy for a specified
36 office. These petitions shall be filed on or before noon on the 90th
37 day before the general election. They shall be signed by 500
38 qualified voters of the State. Before being filed with the State
39 Board of Elections, each petition shall be presented to the board of
40 elections of the county in which the signatures were obtained. A
41 petition presented to a county board of elections shall contain only
42 names of voters registered in that county. The chairman of the
43 county board of elections shall examine the names on the petition
44 and place a check mark by the name of each signer who is

qualified and registered to vote in his county. The chairman of the county board shall attach to the petition his signed certificate. On his certificate the chairman shall state that the signatures on the petition have been checked against the registration records and shall indicate the number of signers who are qualified and registered to vote in his county and eligible to vote for that office. The chairman shall return each petition, together with the certificate required in this section, to the person who presented it to him for checking. The chairman of the county board shall complete the verification within two weeks from the date the petition is presented. ~~At the time of submitting the petition, a fee of five cents (5¢) shall be paid for each name appearing on the petition.~~ "

(i) This section is effective when it becomes law.

--CLOSE THE LOOPHOLE FOR SECOND PRIMARIES.

Section 3. (a) G.S. 163-278.13(d) reads as rewritten:

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

(b) This section becomes effective January 1, 1998, and applies to all elections occurring on or after that date.

--VOTER IDENTIFICATION REQUIREMENT.

Section 4. (a) G.S. 163-82.8 reads as rewritten:

"§ 163-82.8. Voter registration cards.

(a) Authority to Issue Card. -- ~~With the approval of the board of county commissioners, the~~ The county board of elections may shall issue to each voter in the county a voter registration card, ~~or may issue cards to all voters registered after January 1, 1995.~~ card not later than December 31, 1997.

(b) Content and Format of Card. -- At a minimum, the voter registration card shall:

- (1) List the voter's name, address, and voting place;
- (2) Contain the address and telephone number of the county board of elections, along with blanks to report a change of address within the county, change of name, and change of party affiliation; ~~and~~
- (3) Be wallet size; size; and
- (4) Contain an identification number.

No voter registration card may be issued by a county board of elections unless the State Board of Elections has approved the format of the card.

(c) Ways County Board and Registrant May Use Card. -- ~~If the county board of elections issues voter registration cards, the~~ The county board may use that card as a notice of tentative approval of the voter's application pursuant to G.S. 163-82.7(c),

1 provided that the mailing contains the statements and information required in that
2 subsection. The county board may also satisfy the requirements of G.S. 163-82.15(b),
3 163-82.16(b), or 163-82.17(b) by sending the registrant a replacement of the voter
4 registration card to verify change of address, change of name, or change of party
5 affiliation. A registrant may use the card to report a change of address, change of
6 name, or change of party affiliation, satisfying G.S. 163-82.15, 163-82.16, or 163-82.17.

7 (d) Card as Evidence of Registration. -- A voter registration card shall be evidence
8 of registration but shall not preclude a challenge as permitted by law.

9 ~~(e) Display of Card May Not Be Required to Vote. -- No county board of~~
10 ~~elections may require that a voter registration card be displayed in order to vote. "~~

11 (b) G.S. 163-150(a) reads as rewritten:

12 "(a) Checking Registration. -- A person seeking to vote shall enter the voting
13 enclosure at the voting place through the appropriate entrance and shall at once state
14 his name and place of residence to one of the judges of election. A voter shall show
15 one of the following types of identification:

16 (1) A voter registration card issued under G.S. 163-82.8;

17 (2) A drivers license;

18 (3) A special identification card issued under G.S. 20-37.7;

19 (4) A passport;

20 (5) An identification card issued by the U.S. Department of Defense;
21 or

22 (6) A social security card and one other type of identification showing
23 the name and a picture of the voter.

24 A voter who does not show one of those types of identification shall be allowed to
25 mark a provisional ballot. The provisional ballot shall be sealed in an envelope on
26 which the voter shall sign an affidavit attesting to identity and eligibility to vote the
27 ballot. The county board of elections shall determine if the voter is eligible to cast the
28 ballot and, if so, shall count it, and if not, shall not count it. The State Board of
29 Elections shall promulgate rules for provisional ballot procedures to include
30 instructions for county boards of elections in methods to determine the eligibility of
31 persons who vote a provisional ballot under this subsection. In a primary election, the
32 voter shall also state the political party with which he affiliates and in whose primary
33 he desires to vote, or if the voter is an unaffiliated voter permitted to vote in the
34 primary of a particular party under G.S. 163-116, 163-119, the voter shall state the
35 name of the authorizing political party in whose primary he wishes to vote. The
36 judge to whom the voter gives this information shall announce the name and
37 residence of the voter in a distinct tone of voice. After examining the precinct
38 registration records, the chief judge shall state whether the person seeking to vote is
39 duly registered."

40 (c) This section is effective when it becomes law.

41 --BALLOT ROTATION.

42 Section 5. (a) G.S. 163-140.1 reads as rewritten:

43 "§ 163-140.1. Political party alignment on ballots.

1 All ballots printed for use in general elections in the State, district, county or any
2 other political subdivision, shall be aligned with the number of political party
3 columns required pursuant to instructions contained in G.S. 163-140(b) and the
4 columns shall be assigned in ~~strict alphabetical~~ order, beginning with the left column,
5 to the two political parties entitled to ballot position ~~provided such political parties~~
6 ~~reflect at least five percent (5%) of that have the largest proportion of the total~~
7 ~~statewide voter registration, according to the latest statistical report published by the~~
8 ~~State Board of Elections, so that such parties rotate order every four years. The order~~
9 ~~of the parties for the four-year cycle shall be determined on August 1 in the even-~~
10 ~~numbered year in which there is no presidential election. The voter registration~~
11 ~~statistics used in the determination shall be the latest statistical report prepared by the~~
12 ~~State Board of Elections as of August 1. Political parties having less than five percent~~
13 ~~(5%) smaller proportions of the total statewide voter registration, but otherwise~~
14 eligible for ballot position shall be assigned column alignment to the right of ~~all other~~
15 the largest two qualified political parties. As soon as the deadline passes for
16 ballot access in the general election of the first year of each four-year cycle, the State
17 Board of Elections shall determine by lot the column alignment of any parties then
18 qualified that are smaller than the two largest parties. If any parties qualify
19 subsequent to the lottery during the four-year cycle, those parties shall be aligned in
20 the chronological order in which they qualified to the right of all other parties. The
21 column for unaffiliated candidates shall be to the right of the columns for all parties.
22 The State Board of Elections shall be responsible for implementing the procedures
23 required by this section and shall issue instructions to those counties using voting
24 machines so as to accomplish the effect of this section whether such counties utilize
25 voting machines that list party columns in a horizontal or vertical alignment. Every
26 county board of elections shall follow the column alignment prescribed by the State
27 Board of Elections."

28 (b) This section becomes effective January 1, 1998. Rotation as required
29 by this section begins in 1998, with the party that had the second to the left column
30 in 1996 and 1997 having the left column in 1998, 1999, 2000, and 2001.

31 Section 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 663
Judiciary Committee Substitute Adopted 4/29/97
Third Edition Engrossed 4/30/97

Short Title: Absentee Voting Changes.

(Public)

Sponsors:

Referred to:

April 2, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES IN THE ELECTION LAWS DESIGNED TO
3 PREVENT LONG LINES AT THE POLLS ON ELECTION DAY.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 163-226 reads as rewritten:

6 "§ 163-226. Who may vote an absentee ballot.

7 (a) Who May Vote Absentee Ballot; Generally. -- Any qualified voter of the State
8 may vote by absentee ballot in a statewide primary, general, or special election on
9 constitutional amendments, referenda or bond proposals, and any qualified voter of a
10 county is authorized to vote by absentee ballot in any primary or election conducted
11 by the county board of elections, in the manner provided in this Article if:

12 (1) The voter expects not to be ~~absent from the county in which he is~~
13 ~~registered during the entire period that the polls are open~~ present
14 at the voting place to vote in person on the day of the specified
15 election in which the voter desires to vote; or

16 (2) The voter is unable to be present at the voting place to vote in
17 person on the day of the specified election in which the voter
18 desires to vote because of the voter's sickness or other physical
19 disability.

20 (3) ~~The voter is incarcerated, whether in the voter's county of~~
21 ~~residence or elsewhere, shall be entitled to vote by absentee ballot~~
22 ~~in the county of the voter's residence in any election, specified~~

herein, in which the voter otherwise would be entitled to vote. Absentee voting shall be in the same manner as provided in this Article. The chief custodian or superintendent of the institution or other place of confinement shall certify that the applicant is not a felon, and the certification shall be as prescribed by the State Board of Elections. The State Board of Elections is authorized to prescribe procedures to carry out the intent and purpose of this subsection;

(3a) The voter because of the observance of a religious holiday pursuant to the tenets of the voter's religion will be unable to cast a ballot at the polling place on the day of the election; or

(4) The voter is an employee of the county board of elections or a precinct official, observer, or ballot counter, in another precinct and the voter's assigned duties on the day of the election will cause the voter to be unable to be present at the voting place to vote in person and provided such employee has the application witnessed by the chairman of the county board of elections.

(b) Absentee Ballots; Exceptions. -- Notwithstanding the authority contained in G.S. 163-226(a), absentee ballots shall not be permitted in fire district elections.

(c) As used in this Subchapter, unless the context clearly requires otherwise, the term 'election' includes a general, primary, second primary, runoff election, bond election, referendum, or special election.

Section 2. G.S. 163-226.1 reads as rewritten:

"§ 163-226.1. Absentee voting in primary.

A qualified voter may vote by absentee ballot in a statewide or countywide partisan primary provided he the qualified voter is affiliated, at the time he the qualified voter makes application for absentee ballots, with the political party in whose primary he the qualified voter wishes to vote. vote, except that an affiliated voter may vote in a party primary if permitted under G.S. 163-119. The official registration records of the county in which the voter is registered shall be proof of whether he the qualified voter is affiliated with a political party and of the party, if any, with which he the qualified voter is affiliated."

Section 3. G.S. 163-226.3 reads as rewritten:

"§ 163-226.3. Certain acts declared felonies.

(a) Any person who shall, in connection with absentee voting in any primary, general, municipal or special election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

(1) For any person except the voter's near relative ~~as defined in G.S. 163-227(e)(4)~~ or the voter's verifiable legal guardian to assist the voter to vote an absentee ballot when the voter is voting an absentee ballot other than under the procedure described in G.S. 163-227.2; provided that if there is not a near relative or legal

- 1 guardian available to assist the voter, the voter may request some
2 other person to give assistance;
- 3 (2) For any person to assist a voter to vote an absentee ballot under
4 the absentee voting procedure authorized by G.S. 163-227.2 except
5 a member of the county board of elections, the director of
6 elections, an employee of the board authorized by the board, the
7 voter's near relative ~~as defined in G.S. 163-227(e)(4)~~, or the voter's
8 verifiable legal guardian;
- 9 (3) For a voter who votes an absentee ballot under the procedures
10 authorized by G.S. 163-227.2 to vote ~~his~~ that voter's absentee
11 ballot outside of the voting booth or private room provided to ~~him~~
12 the voter for that purpose in or adjacent to the office of the county
13 board of elections or at the additional site provided by G.S. 163-
14 227.2(f1), or to receive assistance in getting to and from the voting
15 booth or private room and in preparing and marking ~~his~~ that
16 voter's ballots from any person other than a member of the county
17 board of elections, the director of elections, an employee of the
18 board of elections authorized by the board, a near relative of the
19 voter ~~as defined in G.S. 163-227(e)(4)~~, or the voter's verifiable
20 legal guardian;
- 21 (4) For any owner, manager, director, employee, or other person,
22 other than the voter's near relative ~~as defined in G.S. 163-227(e)(4)~~
23 or verifiable legal guardian, to make a written request pursuant to
24 G.S. 163-230.1 or an application on behalf of a registered voter
25 who is a patient in any hospital, clinic, nursing home or rest home
26 in this State or for any owner, manager, director, employee, or
27 other person other than the voter's near relative or verifiable legal
28 guardian, ~~or officer authorized to administer oaths acting pursuant~~
29 ~~to G.S. 163-231(a)(1)~~, to mark the voter's absentee ballot or assist
30 such a voter in marking an absentee ballot;
- 31 (5) Repealed by Session Laws 1987, c. 583, s. 8.
- 32 (6) For any person to take into ~~his~~ that person's possession for
33 delivery to a voter or for return to a county board of elections the
34 absentee ballot of any voter, provided, however, that this
35 prohibition shall not apply to a voter's near relative ~~as defined in~~
36 ~~G.S. 163-227(e)(4)~~ or the voter's verifiable legal guardian;
- 37 (7) Except as provided in subsections (1), (2), (3), and (4) of this
38 section, G.S. 163-231(a), G.S. 163-250(a), and G.S. 163-227.2(e),
39 for any voter to permit another person to assist ~~him~~ the voter in
40 marking ~~his~~ that voter's absentee ballot, to be in the voter's
41 presence when a voter votes an absentee ballot, or to observe the
42 voter mark ~~his~~ that voter's absentee ballot.
- 43 (b) The State Board of Elections or a county board of elections, upon receipt of a
44 sworn affidavit from any qualified voter of the State or the county, as the case may

1 be, attesting to first-person knowledge of any violation of subsection (a) of this
2 section, shall transmit ~~such~~ that affidavit to the appropriate district attorney, who
3 shall investigate and prosecute any person violating subsection (a)."

4 Section 4. G.S. 163-227 is repealed.

5 Section 5. G.S. 163-227.1 reads as rewritten:

6 "**§ 163-227.1. Second primary; applications for absentee ballots for voting in second**
7 **primary.**

8 A voter applying for an absentee ballot for a primary election who will be ~~absent~~
9 ~~from the county of his residence~~ eligible to vote under this Article on the day of the
10 primary and second primary shall be permitted by the county board of elections to
11 indicate ~~such~~ that fact on ~~his~~ that voter's application and ~~such~~ that voter shall
12 automatically be issued an application and absentee ballot for the second primary if
13 one is called. The county board of elections shall consider ~~such~~ that indication a
14 separate request for application for the second primary and, at the proper time, shall
15 enter ~~such~~ that voter's name in the absentee register along with the listing of other
16 applicants for absentee ballots for the second primary.

17 In addition, a voter entitled to absentee ballots under the provisions of this Article
18 who did not make application for the primary or who failed to apply for a second
19 primary ballot at the time of application for a first primary ballot may ~~apply for~~ make
20 a written request for absentee ballots for a second primary not earlier than the day a
21 second primary is called and not later than ~~5:00 P.M. on the Tuesday prior to the~~
22 ~~date on which the second primary is held.~~ the date and time provided by G.S. 163-
23 230.1.

24 All procedures with respect to absentee ballots in a second primary shall be the
25 same as with respect to absentee ballots in a first primary except as otherwise
26 provided by this section."

27 Section 6. G.S. 163-227.2 reads as rewritten:

28 "**§ 163-227.2. Alternate procedures for requesting application for absentee ballot;**
29 **'one-stop' voting procedure in board office.**

30 (a) A person expecting ~~to be absent from the county~~ not to be present at the
31 polling place in which he that person is registered during the entire period that the
32 polls are open on the day of an election in which absentee ballots are authorized ~~or is~~
33 ~~eligible under G.S. 163-226(a)(2), 163-226(a)(3a), or 163-226(a)(4)~~ may request an
34 application for absentee ballots, complete the application, ~~receive the absentee~~
35 ~~ballots, vote and deliver them sealed in a container return envelope to the county~~
36 ~~board of elections in the county in which he is registered~~ and vote under the
37 provisions of this section.

38 (b) Not earlier than the ~~twenty-fourth day~~ first business day after the twenty-fifth
39 day before an election, in which absentee ballots are authorized, in which ~~he~~ a voter
40 seeks to vote and not later than 5:00 P.M. on the Friday prior to that election, the
41 voter shall appear in person only at the office of the county board of elections and
42 request that the chairman, a member, or the director of elections of the board, or an
43 employee of the board of elections, authorized by the board, furnish ~~him~~ the voter
44 with an application form as specified in G.S. ~~163-227.~~ 163-229. The voter shall

1 complete the application in the presence of the chairman, member, director of
2 elections or authorized employee of the board, and shall deliver the application to
3 that person.

4 (c) If the application is properly filled out, the chairman, member, director of
5 elections of the board, or employee of the board of elections, authorized by the
6 board, shall enter the voter's name in the register of absentee ~~ballot requests,~~
7 applications, and ballots issued; shall furnish the voter with the instruction sheets
8 called for by G.S. 163-229(c); and shall furnish the voter with the ballots to which the
9 application for absentee ballots applies; and shall furnish the voter with a
10 container return envelope. applies. The voter thereupon shall ~~comply with the~~
11 ~~provisions of G.S. 163-231(a) except that he shall deliver the container return~~
12 ~~envelope to the chairman, member, supervisor of elections of the board, or an~~
13 ~~employee of the board of elections, authorized by the board, immediately after~~
14 ~~making and subscribing the certificate printed on the container return envelope as~~
15 ~~provided in G.S. 163-229(b).~~ vote in accordance with subsection (e) of this section.

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

24 (d) Only the chairman, ~~member~~ member, employee, or director of elections of the
25 board shall keep the voter's application for absentee ballots ~~and the sealed~~
26 ~~container return envelope~~ in a safe place, separate and apart from other applications
27 and container return envelopes. ~~At the first meeting of the board pursuant to G.S.~~
28 ~~163-230(2) held after receipt of the application and envelope, the chairman shall~~
29 ~~comply with the requirements of G.S. 163-230(1) and G.S. 163-230(2) b. and c. If the~~
30 ~~voter's application for absentee ballots is approved by the board at that meeting, the~~
31 ~~application form and container return envelope, with the ballots enclosed, shall be~~
32 ~~handled in the same manner and under the same provisions of law as applications~~
33 ~~and container return envelopes received by the board under other provisions of this~~
34 ~~Article.~~ If the voter's application for absentee ballots is disapproved by the board, the
35 board shall so notify the voter stating the reason for disapproval by first-class mail
36 addressed to the voter at his that voter's residence address ~~or~~ and at the address
37 shown in the application for absentee ballots; and the board ~~chairman~~ shall ~~retain the~~
38 ~~container return envelope in its unopened condition until the day of the primary or~~
39 ~~election to which it relates and on that day he shall destroy the container return~~
40 ~~envelope and the ballots therein, without, however, revealing the manner in which~~
41 ~~the voter marked the ballots.~~ enter a challenge under G.S. 163-89.

42 (e) The voter shall vote ~~his~~ that voter's absentee ballot in a voting booth in the
43 office of the county board of elections, and the county board of elections shall
44 provide a voting booth for that purpose, provided however, that the county board of

1 elections may in the alternative provide a private room for the voter adjacent to the
2 office of the board, in which case the voter shall vote ~~his~~ that voter's absentee ballot
3 in that room. ~~The voting booth shall be in the office of the county board of elections.~~
4 If the voter needs assistance in getting to and from the voting booth and in preparing
5 and marking ~~his~~ that voter's ballots or if ~~he~~ the voter is a blind voter, only a member
6 of the county board of elections, the director of elections, an employee of the board
7 of elections authorized by the board, a near relative of the voter ~~as defined in G.S.~~
8 ~~163-227(e)(4),~~ or the voter's verifiable legal guardian shall be entitled to assist the
9 voter. The ballot shall be a paper ballot or a voting system in which a paper ballot is
10 counted by computer or mechanical device. The ballot in any case shall have the
11 ballot number on it in accordance with G.S. 163-230.1(a2)(1). After the voter casts
12 the ballot, the voter shall deposit the ballot in the ballot box or voting system in the
13 same manner as if that box or system was in use in a precinct on election day. At the
14 end of each business day, or at any time when there will be no employee or officer of
15 the board of elections on the premises, the ballot box or system shall be secured in
16 accordance with rules approved by the State Board of Elections, which shall include
17 verifying that no additional ballots have been placed in the box or system. If a direct
18 record electronic voting system with retrievable ballots is approved by the State
19 Board of Elections, it may be used for ballots cast under this section under rules
20 approved by the State Board of Elections.

21 (f) Notwithstanding the exception specified in G.S. 163-36, counties which operate
22 a modified full-time office shall remain open five days each week during regular
23 business hours consistent with daily hours presently observed by the county board of
24 elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing
25 until 5:00 P.M. on the Friday prior to that election or primary. The boards of county
26 commissioners shall provide necessary funds for the additional operation of the office
27 during ~~such~~ that time.

28 (f1) Notwithstanding any other provision of this section, a county board of
29 elections may provide for one or more sites in that county for absentee ballots to be
30 applied for and cast under this section. Those sites must be approved by the State
31 Board of Elections as part of a Plan for Implementation approved by both the county
32 board of elections and by the State Board of Elections which shall also provide
33 adequate security of the ballots and provisions to avoid allowing persons to vote who
34 have already voted."

35 Section 7. G.S. 163-228 reads as rewritten:

36 "**§ 163-228. Register of absentee ballot requests, applications, and ballots issued; a**
37 **public record.**

38 The State Board of Elections shall ~~design~~ approve an official register ~~and provide a~~
39 ~~source of supply thereof from in which the chairman of the county board of elections~~
40 in each county of the State shall ~~purchase a book to be called the register of absentee~~
41 ~~ballot applications and ballots issued in which shall be recorded~~ record the following
42 information:

- 43 (1) Name of voter for whom application and ballots are being
44 requested, and, if applicable, the name and address of the voter's

- 1 near relative or verifiable legal guardian who requested the
2 application and ballots for the voter.
3 (2) Number of assigned voter's application when issued.
4 (3) Precinct in which applicant is registered.
5 (4) Address to which ballots are to be mailed, or, if the voter voted
6 pursuant to G.S. 163-227.2, a notation of that fact.
7 (5) Reason assigned for requesting absentee ballots.
8 (6) Date request for application for ballots is received by the county
9 board of elections.
10 (7) The voter's party affiliation.
11 (8) The date the ballots were mailed or delivered to the voter.
12 (9) ~~whatever~~ Whatever additional information and official action may
13 be required by this Article.

14 The State Board of Elections may provide for the register to be kept by electronic
15 data processing equipment, and a copy shall be printed out each business day, or a
16 supplement printed out each business day of new information.

17 The register of absentee ~~ballot~~ requests, applications, and ballots issued shall
18 constitute a public record and shall be opened to the inspection of any registered
19 voter of the county at any time within 50 days before and 30 days after an election in
20 which absentee ballots were authorized, or at any other time when good and
21 sufficient reason may be assigned for its inspection."

22 Section 8. G.S. 163-229 reads as rewritten:

23 "**§ 163-229. Absentee ballots, applications on container-return envelopes, and**
24 **instruction sheets.**

25 (a) Absentee Ballot Form. -- In accordance with the provisions of G.S. ~~163-230(3),~~
26 ~~163-230.1,~~ persons entitled to vote by absentee ballot shall be furnished with ~~regular~~
27 ~~official ballots. Separate or distinctly marked absentee ballots shall not be used.~~

28 (b) Application on Container-Return Envelope. -- In time for use not later than 50
29 days before a statewide primary, general election or county bond election, the county
30 board of elections shall print a sufficient number of envelopes in which persons
31 casting absentee ballots may transmit their marked ballots to the ~~chairman of the~~
32 county board of elections. Each container-return envelope shall have printed on it an
33 application which shall be designed and prescribed by the State Board of Elections,
34 the voter's certification of eligibility to vote the enclosed ballot and of having voted
35 the enclosed ballot in accordance with this Article, a space for identification of the
36 envelope with the voter, and a space for approval by the county board of elections.
37 The envelope shall allow reporting of a change of name as provided by G.S. 163-
38 82.16. The container-return envelope shall be printed in accordance with the
39 following instructions: instructions of the State Board of Elections.

40 (1) ~~On one side shall be printed an identified space in which shall be~~
41 ~~inserted the application number of the voter and the following~~
42 ~~statement which shall be certified by one member of the county~~
43 ~~board of elections:~~
44

~~"Certification of Election Official"~~

~~The undersigned election official does by his hand and seal certify that..... is a registered and qualified voter of County, Precinct # and has made proper application to vote under the Absentee Ballot Law of North Carolina.~~

.....(Seal)

Chairman Member"

- (2) ~~On the other side shall be printed the return address of the chairman of the county board of elections and the following certificate:~~

~~"Certificate of Absentee or Sick Voter"~~

State of.....

County of.....

I, ..., do certify that I am a resident and registered voter in precinct, ... County, North Carolina; that on the day of an election, ..., ... (check whichever of the following statements is correct.)

☐ I will be absent from the county in which I reside.

☐ Due to sickness or physical disability, or incarceration as a misdemeanant, I will be unable to travel to the voting place in the precinct in which I reside.

☐ Due to the observance of a religious holiday pursuant to the tenets of my religion, I will be unable to cast a ballot at the polling place on the day of the election.

I further certify that I made application for absentee ballots, and that I marked the ballots enclosed herein, or that they were marked for me in my presence and according to my instructions. I understand it is a felony to falsely sign this certificate.

.....
(Signature of voter)

.....
Signature of Witness #1

.....
Signature of Witness #2

.....
Address of Witness #1

.....
Address of Witness #2"

(c) Instruction Sheets. -- In time for use not later than 50 days before a statewide primary, general or county bond election, the county board of elections shall prepare and print a sufficient number of sheets of instructions on how voters are to prepare absentee ballots and return them to the chairman of the county board of elections."

Section 9. G.S. 163-230 is repealed.

Section 10. G.S. 163-230.1 reads as rewritten:

1 "§ 163-230.1. Simultaneous issuance of absentee ballots with application.

2 (a) ~~When a~~ A qualified voter personally requests by mail who is eligible to vote
3 by absentee ballot under G.S. 163-226(a)(1), or that voter's near relative or verifiable
4 legal guardian, shall request in writing an application for absentee ballots, so that the
5 county board of elections receives the request not later than 5:00 p.m. on the Tuesday
6 before the election, an application for absentee ballots, The county board of
7 elections shall enter in the register of absentee requests, applications, and ballots
8 issued the information required in G.S. 163-228 as soon as each item of that
9 information becomes available. Upon receiving the application, the county board of
10 elections shall cause to be mailed to that voter in a single package:

- 11 (1) ~~The official ballots the voter is entitled to vote if his application is~~
12 ~~approved; vote;~~
13 (2) ~~A container-return envelope for the ballots, upon the outside of~~
14 ~~which shall be printed the appropriate application form as~~
15 ~~provided in G.S. 163-227; printed in accordance with G.S. 163-229;~~
16 ~~and~~
17 (3) ~~A large envelope (similar to a No. 14 or larger manila envelope) in~~
18 ~~which the container-return envelope with the ballots may be~~
19 ~~returned and on which the affidavit provided by G.S. 163-229(b)~~
20 ~~shall be printed; and~~
21 (4) ~~An instruction sheet.~~

22 ~~The ballots, envelopes envelope, and instructions shall be mailed to the voter by~~
23 ~~the county board's chairman, secretary or director chairman, member, officer, or~~
24 ~~employee as determined by the board and entered in its official minutes. the register~~
25 ~~as provided by this Article.~~

26 ~~On the back of the large transmittal envelope shall be clearly printed or stamped~~
27 ~~the following statement:~~

28 ~~DO NOT PLACE THE ENVELOPE CONTAINING YOUR BALLOTS INTO~~
29 ~~THIS ENVELOPE UNTIL YOU HAVE COMPLETED THE APPLICATION ON~~
30 ~~THE ENVELOPE CONTAINING YOUR BALLOTS AND SECURED THE~~
31 ~~SIGNATURE OF A WITNESS.~~

32 (a1) Absence for Sickness or Physical Disability. -- Notwithstanding the provisions
33 of subsection (a) of this section, if a voter expects to be unable to go to the voting
34 place to vote in person on election day because of that voter's sickness or other
35 physical disability, that voter or that voter's near relative or verifiable legal guardian
36 may make written request in person for absentee ballots to the board of elections of
37 the county in which the voter is registered after 5:00 p.m. on the Tuesday before the
38 election but not later than 5:00 p.m. on the Friday before the election. The county
39 board of elections shall enter in the register of absentee requests, applications, and
40 ballots issued the information required in G.S. 163-228 as soon as each item of that
41 information becomes available. The county board of elections shall personally deliver
42 to the requester in a single package:

- 43 (1) The official ballots the voter is entitled to vote;

(2) A container-return envelope for the ballots, printed in accordance with G.S. 163-229; and

(3) An instruction sheet.

(a2) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. -- When the county board of elections receives a request for applications and absentee ballots, the board shall promptly issue and transmit them to the voter in accordance with the following instructions:

(1) On the top margin of each ballot the applicant is entitled to vote, the chair, a member, officer, or employee of the board of elections shall write or type the words 'Absentee Ballot No.' or an abbreviation approved by the State Board of Elections and insert in the blank space the number assigned the applicant's application in the register of absentee requests, applications, and ballots issued. That person shall not write, type, or print any other matter upon the ballots transmitted to the absentee voter. Alternatively, the board of elections may cause to be barcoded on the ballot the voter's application number, if that barcoding system is approved by the State Board of Elections.

(2) The chair, member, officer, or employee of the board of elections shall fold and place the ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, in accordance with the terms of G.S. 163-229(b), the absentee voter's name, the absentee voter's application number, and the designation of the precinct in which the voter is registered. If the ballot is barcoded under this section, the envelope may be barcoded rather than having the actual number appear. The person placing the ballots in the envelopes shall leave the container-return envelope holding the ballots unsealed.

(3) The chair, member, officer, or employee of the board of elections shall then place the unsealed container-return envelope holding the ballots together with printed instructions for voting and returning the ballots, in an envelope addressed to the voter at the post office address stated in the request, seal the envelope, and mail it at the expense of the county board of elections, or deliver it to the voter in person: Provided, that in case of a request received after 5:00 p.m. on the Tuesday before the election under the provisions of subsection (a1) of this section, in lieu of transmitting the ballots to the voter in person or by mail, the chair, member, officer, or employee of the board of elections may deliver the sealed envelope containing the instruction sheet and the container-return envelope holding the ballots to a near relative or verifiable legal guardian of the voter.

1 The county board of elections may receive written requests for applications earlier
2 than 50 days prior to the election but shall not mail applications and ballots to the
3 voter or issue applications and ballots in person earlier than 50 days prior to the
4 election, except as provided in G.S. 163-227.2. No election official shall issue
5 applications for absentee ballots except in compliance with this Article.

6 (b) ~~The application shall be completed, completed and signed by the voter~~
7 ~~personally, the ballots marked, the ballots sealed in the container-return envelope,~~
8 ~~and the large envelope affidavit certificate completed as provided in G.S. 163-227 and~~
9 ~~G.S. 163-231. The container-return envelope shall be placed in the large transmittal~~
10 ~~envelope for return to the chairman of the county board of elections.~~

11 (c) At its next official meeting after return of the completed container-return
12 envelope ~~and large envelope~~ with the voter's ballots, the county board of elections
13 shall determine whether the container-return envelope ~~and large envelope~~ have has
14 been properly executed. If the board determines that ~~both~~ the container-return
15 envelope ~~and large envelope~~ have has been properly executed, it shall approve the
16 application and deposit the container-return envelope with other container-return
17 envelopes for the envelope to be opened and the ballots counted at the same time as
18 all other container-return envelopes and absentee ballots.

19 (c1) Required Meeting of County Board of Elections. -- During the period
20 commencing on the third Tuesday before an election, in which absentee ballots are
21 authorized, the county board of elections shall hold one or more public meetings
22 each Tuesday at 5:00 p.m. for the purpose of action on applications for absentee
23 ballots. At these meetings, the county board of elections shall pass upon applications
24 for absentee ballots.

25 If the county board of elections changes the time of holding its meetings or
26 provides for additional meetings in accordance with the terms of this subsection,
27 notice of the change in hour and notice of the schedule of additional meetings, if any,
28 shall be published in a newspaper circulated in the county at least 30 days prior to
29 the election.

30 At the time the county board of elections makes its decision on an application for
31 absentee ballots, the board shall enter in the appropriate column in the register of
32 absentee requests, applications, and ballots issued opposite the name of the applicant
33 a notation of whether the applicant's application was 'Approved' or 'Disapproved'.

34 The decision of the board on the validity of an application for absentee ballots
35 shall be final subject only to such review as may be necessary in the event of an
36 election contest. The county board of elections shall constitute the proper official
37 body to pass upon the validity of all applications for absentee ballots received in the
38 county; this function shall not be performed by the chairman or any other member of
39 the board individually.

40 (d) ~~The provisions of this section shall apply only to requests received by mail~~
41 ~~from and signed by the voter individually and personally. No near relative, guardian,~~
42 ~~or other person other than the voter himself shall be permitted to apply for absentee~~
43 ~~ballots under this section.~~

1 (e) The State Board of Elections, by ~~regulation~~ rule or by instruction to the
2 county board of elections, shall establish procedures to provide appropriate
3 safeguards in the implementation of this section.

4 (f) For the purpose of this Article, 'near relative' means spouse, brother, sister,
5 parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law,
6 son-in-law, stepparent, or stepchild."

7 Section 11. G.S. 163-231 reads as rewritten:

8 "**§ 163-231. Voting absentee ballots and transmitting them to ~~chairman~~ of the county**
9 **board of elections.**

10 (a) Procedure for Voting Absentee Ballots. -- In the presence of two other persons
11 who are at least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4)
12 or G.S. 163-274(5a), the voter shall:

- 13 (1) Mark ~~his~~ the voter's ballots, or cause them to be marked by one of
14 such persons in ~~his~~ the voter's presence according to ~~his~~ the voter's
15 instruction;
- 16 (2) Fold each ballot separately, or cause each of them to be folded in
17 ~~his~~ the voter's presence;
- 18 (3) Place the folded ballots in the container-return envelope and
19 securely seal it, or have this done in ~~his~~ the voter's presence;
- 20 (4) Make the application printed on the container-return envelope
21 according to the provisions of G.S. 163-229(b) and make the
22 certificate printed on the container-return envelope according to
23 the provisions of G.S. 163-229(b).

24 The persons in whose presence the ballot is marked shall at all times respect the
25 secrecy of the ballot and the privacy of the absentee voter, unless the voter requests
26 their assistance and they are otherwise authorized by law to give assistance. The
27 persons in whose presence the ballot was marked shall sign the application and
28 certificate as witnesses, and shall indicate their address. When thus executed, the
29 sealed container-return envelope, with the ballots enclosed, shall be transmitted in
30 accordance with the provisions of subsection (b) of this section to the ~~chairman~~ of the
31 county board of elections ~~who~~ which issued the ballots.

32 (a1) Repealed by Session Laws 1987, c. 583, s. 1.

33 (b) Transmitting Executed Absentee Ballots to ~~Chairman~~ of County Board of
34 Elections. -- The sealed container-return envelope in which executed absentee ballots
35 have been placed shall be transmitted to the ~~chairman~~ of the county board of
36 elections who issued them as follows: All ballots issued under the provisions of
37 Articles 20 and 21 of this Chapter shall be transmitted by ~~mail~~, mail or by
38 commercial courier service, at the voter's expense, or delivered in person, or by the
39 voter's ~~spouse, brother, sister, parent, grandparent, child or grandchild~~ near relative
40 or verifiable legal guardian not later than 5:00 P.M. on the day before the statewide
41 primary or general election or county bond 7:30 p.m. on the day of the election. If
42 such ballots are received later than that hour, they shall not be accepted for voting."

43 Section 12. G.S. 163-232 reads as rewritten:

44 "**§ 163-232. Certified list of executed absentee ballots; distribution of list.**

1 (a) ~~The chairman of the~~ county board of elections shall prepare, or cause to be
2 prepared, a list in at least quadruplicate, of all absentee ballots returned to the county
3 board of elections to be counted, which have been approved by the county board of
4 ~~elections. elections, and which have been received as of 5:00 p.m. on the day before~~
5 the election. At the end of the list, the chairman shall execute the following
6 certificate under oath:

7 'State of North Carolina

8 County of

9 I, ..., chairman of the County board of elections, do hereby
10 certify that the foregoing is a list of all executed absentee ballots to be
11 voted in the election to be conducted on the day of, 19,
12 which have been approved by the county board of ~~elections. elections and~~
13 which have been returned no later than 5:00 p.m. on the day before the
14 election. I further certify that I have issued ballots to no other persons than
15 ~~those listed herein, whose original applications or original applications~~
16 ~~made by near relatives are filed in the office of the county board of~~
17 ~~elections; and I further certify that I have~~ the chairman, member, officer,
18 or employee of the board of elections has not delivered ballots for absentee
19 voting to any person other than the voter himself, voter, by mail or by
20 commercial courier service or in person, except as provided by law, in the
21 case of approved applications received after 5:00 P.M. on the Tuesday or
22 Friday before the election. and have not mailed or delivered ballots when
23 the request for the ballot was received after the deadline provided by law.

24 This the day of, 19.....

25
26 (Signature of chairman of county board of elections)

27 Sworn to and subscribed before me this day of, 19 Witness
28 my hand and official seal.

29
30 (Signature of officer administering oath)

31
32 (Title of officer)'

33 No ~~earlier than 3:00 P.M. on the day before the election and no~~ later than 10:00
34 A.M. on election day, the ~~chairman~~ county board of elections shall cause one copy of
35 the list of executed absentee ballots, which may be a continuing countywide list or a
36 separate list for each precinct, to be immediately deposited as 'first-class' mail to the
37 State Board of Elections. ~~He~~ The board shall retain one copy in the board office for
38 public inspection and ~~he~~ the board shall cause two copies of the appropriate precinct
39 list to be delivered to the chief judge of each precinct in the county. The ~~chairman~~
40 county board of elections shall be authorized to call upon the sheriff of the county to
41 distribute the list to the precincts. In addition the ~~chairman~~ county board of elections
42 shall, upon request, provide a copy of the complete list to the chairman of each
43 political party, recognized under the provisions of G.S. 163-96, represented in the
44 county.

1 The chief judge shall post one copy of the list immediately in a conspicuous
2 location in the voting place and retain one copy until all challenges of absentee
3 ballots have been heard by the county board of elections. Challenges shall be made
4 to absentee ballots as provided in G.S. 163-89.

5 After receipt of the list of absentee voters required by this section the chief judge
6 shall call the name of each person recorded on the list and enter an 'A' in the
7 appropriate voting square on the voter's permanent registration ~~record~~ record, or a
8 similar entry on the computer list used at the polls. If such person is already
9 recorded as having voted in that election, the chief judge shall enter a challenge
10 which shall be presented to the ~~chairman of the~~ county board of elections for
11 resolution by the board of elections prior to certification of results by the board.

12 (b) The county board of elections shall prepare, or cause to be prepared, a list in
13 at least duplicate, of all absentee ballots returned to the county board of elections to
14 be counted, which have been approved by the county board of elections, and which
15 have been received after 5:00 p.m. on the day before the election but before 7:30 p.m.
16 on election day. At the end of the list, the chairman shall execute the following
17 certificate under oath:

18 'State of North Carolina

19 County of

20 I, ..., chairman of the County board of elections, do hereby
21 certify that the foregoing is a list of all executed absentee ballots to be
22 voted in the election to be conducted on the day of, ..., which
23 have been approved by the county board of elections and which have been
24 returned after 5:00 p.m. on the day before the election but before 7:30 p.m.
25 on election day, and I further certify that the chairman, member, officer, or
26 employee of the board of elections has not delivered ballots for absentee
27 voting to any person other than the voter, by mail or in person, except as
28 provided by law, and have not mailed or delivered ballots when the
29 request for the ballot was received after the deadline provided by law.

30 This the day of, ...

31

32 (Signature of chairman of county board of elections)

33 Sworn to and subscribed before me this day of, ... Witness my
34 hand and official seal.

35

36 (Signature of officer administering oath)

37

38 (Title of officer)'

39 No later than 10:00 p.m. on election day, the county board of elections shall cause
40 one copy of the list of executed absentee ballots, which may be a continuing
41 countywide list or a separate list for each precinct, to be immediately deposited as
42 'first-class' mail to the State Board of Elections. The board shall retain one copy in
43 the board office for public inspection. In addition the county board of elections shall,
44 upon request, provide a copy of the complete list to the chairman of each political

1 party, recognized under the provisions of G.S. 163-96, represented in the county.
2 Challenges shall be made to absentee ballots as provided in G.S. 163-89.

3 On or before the day of the canvass by the county board of elections, a member or
4 employee of the board of elections shall call the name of each person recorded on
5 the list and enter an 'A' in the appropriate voting square on the voter's permanent
6 registration record. If that person is already recorded as having voted in that election,
7 the director of elections shall enter a challenge which shall be presented to the
8 county board of elections for resolution by the board of elections prior to certification
9 of results by the board.

10 (c) All lists required by this section shall be retained by the county board of
11 elections for a period of ~~four years~~ 22 months after which they may then be
12 destroyed."

13 Section 13. G.S. 163-233 reads as rewritten:

14 "§ 163-233. Applications for absentee ballots; how retained.

15 The ~~chairman of the~~ county board of elections shall retain, in a safe place, the
16 original of all applications made for absentee ballots and shall make them available to
17 inspection by the State Board of Elections or to any person upon the directive of the
18 State Board of Elections.

19 All applications for absentee ballots shall be retained by the county board of
20 elections for a period of one year after which they may be destroyed."

21 Section 14. G.S. 163-234 reads as rewritten:

22 "§ 163-234. Counting absentee ballots by county board of elections.

23 All absentee ballots returned to the ~~chairman or supervisor of elections of the~~
24 county board of elections in the container-return envelopes shall be retained by the
25 ~~chairman~~ board to be counted by the county board of elections as herein provided.

26 (1) Only those absentee ballots returned to the county board of
27 elections no later than ~~5:00 P.M.~~ 7:30 p.m. on the ~~day before~~
28 election day in a properly executed container-return envelope shall
29 be counted.

30 (2) The county board of elections shall meet at 5:00 P.M. on election
31 day in the board office or other public location in the county
32 courthouse for the purpose of counting all absentee ballots except
33 those which have been challenged before 5:00 P.M. on election
34 day. Any elector of the county shall be permitted to attend the
35 meeting and allowed to observe the counting process, provided ~~he~~
36 the elector shall not in any manner interfere with the election
37 officials in the discharge of their duties.

38 Provided, that the county board of elections is authorized to
39 begin counting absentee ballots between the hours of 2:00 P.M. and
40 5:00 P.M. upon the adoption of a resolution at least two weeks
41 prior to the election wherein the hour and place of counting
42 absentee ballots shall be stated. A copy of the resolutions shall be
43 published once a week for two weeks prior to the election, in a
44 newspaper having general circulation in the county. Notice may

1 additionally be made on a radio or television station or both, but
2 such notice shall be in addition to the newspaper and other
3 required notice. The count shall be continuous until completed
4 and the members shall not separate or leave the counting place
5 except for unavoidable ~~necessity~~. necessity, except that if the count
6 has been completed prior to the time the polls close, it shall be
7 suspended until that time pending receipt of any additional ballots,
8 and except that one-stop ballots under G.S. 163-227.2 counted
9 electronically shall not be counted until the polls close; provided,
10 however, that if there are outstack ballots in the counting device,
11 they may be counted at the same time as other ballots are counted
12 under this subdivision. The county board of elections may begin
13 putting them in the tabulator at the same time as other ballots are
14 counted under this subdivision if the system for counting one-stop
15 ballots requires them to be put in a tabulator but the process has
16 the voter place them in a ballot box. The board shall not
17 announce the result of the count before 7:30 P.M.

18 (3) The counting of absentee ballots shall not commence until a
19 majority and at least one board member of each political party
20 represented on the board is present and ~~such~~ that fact is publicly
21 declared and entered in the official minutes of the county board.

22 (4) The county board of elections may employ such assistants as
23 deemed necessary to count the absentee ballots, but each board
24 member present shall be responsible for and observe and supervise
25 the opening and tallying of the ballots.

26 (5) As each ballot envelope is opened, the board shall cause to be
27 entered into a pollbook designated 'Pollbook of Absentee Voters'
28 the name of the absentee ~~voter~~. voter, or if the pollbook is
29 computer-generated, the board shall check off the name.
30 Preserving secrecy, the ballots shall be placed in the appropriate
31 ballot boxes, at least one of which shall be provided for each type
32 of ballot. The 'Pollbook of Absentee Voters' shall also contain the
33 names of all persons who voted under G.S. 163-227.2, but those
34 names may be printed by computer for inclusion in the pollbook.

35 After all ballots have been placed in the boxes, the counting
36 process shall begin.

37 If one-stop ballots under G.S. 163-227.2 are counted
38 electronically, that count shall commence at the time the polls
39 close. If one-stop ballots are paper ballots counted manually, that
40 count shall commence at the same time as other absentee ballots
41 are counted.

42 If a challenge transmitted to the board on canvass day by a
43 chief judge is sustained, the ballots challenged and sustained shall

1 be withdrawn from the appropriate boxes, as provided in G.S.
2 163-89(e).

3 As soon as the absentee ballots have been counted and the
4 names of the absentee voters entered in the pollbook as required
5 herein, the board members and assistants employed to count the
6 absentee ballots shall each sign the pollbook immediately beneath
7 the last absentee voter's name entered therein. The ~~chairman~~
8 county board of elections shall be responsible for the safekeeping
9 of the pollbook of absentee voters.

10 (6) Upon completion of the counting process the board members shall
11 cause the results of the tally to be entered on the absentee abstract
12 prescribed by the State Board of Elections. The abstract shall be
13 signed by the members of the board in attendance and the original
14 mailed immediately to the State Board of Elections, ~~Raleigh, North~~
15 ~~Carolina 27602.~~ Elections. The county board of elections may have
16 a separate count on the abstract for one-stop absentee ballots under
17 G.S. 163-227.2.

18 (7) One copy of the absentee abstract shall be retained by the county
19 board of elections and the totals appearing thereon shall be added
20 to the final totals of all votes cast in the county for each office as
21 determined on the official canvass.

22 (8) In the event a political party does not have a member of the
23 county board of elections present at the ~~5:00 P.M.~~ meeting to count
24 absentee ballots due to illness or other cause of the member, the
25 counting shall not commence until the county party chairman of
26 said absent member, or a member of the party's county executive
27 committee, is in attendance. Such person shall act as an official
28 witness to the counting and shall sign the absentee ballot abstract
29 as an 'observer.'

30 (9) The county board of elections shall retain all container-return
31 envelopes and absentee ballots, in a safe place, for at least four
32 months, and longer if any contest is pending concerning the
33 validity of any ballot."

34 Section 15. G.S. 163-236 reads as rewritten:

35 "§ 163-236. Violations by ~~chairman of~~ county board of elections.

36 The ~~chairman of the~~ county board of elections shall be sole custodian of blank
37 applications for absentee ballots, official ballots, and container-return envelopes for
38 absentee ballots. ~~He~~ The board shall issue and deliver blank applications for absentee
39 ballots in strict accordance with the provisions of G.S. ~~163-227(e).~~ 163-230.1. The
40 issuance of ballots to persons whose ~~applications~~ requests for absentee ballots have
41 been ~~approved~~ received by the county board of elections under the provisions of G.S.
42 ~~163-230(3)~~ 163-230.1 is the responsibility and duty of the ~~chairman of the~~ county
43 board of elections.

1 It shall be the duty of the ~~chairman of the~~ county board of elections to keep
2 current all records required ~~of him~~ by this Article and to make promptly all reports
3 required ~~of him~~ by this Article. If that duty has been assigned to the chair, member,
4 officer, or employee of the board of elections, they shall carry out the duty.

5 The willful violation of this section shall constitute a Class 2 misdemeanor."

6 Section 16. G.S. 163-82.7(g)(2) reads as rewritten:

7 "(2) If the Postal Service has returned as undeliverable a notice sent
8 within 25 days before the election to the applicant under
9 subsection (c) of this section, then the applicant may vote only in
10 person in that first election and may not vote by ~~mailed~~ absentee
11 ~~ballot.~~ ballot except in person under G.S. 163-227.2. The county
12 board of elections shall establish a procedure at the voting site for:
13 a. Obtaining the correct address of any person described in
14 this subdivision who appears to vote in person; and
15 b. Assuring that the person votes in the proper place and in
16 the proper contests.

17 If a notice mailed under subsection (c) or subsection (e) of this
18 section is returned as undeliverable after a person has already
19 voted by absentee ballot, then that person's ballot may be
20 challenged in accordance with G.S. 163-89."

21 Section 17. G.S. 163-137(b) reads as rewritten:

22 "(b) The ballots prepared for use in general and special elections under the
23 provisions of this Article by the State Board of Elections shall be printed and
24 delivered to the county boards of elections at least ~~60~~ 50 days prior to the date of any
25 ~~election in which absentee voting is permitted and at least 60 days prior to the date of~~
26 ~~any election in which absentee voting is not permitted.~~ election."

27 Section 18. G.S. 163-155(4) reads as rewritten:

28 "(4) The affidavit executed by the voter shall be retained by the county
29 board of elections for a period of six months. In those precincts
30 using voting machines, the county board of elections shall furnish
31 paper ballots of each kind for use by persons authorized to vote
32 outside the voting place by this section. In any precinct using
33 direct record electronic voting equipment, the county board of
34 elections, with the approval of the State Board of Elections, may
35 provide for all such paper ballots to be transported upon closing of
36 the polls to the office of the county board of elections for counting.
37 Those ballots may be transported only by the chief judge, judge, or
38 assistant. Upon receipt by the county board of elections, those
39 ballots shall be counted and canvassed in the same manner as one-
40 stop ballots cast under G.S. 163-227.2, except that rather than the
41 count commencing when the polls close under G.S. 163-234(5) as
42 provided for one-stop ballots, the count shall commence when the
43 board has received from each precinct either that precinct's ballots
44 or notification that no such ballots were cast.

1 The total for ballots counted by the county board of
2 elections under this subdivision shall be canvassed as if it were a
3 separate precinct."

4 Section 19. G.S. 163-169(i) reads as rewritten:

5 "(i) Absentee Ballots. -- Absentee ballots shall be deposited and voted in
6 accordance with the provisions of G.S. 163-227.2 and G.S. 163-234; they shall be
7 counted and tabulated as provided in this section and G.S. 163-170."

8 Section 20. Article 21 is amended by adding a new section to read:

9 "**§ 163-257. Facsimile transmission of election materials.**

10 An applicant entitled to exercise the rights conferred by this Article may apply for
11 registration and an absentee ballot by facsimile if otherwise qualified to apply for and
12 vote by absentee ballot. A county board of elections may send and receive facsimile
13 absentee ballot applications and accept voted ballots by facsimile from eligible
14 electors as defined in G.S. 163-245."

15 Section 21. G.S. 163-274(5a) reads as rewritten:

16 "(5a) For any person to be a witness under G.S. 163-231(a) or G.S. 163-
17 250(a) in any primary or election in which the person is a
18 candidate for nomination or ~~election~~; election, unless the voter is
19 the candidate's near relative as defined in G.S. 163-230.1(f);"

20 Section 22. This act applies to elections held on or after January 1, 1998,
21 except that the State Board of Elections may issue rules required or permitted by this
22 act prior to that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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3

SENATE BILL 708
Judiciary Committee Substitute Adopted 4/22/97
Third Edition Engrossed 4/24/97

Short Title: Stand By Your Ad.

(Public)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE CERTAIN DISCLOSURES BY THE SPONSORS OF
3 POLITICAL ADVERTISEMENTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 22A of Chapter 163 of the General Statutes is amended
6 by adding a new Part to read:

7 "Part 1A. Disclosure Requirements for Media Advertisements.

8 "§ 163-278.39. Basic disclosure requirements for all political campaign advertisements.

9 (a) Basic Requirements. -- No advertisement in the print media or on radio or
10 television whose cost or value constitutes an expenditure or contribution required to
11 be disclosed under this Article shall be made by a sponsoring candidate, candidate
12 campaign committee, political party organization, political action committee,
13 referendum committee, or individual in a State or local campaign unless all the
14 following conditions are met:

15 (1) It bears the legend or includes the statement: 'Paid for by
16 [Name of candidate, candidate campaign committee,
17 political party organization, political action committee, referendum
18 committee, or individual].' In television advertisements, this
19 disclosure shall be made by visual legend.

20 (2) The name used in the labeling required in subdivision (1) of this
21 subsection is the name that appears on the statement of
22 organization as required in G.S. 163-278.7(b)(1).

(3) The sponsor states in the advertisement its position for or against the candidate, provided that this subdivision applies only if the media advertisement supports or opposes a specific candidate or candidates.

(4) The sponsor states in the advertisement its position for or against a ballot measure, provided that this subdivision applies only if the media advertisement is made for or against a ballot measure.

(5) In a print media advertisement supporting or opposing a specific candidate or candidates, the sponsor states whether it is authorized by a candidate. The visual legend in the advertisement shall state either 'Authorized by [name of candidate], candidate for [name of office]' or 'Not authorized by a candidate.' This subdivision does not apply if the sponsor of the advertisement is the candidate the advertisement supports or that candidate's campaign committee.

(b) Size Requirements. -- In a print media advertisement covered by subsection (a) of this section, all disclosure statements required by that subsection shall constitute at least ten percent (10%) of the space of the advertisement. If a single advertisement consists of multiple pages, folds, or faces, the requirement of the previous sentence applies only to one page, fold, or face. In a television advertisement covered by subsection (a) of this section, the visual disclosure legend shall constitute 32 scan lines in size.

(c) Misrepresentation of Authorization. -- Notwithstanding G.S. 163-278.27(a), any candidate, candidate campaign committee, political party organization, political action committee, referendum committee, or sponsoring individual making an advertisement in the print media or on radio or television bearing any legend required by subsection (a) of this section that misrepresents the sponsorship or authorization of the advertisement is guilty of a Class 1 misdemeanor.

"§ 163-278.39A. Disclosure requirements for television and radio advertisements supporting or opposing candidates.

(a) Expanded Disclosure Requirements. -- In addition to the basic disclosure requirements in G.S. 163-278.39, any political campaign advertisement on radio or television supporting or opposing a specific candidate or candidates shall comply with the expanded disclosure requirements set forth in this section.

(b) Disclosure Requirements for Television. --

(1) Candidate Advertisements on Television. -- Television advertisements purchased by a candidate or by a candidate campaign committee supporting or opposing a specific candidate or candidates shall include a disclosure statement spoken by the candidate and containing at least the following words: 'I am (or "This is...") [candidate's name], candidate for [name of office], and I (or "my campaign...") sponsored this ad.'

(2) Political Party Advertisements on Television. -- Television advertisements purchased by a political party organization supporting or opposing a specific candidate or candidates shall

1 include a disclosure statement spoken by the chair, executive
2 director, or treasurer of the political party organization and
3 containing at least the following words: 'The [name of political
4 party organization] sponsored this ad opposing/supporting [name of
5 candidate] for [name of office].' The disclosed name of the
6 political party organization shall include the name of the political
7 party as it appears on the ballot.

8 (3) Political Action Committee Advertisements on Television. --
9 Television advertisements purchased by a political action
10 committee supporting or opposing a specific candidate or
11 candidates shall include a disclosure statement spoken by the chief
12 executive officer or treasurer of the political action committee and
13 containing at least the following words: 'The [name of political
14 action committee] political action committee sponsored this ad
15 opposing/supporting [name of candidate] for [name of office].' The
16 name of the political action committee used in the advertisement
17 shall be the name that appears on the statement of organization as
18 required in G.S. 163-278.7(b)(1).

19 (4) Advertisements on Television by an Individual. -- Television
20 advertisements purchased by an individual supporting or opposing
21 a specific candidate or candidates shall include a disclosure
22 statement spoken by the individual and containing at least the
23 following words: 'I am [individual's name], and I sponsored this
24 advertisement opposing/sponsoring [name of candidate] for [name
25 of office].'

26 (5) All Advertisements on Television. -- In any television
27 advertisement described in subdivisions (1) through (4) of this
28 subsection, an unobscured, full-screen picture containing the
29 disclosing person, either in photographic form or through the
30 actual appearance of the disclosing person on camera, shall be
31 featured throughout the duration of the disclosure statement.

32 (c) Disclosure Requirements for Radio. --

33 (1) Candidate Advertisements on Radio. -- Radio advertisements
34 purchased by a candidate or by a candidate campaign committee
35 shall include a disclosure statement spoken by the candidate and
36 containing at least the following words: 'I am (or "This is..") [name
37 of candidate], candidate for [name of office], and this ad was paid
38 for by [name of candidate campaign committee that paid for the
39 advertisement].'

40 (2) Political Party Advertisements on Radio. -- Radio advertisements
41 purchased by a political party organization supporting or opposing
42 a specific candidate or candidates shall include a disclosure
43 statement spoken by the chair, executive director, or treasurer of
44 the political party organization and containing at least the

1 following words: 'This ad opposing/supporting [name of candidate]
2 for [name of office] was paid for (or "sponsored" or "furnished")
3 by [name of political party].' The disclosed name of the political
4 party organization shall include the name of the political party as it
5 appears on the ballot.

6 (3) Political Action Committee Advertisements on Radio. -- Radio
7 advertisements purchased by a political action committee
8 supporting or opposing a specific candidate or candidates shall
9 include a disclosure statement spoken by the chief executive officer
10 or treasurer of the political action committee and containing at
11 least the following words: 'This ad opposing/supporting [name of
12 candidate] for [name of office] was paid for (or "sponsored" or
13 "furnished") by [name of political action committee] political
14 action committee.' The name of the political action committee
15 used in the advertisement shall be the name that appears on the
16 statement of organization as required by G.S. 163-278.7(b)(1).

17 (4) Advertisements on Radio by an Individual. -- Radio advertisements
18 purchased by an individual supporting or opposing a specific
19 candidate or candidates shall include a disclosure statement spoken
20 by the individual and containing at least the following words: 'I am
21 [individual's name], and this ad opposing/supporting [name of
22 candidate] for [name of office] was paid for (or "sponsored" or
23 "furnished") by me.'

24 (d) Placement of Disclosure Statement in Television and Radio Advertisements. --
25 In advertisements on television, a sponsoring candidate or candidate campaign
26 committee, political party organization, political action committee, or individual may
27 place the disclosure statement required by this section at any point during the
28 advertisement, except if the duration of the advertisement is more than five minutes,
29 the disclosure statement shall be made both at the beginning and end of the
30 advertisement. The sponsor may provide the oral disclosure statement required by
31 this section at the same time as the visual disclosure required under the Federal
32 Communications Act, 47 U.S.C. §§ 315 and 317 is shown. But any visual disclosure
33 legend shall be at least 32 scan lines in size. For advertisements on radio, the
34 placement of the oral disclosure statement shall follow the requirements under the
35 Federal Communications Act, 47 U.S.C. §§ 315 and 317.

36 (e) Choice by Noncandidate Entity of Supporting or Opposing a Candidate. -- In
37 its oral disclosure statement, a sponsoring political party organization, political action
38 committee, or individual shall choose either to identify an advertisement as
39 supporting a specific candidate or opposing a specific candidate.

40 (f) Legal Remedy. -- Pursuant to the conditions established in subdivisions (1), (2),
41 and (3) of this subsection, a candidate for an elective office who complied with the
42 television and radio disclosure requirements throughout that candidate's entire
43 campaign shall have a monetary remedy in a civil action against (i) an opposing
44 candidate or candidate committee whose television or radio advertisement violates

1 these disclosure requirements and (ii) against any political party organization,
2 political action committee, or individual whose advertisement for that elective office
3 violates these disclosure requirements:

4 (1) Any plaintiff candidate in a statewide race in an action under this
5 section shall complete and file a Notice of Complaint Regarding
6 Failure to Disclose on Television or Radio Campaign Advertising
7 with the State Board of Elections after the airing of the
8 advertisement but no later than the first Friday after the Tuesday
9 on which the election occurred. Candidates in nonstatewide races
10 may file the notice during the same time period with one county
11 board of elections within the electoral area in which they are
12 candidates. The timely filing of this notice preserves the
13 candidate's right to bring an action in superior court any time
14 within 90 days after the election. A candidate shall bring the civil
15 action in the county where the candidate filed the notice.

16 (2) Upon receiving a favorable verdict in accordance with existing law,
17 the plaintiff candidate shall receive a monetary award of actual
18 damages. The price of actual damages shall be calculated as the
19 total dollar amount of television and radio advertising time that
20 was aired and that the plaintiff candidate correctly identifies as
21 being in violation of the disclosure requirements of this section.

22 The plaintiff candidate shall also receive an award that trebles
23 the amount of actual damages if:

- 24 a. The plaintiff candidate can establish having notified or
25 attempted to notify the sponsor of the advertisement
26 properly by return-receipt mail about the failure of a
27 particular advertisement or advertisements to comply with
28 the disclosure requirements of this section, and
29 b. After the notice or attempted notice, the advertisement
30 continued to be aired.

31 The treble damages shall be calculated from the date on which the
32 return-receipt notice was accepted or rejected by a defendant
33 sponsoring candidate or candidate committee, political party
34 organization, political action committee, or individual. The
35 plaintiff candidate or candidate committee shall send a copy of any
36 return-receipt mailing to the relevant board of elections as
37 provided in subdivision (1) of this subsection within five days after
38 the notice is returned to the possession of the candidate or
39 candidate committee.

40 The court shall award reasonable attorneys' fees to a plaintiff
41 candidate who prevails in an action under this section. The
42 plaintiff candidate may bring the civil action personally or
43 authorize his or her candidate campaign committee to bring the
44 civil action.

(3) A candidate who violates the disclosure requirements of State law in this section and that candidate's campaign committee shall be jointly and severally liable for the payment of damages and attorneys' fees. If the candidate is held personally liable for any payment of damages or attorneys' fees, the candidate shall not use or be reimbursed by funds from the candidate's campaign committee in paying any amount.

(g) Relation to the Federal Communications Act. -- Television advertisements by candidates or candidate campaign committees, political party organizations, political action committees, and individuals supporting or opposing a specific candidate or candidates shall comply with the oral disclosure requirements under State law in this section. Those advertisements shall also comply with disclosure requirements under the Federal Communications Act, 47 U.S.C. §§ 315 and 317 by use of visual legends. The content of those visual legends is specified by the Federal Communications Act, 47 U.S.C. §§ 315 and 317, and G.S. 163-278.39(a)(1). The size of those visual legends is determined by G.S. 163-278.39(b), which satisfies minimum requirements under the Federal Communications Act, 47 U.S.C. §§ 315 and 317. In the case of radio advertisements, the oral disclosure requirements under State law in this section incorporate the content requirements under the Federal Communications Act, 47 U.S.C. §§ 315 and 317.

(h) No Additional Liability of Television or Radio Outlets. -- Television or radio outlets shall not be liable under this section for carriage of political advertisements that fails to include the disclosure requirements provided for in this section.

(i) No Criminal Liability. -- Nothing in this section regarding the disclosure requirements in subsections (b) and (c) of this section shall be relied upon or otherwise interpreted to create criminal liability for any person.

"§ 163-278.39B. Definitions.

As used in this Part:

(1) 'Candidate' means any individual who, with respect to a public office listed in G.S. 163-278.6(18), has filed a notice of candidacy or a petition requesting to be a candidate, or has been certified as a nominee of a political party for a vacancy, or has otherwise qualified as a candidate in a manner authorized by law, or has filed a statement of organization under G.S. 163-278.7 and is required to file periodic financial disclosure statements under G.S. 163-278.9.

(2) 'Candidate campaign committee' means any political committee organized by or under the direction of a candidate.

(3) 'Full-screen' means the only picture appearing on the television screen during the oral disclosure statement contains the disclosing person, that the picture occupies all visible space on the television screen, and that the image of the disclosing person occupies at least fifty percent (50%) of the vertical height of the television screen.

- (4) 'Print media' means billboards, cards, newspapers, newspaper inserts, magazines, mass mailings, pamphlets, periodicals, and outdoor advertising facilities. A 'mass mailing' is a mailing with more than five hundred (500) pieces.
- (5) 'Political action committee' has the same meaning as 'political committee' in G.S. 163-278.6(14), except that 'political action committee' does not include any political party or political party organization.
- (6) 'Political party organization' means any political party executive committee or any political committee that operates under the direction of a political party executive committee or political party chair.
- (7) 'Radio' means any radio broadcast station that is subject to the provisions of 47 U.S.C. §§ 315 and 317.
- (8) 'Scan line' means a standard term of measurement used in the electronic media industry calculating a certain area in a television advertisement.
- (9) 'Supporting or Opposing' means an advertisement that mentions the name of a candidate and whose cost or value constitutes an expenditure or contribution required to be disclosed under this Article.
- (10) 'Television' means any television broadcast station, cable television system, wireless-cable multipoint distribution system, satellite company, or telephone company transmitting video programming that is subject to the provisions of 47 U.S.C. §§ 315 and 317.
- (11) 'Unobscured' means the only printed material that may appear on the television screen is a visual disclosure statement required by law, and nothing is blocking the view of the disclosing person's face.

"§ 163-278.39C. Scope of disclosure requirements.

The disclosure requirements of this Part apply to all those candidates or candidate committees, political party organizations, political action committees, and individuals required to file financial disclosure statements in North Carolina pursuant to this Article or pursuant to federal law, except that the disclosure requirements of this Part do not apply to an individual who expends or contributes an aggregate of less than one thousand dollars (\$1,000) in a political campaign."

Section 2. G.S. 163-278.16 reads as rewritten:

"§ 163-278.16. Regulations regarding ~~contributions, expenditures and media advertising.~~ timing of contributions and expenditures.

(a) Except as provided in G.S. 163-278.12, no contribution may be received or expenditure made by or on behalf of a candidate, political committee, or referendum committee:

(1) Until the candidate, political committee, or referendum committee appoints a treasurer and certifies the name and address of the treasurer to the Board; and

(2) Unless the contribution is received or the expenditure made by or through the treasurer of the candidate, political committee, or referendum committee.

(b) to (e) Repealed by Session Laws 1975, c. 565, s. 2.

~~(f) No media advertisement of any kind may be made by a treasurer, candidate, political committee, referendum committee or individual unless~~

~~(1) It bears the legend or includes the statement: "Paid for by (or Sponsored by)..... (Name of candidate, political committee, referendum committee, individual)";~~

~~(2) The name used in the labeling required in subdivision (1) of this subsection is the name that appears on the statement of organization as required in G.S. 163-278.7(b)(1), provided that this subdivision applies only if the sponsor is a political committee or referendum committee;~~

~~(3) The sponsor states in the media advertisement its position:~~

~~a. For or against the candidate; or~~

~~b. For or against an opposing candidate~~

~~provided that this subdivision applies only if the media advertisement is made for or against a candidate; and~~

~~(4) The sponsor states in the media advertisement its position for or against the ballot measure; provided this subdivision applies only if the media advertisement is made for or against a ballot measure.~~

~~The requirements of subdivisions (3) and (4) of this subsection do not apply to any print advertisement less than two inches by two inches in size, or to any radio or television advertisement of less than 20 seconds in length.~~

~~The media shall not publish or broadcast any political advertisement unless it bears the legend or includes the statement required herein. For purposes of this subsection, "media" means broadcasting stations, carrier current stations, newspapers, magazines, periodicals, outdoor advertising facilities, billboards, and newspaper inserts. "~~

Section 3. G.S. 163-278.27(a) reads as rewritten:

"(a) Any individual, candidate, political committee, referendum committee, treasurer, person or media who violates the provisions of G.S. 163-278.7, 163-278.8, 163-278.9, 163-278.10, 163-278.11, 163-278.12, 163-278.14, 163-278.16, 163-278.17, 163-278.18, 163-278.39, 163-278.40A, 163-278.40B, 163-278.40C, 163-278.40D or 163-278.40E is guilty of a Class 2 misdemeanor."

Section 4. The provisions of this act are severable. If any provision is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the act that can be given effect without the invalid provision.

Section 5. This act becomes effective January 1, 1998, and applies to all advertisements published on or after that date. Prosecutions for, or sentences based on, offenses occurring before the effective date of this act are not abated or affected

1 by this act, and the statutes that would be applicable to those prosecutions or
2 sentences but for the provisions of this act remain applicable to those prosecutions or
3 sentences.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 825
Judiciary Committee Substitute Adopted 4/30/97
Third Edition Engrossed 5/1/97

Short Title: Candidate Accountability.

(Public)

Sponsors:

Referred to:

April 14, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A PROCEDURE FOR CANDIDATE DISCLOSURE
3 WITH REGARD TO ADVERTISEMENTS.
4 The General Assembly of North Carolina enacts:
5 Section 1. Article 22A of Chapter 163 of the General Statutes is
6 amended by adding a new section to read:
7 "**§ 163-278.38A. Procedure for candidate disclosure concerning ads.**
8 (a) Definitions. -- As used in this section:
9 (1) 'Requesting candidate' means a candidate for any office on the
10 ballot in North Carolina who sends a disclosure request to a
11 receiving candidate according to the provisions of subsection (b) of
12 this section.
13 (2) 'Receiving candidate' means a candidate for any office on the
14 ballot in North Carolina who is sent a disclosure request according
15 to the provisions of subsection (b) of this section.
16 (3) 'Disclosure request' means a form designed by the State Board of
17 Elections to be sent by a requesting candidate to a receiving
18 candidate. The State Board of Elections shall develop such a form,
19 providing a space for the requesting candidate to disclose his or
20 her name and describe the advertisement about which the request
21 is being made. The form shall have a space in which the receiving
22 candidate shall be asked to register whether he or she approves or

disapproves of the publication of that advertisement. The form shall not contain a space for the receiving candidate to make additional comments. On the form, the State Board of Elections shall ask that the receiving candidate send the disclosure request form immediately to the State Board. The State Board shall notify the receiving candidate on the form that if the State Board does not receive a response within 10 days after the receiving candidate receives the disclosure request, the State Board will prepare a public record stating that the receiving candidate did not respond.

(b) Right of Requesting Candidate to Send Disclosure Request. -- If a requesting candidate believes the outcome of an election would be affected by an advertisement that:

(1) Has been published on radio, on television, or in print; and

(2) Mentions the name of any candidate for that office,

the requesting candidate may send a disclosure request to a receiving candidate for the same office. Any requesting candidate sending a disclosure request shall do so by certified mail, return receipt requested. The requesting candidate shall notify the State Board of Elections when the disclosure request has been sent and when the return receipt has been received.

(c) Response by Receiving Candidate; Public Record. -- Any receiving candidate who receives a disclosure request under subsection (b) of this section may respond by registering on the disclosure request form whether he or she approves or disapproves of the publication of the advertisement, may respond by declining to register approval or disapproval, or may elect not to respond. The State Board of Elections shall record a receiving candidate's response to any disclosure letter sent under subsection (b) of this section and make that record public upon the State Board's receipt of the receiving candidate's response. The State Board shall not include in its record any comments of the receiving candidate beyond approval, disapproval, declination to approve or disapprove, or nonresponse. If the State Board does not receive a response within 10 days after the receiving candidate receives the disclosure request, the State Board shall immediately prepare a public record stating that the receiving candidate did not respond. The State Board of Elections shall notify the news media by press release at least 21 days before any primary or election the names of all receiving candidates who have been sent disclosure requests under this section and their responses. The State Board shall update that press release once a week during the final three weeks before the primary or election.

(d) Rules by State Board of Elections. -- The State Board of Elections shall promulgate rules for the enforcement of this section."

Section 2. This act becomes effective January 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 904

Short Title: Session Limits Implementing.

(Public)

Sponsors: Senators Hoyle, Cooper; Albertson, Conder, Dalton, Dannelly, Martin of Pitt, Perdue, Rand, Warren, and Winner.

Referred to: Judiciary.

April 16, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO IMPLEMENT AN ACT TO AMEND THE CONSTITUTION TO
3 LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE
4 FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 120-11.1 reads as rewritten:

7 "§ 120-11.1. Time of meeting.

8 The regular session of the Senate and House of Representatives shall be held
9 biennially beginning at 12:00 noon on the ~~third Wednesday after the second Monday~~
10 ~~in January~~ first Monday in December next after their election.

11 Section 2. G.S. 163-1 is amended in the table by rewriting the "DATE
12 OF ELECTION" entries for State Senator to read: "Tuesday next after the first
13 Monday in November 1998 and every four years thereafter".

14 Section 3. G.S. 163-1 is further amended in the table by rewriting the
15 "TERM OF OFFICE" entries for State Senator to read: "Four years".

16 Section 4. Sections 1 through 3 of this act shall take effect only upon
17 approval of the voters of the constitutional amendments set forth in Sections 1
18 through 5 of AN ACT TO AMEND THE CONSTITUTION TO LIMIT THE
19 LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR
20 TERMS FOR MEMBERS OF THE SENATE. If the constitutional amendments
21 proposed in those sections are approved by the voters, Sections 1 through 3 of this
22 act shall become effective at the same time as the constitutional amendments.

23 Section 5. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
PENDING HOUSE COMMITTEE ON
ELECTION LAW AND CAMPAIGN REFORM

Date: 9/11/97
Time: 10:44 a.m.
Page: 1
Leg. day: H-123/S-123

1997-98 Biennium

BILL	SHORT TITLE	DATE	LATEST ACTION
H 3	CAMPAIGN DISCLOSURE ACT	H 1-30-97	REF TO COM ON ELE-LAW
H 6	TERMS LIMITS FOR LEGISLATURE	H 1-30-97	REF TO COM ON ELE-LAW
H 7	LEGISLATIVE TERM LIMITS/CONFORMIN	H 1-30-97	REF TO COM ON ELE-LAW
H 10	LOBBYIST WAITING PERIOD-2	H 2- 3-97	REF TO COM ON ELE-LAW
H 23	CAMPAIGN STANDARDS	H 2- 3-97	REF TO COM ON ELE-LAW
H 24	CLOSE RUNOFF LOOPHOLE	H 2- 3-97	REF TO COM ON ELE-LAW
H 79=	BALLOT ACCESS CHANGES	H 2-10-97	REF TO COM ON ELE-LAW
H 481	LEGIBLE ELECTION DISCLAIMERS	H 3-10-97	REF TO COM ON ELE-LAW
H 525	PARTY ALIGNMENT ROTATED	H 3-17-97	REF TO COM ON ELE-LAW
H 578	SINGLE-MEMBER DISTRICTS	*H 4-30-97	RE-REF COM ON ELE-LAW
H 663	GUBERNATORIAL TEAM TICKET	H 3-27-97	REF TO COM ON ELE-LAW
H 709	ELECTION LAW AMENDMENTS	H 3-31-97	REF TO COM ON ELE-LAW
H 736	VOTER I.D.	H 4- 1-97	REF TO COM ON ELE-LAW
H 745	ELECTION NOTICES/ONE STOP	*H 7-21-97	RE-REF COM ON ELE-LAW
H1014	SHORTER LINES AT POLLS	H 4-21-97	REF TO COM ON ELE-LAW
H1145	JUDICIAL RETENTION	H 4-21-97	REF TO COM ON ELE-LAW
S 573=	ELECTION LAW REFORM	*H 8-28-97	RE-REF COM ON ELE-LAW
S 663	ABSENTEE VOTING CHANGES	*H 5- 1-97	REF TO COM ON ELE-LAW
S 708	STAND BY YOUR AD	*H 4-29-97	REF TO COM ON ELE-LAW
S 825	CANDIDATE ACCOUNTABILITY	*H 5- 5-97	REF TO COM ON ELE-LAW
S 904	IMPLEMENT SESSION LIMITS	H 5- 1-97	REF TO COM ON ELE-LAW

Bolded line indicates bill is an appropriation bill.

* indicates that text of original bill was changed by some action.

= sign indicates that the original bill is identical to another bill.

NORTH CAROLINA GENERAL ASSEMBLY
COMMITTEE SUMMARY REPORT

1997-98 Regular Session		HOUSE: ELECTION LAW AND CAMPAIGN REFORM		Valid Through 9-SEP-1997	
BILL	INTRODUCER	SHORT TITLE	LATEST ACTION ON BILL	IN DATE	OUT DATE
H 3	WILSON C	CAMPAIGN DISCLOSURE ACT	H -REF TO COM ON ELE-LAW	01-30-97	
H 6	ALDRIDGE	TERMS LIMITS FOR LEGISLATURE	H -REF TO COM ON ELE-LAW	01-30-97	
H 7	ALDRIDGE	LEGISLATIVE TERM LIMITS/CONFORMING	H -REF TO COM ON ELE-LAW	01-30-97	
H 10	NICHOLS	LOBBYIST WAITING PERIOD-2	H -REF TO COM ON ELE-LAW	02-03-97	
H 23	CANSLER	CAMPAIGN STANDARDS	H -REF TO COM ON ELE-LAW	02-03-97	
H 24	CANSLER	CLOSE RUNOFF LOOPHOLE	H -REF TO COM ON ELE-LAW	02-03-97	
H 79=	RAYFIELD	BALLOT ACCESS CHANGES	H -REF TO COM ON ELE-LAW	02-10-97	
H 277	BUCHANAN	LIMIT RELATIVES ON ELECTION BDS.	*R -CH. SL 97-0211	02-19-97	03-27-97
H 481	ADAMS	LEGIBLE ELECTION DISCLAIMERS	H -REF TO COM ON ELE-LAW	03-10-97	
H 525	MORRIS	PARTY ALIGNMENT ROTATED	H -REF TO COM ON ELE-LAW	03-17-97	
H 578	ALLRED	SINGLE-MEMBER DISTRICTS	*H -RE-REF COM ON ELE-LAW	03-27-97	04-24-97
H 578	ALLRED	SINGLE-MEMBER DISTRICTS	*H -RE-REF COM ON ELE-LAW	04-30-97	
H 663	WOOD	GUBERNATORIAL TEAM TICKET	H -REF TO COM ON ELE-LAW	03-27-97	
H 709	ALEXANDER	ELECTION LAW AMENDMENTS	H -REF TO COM ON ELE-LAW	03-31-97	
H 736	JUSTUS	VOTER I.D.	H -REF TO COM ON ELE-LAW	04-01-97	
H 745	IVES	ELECTION NOTICES/ONE STOP	*H -RE-REF COM ON ELE-LAW	07-21-97	
H1014	NESBITT	SHORTER LINES AT POLLS	H -REF TO COM ON ELE-LAW	04-21-97	
H1145	CULPEPPER	JUDICIAL RETENTION	H -REF TO COM ON ELE-LAW	04-21-97	
S 1	GULLEY W	FULL DISCLOSURE ACT OF 1997	*S -PRES. TO GOV. 08-29	02-12-97	04-14-97
S 199=	SOLES	TOWN MANAGERS/DUAL OFFICE HOLDING	*R -CH. SL 97-0025	03-04-97	03-06-97
S 553	ALLRAN	ELECTION NOTICES/ONE STOP-2	*S -PRES. TO GOV. 08-29	04-24-97	08-05-97
S 573=	GULLEY W	ELECTION LAW REFORM	*H -RE-REF COM ON ELE-LAW	05-01-97	08-05-97
S 573=	GULLEY W	ELECTION LAW REFORM	*H -RE-REF COM ON ELE-LAW	08-28-97	
S 663	RUCHO	ABSENTEE VOTING CHANGES	*H -REF TO COM ON ELE-LAW	05-01-97	
S 708	COOPER	STAND BY YOUR AD	*H -REF TO COM ON ELE-LAW	04-29-97	
S 825	PAGE	CANDIDATE ACCOUNTABILITY	*H -REF TO COM ON ELE-LAW	05-05-97	
S 904	HOYLE	IMPLEMENT SESSION LIMITS	H -REF TO COM ON ELE-LAW	05-01-97	

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.
 * AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.
 BOLDDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

8-5-97
1

ELECTION LAWS

BILL #	TITLE	SPONSOR	DATE HEARD IN COMMITTEE	AMEND.	ADOPTED FAIL	HOUSE COMMITTEE SUBSTITUTE	PASS FAIL	REFER TO COMMITTEE	OTHER
HB 3	CAMPAIGN DISCLOSURE	WILSON	4/7/97			SB1	PASS	FINANCE	
HB 6	TERM LIMITS	ALDRIDGE	WITHDRAWN						WITHDRAWN
HB 7	LEGISLATIVE. TERM LIMITS	ALDRIDGE	WITHDRAWN						WITHDRAWN
HB 10	LOBBYIST WAITING PERIOD 2	NICHOLS	4/30/97	X	ADOPTED	YES	.		
HB 23	CAMPAIGN STANDARDS	CANSLER	4/16/97 8/5/97	X	ADOPTED	SB 573	.		REPORTED OUT 8/5/97
HB 24	CLOSE RUNOFF LOOPHOLE	CANSLER	IN SB 1 8/5/97			SB 1 SB 573	PASS	FINANCE	REPORTED OUT 8/5/97

BILL #	TITLE	SPONSOR	DATE HEARD IN COMM.	AMEND.	ADOPTED FAIL	H. COM. SUB	PASS FAIL	REFER TO COM.	OTHER
HB 79	BALLOT ACCESS CHANGES = SB 573 BY GULLEY	RAYFIELD	4/23/97 8/5/97	X	ADOPTED	YES SB 573	• • PASS		REPORTED OUT 8/5/97
HB 277	LIMIT RELATIVES ON ELECTION BOARD	BUCHANAN	3/26/97				PASS		PASS HOUSE
HB 481	LEGIBLE ELECTION DISCLAIMERS	ADAMS	4/30/97	5/8/97 PASS	ADOPTED	YES	•		
HB 525	PARTY ALIGNMENT ROTATED	MORRIS	4/30/97 8/5/97			SB 573			REPORTED OUT 8/5/97
HB 578	SINGLE MEMBER DISTRICTS	ALLRED	4/23/97				PASS		RE-REF 4/30 TO EL LAW
							•		

BILL #	TITLE	SPONSOR	DATE HEARD IN COMM.	AMEND.	ADOPTED FAIL	H. COM. SUB	PASS FAIL	REFER TO COM.	OTHER
HB 663	GUBERNATORIAL TEAM TICKET	WOOD	4/16/97	X	ADOPTED		•		
HB 709	ELECTION LAW AMENDMENTS	ALEXANDER	5/8/97	X	ADOPTED	YES	•		
HB 736	VOTER I.D.	JUSTUS	5/14/97 5/28/97 8/5/97	X	ADOPTED	YES SB 573	PASS		REPORTED OUT 8/5/97
HB 745	ELECTION NOTICES/ONE STOP	IVES	8/5/97			YES SB 553	PASS		REPORTED OUT 8/5/97
HB 1014	SHORTER LINES AT POLLS	NESBITT							

BILL #	TITLE	SPONSOR	DATE HEARD IN COMM.	AMEND.	ADOPTED FAIL	H. COM. SUB	PASS FAIL	REFER TO COM.	OTHER
HB 1145	JUDICIAL RETENTION	CULPEPPER	5/28/97	yes	ADOPTED	YES			SUBCOMMITTEE Hardy, Arnold, Michaux, Baddour, Kiser, Cansler, Dedmon
SB 1	FULL DISCLOSURE ACT	GULLEY	4/7/97	X	X	X	PASS	FINANCE	
SB 199	TOWN MANAGER/DUAL OFFICE HOLDING	SOLES							
SB 553	PAPER BALLOTS IN RUNOFF	ALLRAN	6/11/97 8/5/97				PASS		REPORTED OUT 8/5/97
SB 573	BALLOT ACCESS CHANGES = HB 79 BY RAYFIELD	GULLEY	SAME AS HB 79 8/5/97						REPORTED OUT 8/5/97

BILL #	TITLE	SPONSOR	DATE HEARD IN COMM.	AMEND.	ADOPTED FAIL	H. COM. SUB	PASS FAIL	REFER TO COM.	OTHER
SB 663	ABSENTEE VOTING CHANGES	RUCHO	6/11/97					SUB KISER, BONNER, BADDOUR, ARNOLD, INSKO, CANSLER, BERRY	sub committee recommended unfavorable to bill favorable to study commission not reported out
SB 708	STAND BY YOUR AD	COOPER	5/21/97 5/28/97	X reconsider	ADOPTED				SUBCOMMITTEE- SHUBERT, BADDOUR, MICHAUX, BRASWELL, KISER, ARNOLD
SB 825	CANDIDATE ACCOUNTABILITY	PAGE	6/11/97	X	ADOPTED	YES	pass		
SB 904	IMPLEMENT SESSION LIMITS	HOYLE							

AGENDA

HOUSE COMMITTEE ON ELECTION LAW AND CAMPAIGN REFORM.

February 19, 1997

11 a.m. Introductions

Remarks by Co-Chairs.

Overview of Election Law and Campaign Reform.

Adjournment.

HOUSE COMMITTEE ON ELECTION LAW
AND
CAMPAIGN REFORM

February 19, 1997
Room 1327

HOUSE MEMBERS PRESENT: [21] Representatives Justus, Wilson, Aldridge, Alexander, Arnold, Baddour, Berry, Braswell, Cansler, Church, Dedmon, Hardy, Hiatt, Insko, Jarrell, Kiser, Michaux, Rayfield, Shubert, Tallent, Weatherly.

The House Committee on Election Laws and Campaign Reform met in Room 1327 of the Legislative Building on Wednesday, February 19, 1997. Representative Larry Justus called the meeting to order at 11:10 AM. Members of the committee introduced themselves and provided brief background. Representative Justus then introduced Bradley Hix, Speakers Office; Bill Gilkeson, Research Staff; Mary Shuping, Research Staff; and House Pages Benjamin Green from Wake County and John Dixon from Nash County. Clerks Carolyn Justus and Joanna Mills were introduced.

Representative Justus stated that voting is our most precious right and this committee will be working to insure that we have fair elections. Representative Justus introduced Representative Connie Wilson, cochairman, for her comments.

Representative Wilson said that she has a different view of Election Law and Campaign Reform than Senate. This committee will look at many campaign issues in depth; in order that a good consensus can be reached by the committee by not pushing forward too quickly. Representative Wilson said the bill that comes out of this committee will be done with bipartisan support. Representative Wilson added that the committee will look at election laws from other states. She added that many times election law bills are divided by incumbents vs. challengers not Republicans vs. Democrats. Representative Wilson distributed Attachment 1 -- House Bill 3 -- Proposed Committee Substitute -- Full Disclosure Act. Representative Wilson explained that she has been working on this proposed legislation which will be heard in this committee.

Representative Wilson introduced Senator Dan Page. Senator Page explained that he has a proposal to stop fund raising by PACs for the benefit of legislators during session. He added that this proposal would help "clean up" the image of elected officials. Representative Arnold asked if the thrust of the committee was to cause incumbents to have a harder time raising money. Representative Justus answered that the committee

has other things to study besides money. Representative Justus added that the election laws needed to be rewritten. (Senator Dennis Winner had proposed this six to eight years ago) and the committee needs to look at the voters rights act and the motor voter act. Representative Justus introduced Bill Gilkeson, Research Staff, to present an overview of Election Laws and Campaign Reform. Bill Gilkeson distributed Attachment 2 to the committee. Mr. Gilkeson covered the following material in Attachment 2:

U.S. Constitution

- 14th Amendment
- 15th Amendment
- 19th Amendment
- 24th Amendment
- 26th Amendment

Federal Statutes

- Voting Rights Act of 1965
- National Voter Registration Act of 1993 (NVRA)

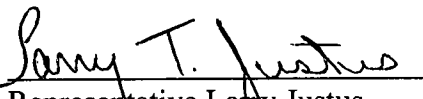
State Constitution

North Carolina Statutes

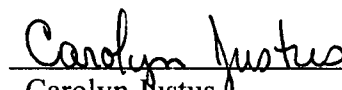
Issues:

- Registration
- Absentee Voting
- Anti-Fraud Measures
- Election Year Timing
- Role of the 2 Major Political Parties
- Election Administration

Time did not allow Mr. Gilkeson to cover the rest of his report. The meeting was adjourned at 11:50 AM.


Representative Larry Justus

Chairman


Carolyn Justus
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 3
Proposed Committee Substitute -- H3-PCSRR-001

Short Title: Full Disclosure Act.

(Public)

Sponsors:

Referred to: Election Law and Campaign Reform.

January 30, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE THE PUBLIC RIGHT TO KNOW ABOUT CAMPAIGNS AND TO
3 STRENGTHEN THE CAMPAIGN FINANCE LAW.
4 The General Assembly of North Carolina enacts:
5 -- QUARTERLY AND SEMIANNUAL REPORTS.
6 Section 1. (a) G.S. 163-278.9(a) reads as rewritten:
7 "(a) The treasurer of each candidate and of each political
8 committee shall file under verification with the Board the
9 following reports:
10 (1) Organizational Report. -- The appointment of the
11 treasurer as required by G.S. 163-278.7(a), the
12 statement of organization required by G.S. 163-
13 278.7(b), and a report of all contributions and
14 expenditures not previously reported shall be filed
15 with the Board no later than the tenth day
16 following the day the candidate files his notice of
17 candidacy or the tenth day following the
18 organization of the political committee, whichever
19 occurs first. Any candidate whose campaign is being
20 conducted by a political committee which is
21 handling all contributions and expenditures for his
22 campaign shall file a statement with the Board
23 stating such fact at the time required herein for
24 the organizational report. Thereafter, the

- 1 candidate's political committee shall be
2 responsible for filing all reports required by law.
- 3 ~~(2) Preprimary Report. -- The treasurer shall file a~~
4 ~~report with the Board no later than the tenth day~~
5 ~~preceding the primary election.~~
- 6 ~~(3) Postprimary Report(s). -- The treasurer shall file~~
7 ~~a report with the Board no later than the 30th day~~
8 ~~after the primary election if the candidate was~~
9 ~~eliminated in the primary. If there is a second~~
10 ~~primary, the treasurer shall file a report with the~~
11 ~~Board no later than the 30th day after the second~~
12 ~~primary election if the candidate was eliminated in~~
13 ~~the second primary.~~
- 14 ~~(4) Preelection Report. -- The treasurer shall file a~~
15 ~~report with the Board not later than the tenth day~~
16 ~~preceding the general election.~~
- 17 ~~(5) Repealed by Session Laws 1985, c. 164, s. 1.~~
- 18 (5a) Quarterly Reports. -- During even-numbered years
19 during which there is an election for that
20 candidate or in which the campaign committee is
21 supporting a candidate, the treasurer shall file a
22 report with the Board not later than seven days
23 after the end of each calendar quarter, covering
24 the prior calendar quarter, except that the report
25 for the third quarter shall also cover the period
26 in October through the seventeenth day before the
27 election, the third quarter report shall be due
28 seven days after that date, and the fourth quarter
29 report shall not include that period if a third
30 quarter report was required to be filed.
31 If there are contributions or expenditures covering
32 the prior calendar year, they shall be included in
33 the first quarterly report if a report is due for
34 the first quarter.
- 35 ~~(6) Annual~~ Semiannual Reports. -- If contributions are
36 received or expenditures made during a calendar
37 year, for which no reports are otherwise required
38 by this Article, any and all such contributions and
39 expenditures shall be reported by the last Friday
40 in January July, covering the period through the
41 last day of June, and shall be reported by the last
42 Friday in January, covering the period through the
43 last day of December. of the following year."

1 (b) This section applies beginning with reports to be
2 filed in 1998.

3 -- REPORTING OF DONOR'S OCCUPATION.

4 Section 2. (a) G.S. 163-278.11(a)(1) reads as rewritten:

5 "(1) Contributions. -- A list of all contributions
6 required to be listed under G.S. 163-278.8 received
7 by or on behalf of a candidate, political
8 committee, or referendum committee. The statement
9 shall list the name and complete mailing address of
10 each contributor, the amount contributed, the
11 occupation of the donor, and the date such
12 contribution was received. The total sum of all
13 contributions to date shall be plainly exhibited.
14 Forms for required reports shall be prescribed by
15 the Board."

16 (b) This section applies beginning with reports due in
17 1998.

18 -- AUTHORIZATION FOR USE OF PAYROLL DEDUCTIONS.

19 Section 3. (a) G.S. 163-278.19(b) reads as rewritten:

20 "(b) It shall, however, be lawful for any corporation,
21 business entity, labor union, professional association or
22 insurance company to communicate with its employees, stockholders
23 or members and their families on any subject; to conduct
24 nonpartisan registration and get-out-the-vote campaigns aimed at
25 their employees, stockholders, or members and their families; or
26 for officials and employees of any corporation, insurance company
27 or business entity or the officials and members of any labor
28 union or professional association to establish, administer,
29 contribute to, and to receive and solicit contributions to a
30 separate segregated fund to be utilized for political purposes
31 except as provided in G.S. 163-278.20, and those individuals
32 shall be deemed to become and be a political committee as that
33 term is defined in G.S. 163-278.6(14) or a referendum committee
34 as defined in G.S. 163-278.6(18b); provided, however, that it
35 shall be unlawful for any such fund to make a contribution or
36 expenditure by utilizing contributions secured by physical force,
37 job discrimination, financial reprisals or the threat of force,
38 job discrimination or financial reprisals, or by dues, fees, or
39 other moneys required as a condition of membership or employment
40 or as a requirement with respect to any terms or conditions of
41 employment, including, without limitation, hiring, firing,
42 transferring, promoting, demoting, or granting seniority or
43 employment-related benefits of any kind, or by moneys obtained in
44 any commercial transaction whatsoever. Even if use of funds

1 received from an employee or member is otherwise not unlawful, no
2 business entity, labor union, professional association or
3 insurance company may use any funds received from an employee or
4 member by payroll deduction for any political action committee
5 unless the employee or member has separately consented in
6 writing."

7 (b) This section applies to dues paid or other funds
8 deducted after July 1, 1997.

9 -- REPORTING IN LOCAL ELECTIONS.

10 Section 4. (a) G.S. 163-278.6(1) reads as rewritten:

11 "(1) The term 'board' means the State Board of Elections
12 with respect to all candidates for State and
13 multi-county district offices and the county or
14 municipal board of elections with respect to all
15 candidates for single-county district, county and
16 municipal offices. The term means the State Board
17 of Elections with respect to all statewide
18 ~~referenda~~ referenda and the county or municipal
19 board of elections conducting all local referenda."

20 (b) G.S. 163-278.6(18) reads as rewritten:

21 "(18) The term 'public office' means any office
22 filled by election by the people on a
23 statewide, county, municipal or district
24 basis, and this Article shall be applicable to
25 such elective offices whether the election
26 therefor is partisan or ~~nonpartisan, provided~~
27 ~~candidates for municipal and county offices in~~
28 ~~those municipalities and counties having less~~
29 ~~than 50,000 population, according to the most~~
30 ~~recent decennial census figures, shall not be~~
31 ~~required to file reports required by this~~
32 ~~Article, but this Article shall otherwise be~~
33 ~~applicable to such candidates for municipal~~
34 ~~and county offices.~~ nonpartisan."

35 (c) G.S. 163-278.6(18a) reads as rewritten:

36 "(18a) The term 'referendum' means any question,
37 issue, or act referred to a vote of the people
38 of the entire State by the General ~~Assembly~~
39 Assembly, a unit of local government, or by
40 the people under any applicable local act and
41 includes constitutional amendments and State
42 bond issues. The term 'referendum' ~~does not~~
43 include includes any type of municipal,
44 county, or special district referendum."

1 (d) G.S. 163-278.40(2) reads as rewritten:

2 "(2) The term 'city' means any incorporated city, town,
3 or ~~village with a population of 50,000 or over,~~
4 ~~according to the most recent decennial federal~~
5 ~~census.~~ village."

6 (e) This section applies to municipal elections
7 beginning in 1998.

8 -- ELECTRONIC REPORTING AND INTERNET ACCESS.

9 Section 5. (a) G.S. 163-278.9 is amended by adding a new
10 subsection to read:

11 "(j) Treasurers for the following entities shall file the
12 reports required by this section electronically, according to
13 rules which shall be promulgated by the State Board of Elections:

14 (1) Candidates for statewide office;

15 (2) The State executive committees of political
16 parties;

17 (3) Political committees that make contributions to
18 candidates for statewide office or make independent
19 expenditures that affect contests for statewide
20 office."

21 (b) This section applies to reports to be filed in 1998.

22 Section 6. The State Board of Elections shall provide
23 access to the public of campaign finance reports over the
24 Internet as soon as technically feasible.

25 -- CIVIL PENALTIES FOR LATE FILING.

26 Section 7. (a) G.S. 163-278.34 reads as rewritten:

27 "§ 163-278.34. Filings; penalty for late filings.

28 (a) ~~All~~ Except as provided in G.S. 163-278.9, all reports,
29 statements or other documents required by this Article to be
30 filed with the Board shall be filed either by manual delivery to
31 or by certified or registered mail addressed to the Board. Timely
32 filing shall be complete if postmarked on the day the reports,
33 statements or other documents are to be delivered to the Board.
34 If a report, statement or other document is not filed within the
35 time required by this Article, then the individual, person,
36 media, candidate, political committee, referendum committee or
37 treasurer responsible for filing shall pay to the State Board of
38 Elections election enforcement costs and a civil late penalty of
39 ~~twenty dollars (\$20.00) per day for each day the filing is late~~
40 ~~not to exceed five days.~~ as follows:

41 (1) Two hundred fifty dollars (\$250) per day for each
42 day the filing is late for a report that affects
43 statewide elections, not to exceed a total of ten
44 thousand dollars (\$10,000); and

1 (2) Fifty dollars (\$50) per day for each day the filing
2 is late for a report that affects only non-
3 statewide elections, not to exceed a total of one
4 thousand dollars (\$1,000).

5 The State Board shall immediately notify, or cause to be
6 notified, late filers, from which reports are apparently due, by
7 registered or certified mail, return receipt requested, of the
8 penalties under this section. ~~If the penalty has not been paid to~~
9 ~~or the report has not been filed with the Board within five days~~
10 ~~after receipt of the notification, then the Board shall report~~
11 ~~the late filing or failure to file to the appropriate district~~
12 ~~attorney who shall indict and prosecute the offender as required~~
13 ~~in G.S. 163-278.27. No criminal penalty shall be imposed if the~~
14 ~~penalty required by this section is paid and the delinquent~~
15 ~~report is filed within five days after notification by the Board.~~

16 (a1) The State Board shall calculate and assess the amount of
17 the civil penalty due under subsection (a) of this section and
18 shall notify the person who is assessed the civil penalty of the
19 amount of the penalty. The notice of assessment shall be served
20 by any means authorized under G.S. 1A-1, Rule 4, and shall direct
21 the violator either to pay the assessment or to contest the
22 assessment within 30 days by filing a petition for a contested
23 case under Article 3 of Chapter 150B of the General Statutes. If
24 a violator does not pay a civil penalty assessed by the Board
25 within 30 days after it is due, the Board shall request the
26 Attorney General to institute a civil action to recover the
27 amount of the assessment. The civil action may be brought in the
28 superior court of any county where the report was due to be filed
29 or any county where the violator resides or maintains an office.
30 A civil action must be filed within three years of the date the
31 assessment was due. An assessment that is not contested is due
32 when the violator is served with a notice of assessment. An
33 assessment that is contested is due at the conclusion of the
34 administrative and judicial review of the assessment. Consistent
35 with G.S. 115C-437, the State Controller shall pay the clear
36 proceeds of civil penalties collected under this section to the
37 County School Fund in the county in which the person charged with
38 the violation resides. The State Controller shall reduce the
39 monies collected by the enforcement costs and the collection
40 costs to determine the clear proceeds payable to the County
41 School Fund. Monies set aside for the costs of enforcement and
42 the costs of collection shall be credited to accounts of the
43 State Board of Elections.

~~1 (b) When a report, statement or other document, required by
2 this Article is not apparently due (i.e., media, inactive
3 candidate, individual, no organizational report filed,
4 supplementary final report or annual report), the Board shall
5 notify, as set forth above, the person or persons responsible for
6 filing if information is presented indicating that the report,
7 statement, or other document was in fact due. No criminal
8 penalties shall be imposed if the late penalty is paid and the
9 delinquent report is filed within five days after notification."~~

10 (b) G.S. 163-278.6 is amended by adding a new
11 subdivision to read:

12 "(7a) The term 'costs of collection' means monies spent by the
13 State Board of Elections in the collection of the penalties
14 levied pursuant to provisions in this Article to the extent the
15 costs do not constitute more than fifty percent (50%) of the
16 civil penalty. The costs shall be presumed to be ten percent
17 (10%) of the civil penalty unless otherwise determined by the
18 State Board of Elections based on the records of expenses
19 incurred by the State Board of Elections for its collection
20 procedures."

21 (c) G.S. 163-278.6 is amended by adding a new
22 subdivision to read:

23 "(7b) The term 'day' means calendar day."

24 (d) G.S. 163-278.6 is amended by adding a new
25 subdivision to read:

26 "(8a) The term 'enforcement costs' means salaries, overhead,
27 and other monies spent by the State Board of Elections in the
28 enforcement of the penalties provisions of this Article,
29 including the costs of investigators, attorneys, travel costs for
30 State Board employees and its attorneys, to the extent the costs
31 do not constitute more than fifty percent (50%) of the sum levied
32 for the enforcement costs and civil late penalty."

33 (e) G.S. 163-278.22 is amended by adding a new
34 subdivision to read:

35 "(13) To calculate, assess, and collect civil penalties
36 pursuant to this Article."

37 (f) This section becomes effective January 1, 1998, and
38 applies to all reports due on or after that date.

39 -- FELONY FOR FRAUDULENT REPORTING.

40 Section 8. (a) G.S. 163-278.32 reads as rewritten:

41 "§ 163-278.32. Statements under oath.

42 Any statement required to be filed under this Article shall be
43 signed and certified as true and correct by the individual,
44 media, candidate, treasurer or others required to file it, and

1 shall be verified by the oath or affirmation of the individual,
2 media, candidate, treasurer or others filing the statement, taken
3 before any officer authorized to administer oaths; provided
4 further that the candidate shall sign and certify as true and
5 correct to the best of his knowledge each report filed by a
6 treasurer appointed by him or by his principal campaign
7 ~~committee~~ committee, and that candidate's signature shall be
8 verified by the oath or affirmation of the candidate. Any
9 individual who signs a statement under oath as required by this
10 section knowing the report to be false is guilty of a felony
11 under G.S. 163-275(4)."

12 (b) This section is effective January 1, 1998, and
13 applies to all acts committed on or after that date.

14 -- FUND-RAISING IN SESSION.

15 Section 9. (a) G.S. 163-278.13A is repealed.

16 (b) Article 22A of the General Statutes is amended by
17 adding a new section to read:

18 "163-279.13B. Limitation on fund-raising during legislative
19 session.

20 (a) Definitions. -- For purposes of this section:

21 (1) 'Limited contributor' means a lobbyist registered
22 pursuant to Article 9A of Chapter 120 of the
23 General Statutes, that lobbyist's agent, or a
24 political committee that employs or contracts with
25 or whose parent entity employs or contracts with a
26 lobbyist registered pursuant to Article 9A of
27 Chapter 120 of the General Statutes.

28 (2) 'Limited contributee' means a member of the Council
29 of State, a member of the General Assembly, a
30 political committee the purpose of which is to
31 assist a member or members of the Council of State
32 or General Assembly.

33 (3) The General Assembly is in 'regular session' from
34 the date set by law or resolution that the General
35 Assembly convenes until the General Assembly either
36 adjourns sine die, or recesses or adjourns for more
37 than 10 days.

38 (b) Prohibited Solicitations. -- While the General Assembly is
39 in regular session, no limited contributee or the real or
40 purported agent of a limited contributee shall solicit a
41 contribution from a limited contributor to be made to that
42 limited contributee or to be made to any other candidate,
43 officeholder, or political committee.

1 (c) Prohibited Contributions. -- While the General Assembly is
2 in regular session:

3 (1) No limited contributor shall make a contribution to
4 a limited contributee.

5 (2) No limited contributor shall make a contribution to
6 any candidate, officeholder, or political
7 committee, directing or requesting that the
8 contribution be made in turn to a limited
9 contributee.

10 (3) No limited contributor shall transfer any amount of
11 money or anything of value to any entity, directing
12 or requesting that that entity use what was
13 transferred to contribute to a limited contributee.

14 (4) No limited contributee shall accept a contribution
15 from a limited contributor.

16 (d) Prosecution. -- A violation of this section is a Class 2
17 misdemeanor."

18 (c) This section becomes effective January 1, 1998 and
19 applies to all contributions solicited, made, or accepted on or
20 after that date.

21 Section 10. This act becomes effective when it becomes
22 law. Prosecutions for, or sentences based on, offenses occurring
23 before the relevant effective date in this act are not abated or
24 affected by this act, and the statutes that would be applicable
25 to those prosecutions or sentences but for the provisions of this
26 act remain applicable to those prosecutions or sentences.



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February 19, 1997

TO: House Committee on Election Laws and Campaign Reform.

FROM: William R. Gilkeson, Staff Attorney.

RE: Election Law Overview.

I. U.S. Constitution:

- 14th Amendment -- Equal protection of the law. One person/one vote.
- 15th Amendment -- Right to vote may not be abridged because of race, color, or previous condition of servitude.
- 19th Amendment -- Right to vote may not be abridged because of sex.
- 24th Amendment -- Right to vote may not be abridged because of failure to pay any poll tax or other tax.
- 26th Amendment -- Right of citizens 18 and older to vote may not be abridged because of age.

II. Federal Statutes:

Voting Rights Act of 1965 -- Enacted to prevent States from abridging right to vote on the basis of race.

Section 2 of the act gives individuals a right to sue against discriminatory practices. Section 5 of the act requires that covered jurisdictions must submit any "change affecting voting" to the U.S. Department of Justice for approval before it goes into effect. Forty counties of North Carolina are covered jurisdictions. (See the attached map.) Any "change affecting voting" that touches those 40 must be submitted to Justice. That means any statewide election act must be submitted, because it affects the 40 counties. Only local acts that do not affect the 40 can escape submission. The term for approval by Justice is "preclearance," but preclearance can come only after a bill receives final State approval. A State must submit a change as soon as possible after its enactment; Justice then has 60 days to decide whether to preclear, but it may extend that period by declaring the submission to be incomplete and requesting more information. The standard courts have said Justice must use is "retrogression": Does the change put minority voters in a worse position than they are under existing law? A little-used alternative under Section 5 to submission to the Justice Department is to seek a declaratory judgment in the U.S. District Court for the District of Columbia.

National Voter Registration Act of 1993 (NVRA): Enacted to make voter registration easier and more uniform in federal elections, but it also affects State elections because no state wants to have one set of registration books for presidential and congressional elections and another for State and local elections. The NVRA went into effect January 1, 1995. It requires all states to provide for:

- * Registration by mail (N.C. had started that shortly beforehand.)
- * Registration at drivers license offices (N.C. had started that in 1983.)
- * Registration at certain public assistance offices.
- * Registration at one other type of office, at State's choice. (N.C. chose ESC offices.)

The NVRA also required states to go through more procedural steps before removing any name from the registration rolls – and forbids states to remove voters simply for not voting.

Uniformed and Overseas Citizens Absentee Voting Act. – Requires states to have a program to allow military and overseas voters to register and vote by mail in federal elections.

III. State Constitution.

Elections Must Be Frequent. – Article I, Sec. 9.

Elections Must Be Free. – Article I, Sec. 10.

Voting Must Be Based on Residency, Not Property Ownership. – Article I, Sec. 11 says no property qualification shall affect the right to vote or hold office. Article VI, Sec. 2 has been interpreted to say that no person who does not reside in a jurisdiction may vote there. If a person is a U.S. citizen, is not a felon, and has resided in a place 30 days before the next election, that person is qualified to register and vote. What constitutes "residency" for voter registration purposes is a complicated question that has been disputed with regard to people who live in more than one place during a year: college students, military personnel, part-time residents of resort communities. The answer generally comes down to what is the person's intent. The State Supreme Court in Lloyd v. Babb (1979) said college students do not have to intend to permanently live in their college town after graduation to be eligible to vote there, as long as they do not intend to move back to their previous home after graduation.

Convicted Felons May Not Vote Until Their Citizenship is Restored. Article VI, Sec. 2.

Voter Registration by General Law. Article VI, Sec. 3 precludes local bills for voter registration, but local bills affecting voting methods are not only permitted but are quite common.

Unconstitutional Vestiges: Year's Residency in the State (Art. VI, Sec. 2) and Literacy Requirement (Art. VI, Sec. 4.)

IV. North Carolina Statutes.

Most election statutes are in Chapter 163, but some are in Chapter 153A (Counties), Chapter 160A (Cities), and elsewhere.

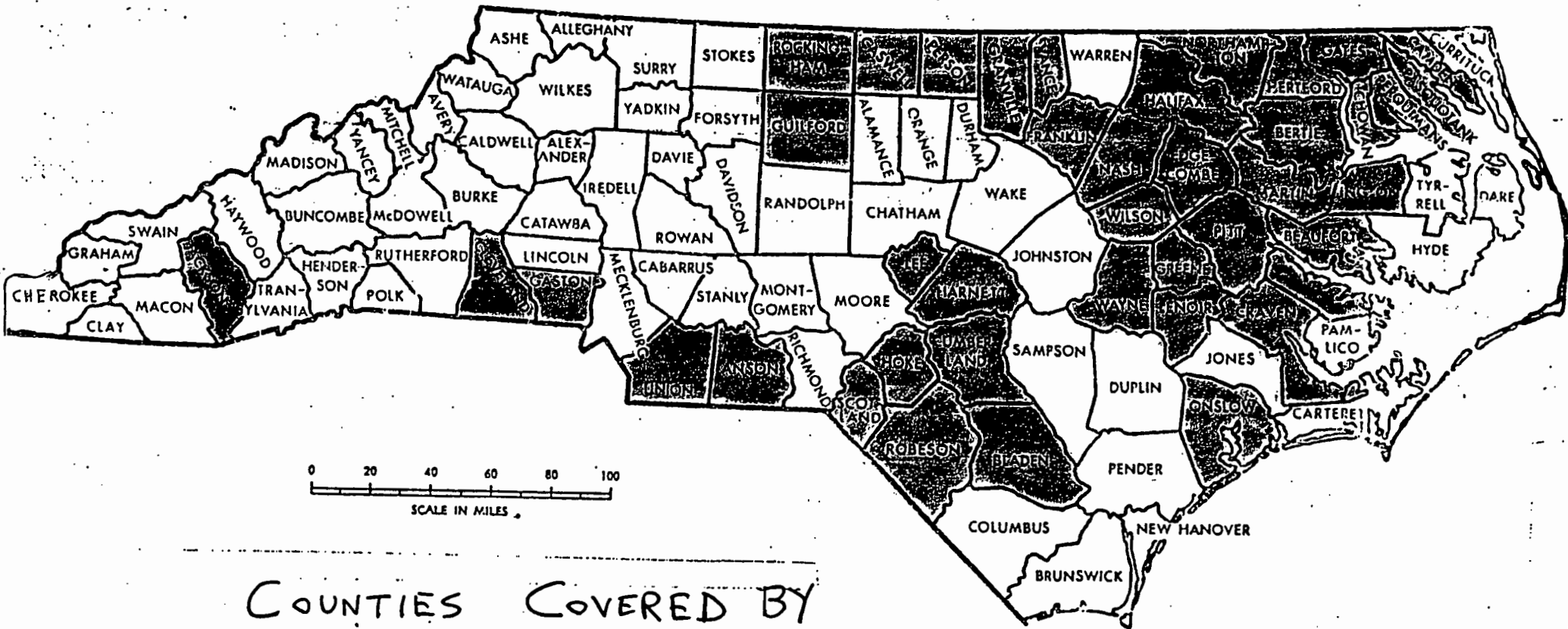
V. Issues:

A. Registration. -- Election-day registration. Statewide computerized voter registration.

B. Absentee Voting. -- Removing the excuse requirement for mail absentee ballots.

Removing the excuse requirement for in-person absentee ballots (One-Stop). Allowing more sites for One-Stop. Streamlining the process. The Tennessee Trigger (voters who registered by mail must cast their first vote in person).

- C. Anti-Fraud Measures. -- Is fraud a serious problem? Is it a potential problem with recent changes in law? If so, what kind of fraud is the problem? (E.g., vote-buying, taking advantage of mentally incompetent voters, voting more than once, imposter voting, voting when not qualified by age or residence). Proposed solutions: Requiring voter I.D. at the polls, requiring voter signature at the polls, computerized registration to allow cross-checking. The Tennessee Trigger.
- D. Election Year Timing. Should the election year be shortened? Should N.C. attempt to have an earlier, more influential presidential primary?
- E. Role of the 2 Major Political Parties. Should it be made easier for independent candidates and small parties to get on the ballot?
- F. Election Administration. – Funding battles between elections boards and county commissioners. Should Raleigh pick up more of the tab? Should voting equipment be standardized? Should municipal boards of elections be abolished? Should all county elections offices be made full-time (some are now part-time)?



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HOUSE COMMITTEE ON ELECTION LAW

AND

CAMPAIGN REFORM

February 26, 1997
Room 1327

HOUSE MEMBERS PRESENT: [22] Representatives Justus, Wilson, Aldridge, Alexander, Arnold, Baddour, Berry, Bonner, Braswell, Cansler, Church, Dedmon, Hardy, Hiatt, Insko, Jarrell, Kiser, Michaux, Rayfield, Shubert, Weatherly, and Wood.

The House Committee on Election Laws and Campaign Reform met in Room 1327 of the Legislative Building on Wednesday, February 26, 1997. Representative Connie Wilson called the meeting to order at 11:05 a.m. Eason Hays from Guilford County was introduced as the House Page. Representative Wilson then referred the committee to a handout from the previous week given by Bill Gilkeson on lawsuits related to free speech and other campaign reform issues as an overview of the topic for the meeting and then briefly surveyed the agenda for the meeting.

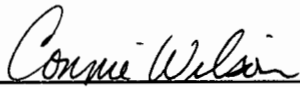
The first speaker introduced was Bill Gilkeson, Staff Attorney. Mr. Gilkeson gave an overview of the constitutionality of campaign reform, particularly as it pertained to 1st Amendment Rights, as well as an overview of current North Carolina Law (see Attachment 1). After explaining subsection B about contributions for referendum campaigns, in Handout 1, Mr. Gilkeson fielded questions about the legality of universities donating funds in support of a bond referendum. Mr. Gilkeson explained that while public universities most likely could not because they used public funds, private universities could. Mr. Gilkeson was then asked about the constitutionality of corporations donating money to candidate elections (see sub-section C/Attachment 1). Mr. Gilkeson explained that corporations were not allowed to contribute to candidates or political parties and that this had not been found unconstitutional. Rep. Wilson also commented that corporations could donate money to the national parties, and Mr. Gilkeson explained that there were some differences in state law, and money could not be given directly to candidates. Mr. Gilkeson was then asked about soft money, and if this was not corporate donations. Mr. Gilkeson explained that it was not, and Rep. Wilson announced that a handout would be given which explained the technical definition of all the terms. Mr. Gilkeson then continued with his overview and reviewed current North Carolina law. Rep. Arnold asked about the cost of media ads on television and newspapers, and asked why there was a disparity in the pricing in the two mediums. Mr. Gilkeson replied that this could be because television was more regulated and therefore had to offer the lowest price, while print mediums had less regulations. Rep. Arnold then suggested looking at the regulations for newspapers. Mr. Gilkeson also referred the committee to two additional handouts (see Attachments 2 and 3). Rep. Arnold then asked for further clarification on the cost of television commercials and whether this was

controlled by federal or state statutes. Mr. Gilkeson replied that this was a complicated area, and that there were some areas the state could regulate, such as what the candidates could do, rather than the media, which was regulated at the federal level. Rep. Arnold asked what agency would the state work through to regulate such matters, and Mr. Gilkeson explained that it would depend on the type of media being regulated. Rep. Arnold then asked if the state could impose stricter regulations than the federal government on electronic media. Mr. Gilkeson explained the federal would prevail in all areas where they had legislation. Rep. Berry then asked if newspapers which were online on the Internet would be regulated by the FCC and Mr. Gilkeson replied that he did not know. Rep. Wood then asked if the state was prohibited from enacting state campaign laws that were more stringent than federal laws. Mr. Gilkeson responded that as a general rule this was not true, only in the area of electronic media, and in some cases the state might could enact stricter regulations, particularly as pertained to state elections, but less in reference to federal elections. Rep. Kiser then asked if in the study commission they had considered raising the non-reporting limit from \$1000 to \$5000. Mr. Gilkeson responded that the possibility of raising the threshold had been mentioned, as well as removing the population limit for local offices. Rep. Arnold then asked if political advertising on the Internet had no restrictions, state or federal, and Rep. Michaux confirmed that there were currently no restrictions. The issue of the Voting Rights Act was then raised, and Mr. Gilkeson explained that North Carolina is under Section 5 of the Voting Rights Act and the Justice Dept. will expect to see submission of state legislation on campaign reform.

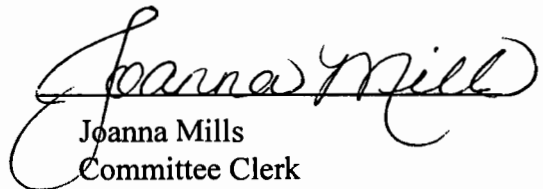
Rep. Wilson then introduced Susan Nichols of the Better Campaigns Commission. Ms. Nichols explained that she was the Elections Attorney for the Attorney General's Office, but was speaking before the committee in the capacity of the Better Campaigns Commission, an ad hoc committee created by the Attorney General after the election and headed by four former Governors. The purpose of the committee is to examine the problem of voter dissatisfaction and problems that occurred in the 1996 election cycle. Ms. Nichols presented an overview of the Commission, its purpose, members, and agenda and what the Commission would be doing in the future. Ms. Nichols explained that recommendations from this committee would be presented to the Governor within the next week. Ms. Nichols also provided the committee with two handouts (see Attachments 4 & 5). Rep. Wilson then introduced Gary Bartlett, the Executive Secretary/Director of the State Board of Elections. Mr. Bartlett presented a report entitled Campaign Reporting in North Carolina Present and Future (see Attachment 6). He informed the committee of the current needs of the State Board of Elections, including the pressing request for an updated computer reporting system to enable electronic reporting. He detailed the problems created by the current system which prevented the Board from meeting report deadlines and encouraging timely disclosure. He also drew attention to the 3rd handout, Plugging in the Public, and noted that one correction regarding North Carolina needed to be made on page 14. The publication said that North Carolina only had campaign reporting information available for state-wide candidates which was incorrect. Mr. Bartlett corrected this misinformation, explaining that information was available to any candidate who filed with their office, whether in a local

or state wide race, and that the information was also available in a downloadable file on the Internet. Rep. Michaux then inquired about progress with the state wide computer system. Mr. Bartlett informed the committee that there had been some difficulty in obtaining the money for this project, but that there was \$5 million in reserve. Rep. Baddour then asked how much the Governor had allocated in his budget for this project, and what the total need of the Board were to be able to implement the system. Mr. Bartlett responded that the Board needed a total of \$6.5 million dollars in one time cost and \$1.9 million recurring funds each year. He also added that the Governor's budget for next year asked for \$1 million for the development of the county side, and the Board has one and a half million for the development of the state side and three and a half million for development of the county side in reserve. The Governor has also asked for a one time appropriation of one million to assist with the county side, nine hundred thousand for salaries, training and other issues, and \$1.9 thereafter in the continuation budget. Rep. Baddour further questioned this subject, and Mr. Bartlett explained that the Governor's request would provide them with adequate funds to complete the project.

Rep. Wilson then adjourned the committee at 11:50 a.m., after announcements concerning the next meeting to be held at 11:00 a.m. on March 5, 1997 in Room 1327.



Representative Connie Wilson
Chairman



Joanna Mills
Committee Clerk

[illegible]



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Attachment I

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February 19, 1997

TO: House Committee on Election Laws and Campaign Reform.
FROM: William R. Gilkeson, Staff Attorney.
RE: Campaign Finance Law Overview.

I. Restraints Under the U.S. Constitution – the First Amendment:

A. Contributions to Candidates, Expenditures by Candidates, Independent Expenditures on Behalf of Candidates. *Buckley v. Valeo* (1976)

- * Campaign spending is "speech" protected by the Free Speech clause.
- * That "speech" may be limited only if government has a compelling interest.
- * Contributions to a candidate are an area where government regulation serves a compelling interest. The compelling interest is the prevention of corruption (i.e., the contributor buying influence with an elected official) or the appearance of corruption.
- * Expenditures by a candidate on own behalf give rise to no such compelling interest: How can the candidate corrupt him/herself?
- * Independent expenditures on behalf of a candidate also do not trigger the compelling interest of preventing corruption. If there is no coordination with the candidate, the independent spender does not corrupt.
- * Voluntary agreements by candidate to limit spending in exchange for public financing are valid.

B. Contributions Concerning Referendum Campaigns.

- * Corporations may not be barred from contributing to referendum campaigns. *National Bank of Boston v. Bellotti* (1978)
- * Individuals may not be limited in their contributions to a referendum campaign. *Citizens Against Rent Control v. Berkeley* (1981).

C. Banning Corporate Contributions and Expenditures.

- * Profit-making corporations may be prohibited from contributing or spending in candidate elections. *Austin v. Michigan State Chamber of Commerce*. (1990).
- * Special issue-type nonprofit corporations may not be so barred. *FEC v. Massachusetts Citizens for Life* (1986)
- * Corporations may not be barred from contributing to referendum campaigns. *National Bank of Boston v. Bellotti* (1978)

C. Issue Advocacy.

- * Unless material expressly advocates for or against a candidate, it cannot be regulated as a contribution or expenditure. *Buckley v. Valeo* (1976), *Maine Right to Life Committee v. FEC* (U.S. District Court, 1996)

D. Spending by Political Parties.

- * A party is capable of engaging in independent expenditure, even if that expenditure indirectly benefits its own candidates, if the party's spending is done without coordination with the candidate. *FEC v. Colorado Republican Federal Campaign Committee* (1996)

E. Controls on Negative and Anonymous Campaigning.

- * Civil suit for defamation may be successfully brought by a public figure (such as a candidate) only if the defamer is proven by clear and convincing evidence to have known the statement to be false or acted with reckless disregard of its truth or falsity. *New York Times v. Sullivan* (1964).
- * Lower court cases: No criminal action may be brought or prior restraint imposed because of a negative statement in a campaign unless the *Sullivan* standards are met. *Vanasco v. Schwartz* (U.S. District Court, 1975). But a State may be able to comment officially on the falsity of a statement, *Pesttrak v. Ohio Election Commission* (6th Circuit, 1991), or exclude a candidate's statement from a State-published voter information booklet because it is false or misleading, *Geary v. Renne* (9th Circuit, 1990).
- * A State may not simply require that all circulated political statements be signed. *McIntyre v. Ohio* (1994).
- * A State may not require a newspaper to give equal space to a candidate whom it has criticized editorially. *Miami Herald v. Tornillo* (1974).

F. Election Day Prohibitions.

- * A court may not ban newspaper editorials about a referendum on election day. *Mills v. Alabama* (1966).
- * State law has been upheld that banned electioneering within 100 feet of a polling place. *Burson v. Freeman* (1992).

II. **Current North Carolina Law. (Article 22A of Chapter 163)**

A. Who may give a contribution?

- * Individuals: up to \$4,000 per election. (\$12,000 a cycle, including first primary, second primary, and general election as separate elections).
- * Political committees: up to \$4,000 per election. "Political committee" is broadly defined to include any combination of 2 or more individuals with primary or incidental purpose of influencing the result of an election.
- * Candidate giving to self: Any amount.
- * Candidate's spouse, parents, brothers, sisters: Any amount.
- * Party executive committees: Any amount. (They are included in the definition of "political committee," but excluded from the \$4,000 limit.)
- * Corporations, labor unions, professional associations: Nothing directly. They are prohibited from making political contributions, but their officers, employees, shareholders, or members may create a political committee whose "parent entity" is the corporation, union, or association.

B. Who may receive a contribution?

- * Committee treasurers: Every candidate or political committee must have a treasurer.

- * Candidate treasurer by default: If candidate does not name a treasurer, candidate is own treasurer by default.

C. Who must report?

- * Treasurers.
- * Not county and municipal office candidates in counties and cities under 50,000.
- * Not candidates or party executive committees who have financial transactions under \$1,000.
- * Not inactive candidates.

D. What must be reported?

- * Contributions:
 - Anything of value.
 - Name and address of any contributor of more than \$100.
 - Amount of contribution.
 - Not volunteer time.
- * Expenditures:
 - Name and address of payee.
 - Purpose (generally, use is not restricted, but must be reported).
 - Legend on media ads.
 - All non-media expenditures of \$50 or more.
- * "Reasonable administrative support"—If a corporation or union is a parent entity of a political committee, that corp. or union may provide "reasonable administrative support" to the political committee, but must report it..

III. Issues.

- A. Improving disclosure of campaign finance: More frequent reporting. Electronic filing. Greater availability of data on the Internet. Expand reporting in local government elections. Stricter penalties for late filing. Administrative enforcement, rather than reliance on district attorneys.
- B. Stricter contribution limits. Reducing the \$4,000 limit to a smaller amount. Plugging "loopholes": family, second primary, party committees. Requiring specific authorization from union or association members before payroll checkoff money can be given to political committee.
- C. Public financing. Give candidates all they would need in public money if they agreed to spending limits.
- D. Control of negative campaigning. Create a campaign standards code and provide for non-criminal enforcement of it. Require more disclosure on print and TV/radio ads. Create a public fund to pay for structured ads for candidates who have signed a pledge not to attack their opponents.

*Attachment
#2*

The Basics of Campaign Finance Reform

This is an explanation of some of the terms and concepts that you will run into when you look at campaign finance reform legislation. We have included a discussion of some of the constitutional constraints that apply to specific items.

Contribution Limits

These are limits on the amount of money or services that can be given to a candidate for use in his or her campaign. Normally, specific monetary limits are placed on what can be given by members of particular categories of contributors. These categories include individual citizens, political action committees, corporations, labor unions, and political parties.

Contribution limits are usually set on a "per election" basis. This means that a contributor can give a certain amount during the primary election, and give that same amount again during the general election.

Contribution limits can be set on both an "individual" and an "aggregate" basis:

Individual Contribution Limits put a limit on what any individual or single entity can give to an individual candidate. For example, for Federal elections, an individual can give up to \$1000 to any particular candidate. A single political action committee (PAC) can give up to \$5000 to any particular candidate.

Aggregate Contribution Limits place a limit the total amount that can be received by a candidate from a particular category of contributors. For example, under Arizona law, a candidate for Governor can receive only a total of \$64,000 from all PACs.

Aggregate limits can also be placed on contributors, so that an individual or single entity can give only a certain total amount to all candidates. For example, under Arizona law, an individual can give only a total of \$25,000 to all legislative and statewide candidates.

Constitutional Constraints: In general, the courts have ruled that contributions may be limited to the extent necessary to eliminate corruption or the appearance of corruption in giving money to a candidate. Contribution limits that go beyond this are seen as an infringement of the free speech rights of the contributor. Exactly what constitutes the proper contribution limit for any given political race is subject to the interpretation of the courts.

The Basics of Campaign Finance Reform, pg. 2

Candidate to Candidate Transfers

Transfer as used here means the transfer of funds from one person's political campaign to another person's political campaign. One candidate or committee distributes (or transfers) these funds to members of his party who he wishes to support. Transfers are a common practice among leaders of both parties.

People see two main problems with transfers. First, it makes the recipient of the transfer beholden to the giver of the transfer. Thus party leaders are more able to control individual legislators. Second, it obscures the true source of many campaign donations. A candidate can claim that he or she did not receive contributions from industry X, when in reality industry X provided the candidate funds through a transfer from another candidate.

Off-Year Fundraising

During an election cycle, fundraising activity falls into two phases. The first phase starts as soon as an elected official takes office and continues until 4-6 months prior to the primary election. This phase is known as non-election year fundraising or off-year fundraising. The second phase starts 4-6 months before the primary election and continues through the general election. This is election year fundraising.

This distinction is made between election year fundraising and off-year fundraising because there are important differences between the two. First, most challengers do not participate in off-year fundraising. Over 95% of the off-year money raised goes to incumbents. Second, small individual contributors do not participate in off-year fundraising. Off-year contributors are most commonly PACs, lobbyists, and those that hire lobbyists. Third, off-year fundraising occurs at a time when elected officials are making and voting on laws, not when they are out campaigning. Thus an elected official can be soliciting funds from an interest group at the same time he or she is voting on legislation that affects that group. Some feel that there is an inherent conflict of interest in this arrangement.

Some states place limits on when contributions can be received by a candidate. Commonly, contributions are not allowed prior to six months before the primary election. This usually serves to eliminate fundraising during the off-year legislative session.

The Basics of Campaign Finance Reform, pg. 3

Bundling

Bundling is the practice of taking a large number of individual contributions and "bundling" them into a single large contribution which is then given to a candidate. This practice is normally used to evade contribution limits. For example, the president of the XYZ Company can ask each of his employees to write a personal check to a certain candidate. He then takes those checks and gives them as a bundle to the candidate. In practice, employees are often reimbursed indirectly for their contributions, thus laundering corporate money through individual employees.

Spending Limits

Spending limits set a monetary limit on the total amount that a candidate can spend on his or her campaign during a political race. Those who favor spending limits see them as a way to end the "perpetual fundraising" aspect of the current political system. In other words, if candidates' spending is limited to a certain amount, they can stop fundraising once they have received that amount. It is hoped that this would decrease the current emphasis on fundraising and give elected officials more time to do their jobs.

Importantly, the US. Supreme Court has ruled that mandatory spending limits are unconstitutional. Thus, spending limits can only be imposed if they are voluntary. This means that some incentive must be provided for candidates who agree to spending limits. This incentive can take several forms.

- * Most commonly, candidates who agree to accept spending limits are provided with some public resources with which to run their campaigns. This can be in the form of matching funds or vouchers with which to purchase media ad time.
- * Another incentive is "variable contribution limits" in which the individual contribution limits are raised for those candidates who agree to spending limits. For example, in Rhode Island, candidates for Governor normally can accept up to \$1000 from individuals. This limit is raised to \$2000 if the candidate accepts spending limits.
- * A third incentive which is often added to one of the above is the disclosure of who accepts spending limits. Under the belief that the public will tend to support candidates who accept spending limits, candidates are allowed to highlight their acceptance of spending limits in their campaign advertising and literature.

The Basics of Campaign Finance Reform, pg. 4

- * Finally, in at least one state, individual contributions given to candidates who accept spending limits are tax deductible, while those given to candidates who do not accept spending limits are not. This gives the public an additional financial incentive to monetarily support those candidates who agree to spending limits.

Constitutional Constraints: Because spending money to support a political candidate is considered a form of free speech, the courts have ruled that you cannot place a mandatory limit on campaign spending. Spending limits must be voluntary. In addition, the courts have said that the inducements to accept spending limits must be fair and reasonable. The advantage that the candidate gains by accepting the incentives must roughly balance what the candidate loses by agreeing to limit his or her spending. In other words, the incentives cannot be structured in a way that coerces candidates into agreeing to spending limits. As always, the exact definition of what constitutes coercion is subject to the judgment of the courts.

Independent Expenditures

Independent expenditures are expenditures made in support of or in opposition to a candidate that are made by a group that is not associated with any candidate or candidate's committee. For example, if the Gismo Makers Union strongly supports a candidate, they can produce and air their own advertisements in support of that candidate. The famous Willie Horton ad was the work of an independent expenditure committee.

Constitutional Constraints: Independent expenditures are very difficult to regulate. As stated above, spending money to support a political candidate is considered a form of free speech. Because independent expenditures do not involve giving money to a candidate, the courts have found that they do not represent a corrupting influence. Therefore, placing limits on independent expenditures has been found unconstitutional in most cases.

Public Financing

Public financing is the use of money obtained from the general public to finance all or part of a political campaign. Because this money is given by the public on a strictly nonpartisan basis, it is seen as being free of any corrupting influence.

The Basics of Campaign Finance Reform, pg. 5

In general, public financing falls into two broad categories:

- * The first category is "public funding of candidates." This involves giving public money directly to the candidates who in most cases can use it in any manner they choose. The most common example of this is providing matching funds to candidates that agree to spending limits (as occurs in Presidential elections). Under this system, candidates are given a certain amount of money for every dollar they raise on their own. Certain thresholds and restrictions usually apply.
- * The second category is "public funding of voter information." This involves publicly financing the distribution of information about the candidates by an independent body.

Soft Money

In federal and most state elections, there are limits on the amount of money that can be given to a candidate. There is also a limit on the amount of money that can be given to political parties at the national level. In many states, however, there is no limit on the amount of money that can be given to the state political party. In theory, this money is to be used for general party activities such as voter registration and "get out the vote" campaigns. In practice, contributions to state parties are often funneled into advertising and support for specific candidates at both the state and national level. This party money used for specific candidates is known as soft money.

Soft money is viewed as a problem because it allows individuals, PACs, and corporations to donate sums that vastly exceed contribution limits, often by hundreds of thousands of dollars. As with transfers, it is a form of money laundering that obscures the true source of donations to specific candidates.

Disclosure

Many campaign finance laws contain disclosure provisions. These are requirements that candidates disclose the sources of their contributions. Typically, candidates must disclose the name and occupation of the giver for any contributions above a certain amount. Total contributions received are also reported as is how the contributions are spent. This information is generally available to the public, though actually obtaining it can be difficult, time consuming, and expensive.

The Basics of Campaign Finance Reform, pg. 6

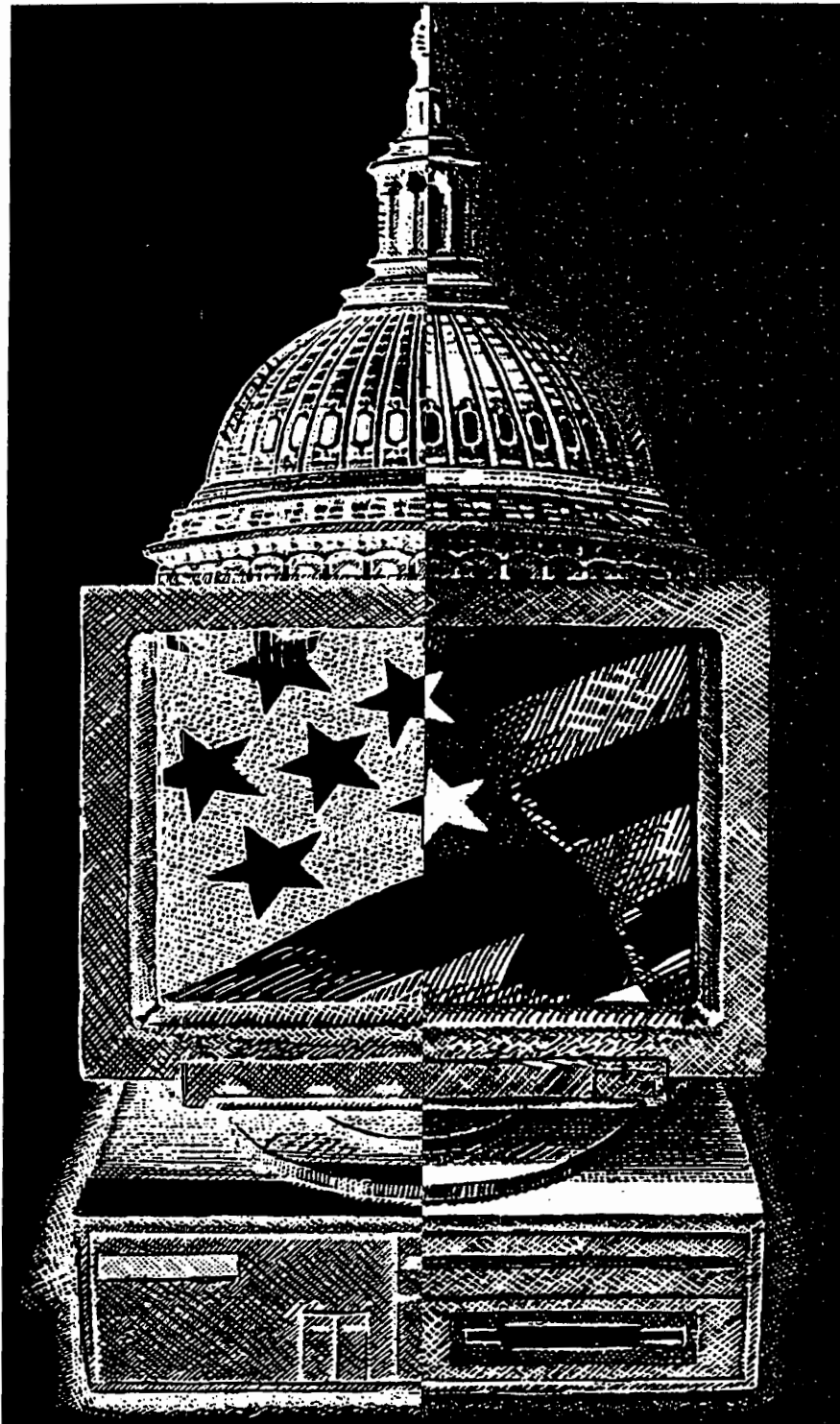
Disclosure can also involve the requirement that certain information be included in candidate advertising. Typically, the sponsor of an ad must be clearly identified, though this does not always identify the true source of the funding. For example, the "Committee for Good Government" could in reality represent anyone from a citizens group to the tobacco industry.

Severability

Severability is a provision often written into campaign finance reform bills that make multiple separate changes in the law. It means that if one specific item in the bill is found to be unconstitutional, the remaining parts of the bill are not affected and will become law. Conversely, if two parts of a bill are not severable and one of them is declared unconstitutional, they would both be invalidated.

PLUGGING IN THE PUBLIC

A MODEL FOR CAMPAIGN FINANCE DISCLOSURE



*Attachment
#3*

BY ELIZABETH HEDLUND AND LISA ROSENBERG

C E N T E R F O R R E S P O N S I V E P O L I T I C S

Attachment
#4

Three Examples of Efforts in Other States

Prepared by Susan K. Nichols for Presentation to Better Campaigns Commission on December 10, 1996

General Reforms - Missouri

In 1994, the Missouri General Assembly, anticipating a revolt by the voters, adopted Senate Bill 650 which enacted sweeping campaign finance reforms, including contribution limits, spending limits and advertising restrictions. S.B. 650 went into effect January 1, 1995.

The voters were not deterred. In November, 1994, Proposition A was approved by nearly three-quarters of Missouri voters. Proposition A enacted even tougher contribution limits and other reforms.

Excerpt from
Lobbying, PACs, AND Campaign Finance, 50 State Handbook, Missouri Chapter
(1996 ed., West Publishing Co.)

These two pieces of legislation were quickly challenged in three court cases: *Carver v. Nixon*, 72 F.3d 633 (8th Cir. 1995), *cert. denied*, ___ U.S. ___ (1996); *Shrink v. Maupin*, 71 F.3d 1422 (1995) (*Shrink I*); *Shrink v. Maupin*, 922 F.Supp. 1413 (E.D. Mo. 1996) (*Shrink II*). There is no further court action pending. After the final decisions were rendered in these three cases, this is how the two pieces of legislation fared:

Provisions ruled unconstitutional:

- *Limits on campaign contributions per election cycle based on the type of office sought because they were so low.* (\$100 per election cycle per candidate in districts with fewer than 100,000 people; \$200 per election cycle per candidate in larger districts; \$300 per statewide candidate per election cycle) (these were characterized as lowest in country). These limits also had the effect of limiting a candidate's contributions to his or her own campaign
- *Requirement that unused campaign contributions be either turned over to the state or returned to the contributor.* The court held that the Constitution protects both the right to speak and the right not to speak, thus the "spenddown" requirement intended to keep candidates from carrying "war chests" from election to election was struck.
- *Voluntary expenditure ceilings.* Candidates who choose not to submit to limits could accept contributions only from individuals and not PACs, corporations, etc., and they are required to make daily reports if they go over the expenditure limit. The provision only penalized noncompliance without providing an incentive for voluntary compliance, thus it was coercive rather than truly voluntary.
- *Requirement that advertisements making direct allegations about opponents state that the contents of the advertisement had been approved and authorized by the candidate on whose*

behalf the advertisement was issued. The court noted that while “negative campaigning is distasteful, that is not a sufficient basis for interfering with core first amendment rights.” The court also noted that the requirement applied not just to false advertisements.

- *Prohibition against contributions to statewide election officials or members of the general assembly, or committee acting on their behalf, during any regular session of the general assembly.* The court found that the law exceeded its intended grasp in that it applied alike to incumbents and nonincumbents and was unconstitutionally vague.

Provisions still in effect:

- *Limits on cash contributions and anonymous contributions over \$25.*
- *Requirements that candidates disclose a contributor's name, address, and employer (or occupation if self-employed) for contributions over \$25.*
- *Prohibitions against discrimination or intimidation as a means to coerce someone to vote, refrain from voting, or contribute.*
- *Provisions allowing corporations and labor organizations to make contributions or expenditures with proper authority from their members.*
- *Prohibition against receiving a contribution from an out-of-state committee that has not filed an organizational report.*
- *Limitations on converting campaign contributions to personal use.*
- *Provision requiring candidates to dispose of unspent contributions over certain amounts by 120 days after the general election.*
- *Reporting requirements for campaign treasurers.*
- *Limitations on the amount of campaign contributions by individuals and political party committees.* These amounts are adjusted annually and are as follows:

(Office)	(Individuals)	(Political Party Committee)
Statewide Races	\$2,000	\$10,000
State Senator	\$1,000	\$ 5,000
Representative	\$ 500	\$ 2,500

Public Financing - Maine

Campaign finance reform forces nationwide could get a lift after voters in six states approved ballot initiatives on the issue.

All of the initiatives on state ballots Nov. 5 passed by wide margins. A leading proposal was a plan in Maine to provide public financing for candidates for state office. Many reformers at the federal level have long called for public financing of congressional elections, though opponents say the public would not back taxpayer funding of campaigns.

Other proposals adopted in California, Colorado, Nevada, and Arkansas generally would attempt to limit or control contributions to candidates or spending by candidates. Advisory questions on the ballot in several jurisdictions in Massachusetts allowed voters to register their support for reform proposal but did not have the effect of law.

*Excerpt from Daily Report for Executives, Analysis and Reports,
published by Bureau of National Affairs (November 12, 1996)*

Features of Maine Public Financing Proposal:

- Begins in year 2,000
- Candidates may qualify to participate by collecting minimum numbers of small contributions - 2,500 contributions between \$5 and \$100 each for a total of \$50,000 for gubernatorial candidates, 150 contributions up to a collective total of \$1500 for state senators, and 50 contributions up to a maximum of \$500 for state representatives
- Once candidate qualifies, no further private contributions
- Allotted amounts will be 75% of statewide average spent in 1996 and 1998 campaigns, thereafter it will equal the amount spent in previous elections
- Candidates may decline public financing but individual contribution limits lowered from \$1,000 to \$500 for gubernatorial races and to \$250 for legislative races
- Money for the plan will come primarily from general revenues but also income tax checkoffs of \$3, increased lobbyist fees, and fines for campaign violators
- Although law passed the voters by 56%, it was rejected by the state house earlier this year

A representative of the ACLU in Maine has announced it intends to challenge the law early next year after it takes effect. These are some of the reasons why they intend to make a challenge.

- Law's limits on individual contributions to publicly funded candidates interfere with citizen's right to support particular candidates
- Measure violates First Amendment and principles of government neutrality
- Candidates coerced into participating
- Limits on campaign spending are not needed in Maine where spending is relatively low
- Spending limits give incumbents with name recognition unfair advantage

Disclosure - Washington

So long as it remains the Supreme Court's view that money is speech, Congress will lack power to limit political advertising except through the flimsy and ineffective device of public financing. It would be wise to stop the insult to law and settle for something more modest – unlimited contributions with strict and truly enforceable disclosure.

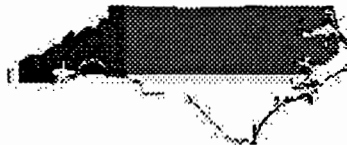
Excerpt from *Campaign reform: Settle for disclosure*, Edwin M. Yoder Jr.,
Washington Post Writers Group, November 6, 1996

The State of Washington has been a pioneer in public disclosure of campaign financing. In 1972, a ballot initiative was approved to provide the public with full information about campaign financing and lobbying. The voters approved another initiative in 1992, *The Fair Campaign Practices Act*, to refine the law. This law for the first time placed significant limits on contributions to candidates running for statewide office. Campaign finance information is posted on the Internet and candidates are required to submit information on paper and on diskette. A software program for preparing campaign reports was made available to any candidate who wished to use it. This program has not been challenged in court.

The following are some of the reporting requirements imposed by Washington's Public Disclosure Commission:

- Political committees are required to keep accurate records current within 5 business days of receipt or expenditure and to make reports available 8 days before any election.
- Continuing political committees that raise and spend more than \$2,000 per year are required to file monthly reports if raised or spent more than \$200 in previous month.
- Special reports are required 7 days before a primary and 21 days before a general election.
- Monetary contributions must be deposited within 5 business days of receipt and details of the deposit are to be reported to the Commission on the same day they are deposited.
- Required to report names of all persons contributing more than \$25 in an election cycle.
- Notice must be given within 24 hours of contributions made by political committees in the 7 days before a primary and 21 days before a general election.
- No person may reimburse another for a political contribution.
- Out-of-state and federal political committees must report to the Commission when they give more than \$50 to an in-state candidate for state or local office. If reports of contributions are not filed within 10 days of receipt of contribution, campaign must return the money. Reports of independent expenditures more than \$100 must be made in 5 days.
- A lobbyist employer must report monthly unless contribution is through a lobbyist. The lobbyist must report contributions on monthly expense reports.

Better Campaigns Commission



Mission Statement

Attorney General Mike Easley created the Better Campaigns Commission to consider ways for improving state and local elections in North Carolina.

My goal is for North Carolina to be a national model for clean, positive, issue-oriented campaigns. To do that we need innovative thinking on how to get every potential voter interested and informed. I have asked people with unique backgrounds and expertise in state and local elections to assist us. We also need citizen input. After all, no one knows more about voting than voters. --Mike Easley

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Governor Terry Sanford Governor Robert W. Scott

Gary O. Bartlett, Director, State Board of Elections
Robert Bradshaw, Former Chair of NC Republican Party
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Attachment
#4



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Campaign Reporting in North Carolina Present and Future

Administration of the *North Carolina Campaign Reporting Act* is one of the most important functions conducted by the State Board of Elections through its Campaign Reporting Office. Disclosure of campaign finance activities is increasingly viewed as an important source of information for use by the public, media, and candidates in assessing individuals seeking public office. However, despite the increased reliance on this system, records management for campaign reporting is one of the last areas of election administration to utilize cutting edge technology for archiving, auditing, and disseminating information to the public. The State Board of Elections office and the Campaign Reporting Office is committed to modernizing North Carolina's campaign reporting system to ensure the most efficient and effective administration of the *Campaign Reporting Act*.

During the 1996 election cycle, the Campaign Reporting Office (CRO) worked with the treasurers of 2,059 committees. In turn, as of October 18, 1996, these committees have disclosed contributions to their campaigns in the amount of \$456,669,977.33; expenditures in the amount of \$403,583,378.07; and loan balances totaling \$5,332,936.59.

The Campaign Reporting Office is the state depository for reports filed by federal candidates for President, US Senate and US House of Representatives. These federal committees have raised approximately \$395 million of the approximate total of \$450 million reported to the Campaign Reporting Office. Since the Campaign Reporting Office is a depository for federal disclosure reports, the \$395 million figure includes contributions raised nationwide for these federal candidates, not just those contributions originating in North Carolina.

Initial estimates prepared by the CRO indicate that that approximately 550 committees will submit annual reports for 1996 covering the time period of October 19, 1996, through December 31, 1996, the end of the 1996 election cycle. These reports are expected to disclose contributions in excess of \$6 million and expenditures of more than \$8 million. In addition, another 300 committees are expected to file final reports to close campaigns. (Figures for expected filings based on 1992 statistics.) The following three tables detail current information reported from political committees in 1996:

1996 Election Cycle Political Committee Registration

Type of Committee	Number	Contributions	Balance of Loans	Expenditures
Political party	573	\$19,173,714.06	\$90,312.06	\$18,633,436.72
NC and Federal political comm. (PACs)	455	\$6,077,717	\$113,724.07	\$7,169,342.68
Registered referendum	8	\$1,917,080.96	\$0	\$1,904,812.27

Analysis Of 1996 Campaign Reporting Candidate Records

Number of Records and \$ Reported for 1996 elections and previous elections-campaigns not closed				
Candidate Type	Number	Contributions	Loan Balances	Expenditures
Miscellaneous Committees	20	183,361.06	2,700.00	171,898.85
Presidential	23	354,986,289.13	-0-	301,437,552.17
US Senate	15	28,401,628.15	-0-	28,243,938.27
US House	107	11,562,781.16	1,251.46	11,152,140.12
Gov., Lt. Gov., Council of State	70	20,708,276.11	3,906,551.01	22,205,635.14
NC Senate	164	4,891,569.18	531,617.14	4,692,089.59
NC House	316	6,232,687.79	369,156.19	5,539,023.77
Judicial	321	2,742,348.59	320,699.87	2,745,186.93
TOTALS	1,036	429,708,941.17	5,131,975.67	376,187,464.84

Number of Candidates Involved in 1996 Elections and \$ Reported (as of Pre-Election Report through 10/18/96)

Type Of Candidates	Number	Contributions	Loan Balances	Expenditures
Miscellaneous Committees	20	183,361.06	2,700.00	171,898.85
Presidential	19	351,564,950.06	-0-	292,689,576.28
US Senate	9	25,996,609.77	-0-	25,846,829.39
US House	67	10,989,892.75	-0-	10,277,317.09
Gov., Lt. Gov., Council of State	59	20,374,320.50	3,920,324.54	21,982,486.89
NC Senate	140	4,846,026.86	533,061.31	4,607,135.90
NC House	273	6,222,973.83	406,636.50	5,502,999.77
Judicial	229	2,653,991.39	373,645.95	2,637,012.41
TOTALS	816	422,832,126.22	5,236,368.30	363,715,256.58

The Campaign Reporting Process at Present

The campaign reporting system is comprised of paper, telephone, and electronic resources. Through this system, paper reports are available to the public as soon as the reports are received and recorded. The recording process indicates that the report has been received and the disclosed values for itemized contributions, loan balances, and expenditures. Reports are then available for public use, either in person or by telephone. Labor equal to one staff person's time is spent in locating records in the public viewing area of the CRO and giving the recorded summary information to the public and media over the telephone. Within 30 days of being filed, public use of the paper reports wanes.

As mandated by law, auditing of the campaign reports must be completed with four months after the election. The audit produces a complete and balanced database of all reported campaign finance information. The auditing process involves line-by-line data entry of each and every report filed by political committees. Unfortunately, staff are unable to meet the 4-month deadline with the current process of part manual and part electronic filings, much less a completely manual process. Additional time to complete the audit or greater reliance on electronic filings is necessary to effectively meet the current audit deadline.

Additionally, an audit deadline of four months after the election does not satisfy the needs of the public using the reports either. The Campaign Reporting Office databases are used by

- ▶ the public and media to determine elected officials' special interests,
- ▶ candidates for elective office,
- ▶ political historians,
- ▶ prospective candidates planning future campaigns, and
- ▶ a surprising number of persons with court cases and agreements or disagreements with elected officials.

To fulfill the public interest, more emphasis should be placed on the effective and efficient method of electronic filing. Currently, attention is focused on the immediate interest of candidates and their opponents as they conduct a campaign.

Such a change, however, will require additional appropriations by the General Assembly. While the Campaign Reporting Office has made great strides in making campaign finance information available to the public, it has made as much progress as possible without additional funding.

Even with a greater reliance on electronic filing, paper reports will be necessary for the foreseeable future. Campaign reports have been declared permanent public records by the Archives and History Division of Cultural Resources. As such, the paper copies are microfilmed for permanent retention. Presently the longevity of electronic records is not known. Therefore, Archives and History continues to require paper copies.

The State Board of Elections is responsible for maintaining the electronic records. Limited computer and network hardware and software available for this purpose dictate that Campaign Reporting Office databases be exported and retained in a delimited ASCII form. In this form, the databases for different election cycles must be loaded and unloaded from the State Board computer system before they can be made available for public viewing. After loading, the databases are copied by request and free of charge to diskettes provided by any individual. The information may then be imported into the individual's computer with their own software. The Campaign Reporting Office's public viewing area has one workstation for public use. An individual may come in and research the historical databases using Professional File software which is currently being used by the Campaign Reporting Office.

The State Board of Elections and the Campaign Reporting Office have increased the accessibility of the historical databases for 1990, 1992, and 1994, by making them

available in delimited ASCII form on the World Wide Web. Using their choice of web browsing software, individuals may download the files to their own system.

The electronic filing of campaign finance reports became an option starting with the 1996 Pre-Primary Report due April 26, 1996. The filing process is simple. The data must be on a 3.5" diskette formatted for an MS-DOS compatible computer. Each filing must contain three files in comma-delimited ASCII text:

- (1) a "Report of Contributions" file,
- (2) a "Report of Expenditures" file, and
- (3) a "Report of Loan Proceeds and Repayments" file.

If no financial transactions were conducted in any given category during the reporting period, the committee should include a blank copy of the corresponding file. The electronic filings go immediately to Internet and are available to the public. This is, of course, raw data. The Campaign Reporting Office then prints the paper copies of the Reports of Contributions, Expenditures, and Loan Proceeds and Repayments for filing in the public viewing area.

Currently, 18 political committees are filing by diskette. This low level of participation seems attributable to three factors:

- ▶ the program began inter-cycle,
- ▶ the program provides the disclosure to the public immediately, and
- ▶ under state law, campaigns are not required to file reports electronically.

The CRO hoped that more committees would participate in electronic filing because only the transmittal pages have to be filed. The CRO estimates that at least 50% of the committees are using some kind of computer software package to maintain their campaign finance information. Mandatory participation for all political committees seems necessary to significantly increase the effectiveness of the electronic filing system.

Into the Future

The present Campaign Reporting system is primed to leap into the future. As a part of the Statewide Elections Computer System, Campaign Reporting is slated to share new hardware and install new software for recording and auditing the reports. Additionally, the CRO will be able to convert from the present electronic filing system to one that would support electronic filing by, preferably, modem but also diskette. Additionally, the system would provide for increased access to current and historical data through the Internet and the World Wide Web.

The software for the new Campaign Reporting system is written and ready to be installed. Upon installation, the CRO will conduct necessary testing of the software to identify potential "bugs" in the system before it goes into production mode.

Completion of this task is awaiting installation of the new network hardware when it is available. The State Board of Elections office recently experienced technical problems with its network hardware, necessitating the purchase of a new network server. The new server should be installed within two weeks. Unfortunately, the State Board office had to postpone the acquisition of a new low maintenance, high

volume photocopier due to its limited funds being redirected to the new network server purchase.

The purpose of enhancements to the Campaign Reporting system are fourfold:

- ▶ to reduce the paperwork requirements on candidates who must comply with the North Carolina Campaign Reporting Act,
- ▶ to reduce the amount of direct data entry required in the Campaign Reporting Office once committees have filed their reports,
- ▶ to ensure the more timely availability of campaign finance data to the public, and
- ▶ to continue improvements in the automation of election administration in North Carolina.

In the administration of a comprehensive electronic filing system, new staff and equipment will be imperative if electronic filing and delivery of databases are to be successful and satisfying for those required to file (i.e., political committees) and those with needs to review the reports (i.e., the public and media).

The new Campaign Reporting system was designed as an integrated component of the statewide elections computer system. As a subsystem, the Campaign Reporting system would have utilized resources included in the installation and maintenance of the statewide system: database manager, network server, etc. Without the statewide system, these expenses will be realized separately, thus losing the benefits of any potential economies of scale.

The State Board office has identified the following unmet needs for implementing the Campaign Reporting system:

- a) Replacement of the outdated personal computers currently used by Campaign Reporting personnel. Campaign Reporting has 6 PCs and 5 are the oldest at the State Board of Elections. (This purchase will not be necessary if the statewide elections computer system is implemented.)

Cost: 5 computers and appropriate licenses at \$3,000 for a total of \$15,000.

- b) Installation of a toll-free telephone with 2 lines for providing assistance with filing to committees and for receiving reports by modem.

Cost: Installation and operating expenses at \$12,000 (estimated; pending confirmation).

- c) Employment of one (1) full-time staff member to provide 1) quality assurance of all data, 2) training, 3) technical support, 4) responses to ad hoc inquiries, and 5) assistance with auditing; to be promoted from current staff who have a knowledge of campaign reporting. (This position will not be necessary if the statewide elections computer system is implemented.)

Costs: Database administrator at \$30,000-35,000, plus retirement and benefits at approx. \$15,000. Computer and office equipment at \$5,000.

- d) Installation of one (1) additional work station in the CRO's public viewing area.

Cost: Computer and office equipment at \$5,000.

- e) Loading of all Campaign Reporting data on the Internet and the World Wide Web.

Cost: Storage of data at \$20,000.

- f) Funding for recurring costs:

- ▶ Operating expenses for toll-free line - \$3,000 per year (estimated; pending confirmation).
- ▶ Salary, retirement, and benefits expenses for database administrator - \$50,000 per year.
- ▶ Upgrades and modifications in programming to address technical corrections or changes in state law - \$10,000 per year.

HOUSE COMMITTEE
ON
ELECTION LAWS & CAMPAIGN REFORM

March 5, 1997
Room 1327, Legislative Building
11:00 AM

AGENDA

I. CALL TO ORDER

Co-Chairmen: Representative Larry Justus
Representative Connie Wilson

II. PRESENTATIONS

- **Alliance for Democracy -- Bob Hall, Research Director**
- **John Locke Foundation -- John Hood, Director**

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

HOUSE COMMITTEE ON ELECTION LAW

AND

CAMPAIGN REFORM

March 5, 1997
Room 1327

HOUSE MEMBERS PRESENT: [22] Representatives Justus, Wilson, Aldridge, Alexander, Arnold, Baddour, Berry, Bonner, Braswell, Cansler, Dedmon, Hardy, Hiatt, Insko, Jarrell, Kiser, Michaux, Rayfield, Shubert, Wainwright, Warner, and Weatherly.

The House Committee on Election Laws and Campaign Reform met in Room 1327 of the Legislative Building on Wednesday, March 5, 1997. Representative Connie Wilson called the meeting to order at 11:10 AM. Representative Wilson introduced House Pages Shanna Hiatt and Bill Jarman.

Representative Wilson introduced Bob Hall, Research Director, of the Alliance for Democracy.

Mr. Hall thanked Representative Wilson for introducing House Bill 3. He explained that campaign finances are complicated and require balancing of different interests. The Alliance for Democracy has three principal interests.

- Full and timely disclosure with electronic filing
- Meaningful enforcement of the rules
- Alternative sources of money for candidates who don't want to be involved in the money chase.

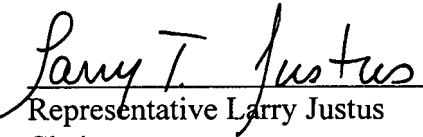
Mr. Hall added that the Alliance for Democracy supports one person/one vote. Everyone is equal when they go the ballot box. "The voters should rule". Mr. Hall continued that election costs in North Carolina have increased fourteen times since 1976, while the price of bread has increased five fold. State wide elections have increased in costs at much greater rates --- the race for Governor has increased to seven million dollars. Mr. Hall added that 1% of the population gives 90% of political contributions and 350 families and groups of business associates give 33% of election money. Mr. Hall said that special interest groups giving campaign money doesn't make the voter very happy. Voters are being turned off and some campaign money is being used to drive people from the polls. North Carolina ranks 46th in voter turnout since 1994. Mr. Hall said that the solution is to create an alternative source of money for candidates who want to "opt out" of the dependency cycle.

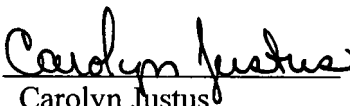
Mr. Hall also supported disclosure and enforcement of election laws. He added that the State Board of Elections is handicapped as it must rely on local District Attorneys to enforce the laws. He also supported quarterly campaign reports in off election years and the same in election years plus the 4th and 18th day before an election. Mr. Hall also said that large sums of contributions before an election should be reported. A major test of campaign reform should be whether or not the occupation and name of the employer is required on campaign reports for contributions. Attachments 1 and 2 were distributed.

Representative Wilson introduced Mr. John Hood, Director, John Locke Foundation, to present the John Locke Foundation views on campaign reform. Mr. Hood distributed Attachment 3 -- Remarks on Campaign Finance Reform. The contents of Mr. Hood's remarks are in this handout and are attached to this set of minutes.

Mr. Hall and Mr. Hood took questions from the audience. Representative Wilson announced that she and Representative Justus have formed Subcommittees to study the bills that have been assigned to this committee. Attachment 4, the subcommittee membership and bills assigned to each committee, was distributed to the committee.

The meeting was adjourned at 11:55 AM.


Representative Larry Justus
Chairman


Carolyn Justus
Committee Clerk

Democracy South

604 Hatch Rd., Chapel Hill, NC 27516 919-967-9942 Fax 919-968-9184

e mail: pmacdowell@igc.apc.org

web site: <http://www.rtpnet.org/~alliance/>

CAMPAIGN REFORM: WHY IS EMPLOYER DISCLOSURE SO CRUCIAL?

HERE'S A TEST. CAN YOU IDENTIFY THE COMPANY WHOSE EXECUTIVES BUNDLED ABOUT \$20,000 ON ONE DAY TO ONE CANDIDATE?

You'd never know if you just relied on current N.C. law, which only discloses name and address of donors. Here's the list of all donors giving over \$100 on Dec. 29, 1995 to a certain statewide candidate.

CONTRIBUTOR'S NAME	CONTRIBUTOR'S ADDRESS	DATE	AMOUNT
ALEXANDER, CLAUDE	5512 WILTON COURT WILMINGTON, NC 28409	12/29/95	250.00
BARTHOLOMEW, NORMAN E	6710 LEESVILLE ROAD RALEIGH, NC 27612	12/29/95	1000.00
BEAM, DORANNE R	2262 DAN REEL ROAD DENVER, NC 28037	12/29/95	2000.00
BOOTHE, LARRY D	1034 HILLCREST DRIVE EDEN, NC 27288	12/29/95	250.00
BOOZ, HORACE C II	27 BONNYWICK DRIVE HARRISBURG, PA 17111	12/29/95	250.00
BOWDEN, JAMES A	2720 FLINTGROVE ROAD CHARLOTTE, NC 28226	12/29/95	250.00
BRANDT, FREDERICK T	350 SHASTA LANE CHARLOTTE, NC 28211	12/29/95	250.00
CAMPBELL, KENT	SUNNYCREST ROAD ASHEVILLE, NC 28805	12/29/95	100.00
CHILDRESS, JUDY KAY	8188 HAMPTON ROAD CLEMMONS, NC 27012	12/29/95	1000.00
CHRISTOPHER, PHILIP	12601 CLIFFCREEK DRIVE HUNTERSVILLE, NC	12/29/95	250.00
CLONINGER, ALAN GLENN	P.O. BOX 406 DALLAS, NC 28034	12/29/95	1000.00
CLONINGER, THOMAS R	3608 FURMAN CIRCLE GASTONIA, NC 28054	12/29/95	1000.00
CLYBURN, H LEE	2611 ROYSTER STREET RALEIGH, NC 27608	12/29/95	500.00
COOPER, WAYNE P	P.O. BOX 19627 CHARLOTTE, NC 28219	12/29/95	500.00
COPELAND, JOHN W	9901 SPRING HARVEST DRIVE CHARLOTTE, NC	12/29/95	250.00
COSTNER, D DALE	1155 WEST STAGECOACH TR LAWDALE, NC 28090	12/29/95	1000.00
COTTON, JAMES	6828 ARONOMINK DRIVE CHARLOTTE, NC 28210	12/29/95	250.00
CRAIG, STEVEN R	P.O. BOX 701 MOORESVILLE, NC 28115	12/29/95	250.00
CURRENT, GREGORY J	608 ROCKFORD ROAD GREENSBORO, NC 27408	12/29/95	250.00
DAGENHART, J L	3906 GASTON ROAD GREENSBORO, NC 27407	12/29/95	250.00
DAVIDSON, CHARLES T	3908 MOORLAND DRIVE CHARLOTTE, NC 28226	12/29/95	500.00
DICKEY, JERRY L	191 HIGHWAY 64 WEST BOX 5 MURPHY, NC 28906	12/29/95	500.00
DOWDY, MARY ELLEN	7630 LAKE MARSHA DRIVE ORLANDO, FL 32819	12/29/95	4000.00
DOWDY, RONALD E	7630 LAKE MARSHA DRIVE ORLANDO, FL 32819	12/29/95	4000.00
EDWARDS, JAMES H	6473 EDWARDS WAY GRANITE FALLS, NC 28630	12/29/95	500.00
ELMORE, BRUCE A SR	53 N. MARKET STREET ASHEVILLE, NC 28801	12/29/95	1000.00
ELVINGTON, P L JR	P.O. BOX 8 ICE PLANT ROAD FAIR BLUFF, NC	12/29/95	250.00
EMRICH, JOHN A	1626 PEMBROKE JONES DR WILMINGTON, NC 28405	12/29/95	4000.00
FAY, TIMOTHY G	11 PINE CONE DRIVE BARRINGTON, NC 02806	12/29/95	2000.00
FELDMAN, EDWARD J	251 EAST 32ND ST APT. NY NY 28232	12/29/95	250.00
GEREMSKI, T E	ONE LOCH RIDGE COURT GREENSBORO, NC 27408	12/29/95	2500.00
GOLDSTEIN, JEFFREY	3376 COURTNEY PLACE BALDWIN, NY 11510	12/29/95	125.00
GOWRIE, THOMAS M	61 LAKE SHORE DRIVE ROCKAWAY, NJ 07866	12/29/95	250.00
GREEN, BARRY L	7701 GLENHARDEN DRIVE RALEIGH, NC 27613	12/29/95	1500.00
GREENBERG, MICHAEL	7 PONDS LANE PURCHASE, NY 10577	12/29/95	500.00
GREENBLATT, ALFRED A	204 LONG LOTS ROAD WESTPORT, CT 06880	12/29/95	4000.00
GREENBLATT, HOWARD L	59 LESLIE LANE FAIRFIELD, CT 06430	12/29/95	500.00
GREENE, CHRISTINE	811 COUNTRY CLUB DRIVE HIGH POINT NC 27262	12/29/95	1000.00
GREENE, ELIZABETH FOY	8101 WINSTERS FAX COURT ZEBULON, NC 27597	12/29/95	200.00

CONTRIBUTOR	CONTRIBUTOR'S ADDRESS	DATE	AMOUNT
GREENE, STANTON C	303 W. CURRIE ROAD CANDOR, NC 27229	12/29/95	150.00
HARMAN, JEFFERY D	2426 REGENTS PARK LANE GREENSBORO, NC 27455	12/29/95	250.00
HAVENER, DANIEL	3000 DAVENTRY LANE RALEIGH, NC 27613	12/29/95	250.00
HAYES, MARY S	2702 ST. ANDREWS COURT JAMESTOWN, NC 27282	12/29/95	250.00
HOBGOOD, GARY	P.O. BOX 1587 WILSON, NC 27893	12/29/95	520.00
HOUSEHOLD INTL PAC	2700 SANDERS ROAD PROSPECT HEIGHTS, IL 60070	12/29/95	1000.00
IRWIN, NICHOLAS E	4403 OAKMOOR DRIVE GREENSBORO, NC 27406	12/29/95	500.00
JACKSON, KENNETH	2603 FLEUR STREET FAYETTEVILLE, NC 28306	12/29/95	250.00
JOHNSON, DENNIS	3257 SPICEBUSH TRAIL GREENSBORO, NC 27410	12/29/95	250.00
JONES, DANA	P.O. BOX 56 MURPHY, NC 28906	12/29/95	250.00
KARO, CLIFFORD	51 AMHERST ROAD PORT WASHINGTON, NY 11050	12/29/95	250.00
KENAN, THOMAS S III	P.O. BOX 2729 CHAPEL HILL, NC 27515	12/29/95	200.00
KIRKSEY, JACK B	105 HILLSIDE LANE MORGANTON, NC 28655	12/29/95	500.00
KREFETZ, JACK	2 HAVENS MILL ROAD FREEHOLD, NJ 07728	12/29/95	250.00
LACKEY, E G	1321 COLUMBIAN DRIVE PUNTA GORDA, FL 33950	12/29/95	2000.00
LAWSON, JOHN T	124 CROSS LAKE DR MILLERS CRK FUQUAY-VARINA,	12/29/95	250.00
LEWIS, ALAN	19 SPRING HOUSE ROAD WAYSIDE, NJ 07712	12/29/95	500.00
MALAFRONTI, ANTH E JR	5700 BRUSHY MEADOWS DR FUQUAY-VARINA 27526	12/29/95	250.00
MASON, JAMES D	750 PERRY ST, STE 308 LAWRENCEVILLE, GA	12/29/95	500.00
MASON, WAYNE H	750 PERRY ST STE 308 LAWRENCEVILLE, GA	12/29/95	500.00
MCCARTNEY, PHILLIP D	5009 MILLSTAFF DRIVE OAK RIDGE, NC 27310	12/29/95	500.00
MCCUTCHEN, BYRON J	100 WOOD SORREL WAY CARY, NC 27511	12/29/95	2000.00
NOLAN, ROBERT W	1185 ARBORETUM DRIVE WILMINGTON, NC 28405	12/29/95	500.00
NORMANN, SHERRILL D SR	1409 GORMLY CIRCLE SANFORD, NC 27330	12/29/95	1000.00
PARKER, JACK	2800 S. OCEAN BOULEVARD BOCA RATON, FL 33432	12/29/95	1000.00
PENNINGTON, JAMES D	420 WALTERS WAY CRUMPLER, NC 28617	12/29/95	1000.00
PIERCE, LONNIE T III	112 CLIFF COURT WINTERVILLE, NC 28590	12/29/95	2000.00
PIERCE, PATRICIA	P.O. BOX 727 FARMVILLE, NC 27828	12/29/95	2000.00
PORTER, RICHARD M	2516 MONET TERRACE CHARLOTTE, NC 28226	12/29/95	250.00
PRESLAR, HARRY	1202 STYX DRIVE MONROE, NC 28112	12/29/95	250.00
REDDEL, FRED A V	P.O. BOX 26969 GREENSBORO, NC 27419	12/29/95	250.00
RISING, LARRY E	1091 PINE KNOLL ROAD KERNERSVILLE, NC 27284	12/29/95	250.00
SCHAEFFER, RICHARD	115 EAST 9TH STREET NEW YORK, NY 10003	12/29/95	250.00
SCHELLER, HOLGER	832 EVERETTS CREEK DR WILMINGTON, NC 28405	12/29/95	125.00
SMITH, G BLAKE	3960 INNSBRUCK COURT RENO, NV 89509	12/29/95	4000.00
SMITH, JOSEPH -	901 BARO+ ROA- WAXHAW, NC 28171	12/29/95	250.00
STANSBERRY, DENNIS J	P.O. BOX 635 JEFFERSON, NC 28640	12/29/95	1000.00
STEWART, RANDALL C	P.O. BOX 8498 ROCKY MOUNT, NC 27804	12/29/95	1000.00
STRACHAN, TIMOTHY L	7157 AVENBURY CIRCLE KERNERSVILLE, NC 27284	12/29/95	250.00
TATE, CAREY K JR	660 GUILFORD ROAD ROCK HILL, SC 29732	12/29/95	250.00
TINGEN, VICKI R	2109 MICHELE DRIVE KINSTON, NC 28501	12/29/95	500.00
WALKER, JAMES M	2000 VALENCIA TERRACE CHARLOTTE, NC 28226	12/29/95	250.00
WASSERMAN, MICHAEL S	73 ESTATE DRIVE JERICHO, NY 11753	12/29/95	500.00
WEAVER, PATRICIA	626 B WALKER AVENUE GREENSBORO, NC 27401	12/29/95	250.00
WEINSTEIN, ROBERT H	2595 S. 17TH STREET WILMINGTON, NC 28401	12/29/95	200.00
WILSON, HUGH EDW III	1645-A FLORA AVENUE BURLINGTON, NC 27217	12/29/95	2000.00
WMX TECHNS INC PAC	3003 BUTTERFIELD ROAD OAK BROOK, IL 60521	12/29/95	500.00
WOOLF, JACK J	3616 MOORLAND AVENUE CHARLOTTE, NC 28226	12/29/95	250.00
WRIGHT, THOMAS R JR	206 W. CEDAR AVENUE WAKE FOREST, NC 27587	12/29/95	1500.00
WYSOCKI, STEFAN JOHN	BOX 414 WAINSCOTT, NY 11975	12/29/95	500.00
YOUNG, RICHARD J	26899 NORTHWESTERN HWY STE 200 SOUTHFIELD, M	12/29/95	250.00
** Total for day			72620.00

WOULD IT HELP IF YOU WERE GIVEN THE DONOR'S OCCUPATION?

Here's a sample of the same list. Now can you name the company whose executives gave about \$20,000 on one day?

Because of the vague information given when only disclosure of occupation is required, it may actually promote more confusion and distrust, not more clarity and honesty.

This is the kind of information that is typically received on reports that only request "occupation" and not employer:

CONTRIBUTOR	OCCUPATION	CONTRIBUTOR'S ADDRESS	AMOUNT
BOOZ, HORACE C II	DIVISION MANAGER	27 BONNYWICK DRIVE HARRISBURG, PA	250.00
CURRENT, GREGORY J	MANUFACTURER	608 ROCKFORD ROAD GREENSBORO, NC	250.00
DAGENHART, J L CORP.	EXECUTIVE	3906 GASTON ROAD GREENSBORO, NC	250.00
EMRICH, JOHN A	PRESIDENT	1626 PEMBROKE JONES DR WMGTON, NC	4000.00
FELDMAN, EDWARD J	BUSINESSMAN	251 E. 32ND ST APT. 16F NEW YORK, NY	500.00
GEREMSKI, T E	FINANCIAL OFFICER	ONE LOCH RIDGE CT GREENSBORO, NC	2500.00
GOLDSTEIN, JEFFREY	BUSINESSMAN	3376 COURTNEY PL BALDWIN, NY	125.00
GOWRIE, THOMAS M	VICE PRESIDENT	61 LAKE SHORE DR ROCKAWAY, NJ	250.00
GREENBERG, MICHAEL	COMPANY MANAGER	7 PONDS LANE PURCHASE, NY	500.00
GREENBLATT, ALFRED A	CORPORATE OFFICIAL	204 LONG LOTS ROAD WESTPORT, CT	4000.00
GREENBLATT, HOWARD L	EXECUTIVE	59 LESLIE LANE FAIRFIELD, CT	500.00
HARMAN, JEFFERY D	BUSINESSMAN	2426 REGENTS PARK LN GREENSBORO, NC	250.00
IRWIN, NICHOLAS E	VICE PRESIDENT	4403 OAKMOOR DRIVE GREENSBORO, NC	500.00
JOHNSON, DENNIS	PURCHASING DIRECTOR	3257 SPICEBUSH TR GREENSBORO, NC	250.00
KARO, CLIFFORD	PRODUCTION MANAGER	51 AMHERST RD PORT WASHINGTON, NY	250.00
KREFETZ, JACK	MARKETING	2 HAVENS MILL RD FREEHOLD, NJ	250.00
LAWSON, JOHN T	BUSINESS EXECUTIVE	124 CROSS LK DR MLES CRK FUQU-VAR	250.00
LEWIS, ALAN	SALESMAN	19 SPRING HOUSE ROAD WAYSIDE, NJ	500.00
MALAFRONTI, ANTH E JR	PLANT MANAGER	5700 BRUSHY MEADOWS DR FUQUAY-VARINA	250.00
etc.			

THE TRUTH IS ALL THE DONORS LISTED ON THIS PAGE WORK FOR THE SAME COMPANY: GUILFORD MILLS

Wouldn't it make more sense to have reporting that provides full disclosure -- just as those for federal candidates and those used in many other states, including Arkansas, Virginia, Mississippi, Kentucky and Florida. Why can't North Carolina achieve the same level of disclosure as used in so many other states? Candidates in these other states aren't embarrassed, or burdened, or unsuccessful because of a "good faith effort" to provide full disclosure. We can do it here, too.

-- From Bob Hall, Democracy South, phone 919-489-1931 or 967-9942.

State of Arkansas
W. J. "BILL" McCUEN
SECRETARY OF STATE
Ethics Division

Little Rock, Arkansas 72201-1094

A44-2-
3-5-97

ARKANSAS

CAMPAIGN CONTRIBUTION REPORT

SHARON PRIEST

Name of Candidate

1/13/95

Date of This Report

Page 3 of 11

PLEASE TYPE OR PRINT		Do not list contributions previously reported. Itemize contributions over \$100.
1. Full Name, Mailing Address and ZIP Code of Contributor	* Employer and Principal Place of Business Capital Group 2230 Cottondale Lane Little Rock, AR 72202 * Occupation Investment Counselor Aggregate This Election ➤ \$ 250.00	Amount of Each Contribution This Period 250.00
2. Full Name, Mailing Address and ZIP Code of Contributor	Employer and Principal Place of Business N/A Occupation n/a Aggregate This Election ➤ \$ 250.00	Amount of Each Contribution This Period 250.00
3. Full Name, Mailing Address and ZIP Code of Contributor	Employer and Principal Place of Business Self Occupation Attorney Aggregate This Election ➤ \$ 250.00	Amount of Each Contribution This Period 50.00
4. Full Name, Mailing Address and ZIP Code of Contributor	Employer and Principal Place of Business Self Occupation Attorney Aggregate This Election ➤ \$ 250.00	Amount of Each Contribution This Period 250.00
5. Full Name, Mailing Address and ZIP Code of Contributor	Employer and Principal Place of Business Same Occupation Fiscal Officer Aggregate This Election ➤ \$ 250.00	Amount of Each Contribution This Period 250.00
6. Full Name, Mailing Address and ZIP Code of Contributor	Employer and Principal Place of Business Munro & Co., Inc. Shoe Mfg. Co. Hot Springs, AR 71901 Occupation Owner	Amount of Each Contribution This Period 250.00

KENTUCKY

SAMPLE DISCLOSURE REPORTS

KENTUCKY REGISTRY OF ELECTION FINANCE
140 Walnut Street
Frankfort, Kentucky 40601
(502) 573-2228 FAX (502) 573-5622

ITEMIZED RECEIPTS SCHEDULE 1A

1. Name of Candidate:

JOHN YOUNG

2. Committee Name:

3. This Statement covers:

From: 5-30-96
To: 9-30-96

4a. Name and Address from whom received. Receipts in excess of \$100 must be itemized.	4b. Marital Status	5. Type of Contribution or Other Receipt:	6. Date of Receipt	AMOUNT		8. Cumulative for Election (per Contributor)	9. Occupation and Employer of Contributor. (If self-employed, name under which doing business.) Occupation shall be specific. Statewide candidates must include spouse's name, employer and occupation
				7a. Contribution by check or Written Instrument	7b. Other Receipts		
GARY LESTER Box 129 GRACEY, KY 42232	M	☐ Direct from Candidate ☐ Loan from Candidate ☒ Direct from a person or authorized entity ☐ From Fundraising Event ☐ From Fund Raiser (Person) ☐ Other:	8/21/96	400 ⁰⁰		400 ⁰⁰	FARMER GARY LESTER FARMS
William P Munday P.O. Box 952 HOPKINSVILLE, KY 42241	M	☐ Direct from Candidate ☐ Loan from Candidate ☒ Direct from a person or authorized entity ☐ From Fundraising Event ☐ From Fund Raiser (Person) ☐ Other:	8/8/96	250 ⁰⁰		250 ⁰⁰	STOCKBROKER HULLIARD-LYONS
R. LEE ARMBRUSTER 5814 AURA RD LOUISVILLE, KY 40222	S	☐ Direct from Candidate ☐ Loan from Candidate ☒ Direct from a person or authorized entity ☐ From Fundraising Event ☐ From Fund Raiser (Person) ☐ Other:	8/26/96	1000 ⁰⁰		1000 ⁰⁰	ATTORNEY RETIRED
FRED MONTGOMERY 3630 HAPPY HOLLOW RD HOPKINSVILLE, KY 42240	M	☐ Direct from Candidate ☐ Loan from Candidate ☒ Direct from a person or authorized entity ☐ From Fundraising Event ☐ From Fund Raiser (Person) ☐ Other:	8/28/96	200 ⁰⁰		200 ⁰⁰	OWNER HOLLAND ELECTRIC
RATILAL GATERA 309 JONAHUIN CIRCLE HOPKINSVILLE, KY 42240	M	☐ Direct from Candidate ☐ Loan from Candidate ☒ Direct from a person or authorized entity ☐ From Fundraising Event ☐ From Fund Raiser (Person) ☐ Other:	9/4/96	250 ⁰⁰		250 ⁰⁰	RATILAL GATERA PHYSICIAN

Subtotal This Page

(Only on last page of Schedule) Total This Period

2100.00	0

Enter the total on line 1a of Summary Page

Enter the total on line 1b of Summary Page

ITEMIZATION OF CONTRIBUTIONS OVER \$100

include any funds transferred from a preceding campaign.

VIRGINIA

Full name of candidate, candidate's committee, political party committee, political action committee or other committee

[illegible]

John Lewis and the Civil Rights

GOVERNMENT

Ältere oder ältere: Eine Vgl. Schenke (1.)

Page _____ of _____

Die

Name of candidate _____
or committee _____

Page _____ of _____

Reporting period _____ through _____

MISSISSIPPI

ITEMIZED RECEIPTS

A.	Date (mo., day, year)	Amount of each receipt this period
Full name		
Mailing address		
City, State, Zip Code		\$
Name of employer		
Occupation	Aggregate year-to-date	\$
B.	Date (mo., day, year)	Amount of each receipt this period
Full name		
Mailing address		
City, State, Zip Code		\$
Name of employer		
Occupation	Aggregate year-to-date	\$
C.	Date (mo., day, year)	Amount of each receipt this period
Full name		
Mailing address		
City, State, Zip Code		\$
Name of employer		
Occupation	Aggregate year-to-date	\$
D.	Date (mo., day, year)	Amount of each receipt this period
Full name		
Mailing address		
City, State, Zip Code		\$
Name of employer		
Occupation	Aggregate year-to-date	\$
E.	Date (mo., day, year)	Amount of each receipt this period
Full name		
Mailing address		
City, State, Zip Code		\$
Name of employer		
Occupation	Aggregate year-to-date	\$

Remarks on Campaign Finance Reform

by

John Hood, President
John Locke Foundation

before the

Election Law and Campaign Reform Committee
North Carolina House of Representatives

Wednesday, March 5, 1997

Ladies and gentlemen: I am pleased to be able to speak today before this committee on the important topic of campaign finance reform. Amid the flurry of partisan spin-control and media analysis of the 1996 elections, one consistent theme has established itself as the conventional wisdom: both in North Carolina and nationally, we need to reform campaign finance.

First a word about the John Locke Foundation and our interest in this issue. The Locke Foundation is a nonprofit, nonpartisan research institute that examines state and local public policy issues in North Carolina. We publish a magazine, Carolina Journal, and a number of other periodicals and research reports to inform the public about public policy issues. We spend a

lot of time studying such issues as state taxes and spending, education, health care, and business regulation. But we have found that underlying all of these issues is one of public trust. Until the voting public has confidence in the political system and believes that it has the information it needs to exercise democratic control over elected officials, we believe that solutions to many public policy challenges will forever elude us. That's why reforming our system of campaign finance is so important.

But before I tell you what I think campaign finance reform should be, let me tell you what I think it should not be. Nationally, revelations about foreign corporations contributing funds to the Democratic National Committee have formed part of the impetus for reform. In fairness, the problems in our campaign finance reform system apply to both parties and both federal and state elections. Other advocates complain about "soft money" from corporations and labor unions that evade contribution limits by flowing to parties rather than to individual candidates. This fuels the widespread belief that "big money" plays too big a role in politics and needs to be reduced in favor of financial support from the public as a whole.

Many reformers advocate a combination of stricter contribution and expenditure limits, eliminating soft money or political action committees (PACs), forcing TV and radio stations to provide free advertising, and providing some form of taxpayer financing of congressional and state elections. In North Carolina, Sen. Wib Gulley (D-Durham) has proposed taxpayer financing for state offices, including the legislature, predicated on candidates abiding by spending limits and raising a threshold amount in \$5 individual donations.

Let me be blunt. This kind of reform is worse than a waste of time. It will make the problems of our political system more difficult to address. It would

have the result, I believe, of further hiding campaign expenditures from the eyes of the voters and force candidates to spend even more time than they currently do raising money rather than debating the issues.

The first point to consider is the relatively small amount of money currently spent on politics. Yes, small amount. In 1994, the average winning candidate for N.C. House spent \$29,400. The average winning Senate candidate spent \$42,000. Total PAC contributions reached \$5.1 million. These numbers are no doubt higher for the 1996 elections, but will still represent a tiny percentage of business revenue or personal income in the state. Nationally, campaign spending represents only about .05 percent of the gross domestic product.

One reason this number appears so small is that it doesn't account for the in-kind contributions of special interest groups and corporations — volunteers, mailings, forums, etc. — that represent campaigning in its purest form. Lots of Republicans, for example, complained about the \$35 million to \$40 million the AFL-CIO spent on advertising to overturn the GOP majority in Congress, not realizing that these expenditures were dwarfed by the value of in-kind contributions from unions to Democratic candidates this year, valued at about \$400 million.

These "independent expenditure" efforts, reported and unreported, by groups ranging from the National Rifle Association and the Christian Coalition to the Sierra Club and the National Abortion and Reproductive Rights Action League, bother a lot of people. But they also represent the core of free political speech protected by the First Amendment.

So do the efforts of the news media to report what candidates say or do and even to endorse one candidate over another. Again, to be perfectly blunt, many candidates receive in-kind contributions from news organizations that

endorse them or at least treat them favorably in news articles. Almost all incumbents receive such contributions just by the nature of the business; because they hold office and can introduce bills and vote for bills, they can attract news media attention more readily than a challenger on the sidelines can do by shouting and gesticulating.

I have never seen a campaign finance bill that promises to limit all campaign expenditures, including independent expenditures by interest groups and news media coverage. But it would be the only fair way to do it. One might, for example, estimate the dollar value of placing an ad in a newspaper at roughly the size of an endorsement editorial. Sound silly? Well, now you know why I think campaign spending limits, if fairly applied, would be absurd and unworkable.

Also keep in mind that campaign spending consists of such things as television advertisements, direct mail pieces, and travel. They involve communicating one's message to the voting public. It's an issue of free speech and of campaign effectiveness. In our society, with so many other things competing for attention in a voter's mind, you will not be able to spend peanuts and get your voice heard. One good direct mail piece costing 50 cents each to potential voters in a statewide election can cost you a million dollars or more.

Now let me say a word about contribution limits. The Senate bill would cut the amount an individual could give to a candidate for state office. I think this has the same defects as trying to impose limits on overall campaign spending. It wouldn't apply to all forms of campaign contributions, just cash. It would have the counterproductive effect of forcing candidates to spend more of their time fundraising and less discussing issues. Even with today's

expenditure limits, candidates often feel like they are trying to fill a bathtub with a tablespoon. Replacing it with a teaspoon won't help matters.

About taxpayer funding of campaigns, I am actually less concerned — but I still don't like it. I don't think the cost to the state budget is the issue. It is, instead, whether it is proper to force me to support candidates with which I disagree, perhaps who I think advocate immoral or dangerous policies. Now the fact of the matter is that we already have taxpayer funding of campaigns, right here in the General Assembly and across the street in the governor's office. As I noted before, incumbents have many advantages in electoral contests, and one of the most important is a staff of government employees whose job it is to help you make good decisions and introduce sensible bills and tell the voters about it. Some people are better at tapping this source of public funds for campaigning than others are. I'd like to decrease, not increase, taxpayer involvement in campaigns.

The bottom line is this: No one has the right in our free society to forbid me from joining with a dozen or a hundred or a thousand like-minded individuals to speak out on issues in which I have an interest. Nor does anyone have the right to force me to pay, through my taxes, for direct campaign expenditures by politicians I don't support, or keep me from spending my money to praise politicians I do support.

Limits on contributions from individuals or spending by candidates will ultimately have the effect not of reducing political expenditures or the power of interest groups, but simply of encouraging them to conduct even more independent expenditures. These efforts have the disadvantage of being less well-known and accessible to the news media than traditional contributions to candidates and parties.

Limits also affect political competition, much like government regulations often favor established firms over upstarts. Because incumbents are also more likely to benefit from soft money or independent expenditures, limits on campaign contributions only serve further to protect them from challengers.

Well, now that I've criticized what some believe to be "serious" campaign finance reform, what would I endorse? In brief, I believe that the public deserves to know who is funding campaigns. They deserve to know because it is one piece of information they might want to use to decide among competing candidates. That means that such information must be available on a timely basis and it must be comprehensive. I support the disclosure changes in Rep. Connie Wilson's bill because I think they would at least take us some of the way toward proper public disclosure. I think, in addition, that the electronic filing rules in the bill should apply to candidates other than just statewide ones, including those of you in the General Assembly.

I also think that the disclosure of occupation is an important reform, because it would provide voters with information to which they are entitled. But I am concerned about either using occupation as currently defined or forcing contributors to list the names of their employers. First, by itself the occupation requirement is a self-reporting requirement, and the information is largely meaningless. I seriously doubt that voters care how many "sales managers" or "vice presidents for operation" give money to a candidate. They might care about the kinds of business operations that contributors are involved in, but probably not their positions in those operations. At the same time, however, I have some privacy concerns about requiring individual employers to be reported. This has great potential for abuse, and it doesn't take a genius to see that. If an employee gives money to the opponent of a candidate that the company's executives support, will the employee be subject

to pressure or retaliation? If an employee of the state department of Transportation, who works for the governor, gives money to the governor's opponent and is identified as a Transportation employee, will he or she feel pressure or retaliation? These are not easy questions to brush aside.

I think there is an answer, however. I doubt voters truly care whether a candidate is receiving a great deal of money from a particular firm, say Wachovia or NationsBank. What they might be concerned about, at least in some cases, is whether the candidate is receiving a great deal of money from people in the banking industry in general. The answer is to report employer classifications rather than individual employers. Such a classification system could be made relatively simple, with a dozen or so categories, based on existing IRS or ESC categories. This should satisfy the need for public information without compromising the privacy of employees.

Lastly, let me endorse another portion of the House bill relating to involuntary funding of campaigns. I think it is wrong to use the fees or dues of an association of whatever sort to fund campaigns unless the members of the association have freely given their money to the association for that particular purpose. The bill provides for written consent for the use of such money, and I think that's a reasonable requirement.

Politics will always attract big money from those with a direct interest in legislation. Politics, in other words, will always be at least mildly corrupt. That will never change, as the Founders of our Republic understood long ago. We need to grow up, recognize the inherent limits of politics, and enact reforms that might actually improve things a little bit. Tougher disclosure laws would be one good idea. Term limits on all elected officials would be another. Eviscerating the First Amendment in a futile attempt to make politics pure as the driven snow will only darken its hue.

ELECTION LAWS AND CAMPAIGN REFORM SUBCOMMITTEES

NAME	COMMITTEE	BILLS
CANSLER - CHAIR	CAMPAIGN REFORM	SENATE BILL 1 HOUSE BILLS 3, 10, 24
BADDOUR	CAMPAIGN REFORM	
BERRY	CAMPAIGN REFORM	
MICHAUX	CAMPAIGN REFORM	
SHUBERT	CAMPAIGN REFORM	<i>Better Camp. ref.</i>
KISER - CHAIR	ELECTION REFORM	HOUSE BILLS 23, 79, 277
CHURCH	ELECTION REFORM	
RAYFIELD	ELECTION REFORM	
WARNER	ELECTION REFORM	
WEATHERLY	ELECTION REFORM	
ARNOLD - CHAIR	CONSTITUTIONAL ISSUES	HOUSE BILLS 6, 7
WAINWRIGHT	CONSTITUTIONAL ISSUES	
ALDRIDGE	CONSTITUTIONAL ISSUES	
BRASWELL	CONSTITUTIONAL ISSUES	
HARDY	CONSTITUTIONAL ISSUES	
HIATT	CONSTITUTIONAL ISSUES	

***** REPORT BACK MARCH 25TH

*****Representative JUSTUS AND Representative WILSON ARE EX-OFFICIO MEMBERS OF ALL COMMITTEES

Warren Murphy	League of Women Voters NC
Liz Koff	NC Alliance for Democracy
Lisa Hamell	Common Cause / NC
Bindu Rao	Democracy South
MARINA Talib	Common Sense Foundation
Kathryn Queen	DEM. South
Judy Hargrove	Wake Co. Board of Elections
Michelle Wyatt	" "
Kelly Weatherly	State Board of Elections
Carlene Kiani	John Locke Foundation
John Hood	Visitor
Hal Mills	John Locke Foundation
Quinn	NC CWA Political Council
Debra L. Seng	NCRP
Paul O.	Jim Block's & Hwy
Chae Scott	NC All-Civ

AGENDA

COMMITTEE ON ELECTION LAWS & CAMPAIGN REFORM

Wednesday, March 12, 1997

11:00 A.M.

ROOM 424

OPENING REMARKS

CONNIE WILSON- BETTER CAMPAIGN COMMISSION
SOFT DOLLARS

PRESENTATIONS

SAM CURRIN, CHAIRMAN N.C. REPUBLICAN PARTY

LIBBA EVANS, CHAIRMAN N.C. DEMOCRATIC PARTY

PHIL KIRK, PRESIDENT NCCBI

ADJOURNMENT

HOUSE COMMITTEE ON ELECTION LAW

AND

CAMPAIGN REFORM

March 12, 1997

Room 424

HOUSE MEMBERS PRESENT: (18) Representatives Justus, Wilson, Aldridge, Arnold, Baddour, Bonner, Cansler, Church, Dedmon, Hardy, Hiatt, Insko, Kiser, Michaux, Rayfield, Shubert, Warner, Weatherly, and Wood.

The House Committee on Election Laws and Campaign Reform met in Room 424 of the Legislative Office Building on Wednesday, March 12, 1997. Representative Larry Justice called the meeting to order at 11:03 a. m. Ashlee Hoskins, from Lee County and Leslie McNeil from Carteret County were introduced as House Pages. Chairman Larry Justice then introduced Chairman Connie Wilson for opening remarks.

Representative Connie Wilson referred to the speakers present today as being a very interesting group who should all have a good understanding of soft dollars. The committee should be able to get a good grasp of soft dollars, not only at the state level, but at the national level because there are two ways dollars funnel down (what is legal and what is not legal) and how does the national level effect the state level and how does the state level effect the national level. All of theses speakers serve on the commission and Representative Wilson said she has asked all of them to share with us why we need full disclosure and to answer any questions that we might have. Representative Wilson then introduced the first speaker Libba Evans, Chairman of the North Carolina Democratic CParty.

Libba Evans stated that the real problem is that it cost too much to run a campaign. She said you can't just stop the money coming in you also have to stop the money going out but the most expensive part of the campaign is communicating your message to voters by way of television and other media outlets that they have chosen. The truth is we have to control campaign spending before we can control campaign contributions and that raises all the constitutional issues and the issues of free speech. There are lots of people trying to figure out the best way to limit spending such as the Better Campaigns Commission. The voters are smart and Mrs. Evans said that a lot of this will be taken care of at the ballot box but in the mean time there will be several commissions, committees, etc. to study the issue and come up with some ideas of how to control the spending and contributions.

House Committee on Election Law and Campaign Reform

March 12, 1997

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The second speaker was Sam Currin, Chairman of the North Carolina Republican Party who started off his speech with the definition of "soft dollars". He said the dictionary says first of all that it is a slang word but that it means funds raised and spent outside the limitations of The Federal Elections Campaign Act. He referred to the Better Campaigns Commission Report and suggested that we pay special attention to certain recommendations that the commission recommends in their report. Mr. Currin also wanted us to realize that they have recommended increasing the violations to be increased to felonies. They also recommend a statewide voter computerized registration system that would help decrease fraud and better management. He said they also recommend increasing the check off from one dollar to two dollars for donations to the political parties. Mr. Currin also said that by strengthening the two state parties and not doing anything to hurt the ability of the state parties to function will help us in our finance effort because otherwise we are going to be left strictly to the whim of the special interest groups, political consultants and the like. Attachment 1- Better Campaigns Report and Recommendations.

Representative Justus introduced Phil Kirk, President of NCCBI. Mr. Kirk said that the other two speakers had covered almost everything but that he did feel as though the Better Campaigns Commission that the enforcement had been greatly strengthened and the disclosure has increased both in content and in frequency and some spending issues were addressed but the more complicated ones will be addressed later. Some of the solutions were not acceptable such as public financing and the regulating of soft money at the state level.

Chairman Justus opened the floor for questions from any of the three speakers. There were several questions asked by different members of the committee. Representative Wilson asked for explanation on Federal and Non-Federal Dollars; how do those moneys spend differently and where do they come from? Ms. Evans explained that federal dollars are limited to \$4,000.00 that go into federal accounts and on the national level there is a limit of \$25,000.00 that an individual can give. All corporate contributions are non-federal and any money that is given in access to these are considered non-federal dollars. Basically there are no limits on what people can give in different ways but the first part a person gives is federal dollars. No state races spend federal dollars only Federal races spend federal dollars and parties have to operate on a split between federal and state dollars that you are assigned every year on what your split is. Chairman Wilson asked about non federal dollars being soft dollars...do you spend your soft dollars differently with candidates? Mr. Currin said that some people say that all non federal dollars are soft dollars and there are no limits on state candidates or federal candidates there are no limits. If you wrote the Republican party a check tomorrow for \$24,000.00 then \$20,000.00

House Committee on Election Law and Campaign Reform

March 12, 1997

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would be nonfederal money and \$4,000.00 would be federal money. Where the money comes from determines whether it is federal or non federal that is for the national and state party. Representative Arnold asked if soft money is illegal and is this system broken and out of control and how can it be made affordable since television and radio charges such high rates. Mrs. Evans explained that soft money is not illegal and that the word soft money is a slang word that people use a lot. You have to determine what is soft money; for example if you gave it to the Rep. or Dem. party and you had already given away \$25,000.00 on a federal basis such as supported 25 congressman by giving them a thousand dollars and you decided to support the national or state party that money that you gave at that point would be soft by definition or would be non federal dollars. Representative Arnold then said I really didn't want the definition what I really want to ask is should we make it illegal so that you can't give the \$50,000.00 laundered back and forth and therefore eliminate soft money that if you want to give candidates (every 435 candidates for the House) then you write 435 different checks, should we not make it illegal? Ms. Evans said it was a constitution issue and that she would let Mr. Currin speak to the issue. Mr. Currin said he would not be prepared to say at this time that we should make it illegal because there are people who for genuine reasons want to support their party and would like to give the Republican or Democratic Party \$5,000.00 or \$10,000.00 and that money is to pay for the parties overhead and activities, platforms and conventions and that sort of thing so just to outlaw what is in slang terms "soft money" would have a real detrimental impact on the state party as well as on the national parties. The rub is coming when so much soft money comes in then the additional soft money that is not used for party overhead and things like that are then put into campaign activities but of course it is not supposed to be candidates specific. It is supposed to help all of the tickets candidates. Ms. Evans then explained to Representative Arnold that the Supreme Court has ruled that if you want to fund your campaign yourself you can and not take any contributions. You can't stop people spending whatever they want to because of the first amendment. Phil Kirk was recognized by Chairman Justus and he said that he didn't have a problem with soft money just as long as it is fully disclosed and that the news media have records of it and can get access to it easily and can report it to the public if they have any questions about it. And the second part of your question about television and radio giving free time to candidates and government to mandate more free time is not the way to go at all; it should encourage more voluntary free time but for government to mandate more free time is not the way to go. Representative Rayfield asked about the Better Campaign Report issued on March 1997 on page 14, how do you mean to strengthen the disclosure and reporting requirements? Mr. Kirk replied that the commission supported more frequent reporting, more reporting of large contributions; more prompt reporting and to maybe require electronic reporting and Mr. Currin agreed with him.

House Committee on Election Law and Campaign Reform

March 12, 1997

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Chairman Justus apologized for the size of the room we had to use today due to the fact that the President would be here tomorrow and our regular meeting room had to be used for his preparation. He then recognized Representative Michaux who stated that he is the only person in the room who had ever been involved in a Federal Campaign. He stated that the federal campaign reporting system is far superior to anything that we have in this state. His campaign of 15 years ago is still having to report to the feds twice a year. He could get out of it by writing off these debts but he stated that most of this debts are to him and he is not willing to write off until that debt is paid. He said when he was actually running he had to report constantly or pay a very heavy fine and he said that you could not operate without the soft money. Full disclosure is extremely necessary and you can spend just as much of your own money as you want to and he said his major concern is public financing of campaigns. Representative Michaux also asked if the commission suggested that the state campaign follow the federal campaign guidelines. Both Mr. Currin and Mr. Kirk agreed that they highly suggest that the federal campaign guidelines be followed.

Representative Wilson wanted to know about limits of campaign contributions and soft dollars and how these limits might effect the party and do those recommendations really do what we think it might do and are there ways around it? Mr. Currin suggested that we wait until we see how Congress deals with it before we try to deal with it here and it is important to keep in mind that we are dealing with two different animals here if you are going to put limits on candidate finance that's one issue but soft money is something entirely different. The federal limit right now is \$1,000.00 per candidate per person was enacted in 1976 as part of the Watergate reform, well what is \$1,000.00 then worth today; is it worth even \$500.00 today and the \$4,000.00 limit that you have in North Carolina for state candidates has been around a long time is probably worth about \$2,000.00 in todays dollars. If you further limit what a candidate can raise or put restrictions then you may put that person to a real disadvantage against the millionaire who is running against them. It may be that just inflation taking its normal course leaving the limits where they are might very well take care of that problem. What Congress needs to look at is soft money and how it is spent.

Representative Cansler asked about the cration of a North Carolina candidates fund that can accept corporate individual and taxpayer contributions; can you expand on that? Ms. Evans said that they could not agree with the entire plan that Lt. Governor Wicker presented but they did agree that a plan should be set up. This would be a fund that the people would participate in the fund that they would agree to limit their campaign spending elsewhere and because they were participating in the fund it would not be public financing it would be a public/private partonship.

House Committee on Election Law and Campaign Reform

March 12, 1997

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Representative Weatherly asked if did the commission consider the practice under the guise of education to demonize certain candidates that's a practice prevalent in candidate expenditure recently. Mr. Kirk said that they talked about that but got into problems with who can define negatives and free speech and constitutional aspects and that he would like to tell you that they would come up with a solution but he is not sure that they can.

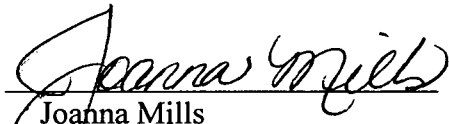
Representative Shubert wanted to know if they got into voter identification at all? Ms. Evans stated that there is a whole section in the Better Campaigns report about making a statewide voter form. They are recommending that we get this into the twenty-first century. Mr. Currin said that there is concern about fraud and that the case in Durham made them more aware of how this could have happened.

Chairman Justus thanked all of the speakers for coming and being so informative and he also asked how the subcommittees are coming along? Representative Kiser reported that they had met and wants the bill sponsor to come next time, Representative Buchanan. They will meet next Wednesday at 10:00 a.m. in room 605. Representative Cansler reported that they are having their first meeting one hour from now in room 425.

Rep. Justus then adjourned the committee at 11:55. The next meeting will be Wednesday, March 19, 1997 at 11:00 a.m. in Room 1327.



Representative Connie Wilson
Chairman


Joanna Mills
Committee Clerk

VISITOR REGISTRATION SHEET

ELECTION LAWS & CAMPAIGN REFORM

March 12, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Kent Eudy	Capital Strategies
Cam Cover	BP MHL
George Reed	NC Council of Churches
Cari Hepp	NC DOJ
Kelly Sanderford	Leg. Intern
Emery P. Salas	The Associated Press
Kathryn Queen	Wake Co. Board of Elections
Jenny Livberg	Office of Gov. W. H. L. L.
Phil Kirk	NCCBI
Laura Hartsell	MCIC
Paul O'Connor	Press

AGENDA

COMMITTEE ON ELECTION LAWS & CAMPAIGN REFORM

Wednesday, March 12, 1997

11:00 A.M.

ROOM 424

OPENING REMARKS

CONNIE WILSON- BETTER CAMPAIGN COMMISSION
SOFT DOLLARS

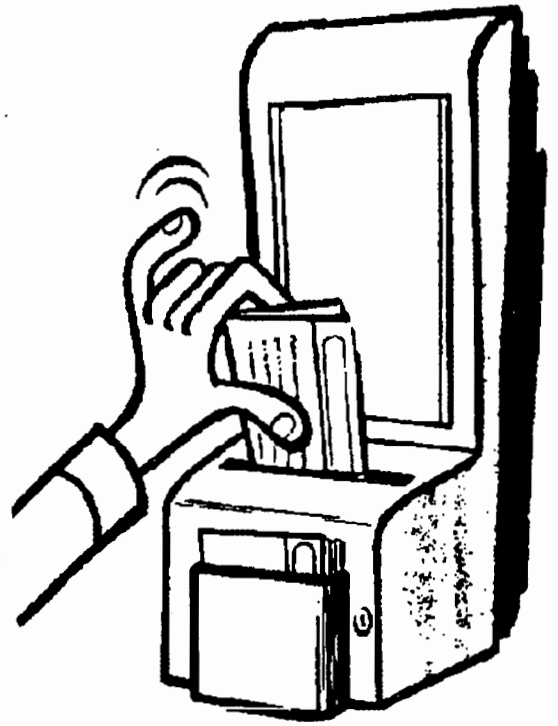
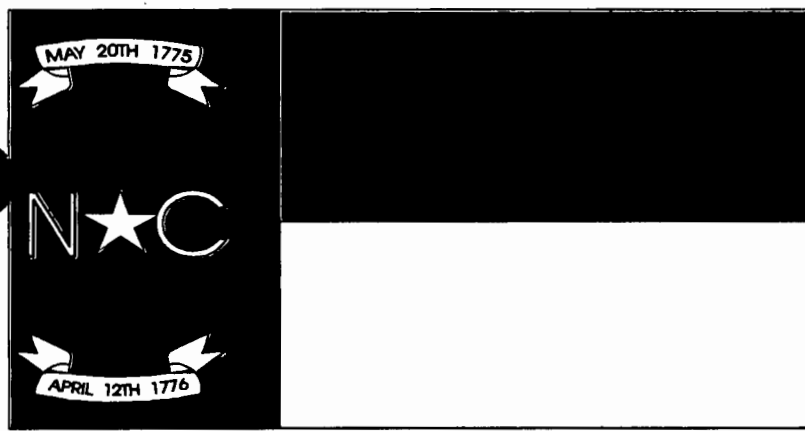
PRESENTATIONS

SAM CURRIN, CHAIRMAN N.C. REPUBLICAN PARTY

LIBBA EVANS, CHAIRMAN N.C. DEMOCRATIC PARTY

PHIL KIRK, PRESIDENT NCCBI

ADJOURNMENT



Better Campaigns Commission

Report and Recommendations

March 1997

Governor Terry Sanford
Co-Chair

Governor James G. Martin
Co-Chair

Governor James E. Holshouser, Jr.
Gary O. Bartlett
Samuel Currin
James F. Goodman
Elizabeth Kopf
Bernadette Parker

Governor Robert W. Scott
Robert W. Bradshaw
Libba Evans
Phillip J. Kirk, Jr.
Vernon Malone
D. Jordan Whichard, III

Attorney General Michael F. Easley, Convener

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III.	JUDICIAL SELECTION	9
IV.	COMBATING NEGATIVE CAMPAIGNING	9
V.	ELECTION ADMINISTRATION	10
VI.	CAMPAIGN FINANCE	14

INTRODUCTION AND EXECUTIVE SUMMARY

Following the November 1996 elections, Attorney General Mike Easley established the Better Campaigns Commission. The Commission's mandate was broad and simple: to examine ways to improve local and State campaigns and elections for the voters of North Carolina. The Commission also sought to offer substantive recommendations to the General Assembly for consideration during the 1997 Session.

The Attorney General asked the State's four former Governors -- Democrats Terry Sanford and Robert W. Scott, Republicans James E. Holshouser, Jr. and James G. Martin -- to head the Commission with Governors Sanford and Martin serving as Co-chairs.

The other Commission members represent a diverse array of distinguished North Carolinians: Gary Bartlett, Executive Secretary-Director of the State Board of Elections; Robert Bradshaw, former Chair of the State Republican Party; Samuel Currin, Chair of the State Republican Party; Lisbeth "Libba" Evans, Chair of the State Democratic Party; James F. Goodmon, President, Capital Broadcasting Co.; Phillip J. Kirk, Jr., President of NC Citizens for Business and Industry; Elizabeth Kopf, Executive Director, Common Cause of North Carolina; Vernon Malone, Wake County Commissioner; Bernadette Parker, President of the North Carolina League of Women Voters; and D. Jordan Whichard III, Publisher of the Greenville Daily Reflector. Taken together, the members offer a broad cross-section of political perspectives -- Republicans and Democrats, grass roots activists and corporate leaders, print and broadcast media, women and minority voters, local and State officials.

At its inaugural meeting in December 1996, Attorney General Easley and Commission members shared their concerns about the current campaign and elections process. The Attorney General asked members to think broadly and creatively when considering ways to improve the system. He encouraged the Commission to pay particular attention to issues involving reporting and disclosure, updating the State's election laws, using computer technology to get information to the public quicker, and developing viable methods of improved campaign financing including an assessment of the role of corporate contributions, "soft" money, and independent expenditures.

A major reason many of the members agreed to serve on the Commission was their belief that voters were increasingly turned off by the conduct of campaigns. But the Commission members recognized that the First Amendment of the U.S. Constitution, as interpreted by the United States Supreme Court, gives candidates wide latitude to run negative campaigns if they choose. The Commission's primary concern is to enhance voter satisfaction and turnout without recommending constitutionally suspect measures.

The Commission focused on six critical areas for identifying ways to improve local and State elections without running afoul of federal regulatory or constitutional constraints: I. *Reporting and Disclosure of Campaign Contributions and Spending*, II. *Enforcement of*

Campaign and Election Laws, III. Judicial Selection, IV. Negative Campaigning, V. Election Day Administration, and VI. Campaign Finance.

Over the course of three months, the Commission held hearings on each topic, listening to more than 25 activists, political and legal experts, and elected officials voicing a range of informed opinions. Commission members also reviewed written submissions from an additional number of North Carolinians with expertise in a particular area of campaign reform. Moreover, the Commission accepted comments and suggestions for improving political campaigns from the general public via phone calls and letters. The Commission also posted a website on the Internet (<http://www.jus.state.nc.us/Justice>) which allowed citizens to e-mail suggestions.

Three members of the North Carolina Department of Justice served as staff to the Commission: Hampton Y. Dellinger, Special Counsel to the Attorney General; Susan K. Nichols, Special Deputy Attorney General; and Cari P. Hepp, Public Education Coordinator. The Commission commends the staff for its excellent support.

The Commission reached consensus on a number of recommendations. A summary of these major recommendations is listed below. Both houses of the General Assembly are considering measures that include some of these recommendations. The Commission applauds these efforts and encourages State lawmakers, county commissioners, broadcasters, elections officials and other decision makers to act *on each* of the following recommendations:

- ☐ Require that all spending and contribution reports for Statewide and General Assembly candidates, PAC's, political parties, district attorneys, judges and referendum committees be filed with the State Board of Elections using a modem or a computer diskette. Allow candidates certifying that they do not maintain spending and contribution information on computer to file a simple waiver form exempting them from the electronic filing requirement. Exempt candidates or groups that raise and spend less than \$3,000.
- ☐ Expand reporting requirements to include all county and city races, and local referenda. Exempt candidates or groups that raise and spend less than \$3,000.
- ☐ Require that reports include the occupation of contributors who give over \$100.
- ☐ Ensure more timely disclosure by making local and State reports due as often as federal reports.

- ☐ Promote public access to reports through immediate posting on the State Board of Elections' Internet site.
- ☐ Increase administrative penalties that may be imposed by the State Board of Elections to encourage timely compliance with filing requirements.
- ☐ Increase criminal penalties to felonies for: intentional misrepresentation in campaign reports and other forms of financial impropriety including intentional violation of regulations or statutes. The Commission recommends that the legislation track the federal law in this area.
- ☐ Enhance the investigatory capabilities of both the State Board of Elections and the district attorneys.
- ☐ Support the appointment of judges with retention elections as recommended by the Commission for the Future of Justice and the Courts in North Carolina in its report, *Without Favor, Denial or Delay*, December 1996.
- ☐ Strengthen sponsorship identification requirements on media advertising to match federal regulations.
- ☐ Promote positive, issue-oriented candidate appearances (including in purchased media) through creation of the North Carolina Candidates Fund that can accept corporate, individual and taxpayer contributions. The Better Campaigns Commission intends to further study and develop the guidelines for this concept.
- ☐ Reduce lines at the polls by implementing a target of 1500 registered voters per precinct and 300 voters per equipment unit.
- ☐ Provide greater uniformity in voting equipment.
- ☐ Strengthen the training requirements for precinct personnel while expanding the pool of available workers.
- ☐ Develop procedures to assure integrity of voter registration drives.
- ☐ Implement a Statewide, computerized voter registration and management system.
- ☐ Revise absentee voting procedures, including allowing "no excuse", in person, one-stop absentee voting.

- ☐ Update Chapter 163 (Election Laws) of the General Statutes.
- ☐ Allow only State and county boards to administer elections.
- ☐ Change the date for first primaries from the first Tuesday in May to the fourth Tuesday in August.
- ☐ Increase the tax return check-off from \$1 to \$2 for donations to the political parties.

The full recommendations, plus explanations and cost estimates, are set forth below. Members have decided to continue as a Commission in order to promote the passage of these recommendations and to convene future meetings on additional ways to improve North Carolina's campaigns and elections. There are additional issues which the Commission would like to study in greater depth before making other recommendations. These issues include measures to reform the role of money raised and spent in campaigns.

FULL RECOMMENDATIONS AND EXPLANATIONS

I. REPORTING AND DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND SPENDING

- ❑ **Require that all spending and contributions reports for Statewide and General Assembly candidates, PAC's, political parties, district attorneys, judges and referendum committees be filed with the State Board of Elections using a modem or on a computer diskette. Allow candidates certifying that they do not maintain spending and contribution information on computer to file a simple waiver form exempting them from the electronic filing requirement. Exempt candidates or groups that raise and spend less than \$3,000.**

In many instances, candidates use computers to prepare reports that are then filed on paper and re-keyed by State Board of Elections' staff. It will save considerable tax dollars and shorten the delay in making this important information available to the public to require that the information be filed electronically. In order to make electronic filing a reality, the General Assembly must:

- 1) appropriate funds to the State Board of Elections to upgrade its computer capabilities to permit it to receive electronically filed reports, i.e., ones transmitted to the Board through a modem or by a diskette. The cost of this upgrade is estimated at \$70,000, which includes the capability of putting on-line all records since 1989. In order to enhance public access to this information and make filing easier for candidates, a computer terminal should be placed in each county board of elections. The estimated cost of enhancing computer accessibility in this manner is \$300,000, assuming the network for it will be provided by the authorized but not yet fully funded Statewide voter registration network. The State Board of Elections will be responsible for making electronically filed reports available to the appropriate local boards of elections; and
- 2) amend NCGS § 163-278.9 to require that all candidates for Statewide and General Assembly races and PAC's, political parties district attorneys, judges and referendum committees file electronically. Candidates or committees that raise or spend less than \$3,000 would not be required to file electronically. A simple waiver form would be available for candidates and other political entities not maintaining spending and contribution information on computer to exempt themselves from this requirement.

- ❑ **Expand reporting requirements to include all county and city races, and local referenda. Exempt candidates or groups that raise and spend less than \$3,000.**

This change eliminates the reporting exemption permitted for races involving counties or municipalities with populations fewer than 50,000 people (NCGS § 163-278.6 and 278.40). It also makes committees supporting or opposing local referenda subject to the reporting requirements. At the same time, it relieves low-dollar campaigns of administrative burdens by raising the dollar threshold for reporting from \$1,000 to \$3,000.

- ❑ **Require that reports include the occupation of contributors who give over \$100.**
- ❑ **Ensure more timely disclosure by making local and State reports due as often as federal reports.**

Specifically, require (i) quarterly reports during an election year, (ii) pre-election reports 12 days before primary and general elections (covering activity through the 20th day before the election), and (iii) notice within 48 hours of receipt of contributions of \$1,000 or more received less than 20 days before an election. Semi-annual reports would be required during non-election years.

Candidates and committees subject to the reporting requirements are presently required to keep information current within seven days. Yet they are not required to report this information with sufficient frequency to assure the public is adequately informed or to allow State Board of Elections' staff to efficiently process the information. The specific reporting requirements set forth above track federal disclosure requirements and deadlines and will ensure that the public receives timely information.

- ❑ **Promote public access to reports through immediate posting on the State Board of Elections Internet site.**

The computer upgrade for the office of the State Board of Elections discussed above includes this cost. The public will be able to access information at all times and from any location.

II. ENFORCEMENT OF CAMPAIGN LAWS

- ❑ **Increase administrative penalties that may be imposed by the State Board of Elections to encourage timely compliance with filing requirements.**

The State Board of Elections is currently authorized in N.C. Gen. Stat. § 163-278.34 to penalize late filers \$20 per day for no more than five days. This penalty is not sufficient to motivate all of those required to file reports to do so in a timely manner. It makes little sense to require more frequent reports and more readily accessible reports without also putting into place a meaningful consequence for the failure to file when reports are due. The law should be rewritten to permit penalizing late filers \$100 per day up to \$10,000. Similar fines should be imposed for failure to respond in a timely manner to requests from the State Board of Elections for amended or clarifying information related to disclosure reports, for accepting illegal contributions, for failing to report in-kind contributions, and for operating in cash.

- ❑ **Increase criminal penalties to felonies for: intentional misrepresentation in campaign reports and other forms of financial impropriety including intentional violation of regulations or statutes. The Commission recommends that the legislation track the federal law in this area.**

Currently these types of activities, if covered at all, are classified as misdemeanors. As such, they are subject only to a two-year statute of limitations. This may not be sufficient time to uncover and prosecute deliberate misrepresentation of information in campaign finance reports. Reclassification of this type of offense as a felony eliminates the statute of limitations. It also creates a greater legal deterrent to unlawful activity and makes clear the seriousness with illegal which campaign and election activity is taken.

- ❑ **Enhance the investigatory capabilities of both the State Board of Elections and the district attorneys.**

The State Board of Elections has the statutory authority to investigate potential violations of campaign reporting requirements but lacks the personnel to conduct such investigations. It is estimated that it will cost approximately \$50,000 to add a full-time investigator to conduct random audits including on-site audits and to conduct the investigation necessary before imposing administrative penalties. The costs associated with investigating violations that result in penalties may be covered by the penalties themselves. Any penalty over the costs of investigation would be deposited for the benefit of the public schools. It is recommended that two investigators be added to the staff of the State Board of Elections with a projected net cost of \$100,000.

In addition, the violations of law subject to examination by an investigative grand jury pursuant to NCGS Stat. § 15A-622(h) should be expanded to include voter fraud. This would be a more effective tool than those presently available for investigating this type of violation.

III. JUDICIAL SELECTION

- ❑ **Support the appointment of judges with retention elections as recommended by the Commission for the Future of Justice and the Courts in North Carolina in its report, *Without Favor, Denial or Delay*, December 1996.**

For many years North Carolina had essentially an appointive system of judicial selection with the majority of judges appointed by the Governor and elected to subsequent terms in uncontested elections. In the last two decades, this has changed so that judicial races at all levels have been contested, requiring candidates for judicial office to raise significant campaign funds. The general public lacks sufficient information or interest to support or even to vote for judicial candidates. Thus, candidates for judicial office must seek support and funding primarily from members of the bar. This process is inconsistent with the goal of a qualified and independent judiciary. The Commission for the Future of Justice and the Courts in North Carolina has exhaustively studied the issue of judicial selection. The Better Campaigns Commission endorses the part of the Future Commission's report supporting the appointment of judges. While this part of the report includes retention elections, the Better Campaigns Commission encourages continuing evaluation of retention elections to assure that they do not unduly undermine the judiciary's independence from lawyers and other interest groups.

The appointment of judges is a first step toward shortening the length of the ballot on election day. The Commission believes further study of other ways in which to shorten the ballot is merited.

IV. COMBATING NEGATIVE CAMPAIGNING

- ❑ **Strengthen sponsorship identification requirements on media advertising to match federal requirements.**

Both FCC and State law require on-the-air identification of the sponsor of political advertising. However, there are additional requirements for federal candidates. State

law requires that political action committees purchasing media advertising be identified within the ad. For example, the statement "Paid for by the John Doe Committee" must appear at the end of an advertisement. There are requirements regarding the size of the statement as well as the length of time a statement must appear. Federal law also requires that advertisements indicate the sponsor and further require that advertisements paid for by third parties indicate whether or not the candidate has approved the advertisement. For example, "Paid for by the XYZ Committee and not authorized by any candidate," or "Paid for by the XYZ Committee and authorized by the John Doe Committee." The Better Campaigns Commission recommends that State laws be strengthened to match the federal sponsorship requirements.

- ❑ **Promote positive, issue-oriented candidate appearances (including in purchased media) through creation of the North Carolina Candidates Fund that can accept corporate, individual and taxpayer contributions. The Better Campaigns Commission intends to further study and develop guidelines for this concept.**

V. ELECTION ADMINISTRATION

- ❑ **Reduce lines at the polls by implementing a target of 1500 registered voters per precinct and 300 voters per equipment unit.**
- ❑ **Provide greater uniformity in voting equipment.**

In North Carolina the number of registered voters assigned to a particular voting place varies greatly from precinct to precinct. Precinct sizes range from 16 voters to as many as 6,049. The general consensus among election officials is that 1500 voters is a desirable target for the base size of a voting precinct. Currently only 46% of precincts in the State serve fewer than 1500 voters. A primary element in voter dissatisfaction on election day is the length of time a person must wait in line in order to cast a ballot. Reducing the size of precincts is a primary method for reducing lines at the polls.

Factors affecting the implementation of a target of 1500 registered voters include population density, availability of polling sites, willingness to change precinct boundaries, established polling places, and cost. Preliminary information shows that the average cost for a county to create a new precinct is \$10,000. This cost arises from the expense of staff time to redraw precinct lines, staff time to reassign voters, printing and mailing information to affected voters, printing legal advertisements, renting new polling places, training new precinct officials, and delivering election supplies. The cost of the new precinct may be greater if new voting equipment is required.

Another reason for long lines at the polls is insufficient voting equipment. Election officials agree that a reasonable target for voting equipment is 300 registered voters per unit of voting equipment. Counties are responsible for purchasing voting equipment, and many do not have sufficient equipment. The insufficiency is due to inadequate funds in some instances and to local government spending priorities in others.

Counties in North Carolina presently use 12 different models of voting equipment, plus paper ballots. Greater uniformity in the equipment used would enhance administration, ballot preparation, and voter participation as more and more people move between counties. A preliminary survey indicates it would cost \$75,000,000 for the counties to replace all current equipment and purchase sufficient new equipment to meet the goal of 300 registered voters per unit. This is the estimated cost of providing direct record equipment to the 98 counties (not Mecklenburg and Guilford) that do not currently have such equipment. The direct-record equipment would eliminate the need for future purchases of paper ballots. Optical scan equipment could be purchased for significantly less - approximately \$30,000,000 - but would necessitate printing paper ballots to use in each election.

As the number of registered voters continues to grow in North Carolina and as old equipment ages, new equipment will be purchased. It is recommended that the State Board of Elections set standards and implement the movement to greater uniformity in the equipment purchased Statewide. It is also recommended that a fund be created to assist counties without sufficient resources to purchase new replacement equipment. The fund would be administered by the State Board of Elections according to criteria established by the legislature.

☐ **Strengthen the training requirements for precinct personnel while expanding the pool of eligible workers.**

North Carolina currently only requires a precinct official to be a registered voter of the precinct, to be able to read and write, to be of good moral character and to be nominated by their county political party. The only statutorily required training is an instructional meeting before each primary or general election. This is not enough training to assure that a precinct worker is capable of handling the five different kinds of voting that may arise on election day. Additional training must be mandated.

Another problem facing elections officials is the unavailability of qualified workers to work the long hours required on election day. It is suggested that local governments, including school boards and private businesses, be encouraged to provide persons currently in the work force for the polls. This has been tried in Guilford County with great success. Government employees accustomed to dealing with the public have filled many positions at the polls. The process has gone much smoother than it would have otherwise for voters and workers alike.

❑ **Develop procedures to assure integrity of voter registration drives.**

The mail-in voter registration program implemented pursuant to the National Voter Registration Act has been one of the most effective means of voter registration. Mail-in applications have comprised nearly 33% of the applications received by county boards of elections. This system has worked well when individual voters have completed and mailed in voter registration information, but election officials have received reports that have caused concern about the integrity of this system in the context of large voter drives. There have been reports of political parties being requested to pay those conducting voter drives to submit completed applications to the county boards of elections. There have also been reports that completed voter applications were not turned in through inadvertence or deliberate attempts to preclude the registration of a voter not sympathetic to the views of the group conducting the voter registration drive.

It is recommended that legislation and rules be enacted to assure the accountability of individuals or groups conducting voter registration drives. A new law should provide for civil and criminal penalties for intentional efforts to deprive qualified, eligible individuals their proper registration. Regulations and procedures should be implemented to assure that those persons conducting voter registration drives are properly trained in their responsibilities.

❑ **Implement a Statewide, computerized voter registration and management system.**

The legislature has already approved the concept of a Statewide, computerized voter registration system. It was created to facilitate voter registration and to provide a central database containing voter registration information for each county. This computer system will assist in the standardization of record keeping, the transmission of information from other agencies to boards of elections, the maintenance of accurate records in an increasingly mobile State, the electronic filing of campaign reports, and the reporting of election night returns. Although the concept has been approved, and \$5,000,000 of the funds placed in reserve, they have not yet been released by the Government Operations Committee. Of the five million dollars in reserve, three and one-half million have been allocated to grants-in-aid for counties to use in computer purchases and training. The remaining one and one-half million have been allocated to the State office for hardware, software, and personnel. Governor Hunt's expansion budget has proposed an additional \$1,000,000 to be allocated to the counties and almost \$2,000,000 will be allocated at the State level for additional training, communication and computer hardware, software, personnel and to establish a reserve for replacing equipment. The Commission recommends that the funds necessary to implement a Statewide computerized voter registration and management system be allocated.

- ❑ **Revise absentee voting procedures, including allowing “no excuse”, in person, one-stop absentee voting.**

Article 20A of Chapter 163A sets forth the absentee voting procedures and it particularly needs updating. Some revisions that would streamline the process for voters and election officials alike without reducing the integrity of the absentee ballot:

- “No excuse” one-stop absentee voting at sites developed by county boards,
- Simultaneous issuance of application and ballot to the voter based on a written request,
- Administrative determination of eligibility for absentee ballot,
- Faxed applications and ballots from military personnel stationed overseas,
- Redesign of the absentee ballot envelope.

- ❑ **Update Chapter 163 (Election Laws) of the General Statutes.**

Most of Chapter 163 was written when paper ballots were the norm. Consequently, the standards and requirements in the law were written for paper ballots. Most of our counties now use alternative voting systems. Changes have been piecemeal, resulting in a statutory scheme that is Byzantine. It is recommended that a committee be created to assess Chapter 163 and revise it as needed to recognize changes in society, technology, federal requirements, and voter expectations.

- ❑ **Allow only State and county boards to administer elections.**

Municipalities are currently permitted to establish their own boards of elections. There are approximately 70 such boards, generally in small communities with fewer than 500 registered voters. Municipal boards are duplicative of county boards of elections and tend to have less experience in conducting elections and their staffs tend to have less training. County boards of elections should be allowed to administer all elections in order to assure equal application of the elections laws. Additionally, conduct of municipal elections by State-appointed county boards would resolve any real or perceived conflicts of interest that may arise when a governing body appoints the elections officials responsible for supervising its own election.

- ❑ **Change the date for first primaries from the first Tuesday in May to the fourth Tuesday in August.**

VI. CAMPAIGN FINANCE

- ▣ Increase the tax return check-off from \$1 to \$2 for donations to the political parties.**

Increasing the tax check off would result in greater public participation in the major political parties and reduce the reliance of the parties on private contributions.

The Commission heard presentations on public financing and the majority agreed not to recommend implementation of public financing at this time.

The Commission also heard presentations on lowering contribution limits and the majority agreed not to recommend reducing contribution limits at this time.

While it is clear that both of these proposals merit consideration, a majority of Commission members believe that the best way to attack the problems of campaign financing at this time is to strengthen disclosure and reporting requirements. The recommendations on this issue will give the public and the news media better access to financial disclosure reports so that they can more easily see where candidates obtained their financial support. In particular, it is believed that reducing contribution limits would increase the amount of time candidates have to spend fundraising and reduce the amount of time they would be available to spend discussing issues with the voters or doing the legislative or executive work they were elected to do.

HOUSE COMMITTEE ON ELECTION LAW

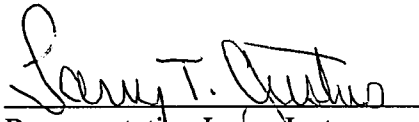
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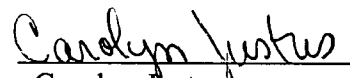
CAMPAIGN REFORM

March 19, 1997

Room 1327

The House Committee on Election Laws and Campaign Reform met in Room 1327 of the Legislative Building on Wednesday, March 19, 1997. Representative Larry Justus called the meeting to order at 11:06 AM. Representative Justus announced that the subcommittees will break into work groups for this meeting. Representative Justus told committee members not assigned to subcommittees that a new subcommittee will be formed as additional bills are assigned to the full committee. Representative Wilson met with Representative Cansler and his subcommittee in Room 612. Representative Kiser held his subcommittee meeting in Room 1327 and Representative Arnold's subcommittee will meet after Session. House Page Nicole McGeary was introduced. The meeting was adjourned to break into subcommittees at 11:10 AM.


Representative Larry Justus
Chairman


Carolyn Justus
Committee Clerk

HOUSE COMMITTEE ON ELECTION LAWS AND CAMPAIGN REFORM

Room 1327

March 26, 1997

The House Committee on Election Laws and Campaign Reform met in Room 1327 of the Legislative Building on Wednesday, March 26, 1997. Representative Connie Wilson called the meeting to order at 11:04 A.M. The members present were: Representative Larry Justus, Representatives, Aldridge, Alexander, Arnold, Baddour, Berry, Bonner, Braswell, Cansler, Dedmon, Hardy, Hiatt, Insko, Jarrell, Kiser, Michaux, Rayfield, Shubert and Weatherly.

Representative Wilson gave an update on the sub-committees, the Election Laws Sub-Committees have reported back favorably on their bills (one we will be taking up today). The Sub-Committee on constitutional issues has reported in and we will be taking up their recommendations in our next committee meeting which are term limits bills. Campaign Finance is still hammering away at it; there has been good discussion and good debate and hopefully we will have that for you next Wednesday also. Representative Wilson said that we have two sub-committees working on big issues like election law reform and campaign finance reform we will have one large bill for each issue rolling out of these committees. Representative Wilson then introduced Representative Buchanan to explain the bill.

Representative Buchanan explained that the bill was his along with Mr. Bartlett who is with The State Board of Elections. Mr. Buchanan said his concern was with the in-laws but that Mr. Bartlett wanted to include other family members. This bill just adds to the existing statutes the fact that relatives are on The Election Board when relatives run for office. This makes for an uncomfortable feeling was the way Rep. Buchanan felt. He then opened the floor for questions after he said that Mr. Bartlett was in favor of this bill. First question was asked by Representative Braswell. If I had just been appointed to The Board of Elections and then my sister (after I have been appointed) decides to run for public office, would I then have to resign? The answer is yes you would or else they would have to remove their name from running for office and filing fee would be returned. Representative Michaux asked if his sister-in-law filed while he was on The Board of Elections would he have to resign? Bill Gilkenson said that the person on The

Board of Elections would then be ineligible if this happened. Mr. Bartlett then was recognized and he explained that if this happened the person running for the office would have to resign, not the person serving on The Board of Elections. Representative Michaux requested that an amendment be attached that would show that the relative had forced the board member to resign so it will be of record. Representative Kiser was called on and he said that he had the same thought as Rep. Michaux. Mr. Gilkenson was asked to draw the amendment. Representative Insko asked what the problem is with having relatives run when family member is on The Board of Elections? Has this been creating problems that have interfered with the election process? Mrs. Wilson called upon Mr. Bartlett to explain the problems that have occurred and he gave examples of how vocal Craven County and Avery County with complaints about relatives running for public office. He stated that there had been a dozen or more calls.

Representative Braswell explained that people need to know what The Board of Elections does in order to understand the problem. He said if we are concerned about voter fraud that this is at the precinct level not at The Board of Elections. He explained that he has a concern about in-laws and the fact that there might be separated or have bad feelings toward the in-law and decide to run just to disqualify the relative.

Representative Weatherly said that he thought we were using a sledge hammer to kill a fly and that if we only had a dozen or so complaints why didn't we just leave it alone? Representative Justus said that it is the perception that we are dealing with more than actual facts.

Representative Wilson called on Bill Gilkenson to read the amendment. On page 2 line 8 amends the bill by inserting at the end of this line the following "when any member of the Board of Elections becoming ineligible that members seat shall become vacant". The bill was voted on and the majority voted yes. Representative Wilson put the bill back for discussion and called on Representative Rayfield.

Representative Rayfield said he had a concern about the individuals having to be removed because of the actions of someone else. Is there any way that they could be interfaced to prevent any problem from taking place?

Representative Dedmon said he had concern because people who are appointed to this important position should be not faced with so many concerns. He said he wouldn't be on this board if you paid him and we should make it earsier for them not harder.

Representative Insko said we have too many regulations in Government and that she objects to putting more and more regulations on everything.

Representative Justus made a motion for a favorable report as amended and further move that the bill be made a committee substitute. Representative Wilson accepted the motion and said it was still up for discussion. See attachment 1.

Representative Wilson asked for the vote and a hand vote was taken. The bill was passed unfavorable original bill amended and rolled into committee substitute.

Representative Wilson called on Representative Rayfield to explain House Bill 79- Ballot Access Changes. Representative Rayfield explained that this bill would make four changes to the ballot access laws relating to new political parties. The changes are designed to remove barriers and to ease administrative burdens on the boards of elections. The changes are listed on the attached amendment #2 from William Gilkeson.

Representative Michaux asked about line 21 on page 1. He said it doesn't read quite right and Rep. Rayfield read it to him again and he understood it at this point.

Representative Weatherly served on the study commission and we spent a lot of time from these people concerns about ballot access.

Representative Shubert asked about the timing and that everyone should file during the same time frame. If you move the time too far back then at the last minute several new names might appear on the ballot. See attachment 3.

Representative Wilson asked Bill Gilkeson what it would take to change the filing date. Mr. Gilkeson asked for the committee to look at the chart enclosed (attachment 3) New party, democrats, Republicans, unaffiliated and write-ins have separate filing schedules. Should have everyone have same filing time and fee. Representative Arnold said he thought everyone should have the same criteria. Representative Wilson said that there is a lot more to it and asked Bill Gilkeson to explain to the group.

Representative Justus said his concern was that only Democrats and Republicans had to pay filing fee and that other candidates should have to pay the same.

Representative Wilson requested that the bill be sent back to sub-committee and the committee address these concerns mentioned today.

The meeting was adjourned at 11:03.



Connie Wilson, Chairman



Joanna Mills, Committee Clerk



**NORTH CAROLINA
STATE BOARD OF EDUCATION**

Education Building
301 North Wilmington Street
Raleigh, North Carolina 27601-2825
April 7, 1997

The Honorable James B. Hunt, Jr., Governor
State of North Carolina
State Capitol
Raleigh, NC

The Honorable Harold Brubaker, Speaker
North Carolina House of Representatives
Raleigh, NC

The Honorable Marc Basnight, President Pro Tempore
North Carolina Senate
Raleigh, NC

Gentlemen:

At its April meeting this month, the State Board of Education spent considerable time discussing the progress of education legislation and related matters. Our Board members are pleased that many significant education bills are being addressed. We especially want to thank you for recently approving the bill which eliminates a number of obsolete school laws. The passage of this bill will be welcome at the local level. The State Board of Education is continuing to look for ways to reduce the number of Board policies and other red tape and regulations for our local public schools, and we appreciate your help in that effort.

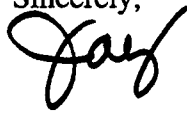
During the meeting, our Board took action on a number of matters, including the following reports that you have requested from us: Alternative Learning, Waivers for Genesis School, Facility Guidelines, Low Wealth/Small County Funding, Limited English Proficient Students, Class Size Overages and Willie M. Class Members. All these reports will be submitted to you shortly.

The Board spent time discussing several charter school issues. Our intent is to carry out the intent of the charter school legislation you passed last year, and to make every effort to ensure that our new charter schools have the opportunity to be successful. At the same time, we want to be careful to monitor the effect of these schools on the regular public school system. We will keep you informed as charter schools are established and become operational. Finally, I would want you to know that many charter school operators are anxious to know whether their teachers can participate in the state retirement system; we hope that the General Assembly will be able to clarify that issue as soon as possible since charter schools need to move ahead right away to make commitments to staff.

Governor Hunt, Speaker Brubaker, President Pro Tempore Basnight
April 7, 1997
Page 2

We appreciate your keeping public schools at the center of your deliberations this Session. Please do not hesitate to call on us whenever we can be of assistance. With your help we will create an education system that is second to none.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jay", written in black ink.

Jay M. Robinson, Chair

cc: Members, General Assembly
Members, State Board of Education
Superintendent Mike Ward
Dr. Richard Thompson
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Chairman C. C. Cameron
Dr. Tom Houlihan
Dr. Ed Dunlap
John Dorman

VISITOR REGISTRATION SHEET

ELECTION LAWS & CAMPAIGN REFORM

March 26, 1997

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Kathryn Queen

Wake Co. Bd. of Elections

Judy Hargrove

Johnnie McLean

State Bd. of Elections

Gary O. Bartlett

SBOE

Charles H. Hunsley

Citizen - Retired

Susan K. Nichols

NC Dept. of Justice

Wendi Smith

~~Wendy~~ Wilson, NC student

Fred Gray

North Carolina Recreation & Park Society



**North Carolina General Assembly
Legislative Services Office**

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(919) 733-7044

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(919) 733-7500

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Bill Drafting Division
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(919) 733-2578

March 26, 1997

TO: House Committee on Election Laws and Campaign Reform.

FROM: William R. Gilkeson, Counsel.

RE: House Bill 277 – Ballot Access Changes.

HB 277, introduced by Rep. Buchanan, would add to the list of relatives of a candidate who may not serve on the county board of elections the following: son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, aunt, uncle, niece, and nephew.

Current law prohibits from serving on the county board of elections these relatives of a candidate: wife, husband, son, mother, father, sister, and brother.

The bill would go into effect for boards of elections appointed June 24, 1997.



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March 26, 1997

TO: House Committee on Election Laws and Campaign Reform.

FROM: William R. Gilkeson, Counsel.

RE: House Bill 79 – Ballot Access Changes.

House Bill 79, introduced by Representative Rayfield, would make four changes to the ballot access laws relating to new political parties. The changes are designed to remove barriers and to ease administrative burdens on the boards of elections.

The changes are the following:

1. Move to the second Thursday in July before the general election the deadline for new parties to file their petitions for ballot access. Currently, the deadline is June 1.
2. Give county boards of elections 15 business days to verify all the names on a new party's petitions, and allow them to extend their deadline if there is no disadvantage to the petitioners. Currently, county boards of elections are given two weeks to verify all the names on a new party's petitions, regardless of whether the party's qualifying deadline, or any other deadline of concern to the party, is imminent.
3. Change the petition wording prescribed in the statute so that its final sentence says: "THE SIGNERS OF THIS PETITION DESIRE THAT A NEW POLITICAL PARTY BE ORGANIZED TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION." Currently, the final sentence says: "THE SIGNERS OF THIS PETITION INTEND TO ORGANIZE A NEW POLITICAL PARTY TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION."
4. Allow voters affiliated with an expired political party to keep that designation on the registration books. Currently, when a party loses its ballot status, boards of elections are required to go to the expense of changing the records of voters affiliated with that party to "Unaffiliated."

The bill was recommended by the LRC Study Committee on Election Laws Reform.

HOUSE BILL 79 AS INTRODUCED.

	<u>Democrats or Republicans</u>	<u>New Party</u>	<u>Unaffiliated</u>	<u>Write-In</u>
When Party Must Qualify to Get on Ballot	N/A	2 nd Thursday in July.	N/A	N/A
What Party Must Do to Qualify to Get (or Stay) on Ballot	Get at least 10% of last statewide vote for Gov. or Pres.	Get signatures equal to 2% of last statewide vote for Gov., with at least 200 of those names from each congressional district. (A requirement of paying 5 cents per name has been held unconstitutional because not applied uniformly.)	N/A	N/A
When Must Candidates File	Between 1 st Monday in January and 1 st Monday in February of election year.	Filing not required—Candidates of new party are nominated at convention.	Last Friday in June.	90 days before general election. (Early August.)
What statewide candidates must do to file.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures on petition of 10% of that party's voters in the state, or 10,000 of all voters in state, whichever is greater.	N/A	Get signatures of 2% of registered voters in State. (Enforcement of a requirement of paying 5 cents per name has been suspended due to its invalidation for new parties.)	- Declare intention to be a candidate; <u>and</u> - Get signatures of 500 registered voters in the State. (Enforcement of a requirement of paying 5 cents per name has been suspended due to its invalidation for new parties.)
What non-statewide candidates must do to file.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures on petition of 10% of that party's voters in the area voting for the office, or 200 of all voters in that area, whichever is greater.	N/A	Get signatures of 4% of voters in district. (Enforcement of a requirement of paying 5 cents per name has been suspended due to its invalidation for new parties.)	- Declare intention to be a candidate; <u>and</u> - Get signatures of 500 registered voters in a multi-county district, or 100 voters in a county or sub-county electorate, with at least 1% of any electorate that has fewer than 5,000 registered voters. (Enforcement of a requirement of paying 5 cents per name has been suspended due to its invalidation for new parties.)
When candidates must be nominated	Tuesday after 1 st Monday in May (or, if runoff, 4 weeks later).	July 1	Last Friday in June (same as filing).	90 days before general election (same as filing).
How candidate nominated	By voters in primary.	By party in convention.	Same as filing.	Same as filing.
Special Qualifications for Candidate	Must be registered with party and not have changed party registration in last 90 days.	Need not be registered with party. May have been defeated in another party's primary for same office.	May not have been defeated in a party's primary for the same office.	May not have been defeated in a party's primary for the same office.

CURRENT NORTH CAROLINA LAW ON BALLOT ACCESS.

III

	<u>Democrats or Republicans</u>	<u>New Party</u>	<u>Unaffiliated</u>	<u>Write-In</u>
When Party Must Qualify to Get on Ballot	N/A	June 1	N/A	N/A
What Party Must Do to Qualify to Get (or Stay) on Ballot	Get at least 10% of last statewide vote for Gov. or Pres.	Get signatures equal to 2% of last statewide vote for Gov., with at least 200 of those names from each congressional district. (A requirement of paying 5 cents per name has been held unconstitutional because not applied uniformly.)	N/A	N/A
When Must Candidates File	Between 1 st Monday in January and 1 st Monday in February of election year.	Filing not required—Candidates of new party are nominated at convention.	Last Friday in June.	90 days before general election. (Early August.)
What statewide candidates must do to file.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures on petition of 10% of that party's voters in the state, or 10,000 of all voters in state, whichever is greater.	N/A	Get signatures of 2% of registered voters in State. (Enforcement of a requirement of paying 5 cents per name has been suspended due to its invalidation for new parties.)	- Declare intention to be a candidate; <u>and</u> - Get signatures of 500 registered voters in the State. (Enforcement of a requireme of paying 5 cents per name h been suspended due to its invalidation for new parties.)
What non-statewide candidates must do to file.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures on petition of 10% of that party's voters in the area voting for the office, or 200 of all voters in that area, whichever is greater.	N/A	Get signatures of 4% of voters in district. (Enforcement of a requirement of paying 5 cents per name has been suspended due to its invalidation for new parties.)	- Declare intention to be a candidate; <u>and</u> - Get signatures of 500 registered voters in a multi-county district, or 100 voters in a county or sub-county electorate, with at least 1% of any electorate that has fewer than 5,000 registered voters. (Enforcement of a requirement of paying 5 cents per name has been suspended due to its invalidation for new parties.)
When candidates must be nominated	Tuesday after 1 st Monday in May (or, if runoff, 4 weeks later).	July 1	Last Friday in June (same as filing).	90 days before general election (same as filing).
How candidate nominated	By voters in primary.	By party in convention.	Same as filing.	Same as filing.
Special Qualifications for Candidate	Must be registered with party and not have changed party registration in last 90 days.	Need not be registered with party. May have been defeated in another party's primary for same office.	May not have been defeated in a party's primary for the same office.	May not have been defeated in a party's primary for the same office.

HOUSE COMMITTEE
ON
ELECTION LAWS & CAMPAIGN REFORM

April 2, 1997
Room 1327, Legislative Building
11:00 AM

AGENDA

I. CALL TO ORDER

Co-Chairmen: Representative Larry Justus
Representative Connie Wilson

II. BILLS

HB 79 BALLOT ACCESS CHANGES

HB 3 CAMPAIGN DISCLOSURE ACT

III. ADJOURNMENT

HOUSE COMMITTEE ON ELECTION LAW
AND
CAMPAIGN REFORM

April 2, 1997
Room 1327

HOUSE MEMBERS PRESENT: [21] Representatives Justus, Wilson, Aldridge, Alexander, Arnold, Baddour, Berry, Bonner, Cansler, Dedmon, Hardy, Hiatt, Insko, Jarrell, Kiser, Michaux, Rayfield, Shubert, Tallent, Weatherly, and Wood.

The House Committee on Election Laws and Campaign Reform met in Room 1327 of the Legislative Building on Wednesday, April 2, 1997. Representative Larry Justus called the meeting to order at 11:06 AM. Representative Justus introduced House Pages Brad Nesbitt and Bill Nich. He reported that another subcommittee will be appointed to look at the increasing number of bills assigned to this committee. Representative Justus added that most of these House bills will be placed into a Senate Bill as a House committee substitute.

Representative Justus reported that the Subcommittee on Election Reform is not ready to report on House Bill 79. Representative Justus recognized Representative Connie Wilson to present House Bill 3 - Campaign Disclosure Act. Representative Wilson recognized the members of the Subcommittee on Campaign Reform as follows: Representatives Cansler, chairman; Baddour, Berry, Michaux, and Shubert and reported that this subcommittee has met several times. Representative Wilson introduced Representative Cansler, as chairman of this subcommittee to present House Bill 3. Representative Cansler said the subcommittee has looked at House Bill 3, Senate Bill 1, and the Better Campaign Committee Report in order to make this recommendation as outlined in Proposed House Committee Substitute for Senate Bill 1. (Attachment 2). Attachment 1 - Subcommittee Recommendations - Senate Bill 1 - was distributed. Representative Cansler covered the areas of change in the proposed committee substitute.

1. SCHEDULE OF REPORTING
2. REPORTING OF CONTRIBUTORS
3. REPORTING OF COORDINATED EXPENDITURES
4. EXEMPTIONS FROM REPORTING
5. ELECTRONIC REPORTING
6. INTERNET ACCESS
7. PENALTIES FOR LATE FILING

8. FELONY FOR FRAUDULENT REPORTING
9. SECOND PRIMARY CONTRIBUTION LOOPHOLE
10. FUND-RAISING DURING LEGISLATIVE SESSION
11. CHECK-OFF FOR POLITICAL PARTIES FINANCING FUND
12. AUTHORIZATION FOR USE OF PAYROLL DEDUCTIONS FOR A POLITICAL COMMITTEE
13. WHEN TREASURER MUST DEPOSIT CONTRIBUTOR'S CHECK

Representative Michaux questioned item 12 - Payroll Deductions for a Political Committee. He asked how it is determined what can be used for political purposes legally and illegally. Representative Cansler answered that this would be based on the number of employees who sign for the deduction and the percentage of money specified. Representative Dedmon asked about the soft-ware for electronic filing of campaign reports. Gary Bartlett, Executive Director of the State Elections Board, replied that the State Board has an ASCII program but it needs to be updated.

Representative Michaux moved that the committee substitute be adopted. Representative Justus announced that the committee substitute is now before this committee for consideration. Representative Arnold asked if an organization such as the NCAE and State Employees Association collect dues; and then the organization have PACs which support candidates - is this having the state collect PAC money? Bill Gilkeson, Research Staff, was not sure what the practice is; he added that nothing says contributions cannot be collected by check off. Representative Justus asked Bill Gilkeson to research this matter and get an Attorney General's opinion. Representative Arnold asked that if this practice were allowed would you have to inform the members of the respective organizations. He asked that this question be included in the research.

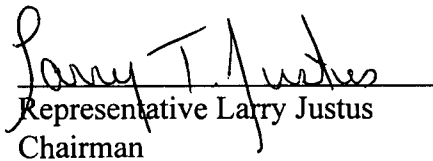
Representative Tallent asked if direct filing would have an impact on the Election Board's budget. Gary Bartlett replied that this has not been determined at the present time. Representative Wilson said there would be an offset based on the input time of election reports. Representative Justus asked for a fiscal note on this bill.

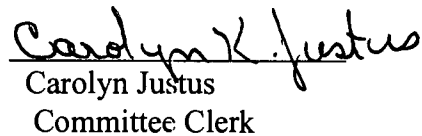
Representative Kiser said that the NCAE had an organization called PACE. He asked if the funds being collected from pay checks of members include PACE funding. Bill Gilkeson, Research Staff, will find this information.

Representative Michaux questioned item 10 - Fund-raising during legislative sessions. He asked how a non-incumbent could legally be stopped from accepting funds while we are in Session. Representative Justus asked Bill Gilkeson to research this matter. Representative Baddour questioned the requirement of preventing council of state candidates from accepting money during Session. Representative Shubert added that this provision could prevent anyone from accepting money from a Certified Public Accountant, Medical Doctor or other group with a lobbyist. Bill Gilkeson said the provision would only apply to a political action committee who hires a lobbyist.

Representative Rayfield asked how this provision of not accepting PAC money during session could be enforced. It was explained that the rules would be given to the candidate when he or she files for office. Representative Justus asked about post dated checks that are dated after session is over. Caroline Hauber, State Board of Elections, said this post dated check would be acceptable.

The meeting was adjourned at 11:55 AM to convene at 11:00 AM April 8, 1997.


Representative Larry Justus
Chairman


Carolyn Justus
Committee Clerk

SUBCOMMITTEE RECOMMENDATIONS – SENATE BILL 1

	CURRENT LAW	SUBCOMMITTEE'S PROPOSAL
1. Schedule of Reporting	Requires these reports for election year: - Organizational Report 10 days after filing candidacy or forming committee. - Pre-primary Report 10 days before primary. - Post-primary Report 30 days after primary—for losers only. - Pre-election Report 10 days before general election. - Annual Report by last Friday in January of next year. And this report for the off-year: The Annual Report only. (All reports cover period ending 7 days before due date.)	Requires these reports for election year: - Organizational Report 10 days after filing candidacy or forming committee. - First Quarter Report—due April 7 covering period through March 31. - Pre-primary Report 10 days before primary (except for candidates who have no primary) - Second Quarter Report –due July 7 covering period through June 30. - Third Quarter Report—due 10 days before general election. - Annual Report by last Fri. in Jan.. And these reports for the off-year: - Semiannual Report - last Fri. in July - Annual Report-last Fri. in Jan. Effective January 1, 1998.
2. Reporting of Contributors	Report must show name and address of each contributor who gives over \$100.	Report must also show occupation of contributor who gives over \$100. SBOE required to prepare list of occupational classifications, using IRS and Office of State Personnel lists as guide. Eff. for reports due after Feb. 1, 1998.
3. Reporting of Coordinated Expenditures	Treasurer of a candidate or political committee must report all contributions received and expenditures made. "Contribution" is broadly defined to include any assistance, except volunteer services. Expenditure reports are required to state the name of every payee and the purpose of the expenditure. (Federal law specifies that, when a political party engages in "coordinated party expenditures," in which the party assists a candidate by paying a vendor on a candidate's behalf, the party must report not just which vendor was paid but which federal candidates.)	Adds language to the N.C. statute specifying that party committees must report which state candidates benefited when the same pattern of expenditures occurred as in federal coordinated expenditures. Also requires a candidate to report such spending as an in-kind contribution if there was coordination with the party committee. Effective for reports due after Feb. 1, 1998.
4. Exemptions from Reporting	- Exempts from reporting local races in counties and municipalities under 50,000 in population. - Exempts from reporting local referenda regardless of population. - Exempts from reporting candidates and party executive committees that have financial activity in their campaigns of less than \$1,000.	- Removes the 50,000 population exemption. - Removes the local referendum exemption. - Increases the \$1,000 financial activity threshold to \$3,000 for candidates and party executive committees. Eff.. for elections beginning in 1998.

5. Electronic Reporting	No requirement of electronic reporting, although SBOE encourages it.	Requires electronic filing, beginning in 1998, of any report by: • candidate for statewide office; • political committee that makes contributions or independent expenditures affecting statewide races; or • party exec. committee at any level, if report shows more than \$10,000 in contributions, expenditures, or loans.
6. Internet Access	SBOE puts some campaign report into on its web site, but is not required to.	SBOE would be required to provide full Internet access to campaign reports as soon as technically feasible.
7. Penalties for Late Filing	Penalty for late filing of campaign finance reports is \$20 a day with a maximum of \$100. Enforcement depends upon prosecution by a district attorney.	Provides for civil penalties for late filing as follows: • For reports affecting statewide races, the penalty would be \$250 a day with a maximum of \$10,000. • For reports not affecting statewide races, the penalty would be \$50 a day with a maximum of \$1,000. SBOE could enforce the penalty, with assistance from the Attorney General, through superior court. Clear proceeds of penalty would go to county schools, but SBOE would be able to retain the costs of collection and enforcement, including salaries and overhead. SBOE may waive a penalty for reasonable cause. Eff. 1-1-98.
8. Felony for Fraudulent Reporting	Campaign finance report must be signed by the treasurer, and it is verified by the oath of the signer. The candidate is required to certify that the report is true to the best of his/her knowledge.	Requires that the candidate sign the finance report. It states that if the candidate or treasurer signs the statement knowing it to be false, the signer is guilty of a Class I felony under the existing G.S. 163-275(4), which prohibits any person from knowingly swearing falsely to any matter pertaining to an election. Eff. 1-1-98.
9. Second Primary Contribution Loophole	An "election" for purposes of the \$4,000 contribution limit is a 1 st primary, a 2 nd primary, or a general election. A candidate may receive an extra \$4,000 from a contributor for a 2 nd primary even if the candidate is not on the ballot in a second primary.	States that a second primary triggers an extra \$4,000 in contributions only if the candidate is on the ballot in a second primary. Eff. 1-1-1998.

10. Fund-Raising During Legislative Session	Legislators and Council of State members are prohibited from soliciting or accepting contributions made by "or at the behest or recommendation of" a registered lobbyist during the long session of the General Assembly. The ban on soliciting and accepting extends to political committees whose principal purpose is to assist a member or members of the General Assembly, but the statute exempts from that group any political party executive committee or any "political committee that operates on a statewide basis in conjunction with the executive committee of a political party for the purpose of assisting that party's candidates for Council of State or General Assembly."	Extends the limitation in several ways: • Not only solicitation of lobbyists banned, but also solicitation of political committees whose parent entities hire lobbyists. • Not only long session covered, but also short session. • Not only incumbent legislators and Council of State members covered, but also candidates for those offices. • Not only direct solicitations banned, but also indirect solicitations on behalf of the officeholder or candidate. • Not only direct contributions banned, but also indirect contributions through third parties. • Political party committees no longer exempted from the groups that could not solicit or accept contributions. Effective Jan. 1, 1998.
11. Check-off for Political Parties Financing Fund	A person owing at least \$1 of State income tax may designate \$1 of that tax to go into the N.C. Political Parties Financing Fund. The Fund is distributed to the two largest political parties in proportion to their share of the registered voters.	Check-off amount increased to \$2. Effective beginning with 1997 taxable year.
12. Authorization for use of payroll deductions for a political committee	Corporations, unions, and professional associations may not make political contributions or expenditures, but their officials, employees, or members may establish political committees that are separate segregated funds. Contributions to those political committees may not be collected by coercion.	Prohibits corporations, unions, and professional associations from using any money received from an employee or member by payroll deduction unless the employee or member gives separate consent in writing. Eff. for dues paid or other funds deducted after July 1, 1997.
13. When treasurer must deposit contributor's check	All contributions of \$100 or more must be by check. No requirement of when treasurer must deposit the check.	Requires that treasurer must deposit contribution check within 10 days after receipt. Effective for contributions received after 1-1-98.

[illegible]

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1

Judiciary Committee Substitute Adopted 2/5/97

Third Edition Engrossed 2/10/97

Proposed House Committee Substitute S1-PCS8637

Short Title: Full Disclosure Act of 1997.

(Public)

Sponsors:

Referred to:

February 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE FILING SCHEDULE OF CAMPAIGN REPORTS;
3 TO REQUIRE THE LISTING OF A CONTRIBUTOR'S PRINCIPAL
4 OCCUPATION AND TO PROVIDE FOR A "BEST EFFORTS" RULE; TO
5 REQUIRE THAT COORDINATED PARTY EXPENDITURES BE REPORTED;
6 TO EXPAND REPORTING IN LOCAL ELECTIONS AND REFERENDA AND
7 TO SET A THREE THOUSAND DOLLAR THRESHOLD FOR REPORTING
8 GENERALLY; TO REQUIRE ELECTRONIC FILING OF CERTAIN
9 CAMPAIGN REPORTS AND INTERNET ACCESS; TO PROVIDE FOR CIVIL
10 PENALTIES FOR LATE FILING OF CAMPAIGN REPORTS; TO CLOSE THE
11 SECOND PRIMARY LOOPHOLE FOR CONTRIBUTION LIMITS; TO
12 REWRITE AND EXPAND THE LIMITS ON FUND-RAISING DURING
13 LEGISLATIVE SESSIONS; TO PROVIDE FOR A TWO DOLLAR CHECKOFF
14 FOR THE POLITICAL PARTIES FINANCING FUND; AND TO REQUIRE
15 THAT CONTRIBUTIONS BE DEPOSITED WITHIN TEN DAYS OF RECEIPT.

16 The General Assembly of North Carolina enacts:

17 -- QUARTERLY AND SEMIANNUAL REPORTING.

18 Section 1. (a) G.S. 163-278.9(a) reads as rewritten:

19 "(a) ~~The~~ Except as provided in G.S. 163-278.10A, the treasurer of each candidate
20 and of each political committee shall file under verification with the Board the
21 following reports:

- (1) Organizational Report. -- The appointment of the treasurer as required by G.S. 163-278.7(a), the statement of organization required by G.S. 163-278.7(b), and a report of all contributions and expenditures not previously reported shall be filed with the Board no later than the tenth day following the day the candidate files his notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first. Any candidate whose campaign is being conducted by a political committee which is handling all contributions and expenditures for his campaign shall file a statement with the Board stating such fact at the time required herein for the organizational report. Thereafter, the candidate's political committee shall be responsible for filing all reports required by law.
- (2) Preprimary Report. -- The treasurer shall file a report with the Board no later than the tenth day preceding the primary election. A candidate who is not on the ballot in the primary and who has filed a first quarter report pursuant to subdivision (5a) of this subsection shall not be required to file a separate preprimary report under this subdivision.
- (3) ~~Postprimary Report(s). -- The treasurer shall file a report with the Board no later than the 30th day after the primary election if the candidate was eliminated in the primary. If there is a second primary, the treasurer shall file a report with the Board no later than the 30th day after the second primary election if the candidate was eliminated in the second primary.~~
- (4) ~~Preelection Report. -- The treasurer shall file a report with the Board not later than the tenth day preceding the general election.~~
- (5) ~~Repealed by Session Laws 1985, c. 164, s. 1.~~
- (5a) Quarterly Reports. -- During even-numbered years during which there is an election for that candidate or in which the campaign committee is supporting a candidate, the treasurer shall file a report with the Board not later than seven days after the end of each calendar quarter covering the prior calendar quarter, except that the report for the third quarter shall also cover the period in October through the seventeenth day before the election, the third quarter report shall be due seven days after that date, and the fourth quarter report shall not include that period if a third quarter report was required to be filed.
- (6) ~~Annual~~ Semiannual Reports. -- If contributions are received or expenditures made ~~during a calendar year~~, for which no reports are otherwise required by this Article, any and all such contributions and expenditures shall be reported by the last Friday in ~~January~~ July, covering the period through the last day of June,

1 and shall be reported by the last Friday in January, covering the
2 period through the last day of December, of the following year."

3 (b) This section becomes effective January 1, 1998.

4 --DONOR'S PRINCIPAL OCCUPATION; BEST EFFORTS RULE.

5 Section 2. (a) G.S. 163-278.11(a)(1) reads as rewritten:

6 "(1) Contributions. -- A list of all contributions required to be listed
7 under G.S. 163-278.8 received by or on behalf of a candidate,
8 political committee, or referendum committee. The statement shall
9 list the name and complete mailing address of each contributor,
10 the amount contributed, the principal occupation of the donor, and
11 the date such contribution was received. The total sum of all
12 contributions to date shall be plainly exhibited. Forms for required
13 reports shall be prescribed by the Board. The State Board of
14 Elections shall prepare a schedule of occupational classifications,
15 adapting as it deems suitable the occupational classifications of the
16 Internal Revenue Code and equivalent classifications of the Office
17 of State Personnel. In reporting the occupation of a contributor,
18 the treasurer shall use the classifications prepared by the State
19 Board."

20 (b) G.S. 163-278.11 is amended by adding a new subsection to read:

21 "(c) Best Efforts. -- When a treasurer shows that best efforts have been used to
22 obtain, maintain, and submit the information required by this Article for the
23 candidate or political committee, any report of that candidate or committee shall be
24 considered in compliance with this Article. The State Board of Elections shall
25 promulgate rules that specify what are 'best efforts' for purposes of this Article,
26 adapting as it deems suitable the provisions of 11 CFR 104.7."

27 (c) This section becomes effective February 1, 1998, and applies to all
28 reports due on or after that date.

29 -- REPORTING OF COORDINATED EXPENDITURES.

30 Section 3. (a) G.S. 163-278.11(b) reads as rewritten:

31 "(b) Statements shall reflect anything of value paid for or contributed by any
32 person or individual, both as a contribution and expenditure. If a political party
33 executive committee makes an expenditure that benefits a candidate or group of
34 candidates, that political party executive committee shall report that expenditure,
35 together with the date, amount, and purpose of any such expenditure as well as the
36 name of and office sought by any candidate or candidates on whose behalf the
37 expenditure was made. A candidate who benefits from that expenditure shall report
38 that expenditure or the proportionate share of the expenditure that benefitted that
39 candidate as an in-kind contribution if the candidate or the candidate's committee
40 has coordinated with the political party executive committee concerning the
41 expenditure."

42 (b) This section becomes effective February 1, 1998, and applies to
43 reports due on and after that date.

1 -- EXPANDED REPORTING IN LOCAL ELECTIONS AND REFERENDA; \$3,000
2 THRESHOLD FOR ALL REPORTING.

3 Section 4. (a) G.S. 163-278.6(1) reads as rewritten:

4 "(1) The term 'board' means the State Board of Elections with respect
5 to all candidates for State and multi-county district offices and the
6 county or municipal board of elections with respect to all
7 candidates for single-county district, county and municipal offices.
8 The term means the State Board of Elections with respect to all
9 statewide ~~referenda~~ referenda and the county or municipal board
10 of elections conducting all local referenda."

11 (b) G.S. 163-278.6(18) reads as rewritten:

12 "(18) The term 'public office' means any office filled by election by the
13 people on a statewide, county, municipal or district basis, and this
14 Article shall be applicable to such elective offices whether the
15 election therefor is partisan or ~~nonpartisan, provided candidates for~~
16 ~~municipal and county offices in those municipalities and counties~~
17 ~~having less than 50,000 population, according to the most recent~~
18 ~~decennial census figures, shall not be required to file reports~~
19 ~~required by this Article, but this Article shall otherwise be~~
20 ~~applicable to such candidates for municipal and county offices.~~
21 nonpartisan."

22 (c) G.S. 163-278.6(18a) reads as rewritten:

23 "(18a) The term 'referendum' means any question, issue, or act referred
24 to a vote of the people of the entire State by the General Assembly
25 Assembly, a unit of local government, or by the people under any
26 applicable local act and includes constitutional amendments and
27 State bond issues. The term 'referendum' ~~does not include~~
28 includes any type of municipal, county, or special district
29 referendum."

30 (d) G.S. 163-278.40(2) reads as rewritten:

31 "(2) The term 'city' means any incorporated city, town, or ~~village with~~
32 ~~a population of 50,000 or over, according to the most recent~~
33 ~~decennial federal census.~~ village."

34 (e) G.S. 163-278.10A reads as rewritten:

35 "**§ 163-278.10A. Threshold of ~~\$1,000.00~~ \$3,000 for Financial Reports.**

36 (a) Notwithstanding any other provision of this Chapter, a candidate shall be
37 exempted from the reports of contributions, loans, and expenditures required in G.S.
38 163-278.9(a), 163-278.40B, 163-278.40C, 163-278.40D, and 163-278.40E if to further
39 his campaign that candidate:

- 40 (1) Does not receive more than ~~one~~ three thousand dollars (~~\$1,000.00~~)
41 (\$3,000) in contributions, and
42 (2) Does not receive more than ~~one~~ three thousand dollars (~~\$1,000.00~~)
43 (\$3,000) in loans, and

1 (3) Does not spend more than ~~one~~ three thousand dollars (~~\$1,000.00~~)-
2 (\$3,000).

3 To qualify for the exemption from those reports, the candidate's treasurer shall file a
4 certification under oath that he does not intend to receive in contributions or loans or
5 expend more than ~~one~~ three thousand dollars (~~\$1,000.00~~) (\$3,000) to further his
6 campaign. The certification shall be filed with the Board at the same time the
7 candidate files his Organizational Report as required in G.S. 163-278.7, G.S. 163-
8 278.9, and G.S. 163-278.40A. If the candidate's campaign is being conducted by a
9 political committee which is handling all contributions, loans, and expenditures for
10 his campaign, the treasurer of the political committee shall file a certification of
11 intent to stay within the threshold amount. If the intent to stay within the threshold
12 changes, or if the ~~\$1,000~~ three thousand dollars (\$3,000) threshold is exceeded, the
13 treasurer shall immediately notify the Board and shall be responsible for filing all
14 reports required in G.S. 163-278.9 and 163-278.40B, 163-278.40C, 163-278.40D, and
15 163-278.40E; provided that any contribution, loan, or expenditure which would have
16 been required to be reported on an earlier report but for this section shall be
17 included on the next report required after the intent changes or the threshold is
18 exceeded.

19 (b) The exemption in subsection (a) of this section applies to political party
20 committees under the same terms as for candidates, except that the term 'to further
21 his campaign' does not relate to a political party committee's exemption, and all
22 contributions, expenditures, and loans during an election shall be counted against the
23 political party committee's threshold amount."

24 (f) This section applies to primaries, elections, and referenda beginning in
25 1998.

26 -- ELECTRONIC REPORTING.

27 Section 5. (a) G.S. 163-278.9 is amended by adding a new subsection to
28 read:

29 "(j) Treasurers for the following entities shall file any report required by this
30 section electronically, according to rules which shall be promulgated by the State
31 Board of Elections:

- 32 (1) Candidates for statewide office;
33 (2) The State, district, county, and precinct executive committees of
34 political parties;
35 (3) Political committees that make contributions to candidates for
36 statewide office or make independent expenditures that affect
37 contests for statewide office,

38 if the report shows in excess of ten thousand dollars (\$10,000) in contributions, in
39 expenditures, or in loans."

40 (b) This section applies to reports to be filed in 1998.

41 -- INTERNET ACCESS.

42 Section 6. The State Board of Elections shall provide full access to the
43 public of campaign finance reports over the Internet as soon as technically feasible.

44 -- CIVIL PENALTIES FOR LATE FILING.

Section 7. (a) G.S. 163-278.34 reads as rewritten:

"§ 163-278.34. Filings; penalty for late filings.

(a) ~~All~~ Except as provided in G.S. 163-278.9, all reports, statements or other documents required by this Article to be filed with the Board shall be filed either by manual delivery to or by certified or registered mail addressed to the Board. Timely filing shall be complete if postmarked on the day the reports, statements or other documents are to be delivered to the Board. If a report, statement or other document is not filed within the time required by this Article, then the individual, person, media, candidate, political committee, referendum committee or treasurer responsible for filing shall pay to the State Board of Elections election enforcement costs and a civil late penalty ~~of twenty dollars (\$20.00) per day for each day the filing is late not to exceed five days.~~ as follows:

(1) Two hundred fifty dollars (\$250.00) per day for each day the filing is late for a report that affects statewide elections, not to exceed a total of ten thousand dollars (\$10,000); and

(2) Fifty dollars (\$50.00) per day for each day the filing is late for a report that affects only nonstatewide elections, not to exceed a total of one thousand dollars (\$1,000).

The State Board shall immediately notify, or cause to be notified, late filers, from which reports are apparently due, by registered or certified mail, return receipt requested, of the penalties under this section. ~~If the penalty has not been paid to or the report has not been filed with the Board within five days after receipt of the notification, then the Board shall report the late filing or failure to file to the appropriate district attorney who shall indict and prosecute the offender as required in G.S. 163-278.27. No criminal penalty shall be imposed if the penalty required by this section is paid and the delinquent report is filed within five days after notification by the Board.~~

(a1) The State Board shall calculate and assess the amount of the civil penalty due under subsection (a) of this section and shall notify the person who is assessed the civil penalty of the amount of the penalty. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator either to pay the assessment or to contest the assessment within 30 days by filing a petition for a contested case under Article 3 of Chapter 150B of the General Statutes. If a violator does not pay a civil penalty assessed by the Board within 30 days after it is due, the Board shall request the Attorney General to institute a civil action to recover the amount of the assessment. The civil action may be brought in the superior court of any county where the report was due to be filed or any county where the violator resides or maintains an office. A civil action must be filed within three years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

1 Consistent with G.S. 115C-437, the State Controller shall pay the
2 clear proceeds of civil penalties collected under this section to the
3 County School Fund in the county in which the person charged
4 with the violation resides. The State Controller shall reduce the
5 monies collected by the enforcement costs and the collection costs
6 to determine the clear proceeds payable to the County School
7 Fund. Monies set aside for the costs of enforcement and the costs
8 of collection shall be credited to accounts of the State Board of
9 Elections.

10 ~~(b) When a report, statement or other document, required by this Article is not~~
11 ~~apparently due (i.e., media, inactive candidate, individual, no organizational report~~
12 ~~filed, supplementary final report or annual report), the Board shall notify, as set forth~~
13 ~~above, the person or persons responsible for filing if information is presented~~
14 ~~indicating that the report, statement, or other document was in fact due. No criminal~~
15 ~~penalties shall be imposed if the late penalty is paid and the delinquent report is filed~~
16 ~~within five days after notification. The State Board of Elections may waive a late~~
17 ~~penalty where it determines there is reasonable cause."~~

18 (b) G.S. 163-278.6 is amended by adding a new subdivision to read:

19 "(7a) The term 'costs of collection' means monies spent by the State
20 Board of Elections in the collection of the penalties levied
21 pursuant to provisions in this Article to the extent the costs do not
22 constitute more than fifty percent (50%) of the civil penalty. The
23 costs shall be presumed to be ten percent (10%) of the civil
24 penalty unless otherwise determined by the State Board of
25 Elections based on the records of expenses incurred by the State
26 Board of Elections for its collection procedures."

27 (c) G.S. 163-278.6 is amended by adding a new subdivision to read:

28 "(7b) The term 'day' means calendar day."

29 (d) G.S. 163-278.6 is amended by adding a new subdivision to read:

30 "(8a) The term 'enforcement costs' means salaries, overhead, and other
31 monies spent by the State Board of Elections in the enforcement of
32 the penalties provisions of this Article, including the costs of
33 investigators, attorneys, travel costs for State Board employees and
34 its attorneys, to the extent the costs do not constitute more than
35 fifty percent (50%) of the sum levied for the enforcement costs and
36 civil late penalty."

37 (e) G.S. 163-278.22 is amended by adding a new subdivision to read:

38 "(14) To calculate, assess, and collect civil penalties pursuant to this
39 Article."

40 (f) This section becomes effective January 1, 1998, and applies to all
41 reports due on or after that date.

42 --CLOSE THE LOOPHOLE FOR SECOND PRIMARIES.

43 Section 8. (a) G.S. 163-278.13(d) reads as rewritten:

1 "(d) For the purposes of this section, the term 'an election' means any primary,
2 second primary, or general election in which the candidate or political committee
3 may be involved, without regard to whether the candidate is opposed or unopposed
4 in the ~~election~~ election, except that where a candidate is not on the ballot in a
5 second primary, that second primary is not 'an election' with respect to that
6 candidate."

7 (b) This section becomes effective January 1, 1998, and applies to all
8 elections occurring on or after that date.

9 -- FUND-RAISING IN SESSION.

10 Section 9. (a) G.S. 163-278.13A is repealed.

11 (b) Article 22A of the General Statutes is amended by adding a new
12 section to read:

13 **"§ 163-278.13B. Limitation on fund-raising during legislative session.**

14 (a) Definitions. -- For purposes of this section:

15 (1) 'Limited contributor' means a lobbyist registered pursuant to
16 Article 9A of Chapter 120 of the General Statutes, that lobbyist's
17 agent, or a political committee that employs or contracts with or
18 whose parent entity employs or contracts with a lobbyist registered
19 pursuant to Article 9A of Chapter 120 of the General Statutes.

20 (2) 'Limited contributtee' means a member of or candidate for the
21 Council of State, a member of or candidate for the General
22 Assembly, a political committee the purpose of which is to assist a
23 member or members of or candidate or candidates for the Council
24 of State or General Assembly.

25 (3) The General Assembly is in 'regular session' from the date set by
26 law or resolution that the General Assembly convenes until the
27 General Assembly either adjourns sine die or recesses or adjourns
28 for more than 10 days.

29 (4) A contribution is 'made' during regular session if the check or
30 other instrument is dated during the session, or if the check or
31 other instrument is delivered to the limited contributtee during
32 session, or if the limited contributor pledges during the session to
33 deliver the check or other instrument at a later time.

34 (5) A contribution is 'accepted' during regular session if the check or
35 other instrument is dated during the session, or if the limited
36 contributtee receives the check or other instrument during session
37 and does not return it within 10 days, or agrees during session to
38 receive the check or other instrument at a later time.

39 (b) Prohibited Solicitations. -- While the General Assembly is in regular session, no
40 limited contributtee or the real or purported agent of a limited contributtee shall:

41 (1) Solicit a contribution from a limited contributor to be made to that
42 limited contributtee or to be made to any other candidate,
43 officeholder, or political committee; or

1 (2) Solicit a third party, requesting or directing that the third party
2 directly or indirectly relay to the prohibited contributor the
3 prohibited contributee's solicitation of a contribution.

4 (c) Prohibited Contributions. -- While the General Assembly is in regular session:

5 (1) No limited contributor shall make a contribution to a limited
6 contributee.

7 (2) No limited contributor shall make a contribution to any candidate,
8 officeholder, or political committee, directing or requesting that the
9 contribution be made in turn to a limited contributee.

10 (3) No limited contributor shall transfer any amount of money or
11 anything of value to any entity, directing or requesting that that
12 entity use what was transferred to contribute to a limited
13 contributee.

14 (4) No limited contributee shall accept a contribution from a limited
15 contributor.

16 (d) Prosecution. -- A violation of this section is a Class 2 misdemeanor."

17 (c) This section becomes effective January 1, 1998, and applies to all
18 contributions solicited, made, or accepted on or after that date.

19 -- \$2 CHECKOFF FOR POLITICAL PARTIES FINANCING FUND.

20 Section 10. (a) G.S. 105-159.1(a) reads as rewritten:

21 "(a) Every individual whose income tax liability for the taxable year is ~~one dollar~~
22 ~~(\$1.00)~~ two dollars (\$2.00) or more may designate on his or her income tax return
23 that ~~one dollar (\$1.00)~~ two dollars (\$2.00) of the tax shall be credited to the North
24 Carolina Political Parties Financing Fund. In the case of a married couple filing a
25 joint return whose income tax liability for the taxable year is ~~two dollars (\$2.00)~~ four
26 dollars (\$4.00) or more, each spouse may designate on the income tax return that ~~one~~
27 ~~dollar (\$1.00)~~ two dollars (\$2.00) of the tax shall be credited to the North Carolina
28 Political Parties Financing Fund. Amounts credited to the Fund shall be allocated
29 among the political parties on a pro rata basis according to their respective party
30 voter registrations as determined by the most recent certification of the State Board
31 of Elections. As used in this section, the term 'political party' means one of the
32 following that has at least one percent (1%) of the total number of registered voters
33 in the State:

34 (1) A political party that at the last preceding general State election
35 received at least ten percent (10%) of the entire vote cast in the
36 State for Governor or for presidential electors.

37 (2) A group of voters who by July 1 of the preceding calendar year, by
38 virtue of a petition as a new political party, had duly qualified as a
39 new political party within the meaning of Chapter 163 of the
40 General Statutes."

41 (b) This section becomes effective with respect to the 1997 taxable year
42 and subsequent taxable years.

43 -- CONTRIBUTIONS DEPOSITED WITHIN 10 DAYS.

44 Section 11. (a) G.S. 163-278.14(b) reads as rewritten:

1 "(b) No individual or person shall give, and no candidate, committee or treasurer
2 shall accept, any monetary contribution in excess of one hundred dollars (\$100.00)
3 unless such contribution be in the form of a check, draft, or money order. A treasurer
4 shall deposit every check, draft, or money order received as a contribution within 10
5 days of receipt."

6 (b) This section becomes effective January 1, 1998, and applies to
7 contributions received on and after that date.

8 Section 12. This act is effective when it becomes law. Prosecutions for, or
9 sentences based on, offenses occurring before the relevant effective date in this act
10 are not abated or affected by this act, and the statutes that would be applicable to
11 those prosecutions or sentences but for the provisions of this act remain applicable to
12 those prosecutions or sentences.

DRAFT
FOR REVIEW ONLY

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 1
Judiciary Committee Substitute Adopted 2/5/97
Third Edition Engrossed 2/10/97
Proposed House Committee Substitute -- S1-PCSRR-005

Short Title: Campaign Reform Act of 1997.

(Public)

Sponsors:

Referred to:

February 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REFORM THE CAMPAIGN LAWS OF NORTH CAROLINA.
3 The General Assembly of North Carolina enacts:
4 -- QUARTERLY AND SEMIANNUAL REPORTING.
5 Section 1. (a) G.S. 163-278.9(a) reads as rewritten:
6 "(a) ~~The~~ Except as provided in G.S. 163-278.10A, the treasurer
7 of each candidate and of each political committee shall file
8 under verification with the Board the following reports:
9 (1) Organizational Report. -- The appointment of the
10 treasurer as required by G.S. 163-278.7(a), the
11 statement of organization required by G.S. 163-
12 278.7(b), and a report of all contributions and
13 expenditures not previously reported shall be filed
14 with the Board no later than the tenth day
15 following the day the candidate files ~~his~~ notice of
16 candidacy or the tenth day following the
17 organization of the political committee, whichever
18 occurs first. Any candidate whose campaign is being
19 conducted by a political committee which is
20 handling all contributions and expenditures for his
21 campaign shall file a statement with the Board

- 1 stating such fact at the time required herein for
2 the organizational report. Thereafter, the
3 candidate's political committee shall be
4 responsible for filing all reports required by law.
- 5 (2) Preprimary Report. -- The treasurer shall file a
6 report with the Board no later than the tenth day
7 preceding the primary election. A candidate who is
8 not on the ballot in the primary and who has filed
9 a first quarter report pursuant to subdivision (5a)
10 of this subsection shall not be required to file a
11 separate preprimary report under this subdivision.
- 12 ~~(3) Postprimary Report(s). -- The treasurer shall file~~
13 ~~a report with the Board no later than the 30th day~~
14 ~~after the primary election if the candidate was~~
15 ~~eliminated in the primary. If there is a second~~
16 ~~primary, the treasurer shall file a report with the~~
17 ~~Board no later than the 30th day after the second~~
18 ~~primary election if the candidate was eliminated in~~
19 ~~the second primary.~~
- 20 ~~(4) Preelection Report. -- The treasurer shall file a~~
21 ~~report with the Board not later than the tenth day~~
22 ~~preceding the general election.~~
- 23 ~~(5) Repealed by Session Laws 1985, c. 164, s. 1.~~
- 24 (5a) Quarterly Reports. -- During even-numbered years
25 during which there is an election for that
26 candidate or in which the campaign committee is
27 supporting a candidate, the treasurer shall file a
28 report with the Board not later than seven days
29 after the end of each calendar quarter covering the
30 prior calendar quarter, except that the report for
31 the third quarter shall also cover the period in
32 October through the seventeenth day before the
33 election, the third quarter report shall be due
34 seven days after that date, and the fourth quarter
35 report shall not include that period if a third
36 quarter report was required to be filed.
- 37 (6) Annual Semiannual Reports. -- If contributions are
38 received or expenditures made during a calendar
39 year, for which no reports are otherwise required
40 by this Article, any and all such contributions and
41 expenditures shall be reported by the last Friday
42 in January July, covering the period through the
43 last day of June, and shall be reported by the last

1 Friday in January, covering the period through the
2 last day of December. of the following year."

3 (b) This section becomes effective January 1, 1998.

4 --DONOR'S OCCUPATION.

5 Section 2. (a) G.S. 163-278.11(a)(1) reads as rewritten:

6 "(1) Contributions. -- A list of all contributions
7 required to be listed under G.S. 163-278.8 received
8 by or on behalf of a candidate, political
9 committee, or referendum committee. The statement
10 shall list the name and complete mailing address of
11 each contributor, the amount contributed, the
12 occupation of the donor, and the date such
13 contribution was received. The total sum of all
14 contributions to date shall be plainly exhibited.
15 Forms for required reports shall be prescribed by
16 the Board. The State Board of Elections shall
17 prepare a schedule of occupational classifications,
18 adapting as it deems suitable the occupational
19 classifications of the Internal Revenue Code and
20 equivalent classifications of the Office of State
21 Personnel. In reporting the occupation of a
22 contributor, the treasurer shall use the
23 classifications prepared by the State Board."

24 (b) This section becomes effective February 1, 1998, and
25 applies to all reports due on or after that date.

26 -- REPORTING OF COORDINATED EXPENDITURES.

27 Section 3. (a) G.S. 163-278.11(b) reads as rewritten:

28 "(b) Statements shall reflect anything of value paid for or
29 contributed by any person or individual, both as a contribution
30 and expenditure. If a political party committee makes an
31 expenditure that benefits a candidate or group of candidates,
32 that political party committee shall report that expenditure,
33 together with the date, amount, and purpose of any such
34 expenditure as well as the name of, and office sought by any
35 candidate or candidates on whose behalf the expenditure was made.
36 If feasible, the report shall show the proportion of the
37 expenditure that benefitted each candidate. A candidate who
38 benefits from that expenditure shall report that expenditure or
39 the proportionate share of the expenditure that benefitted that
40 candidate as an in-kind contribution if the candidate or the
41 candidate's committee has coordinated with the political party
42 committee concerning the expenditure."

43 (b) This section becomes effective February 1, 1998, and
44 applies to reports due on and after that date.

1 -- EXPANDED REPORTING IN LOCAL ELECTIONS; \$3,000 THRESHOLD FOR
2 ALL REPORTING.

3 Section 4. (a) G.S. 163-278.6(1) reads as rewritten:

4 "(1) The term 'board' means the State Board of Elections
5 with respect to all candidates for State and
6 multi-county district offices and the county or
7 municipal board of elections with respect to all
8 candidates for single-county district, county and
9 municipal offices. The term means the State Board
10 of Elections with respect to all statewide
11 ~~referenda~~ referenda and the county or municipal
12 board of elections conducting all local referenda."

13 (b) G.S. 163-278.6(18) reads as rewritten:

14 "(18) The term 'public office' means any office
15 filled by election by the people on a
16 statewide, county, municipal or district
17 basis, and this Article shall be applicable to
18 such elective offices whether the election
19 therefor is partisan or ~~nonpartisan, provided~~
20 ~~candidates for municipal and county offices in~~
21 ~~those municipalities and counties having less~~
22 ~~than 50,000 population, according to the most~~
23 ~~recent decennial census figures, shall not be~~
24 ~~required to file reports required by this~~
25 ~~Article, but this Article shall otherwise be~~
26 ~~applicable to such candidates for municipal~~
27 ~~and county offices.~~ nonpartisan."

28 (c) G.S. 163-278.6(18a) reads as rewritten:

29 "(18a) The term 'referendum' means any question,
30 issue, or act referred to a vote of the people
31 of the entire State by the General ~~Assembly~~
32 Assembly, a unit of local government, or by
33 the people under any applicable local act and
34 includes constitutional amendments and State
35 bond issues. The term 'referendum' does not
36 include includes any type of municipal,
37 county, or special district referendum."

38 (d) G.S. 163-278.40(2) reads as rewritten:

39 "(2) The term 'city' means any incorporated city, town,
40 or ~~village with a population of 50,000 or over,~~
41 ~~according to the most recent decennial federal~~
42 ~~census.~~ village."

43 (e) G.S. 163-278.10A reads as rewritten:

1 "\$ 163-278.10A. Threshold of ~~\$1,000.00~~ \$3,000.00 for Financial
2 Reports.

3 (a) Notwithstanding any other provision of this Chapter, a
4 candidate shall be exempted from the reports of contributions,
5 loans, and expenditures required in G.S. 163-278.9(a), 163-
6 278.40B, 163-278.40C, 163-278.40D, and 163-278.40E if to further
7 his campaign that candidate:

- 8 (1) Does not receive more than ~~one~~ three thousand
9 dollars ~~(\$1,000.00)~~ (\$3,000.00) in contributions,
10 and
11 (2) Does not receive more than ~~one~~ three thousand
12 dollars ~~(\$1,000.00)~~ (\$3,000.00) in loans, and
13 (3) Does not spend more than ~~one~~ three thousand
14 dollars ~~(\$1,000.00)~~ (\$3,000.00).

15 To qualify for the exemption from those reports, the candidate's
16 treasurer shall file a certification under oath that he does not
17 intend to receive in contributions or loans or expend more than
18 ~~one~~ three thousand dollars ~~(\$1,000.00)~~ (\$3,000.00) to further
19 his campaign. The certification shall be filed with the Board at
20 the same time the candidate files his Organizational Report as
21 required in G.S. 163-278.7, G.S. 163-278.9, and G.S. 163-278.40A.
22 If the candidate's campaign is being conducted by a political
23 committee which is handling all contributions, loans, and
24 expenditures for his campaign, the treasurer of the political
25 committee shall file a certification of intent to stay within the
26 threshold amount. If the intent to stay within the threshold
27 changes, or if the ~~\$1,000~~ three thousand dollar (\$3,000.00)
28 threshold is exceeded, the treasurer shall immediately notify the
29 Board and shall be responsible for filing all reports required in
30 G.S. 163-278.9 and 163-278.40B, 163-278.40C, 163-278.40D, and
31 163-278.40E; provided that any contribution, loan, or expenditure
32 which would have been required to be reported on an earlier
33 report but for this section shall be included on the next report
34 required after the intent changes or the threshold is exceeded.

35 (b) The exemption in subsection (a) of this section applies to
36 political party committees under the same terms as for
37 candidates, except that the term 'to further his campaign' does
38 not relate to a political party committee's exemption, and all
39 contributions, expenditures, and loans during an election shall
40 be counted against the political party committee's threshold
41 amount."

42 (f) This section applies to primaries, elections, and
43 referenda beginning in 1998.

44 -- ELECTRONIC REPORTING.

1 Section 5. (a) G.S. 163-278.9 is amended by adding a new
2 subsection to read:

3 "(j) Treasurers for the following entities shall file any
4 report required by this section electronically, according to
5 rules which shall be promulgated by the State Board of Elections:

6 (1) Candidates for statewide office;

7 (2) The State, district, county and precinct executive
8 committees of political parties;

9 (3) Political committees that make contributions to
10 candidates for statewide office or make independent
11 expenditures that affect contests for statewide
12 office,

13 if the report shows in excess of ten thousand dollars
14 (\$10,000.00) in contributions, in expenditures, or in loans."

15 (b) This section applies to reports to be filed in 1998.

16 -- INTERNET ACCESS.

17 Section 6. The State Board of Elections shall provide
18 full access to the public of campaign finance reports over the
19 Internet as soon as technically feasible.

20 -- CIVIL PENALTIES FOR LATE FILING.

21 Section 7. (a) G.S. 163-278.34 reads as rewritten:

22 "§ 163-278.34. Filings; penalty for late filings.

23 (a) ~~All~~ Except as provided in G.S. 163-278.9, all reports,
24 statements or other documents required by this Article to be
25 filed with the Board shall be filed either by manual delivery to
26 or by certified or registered mail addressed to the Board. Timely
27 filing shall be complete if postmarked on the day the reports,
28 statements or other documents are to be delivered to the Board.
29 If a report, statement or other document is not filed within the
30 time required by this Article, then the individual, person,
31 media, candidate, political committee, referendum committee or
32 treasurer responsible for filing shall pay to the State Board of
33 Elections election enforcement costs and a civil late penalty of
34 ~~twenty dollars (\$20.00) per day for each day the filing is late~~
35 ~~not to exceed five days.~~ as follows:

36 (1) Two hundred fifty dollars (\$250) per day for each
37 day the filing is late for a report that affects
38 statewide elections, not to exceed a total of ten
39 thousand dollars (\$10,000); and

40 (2) Fifty dollars (\$50) per day for each day the filing
41 is late for a report that affects only non-
42 statewide elections, not to exceed a total of one
43 thousand dollars (\$1,000).

1 The State Board shall immediately notify, or cause to be
2 notified, late filers, from which reports are apparently due, by
3 registered or certified mail, return receipt requested, of the
4 penalties under this section. ~~If the penalty has not been paid to~~
5 ~~or the report has not been filed with the Board within five days~~
6 ~~after receipt of the notification, then the Board shall report~~
7 ~~the late filing or failure to file to the appropriate district~~
8 ~~attorney who shall indict and prosecute the offender as required~~
9 ~~in G.S. 163-278.27. No criminal penalty shall be imposed if the~~
10 ~~penalty required by this section is paid and the delinquent~~
11 ~~report is filed within five days after notification by the Board.~~

12 (a) The State Board shall calculate and assess the amount of
13 the civil penalty due under subsection (a) of this section and
14 shall notify the person who is assessed the civil penalty of the
15 amount of the penalty. The notice of assessment shall be served
16 by any means authorized under G.S. 1A-1, Rule 4, and shall direct
17 the violator either to pay the assessment or to contest the
18 assessment within 30 days by filing a petition for a contested
19 case under Article 3 of Chapter 150B of the General Statutes. If
20 a violator does not pay a civil penalty assessed by the Board
21 within 30 days after it is due, the Board shall request the
22 Attorney General to institute a civil action to recover the
23 amount of the assessment. The civil action may be brought in the
24 superior court of any county where the report was due to be filed
25 or any county where the violator resides or maintains an office.
26 A civil action must be filed within three years of the date the
27 assessment was due. An assessment that is not contested is due
28 when the violator is served with a notice of assessment. An
29 assessment that is contested is due at the conclusion of the
30 administrative and judicial review of the assessment. Consistent
31 with G.S. 115C-437, the State Controller shall pay the clear
32 proceeds of civil penalties collected under this section to the
33 County School Fund in the county in which the person charged with
34 the violation resides. The State Controller shall reduce the
35 monies collected by the enforcement costs and the collection
36 costs to determine the clear proceeds payable to the County
37 School Fund. Monies set aside for the costs of enforcement and
38 the costs of collection shall be credited to accounts of the
39 State Board of Elections.

40 ~~(b) When a report, statement or other document, required by~~
41 ~~this Article is not apparently due (i.e., media, inactive~~
42 ~~candidate, individual, no organizational report filed,~~
43 ~~supplementary final report or annual report), the Board shall~~
44 ~~notify, as set forth above, the person or persons responsible for~~

~~1 filing if information is presented indicating that the report,~~
~~2 statement, or other document was in fact due. No criminal~~
~~3 penalties shall be imposed if the late penalty is paid and the~~
~~4 delinquent report is filed within five days after notification.~~
5 The State Board of Elections may waive a late penalty where it
6 determines there is reasonable cause."

7 (b) G.S. 163-278.6 is amended by adding a new
8 subdivision to read:

9 "(7a) The term 'costs of collection' means monies spent by the
10 State Board of Elections in the collection of the penalties
11 levied pursuant to provisions in this Article to the extent the
12 costs do not constitute more than fifty percent (50%) of the
13 civil penalty. The costs shall be presumed to be ten percent
14 (10%) of the civil penalty unless otherwise determined by the
15 State Board of Elections based on the records of expenses
16 incurred by the State Board of Elections for its collection
17 procedures."

18 (c) G.S. 163-278.6 is amended by adding a new
19 subdivision to read:

20 "(7b) The term 'day' means calendar day."

21 (d) G.S. 163-278.6 is amended by adding a new
22 subdivision to read:

23 "(8a) The term 'enforcement costs' means salaries, overhead,
24 and other monies spent by the State Board of Elections in the
25 enforcement of the penalties provisions of this Article,
26 including the costs of investigators, attorneys, travel costs for
27 State Board employees and its attorneys, to the extent the costs
28 do not constitute more than fifty percent (50%) of the sum levied
29 for the enforcement costs and civil late penalty."

30 (e) G.S. 163-278.22 is amended by adding a new
31 subdivision to read:

32 "(13) To calculate, assess, and collect civil penalties
33 pursuant to this Article."

34 (f) This section becomes effective January 1, 1998, and
35 applies to all reports due on or after that date.

36 -- FELONY FOR FRAUDULENT REPORTING.

37 Section 8. (a) G.S. 163-278.32 reads as rewritten:

38 "§ 163-278.32. Statements under oath.

39 Any statement required to be filed under this Article shall be
40 signed and certified as true and correct by the individual,
41 media, candidate, treasurer or others required to file it, and
42 shall be verified by the oath or affirmation of the individual,
43 media, candidate, treasurer or others filing the statement, taken
44 before any officer authorized to administer oaths; provided

1 further that the candidate shall sign and certify as true and
2 correct to the best of his knowledge each report filed by a
3 treasurer appointed by him or by his principal campaign
4 ~~committee.~~ committee, and that candidate's signature shall be
5 verified by the oath or affirmation of the candidate. Any
6 individual who signs a statement under oath as required by this
7 section knowing the report to be false is guilty of a felony
8 under G.S. 163-275(4)."

9 (b) This section is effective January 1, 1998, and
10 applies to all acts committed on or after that date.

11 --CLOSE THE LOOPHOLE FOR SECOND PRIMARIES.

12 Section 9. (a) G.S. 163-278.13(d) reads as rewritten:

13 "(d) For the purposes of this section, the term 'an election'
14 means any primary, second primary, or general election in which
15 the candidate or political committee may be involved, without
16 regard to whether the candidate is opposed or unopposed in the
17 ~~election.~~ election, except that where a candidate is not on the
18 ballot in a second primary, that second primary is not 'an
19 election' with respect to that candidate."

20 (b) This section becomes effective January 1, 1998, and
21 applies to all elections occurring on or after that date.

22 -- FUND-RAISING IN SESSION.

23 Section 10. (a) G.S. 163-278.13A is repealed.

24 (b) Article 22A of the General Statutes is amended by
25 adding a new section to read:

26 "163-278.13B. Limitation on fund-raising during legislative
27 session.

28 (a) Definitions. -- For purposes of this section:

29 (1) 'Limited contributor' means a lobbyist registered
30 pursuant to Article 9A of Chapter 120 of the
31 General Statutes, that lobbyist's agent, or a
32 political committee that employs or contracts with
33 or whose parent entity employs or contracts with a
34 lobbyist registered pursuant to Article 9A of
35 Chapter 120 of the General Statutes.

36 (2) 'Limited contributee' means a member of or
37 candidate for the Council of State, a member of or
38 candidate for the General Assembly, a political
39 committee the purpose of which is to assist a
40 member or members of or candidate or candidates for
41 the Council of State or General Assembly.

42 (3) The General Assembly is in 'regular session' from
43 the date set by law or resolution that the General
44 Assembly convenes until the General Assembly either

1 adjourns sine die, or recesses or adjourns for more
2 than 10 days.

3 (b) Prohibited Solicitations. -- While the General Assembly is
4 in regular session, no limited contributee or the real or
5 purported agent of a limited contributor shall:

6 (1) Solicit a contribution from a limited contributor
7 to be made to that limited contributee or to be
8 made to any other candidate, officeholder, or
9 political committee; or

10 (2) Solicit a third party, requesting or directing that
11 the third party directly or indirectly relay to the
12 prohibited contributor the prohibited contributee's
13 solicitation of a contribution.

14 (c) Prohibited Contributions. -- While the General Assembly is
15 in regular session:

16 (1) No limited contributor shall make a contribution to
17 a limited contributee.

18 (2) No limited contributor shall make a contribution to
19 any candidate, officeholder, or political
20 committee, directing or requesting that the
21 contribution be made in turn to a limited
22 contributee.

23 (3) No limited contributor shall transfer any amount of
24 money or anything of value to any entity, directing
25 or requesting that that entity use what was
26 transferred to contribute to a limited contributee.

27 (4) No limited contributee shall accept a contribution
28 from a limited contributor.

29 (d) Prosecution. -- A violation of this section is a Class 2
30 misdemeanor."

31 (c) This section becomes effective January 1, 1998 and
32 applies to all contributions solicited, made, or accepted on or
33 after that date.

34 -- \$2 CHECKOFF FOR POLITICAL PARTIES FINANCING FUND.

35 Section 11. (a) G.S. 105-159.1(a) reads as rewritten:

36 "(a) Every individual whose income tax liability for the taxable
37 year is ~~one dollar (\$1.00)~~ two dollars (\$2.00) or more may
38 designate on his or her income tax return that ~~one dollar (\$1.00)~~
39 two dollars (\$2.00) of the tax shall be credited to the North
40 Carolina Political Parties Financing Fund. In the case of a
41 married couple filing a joint return whose income tax liability
42 for the taxable year is ~~two dollars (\$2.00)~~ four dollars (\$4.00)
43 or more, each spouse may designate on the income tax return that
44 ~~one dollar (\$1.00)~~ two dollars (\$2.00) of the tax shall be

1 credited to the North Carolina Political Parties Financing Fund.
2 Amounts credited to the Fund shall be allocated among the
3 political parties on a pro rata basis according to their
4 respective party voter registrations as determined by the most
5 recent certification of the State Board of Elections. As used in
6 this section, the term 'political party' means one of the
7 following that has at least one percent (1%) of the total number
8 of registered voters in the State:

9 (1) A political party that at the last preceding
10 general State election received at least ten
11 percent (10%) of the entire vote cast in the State
12 for Governor or for presidential electors.

13 (2) A group of voters who by July 1 of the preceding
14 calendar year, by virtue of a petition as a new
15 political party, had duly qualified as a new
16 political party within the meaning of Chapter 163
17 of the General Statutes."

18 (b) This section becomes effective with respect to the
19 1997 taxable year and subsequent taxable years.

20 -- AUTHORIZATION FOR USE OF PAYROLL DEDUCTIONS.

21 Section 12. (a) G.S. 163-278.19(b) reads as rewritten:

22 "(b) It shall, however, be lawful for any corporation,
23 business entity, labor union, professional association or
24 insurance company to communicate with its employees, stockholders
25 or members and their families on any subject; to conduct
26 nonpartisan registration and get-out-the-vote campaigns aimed at
27 their employees, stockholders, or members and their families; or
28 for officials and employees of any corporation, insurance company
29 or business entity or the officials and members of any labor
30 union or professional association to establish, administer,
31 contribute to, and to receive and solicit contributions to a
32 separate segregated fund to be utilized for political purposes
33 except as provided in G.S. 163-278.20, and those individuals
34 shall be deemed to become and be a political committee as that
35 term is defined in G.S. 163-278.6(14) or a referendum committee
36 as defined in G.S. 163-278.6(18b); provided, however, that it
37 shall be unlawful for any such fund to make a contribution or
38 expenditure by utilizing contributions secured by physical force,
39 job discrimination, financial reprisals or the threat of force,
40 job discrimination or financial reprisals, or by dues, fees, or
41 other moneys required as a condition of membership or employment
42 or as a requirement with respect to any terms or conditions of
43 employment, including, without limitation, hiring, firing,
44 transferring, promoting, demoting, or granting seniority or

1 employment-related benefits of any kind, or by moneys obtained in
2 any commercial transaction whatsoever. Even if use of funds
3 received from an employee or member is otherwise not unlawful, no
4 business entity, labor union, professional association or
5 insurance company may use any funds received from an employee or
6 member by payroll deduction for any political action committee
7 unless the employee or member has separately consented in
8 writing."

9 (b) This section applies to dues paid or other funds
10 deducted after July 1, 1997.

11 -- CONTRIBUTIONS DEPOSITED WITHIN 10 DAYS.

12 Section 13. (a) G.S. 163-278.14(b) reads as rewritten:

13 "(b) No individual or person shall give, and no candidate,
14 committee or treasurer shall accept, any monetary contribution in
15 excess of one hundred dollars (\$100.00) unless such contribution
16 be in the form of a check, draft, or money order. A treasurer
17 shall deposit every check, draft, or money order received as a
18 contribution within ten (10) days of receipt."

19 (b) This section becomes effective January 1, 1998, and
20 applies to contributions received on and after that date.

21 Section 14. This act becomes effective when it becomes
22 law. Prosecutions for, or sentences based on, offenses occurring
23 before the relevant effective date in this act are not abated or
24 affected by this act, and the statutes that would be applicable
25 to those prosecutions or sentences but for the provisions of this
26 act remain applicable to those prosecutions or sentences.

HOUSE COMMITTEE ON ELECTION LAWS AND CAMPAIGN REFORM

Room 1327

April 9, 1997

The House Committee on Election Laws and Campaign Reform met in Room 1327 of the Legislative Building on Wednesday, April 9, 1997. Representative Connie Wilson called the meeting to order at 11:00 A.M. The members present were: Representative Larry Justus, Representatives, Aldridge, Alexander, Arnold, Baddour, Bonner, Braswell, Cansler, Church, Dedmon, Hardy, Hiatt, Insko, Kiser, Michaux, Rayfield, Shubert, Tallent, Warner, Weatherly and Wood.

Representative Wilson stated that several Representatives had to attend the Local Government Committee meeting that was going on at the same time Election Laws and Campaign Reform is going on today and that she and Co-Chair Larry Justus would be taking turns conducting the meeting today so she could introduce her bill in Local Government. Representative Wilson then introduced the pages, Jon Madison from Iredell County sponsored by Frank Mitchell and Leian Dalenge from Union County sponsored by Representative Shubert.

Representative Wilson then explained that we had a House Committee Substitute for Senate Bill 1 coming before the committee today and that she was handing out a copy of the Committee Substitute and a copy of the chart so that the committee can compare apples to apples and figure it out more easily. See attachment 1 and 2.

Representative Kiser moved that the proposed committee substitute be adopted and then the discussion started. Representative Cansler made the presentation about the changes that were made. With research they found that the dues were one of the problems so that was removed entirely and would be no longer part of the issue. The other thing that was changed was the language used when you were not able to get the information about the person who had given you a contribution; the federal language was adopted that the federal law uses. Representative Insko asked about the federal language and wanted an explanation of the language. It simply means that if you have made the best effort to get in touch with the employer and the individual and you could not do so then it is all right. not do so then they would not be penalized.

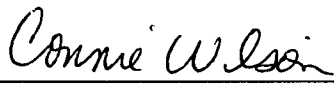
Page 2

Representative Baddour brought forth an amendment. (attachment III) The amendment was inserting after the word occupation, the term and employer and by on page 3, line 24 inserting after the word occupation, the term and employer. Rep. Baddour said that this was a good amendment and would give the public a record about where the money comes from and from what groups of employers give money. After discussion the amendment was voted on with division and hands were counted. There were 7 in favor and 11 opposed therefore the amendment failed. Rep. Baddour made another amendment that would raise the minimum from one hundred dollars to two hundred and fifty dollars for listing of the employer. The amendment would state that each employer who contributes in excess of \$250.00 would have to give the name of their company. Rep. Justus called for raise of hands and Rep. Michaux called point of order and said that a roll call vote must be taken. Rep. Justus thanked Rep. Michaux and called for the roll call. The clerk called the roll incorrectly the first time and after the second reading the vote was 11 nos and 7 in favor; therefore the amendment failed.

Representative Shubert made a request for an amendment which amends lines 12 and 11 on page 1 by deleting the word provide for \$2.00 checkoff and substitute the word repeal and on page 11 lines 14 to 33 by deleting the lines on that page. She explained her amendment as being very simple all it does is keep money that is being appropriated tax payer funds that should be spent on public schools from being spent on the Republican and Democrat parties. This amendment simply stops that. Division was called and the votes were counted and the amendment failed.

It was moved for a favorable report and the vote was taken on Senate Bill 1 and the bill was passed.

The Committee was adjourned by Representative Justus at 11:00.



Connie Wilson, Chariman



Joanna Mills, Clerk

SUBCOMMITTEE RECOMMENDATIONS – SENATE BILL 1

Attachment II

	<u>CURRENT LAW</u>	<u>SUBCOMMITTEE'S PROPOSAL</u>
1. Schedule of Reporting	Requires these reports for election year: • Organizational Report 10 days after filing candidacy or forming committee. • Pre-primary Report 10 days before primary. • Post-primary Report 30 days after primary—for losers only. • Pre-election Report 10 days before general election. • Annual Report by last Friday in January of next year. And this report for the off-year: The Annual Report only. (All reports cover period ending 7 days before due date.)	Requires these reports for election year: • Organizational Report 10 days after filing candidacy or forming committee. • First Quarter Report—due April 7 covering period through March 31. • Pre-primary Report 10 days before primary (except for candidates who have no primary) • Second Quarter Report—due July 7 covering period through June 30. • Third Quarter Report—due 10 days before general election. • Annual Report by last Fri. in Jan.. And these reports for the off-year: • Semiannual Report - last Fri. in July • Annual Report-last Fri. in Jan. Effective January 1, 1998.
2. Reporting of Contributors; Best Efforts Rule	Report must show name and address of each contributor who gives over \$100.	Report must also show occupation of contributor who gives over \$100. SBOE required to prepare list of occupational classifications, using IRS and Office of State Personnel lists as guide. SBOE also required to write rules defining what are "best efforts" to gather the information, and deems reports to be in compliance if best efforts are used. Eff. for reports due after Feb. 1, 1998.
3. Reporting of Coordinated Expenditures	Treasurer of a candidate or political committee must report all contributions received and expenditures made. "Contribution" is broadly defined to include any assistance, except volunteer services. Expenditure reports are required to state the name of every payee and the purpose of the expenditure. (Federal law specifies that, when a political party engages in "coordinated party expenditures," in which the party assists a candidate by paying a vendor on a candidate's behalf, the party must report not just which vendor was paid but which federal candidates.)	Adds language to the N.C. statute specifying that party committees must report which state candidates benefitted when the same pattern of expenditures occurred as in federal coordinated expenditures. Also requires a candidate to report such spending as an in-kind contribution if there was coordination with the party committee. Effective for reports due after Feb. 1, 1998.

4. Exemptions from Reporting	• Exempts from reporting local races in counties and municipalities under 50,000 in population. • Exempts from reporting local referenda regardless of population. • Exempts from reporting candidates and party executive committees that have financial activity in their campaigns of less than \$1,000.	• Removes the 50,000 population exemption. • Removes the local referendum exemption. • Increases the \$1,000 financial activity threshold to \$3,000 for candidates and party executive committees. Eff.. for elections beginning in 1998.
5. Electronic Reporting	No requirement of electronic reporting, although SBOE encourages it.	Requires electronic filing, beginning in 1998, of any report by: • candidate for statewide office; • political committee that makes contributions or independent expenditures affecting statewide races; or • party exec.committee at any level, if report shows more than \$10,000 in contributions, expenditures, or loans.
6. Internet Access	SBOE puts some campaign report into on its web site, but is not required to.	SBOE would be required to provide full Internet access to campaign reports as soon as technically feasible.
7. Penalties for Late Filing	Penalty for late filing of campaign finance reports is \$20 a day with a maximum of \$100. Enforcement depends upon prosecution by a district attorney.	Provides for civil penalties for late filing as follows: • For reports affecting statewide races, the penalty would be \$250 a day with a maximum of \$10,000. • For reports not affecting statewide races, the penalty would be \$50 a day with a maximum of \$1,000. SBOE could enforce the penalty, with assistance from the Attorney General, through superior court. Clear proceeds of penalty would go to county schools, but SBOE would be able to retain the costs of collection and enforcement, including salaries and overhead. SBOE may waive a penalty for reasonable cause. Eff. 1-1-98.
8. Second Primary Contribution Loophole	An "election" for purposes of the \$4,000 contribution limit is a 1 st primary, a 2 nd primary, or a general election. A candidate may receive an extra \$4,000 from a contributor for a 2 nd primary even if the candidate is not on the ballot in a second primary.	States that a second primary triggers an extra \$4,000 in contributions only if the candidate is on the ballot in a second primary. Eff. 1-1-1998.

9..Fund-Raising During Legislative Session	Legislators and Council of State members are prohibited from soliciting or accepting contributions made by "or at the behest or recommendation of" a registered lobbyist during the long session of the General Assembly. The ban on soliciting and accepting extends to political committees whose principal purpose is to assist a member or members of the General Assembly , but the statute exempts from that group any political party executive committee or any "political committee that operates on a statewide basis in conjunction with the executive committee of a political party for the purpose of assisting that party's candidates for Council of State or General Assembly."	Extends the limitation in several ways: • Not only soliciation of lobbyists banned, but also solicitation of political committees whose parent entities hire lobbyists. • Not only long session covered, but also short session. • Not only incumbent legislators and Council of State members covered , but also candidates for those offices. • Not only direct solicitations banned, but also indirect solicitations on behalf of the officeholder or candidate. • Not only direct contributions banned, but also indirect contributions through third parties. • Political party committees no longer exempted from the groups that could not solicit or accept contributions. • Spells out timing for when contribution is "made" and "accepted." Effective Jan. 1, 1998.
10. Check-off for Political Parties Financing Fund	A person owing at least \$1 of State income tax may designate \$1 of that tax to go into the N.C. Political Parties Financing Fund. The Fund is distributed to the two largest political parties in proportion to their share of the registered voters.	Check -off amount increased to \$2. Effective beginning with 1997 taxable year.
11. When treasurer must deposit contributor's check	All contributions of \$100 or more must be by check. No requirement of when treasurer must deposit the check.	Requires that treasurer must deposit contribution check within 10 days after receipt. Effective for contributions received after 1-1-98.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

*Attachment
I*

S

D

SENATE BILL 1
Judiciary Committee Substitute Adopted 2/5/97
Third Edition Engrossed 2/10/97
Proposed House Committee Substitute -- S1-PCSRR-006

Short Title: Full Disclosure Act of 1997.

(Public)

Sponsors:

Referred to:

February 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE FILING SCHEDULE OF CAMPAIGN REPORTS; TO
3 REQUIRE THE LISTING OF A CONTRIBUTOR'S PRINCIPAL OCCUPATION AND
4 TO PROVIDE FOR A "BEST EFFORTS" RULE; TO REQUIRE THAT
5 COORDINATED PARTY EXPENDITURES BE REPORTED; TO EXPAND REPORTING
6 IN LOCAL ELECTIONS AND REFERENDA AND TO SET A \$3,000 THRESHOLD
7 FOR REPORTING GENERALLY; TO REQUIRE ELECTRONIC FILING OF
8 CERTAIN CAMPAIGN REPORTS AND INTERNET ACCESS; TO PROVIDE FOR
9 CIVIL PENALTIES FOR LATE FILING OF CAMPAIGN REPORTS; TO CLOSE
10 THE SECOND PRIMARY LOOPHOLE FOR CONTRIBUTION LIMITS; TO REWRITE
11 AND EXPAND THE LIMITS ON FUND-RAISING DURING LEGISLATIVE
12 SESSIONS; TO PROVIDE FOR A \$2 CHECKOFF FOR THE POLITICAL
13 PARTIES FINANCING FUND; AND TO REQUIRE THAT CONTRIBUTIONS BE
14 DEPOSITED WITHIN 10 DAYS OF RECEIPT.
15 The General Assembly of North Carolina enacts:
16 -- QUARTERLY AND SEMIANNUAL REPORTING.
17 Section 1. (a) G.S. 163-278.9(a) reads as rewritten:
18 "(a) ~~The~~ Except as provided in G.S. 163-278.10A, the treasurer
19 of each candidate and of each political committee shall file
20 under verification with the Board the following reports:

- (1) Organizational Report. -- The appointment of the treasurer as required by G.S. 163-278.7(a), the statement of organization required by G.S. 163-278.7(b), and a report of all contributions and expenditures not previously reported shall be filed with the Board no later than the tenth day following the day the candidate files his notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first. Any candidate whose campaign is being conducted by a political committee which is handling all contributions and expenditures for his campaign shall file a statement with the Board stating such fact at the time required herein for the organizational report. Thereafter, the candidate's political committee shall be responsible for filing all reports required by law.
- (2) Preprimary Report. -- The treasurer shall file a report with the Board no later than the tenth day preceding the primary election. A candidate who is not on the ballot in the primary and who has filed a first quarter report pursuant to subdivision (5a) of this subsection shall not be required to file a separate preprimary report under this subdivision.
- ~~(3) Postprimary Report(s). -- The treasurer shall file a report with the Board no later than the 30th day after the primary election if the candidate was eliminated in the primary. If there is a second primary, the treasurer shall file a report with the Board no later than the 30th day after the second primary election if the candidate was eliminated in the second primary.~~
- ~~(4) Preelection Report. -- The treasurer shall file a report with the Board not later than the tenth day preceding the general election.~~
- ~~(5) Repealed by Session Laws 1985, c. 164, s. 1.~~
- (5a) Quarterly Reports. -- During even-numbered years during which there is an election for that candidate or in which the campaign committee is supporting a candidate, the treasurer shall file a report with the Board not later than seven days after the end of each calendar quarter covering the prior calendar quarter, except that the report for the third quarter shall also cover the period in

October through the seventeenth day before the election, the third quarter report shall be due seven days after that date, and the fourth quarter report shall not include that period if a third quarter report was required to be filed.

(6) ~~Annual~~ Semiannual Reports. -- If contributions are received or expenditures made ~~during a calendar year,~~ for which no reports are otherwise required by this Article, any and all such contributions and expenditures shall be reported by the last Friday in ~~January~~ July, covering the period through the last day of June, and shall be reported by the last Friday in January, covering the period through the last day of December. ~~of the following year."~~

(b) This section becomes effective January 1, 1998.

--DONOR'S PRINCIPAL OCCUPATION; BEST EFFORTS RULE.

Section 2. (a) G.S. 163-278.11(a)(1) reads as rewritten:

"(1) Contributions. -- A list of all contributions required to be listed under G.S. 163-278.8 received by or on behalf of a candidate, political committee, or referendum committee. The statement shall list the name and complete mailing address of each contributor, the amount contributed, the principal occupation of the donor, and the date such contribution was received. The total sum of all contributions to date shall be plainly exhibited. Forms for required reports shall be prescribed by the Board. The State Board of Elections shall prepare a schedule of occupational classifications, adapting as it deems suitable the occupational classifications of the Internal Revenue Code and equivalent classifications of the Office of State Personnel. In reporting the occupation of a contributor, the treasurer shall use the classifications prepared by the State Board."

(b) G.S. 163-278.11 is amended by adding a new subsection to read:

"(c) Best Efforts. -- When a treasurer shows that best efforts have been used to obtain, maintain, and submit the information required by this Article for the candidate or political committee, any report of that candidate or committee shall be considered in compliance with this Article. The State Board of Elections shall promulgate rules that specify what are 'best

1 efforts' for purposes of this Article, adapting as it deems
2 suitable the provisions of 11 CFR 104.7."

3 (c) This section becomes effective February 1, 1998,
4 and applies to all reports due on or after that date.

5 -- REPORTING OF COORDINATED EXPENDITURES.

6 Section 3. (a) G.S. 163-278.11(b) reads as rewritten:

7 "(b) Statements shall reflect anything of value paid for or
8 contributed by any person or individual, both as a contribution
9 and expenditure. If a political party executive committee makes
10 an expenditure that benefits a candidate or group of candidates,
11 that political party executive committee shall report that
12 expenditure, together with the date, amount, and purpose of any
13 such expenditure as well as the name of and office sought by any
14 candidate or candidates on whose behalf the expenditure was made.
15 A candidate who benefits from that expenditure shall report that
16 expenditure or the proportionate share of the expenditure that
17 benefitted that candidate as an in-kind contribution if the
18 candidate or the candidate's committee has coordinated with the
19 political party executive committee concerning the expenditure."

20 (b) This section becomes effective February 1, 1998, and
21 applies to reports due on and after that date.

22 -- EXPANDED REPORTING IN LOCAL ELECTIONS AND REFERENDA; \$3,000
23 THRESHOLD FOR ALL REPORTING.

24 Section 4. (a) G.S. 163-278.6(1) reads as rewritten:

25 "(1) The term 'board' means the State Board of Elections
26 with respect to all candidates for State and
27 multi-county district offices and the county or
28 municipal board of elections with respect to all
29 candidates for single-county district, county and
30 municipal offices. The term means the State Board
31 of Elections with respect to all statewide
32 ~~referenda~~, referenda and the county or municipal
33 board of elections conducting all local referenda."

34 (b) G.S. 163-278.6(18) reads as rewritten:

35 "(18) The term 'public office' means any office
36 filled by election by the people on a
37 statewide, county, municipal or district
38 basis, and this Article shall be applicable to
39 such elective offices whether the election
40 therefor is partisan or ~~nonpartisan~~, ~~provided~~
41 ~~candidates for municipal and county offices in~~
42 ~~those municipalities and counties having less~~
43 ~~than 50,000 population, according to the most~~
44 ~~recent decennial census figures, shall not be~~

1 ~~required to file reports required by this~~
2 ~~Article, but this Article shall otherwise be~~
3 ~~applicable to such candidates for municipal~~
4 ~~and county offices. nonpartisan."~~

5 (c) G.S. 163-278.6(18a) reads as rewritten:

6 "(18a) The term 'referendum' means any question,
7 issue, or act referred to a vote of the people
8 of the entire State by the General Assembly
9 Assembly, a unit of local government, or by
10 the people under any applicable local act and
11 includes constitutional amendments and State
12 bond issues. The term 'referendum' ~~does not~~
13 ~~include~~ includes any type of municipal,
14 county, or special district referendum."

15 (d) G.S. 163-278.40(2) reads as rewritten:

16 "(2) The term 'city' means any incorporated city, town,
17 or ~~village with a population of 50,000 or over,~~
18 ~~according to the most recent decennial federal~~
19 ~~census.~~ village."

20 (e) G.S. 163-278.10A reads as rewritten:

21 "\$ 163-278.10A. Threshold of ~~\$1,000.00~~ \$3,000.00 for Financial
22 Reports.

23 (a) Notwithstanding any other provision of this Chapter, a
24 candidate shall be exempted from the reports of contributions,
25 loans, and expenditures required in G.S. 163-278.9(a), 163-
26 278.40B, 163-278.40C, 163-278.40D, and 163-278.40E if to further
27 his campaign that candidate:

28 (1) Does not receive more than ~~one~~ three thousand
29 dollars ~~(\$1,000.00)~~ (\$3,000.00) in contributions,
30 and

31 (2) Does not receive more than ~~one~~ three thousand
32 dollars ~~(\$1,000.00)~~ (\$3,000.00) in loans, and

33 (3) Does not spend more than ~~one~~ three thousand
34 dollars ~~(\$1,000.00)~~ (\$3,000.00).

35 To qualify for the exemption from those reports, the candidate's
36 treasurer shall file a certification under oath that he does not
37 intend to receive in contributions or loans or expend more than
38 ~~one~~ three thousand dollars ~~(\$1,000.00)~~ (\$3,000.00) to further
39 his campaign. The certification shall be filed with the Board at
40 the same time the candidate files his Organizational Report as
41 required in G.S. 163-278.7, G.S. 163-278.9, and G.S. 163-278.40A.
42 If the candidate's campaign is being conducted by a political
43 committee which is handling all contributions, loans, and
44 expenditures for his campaign, the treasurer of the political

1 committee shall file a certification of intent to stay within the
2 threshold amount. If the intent to stay within the threshold
3 changes, or if the ~~\$1,000~~ three thousand dollar (\$3,000.00)
4 threshold is exceeded, the treasurer shall immediately notify the
5 Board and shall be responsible for filing all reports required in
6 G.S. 163-278.9 and 163-278.40B, 163-278.40C, 163-278.40D, and
7 163-278.40E; provided that any contribution, loan, or expenditure
8 which would have been required to be reported on an earlier
9 report but for this section shall be included on the next report
10 required after the intent changes or the threshold is exceeded.

11 (b) The exemption in subsection (a) of this section applies to
12 political party committees under the same terms as for
13 candidates, except that the term 'to further his campaign' does
14 not relate to a political party committee's exemption, and all
15 contributions, expenditures, and loans during an election shall
16 be counted against the political party committee's threshold
17 amount."

18 (f) This section applies to primaries, elections, and
19 referenda beginning in 1998.

20 -- ELECTRONIC REPORTING.

21 Section 5. (a) G.S. 163-278.9 is amended by adding a new
22 subsection to read:

23 "(j) Treasurers for the following entities shall file any
24 report required by this section electronically, according to
25 rules which shall be promulgated by the State Board of Elections:

- 26 (1) Candidates for statewide office;
27 (2) The State, district, county and precinct executive
28 committees of political parties;
29 (3) Political committees that make contributions to
30 candidates for statewide office or make independent
31 expenditures that affect contests for statewide
32 office,

33 if the report shows in excess of ten thousand dollars
34 (\$10,000.00) in contributions, in expenditures, or in loans."

35 (b) This section applies to reports to be filed in 1998.

36 -- INTERNET ACCESS.

37 Section 6. The State Board of Elections shall provide
38 full access to the public of campaign finance reports over the
39 Internet as soon as technically feasible.

40 -- CIVIL PENALTIES FOR LATE FILING.

41 Section 7. (a) G.S. 163-278.34 reads as rewritten:

42 "§ 163-278.34. Filings; penalty for late filings.

43 (a) All— Except as provided in G.S. 163-278.9, all reports,
44 statements or other documents required by this Article to be

1 filed with the Board shall be filed either by manual delivery to
2 or by certified or registered mail addressed to the Board. Timely
3 filing shall be complete if postmarked on the day the reports,
4 statements or other documents are to be delivered to the Board.
5 If a report, statement or other document is not filed within the
6 time required by this Article, then the individual, person,
7 media, candidate, political committee, referendum committee or
8 treasurer responsible for filing shall pay to the State Board of
9 Elections election enforcement costs and a civil late penalty of
10 ~~twenty dollars (\$20.00) per day for each day the filing is late~~
11 ~~not to exceed five days.~~ as follows:

- 12 (1) Two hundred fifty dollars (\$250) per day for each
13 day the filing is late for a report that affects
14 statewide elections, not to exceed a total of ten
15 thousand dollars (\$10,000); and
16 (2) Fifty dollars (\$50) per day for each day the filing
17 is late for a report that affects only non-
18 statewide elections, not to exceed a total of one
19 thousand dollars (\$1,000).

20 The State Board shall immediately notify, or cause to be
21 notified, late filers, from which reports are apparently due, by
22 registered or certified mail, return receipt requested, of the
23 penalties under this section. If the penalty has not been paid to
24 or the report has not been filed with the Board within five days
25 after receipt of the notification, then the Board shall report
26 the late filing or failure to file to the appropriate district
27 attorney who shall indict and prosecute the offender as required
28 in G.S. 163-278.27. No criminal penalty shall be imposed if the
29 penalty required by this section is paid and the delinquent
30 report is filed within five days after notification by the Board.

31 (a) The State Board shall calculate and assess the amount of
32 the civil penalty due under subsection (a) of this section and
33 shall notify the person who is assessed the civil penalty of the
34 amount of the penalty. The notice of assessment shall be served
35 by any means authorized under G.S. 1A-1, Rule 4, and shall direct
36 the violator either to pay the assessment or to contest the
37 assessment within 30 days by filing a petition for a contested
38 case under Article 3 of Chapter 150B of the General Statutes. If
39 a violator does not pay a civil penalty assessed by the Board
40 within 30 days after it is due, the Board shall request the
41 Attorney General to institute a civil action to recover the
42 amount of the assessment. The civil action may be brought in the
43 superior court of any county where the report was due to be filed
44 or any county where the violator resides or maintains an office.

1 A civil action must be filed within three years of the date the
2 assessment was due. An assessment that is not contested is due
3 when the violator is served with a notice of assessment. An
4 assessment that is contested is due at the conclusion of the
5 administrative and judicial review of the assessment. Consistent
6 with G.S. 115C-437, the State Controller shall pay the clear
7 proceeds of civil penalties collected under this section to the
8 County School Fund in the county in which the person charged with
9 the violation resides. The State Controller shall reduce the
10 monies collected by the enforcement costs and the collection
11 costs to determine the clear proceeds payable to the County
12 School Fund. Monies set aside for the costs of enforcement and
13 the costs of collection shall be credited to accounts of the
14 State Board of Elections.

15 ~~(b) When a report, statement or other document, required by~~
16 ~~this Article is not apparently due (i.e., media, inactive~~
17 ~~candidate, individual, no organizational report filed,~~
18 ~~supplementary final report or annual report), the Board shall~~
19 ~~notify, as set forth above, the person or persons responsible for~~
20 ~~filing if information is presented indicating that the report,~~
21 ~~statement, or other document was in fact due. No criminal~~
22 ~~penalties shall be imposed if the late penalty is paid and the~~
23 ~~delinquent report is filed within five days after notification.~~
24 The State Board of Elections may waive a late penalty where it
25 determines there is reasonable cause."

26 (b) G.S. 163-278.6 is amended by adding a new
27 subdivision to read:

28 "(7a) The term 'costs of collection' means monies spent by the
29 State Board of Elections in the collection of the penalties
30 levied pursuant to provisions in this Article to the extent the
31 costs do not constitute more than fifty percent (50%) of the
32 civil penalty. The costs shall be presumed to be ten percent
33 (10%) of the civil penalty unless otherwise determined by the
34 State Board of Elections based on the records of expenses
35 incurred by the State Board of Elections for its collection
36 procedures."

37 (c) G.S. 163-278.6 is amended by adding a new
38 subdivision to read:

39 "(7b) The term 'day' means calendar day."

40 (d) G.S. 163-278.6 is amended by adding a new
41 subdivision to read:

42 "(8a) The term 'enforcement costs' means salaries, overhead,
43 and other monies spent by the State Board of Elections in the
44 enforcement of the penalties provisions of this Article,

1 including the costs of investigators, attorneys, travel costs for
2 State Board employees and its attorneys, to the extent the costs
3 do not constitute more than fifty percent (50%) of the sum levied
4 for the enforcement costs and civil late penalty."

5 (e) G.S. 163-278.22 is amended by adding a new
6 subdivision to read:

7 "(13) To calculate, assess, and collect civil penalties
8 pursuant to this Article."

9 (f) This section becomes effective January 1, 1998, and
10 applies to all reports due on or after that date.

11 --CLOSE THE LOOPHOLE FOR SECOND PRIMARIES.

12 Section 8. (a) G.S. 163-278.13(d) reads as rewritten:

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

20 (b) This section becomes effective January 1, 1998, and
21 applies to all elections occurring on or after that date.

22 -- FUND-RAISING IN SESSION.

23 Section 9. (a) G.S. 163-278.13A is repealed.

24 (b) Article 22A of the General Statutes is amended by
25 adding a new section to read:

26 "163-278.13B. Limitation on fund-raising during legislative
27 session."

28 (a) Definitions. -- For purposes of this section:

29 (1) 'Limited contributor' means a lobbyist registered
30 pursuant to Article 9A of Chapter 120 of the
31 General Statutes, that lobbyist's agent, or a
32 political committee that employs or contracts with
33 or whose parent entity employs or contracts with a
34 lobbyist registered pursuant to Article 9A of
35 Chapter 120 of the General Statutes.

36 (2) 'Limited contributee' means a member of or
37 candidate for the Council of State, a member of or
38 candidate for the General Assembly, a political
39 committee the purpose of which is to assist a
40 member or members of or candidate or candidates for
41 the Council of State or General Assembly.

42 (3) The General Assembly is in 'regular session' from
43 the date set by law or resolution that the General
44 Assembly convenes until the General Assembly either

- 1 adjourns sine die, or recesses or adjourns for more
2 than 10 days.
- 3 (4) A contribution is 'made' during regular session if
4 the check or other instrument is dated during the
5 session, or if the check or other instrument is
6 delivered to the limited contributee during
7 session, or if the limited contributor pledges
8 during the session to deliver the check or other
9 instrument at a later time.
- 10 (5) A contribution is 'accepted' during regular session
11 if the check or other instrument is dated during
12 the session, or if the limited contributee receives
13 the check or other instrument during session and
14 does not return it within 10 days, or agrees during
15 session to receive the check or other instrument at
16 a later time.
- 17 (b) Prohibited Solicitations. -- While the General Assembly is
18 in regular session, no limited contributee or the real or
19 purported agent of a limited contributee shall:
- 20 (1) Solicit a contribution from a limited contributor
21 to be made to that limited contributee or to be
22 made to any other candidate, officeholder, or
23 political committee; or
- 24 (2) Solicit a third party, requesting or directing that
25 the third party directly or indirectly relay to the
26 prohibited contributor the prohibited contributee's
27 solicitation of a contribution.
- 28 (c) Prohibited Contributions. -- While the General Assembly is
29 in regular session:
- 30 (1) No limited contributor shall make a contribution to
31 a limited contributee.
- 32 (2) No limited contributor shall make a contribution to
33 any candidate, officeholder, or political
34 committee, directing or requesting that the
35 contribution be made in turn to a limited
36 contributee.
- 37 (3) No limited contributor shall transfer any amount of
38 money or anything of value to any entity, directing
39 or requesting that that entity use what was
40 transferred to contribute to a limited contributee.
- 41 (4) No limited contributee shall accept a contribution
42 from a limited contributor.
- 43 (d) Prosecution. -- A violation of this section is a Class 2
44 misdemeanor."

1 (c) This section becomes effective January 1, 1998 and
2 applies to all contributions solicited, made, or accepted on or
3 after that date.

4 -- \$2 CHECKOFF FOR POLITICAL PARTIES FINANCING FUND.

5 Section 10. (a) G.S. 105-159.1(a) reads as rewritten:

6 "(a) Every individual whose income tax liability for the taxable
7 year is ~~one dollar (\$1.00)~~ two dollars (\$2.00) or more may
8 designate on his or her income tax return that ~~one dollar (\$1.00)~~
9 two dollars (\$2.00) of the tax shall be credited to the North
10 Carolina Political Parties Financing Fund. In the case of a
11 married couple filing a joint return whose income tax liability
12 for the taxable year is ~~two dollars (\$2.00)~~ four dollars (\$4.00)
13 or more, each spouse may designate on the income tax return that
14 ~~one dollar (\$1.00)~~ two dollars (\$2.00) of the tax shall be
15 credited to the North Carolina Political Parties Financing Fund.
16 Amounts credited to the Fund shall be allocated among the
17 political parties on a pro rata basis according to their
18 respective party voter registrations as determined by the most
19 recent certification of the State Board of Elections. As used in
20 this section, the term 'political party' means one of the
21 following that has at least one percent (1%) of the total number
22 of registered voters in the State:

- 23 (1) A political party that at the last preceding
24 general State election received at least ten
25 percent (10%) of the entire vote cast in the State
26 for Governor or for presidential electors.
27 (2) A group of voters who by July 1 of the preceding
28 calendar year, by virtue of a petition as a new
29 political party, had duly qualified as a new
30 political party within the meaning of Chapter 163
31 of the General Statutes."

32 (b) This section becomes effective with respect to the
33 1997 taxable year and subsequent taxable years.

34 -- CONTRIBUTIONS DEPOSITED WITHIN 10 DAYS.

35 Section 11. (a) G.S. 163-278.14(b) reads as rewritten:

36 "(b) No individual or person shall give, and no candidate,
37 committee or treasurer shall accept, any monetary contribution in
38 excess of one hundred dollars (\$100.00) unless such contribution
39 be in the form of a check, draft, or money order. A treasurer
40 shall deposit every check, draft, or money order received as a
41 contribution within ten (10) days of receipt."

42 (b) This section becomes effective January 1, 1998, and
43 applies to contributions received on and after that date.

1 Section 12. This act is effective when it becomes law.
2 Prosecutions for, or sentences based on, offenses occurring
3 before the relevant effective date in this act are not abated or
4 affected by this act, and the statutes that would be applicable
5 to those prosecutions or sentences but for the provisions of this
6 act remain applicable to those prosecutions or sentences.



III
Attachment

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S1-ARR-010

Date _____, 1997

Comm. Sub. [y]
Amends Title [y]

Representative

- 1 moves to amend the bill on page 1, line 3,
- 2 by inserting after the word "OCCUPATION" the term "AND EMPLOYER";
- 3 and
- 4
- 5 on page 3, line 24,
- 6 by inserting after the word "occupation" the term "and employer".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



14

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of _____

Sl-ARR-011

Date _____, 1997

Comm. Sub. [y]
Amends Title [y]

Representative

- 1 moves to amend the bill on page 1, lines 12 and 13,
2 by deleting the term "PROVIDE FOR A \$2 CHECKOFF FOR" and
3 substituting the word "REPEAL"; and
4
5 on page 11, lines ~~37~~⁴ through ~~37~~³³,
6 by deleting the language on those lines and substituting the
7 following:
8
9 "Section 10. (a) Effective with respect to taxable years
10 beginning on or after January 1, 1997, G.S. 105-159.1 is
11 repealed.
12 (b) Effective January 1, 2001, Article 22B of Chapter
13 163 of the General Statutes, constituting G.S. 163-278.41 through
14 163-278.45, is repealed."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

[illegible]

HOUSE COMMITTEE
ON
ELECTION LAWS & CAMPAIGN REFORM

April 16, 1997
Room 1327, Legislative Building
11:00 AM

AGENDA

I. CALL TO ORDER

Co-Chairmen: REPRESENTATIVE LARRY JUSTUS
REPRESENTATIVE CONNIE WILSON

II. BILLS

HB 79 BALLOT ACCESS CHANGES
REPRESENTATIVE. JOHN RAYFIELD - SPONSOR
REPRESENTATIVE JOE KISER - SUBCOMMITTEE CHAIRMAN

HB 23 CAMPAIGN STANDARDS
REPRESENTATIVE LANIER CANSLER - SPONSOR
REPRESENTATIVE JOE KISER - SUBCOMMITTEE CHAIRMAN

HB 663 GUBERNATORIAL TEAM TICKET
REPRESENTATIVE STEVE WOOD - SPONSOR

III. ADJOURNMENT

HOUSE COMMITTEE ON ELECTION LAW
AND
CAMPAIGN REFORM

April 16, 1997
Room 1327

HOUSE MEMBERS PRESENT: [20] Representatives Justus, Wilson, Aldridge, Alexander, Arnold, Baddour, Berry, Bonner, Braswell, Cansler, Dedmon, Hardy, Hiatt, Insko, Kiser, Michaux, Rayfield, Shubert, Warner, and Wood.

The House Committee on Election Laws and Campaign Reform met in Room 1327 of the Legislative Building on Wednesday, April 16, 1997. Representative Larry Justus called the meeting to order at 11:08 AM.

Representative Justus recognized Representative Cansler to explain

House Bill 23 -- Campaign Standards

Bill Gilkeson, Staff Attorney, distributed Attachment 1 on House Bill 23. Representative Cansler explained that this is the result of the LRC Study Committee on Election Law Reform and was recommended by the Subcommittee on Election Reform. This bill was drafted around Ohio laws. Representative Cansler said that this bill would let candidates or political parties know there are repercussions for false statements. He added that the bipartisan panel would have to agree on a violation and this would be a pretty flagrant violation before action was taken.

Representative Braswell made a motion to amend the bill by inserting on line 24 page 4 "same standard under paragraph one." Representative Justus responded that the committee members should have a copy of the amendment. Bill Gilkeson read the proposed amendment -- line 24 after the word has add the following "been proven by clear and convincing evidence to occur".

Representative Rayfield questioned the time frame of the inquiry -- number 11 on Attachment 1. He stated that the party making the bad statement should be required to rescind the statement in the news media. Representative Justus called for the vote on the proposed amendment by Representative Braswell. The motion carried.

Representative Rayfield added that the time element is crucial if the proposed Campaign Standards cannot agree on its findings. Bill Gilkeson said that the First amendment

would prevent this addition to this bill. Representative Rayfield added that in his opinion the bill is of no value and added "I am a cosponsor".

Representative Justus announced that the action on this amended bill, now a committee substitute, will be taken at a later date.

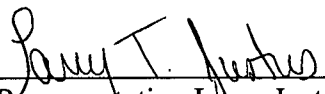
Representative Justus recognized Representative Wood to present
House Bill 663 - Gubernatorial Team Ticket

Bill Gilkeson distributed Attachment 2 -- House Bill 663 - Gubernatorial Team Ticket. Representative Wood explained that this bill would require a constitutional amendment placed before the voters in the November 1998 election to allow the candidates for Governor and Lieutenant Governor to run jointly in the General Election, so that the voter would cast a single vote for both. He added this bill is different from the one the Senate has offered. This bill allows the choice of Governor and Lieutenant Governor in the primary; after the primary they run together. Representative Braswell said that he likes this version better than the Senate version. Representative Arnold asked if any thought had been given to the elimination of the Lieutenant Governor. Representative Wood said this bill does not allow this, but does have a provision for succession if there is a vacancy in the office of Governor. Representative Baddour said he does not like the two running together because the candidates might have different platforms and positions. Representative Berry said she agrees with Representative Baddour.

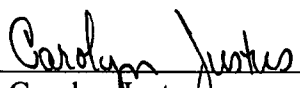
Representative Wood stated that a united ticket has both political and economic advantage. This could also allow a political party to develop regional balance. Representative Berry asked why force this issue. Representative Michaux said he would be for this bill if the Governor could appoint the council of state members.

Attachment 3 - a technical amendment to House Bill 663 was distributed. Representative Justus called the question on the amendment. Motion carried. Amendment adopted. Representative Justus asked that the record reflect that all that remains for final action on this bill is the vote for or against the bill.

The meeting was adjourned at 11:50 AM.



Representative Larry Justus
Chairman



Carolyn Justus
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 23

Short Title: Campaign Standards.

(Public)

Sponsors: Representatives Cansler; Weatherly, Capps, McMahan, McComas, Rayfield, and Shubert.

Referred to: Election Law and Campaign Reform.

February 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A NORTH CAROLINA CAMPAIGN STANDARDS
3 CODE TO BE ENFORCED BY A CAMPAIGN STANDARDS COMMISSION.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 163 of the General Statutes is amended by adding a
6 new Article to read:

7 "ARTICLE 22D.
8 "Campaign Standards.

9 "§ 163-278.60. Purpose of Article.

10 The purpose of this Article is to use constitutional means to encourage informative
11 and civil political campaigning in North Carolina elections and to discourage false or
12 misleading attacks.

13 "§ 163-278.61. North Carolina Campaign Standards Commission established.

14 (a) Establishment of the Commission. -- There is established within the office of
15 the State Board of Elections the North Carolina Campaign Standards Commission.

16 (b) Appointment of Members. -- The Commission shall consist of six members to
17 be appointed by the Governor. No more than three members shall be affiliated with
18 the same political party. The Governor shall appoint the members from a list of
19 nominees submitted by the State Chair of each of the two political parties having the
20 highest number of registered affiliates as reflected by the latest registration statistics
21 published by the State Board of Elections. Each party Chair shall submit a list of at
22 least six nominees who are affiliated with that party.

(c) Terms of Office. -- By October 1, 1997, and as needed thereafter, the Governor shall appoint the six members of the Commission. Of the initial appointees, two shall be appointed for one-year terms, two shall be appointed for two-year terms, and two shall be appointed for three-year terms according to random lot. Thereafter, appointees shall be appointed to serve four-year terms. A person may not serve more than two full terms. The appointed members receive the legislative per diem pursuant to G.S.120-3.1.

(d) Election of Chair. -- One of the Commission members shall be elected by the members as chair.

(e) Vacancies. -- A vacancy during an unexpired term shall be filled in the same manner as a full term.

(f) Prohibitions. -- No member of the Commission shall do or be any of the following:

(1) Hold, or be a candidate for, public office;

(2) Serve in a political party office or on a political party executive committee or on a committee supporting or opposing a candidate;

(3) Be a registered lobbyist;

(4) Make or solicit a contribution on behalf of a candidate or political committee; or

(5) Be a State employee.

(g) Staff Assistance. -- The State Board of Elections shall provide staff assistance to the Commission.

"§ 163-278.62. Powers and duties of the Commission.

(a) Adoption of Rules. -- The Commission shall adopt any rules necessary for the effective administration of this Article, not inconsistent with the provisions of this Article.

(b) Receipt and Processing of Complaints. -- The Commission shall prescribe the form of complaints alleging violation of G.S. 163-278.63. A complaint shall be made by affidavit under penalty of perjury. Upon the filing of a complaint with the Commission, the Commission shall process the complaint in accordance with G.S. 163-278.64.

(c) Reports to the General Assembly. -- The Commission shall report to the General Assembly by the convening of every regular session of the General Assembly. The report shall review the most recent campaign with respect to the purpose of this Article and the Code of Campaign Standards set out in G.S. 163-278.63. The Commission may recommend legislation.

"§ 163-278.63. Code of Campaign Standards.

No person, during the course of any campaign for nomination or election to public office, by means of campaign materials, including sample ballots, an advertisement in radio or television or in a newspaper or periodical, a public speech, press release, or otherwise, shall knowingly and with intent to affect the outcome of the campaign do any of the following:

(1) Make a false or misleading statement concerning the voting record of a candidate or public official. 'Voting record' under this

subdivision means the recorded affirmative or negative on a bill, ordinance, resolution, motion, amendment, or confirmation. A 'misleading statement' under this subdivision includes taking votes or actions significantly out of context or distorting the opponent's record by the use of demonstrably unrepresentative votes or actions.

(2) Make a false or misleading statement that a candidate or public official has been indicted or convicted of a theft offense, extortion, or other crime involving financial corruption or moral turpitude.

(3) Make a statement that a candidate has been indicted for any crime or has been the subject of a finding by the Campaign Standards Commission without disclosing the outcome of any legal proceedings resulting from the indictment or finding.

(4) Make a false or misleading statement that a candidate or official has a record of treatment or confinement for mental disorder.

(5) Make a false or misleading statement that a candidate or official has been subjected to military discipline for criminal misconduct or dishonorably discharged from the armed services.

(6) Identify in a false or misleading way the source of a statement, issue statements under the name of another person without attribution, or state in a false or misleading way the endorsement of or opposition to a candidate by a person or publication.

(7) Use the title of an office not currently held by a candidate in a manner that implies that the candidate does currently hold that office or use the term 're-elect' when the candidate has never been elected at a primary, general, or special election to the office for which that person is a candidate.

(8) Make a false or misleading statement concerning the formal schooling or training completed or attempted by a candidate; a degree, diploma, certificate, scholarship, grant, award, prize, or honor received, earned, or held by a candidate; or the period of time during which a candidate attended any school, college, community technical school, or institution.

(9) Make a false or misleading statement concerning the professional, occupational, or vocational licenses held by a candidate, or concerning any position the candidate held for which the candidate received a salary or wages.

(10) Use an appeal to discrimination based on race, gender, or religious belief.

(11) Use any still photo, film, or video of a candidate that is designed to make that candidate look personally unpleasant or contorted or that is taken significantly out of context.

"§ 163-278.64. Processing of complaint.

1 (a) Probable Cause Hearing. -- If a complaint is filed alleging a violation of the
2 Code of Campaign Standards in G.S. 163-278.63, a panel of two members of the
3 Commission shall determine whether there is probable cause to refer the matter to
4 the full Commission. The two members of the panel shall not be of the same
5 political party. The panel shall meet within three business days after the attorney
6 makes a determination, unless it finds good cause to postpone the meeting. All
7 members of the panel shall participate if the panel refers a complaint to the full
8 Commission, provided that the panel's meeting may be conducted by conference call.
9 The panel shall make only one of the following two findings:

10 (1) That there is no probable cause to believe that a violation of the
11 Code has occurred. If the panel so finds, it shall dismiss the
12 complaint.

13 (2) That there is probable cause to believe that a violation of the Code
14 has occurred. If the panel so finds, it shall refer the complaint to
15 the full Commission.

16 A finding of probable cause may be entered only by a unanimous vote of the panel.

17 (b) Hearing by Full Commission. -- If a panel of the Commission finds pursuant to
18 subsection (a) of this section that there is probable cause that a violation of the Code
19 has taken place, the full Commission shall conduct a hearing within 10 business days
20 after the panel makes its finding. At the hearing, the Commission shall determine
21 whether or not a violation of the Code occurred and shall do one of the following:

22 (1) Enter a finding that a violation of the Code has not been proven
23 by clear and convincing evidence and dismiss the complaint.

24 (2) Enter a finding that a violation of the Code has occurred and issue
25 a letter of reprimand to the individual or entity that it determines
26 is in violation.

27 A finding that a violation has occurred may be entered only by a majority vote of all
28 the members of the Commission.

29 (c) Referral to District Attorney. -- If as a result of the evidence it has heard the
30 Commission determines that there is probable cause that a violation of G.S. 163-
31 274(8) has occurred in a matter that is before it, the Commission shall refer the
32 matter to the appropriate district attorney. The referral may be made only upon a
33 positive vote of a majority of all the members of the Commission."

34 Section 2. This act is effective when it becomes law.



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4-16-97
A++.

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April 16, 1997

TO: House Committee on Election Laws and Campaign Reform.

FROM: William R. Gilkeson, Staff Attorney.

RE: House Bill 23 – Campaign Standards.

House Bill 23, introduced by Rep. Cansler, would establish a North Carolina Campaign Standards Code, to be enforced by a bipartisan commission.

The bill was recommended by the Subcommittee on Election Reform, and earlier by the LRC Study Committee on Election Law Reform.

The Code contains 11 points. It prohibits the knowing or reckless use during a campaign for elective office of various named tactics, most of which consist of false or misleading statements about oneself or another candidate.

The prohibitions are:

1. False or misleading statements about a candidate's voting record.
2. False or misleading allegation of certain crimes.
3. Statement that someone has been indicted or accused without disclosing the outcome of the proceedings.
4. False or misleading statement about mental treatment.
5. False or misleading statement about military discharge.
6. False or misleading attribution of sources or claim of someone's endorsement or opposition.
7. Misleading suggestion that candidate is an incumbent.
8. False or misleading suggestion about educational credentials.
9. False or misleading statement about a professional licensing.
10. Use of appeal to discrimination.
11. Use of photo, film, or video that makes a candidate look unpleasant or contorted or is taken out of context.

(The language comes from an Ohio statute and from the proposed voluntary Minnesota Compact.)

The six-member Campaign Standards Commission would be appointed by the Governor from a list nominated by the State Chairs of the two biggest political parties. No more than three members could be of the same party. The Commission would be housed administratively under the State Board of Elections: The State Board would provide staffing, but would not have a say in the Commission's decision-making.

The Commission would receive complaints about violation of the Code. It would meet in 2-member bipartisan panels to determine whether probable cause existed for a hearing by the full Commission. Probable cause could be found only by a vote of both members of the panel. The full Commission could find a violation only by a majority of its full membership—meaning that there would have to be at least some bipartisan support for the finding. Upon

finding that there was a violation, the Commission would be empowered to write a letter of reprimand to the violator.

The procedure would be expedited to try to be relevant in a fast-moving campaign: three business days from filing of complaint to probable -cause hearing, and 10 business days from finding of probable cause to a hearing by the full Commission.

(The procedures are patterned to some extent on those prescribed by statute for the Ohio Elections Commission. That Commission also enforces campaign finance laws. At one time, the Ohio commission was empowered to levy fines and issue cease-and-desist orders against campaign code violations, but a federal court invalidated those powers, leaving it with the power to write letters of reprimand.)

Currently in North Carolina law, if a person felt aggrieved by negative campaigning, one of two avenues of relief might be pursued:

- The person could file a defamation suit in civil court and, if the plaintiff was a candidate, be faced with a daunting task of overcoming the First Amendment protections the Supreme Court has built around political expression.
- The district attorney could bring a misdemeanor charge under G.S. 163-274(8), which makes it a Class 2 misdemeanor "For any person to publish or cause to be circulated derogatory reports with reference to any candidate in any primary or election, knowing such report to be false or in reckless disregard of its truth or falsity, when such report is calculated or intended to affect the chances of such candidate for nomination or election."

Under the draft bill, the Commission would not be empowered to impose criminal penalties for violations of the Code, but it would be empowered to refer to the district attorney any apparent violations of G.S. 163-274(8) that arise from evidence it has heard.



**North Carolina General Assembly
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April 16, 1997

TO: House Committee on Election Laws and Campaign Reform.

FROM: William R. Gilkeson, Staff Attorney.

RE: House Bill 663 – Gubernatorial Team Ticket.

House Bill 663, introduced by Rep. Wood, would change the State Constitution so that candidates for Governor and Lieutenant Governor must run jointly in the general election, so that the voter would cast a single vote for both.

Currently, candidates for Governor and Lieutenant Governor run separately in both primary and general elections.

HB 663 would put before the voters a proposed constitutional amendment that would require all candidates for Governor and Lieutenant Governor to run jointly in the general election. The proposal would go before the voters in the November 1998 general election. If it passed, it would first go into effect in the 2000 general election.

The constitutional amendment would not address how the joint candidacies would be formed. But the statutory portions of the bill address that:

- Existing parties would choose their nominees for Governor and Lieutenant Governor as they do now, separately in a primary.
- New parties would choose their nominees for Governor and Lieutenant Governor as they do now, in a convention. *(Section 6 of the bill.)*
- Unaffiliated candidates would get on the ballot as they do now, by petition. *(Section 7 of the bill.)*
- Write-in candidates would become eligible to have votes counted for them as they do now, by declaration of intent and petition. *(Section 9 of the bill.)*

But in all those ways of establishing a general election candidacy, the bill would require that where there is a candidate for Governor, there must also be a candidate for Lieutenant Governor.

Data from the National Conference of Lieutenant Governors indicates that 24 states have some sort of "team ticket" approach, and the "independent primary/team general" approach of HB 663 is used in nine states.

Another approach to "team ticket," Senate Bill 665, is on the Senate calendar for floor action today. That bill would have the party's state executive committee select the nominee for Lieutenant Governor after the candidate for Governor is chosen in a primary.

Section 5 of HB 663 as introduced is an error and should be amended out.



Dtt. 3
4-16-97

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 663

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H663-ARR-001

Date _____, 1997

Comm. Sub. []
Amends Title []

Representative

- 1 moves to amend the bill on page 2, lines 11 through 16,
2 by deleting the language on those lines; and
3
4 by renumbering the sections of the bill accordingly; and
5
6 on page 3, line 32,
7 by deleting the numeral "9" and substituting the numeral "8".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

[illegible]

MINUTES ELECTION LAWS AND CAMPAIGN REFORM

April 23, 1997

Room 1327

11:00 A.M.

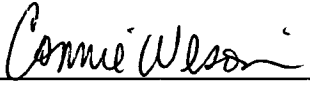
The House Committee on Election Laws and Campaign Reform met in Room 1327 of the Legislative Building on Wednesday, April 23, 1997. Representative Connie Wilson called the meeting to order at 11:00 A.M. The members present were: Representative Larry Justus, Representative Connie Wilson and Representatives Aldridge, Alexander, Arnold, Baddour, Berry, Bonner, Cansler, Dedmon, Hardy, Hiatt, Insko, Kiser, Michaux, Rayfield, Shubert, Warner, and Weatherly.

Two Bills were discussed in Committee Meeting. The first bill discussed was House Bill 578. Representative Allred explained the bill and answered questions from the committee members. The bill would in each representative district entitle to elect more than one member of the State House of Representatives the positions shall bear identifying letters assigned by the State Board of Elections. Each seat shall be considered a separate office for the purpose of this Chapter. Votes cast for any candidate in a general election shall be effective only for the seat for which the candidate has been nominated by a political party or for which the unaffiliated or write-in candidacy has been filed. After several questions, Representative Baddour sent forth an amendment that changed line 10 on page 2 that would require a $\frac{3}{4}$ vote by both Houses. The amendment was adopted. The bill was voted unfavorable to original bill and the title would change. See attachments 1 and 2.

The other bill that was discussed was House Bill 79-Ballot Access Change explained by Representative Rayfield. The Proposed Committee Substitute for House Bill 79, would make changes to the ballot access laws relating to new political parties and their candidates, unaffiliated candidates, and (to a lesser extent) write-in candidates. The changes are designed to: Place major party, minor party, and unaffiliated candidates for

State and local offices on an even footing, while recognizing the special circumstances that call for different provisions for presidential elections. To put the statutes in compliance with court decisions. To remove certain barriers to ballot access by new parties; and to ease administrative burdens on the board of elections. The bill as introduced was recommended by the LRC Study Committee on Election Laws Reform. After discussion a Sub-Committee was established for drawing the lines. See attachments 3 and 4.

The meeting was adjourned by Representative Wilson at 11:00 A.M.



Connie Wilson, Chairman



Joanna Mills, Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

H

1

HOUSE BILL 578

Short Title: Designated House Seats.

(Public)

Sponsors: Representatives Allred; Barbee, Capps, Daughtry, Davis, Reynolds, and Buchanan.

Referred to: Rules, Calendar and Operations of the House.

March 20, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR DESIGNATED SEATS FOR ELECTION IN
3 MULTIMEMBER DISTRICTS OF THE HOUSE OF REPRESENTATIVES.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 10 of Chapter 163 of the General Statutes is amended
6 by adding a new section to read:

7 "**§ 163-118.1. Designated seats.**

8 In each representative district entitled to elect more than one member of the State
9 House of Representatives the positions shall bear identifying letters assigned by the
10 State Board of Elections. Each seat shall be considered a separate office for the
11 purpose of this Chapter. Votes cast for any candidate in a general election shall be
12 effective only for the seat for which the candidate has been nominated by a political
13 party or for which the unaffiliated or write-in candidacy has been filed."

14 Section 2. G.S. 163-106(d) reads as rewritten:

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

1 In any primary in any representative district entitled to elect more than one
2 member of the State House of Representatives, the positions being designated as
3 provided by G.S. 163-117, each candidate shall, at the time of filing notice of
4 candidacy, file with the appropriate county board of elections a written statement
5 designating the seat to which nomination is sought. No candidate may file for more
6 than one seat. Votes cast for a candidate shall be effective only for nomination to the
7 vacancy for which he has given notice of candidacy as provided in this subsection.

8 A person seeking party nomination for a specialized district judgeship established
9 under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State
10 Board of Elections a written statement designating the specialized judgeship to which
11 he seeks nomination."

12 Section 3. This act becomes effective January 1, 1998.



North Carolina General Assembly
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Attachment III

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April 16, 1997

TO: House Committee on Election Laws and Campaign Reform.

FROM: William R. Gilkeson, Counsel.

RE: PCS for House Bill 79 – Ballot Access Changes.

The Proposed Committee Substitute for House Bill 79, introduced by Representative Rayfield, would make changes to the ballot access laws relating to new political parties and their candidates, unaffiliated candidates, and (to a lesser extent) write-in candidates. The changes are designed to:

- Place major party, minor party, and unaffiliated candidates for State and local offices on an even footing, while recognizing the special circumstances that call for different provisions for presidential elections.
- To put the statutes in compliance with court decisions.
- To remove certain barriers to ballot access by new parties; and
- To ease administrative burdens on the boards of elections.

The bill as introduced was recommended by the LRC Study Committee on Election Laws Reform. Several additional changes, however, have been recommended to this House Committee by the Subcommittee on Election Reform.

(Note: As used in this explanation, a "new party" for an election cycle means a party that must gain ballot access for that cycle by collecting names on a petition. An "existing party" is one that has been on the ballot in a previous election cycle and has retained ballot access by receiving 10% of the votes cast for Governor or President. A "new party" may have been on the ballot in a previous election, as the Libertarian and Natural Law parties were, but would still be a "new party" because it lost its status by receiving fewer than 10% of the votes and had to go back through the petition process.)

The Proposed Committee Substitute would make these changes:

1. **Move the New Party Filing Deadline.** The PCS would change the dates on which a new party must submit its qualifying petitions for the right to be on the ballot in North Carolina. Currently, a party that does not already have ballot access must submit petitions signed by registered voters equal to 2% of vote cast in last Governor's race, with 200 from each of 4 congressional districts. Those petitions must be filed by June 1 before the general election. As introduced, HB 79 would have moved that deadline up to the second Thursday in July. The PCS would set two deadlines for new parties:
 - December 31 if the new party wishes to run candidates offices other than presidential electors.
(Section 1 of the PCS.)

- The 2nd Thursday in July if the new party only wants to be on the North Carolina ballot in the presidential election. (*Section 4 of the PCS.*)

The Subcommittee felt that if a new party is to field a full slate of State and local candidates, as the courts have said a new party may do, it should have completed the prerequisites for ballot access in time for its candidates to qualify at the same time and in the same manner as the candidates of the existing parties. The Subcommittee recognized, however, that the presidential election is different, with the major parties not nominating their candidates till the summer and with federal court decisions that have looked with particular disapproval on state laws that restrict the presidential election system.

2. **Change New Party Candidate Procedure.** The PCS would codify in statute the right of new parties to run candidates at all levels, once the party has achieved ballot access. It would also apply to new party candidates the same nominating procedures that existing party candidates face. The current statute only allows new parties to field a slate for president, Congress, and statewide office. But in the U.S. District Court's 1988 decision in *New Alliance Party v. State Board of Elections*, new parties won the right to run candidates all the way down the ballot. The current statute states that a new party must nominate its candidates in a convention. The party must hold that convention by July 1. Existing parties must nominate through the primary process. Under the PCS, non-presidential candidates of a new party would:
 - Be required to file their notice of candidacy during the same filing period that applies to existing party candidates, the 1st Monday in January through the 1st Monday in February. (*Section 3.*)
 - Be required to pay the same filing fee as candidates for nomination by existing parties, or in the alternative to collect the same number of names on petitions as existing party candidates. (*Sections 3 and 6.*)
 - Be required to be registered as a voter with the new party whose nomination they seek for the office, just as existing party candidates are. Unlike existing party candidates, however, new party candidates would not be prohibited from filing as candidates in the new party primary if within the past 90 days they have changed their party registration. It could be that their party would not have been in existence for 90 days, so the 90-day requirement could not practically be applied to all new party candidates. (*Section 5.*)
 - Run in a new party primary if more than the number to be elected filed for the party's nomination to any office, or if not be automatically declared the new party's nominee at the end of the filing period. The new party primary would be held in May, at the same time as existing party primaries. (*Section 3.*)
3. **Equalize Unaffiliated Candidate Requirements.** The PCS would set the petition deadline for non-presidential unaffiliated candidates at the date of the primary for the existing and new parties. Current law sets the petition deadline as the last Friday in June. Here again, presidential elections are treated differently: Unaffiliated candidates for presidential elector are given a petition deadline of 75 days before the general election. The 1980 U.S. District Court decision in *Greaves v. State Board of Elections* invalidated the N.C. unaffiliated filing deadline of the last Friday in April for a presidential candidate. The petition requirement for unaffiliated candidates is left the same (2% of registered voters statewide, 4% in district and county offices), but the petition alternative to paying a filing fee for party candidates is changed to be the same as for unaffiliateds. (*Section 7.*)
4. **Repeal the 5-Cent-Per-Name Charge for Petitions.** The PCS removes from the petition requirements for new parties, unaffiliateds, and write-in candidates a requirement that the petitioner pay the board of elections 5 cents per name. The U.S. District Court in *McLaughlin v. State Board of Elections* (1995) held the provision to be invalid for new parties. The Attorney General then advised the boards of elections to stop collecting the 5 cents per name for all kinds of petitions. But, though now not being collected, the 5 cent requirement remains in the statutes. The PCS would remove it. This would be the only change the PCS makes to the write-in law. (*Sections 1, 7, and 8.*)

5. **Allow Small Party Voter to Retain Status.** The PCS would allow voters affiliated with an expired political party to keep that designation on the registration books. Currently, when a party loses its ballot status, boards of elections are required to go to the expense of changing the records of voters affiliated with that party to "Unaffiliated." This provision was part of the original bill recommended by the Study Committee. *(Section 2.)*
6. **Reword New Party Petitions.** The PCS would change the petition wording prescribed in the statute so that its final sentence says: "THE SIGNERS OF THIS PETITION DESIRE THAT A NEW POLITICAL PARTY BE ORGANIZED TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION." Currently, the final sentence says: "THE SIGNERS OF THIS PETITION INTEND TO ORGANIZE A NEW POLITICAL PARTY TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION." This provision was part of the original bill recommended by the Study Committee. *(Section 1.)*
7. **Give County Boards Flexibility in Checking New Party Petitions.** The PCS would give county boards of elections 15 business days to verify all the names on a new party's petitions, and allow them to extend their deadline if there is no disadvantage to the petitioners. Currently, county boards of elections are given two weeks to verify all the names on a new party's petitions, regardless of whether the party's qualifying deadline, or any other deadline of concern to the party, is imminent. This provision was part of the original bill recommended by the Study Committee. *(Section 1.)*

The PCS would go into effect upon being signed into law.

SUBCOMMITTEE RECOMMENDATION – HOUSE PCS FOR HB 79.

	<u>Democrats or Republicans</u>	<u>New Party</u>	<u>Unaffiliated</u>	<u>Write-In</u>
When Party Must Qualify to Get on Ballot	N/A	December 31. (For Pres. only-2^d Thurs in July)	N/A	N/A
What Party Must Do to Qualify to Get (or Stay) on Ballot	Get at least 10% of last statewide vote for Gov. or Pres.	Get signatures equal to 2% of last statewide vote for Gov., with at least 200 of those names from each congressional district. (Requirement of paying 5 cents per name repealed.)	N/A	N/A
When Must Candidates File	Between 1 st Monday in Jan. and 1 st Monday in Feb. of election year.	Between 1st Monday in January and 1st Monday in February of election year.	N/A	90 days before general election. (Early August.)
What statewide candidates must do to file.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures of 2% of registered voters in State.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures of 2% of registered voters in State.	Get signatures of 2% of registered voters in State. (Requirement of paying 5 cents per name repealed.)	- Declare intention to be a candidate; <u>and</u> - Get signatures of 500 registered voters in the State. (Requirement of paying 5 cents per name repealed.)
What non-statewide candidates must do to file.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures of 4% of voters in district.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures of 4% of voters in district.	Get signatures of 4% of voters in district. (Requirement of paying 5 cents per name repealed.)	- Declare intention to be a candidate; <u>and</u> - Get signatures of 500 registered voters in a multi-county district, or 100 voters in a county or sub-county electorate, with at least 1% of any electorate that has fewer than 5,000 registered voters. (Requirement of paying 5 cents per name repealed.)
When candidates must be nominated	Tuesday after 1 st Monday in May (or, if runoff, 4 weeks later).	Tuesday after 1st Monday in May (or, if runoff, 4 weeks later). (For Pres. only, 90 days before general election.)	Date of 1st primary.	90 days before general election (same as filing).
How candidate nominated	By voters in primary.	By voters in primary.	Same as filing.	Same as filing.
Special Qualifications for Candidate	Must be registered with party and not have changed party registration in last 90 days.	Must be registered with party, but may have changed party registration in last 90 days (since the new party may not have existed for 90 days).	May not have been defeated in a party's primary for the same office.	May not have been defeated in a party's primary for the same office.

Boldface indicates a change from current law.

CURRENT NORTH CAROLINA LAW ON BALLOT ACCESS.

	<u>Democrats or Republicans</u>	<u>New Party</u>	<u>Unaffiliated</u>	<u>Write-In</u>
When Party Must Qualify to Get on Ballot	N/A	June 1	N/A	N/A
What Party Must Do to Qualify to Get (or Stay) on Ballot	Get at least 10% of last statewide vote for Gov. or Pres.	Get signatures equal to 2% of last statewide vote for Gov., with at least 200 of those names from each congressional district. (A requirement of paying 5 cents per name has been held unconstitutional because not applied uniformly.)	N/A	N/A
When Must Candidates File	Between 1 st Monday in January and 1 st Monday in February of election year.	Filing not required—Candidates of new party are nominated at convention.	Last Friday in June.	90 days before general election. (Early August.)
What statewide candidates must do to file.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures on petition of 10% of that party's voters in the state, or 10,000 of all voters in state, whichever is greater.	N/A	Get signatures of 2% of registered voters in State. (Enforcement of a requirement of paying 5 cents per name has been suspended due to its invalidation for new parties.)	- Declare intention to be a candidate; <u>and</u> - Get signatures of 500 registered voters in the State. (Enforcement of a requirement of paying 5 cents per name has been suspended due to its invalidation for new parties.)
What non-statewide candidates must do to file.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures on petition of 10% of that party's voters in the area voting for the office, or 200 of all voters in that area, whichever is greater.	N/A	Get signatures of 4% of voters in district. (Enforcement of a requirement of paying 5 cents per name has been suspended due to its invalidation for new parties.)	- Declare intention to be a candidate; <u>and</u> - Get signatures of 500 registered voters in a multi-county district, or 100 voters in a county or sub-county electorate, with at least 1% of any electorate that has fewer than 5,000 registered voters. (Enforcement of a requirement of paying 5 cents per name has been suspended due to its invalidation for new parties.)
When candidates must be nominated	Tuesday after 1 st Monday in May (or, if runoff, 4 weeks later).	July 1	Last Friday in June (same as filing).	90 days before general election (same as filing).
How candidate nominated	By voters in primary.	By party in convention.	Same as filing.	Same as filing.
Special Qualifications for Candidate	Must be registered with party and not have changed party registration in last 90 days.	Need not be registered with party. May have been defeated in another party's primary for same office.	May not have been defeated in a party's primary for the same office.	May not have been defeated in a party's primary for the same office.

Attachment
IV

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 79*
Proposed Committee Substitute -- H79-PCSRR-003

Short Title: Ballot Access Changes.

(Public)

Sponsors:

Referred to: Election Law and Campaign Reform.

February 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO STATUTES CONCERNING BALLOT ACCESS FOR
3 CANDIDATES AND POLITICAL PARTIES AND WRITE-IN CANDIDACIES.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 163-96 reads as rewritten:
6 "§ 163-96. 'Political party' defined; creation of new party.
7 (a) Definition. -- A political party within the meaning of the
8 election laws of this State shall be either:
9 (1) Any group of voters which, at the last preceding
10 general State election, polled for its candidate
11 for Governor, or for presidential electors, at
12 least ten percent (10%) of the entire vote cast in
13 the State for Governor or for presidential
14 electors; or
15 (2) Any group of voters which shall have filed with the
16 State Board of Elections petitions for the
17 formulation of a new political party which are
18 signed by registered and qualified voters in this
19 State equal in number to two percent (2%) of the
20 total number of voters who voted in the most recent
21 general election for Governor. Also the petition
22 must be signed by at least 200 registered voters
23 from each of four congressional districts in North

Carolina. To be effective, the petitioners must file their petitions with the State Board of Elections before 12:00 noon on the ~~first day of June~~ thirty-first day of December preceding the day on which is to be held the first general State election in which the new political party desires to participate. The State Board of Elections shall forthwith determine the sufficiency of petitions filed with it and shall immediately communicate its determination to the State chairman of the proposed new political party.

(b) Petitions for New Political Party. -- Petitions for the creation of a new political party shall contain on the heading of each page of the petition in bold print or all in capital letters the words: 'THE UNDERSIGNED REGISTERED VOTERS IN COUNTY HEREBY PETITION FOR THE FORMATION OF A NEW POLITICAL PARTY TO BE NAMED AND WHOSE STATE CHAIRMAN IS, RESIDING AT..... AND WHO CAN BE REACHED BY TELEPHONE AT..... THE SIGNERS OF THIS PETITION INTEND TO ORGANIZE A NEW POLITICAL PARTY DESIRE THAT A NEW POLITICAL PARTY BE ORGANIZED TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION.'

All printing required to appear on the heading of the petition shall be in type no smaller than 10 point or in all capital letters, double spaced typewriter size. In addition to the form of the petition, the organizers and petition circulators shall inform the signers of the general purpose and intent of the new party.

The petitions must specify the name selected for the proposed political party. The State Board of Elections shall reject petitions for the formation of a new party if the name chosen contains any word that appears in the name of any existing political party recognized in this State or if, in the Board's opinion, the name is so similar to that of an existing political party recognized in this State as to confuse or mislead the voters at an election.

The petitions must state the name and address of the State chairman of the proposed new political party.

The validity of the signatures on the petitions shall be proved in accordance with one of the following alternative procedures:

- (1) The signers may acknowledge their signatures before an officer authorized to take acknowledgments, after which that officer shall certify the validity

1 of the signatures by appropriate notation attached
2 to the petition, or
3 (2) A person in whose presence a petition was signed
4 may go before an officer authorized to take
5 acknowledgments and, after being sworn, testify to
6 the genuineness of the signatures on the petition,
7 after which the officer before whom he has
8 testified shall certify his testimony by
9 appropriate notation attached to the petition.

10 Each petition shall be presented to the chairman of the board
11 of elections of the county in which the signatures were obtained,
12 and it shall be the chairman's duty:

13 (1) To examine the signatures on the petition and place
14 a check mark on the petition by the name of each
15 signer who is qualified and registered to vote in
16 his county.

17 (2) To attach to the petition his signed certificate
18 a. Stating that the signatures on the petition
19 have been checked against the registration
20 records and
21 b. Indicating the number found qualified and
22 registered to vote in his county.

23 (3) To return each petition, together with the
24 certificate required by the preceding subdivision,
25 to the person who presented it to him for checking.

26 The group of petitioners shall submit the petitions to the
27 chairman of the county board of elections in the county in which
28 the signatures were obtained no later than 5:00 P.M. on the
29 fifteenth business day preceding the date the petitions are due
30 to be filed with the State Board of Elections as provided in
31 subsection (a)(2) of this section. ~~Provided the petitions are~~
32 ~~timely submitted, the chairman of the county board of elections~~
33 ~~shall require a fee of five cents (5¢) for each signature~~
34 ~~appearing and shall proceed to examine and verify the signatures~~
35 ~~under the provisions of this subsection.~~ Verification shall be
36 completed within ~~two weeks~~ 15 business days from the date such
37 petitions are presented and the required fee ~~received.~~ received.
38 Notwithstanding the previous sentence, the county board may
39 extend its deadline for verifying the signatures for a reasonable
40 length of time, if meeting the deadline is unduly burdensome and
41 extending it will not disadvantage the petitioners."

42 Section 2. G.S. 163-97.1 reads as rewritten:

43 "§ 163-97.1. Voters affiliated with expired political party.

~~1 The State Board of Elections shall be authorized to promulgate~~
~~2 appropriate procedures to order the county boards of elections to~~
~~3 change the registration affiliation of all voters who are~~
~~4 recorded on the voter registration books as being affiliated with~~
~~5 a political party which has lost its legal status as provided in~~
~~6 G.S. 163-97. The State Board of Elections shall not implement the~~
~~7 authority contained in this section earlier than 90 days~~
~~8 following the certification of the election in which the~~
~~9 political party failed to continue its legal status as provided~~
~~10 in G.S. 163-97. All voters affiliated with such expired political~~
~~11 party shall be changed to "unaffiliated" designation by the State~~
~~12 Board's order and all such registrants shall be entitled to~~
~~13 declare a political party affiliation as provided in G.S.~~
~~14 163-74(b). Any voter registered with a political party shall be~~
~~15 allowed to retain that affiliation even if that party loses its~~
~~16 status as a political party under the provisions of G.S. 163-97.~~
~~17 Unless the voter indicates an intention otherwise, the county~~
~~18 board of elections shall carry that voter on its registration~~
~~19 lists as a member of the expired party."~~

20 Section 3. G.S. 163-97 reads as rewritten:

21 "§ 163-98. General election participation by new political party.
22 In the first general election following the date on which a new
23 political party qualifies under the provisions of G.S. 163-96, it
24 shall be entitled to have the names of its candidates for
25 municipal, county, district, State, congressional, and national
26 offices printed on the official ballots, but it shall not be
27 entitled to have the names of candidates for other offices
28 printed on State, district, or county ballots at that election.
29 ballots in accordance with the procedures in this section.

30 For the first general election following the date on which it
31 qualifies under G.S. 163-96, a new political party shall select
32 its candidates by party convention. Following adjournment of the
33 nominating convention, but not later than the first day of July
34 prior to the general election, the president of the convention
35 shall certify to the State Board of Elections the names of
36 persons chosen in the convention as the new party's candidates
37 for State, congressional, and national offices in the ensuing
38 general election. The State Board of Elections shall print names
39 thus certified on the appropriate ballots as the nominees of the
40 new party, in accordance with Article 10 of this Chapter."

41 Section 4. Article 9 of Chapter 163 of the General
42 Statutes is amended by adding a new section to read:
43 "163-100. Political party for presidential election only.

1 A party shall be recognized only for the purposes of nominating
2 candidates for presidential elector in a general election if the
3 party meets the other requirements of this Article except that
4 the petitioners for that party file their petitions as provided
5 in G.S. 163-96(a)(2) with the State Board of Elections before
6 12:00 noon on the second Thursday in July before that general
7 election. If that party so qualifies, it may nominate its
8 electors in convention no later than ninety (90) days before the
9 general election. Unless the party has met the petition deadline
10 of G.S. 163-96, it shall cease to be a political party within the
11 provisions of this Chapter."

12 Section 5. G.S. 163-106(b) reads as rewritten:

13 "(b) Eligibility to File. -- No person shall be permitted to
14 file as a candidate in a primary if, at the time he offers to
15 file notice of candidacy, he is registered on the appropriate
16 registration book or record as an affiliate of a political party
17 other than that in whose primary he is attempting to file. No
18 person who has changed his political party affiliation or who has
19 changed from unaffiliated status to party affiliation as
20 permitted in G.S. 163-82.17, shall be permitted to file as a
21 candidate in the primary of the party to which he changed unless
22 he has been affiliated with the political party in which he seeks
23 to be a candidate for at least 90 days prior to the filing date
24 for the office for which he desires to file his notice of
25 ~~candidacy.~~ candidacy, provided that the requirement of this
26 sentence shall not apply to a person filing a notice of candidacy
27 in the primary of a party holding its first primary since gaining
28 ballot access under the provisions of G.S. 163-96(a)(2).

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

31 Section 6. G.S. 163-107.1 reads as rewritten:

32 "\$ 163-107.1. Petition in lieu of payment of filing fee.

33 (a) Any qualified voter who seeks nomination in the party
34 primary of the political party with which he affiliates may, in
35 lieu of payment of any filing fee required for the office he
36 seeks, file a written petition requesting him to be a candidate
37 for a specified office with the appropriate board of elections,
38 State, county or municipal.

39 (b) If the candidate is seeking the office of United States
40 Senator, Governor, Lieutenant Governor, any State executive
41 officer, Justice of the Supreme Court or Judge of the Court of
42 Appeals, the petition must be signed by ~~10,000 registered voters~~
43 ~~who are members of the political party in whose primary the~~
44 ~~candidate desires to run, except that in the case of a political~~

~~1 party as defined by G.S. 163-96(a)(2) which will be making~~
~~2 nominations by primary election, the petition must be signed by~~
~~3 ten percent (10%) of the registered voters of the State who are~~
~~4 affiliated with the same political party in whose primary the~~
~~5 candidate desires to run, or in the alternative, the petition~~
~~6 shall be signed by no less than 10,000 registered voters~~
~~7 regardless of the voter's political party affiliation, whichever~~
~~8 requirement is greater. registered voters of the State equal in~~
~~9 number to two percent (2%) of the total number of registered~~
~~10 voters in the State as reflected by the most recent statistical~~
~~11 report issued by the State Board of Elections. The petition must~~
12 be filed with the State Board of Elections not later than 12:00
13 noon on Monday preceding the filing deadline before the primary
14 in which he seeks to run. The names on the petition shall be
15 verified by the board of elections of the county where the signer
16 is registered, and the petition must be presented to the county
17 board of elections at least 15 days before the petition is due to
18 be filed with the State Board of Elections. When a proper
19 petition has been filed, the candidate's name shall be printed on
20 the primary ballot.

21 (c) County, Municipal and District Primaries. -- If the
22 candidate is seeking one of the offices set forth in G.S. 163-
23 106(c) but which is not listed in subsection (b) of this section,
24 or a municipal or any other office requiring a partisan primary
25 which is not set forth in G.S. 163-106(c) or (d), he shall file a
26 written petition with the appropriate board of elections no later
27 than 12:00 noon on Monday preceding the filing deadline before
28 the primary. The petition shall be signed by ~~ten percent (10%) of~~
~~29 the registered voters of the election area in which the office~~
~~30 will be voted for, who are affiliated with the same political~~
~~31 party in whose primary the candidate desires to run, or in the~~
~~32 alternative, the petition shall be signed by no less than 200~~
~~33 registered voters regardless of said voter's political party~~
~~34 affiliation, whichever requirement is greater. registered voters~~
~~35 in the election area in which the office will be voted for equal~~
~~36 to four percent (4%) of the registered voters of that area, as~~
~~37 reflected by the latest statistical report issued by the~~
~~38 appropriate board of elections. The board of elections shall~~
39 verify the names on the petition, and if the petition is found to
40 be sufficient, the candidate's name shall be printed on the
41 appropriate primary ballot. Petitions for candidates for member
42 of the U.S. House of Representatives, District Attorney, and
43 judge of the District Court or members of the State House of
44 Representatives from multi-county districts or members of the

1 State Senate from multi-county districts must be presented to the
2 county board of elections for verification at least 15 days
3 before the petition is due to be filed with the State Board of
4 Elections, and such petition must be filed with the State Board
5 of Elections no later than 12:00 noon on Monday preceding the
6 filing deadline. The State Board of Elections may adopt rules to
7 implement this section and to provide standard petition forms.

8 (d) Nonpartisan Primaries and Elections. -- Any qualified
9 voter who seeks to be a candidate in any nonpartisan primary or
10 election may, in lieu of payment of the filing fee required, file
11 a written petition signed by ~~ten percent (10%) of the registered~~
12 ~~voters in the election area in which the office will be voted for~~
13 ~~with the appropriate board of elections.~~ registered voters in
14 the election area in which the office will be voted for equal to
15 four percent (4%) of the registered voters of that area, as
16 reflected by the latest statistical report issued by the
17 appropriate board of elections. Any qualified voter may sign the
18 petition. The petition shall state the candidate's name, address
19 and the office which he is seeking. The petition must be filed
20 with the appropriate board of elections no later than 60 days
21 prior to the filing deadline for the primary or election, and if
22 found to be sufficient, the candidate's name shall be printed on
23 the ballot. "

24 Section 7. G.S. 163-122 reads as rewritten:

25 "§ 163-122. Unaffiliated candidates nominated by petition.

26 (a) Procedure for Having Name Printed on Ballot as
27 Unaffiliated Candidate. -- Any qualified voter who seeks to have
28 his name printed on the general election ballot as an
29 unaffiliated candidate shall:

30 (1) If the office is a statewide office, file written
31 petitions with the State Board of Elections
32 supporting his candidacy for a specified office.
33 These petitions must be filed with the State Board
34 of Elections on or before 12:00 noon on the ~~last~~
35 ~~Friday in June~~ day of the first primary for the
36 office preceding the general election and must be
37 signed by qualified voters of the State equal in
38 number to two percent (2%) of the total number of
39 registered voters in the State as reflected by the
40 most recent statistical report issued by the State
41 Board of Elections. Each petition shall be
42 presented to the chairman of the board of elections
43 of the county in which the signatures were
44 obtained. The chairman shall examine the names on

1 the petition and place a check mark on the petition
2 by the name of each signer who is qualified and
3 registered to vote in his county and shall attach
4 to the petition his signed certificate. Said
5 certificates shall state that the signatures on the
6 petition have been checked against the registration
7 records and shall indicate the number of signers to
8 be qualified and registered to vote in his county.
9 The chairman shall return each petition, together
10 with the certificate required in this section, to
11 the person who presented it to him for checking.
12 Verification by the chairman of the county board of
13 elections shall be completed within two weeks from
14 the date such petitions are ~~presented and a fee of~~
15 ~~five cents (5¢) for each name appearing on the~~
16 ~~petition has been received.~~ presented.

17 (2) If the office is a district office comprised of two
18 or more counties, file written petitions with the
19 State Board of Elections supporting his candidacy
20 for a specified office. These petitions must be
21 filed with the State Board of Elections on or
22 before 12:00 noon on the ~~last Friday in June~~ day
23 of the first primary for the office preceding the
24 general election and must be signed by qualified
25 voters of the district equal in number to four
26 percent (4%) of the total number of registered
27 voters in the district as reflected by the latest
28 statistical report issued by the State Board of
29 Elections. Each petition shall be presented to the
30 chairman of the board of elections of the county in
31 which the signatures were obtained. The chairman
32 shall examine the names on the petition and the
33 procedure for certification shall be the same as
34 specified in (1) above.

35 (3) If the office is a county office or a single county
36 legislative district, file written petitions with
37 the chairman or director of the county board of
38 elections supporting his candidacy for a specified
39 county office. These petitions must be filed with
40 the county board of elections on or before 12:00
41 noon on the ~~last Friday in June~~ day of the first
42 primary for the office preceding the general
43 election and must be signed by qualified voters of
44 the county equal in number to four percent (4%) of

1 the total number of registered voters in the county
2 as reflected by the most recent statistical report
3 issued by the State Board of Elections, except if
4 the office is for a district consisting of less
5 than the entire county and only the voters in that
6 district vote for that office, the petitions must
7 be signed by qualified voters of the district equal
8 in number to four percent (4%) of the total number
9 of voters in the district according to the most
10 recent figures certified by the State Board of
11 Elections. Each petition shall be presented to the
12 chairman or director of the county board of
13 elections. The chairman shall examine, or cause to
14 be examined, the names on the petition and the
15 procedure for certification shall be the same as
16 specified in (1) above.

17 (4) If the office is a partisan municipal office, file
18 written petitions with the chairman or director of
19 the county board of elections in the county wherein
20 the municipality is located supporting his
21 candidacy for a specified municipal office. These
22 petitions must be filed with the county board of
23 elections on or before the time and date specified
24 in G.S. 163-296 and must be signed by the number of
25 qualified voters specified in G.S. 163-296. The
26 procedure for certification shall be the same as
27 specified in (1) above.

28 Upon compliance with the provisions of (1), (2), (3), or (4) of
29 this subsection, the board of elections with which the petitions
30 and affidavit have been timely filed shall cause the unaffiliated
31 candidate's name to be printed on the general election ballots in
32 accordance with G.S. 163-140.

33 An individual whose name appeared on the ballot in a primary
34 election preliminary to the general election shall not be
35 eligible to have his name placed on the general election ballot
36 as an unaffiliated candidate for the same office in that year.

37 (b) Form of Petition. -- Petitions requesting an unaffiliated
38 candidate to be placed on the general election ballot shall
39 contain on the heading of each page of the petition in bold print
40 or in all capital letters the words: "THE UNDERSIGNED REGISTERED
41 VOTERS IN COUNTY HEREBY PETITION ON BEHALF OF
42 AS AN UNAFFILIATED CANDIDATE IN THE NEXT GENERAL
43 ELECTION. THE UNDERSIGNED HEREBY PETITION THAT SUBJECT CANDIDATE

1 BE PLACED ON THE APPROPRIATE BALLOT UPON COMPLIANCE WITH THE
2 PROVISIONS CONTAINED IN G.S. 163-122.

3 (c) This section does not apply to elections under Article 25
4 of this Chapter.

5 (d) Presidential Electors. -- Unaffiliated candidates for
6 presidential electors who comply with the other provisions of
7 this section shall qualify for the ballot if the petitions for
8 their candidacy is filed with the State Board of Elections at
9 least seventy-five (75) days before the general election."

10 Section 8. G.S. 163-123(c)(1) reads as rewritten:

11 "(1) If the office is a statewide office, file written
12 petitions with the State Board of Elections
13 supporting his candidacy for a specified office.
14 These petitions shall be filed on or before noon on
15 the 90th day before the general election. They
16 shall be signed by 500 qualified voters of the
17 State. Before being filed with the State Board of
18 Elections, each petition shall be presented to the
19 board of elections of the county in which the
20 signatures were obtained. A petition presented to a
21 county board of elections shall contain only names
22 of voters registered in that county. The chairman
23 of the county board of elections shall examine the
24 names on the petition and place a check mark by the
25 name of each signer who is qualified and registered
26 to vote in his county. The chairman of the county
27 board shall attach to the petition his signed
28 certificate. On his certificate the chairman shall
29 state that the signatures on the petition have been
30 checked against the registration records and shall
31 indicate the number of signers who are qualified
32 and registered to vote in his county and eligible
33 to vote for that office. The chairman shall return
34 each petition, together with the certificate
35 required in this section, to the person who
36 presented it to him for checking. The chairman of
37 the county board shall complete the verification
38 within two weeks from the date the petition is
39 presented. ~~At the time of submitting the petition,~~
40 ~~a fee of five cents (5¢) shall be paid for each~~
41 ~~name appearing on the petition. "~~

42 Section 9. This act is effective when it becomes law.



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Attachment II

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April 23, 1997

TO: House Committee on Election Laws and Campaign Reform.

FROM: William R. Gilkeson, Staff Attorney.

RE: Proposed Committee Substitute for House Bill 578 – Single-Member Districts.

The Proposed Committee Substitute for House Bill 578, introduced by Rep. Allred, would amend the State Constitution to require that the State House and State Senate have nothing but single-member districts. The referendum on the amendment would be held this November. If approved by the voters, the amendment would be in effect for the 1998 elections.

The North Carolina Constitution currently states that the General Assembly shall revise House districts after every Census so that each Representative represents, as nearly as may be, an equal number of inhabitants. It must do the same with Senate districts. There is no requirement that the districts be single-member.

Currently the General Assembly has 25 multi-member districts, eight in the Senate and 17 in the House. (All eight of those in the Senate are two-member. In the House, there are five three-member districts and 12 two-member districts.) Fifty-five legislators are elected from multi-member districts. That is a third of all the 170 legislators, with the proportion the same in both Senate and House.

The PCS for House Bill 578 would change the Constitution so that all legislative districts would be single member. The amendment would be on the ballot in November 1997. It would go into effect for the 1998 elections. Provisions of the Constitution prohibiting mid-decade redrawing of districts would be waived so that the General Assembly could divide the existing 25 multi-member districts in time for the 1998 elections.

The PCS does not actually present a plan for dividing existing multi-member districts. It directs the 1997 General Assembly to do so, however, in time for candidate filing in January 1998.

(As introduced, HB 578 would have left existing multi-member districts in place, but changed the election method from multi-seat race to numbered-seat race.)

Attachment
1

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 578
PROPOSED COMMITTEE SUBSTITUTE -- H578-PCSRR-005

Short Title: Single-Member Districts.

(Public)

Sponsors:

Referred to: Rules, Calendar and Operations of the House.

March 20, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO REQUIRE
3 SINGLE-MEMBER LEGISLATIVE DISTRICTS.
4 The General Assembly of North Carolina enacts:
5 Section 1. Section 3(1) of Article II of the
6 Constitution of North Carolina reads as rewritten:
7 "(1) Each Senator shall represent, as nearly as may be, an
8 equal number of inhabitants, ~~the number of inhabitants that each~~
9 ~~Senator represents being determined for this purpose by dividing~~
10 ~~the population of the district that he represents by the number~~
11 ~~of Senators apportioned to that district; with each Senate~~
12 ~~district having one member;~~".
13 Section 2. Section 5(1) of Article II of the
14 Constitution of North Carolina reads as rewritten:
15 "(1) Each Representative shall represent, as nearly as may be,
16 an equal number of inhabitants, ~~the number of inhabitants that~~
17 ~~each Representative represents being determined for this purpose~~
18 ~~by dividing the population of the district that he represents by~~
19 ~~the number of Representatives apportioned to that district; with~~
20 ~~each Representative district having one member;~~".
21 Section 3. The amendments set out in Sections 1 and 2
22 of this act shall be submitted to the qualified voters of the
23 State at an election on the Tuesday after the first Monday in

1 November of 1997, which election shall be conducted under the
2 laws then governing elections in the State. Ballots, voting
3 systems, or both may be used in accordance with Chapter 163 of
4 the General Statutes. The question to be used in the voting
5 systems and ballots shall be:

6 "[] FOR [] AGAINST

7 Constitutional amendments providing that all members of
8 the General Assembly shall be elected from single-member
9 districts".

10 Section 4. The 1997 General Assembly shall amend G.S.
11 120-1 and 120-2 to divide existing multi-member districts into
12 single-member districts. The General Assembly shall amend those
13 sections sufficiently early that they will be in effect by
14 January 1, 1998. Those amendments shall be effective only if the
15 constitutional amendments set out in Sections 1 and 2 of this act
16 are approved.

17 Section 5. If a majority of votes cast on the question
18 are in favor of the amendments set out in Sections 1 and 2 of
19 this act, the State Board of Elections shall certify the
20 amendments to the Secretary of State. The Secretary of State
21 shall enroll the amendments so certified among the permanent
22 records of that office. The amendments become effective
23 beginning with the election in 1998, and Sections 3(4) and 5(4)
24 of Article II of the Constitution of North Carolina do not apply
25 to a districting plan adopted for that election and the 2000
26 election.

27 Section 5. This act is effective when it becomes law.

[illegible]

HOUSE COMMITTEE
ON
ELECTION LAWS & CAMPAIGN REFORM

April 30, 1997
Room 1327, Legislative Building
11:00 AM

AGENDA

I. CALL TO ORDER

Co-Chairmen: Representative Larry Justus
Representative Connie Wilson

II. BILLS

- **HOUSE BILL 10 - LOBBYIST WAITING PERIOD - 2**
Representative John Nichols
- **HOUSE BILL 481 - LEGIBLE ELECTION DISCLAIMERS**
Representative Alma Adams
- **HOUSE BILL 525 - PARTY ALIGNMENT ROTATED**
Representative Mia Morris
- **HOUSE BILL 709 - ELECTION LAW AMENDMENTS**
Representative Martha Alexander

III. ADJOURNMENT

HOUSE COMMITTEE ON ELECTION LAW
AND
CAMPAIGN REFORM

April 30, 1997
Room 1327

HOUSE MEMBERS PRESENT: [18] Representatives Justus, Aldridge, Alexander, Arnold, Baddour, Berry, Braswell, Cansler, Dedmon, Hardy, Jarrell, Kiser, Michaux, Rayfield, Shubert, Weatherly.

The House Committee on Election Laws and Campaign Reform met in Room 1327 of the Legislative Building on Wednesday, April 30, 1997. Representative Larry Justus called the meeting to order at 11:05 AM.

Representative Justus proceeded with the bills on the agenda. Representative John Nichols was recognized to present

- House Bill 10 - Lobbyist Waiting Period - 2

Representative Nichols explained the bill which directs if you are elected to office you cannot be a lobbyist without staying out for a two year period. Representative Michaux asked if this applied to a member of the General Assembly who left office to take a position with the Governor's administration. After discussion, it was decided that taking a position with the Governor would be allowed. Representative Nichols stated that it is not fair to constituents to have an elected official run for office and resign in six months to take a job as a lobbyist. Representative Justus called this the "Plexico" bill. Representative Baddour asked for an amendment to be drafted that would say the elected member could not become a lobbyist until the end of the term in the General Assembly in which he or she is elected.

Representative Warner moved a favorable report on the bill. Representative Justus said there is a pending amendment on this bill. Representative Braswell said this bill involves the trust of the voters and the potential influence the lobbyist exerts on each of us. We have a duty to assure respect in the voting process. Representative Braswell added that this bill should not apply to those who lost an election.

Representative Justus said this bill will be displaced until the amendment can be drafted.

Representative Justus recognized Representative Alma Adams to present

- House Bill 481 - Legible Election Disclaimers

Attachment 2 was distributed by Bill Gilkeson, Research Staff. Representative Adams explained this bill and told of an incident in Guilford County of confusion in campaign ads. Representative Weatherly asked that staff draw up an amendment for a standard readable size of lettering. Representative Michaux said the lettering for the name of the candidate should be at least 10 point type. Representative Justus said that Bill Gilkeson will work out this amendment with committee members and present it at the next committee meeting.

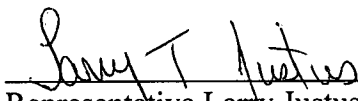
Representative Justus recognized Representative Morris to present

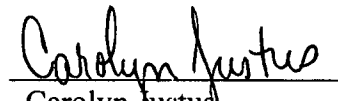
- House Bill 525 - Party Alignment Rotated

Attachment 3 was distributed. Representative Morris explained her bill and said that rotation of political parties on the ballot will remove any appearance of favoritism. Representative Morris asked Bill Gilkeson to explain the details. Bill Gilkeson explained that since 1975 a North Carolina statute has required that major parties be assigned columns on the general election ballot by strict alphabetical order. This has resulted that the order on the ballot is Democratic, Republican, then, Libertarian, Natural Law, Reform or other. If HB 525 passed the positions would rotate in 1998. Representative Shubert stated that the provision should read rotate until the next two year cycle if there is more than two parties. Representative Justus appointed Representative Kiser, Chairman, Representative Arnold, Representative Michaux and Representative Rayfield to work on this bill and report back at the next committee meeting.

Representative Justus told Representative Alexander that he was sorry there was not time to hear her bill but it would be first on the calendar next week.

The meeting was adjourned at 11:50 AM


Representative Larry Justus
Chairman


Carolyn Justus
Committee Clerk



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

A++ 1
4-30-97

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Terrence D. Sullivan, Director
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Raleigh, NC 27603-5925
(919) 733-2578

April 30, 1997

TO: House Committee on Election Law and Campaign Reform.

FROM: William R. Gilkeson, Staff Attorney.

RE: House Bill 10 – Lobbyist Waiting Period.

House Bill 10, introduced by Rep. Nichols, would require a former member of the General Assembly to refrain from doing anything that would require registration as a lobbyist from the time of leaving office until two years later.

Currently, there is no such waiting period provision. The Lobbyist Regulation Act requires anyone to register as a lobbyist who is compensated for representing someone in influencing or attempting to influence a legislator or legislative action. There are several exceptions to that definition.

(Senate Bill 3 as introduced would have given ex-legislators a waiting period of one year. As it passed the Senate, it would have given a one-year waiting period to both ex-legislators and ex-members of the Council of State. The House Judiciary I Committee turned the bill into a study committee. It was then re-referred to House Rules.)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 10

Short Title: No Revolving Door.

(Public)

Sponsors: Representatives Nichols; Aldridge, Allred, Cansler, Davis, Eddins, Gamble, Hall, Hardy, Hill, Ives, McComas, Mitchell, Moore, and Rayfield.

Referred to: Election Laws and Campaign Reform, if favorable Judiciary I.

February 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTRICT FORMER LEGISLATORS FROM LOBBYING FOR
3 TWO YEARS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 9A of Chapter 120 of the General Statutes is amended
6 by adding a new section to read:

7 "§ 120-47.12. Lobbying by former State legislators restricted.

8 Until two years after a member of either house of the General Assembly has
9 ceased to be a member of either house, that person may not engage in any
10 employment or other activity which would require registration as a lobbyist under
11 this Article."

12 Section 2. This act is effective when it becomes law, and applies to any
13 person who is a member of either the Senate or House of Representatives on or after
14 that date.



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Att. 2
4-30-97

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(919) 733-2578

April 23, 1997

TO: House Committee on Election Laws and Campaign Reform.
FROM: William R. Gilkeson, Staff Attorney.
RE: House Bill 481 – Legible Election Disclaimers.

House Bill 481, introduced by Rep. Adams, requires that the identifications and disclaimers currently required by State law for political ads in the media be legible, of a readable size, and not misleading. It also removes an exemption from current disclaimer requirements for print ads smaller than 2 inches by 2 inches, and for radio or TV ads shorter than 20 seconds.

Current State law requires that every "media ad" must contain the identification "Paid for by (or "Sponsored by) ... [the name of the sponsor]." If the sponsor is a political committee or referendum committee, the I.D. must use the name that it is required to use in its campaign finance reports, identifying the parent entity of the committee (corporation, labor union, professional association) or the economic interest of the committee, if identifiable. The I.D. must also state whether the sponsor supports or opposes a candidate or ballot measure. Current law defines "media" to include broadcast, newspapers, magazines, periodicals, outdoor advertising facilities, billboards, and newspaper inserts. The duty is one for the media as well as the sponsor. The penalty is a Class 2 misdemeanor. Exempted are print ads smaller than 2 X 2 inches, and radio or TV ads shorter than 20 seconds.

House Bill 481 does not change the requirements. It adds the requirement that they must be legible, of a readable size, and not misleading. And it removes the exemption for the ads smaller than 2 X 2 or shorter than 20 seconds.

The bill would go into effect January 1, 1998.

(Senate Bill 706, introduced by Sens. Cooper, Conder, Plyler, Horton, and Hartsell, makes more extensive changes to the political ad disclaimer laws.)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

H

1

HOUSE BILL 481

Short Title: Legible Election Disclaimers.

(Public)

Sponsors: Representatives Adams; Alexander, Baddour, Black, Boyd-McIntyre, Braswell, Dickson, Earle, Fitch, Goodwin, Hurley, Jarrell, Jeffus, Kinney, McAllister, Mosley, Oldham, Wainwright, C. Wilson, Womble, Wright, and Yongue.

Referred to: Election Laws.

March 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT ANY DISCLAIMERS REQUIRED BY LAW ON
3 ELECTION ADVERTISING BE LARGE, LEGIBLE, AND NOT MISLEADING.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 163-278.16(f) reads as rewritten:
6 "(f) No media advertisement of any kind may be made by a treasurer, candidate,
7 political committee, referendum committee or individual unless
8 (1) It bears the legend or includes the statement: 'Paid for by (or
9 Sponsored by)..... (Name of candidate, political
10 committee, referendum committee, individual)';
11 (2) The name used in the labeling required in subdivision (1) of this
12 subsection is the name that appears on the statement of
13 organization as required in G.S. 163-278.7(b)(1), provided that this
14 subdivision applies only if the sponsor is a political committee or
15 referendum committee;
16 (3) The sponsor states in the media advertisement its position:
17 a. For or against the candidate; or
18 b. For or against an opposing candidate
19 provided that this subdivision applies only if the media
20 advertisement is made for or against a candidate; and

(4) The sponsor states in the media advertisement its position for or against the ballot measure; provided this subdivision applies only if the media advertisement is made for or against a ballot measure.

~~The requirements of subdivisions (3) and (4) of this subsection do not apply to any print advertisement less than two inches by two inches in size, or to any radio or television advertisement of less than 20 seconds in length.~~

The legend or statement required by this subsection shall be legible, shall be of a readable size, and shall not be misleading.

The media shall not publish or broadcast any political advertisement unless it bears the legend or includes the statement required herein. For purposes of this subsection, 'media' means broadcasting stations, carrier current stations, newspapers, magazines, periodicals, outdoor advertising facilities, billboards, and newspaper inserts."

Section 2. This act becomes effective January 1, 1998.



North Carolina General Assembly
Legislative Services Office

George R. Hall, Legislative Services Officer
(919) 733-7044

Att. 3
4-30-97

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April 23, 1997

TO: House Committee on Election Laws and Campaign Reform.

FROM: William R. Gilkeson, Staff Attorney.

RE: House Bill 525 – Party Alignment Rotated.

House Bill 525, introduced by Rep. Morris, would require that on general election ballots the major parties would rotate every two years in the left-hand position.

Since 1975 North Carolina statute has required that major parties be assigned columns on the general election ballot by strict alphabetical order. A party is entitled to appear in this alphabetical order on the left if it has at least 5% of the registered voters. Parties with less registration follow to the right. The result has been that the order of the parties on the ballot has been, left to right, as follows: Democratic, Republican, then Libertarian, Natural Law, Reform, or whatever.

House Bill 525 would replace strict alphabetical order with rotation. The threshold for getting in the left-hand columns would still be 5% of the registrants. But every two years the parties with 5% or more would switch positions. If more than two parties met the 5% threshold, the order would be determined by lot. Any party that won the left-hand column in the lottery would have to wait two years before having it again.

The rotation would go into effect for the 1998 elections. During the 1998-99 cycle the left-hand column would go to the party that had the next-to-left column in 1996-97 (the Republicans).

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 525

Short Title: Party Alignment Rotated.

(Public)

Sponsors: Representatives Morris; Arnold, Barbee, Berry, Cansler, Capps, Carpenter, Clary, Creech, Davis, Eddins, Gulley, Hall, Hardy, Ives, Kiser, McComas, McMahan, Mitchell, Neely, Nichols, Rayfield, Reynolds, Sexton, Starnes, and Wood.

Referred to: Election Law and Campaign Reform.

March 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ROTATE PARTY ALIGNMENT ON THE BALLOT.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 163-140.1 reads as rewritten:

5 "**§ 163-140.1. Political party alignment on ballots.**

6 All ballots printed for use in general elections in the State, district, county or any
7 other political subdivision, shall be aligned with the number of political party
8 columns required pursuant to instructions contained in G.S. 163-140(b) and the
9 columns shall be assigned in ~~strict alphabetical~~ order, beginning with the left column,
10 to the political parties entitled to ballot position provided such political parties reflect
11 at least five percent (5%) of the total statewide voter registration, according to the
12 latest statistical report published by the State Board of Elections. Elections so that
13 such parties rotate order each two years, and if there are more than two eligible
14 parties, then the order among those parties shall be determined by lot, with no party
15 being eligible for the left column for two years after it has had that column. Political
16 parties having less than five percent (5%) of the total statewide voter registration, but
17 otherwise eligible for ballot position shall be assigned column alignment to the right
18 of all other qualified political parties. The State Board of Elections shall be
19 responsible for implementing the procedures required by this section and shall issue
20 instructions to those counties using voting machines so as to accomplish the effect of
21 this section whether such counties utilize voting machines that list party columns in a

1 horizontal or vertical alignment. Every county board of elections shall follow the
2 column alignment prescribed by the State Board of Elections."

3 Section 2. This act becomes effective January 1, 1998. Rotation as
4 required by this act begins in 1998, with the party that had the second to the left
5 column in 1996 and 1997 having the left column in 1998 and 1999.

[illegible]

VISITOR REGISTRATION SHEET

ELECTION LAW & CAMPAIGN REFORM

APRIL 30, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

MINUTES

HOUSE COMMITTEE ON ELECTION LAWS AND CAMPAIGN REFORM

Wednesday, May 7, 1997

Room 1327

The House Committee on Election Law and Campaign Reform met in Room 1327 of the Legislative Building on Wednesday, May 7, 1997 at 11:00 a.m.. Representative Connie Wilson called the meeting to order and introduced the pages. The Visitor Registration sheet indicates visitors present and is attached as a part of the record. A silent roll was called (roll list denotes members present).

HB 10 LOBBYIST WAITING PERIOD-2

Rep. Nichols explained the bill. Rep. Baddour offered an amendment to HB 10 and explained it. Rep. Nichols indicated he had no problem with the amendment to his bill. After discussion and questions by the committee, the amendment was adopted (see attachment 1). Rep. Justus made a motion to give a favorable report to HB 10 as amended, but to hold the bill and incorporate it in a committee substitute at a later date. The motion passed, and the bill is held to be incorporated into a committee substitute.

HB 481 LEGIBLE ELECTION DISCLAIMERS

Rep. Adams explained her bill. The amendment by Rep. Weatherly was explained by Chair Connie Wilson (see attachment 2). There was a discussion of the amendment by Rep. Michaux and staff attorney William R. Gilkeson. There was other discussion by Representatives Braswell, Baddour, Insko and Cansler relative to concerns about the language of the amendment. Rep. Weatherly then withdrew his amendment. Committee members and staff discussed perfecting language to remedy concerns expressed, and Rep. Michaux offered a new amendment (see attachment 3) to be drafted by staff and incorporate language which would not conflict with the federal statute and FCC regulations for broadcasting entities. Motion was made by Rep. Justus for a favorable report of HB 481 as amended, and motion passed.. Rep. Justus made a second motion to roll this amended bill into a committee substitute at a later date, and motion passed.

HB 709 ELECTION LAW AMENDMENTS

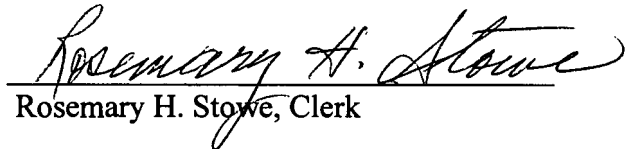
A handout explanation by Staff Attorney William R. Gilkeson (attachment 4) was passed to all members. Then Rep. Alexander explained her bill. There was discussion by

committee members and questions to Staff Attorney William R. Gilkeson concerning the provisions in the first two sections of the bill related to "Unopposed candidate for statutory office not to appear on ballot" and "Declaration of intent and petitions for write-in candidates in partisan elections." There was debate by the members, and concerns were expressed with these two areas of the bill. Rep. Alexander withdrew these two controversial areas of the bill and approved amending it to keep intact only the last two sections of the bill beginning on page 5, line 8 through line 35, and entitled "Simplify Ballot Wording" and "Flexibility in Voting Equipment Allocation." Rep. Justus made a motion to give a favorable report to HB 709 with the proposed amendment (see attachment 5), and the motion passed. Rep. Justus made a second motion to incorporate the bill as amended into a committee substitute at a later date, and the motion passed.

The meeting adjourned at 12:00 noon..



Connie Wilson, Chairman



Rosemary H. Stowe, Clerk

Attachments:

- (1) Attachment 1 - Baddour Amendment
- (2) Attachment 2 - Weatherly Amendment
- (3) Attachment 3 - Michaux Amendment
- (4) Attachment 4 - Explanation Handout
- (5) Attachment 5 - Amendment HB 709

ELECTION LAWS & CAMPAIGN REFORM

(Name of Committee)

DATES	2/26	3/12	3/26	4/9	4/23	5/7
LARRY JUSTUS	✓	✓	✓	✓	✓	✓
CONNIE WILSON	✓	✓	✓	✓	✓	✓
HENRY ALDRIDGE	✓	✓	✓	✓	✓	✓
MARTHA ALEXANDER	✓		✓	✓	✓	✓
GENE ARNOLD	✓	✓	✓	✓	✓	✓
PHIL BADDOUR	✓	✓	✓	✓	✓	✓
CHERIE BERRY	✓		✓		✓	✓
DONALD BONNER	✓	✓	✓	✓	✓	✓
JERRY BRASWELL	✓		✓	✓		✓
LANIER CANSLER	✓	✓	✓	✓	✓	✓
WALTER CHURCH	✓	✓		✓		
ANDY DEDMON	✓	✓	✓	✓	✓	✓
SANDY HARDY	✓	✓	✓	✓	✓	
BILL HIATT	✓	✓	✓	✓	✓	✓
VERLA INSKO	✓	✓	✓	✓	✓	✓
MARY JARRELL	✓					✓
JOE KISER	✓	✓	✓	✓	✓	✓
MICKEY MICHAUX	✓	✓	✓	✓	✓	✓
JOHN RAYFIELD	✓	✓	✓	✓	✓	✓
FERN SHUBERT	✓	✓	✓	✓	✓	✓
TIM TALLENT				✓		
WILLIAM WAINWRIGHT						
ALEX WARNER		✓		✓		
JOHN WEATHERLY	✓	✓	✓	✓		✓
JULIA HOWARD						
LEO DAUGHTRY						
STEVE WOOD	✓				✓	

VISITOR REGISTRATION SHEET

ELECTION LAWS & CAMPAIGN REFORM

May 7, 1997

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
BOB EKLAND	HENDERSON COUNTY COMMISSIONER
YVONNE SOUTHERLAND	STATE Bd OF ELECTIONS
C. Scott Holmes	ACLU
D. K. K.	ACLU
Roslyn Smith	Lobbyist
Alice Farland	Electric Cities
Nancy Bradley	NCCRB
Mike Carpenter	NCHSA
CHRIS	Common Sense Foundation
Chris Fitzsimon	NCATL
Chate Cronar	Wake Co. Bd of Elections
Judy Dargatzis	" "
Anthony Queen	Charlotte
Erskine Boulton	HMC MC BA.
Edie Caldwell	Meck. Co.
Helen Lipman	Womble Carlyle
Lawrence Davis	Good Neighbor Assoc
Ron Atkins	" " "
J. M. Clees	WSBFA
BT Larkin	Sprint
Don Monon	NCBA
Bill Scott	SOS
Bernard Allen	Eton College
Kate Castle	Eton College
Jeff Higin	Atty., Burlington, N.C.
Jan Lamb	

HOUSE COMMITTEE
ON
ELECTION LAWS & CAMPAIGN REFORM

MAY 7, 1997

Room 1327, Legislative Building
11:00 AM

AGENDA

I. CALL TO ORDER

Co-Chairmen: Representative Larry Justus
Representative Connie Wilson

II. BILLS

HB 10 Lobbyist Waiting Period -2

HB 481 Legible Election Disclaimers

HB 525 Party Alignment Rotated

- **HB 709 Election Law Amendments**

HB 736 Voter I.D.

III. ADJOURNMENT



Attachment 1
Baddour Amendment
Adopted

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 10

H10-ARR-001A

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

Date _____, 1997

Comm. Sub. ☐
Amends Title ☐

Representative

- 1 moves to amend the bill on page 1, lines 2 and 3,
2 by deleting the term "FOR TWO YEARS" and substituting "UNTIL THE
3 CONVENING OF THE NEXT GENERAL ASSEMBLY"; and
4
5 on page 1, lines 8 through 11,
6 by rewriting those lines to read:
7
8 "No person who has been elected or appointed to the General
9 Assembly shall engage in any employment or other activity which
10 would require registration as a lobbyist under this Article earlier
11 than the convening of the next General Assembly after the one for
12 which that person was elected or appointed."
13
14
15

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



Attachment 2;

May 7, 1997
Televised amendment
(Withdrawn)

HB 481

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 481

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H481-ARR-001

Date _____, 1997

Comm. Sub. [Y]
Amends Title []

Representative

1 moves to amend the bill on page 2, lines 7 and 8,
2 by rewriting those lines to read:

3
4 "The legend or statement required by this subsection shall be
5 legible and shall not be misleading. In a print media advertisement,
6 all disclosure statements required by this subsection shall
7 constitute at least ten percent (10%) of the space of the
8 advertisement. If a single advertisement consists of multiple
9 pages, folds, or faces, the requirement of the previous sentence
10 applies only to one page, fold, or face. In a television
11 advertisement, a visual disclosure legend shall constitute 32 scan
12 lines in size."
13
14
15

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



Attachment 3
Richard Amendment
Adopted

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 481

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H481-ARR-002

Date _____, 1997

Comm. Sub. []
Amends Title []

Representative

1 moves to amend the bill on page 2, lines 7 and 8,
2 by rewriting those lines to read:
3
4 "The legend or statement required by this subsection shall be
5 legible and shall not be misleading. In a print media advertisement,
6 all disclosure statements required by this subsection shall be in
7 type of no less than 12 points in size. If a single advertisement
8 consists of multiple pages, folds, or faces, the requirement of the
9 previous sentence applies only to one page, fold, or face. In a
10 radio or television advertisement, an aural disclosure statement
11 shall last no less than three seconds. In a television
12 advertisement, a visual disclosure legend shall constitute 32 scan
13 lines in size."
14
15
16

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



Attachment 4 *May 7, 1997*
Examination Handout

**North Carolina General Assembly
Legislative Services Office**

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(919) 733-2578

April 23, 1997

TO: House Committee on Election Laws and Campaign Reform.

FROM: William R. Gilkeson, Staff Attorney.

RE: House Bill 709 – Election Law Amendments.

House Bill 709, introduced by Reps. Alexander and McMahan, would make four changes to simplify the work of election officials:

- **Remove from the general election ballot any election for a statutorily created office in which there is no opposition.**
- **Make write-in candidates for municipal office and nonpartisan office subject to the same qualifying requirements as other write-in candidates for other offices. The qualifications are a declaration of intent and a small number of signatures on petitions. If the write-in candidate does not do those things, their votes are not counted.**
- **Require that whoever writes the ballot language for a referendum put it in simple language.**
- **Repeal a requirement that in allocating voting equipment to precincts, the board of elections shall use as its sole criterion voter registration in the precinct. The existing requirement applies only to Mecklenburg County.**



Attachment 5

Amendment
Adopted

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 709

H709-ARR-001

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

Date _____, 1997

Comm. Sub. ☐
Amends Title ☐

Representative

1 moves to amend the bill on page 1, line 2,
2 by deleting the term "BALLOTS" and substituting the term "BALLOT
3 WORDING"; and
4
5 on page 1, line 5, through page 5, line 7, be deleting the language
6 on those lines; and
7
8 by renumbering subsequent sections of the bill accordingly.
9
10
11

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

5/7/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 10

Short Title: No Revolving Door.

(Public)

Sponsors: Representatives Nichols; Aldridge, Allred, Cansler, Davis, Eddins, Gamble, Hall, Hardy, Hill, Ives, McComas, Mitchell, Moore, and Rayfield.

Referred to: Election Laws and Campaign Reform, if favorable Judiciary I.

February 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTRICT FORMER LEGISLATORS FROM LOBBYING FOR
3 TWO YEARS.
4 The General Assembly of North Carolina enacts:
5 Section 1. Article 9A of Chapter 120 of the General Statutes is amended
6 by adding a new section to read:
7 "§ 120-47.12. Lobbying by former State legislators restricted.
8 Until two years after a member of either house of the General Assembly has
9 ceased to be a member of either house, that person may not engage in any
10 employment or other activity which would require registration as a lobbyist under
11 this Article."
12 Section 2. This act is effective when it becomes law, and applies to any
13 person who is a member of either the Senate or House of Representatives on or after
14 that date.

5/7/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 481

Short Title: Legible Election Disclaimers.

(Public)

Sponsors: Representatives Adams; Alexander, Baddour, Black, Boyd-McIntyre, Braswell, Dickson, Earle, Fitch, Goodwin, Hurley, Jarrell, Jeffus, Kinney, McAllister, Mosley, Oldham, Wainwright, C. Wilson, Womble, Wright, and Yongue.

Referred to: Election Laws.

March 10, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT ANY DISCLAIMERS REQUIRED BY LAW ON
3 ELECTION ADVERTISING BE LARGE, LEGIBLE, AND NOT MISLEADING.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 163-278.16(f) reads as rewritten:
6 "(f) No media advertisement of any kind may be made by a treasurer, candidate,
7 political committee, referendum committee or individual unless
8 (1) It bears the legend or includes the statement: 'Paid for by (or
9 Sponsored by)..... (Name of candidate, political
10 committee, referendum committee, individual)';
11 (2) The name used in the labeling required in subdivision (1) of this
12 subsection is the name that appears on the statement of
13 organization as required in G.S. 163-278.7(b)(1), provided that this
14 subdivision applies only if the sponsor is a political committee or
15 referendum committee;
16 (3) The sponsor states in the media advertisement its position:
17 a. For or against the candidate; or
18 b. For or against an opposing candidate
19 provided that this subdivision applies only if the media
20 advertisement is made for or against a candidate; and

(4) The sponsor states in the media advertisement its position for or against the ballot measure; provided this subdivision applies only if the media advertisement is made for or against a ballot measure.

~~The requirements of subdivisions (3) and (4) of this subsection do not apply to any print advertisement less than two inches by two inches in size, or to any radio or television advertisement of less than 20 seconds in length.~~

The legend or statement required by this subsection shall be legible, shall be of a readable size, and shall not be misleading.

The media shall not publish or broadcast any political advertisement unless it bears the legend or includes the statement required herein. For purposes of this subsection, 'media' means broadcasting stations, carrier current stations, newspapers, magazines, periodicals, outdoor advertising facilities, billboards, and newspaper inserts."

Section 2. This act becomes effective January 1, 1998.

5/7/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 709

Short Title: Election Law Amendments.

(Public)

Sponsors: Representatives Alexander, McMahan (Cosponsors); Baddour, Beall, Black, Church, Cole, Cunningham, Earle, Easterling, Fox, H. Hunter, Luebke, Miller, Mosley, Nye, Oldham, Ramsey, Saunders, Wainwright, Wilkins, and C. Wilson.

Referred to: Election Law and Campaign Reform.

March 31, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE ELECTION LAWS TO SIMPLIFY BALLOTS AND
3 TO ALLOW FLEXIBILITY IN ALLOCATION OF VOTING MACHINES.

4 The General Assembly of North Carolina enacts:

5 --UNOPPOSED CANDIDATES FOR OFFICES CREATED BY STATUTE
6 DECLARED ELECTED, NOTICE OF WRITE-IN CANDIDACY IN MUNICIPAL
7 AND NONPARTISAN ELECTIONS.

8 Section 1. (a) Article 13 of Chapter 163 of the General Statutes is
9 amended by adding a new section to read:

10 "§ 163-135.1. Unopposed candidate for statutory office not to appear on ballot.

11 (a) If there are no more candidates for an office than there are positions to be
12 elected, whether such candidates are by:

13 (1) Nomination of a party under Article 9 or 10 of Chapter 163 of the
14 General Statutes;

15 (2) Nomination by petition under G.S. 163-122;

16 (3) Qualification as a write-in candidate under G.S. 163-123;

17 (4) Notice of candidacy under G.S. 139-6, 163-291, or 163-294.2; or

18 (5) Some other means allowed by general law or local act

19 those candidates are appointed to hold the office, as if they had been elected, and no
20 general election shall be held.

21 (b) The determination as to whether no election shall be held shall be made by
22 the county board of elections as soon as the deadline for verifying write-in petitions.

1 (the last method of qualification) under G.S. 163-123(c)(1) and (3) has passed, except
2 that if a party has nominated a candidate and there is a vacancy in nomination which
3 can be filled under G.S. 163-114, the determination shall be made on the tenth day
4 after the deadline for verifying write-in petitions under G.S. 163-123(c)(1) and (3).

5 (c) If a determination is made by the county board of elections that no election
6 shall be held, it shall issue a certificate appointing the person to office. The person
7 so certified shall qualify for office as if elected in the general election.

8 (d) This section applies only to offices which were established by statute. Such
9 offices include, but are not limited to:

10 (1) Boards of county commissioners;

11 (2) Registers of deeds;

12 (3) Coroners in counties which have such office;

13 (4) Boards of education;

14 (5) Mayors;

15 (6) City councils;

16 (7) Sanitary district boards;

17 (8) Soil and water conservation district supervisors; and

18 (9) Other elective offices created by local act.

19 (e) For the purpose of any law relating to the office a person is appointed to under
20 this section, including, but not limited to, terms of office, existence and filling of
21 vacancies, and removal from office, a person appointed to office under this section is
22 considered to have been elected."

23 (b) G.S. 163-123 reads as rewritten:

24 **"§ 163-123. Declaration of intent and petitions for write-in candidates in partisan**
25 **elections.**

26 (a) Procedure for Qualifying as a Write-In Candidate. -- Any qualified voter who
27 seeks to have write-in votes for him counted in a general election shall file a
28 declaration of intent in accordance with subsection (b) of this section and petition(s)
29 in accordance with subsection (c) of this section.

30 (b) Declaration of Intent. -- The applicant for write-in candidacy shall file his
31 declaration of intent at the same time and with the same board of elections as his
32 petition, as set out in subsection (c) of this section. The declaration shall contain:

33 (1) Applicant's name,

34 (2) Applicant's residential address,

35 (3) Declaration of applicant's intent to be a write-in candidate,

36 (4) Title of the office sought,

37 (5) Date of the election,

38 (6) Date of the declaration,

39 (7) Applicant's signature.

40 (c) Petitions for Write-in Candidacy. -- An applicant for write-in candidacy shall:

41 (1) If the office is a statewide office, file written petitions with the
42 State Board of Elections supporting his candidacy for a specified
43 office. These petitions shall be filed on or before noon on the 90th
44 day before the general election. They shall be signed by 500

1 qualified voters of the State. Before being filed with the State
2 Board of Elections, each petition shall be presented to the board of
3 elections of the county in which the signatures were obtained. A
4 petition presented to a county board of elections shall contain only
5 names of voters registered in that county. The chairman of the
6 county board of elections shall examine the names on the petition
7 and place a check mark by the name of each signer who is
8 qualified and registered to vote in his county. The chairman of the
9 county board shall attach to the petition his signed certificate. On
10 his certificate the chairman shall state that the signatures on the
11 petition have been checked against the registration records and
12 shall indicate the number of signers who are qualified and
13 registered to vote in his county and eligible to vote for that office.
14 The chairman shall return each petition, together with the
15 certificate required in this section, to the person who presented it
16 to him for checking. The chairman of the county board shall
17 complete the verification within two weeks from the date the
18 petition is presented. At the time of submitting the petition, a fee
19 of five cents (5¢) shall be paid for each name appearing on the
20 petition.

21 (2) If the office is a district office comprising all or part of two or
22 more counties, file written petitions with the State Board of
23 Elections supporting his candidacy for a specified office. These
24 petitions must be filed with the State Board of Elections on or
25 before noon on the 90th day before the general election and must
26 be signed by 250 qualified voters. Before being filed with the State
27 Board of Elections, each petition shall be presented to the board of
28 elections of the county in which the signatures were obtained. A
29 petition presented to a county board of elections shall contain only
30 names of voters registered in that county who are eligible to vote
31 for that office. The chairman of the county board shall examine the
32 names on the petition and the procedure for certification shall be
33 the same as specified in subdivision (1).

34 (3) If the office is a county office, or is a school administrative unit
35 ~~office elected on a partisan basis; office,~~ or is a legislative or
36 superior court district consisting of a single county or a portion of
37 a county, file written petitions with the county board of elections
38 supporting his candidacy for a specified office. A petition
39 presented to a county board of elections shall contain only names
40 of voters registered in that county. These petitions must be filed
41 on or before noon on the 90th day before the general election and
42 must be signed by 100 qualified voters who are eligible to vote for
43 the office, unless fewer than 5,000 persons are eligible to vote for
44 the office as shown by the most recent records of the appropriate

board of elections. If fewer than 5,000 persons are eligible to vote for the office, an applicant's petition must be signed by not less than one percent (1%) of those registered voters. Before being filed with the county board of elections, each petition shall be presented to the county board of elections for examination. The chairman of the county board of elections shall examine the names on the petition and the procedure for certification shall be the same as specified in subdivision (1).

(4) If the office is a municipal office governed by Subchapter IX of this Chapter, file written petitions with the board of elections conducting the election for that municipality supporting his candidacy for a specified office. A petition presented to a board of elections shall contain only names of voters registered in the area for which the election is being conducted. These petitions must be filed on or before noon on the seventh day after the filing deadline under G.S. 139-6, 163-291, or 163-294.2 and must be signed by 100 qualified voters who are eligible to vote for the office, unless fewer than 5,000 persons are eligible to vote for the office as shown by the most recent records of the appropriate board of elections. If fewer than 5,000 persons are eligible to vote for the office, an applicant's petition must be signed by not less than one percent (1%) of those registered voters. Before being filed with the county board of elections, each petition shall be presented to the board of elections for examination. The chairman of the board of elections shall examine the names on the petition and the procedure for certification shall be the same as specified in subdivision (1) of this subsection.

(d) Form of Petition. -- Petitions requesting the qualification of a write-in candidate in a general election shall contain on the heading of each page of the petition in bold print or in capital letters the words: 'THE UNDERSIGNED REGISTERED VOTERS IN COUNTY HEREBY PETITION ON BEHALF OF AS A WRITE-IN CANDIDATE IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED HEREBY PETITION THAT SUBJECT CANDIDATE BE PLACED ON THE LIST OF QUALIFIED WRITE-IN CANDIDATES WHOSE VOTES ARE TO BE COUNTED AND RECORDED IN ACCORDANCE WITH G.S. 163-123.'

(e) Defeated Primary Candidate. -- No person whose name appeared on the ballot in a primary election preliminary to the general election shall be eligible to have votes counted for him as a write-in candidate for the same office in that year.

(f) Counting and Recording of Votes. -- If a qualified voter has complied with the provisions of subsections (a), (b), and (c) and is not excluded by subsection (e), the board of elections with which petition has been filed shall count votes for him according to the procedures set out in G.S. 163-170(5), and the appropriate board of elections shall record those votes on the official abstract. Write-in votes for names

1 other than those of qualified write-in candidates shall not be counted for any purpose
2 and shall not be recorded on the abstract.

3 ~~(g) Municipal and Nonpartisan Elections Excluded. This section does not apply~~
4 ~~to municipal elections conducted under Subchapter IX of Chapter 163 of the General~~
5 ~~Statutes, and does not apply to nonpartisan elections.~~

6 (c) This section applies to elections held on or after January 1, 1998.

7
8 --SIMPLIFY BALLOT WORDING.

9 Section 2. G.S. 163-140(b)(7) reads as rewritten:

10 "(7) Ballot for Constitutional Amendments and Other Propositions
11 Submitted to the People: The form of ballot used in submitting a
12 constitutional amendment or other proposition or issue to the
13 voters of the entire State shall be prepared by the State Board of
14 Elections and approved by the Attorney General. The form of
15 ballot used in submitting propositions and issues to the voters of a
16 single county or subdivision shall be prepared by the county board
17 of elections. In a referendum the issue presented to the voters with
18 respect to each constitutional amendment, question, or proposition,
19 shall be printed in the form laid down by the General Assembly or
20 other body submitting it. In preparing ballot questions, the
21 submitting entity should seek to use simplified language that will
22 reduce voter confusion. If more than one amendment, question, or
23 proposition is submitted on a single ballot, each shall be printed in
24 a separate section, and the sections shall be numbered
25 consecutively. On the face of the ballot, above the issue or issues
26 being submitted, shall be printed instructions for marking the
27 voter's choice, in addition to the following instruction: 'If you tear
28 or deface or wrongly mark this ballot, return it and get another.'
29 On the bottom of the ballot shall be printed an identified facsimile
30 of the signature of the chairman of the responsible board of
31 elections, State or county."

32
33 --FLEXIBILITY IN VOTING EQUIPMENT ALLOCATION.

34 Section 3. G.S. 163-166 is repealed.

35 Section 4. This act is effective when it becomes law.

HOUSE COMMITTEE
ON
ELECTION LAWS & CAMPAIGN REFORM

May 14, 1997
Room 1327, Legislative Building
11:00 AM

AGENDA

I. CALL TO ORDER

Co-Chairmen: Representative Larry Justus
Representative Connie Wilson

II. BILLS

- **HOUSE BILL 1145 -- JUDICIAL RETENTION**
Representative Bill Culpepper
- **HOUSE BILL 79 -- BALLOT ACCESS CHANGES**
Representative John Rayfield
- **SENATE BILL 708 -- STAND BY YOUR AD**
Senator Roy Cooper
- **HOUSE BILL 736 -- VOTER I.D.**
Representative Larry Justus

III. ADJOURNMENT

HOUSE COMMITTEE ON ELECTION LAW

AND

CAMPAIGN REFORM

May 14, 1997
Room 1327

HOUSE MEMBERS PRESENT: [16] Representatives Justus, Wilson, Aldridge, Baddour, Berry, Bonner, Braswell, Cansler, Dedmon, Insko, Jarrell, Kiser, Michaux, Rayfield, Shubert, Warner.

The House Committee on Election Laws and Campaign Reform met in Room 1327 of the Legislative Building on Wednesday, May 14, 1997. Representative Larry Justus called the meeting to order at 11:10 AM. Representative Justus introduced House Pages Jeremy Newman and Mark McGraw. Representative Justus announced that Representative Culpepper could not attend this meeting today and House Bill 1145 - Judicial Retention - will be heard next week.

Representative Justus recognized Representative Rayfield to proceed with the proposed amendment for House Bill 79 - Ballot Access Changes. Attachment 1 - Proposed Committee Substitute -H79-PCRSRR-004 - and Attachment 2 -PCS for House Bill 79 - Ballot Access Changes - was distributed. Bill Gilkeson, Counsel, explained this is technical amendment from the State Board of Elections which removes the requirement that new parties, unaffiliated candidates and write in candidates pay five cents per name on the petition to the local election board for certification. This requirement has been held to be unconstitutional and on the bottom of page 2 and going up through line 9 on page 3. There is a requirement, that has been held unconstitutional, that the names on the petition have to be notarized, on page 3 line 37 of the proposed bill. Representative Braswell offered a motion that the proposed committee substitute be before the committee. Motion carried. Representative Berry moved that the technical amendments be adopted. Motion carried and the committee substitute for House Bill 79 is placed in the "basket" of bills to be included in the House Committee substitute for a Senate bill.

Representative Justus turned the gavel over to Representative Wilson to hear House Bill 736 - Voter Identification - sponsored by Representative Justus. Attachment 3 - -- Proposed Committee Substitute - H736 - PCRSRR-001 - and Attachment 4 - House Bill 736 - Voter Identification - was distributed. Representative Berry moved that this committee substitute be placed before the committee. Motion carried. Representative Justus stated that this bill has been introduced twice before and may be the only bill

which passed a Senate Committee twice in the same session. He added that thirty eight other states have some method of voter identification cards. If North Carolina had a voter identification card in place, there would not have been the problem with an under age voter this last election. Ninety seven counties in North Carolina allow voluntary voter identification cards. This committee substitute would make the voter identification card mandatory with the voter being identified by the identification card, drivers license, motor vehicle identification card, passport, military identification card or other card with a photo. If the prospective voter does not have a form of identification; then he or she could vote a provisional ballot on election day. Representative Braswell asked for the difference in the current card and the one in the proposed bill. Representative Justus responded that the difference is a sequential number on the card. Representative Braswell said with that understanding, "I like it". Representative Justus remarked that the identification card would expedite the voting process. If the poll worker knows the voter, then identification is not required.

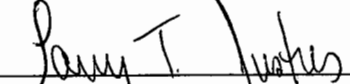
Representative Warner moved a favorable report to the committee substitute and unfavorable report to the original bill. Representative Michaux questioned the manner in which a provisional ballot is counted.

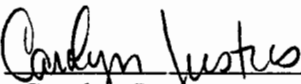
Representative Shubert asked for the penalty for using someone else's identification card. Representative Justus replied that this is a Class I felony. Johnny McClain, State Board of Elections, said the voters signature is on the envelope of the provisional ballot. This helps the board to determine if a provisional ballot is eligible. She added that the costs to counties for voter identification cards is very small.

Representative Braswell offered an amendment (Attachment 5) to House Bill 79 on page 2 lines 39 -41 which reads. "deleting the language that reads, "but does not otherwise appear to be ineligible to vote in the precinct." Representative Kiser asked when provisional ballots are counted. Johnny McClain said these ballots are not counted unless the election is close enough for these ballots to make a difference. Amendment 1 by Representative Braswell was adopted.

Representative Shubert offered amendment 2 - on page 3 line 16 " that fraudulent presentation of a voter identification card be a Class H. felony. Representative Baddour opposed the amendment. He said there is danger in more punishment. Representative Wilson called for the vote. As the results could not be determined by voice a division was called. The amendment was adopted.

The meeting was adjourned at 11:55 AM.


Representative Larry Justus
Chairman


Carolyn Justus
Committee Clerk

5-14-97
A++-1

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 79*
Proposed Committee Substitute -- H79-PCSRR-004

Short Title: Ballot Access Changes.

(Public)

Sponsors:

Referred to: Election Law and Campaign Reform.

February 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO STATUTES CONCERNING BALLOT ACCESS FOR
3 CANDIDATES AND POLITICAL PARTIES AND WRITE-IN CANDIDACIES.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 163-96 reads as rewritten:
6 "§ 163-96. 'Political party' defined; creation of new party.
7 (a) Definition. -- A political party within the meaning of the
8 election laws of this State shall be either:
9 (1) Any group of voters which, at the last preceding
10 general State election, polled for its candidate
11 for Governor, or for presidential electors, at
12 least ten percent (10%) of the entire vote cast in
13 the State for Governor or for presidential
14 electors; or
15 (2) Any group of voters which shall have filed with the
16 State Board of Elections petitions for the
17 formulation of a new political party which are
18 signed by registered and qualified voters in this
19 State equal in number to two percent (2%) of the
20 total number of voters who voted in the most recent
21 general election for Governor. Also the petition
22 must be signed by at least 200 registered voters
23 from each of four congressional districts in North

1 Carolina. To be effective, the petitioners must
2 file their petitions with the State Board of
3 Elections before 12:00 noon on the ~~first day of~~
4 ~~June~~ thirty-first day of December preceding the
5 day on which is to be held the first general State
6 election in which the new political party desires
7 to participate. The State Board of Elections shall
8 forthwith determine the sufficiency of petitions
9 filed with it and shall immediately communicate its
10 determination to the State chairman of the proposed
11 new political party.

12 (b) Petitions for New Political Party. -- Petitions for the
13 creation of a new political party shall contain on the heading of
14 each page of the petition in bold print or all in capital letters
15 the words: 'THE UNDERSIGNED REGISTERED VOTERS IN
16 COUNTY HEREBY PETITION FOR THE FORMATION OF A NEW POLITICAL PARTY
17 TO BE NAMED AND WHOSE STATE CHAIRMAN IS
18, RESIDING AT..... AND WHO CAN BE
19 REACHED BY TELEPHONE AT..... THE SIGNERS OF THIS PETITION
20 ~~INTEND TO ORGANIZE A NEW POLITICAL PARTY~~ DESIRE THAT A NEW
21 POLITICAL PARTY BE ORGANIZED TO PARTICIPATE IN THE NEXT
22 SUCCEEDING GENERAL ELECTION.'

23 All printing required to appear on the heading of the petition
24 shall be in type no smaller than 10 point or in all capital
25 letters, double spaced typewriter size. In addition to the form
26 of the petition, the organizers and petition circulators shall
27 inform the signers of the general purpose and intent of the new
28 party.

29 The petitions must specify the name selected for the proposed
30 political party. The State Board of Elections shall reject
31 petitions for the formation of a new party if the name chosen
32 contains any word that appears in the name of any existing
33 political party recognized in this State or if, in the Board's
34 opinion, the name is so similar to that of an existing political
35 party recognized in this State as to confuse or mislead the
36 voters at an election.

37 The petitions must state the name and address of the State
38 chairman of the proposed new political party.

39 ~~The validity of the signatures on the petitions shall be proved~~
40 ~~in accordance with one of the following alternative procedures:~~

41 ~~(1) The signers may acknowledge their signatures before~~
42 ~~an officer authorized to take acknowledgments,~~
43 ~~after which that officer shall certify the validity~~

1 ~~of the signatures by appropriate notation attached~~
2 ~~to the petition, or~~
3 ~~(2) A person in whose presence a petition was signed~~
4 ~~may go before an officer authorized to take~~
5 ~~acknowledgments and, after being sworn, testify to~~
6 ~~the genuineness of the signatures on the petition,~~
7 ~~after which the officer before whom he has~~
8 ~~testified shall certify his testimony by~~
9 ~~appropriate notation attached to the petition.~~

10 Each petition shall be presented to the chairman of the board
11 of elections of the county in which the signatures were obtained,
12 and it shall be the chairman's duty:

- 13 (1) To examine the signatures on the petition and place
14 a check mark on the petition by the name of each
15 signer who is qualified and registered to vote in
16 his county.
17 (2) To attach to the petition his signed certificate
18 a. Stating that the signatures on the petition
19 have been checked against the registration
20 records and
21 b. Indicating the number found qualified and
22 registered to vote in his county.
23 (3) To return each petition, together with the
24 certificate required by the preceding subdivision,
25 to the person who presented it to him for checking.

26 The group of petitioners shall submit the petitions to the
27 chairman of the county board of elections in the county in which
28 the signatures were obtained no later than 5:00 P.M. on the
29 fifteenth business day preceding the date the petitions are due
30 to be filed with the State Board of Elections as provided in
31 subsection (a)(2) of this section. ~~Provided the petitions are~~
32 ~~timely submitted, the chairman of the county board of elections~~
33 ~~shall require a fee of five cents (5¢) for each signature~~
34 ~~appearing and shall proceed to examine and verify the signatures~~
35 ~~under the provisions of this subsection. Verification shall be~~
36 ~~completed within two weeks 15 business days from the date such~~
37 ~~petitions are presented and the required fee received. presented.~~
38 Notwithstanding the previous sentence, the county board may
39 extend its deadline for verifying the signatures for a reasonable
40 length of time, if meeting the deadline is unduly burdensome and
41 extending it will not disadvantage the petitioners."

42 Section 2. G.S. 163-97.1 reads as rewritten:

43 "\$ 163-97.1. Voters affiliated with expired political party.

~~1 The State Board of Elections shall be authorized to promulgate~~
~~2 appropriate procedures to order the county boards of elections to~~
~~3 change the registration affiliation of all voters who are~~
~~4 recorded on the voter registration books as being affiliated with~~
~~5 a political party which has lost its legal status as provided in~~
~~6 G.S. 163-97. The State Board of Elections shall not implement the~~
~~7 authority contained in this section earlier than 90 days~~
~~8 following the certification of the election in which the~~
~~9 political party failed to continue its legal status as provided~~
~~10 in G.S. 163-97. All voters affiliated with such expired political~~
~~11 party shall be changed to "unaffiliated" designation by the State~~
~~12 Board's order and all such registrants shall be entitled to~~
~~13 declare a political party affiliation as provided in G.S.~~
~~14 163-74(b). Any voter registered with a political party shall be~~
~~15 allowed to retain that affiliation even if that party loses its~~
~~16 status as a political party under the provisions of G.S. 163-97.~~
~~17 Unless the voter indicates an intention otherwise, the county~~
~~18 board of elections shall carry that voter on its registration~~
~~19 lists as a member of the expired party."~~

20 Section 3. G.S. 163-97 reads as rewritten:

21 "§ 163-98. General election participation by new political party.

22 In the first general election following the date on which a new
23 political party qualifies under the provisions of G.S. 163-96, it
24 shall be entitled to have the names of its candidates for
25 municipal, county, district, State, congressional, and national
26 offices printed on the official ballots, but it shall not be
27 entitled to have the names of candidates for other offices
28 printed on State, district, or county ballots at that election.
29 ballots in accordance with the procedures in this section.

30 For the first general election following the date on which it
31 qualifies under G.S. 163-96, a new political party shall select
32 its candidates ~~by party convention. Following adjournment of the~~
33 ~~nominating convention, but not later than the first day of July~~
34 ~~prior to the general election, the president of the convention~~
35 ~~shall certify to the State Board of Elections the names of~~
36 ~~persons chosen in the convention as the new party's candidates~~
37 ~~for State, congressional, and national offices in the ensuing~~
38 ~~general election. The State Board of Elections shall print names~~
39 ~~thus certified on the appropriate ballots as the nominees of the~~
40 new party, in accordance with Article 10 of this Chapter."

41 Section 4. Article 9 of Chapter 163 of the General
42 Statutes is amended by adding a new section to read:

43 "163-100. Political party for presidential election only.

1 A party shall be recognized only for the purposes of nominating
2 candidates for presidential elector in a general election if the
3 party meets the other requirements of this Article except that
4 the petitioners for that party file their petitions as provided
5 in G.S. 163-96(a)(2) with the State Board of Elections before
6 12:00 noon on the second Thursday in July before that general
7 election. If that party so qualifies, it may nominate its
8 electors in convention no later than ninety (90) days before the
9 general election. Unless the party has met the petition deadline
10 of G.S. 163-96, it shall cease to be a political party within the
11 provisions of this Chapter."

12 Section 5. G.S. 163-106(b) reads as rewritten:

13 "(b) Eligibility to File. -- No person shall be permitted to
14 file as a candidate in a primary if, at the time he offers to
15 file notice of candidacy, he is registered on the appropriate
16 registration book or record as an affiliate of a political party
17 other than that in whose primary he is attempting to file. No
18 person who has changed his political party affiliation or who has
19 changed from unaffiliated status to party affiliation as
20 permitted in G.S. 163-82.17, shall be permitted to file as a
21 candidate in the primary of the party to which he changed unless
22 he has been affiliated with the political party in which he seeks
23 to be a candidate for at least 90 days prior to the filing date
24 for the office for which he desires to file his notice of
25 ~~candidacy-~~ candidacy, provided that the requirement of this
26 sentence shall not apply to a person filing a notice of candidacy
27 in the primary of a party holding its first primary since gaining
28 ballot access under the provisions of G.S. 163-96(a)(2).

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

31 Section 6. G.S. 163-107.1 reads as rewritten:

32 "§ 163-107.1. Petition in lieu of payment of filing fee.

33 (a) Any qualified voter who seeks nomination in the party
34 primary of the political party with which he affiliates may, in
35 lieu of payment of any filing fee required for the office he
36 seeks, file a written petition requesting him to be a candidate
37 for a specified office with the appropriate board of elections,
38 State, county or municipal.

39 (b) If the candidate is seeking the office of United States
40 Senator, Governor, Lieutenant Governor, any State executive
41 officer, Justice of the Supreme Court or Judge of the Court of
42 Appeals, the petition must be signed by ~~10,000 registered voters~~
43 ~~who are members of the political party in whose primary the~~
44 ~~candidate desires to run, except that in the case of a political~~

~~1 party as defined by G.S. 163-96(a)(2) which will be making~~
~~2 nominations by primary election, the petition must be signed by~~
~~3 ten percent (10%) of the registered voters of the State who are~~
~~4 affiliated with the same political party in whose primary the~~
~~5 candidate desires to run, or in the alternative, the petition~~
~~6 shall be signed by no less than 10,000 registered voters~~
~~7 regardless of the voter's political party affiliation, whichever~~
~~8 requirement is greater. registered voters of the State equal in~~
~~9 number to two percent (2%) of the total number of registered~~
~~10 voters in the State as reflected by the most recent statistical~~
~~11 report issued by the State Board of Elections. The petition must~~
~~12 be filed with the State Board of Elections not later than 12:00~~
~~13 noon on Monday preceding the filing deadline before the primary~~
~~14 in which he seeks to run. The names on the petition shall be~~
~~15 verified by the board of elections of the county where the signer~~
~~16 is registered, and the petition must be presented to the county~~
~~17 board of elections at least 15 days before the petition is due to~~
~~18 be filed with the State Board of Elections. When a proper~~
~~19 petition has been filed, the candidate's name shall be printed on~~
~~20 the primary ballot.~~

21 (c) County, Municipal and District Primaries. -- If the
22 candidate is seeking one of the offices set forth in G.S. 163-
23 106(c) but which is not listed in subsection (b) of this section,
24 or a municipal or any other office requiring a partisan primary
25 which is not set forth in G.S. 163-106(c) or (d), he shall file a
26 written petition with the appropriate board of elections no later
27 than 12:00 noon on Monday preceding the filing deadline before
28 the primary. The petition shall be signed by ~~ten percent (10%) of~~
29 ~~the registered voters of the election area in which the office~~
30 ~~will be voted for, who are affiliated with the same political~~
31 ~~party in whose primary the candidate desires to run, or in the~~
32 ~~alternative, the petition shall be signed by no less than 200~~
33 ~~registered voters regardless of said voter's political party~~
34 ~~affiliation, whichever requirement is greater. registered voters~~
35 ~~in the election area in which the office will be voted for equal~~
36 ~~to four percent (4%) of the registered voters of that area, as~~
37 ~~reflected by the latest statistical report issued by the~~
38 ~~appropriate board of elections. The board of elections shall~~
39 verify the names on the petition, and if the petition is found to
40 be sufficient, the candidate's name shall be printed on the
41 appropriate primary ballot. Petitions for candidates for member
42 of the U.S. House of Representatives, District Attorney, and
43 judge of the District Court or members of the State House of
44 Representatives from multi-county districts or members of the

1 State Senate from multi-county districts must be presented to the
2 county board of elections for verification at least 15 days
3 before the petition is due to be filed with the State Board of
4 Elections, and such petition must be filed with the State Board
5 of Elections no later than 12:00 noon on Monday preceding the
6 filing deadline. The State Board of Elections may adopt rules to
7 implement this section and to provide standard petition forms.

8 (d) Nonpartisan Primaries and Elections. -- Any qualified
9 voter who seeks to be a candidate in any nonpartisan primary or
10 election may, in lieu of payment of the filing fee required, file
11 a written petition signed by ~~ten percent (10%) of the registered~~
12 ~~voters in the election area in which the office will be voted for~~
13 ~~with the appropriate board of elections.~~ registered voters in
14 the election area in which the office will be voted for equal to
15 four percent (4%) of the registered voters of that area, as
16 reflected by the latest statistical report issued by the
17 appropriate board of elections. Any qualified voter may sign the
18 petition. The petition shall state the candidate's name, address
19 and the office which he is seeking. The petition must be filed
20 with the appropriate board of elections no later than 60 days
21 prior to the filing deadline for the primary or election, and if
22 found to be sufficient, the candidate's name shall be printed on
23 the ballot. "

24 Section 7. G.S. 163-122 reads as rewritten:

25 "§ 163-122. Unaffiliated candidates nominated by petition.

26 (a) Procedure for Having Name Printed on Ballot as
27 Unaffiliated Candidate. -- Any qualified voter who seeks to have
28 his name printed on the general election ballot as an
29 unaffiliated candidate shall:

30 (1) If the office is a statewide office, file written
31 petitions with the State Board of Elections
32 supporting his candidacy for a specified office.
33 These petitions must be filed with the State Board
34 of Elections on or before 12:00 noon on the ~~last~~
35 ~~Friday in June~~ day of the first primary for the
36 office preceding the general election and must be
37 signed by qualified voters of the State equal in
38 number to two percent (2%) of the total number of
39 registered voters in the State as reflected by the
40 most recent statistical report issued by the State
41 Board of Elections. Each petition shall be
42 presented to the chairman of the board of elections
43 of the county in which the signatures were
44 obtained. The chairman shall examine the names on

1 the petition and place a check mark on the petition
2 by the name of each signer who is qualified and
3 registered to vote in his county and shall attach
4 to the petition his signed certificate. Said
5 certificates shall state that the signatures on the
6 petition have been checked against the registration
7 records and shall indicate the number of signers to
8 be qualified and registered to vote in his county.
9 The chairman shall return each petition, together
10 with the certificate required in this section, to
11 the person who presented it to him for checking.
12 Verification by the chairman of the county board of
13 elections shall be completed within two weeks from
14 the date such petitions are ~~presented and a fee of~~
15 ~~five cents (5¢) for each name appearing on the~~
16 ~~petition has been received.~~ presented.

17 (2) If the office is a district office comprised of two
18 or more counties, file written petitions with the
19 State Board of Elections supporting his candidacy
20 for a specified office. These petitions must be
21 filed with the State Board of Elections on or
22 before 12:00 noon on the ~~last Friday in June~~ day
23 of the first primary for the office preceding the
24 general election and must be signed by qualified
25 voters of the district equal in number to four
26 percent (4%) of the total number of registered
27 voters in the district as reflected by the latest
28 statistical report issued by the State Board of
29 Elections. Each petition shall be presented to the
30 chairman of the board of elections of the county in
31 which the signatures were obtained. The chairman
32 shall examine the names on the petition and the
33 procedure for certification shall be the same as
34 specified in (1) above.

35 (3) If the office is a county office or a single county
36 legislative district, file written petitions with
37 the chairman or director of the county board of
38 elections supporting his candidacy for a specified
39 county office. These petitions must be filed with
40 the county board of elections on or before 12:00
41 noon on the ~~last Friday in June~~ day of the first
42 primary for the office preceding the general
43 election and must be signed by qualified voters of
44 the county equal in number to four percent (4%) of

1 the total number of registered voters in the county
2 as reflected by the most recent statistical report
3 issued by the State Board of Elections, except if
4 the office is for a district consisting of less
5 than the entire county and only the voters in that
6 district vote for that office, the petitions must
7 be signed by qualified voters of the district equal
8 in number to four percent (4%) of the total number
9 of voters in the district according to the most
10 recent figures certified by the State Board of
11 Elections. Each petition shall be presented to the
12 chairman or director of the county board of
13 elections. The chairman shall examine, or cause to
14 be examined, the names on the petition and the
15 procedure for certification shall be the same as
16 specified in (1) above.

17 (4) If the office is a partisan municipal office, file
18 written petitions with the chairman or director of
19 the county board of elections in the county wherein
20 the municipality is located supporting his
21 candidacy for a specified municipal office. These
22 petitions must be filed with the county board of
23 elections on or before the time and date specified
24 in G.S. 163-296 and must be signed by the number of
25 qualified voters specified in G.S. 163-296. The
26 procedure for certification shall be the same as
27 specified in (1) above.

28 Upon compliance with the provisions of (1), (2), (3), or (4) of
29 this subsection, the board of elections with which the petitions
30 and affidavit have been timely filed shall cause the unaffiliated
31 candidate's name to be printed on the general election ballots in
32 accordance with G.S. 163-140.

33 An individual whose name appeared on the ballot in a primary
34 election preliminary to the general election shall not be
35 eligible to have his name placed on the general election ballot
36 as an unaffiliated candidate for the same office in that year.

37 (b) Form of Petition. -- Petitions requesting an unaffiliated
38 candidate to be placed on the general election ballot shall
39 contain on the heading of each page of the petition in bold print
40 or in all capital letters the words: "THE UNDERSIGNED REGISTERED
41 VOTERS IN COUNTY HEREBY PETITION ON BEHALF OF
42 AS AN UNAFFILIATED CANDIDATE IN THE NEXT GENERAL
43 ELECTION. THE UNDERSIGNED HEREBY PETITION THAT SUBJECT CANDIDATE

1 BE PLACED ON THE APPROPRIATE BALLOT UPON COMPLIANCE WITH THE
2 PROVISIONS CONTAINED IN G.S. 163-122.

3 (c) This section does not apply to elections under Article 25
4 of this Chapter.

5 (d) Presidential Electors. -- Unaffiliated candidates for
6 presidential electors who comply with the other provisions of
7 this section shall qualify for the ballot if the petitions for
8 their candidacy is filed with the State Board of Elections at
9 least seventy-five (75) days before the general election."

10 Section 8. G.S. 163-123(c)(1) reads as rewritten:

11 "(1) If the office is a statewide office, file written
12 petitions with the State Board of Elections
13 supporting his candidacy for a specified office.
14 These petitions shall be filed on or before noon on
15 the 90th day before the general election. They
16 shall be signed by 500 qualified voters of the
17 State. Before being filed with the State Board of
18 Elections, each petition shall be presented to the
19 board of elections of the county in which the
20 signatures were obtained. A petition presented to a
21 county board of elections shall contain only names
22 of voters registered in that county. The chairman
23 of the county board of elections shall examine the
24 names on the petition and place a check mark by the
25 name of each signer who is qualified and registered
26 to vote in his county. The chairman of the county
27 board shall attach to the petition his signed
28 certificate. On his certificate the chairman shall
29 state that the signatures on the petition have been
30 checked against the registration records and shall
31 indicate the number of signers who are qualified
32 and registered to vote in his county and eligible
33 to vote for that office. The chairman shall return
34 each petition, together with the certificate
35 required in this section, to the person who
36 presented it to him for checking. The chairman of
37 the county board shall complete the verification
38 within two weeks from the date the petition is
39 presented. ~~At the time of submitting the petition,~~
40 ~~a fee of five cents (5¢) shall be paid for each~~
41 ~~name appearing on the petition. "~~

42 Section 9. This act is effective when it becomes law.



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April 16, 1997

TO: House Committee on Election Laws and Campaign Reform.

FROM: William R. Gilkeson, Counsel.

RE: PCS for House Bill 79 – Ballot Access Changes.

The Proposed Committee Substitute for House Bill 79, introduced by Representative Rayfield, would make changes to the ballot access laws relating to new political parties and their candidates, unaffiliated candidates, and (to a lesser extent) write-in candidates. The changes are designed to:

- Place major party, minor party, and unaffiliated candidates for State and local offices on an even footing, while recognizing the special circumstances that call for different provisions for presidential elections.
- To put the statutes in compliance with court decisions.
- To remove certain barriers to ballot access by new parties; and
- To ease administrative burdens on the boards of elections.

The bill as introduced was recommended by the LRC Study Committee on Election Laws Reform. Several additional changes, however, have been recommended to this House Committee by the Subcommittee on Election Reform.

(Note: As used in this explanation, a "new party" for an election cycle means a party that must gain ballot access for that cycle by collecting names on a petition. An "existing party" is one that has been on the ballot in a previous election cycle and has retained ballot access by receiving 10% of the votes cast for Governor or President. A "new party" may have been on the ballot in a previous election, as the Libertarian and Natural Law parties were, but would still be a "new party" because it lost its status by receiving fewer than 10% of the votes and had to go back through the petition process.)

The Proposed Committee Substitute would make these changes:

1. **Move the New Party Filing Deadline.** The PCS would change the dates on which a new party must submit its qualifying petitions for the right to be on the ballot in North Carolina. Currently, a party that does not already have ballot access must submit petitions signed by registered voters equal to 2% of vote cast in last Governor's race, with 200 from each of 4 congressional districts. Those petitions must be filed by June 1 before the general election. As introduced, HB 79 would have moved that deadline up to the second Thursday in July. The PCS would set two deadlines for new parties:
 - December 31 if the new party wishes to run candidates offices other than presidential electors.
(Section 1 of the PCS.)

- The 2nd Thursday in July if the new party only wants to be on the North Carolina ballot in the presidential election. (*Section 4 of the PCS*)

The Subcommittee felt that if a new party is to field a full slate of State and local candidates, as the courts have said a new party may do, it should have completed the prerequisites for ballot access in time for its candidates to qualify at the same time and in the same manner as the candidates of the existing parties. The Subcommittee recognized, however, that the presidential election is different, with the major parties not nominating their candidates till the summer and with federal court decisions that have looked with particular disapproval on state laws that restrict the presidential election system.

2. **Change New Party Candidate Procedure.** The PCS would codify in statute the right of new parties to run candidates at all levels, once the party has achieved ballot access. It would also apply to new party candidates the same nominating procedures that existing party candidates face. The current statute only allows new parties to field a slate for president, Congress, and statewide office. But in the U.S. District Court's 1988 decision in *New Alliance Party v. State Board of Elections*, new parties won the right to run candidates all the way down the ballot. The current statute states that a new party must nominate its candidates in a convention. The party must hold that convention by July 1. Existing parties must nominate through the primary process. Under the PCS, non-presidential candidates of a new party would:
 - Be required to file their notice of candidacy during the same filing period that applies to existing party candidates, the 1st Monday in January through the 1st Monday in February. (*Section 3*.)
 - Be required to pay the same filing fee as candidates for nomination by existing parties, or in the alternative to collect the same number of names on petitions as existing party candidates. (*Sections 3 and 6*.)
 - Be required to be registered as a voter with the new party whose nomination they seek for the office, just as existing party candidates are. Unlike existing party candidates, however, new party candidates would not be prohibited from filing as candidates in the new party primary if within the past 90 days they have changed their party registration. It could be that their party would not have been in existence for 90 days, so the 90-day requirement could not practically be applied to all new party candidates. (*Section 5*.)
 - Run in a new party primary if more than the number to be elected filed for the party's nomination to any office, or if not be automatically declared the new party's nominee at the end of the filing period. The new party primary would be held in May, at the same time as existing party primaries. (*Section 3*.)
3. **Equalize Unaffiliated Candidate Requirements.** The PCS would set the petition deadline for non-presidential unaffiliated candidates at the date of the primary for the existing and new parties. Current law sets the petition deadline as the last Friday in June. Here again, presidential elections are treated differently: Unaffiliated candidates for presidential elector are given a petition deadline of 75 days before the general election. The 1980 U.S. District Court decision in *Greaves v. State Board of Elections* invalidated the N.C. unaffiliated filing deadline of the last Friday in April for a presidential candidate. The petition requirement for unaffiliated candidates is left the same (2% of registered voters statewide, 4% in district and county offices), but the petition alternative to paying a filing fee for party candidates is changed to be the same as for unaffiliateds. (*Section 7*.)
4. **Repeal the 5-Cent-Per-Name Charge for Petitions.** The PCS removes from the petition requirements for new parties, unaffiliateds, and write-in candidates a requirement that the petitioner pay the board of elections 5 cents per name. The U.S. District Court in *McLaughlin v. State Board of Elections* (1995) held the provision to be invalid for new parties. The Attorney General then advised the boards of elections to stop collecting the 5 cents per name for all kinds of petitions. But, though now not being collected, the 5 cent requirement remains in the statutes. The PCS would remove it. This would be the only change the PCS makes to the write-in law. (*Sections 1, 7, and 8*.)

5. **Allow Small Party Voter to Retain Status.** The PCS would allow voters affiliated with an expired political party to keep that designation on the registration books. Currently, when a party loses its ballot status, boards of elections are required to go to the expense of changing the records of voters affiliated with that party to "Unaffiliated." This provision was part of the original bill recommended by the Study Committee. *(Section 2.)*
6. **Reword New Party Petitions.** The PCS would change the petition wording prescribed in the statute so that its final sentence says: "THE SIGNERS OF THIS PETITION DESIRE THAT A NEW POLITICAL PARTY BE ORGANIZED TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION." Currently, the final sentence says: "THE SIGNERS OF THIS PETITION INTEND TO ORGANIZE A NEW POLITICAL PARTY TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION." This provision was part of the original bill recommended by the Study Committee. *(Section 1.)*
7. **Give County Boards Flexibility in Checking New Party Petitions.** The PCS would give county boards of elections 15 business days to verify all the names on a new party's petitions, and allow them to extend their deadline if there is no disadvantage to the petitioners. Currently, county boards of elections are given two weeks to verify all the names on a new party's petitions, regardless of whether the party's qualifying deadline, or any other deadline of concern to the party, is imminent. This provision was part of the original bill recommended by the Study Committee. *(Section 1.)*

The PCS would go into effect upon being signed into law.

CURRENT NORTH CAROLINA LAW ON BALLOT ACCESS.

	<u>Democrats or Republicans</u>	<u>New Party</u>	<u>Unaffiliated</u>	<u>Write-In</u>
When Party Must Qualify to Get on Ballot	N/A	June 1	N/A	N/A
What Party Must Do to Qualify to Get (or Stay) on Ballot	Get at least 10% of last statewide vote for Gov. or Pres.	Get signatures equal to 2% of last statewide vote for Gov., with at least 200 of those names from each congressional district. (A requirement of paying 5 cents per name has been held unconstitutional because not applied uniformly.)	N/A	N/A
When Must Candidates File	Between 1 st Monday in January and 1 st Monday in February of election year.	Filing not required—Candidates of new party are nominated at convention.	Last Friday in June.	90 days before general election. (Early August.)
What statewide candidates must do to file.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures on petition of 10% of that party's voters in the state, or 10,000 of all voters in state, whichever is greater.	N/A	Get signatures of 2% of registered voters in State. (Enforcement of a requirement of paying 5 cents per name has been suspended due to its invalidation for new parties.)	- Declare intention to be a candidate; <u>and</u> - Get signatures of 500 registered voters in the State. (Enforcement of a requireme of paying 5 cents per name h been suspended due to its invalidation for new parties.)
What non-statewide candidates must do to file.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures on petition of 10% of that party's voters in the area voting for the office, or 200 of all voters in that area, whichever is greater.	N/A	Get signatures of 4% of voters in district. (Enforcement of a requirement of paying 5 cents per name has been suspended due to its invalidation for new parties.)	- Declare intention to be a candidate; <u>and</u> - Get signatures of 500 registered voters in a multi-county district, or 100 voters in a county or sub-county electorate, with at least 1% of any electorate that has fewer than 5,000 registered voters. (Enforcement of a requirement of paying 5 cents per name has been suspended due to its invalidation for new parties.)
When candidates must be nominated	Tuesday after 1 st Monday in May (or, if runoff, 4 weeks later).	July 1	Last Friday in June (same as filing).	90 days before general election (same as filing).
How candidate nominated	By voters in primary.	By party in convention.	Same as filing.	Same as filing.
Special Qualifications for Candidate	Must be registered with party and not have changed party registration in last 90 days.	Need not be registered with party. May have been defeated in another party's primary for same office.	May not have been defeated in a party's primary for the same office.	May not have been defeated in a party's primary for the same office.

SUBCOMMITTEE RECOMMENDATION – HOUSE PCS FOR HB 79.

	<u>Democrats or Republicans</u>	<u>New Party</u>	<u>Unaffiliated</u>	<u>Write-In</u>
When Party Must Qualify to Get on Ballot	N/A	December 31. (For Pres. only-2 ^d Thurs in July)	N/A	N/A
What Party Must Do to Qualify to Get (or Stay) on Ballot	Get at least 10% of last statewide vote for Gov. or Pres.	Get signatures equal to 2% of last statewide vote for Gov., with at least 200 of those names from each congressional district. (Requirement of paying 5 cents per name repealed.)	N/A	N/A
When Must Candidates File	Between 1 st Monday in Jan. and 1 st Monday in Feb. of election year.	Between 1 st Monday in January and 1 st Monday in February of election year.	N/A	90 days before general election. (Early August.)
What statewide candidates must do to file.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures of 2% of registered voters in State.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures of 2% of registered voters in State.	Get signatures of 2% of registered voters in State. (Requirement of paying 5 cents per name repealed.)	- Declare intention to be a candidate; <u>and</u> - Get signatures of 500 registered voters in the State. (Requirement of paying 5 cents per name repealed.)
What non-statewide candidates must do to file.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures of 4% of voters in district.	- Pay filing fee (generally 1% of annual salary of office sought); <u>or</u> - Get signatures of 4% of voters in district.	Get signatures of 4% of voters in district. (Requirement of paying 5 cents per name repealed.)	- Declare intention to be a candidate; <u>and</u> - Get signatures of 500 registered voters in a multi-county district, or 100 voters in a county or sub-county electorate, with at least 1% of any electorate that has fewer than 5,000 registered voters. (Requirement of paying 5 cents per name repealed.)
When candidates must be nominated	Tuesday after 1 st Monday in May (or, if runoff, 4 weeks later).	Tuesday after 1 st Monday in May (or, if runoff, 4 weeks later). (For Pres. only, 90 days before general election.)	Date of 1 st primary.	90 days before general election (same as filing).
How candidate nominated	By voters in primary.	By voters in primary.	Same as filing.	Same as filing.
Special Qualifications for Candidate	Must be registered with party and not have changed party registration in last 90 days.	Must be registered with party, but may have changed party registration in last 90 days (since the new party may not have existed for 90 days).	May not have been defeated in a party's primary for the same office.	May not have been defeated in a party's primary for the same office.

Boldface indicates a change from current law.

5-14-97
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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 736

Proposed Committee Substitute -- H736-PCSRR-001

Short Title: Voter I.D.

(Public)

Sponsors:

Referred to: Election Law and Campaign Reform.

April 1, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ALL COUNTIES TO ISSUE VOTER REGISTRATION CARDS
3 AND TO PROVIDE FOR A VOTER IDENTIFICATION REQUIREMENT AT THE
4 POLLS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 163-82.8 reads as rewritten:
7 "§ 163-82.8. Voter registration cards.
8 (a) Authority to Issue Card. -- ~~With the approval of the board~~
9 ~~of county commissioners, the~~ The county board of elections ~~may~~
10 shall issue to each voter in the county a voter registration
11 ~~card, or may issue cards to all voters registered after January~~
12 ~~1, 1995.~~ card not later than December 31, 1997.
13 (b) Content and Format of Card. -- At a minimum, the voter
14 registration card shall:
15 (1) List the voter's name, address, and voting place;
16 (2) Contain the address and telephone number of the
17 county board of elections, along with blanks to
18 report a change of address within the county,
19 change of name, and change of party affiliation;
20 ~~and~~
21 (3) Be ~~wallet size~~ size; and
22 (4) Contain an identification number.

1 No voter registration card may be issued by a county board of
2 elections unless the State Board of Elections has approved the
3 format of the card.

4 (c) Ways County Board and Registrant May Use Card. -- ~~If the~~
5 ~~county board of elections issues voter registration cards, the~~
6 The county board may use that card as a notice of tentative
7 approval of the voter's application pursuant to G.S. 163-82.7(c),
8 provided that the mailing contains the statements and information
9 required in that subsection. The county board may also satisfy
10 the requirements of G.S. 163-82.15(b), 163-82.16(b), or 163-
11 82.17(b) by sending the registrant a replacement of the voter
12 registration card to verify change of address, change of name, or
13 change of party affiliation. A registrant may use the card to
14 report a change of address, change of name, or change of party
15 affiliation, satisfying G.S. 163-82.15, 163-82.16, or 163-82.17.

16 (d) Card as Evidence of Registration. -- A voter registration
17 card shall be evidence of registration but shall not preclude a
18 challenge as permitted by law.

19 ~~(e) Display of Card May Not Be Required to Vote. -- No county~~
20 ~~board of elections may require that a voter registration card be~~
21 ~~displayed in order to vote. "~~

22 Section 2. G.S. 163-150(a) reads as rewritten:

23 "(a) Checking Registration. -- A person seeking to vote shall
24 enter the voting enclosure at the voting place through the
25 appropriate entrance and shall at once state his name and place
26 of residence to one of the judges of election. A voter shall show
27 one of the following types of identification:

- 28 (1) A voter registration card issued under G.S. 163-
29 82.8;
- 30 (2) A drivers license;
- 31 (3) A special identification card issued under G.S. 20-
32 37.7;
- 33 (4) A passport;
- 34 (5) An identification card issued by the U.S.
35 Department of Defense; or
- 36 (6) A social security card and one other type of
37 identification showing the name and a picture of
38 the voter.

39 A voter who does not show one of those types of identification,
40 but does not otherwise appear to be ineligible to vote in the
41 precinct, shall be allowed to mark a provisional ballot. The
42 provisional ballot shall be sealed in an envelope on which the
43 voter shall sign an affidavit attesting to identity and
44 eligibility to vote the ballot. The county board of elections

1 shall determine if the voter is eligible to cast the ballot and,
2 if so, shall count it, and if not, shall not count it. The State
3 Board of Elections shall promulgate rules for provisional ballot
4 procedures to include instructions for county boards of elections
5 in methods to determine the eligibility of persons who vote a
6 provisional ballot under this subsection. In a primary election,
7 the voter shall also state the political party with which he
8 affiliates and in whose primary he desires to vote, or if the
9 voter is an unaffiliated voter permitted to vote in the primary
10 of a particular party under G.S. ~~163-116,~~ 163-119, the voter
11 shall state the name of the authorizing political party in whose
12 primary he wishes to vote. The judge to whom the voter gives
13 this information shall announce the name and residence of the
14 voter in a distinct tone of voice. After examining the precinct
15 registration records, the chief judge shall state whether the
16 person seeking to vote is duly registered."

17 Section 3. This act is effective when it becomes law.



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5-14-97
A++4

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Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
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April 23, 1997

TO: House Committee on Election Laws and Campaign Reform.

FROM: William R. Gilkeson, Staff Attorney.

RE: House Bill 736 -- Voter Identification.

House Bill 736, introduced by Rep. Justus, would require every voter to present an identification document at the polls. It would also require every county to issue a voter I.D. card to every voter.

Under current law, there is no requirement that a voter display an I.D. at the polls. The voter is required, upon entering the voting enclosure, to state her name and address to one of the judges. After determining from the pollbook or printout whether the person is duly registered, the precinct officials allow the person to vote. A few counties (including Mecklenburg) give the voter an authorization slip which they ask the voter to sign. But in most North Carolina polling places no one is asked routinely to show an I.D. or to sign anything before voting.

If a voter is challenged at the polls as being ineligible to vote, the precinct judges hold a hearing to determine that person's eligibility. As part of satisfying that the person is eligible to vote, the officials may ask for an I.D. as evidence.

Current law gives the county boards of elections the authority to issue a voter registration card to each registered voter. But the law says the county board may issue such a card only if it follows a format approved by the State Board of Elections and if it gains the agreement of its county board of commissioners. The State Board says 98 counties have submitted to it formats for cards. But the State Board says it does not know if all those counties have issued cards. Spot checking has shown that at least one county has been denied a request for funding the cards by its county commissioners. Another one has cards ready to be issued, but they have not been issued because of a dispute over how many precincts the county will have. As a rule, voter registration cards do not contain a photo of the registrant.

At least eight states have some sort of I.D.-display requirement before voting: Alaska, Connecticut, Florida, Hawaii, Louisiana, South Carolina, Texas, and Virginia. In those states, the type of I.D. that is acceptable is defined in different ways. The consequence of not having an I.D. is usually that the voter is allowed to vote after signing an affidavit.

HB 736 would require every voter to present an I.D. before voting, after stating name and address. The bill specifies the types of I.D. that would be acceptable:

- Voter-registration card.
- Driver's license.
- DMV-issued non-driver's I.D. card.
- Passport.

- Military I.D.
- Social security card plus a picture I.D. of any kind.

The consequence of not having an I.D. would be that the voter would be allowed to mark a provisional ballot. That ballot would be placed in an envelope on which the voter would sign an affidavit attesting to identity and eligibility to vote in the precinct. The ballot, sealed in the affidavit envelope, would be sent to the county board of elections. There the county board of elections would determine if the voter is eligible to vote the ballot. If the determination was yes, they would count the ballot; if no, they would not count it.

The bill would require all counties to issue voter registration cards to all voters by December 31, 1997.

The bill would go into effect immediately.

NORTH CAROLINA GENERAL ASSEMBLY
PROPOSED AMENDMENT

H.B. No. 736

S.B. No. _____

Committee Substitute _____

Rep. Braswell

Sen. _____

moves to amend the bill on page 2, lines 39 through 41
() which changes the title
by _____

deleting the language that reads " , but
does not otherwise appear to be intelligible
to read in the present, "

WORKSHEET

Committee Action Jerry Braswell

Date 5-17-87

VISITOR REGISTRATION SHEET

ELECTION LAW & CAMPAIGN REFORM

MAY 14 , 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

VISITOR REGISTRATION SHEET

ELECTION LAW & CAMPAIGN REFORM

MAY 14 , 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

MINUTES

HOUSE COMMITTEE ON ELECTION LAW AND CAMPAIGN REFORM

Wednesday, May 21, 1997

Room 1327

The House Committee on Election Law and Campaign Reform met in Room 1327 of the Legislative Building on Wednesday, May 21, 1997 at 11:00 a.m. Representative Larry Justus called the meeting to order and introduced the pages. The Visitor Registration sheet indicates visitors present and is attached as a part of the record. A silent roll was called (roll list denotes members present).

SB 708 STAND BY YOUR AD

There were three handouts distributed to all members regarding this bill: Attachment 1 - House Proposed Committee Substitute—S708-PCSRR-011; Attachment 2 - House Committee Substitute-S708-PCSRR-012; Attachment 3 - Explanation by Staff Attorney, William R. Gilkeson.

Senator Roy Cooper explained the House Proposed Committee Substitute before the committee, and stated it was a bipartisan effort and they had worked hard on the technical aspects of this bill. He stated this bill was about disclosure, taking responsibility for political ads run on television, radio, and in print so there would be no doubt as to the identity of the sponsor of the ad. He showed a short video which reflected some of the requirements for political ads which could deter negative ads. He stated the constitutional way to approach this is to make sure the public knows who is running the ad and who is responsible for the ad clearly, regardless of the content of the ad. There were questions and discussion by members of the committee concerning the requirements of this bill.

Representative Michaux moved to adopt House Committee Substitute #12 (Attachment 2) for purposes of discussion, and the motion passed. Questions and discussion continued. Senator Cooper pointed out the civil "Legal Remedy" on page 6 which would allow you to file a civil lawsuit against offending parties in which treble damages would be awarded. Notice to the party placing the ad is required; if the ad continues after notice was given, then a cause of action exists.

Mr. Gilkeson explained the provisions of the committee substitute bill on page 12 which requires disclosure of spending for material that names elections, candidates, parties, elected officials, and referendum issues. Questions and discussion continued by members of the committee.

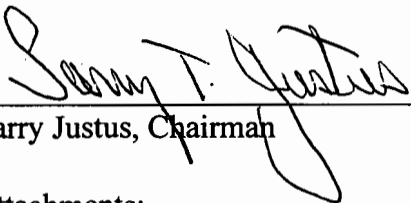
Representative Shubert offered a technical amendment to omit the words "shall be made by any sponsor" on lines 13 and 14, page 1. The motion passed. Staff was directed to prepare this amendment (see Attachment 4). Questions and further discussion of provisions of bill continued.

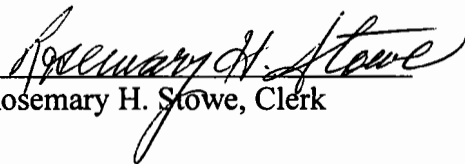
Representative Jarrell offered an amendment to the bill on page 9, line 26, to insert the word "fliers" after the word "pamphlets." After discussion and questions, the motion passed. Staff was directed to prepare this amendment (see Attachment 5).

Other discussions by members followed. Then a motion was made by Representative Michaux relative to the House Proposed Committee Substitute (# 12). The motion was: "I move that the bill be incorporated with the amendments into a committee substitute and the committee substitute be given a favorable report and the original bill be given an unfavorable report." Representative Justus thanked Representative Michaux for the motion and asked if any discussion on the motion. Representative Baddour made comments favorable to the bill as proposed with amendments. Other questions to Senator Cooper ensued and further discussion by other members occurred. There was a vote on the Michaux motion, and it passed.

Representative Justus stated that HB 736 - Voter I.D. - would be taken up as the first item of business at the next meeting, and the committee would try to roll it into a committee substitute. A handout on this bill had been distributed earlier to the members (Attachment 6 - Proposed Committee Substitute— H736-PCSRR-004).

The meeting adjourned at 12:00 noon.


Larry Justus, Chairman


Rosemary H. Stowe, Clerk

Attachments:

- (1) House Proposed Cmte. Substitute (#11) for SB708
- (2) House Proposed Cmte Substitute (#12) for SB708
- (3) Explanation of SB 708 by Staff
- (4) Amendment by Rep. Shubert
- (5) Amendment by Rep. Jarrell
- (6) Proposed Committee Substitute—H736-PCSRR-004
- (7) Other Attachments (Agenda, Meeting Notice, Attendance record, Visitor Registration list, and Verbatim transcript of motion by Representative Michaux per request by Representative Justus)

Attach to
official
Minutes
(C. Justus)

HOUSE COMMITTEE
ON
ELECTION LAW & CAMPAIGN REFORM
MAY 21, 1997
11:00 AM
ROOM 1327, LEGISLATIVE BUILDING

AGENDA

I. CALL TO ORDER

Co-Chairmen: Representative Larry Justus
Representative Connie Wilson

II. BILLS

HB 736 VOTER I.D.
SB 708 STAND BY YOUR AD
HB 1145 JUDICIAL RETENTION
SB 825 CANDIDATE ACCOUNTABILITY

III. ADJOURNMENT

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **ELECTION LAW & CAMPAIGN REFORM** will meet as follows:

DAY & DATE: **Wednesday, May 21, 1997**

TIME: **11:00 AM**

LOCATION: **ROOM 1327**

The following bills will be considered (Bill # & Short Title):

HB736 VOTER I.D.

HB1145 JUDICIAL RETENTION

SB708 STAND BY YOUR AD

SB825 CANDIDATE ACCOUNTABILITY

Respectfully,

Representatives JUSTUS AND WILSON
Co-Chairs

I hereby certify this notice was filed by the committee clerk at the following offices at
10:20 AM on MAY 20, 1997.

____Principal Clerk
____Reading Clerk - House Chamber

ROSEMARY H. STOWE (Committee Clerk)

ATTENDANCE

ELECTION LAWS & CAMPAIGN REFORM

(Name of Committee)

DATES	2/26	3/2	3/26	4/9	4/23	5/7	5/21												
LARRY JUSTUS	✓	✓	✓	✓	✓	✓	✓												
CONNIE WILSON	✓	✓	✓	✓	✓	✓	✓												
HENRY ALDRIDGE	✓	✓	✓	✓	✓	✓	✓												
MARTHA ALEXANDER	✓		✓	✓	✓	✓	*												
GENE ARNOLD	✓	✓	✓	✓	✓	✓													
PHIL BADDOUR	✓	✓	✓	✓	✓	✓	✓												
CHERIE BERRY	✓		✓		✓	✓													
DONALD BONNER	✓	✓	✓	✓	✓	✓	✓												
JERRY BRASWELL	✓		✓	✓		✓													
LANIER CANSLER	✓	✓	✓	✓	✓	✓													
WALTER CHURCH	✓	✓		✓															
ANDY DEDMON	✓	✓	✓	✓	✓	✓	✓												
SANDY HARDY	✓	✓	✓	✓	✓		✓												
BILL HIATT	✓	✓	✓	✓	✓	✓													
VERLA INSKO	✓	✓	✓	✓	✓	✓													
MARY JARRELL	✓					✓	✓												
JOE KISER	✓	✓	✓	✓	✓	✓	✓												
MICKEY MICHAUX	✓	✓	✓	✓	✓	✓	✓												
JOHN RAYFIELD	✓	✓	✓	✓	✓	✓	✓												
FERN SHUBERT	✓	✓	✓	✓	✓	✓	✓												
TIM TALLENT				✓															
WILLIAM WAINWRIGHT																			
ALEX WARNER		✓		✓															
JOHN WEATHERLY	✓	✓	✓	✓		✓	✓												
JULIA HOWARD																			
LEO DAUGHTRY																			
STEVE WOOD	✓					✓													

* Excused Absence due to Mother's death.

VISITOR REGISTRATION SHEET

ELECTION LAWS & CAMPAIGN REFORM

May 21, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

BILL SCOBURN	NCLB
Johnnie W. Winer	"
Eddie Caldwell	H. McC. McC. PA.
David Ferrell	"
Zee Lamb	LT. Gov
Scott Holmes	ACLU
Alyson Grime	ACLU
Carter Vaden	Office of the Governor
Alta Vista Pruitt	AARP Burlington, N.C.
George Pittman	AARP - Burlington, N.C.
J. B. Suttles	AARP BURLINGTON
Malcolm E. Elroy	AARP BURLINGTON N.C.
Johnnie McLean	St. Bd. of Elections
Michael Crowell	ATTY. RALEIGH
Cam Cover	BPM HL
Roslyn Smith	Ill. of
Debrah Ross	ACLU

VISITOR REGISTRATION SHEET

Electioneering Campaign Reform 5/21/97

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY

1. Liege H. Hammond
2. Ed. C. Dawson
3. Paul L. Smith
4. R. L. Smith
5. John May
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____
21. _____
22. _____
23. _____
24. _____
25. _____
26. _____
27. _____
28. _____
29. _____
30. _____
31. _____

NC Retired Govt Emp Assn
N.C. Ret Govt Personnel
NC Ct of Appeals
NCHBA
NC CWA

Attachment 1

Handout 5/21/97
1st Sub.
Not voted on

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 708

Judiciary Committee Substitute Adopted 4/22/97

Third Edition Engrossed 4/24/97

House Proposed Committee Substitute -- S708-PCSRR-011

Short Title: Stand By Your Ad.

(Public)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE CERTAIN DISCLOSURES BY THE SPONSORS OF
3 POLITICAL ADVERTISEMENTS.
4 The General Assembly of North Carolina enacts:
5 Section 1. Article 22A of Chapter 163 of the General
6 Statutes is amended by adding a new Part to read:
7 "Part 1A. Disclosure Requirements for Media Advertisements.
8 "§ 163-278.39. Basic disclosure requirements for all political
9 campaign advertisements.
10 (a) Basic Requirements. -- It shall be a violation of the law
11 for any sponsor to sponsor an advertisement in the print media or
12 on radio or television that constitutes an expenditure or
13 contribution required to be disclosed under this Article shall be
14 made by any sponsor unless all the following conditions are met:
15 (1) It bears the legend or includes the statement:
16 'Paid for by [Name of
17 candidate, candidate campaign committee, political
18 party organization, political action committee,
19 referendum committee, individual, or other
20 sponsor].' In television advertisements, this
21 disclosure shall be made by visual legend.

- 1 (2) The name used in the labeling required in
2 subdivision (1) of this subsection is the name that
3 appears on the statement of organization as
4 required in G.S. 163-278.7(b)(1).
- 5 (3) The sponsor states in the advertisement its
6 position for or against the candidate, provided
7 that this subdivision applies only if the
8 advertisement supports or opposes a specific
9 candidate or candidates.
- 10 (4) The sponsor states in the advertisement its
11 position for or against a ballot measure, provided
12 that this subdivision applies only if the
13 advertisement is made for or against a ballot
14 measure.
- 15 (5) In a print media advertisement supporting or
16 opposing a specific candidate or candidates, the
17 sponsor states whether it is authorized by a
18 candidate. The visual legend in the advertisement
19 shall state either 'Authorized by [name of
20 candidate], candidate for [name of office]' or 'Not
21 authorized by a candidate.' This subdivision does
22 not apply if the sponsor of the advertisement is
23 the candidate the advertisement supports or that
24 candidate's campaign committee.

25 If an advertisement described in this section is jointly
26 sponsored, the disclosure statement shall name all the sponsors.

27 (b) Size Requirements. -- In a print media advertisement
28 covered by subsection (a) of this section, the height of all
29 disclosure statements required by that subsection shall
30 constitute at least five percent (5%) of the height of the
31 printed space of the advertisement, provided that the type shall
32 in no event be less than 12 points in size. If a single
33 advertisement consists of multiple pages, folds, or faces, the
34 disclosure requirement of this section applies only to one page,
35 fold, or face. In a television advertisement covered by
36 subsection (a) of this section, the visual disclosure legend
37 shall constitute 32 scan lines in size. In a radio advertisement
38 covered by subsection (a) of this section, the disclosure
39 statement shall last at least three seconds.

40 (c) Misrepresentation of Authorization. -- Notwithstanding G.S.
41 163-278.27(a), any candidate, candidate campaign committee,
42 political party organization, political action committee,
43 referendum committee, individual, or other sponsor making an
44 advertisement in the print media or on radio or television

1 bearing, any legend required by subsection (a) of this section
2 that misrepresents the sponsorship or authorization of the
3 advertisement is guilty of a Class 1 misdemeanor.

4 "§ 163-278.39A. Disclosure requirements for television and radio
5 advertisements supporting or opposing candidates.

6 (a) Expanded Disclosure Requirements. -- In addition to the
7 basic disclosure requirements in G.S. 163-278.39, any political
8 campaign advertisement on radio or television shall comply with
9 the expanded disclosure requirements set forth in this section.

10 (b) Disclosure Requirements for Television. --

11 (1) Candidate Advertisements on Television. --
12 Television advertisements purchased by a candidate
13 or by a candidate campaign committee supporting or
14 opposing a specific candidate or candidates shall
15 include a disclosure statement spoken by the
16 candidate and containing at least the following
17 words: 'I am (or "This is...") [name of candidate],
18 candidate for [name of office], and I (or "my
19 campaign...") sponsored this ad.'

20 (2) Political Party Advertisements on Television. --
21 Television advertisements purchased by a political
22 party organization supporting or opposing a
23 specific candidate or candidates shall include a
24 disclosure statement spoken by the chair, executive
25 director, or treasurer of the political party
26 organization and containing at least the following
27 words: 'The [name of political party organization]
28 sponsored this ad opposing/supporting [name of
29 candidate] for [name of office].' The disclosed
30 name of the political party organization shall
31 include the name of the political party as it
32 appears on the ballot.

33 (3) Political Action Committee Advertisements on
34 Television. -- Television advertisements purchased
35 by a political action committee supporting or
36 opposing a specific candidate or candidates shall
37 include a disclosure statement spoken by the chief
38 executive officer or treasurer of the political
39 action committee and containing at least the
40 following words: 'The [name of political action
41 committee] political action committee sponsored
42 this ad opposing/supporting [name of candidate] for
43 [name of office].' The name of the political action
44 committee used in the advertisement shall be the

1 , name that appears on the statement of organization
2 as required in G.S. 163-278.7(b)(1).

3 (4) Advertisements on Television by an Individual. --
4 Television advertisements purchased by an
5 individual supporting or opposing a specific
6 candidate or candidates shall include a disclosure
7 statement spoken by the individual and containing
8 at least the following words: 'I am [individual's
9 name], and I sponsored this advertisement
10 opposing/sponsoring [name of candidate] for [name
11 of office].'

12 (5) Advertisements on Television by Another Sponsor. --
13 Television advertisements purchased by a sponsor
14 other than a candidate, a candidate campaign
15 committee, a political party organization, a
16 political action committee, or an individual which
17 mention the name of a specific candidate or
18 candidates and whose cost or value constitutes an
19 expenditure required to be disclosed under this
20 Article shall include a disclosure statement spoken
21 by the chief executive or principal decision maker
22 of the sponsor and containing at least the
23 following words: '[Name of sponsor] sponsored this
24 ad.'

25 (6) All Advertisements on Television. -- In any
26 television advertisement described in subdivisions
27 (1) through (5) of this subsection, an unobscured,
28 full-screen picture containing the disclosing
29 individual, either in photographic form or through
30 the actual appearance of the disclosing individual
31 on camera, shall be featured throughout the
32 duration of the disclosure statement.

33 (c) Disclosure Requirements for Radio. --

34 (1) Candidate Advertisements on Radio. -- Radio
35 advertisements purchased by a candidate or by a
36 candidate campaign committee supporting or opposing
37 a specific candidate or candidates shall include a
38 disclosure statement spoken by the candidate and
39 containing at least the following words: 'I am (or
40 "This is..") [name of candidate], candidate for
41 [name of office], and this ad was paid for (or
42 "sponsored" or "furnished") by [name of candidate
43 campaign committee that paid for the
44 advertisement].'

- 1 , (2) Political Party Advertisements on Radio. -- Radio
2 advertisements purchased by a political party
3 organization supporting or opposing a specific
4 candidate or candidates shall include a disclosure
5 statement spoken by the chair, executive director,
6 or treasurer of the political party organization
7 and containing at least the following words: 'This
8 ad opposing/supporting [name of candidate] for
9 [name of office] was paid for (or "sponsored" or
10 "furnished") by [name of political party].' The
11 disclosed name of the political party organization
12 shall include the name of the political party as it
13 appears on the ballot.
- 14 (3) Political Action Committee Advertisements on Radio.
15 -- Radio advertisements purchased by a political
16 action committee supporting or opposing a specific
17 candidate or candidates shall include a disclosure
18 statement spoken by the chief executive officer or
19 treasurer of the political action committee and
20 containing at least the following words: 'This ad
21 opposing/supporting [name of candidate] for [name
22 of office] was paid for (or "sponsored" or
23 "furnished") by [name of political action
24 committee] political action committee.' The name of
25 the political action committee used in the
26 advertisement shall be the name that appears on the
27 statement of organization as required by G.S. 163-
28 278.7(b)(1).
- 29 (4) Advertisements on Radio by an Individual. -- Radio
30 advertisements purchased by an individual
31 supporting or opposing a specific candidate or
32 candidates shall include a disclosure statement
33 spoken by the individual and containing at least
34 the following words: 'I am [individual's name], and
35 this ad opposing/supporting [name of candidate] for
36 [name of office] was paid for (or "sponsored" or
37 "furnished") by me.'
- 38 (5) Advertisements on Radio by Another Sponsor. --
39 Radio advertisements purchased by a sponsor other
40 than a candidate, a candidate campaign committee, a
41 political party organization, a political action
42 committee, or an individual which mentions the name
43 of a specific candidate or candidates and whose
44 cost or value constitutes an expenditure or

1 , contribution required to be disclosed under this
2 Article shall include a disclosure statement spoken
3 by the chief executive or principal decision maker
4 of the sponsor and containing at least the
5 following words: '[Name of sponsor] paid for (or
6 "sponsored" or "furnished") this ad.'

7 (d) Placement of Disclosure Statement in Television and Radio
8 Advertisements. -- In advertisements on television, a sponsor may
9 place the disclosure statement required by this section at any
10 point during the advertisement, except if the duration of the
11 advertisement is more than five minutes, the disclosure statement
12 shall be made both at the beginning and end of the advertisement.
13 The sponsor may provide the oral disclosure statement required by
14 this section at the same time as the visual disclosure required
15 under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317,
16 is shown. But any visual disclosure legend shall be at least 32
17 scan lines in size. For advertisements on radio, the placement of
18 the oral disclosure statement shall comply with the requirements
19 of the Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

20 (e) Choice of Supporting or Opposing a Candidate. -- In its
21 oral disclosure statement, a sponsoring political party
22 organization, political action committee, individual, or other
23 non-candidate sponsor shall choose either to identify an
24 advertisement as supporting a specific candidate or opposing a
25 specific candidate.

26 (el) Joint Sponsors. -- If an advertisement described in this
27 section is jointly sponsored, the disclosure statement shall name
28 all the sponsors and the disclosing individual shall be one of
29 those sponsors. If a candidate is one of the sponsors, that
30 candidate shall be the disclosing individual, and if more than
31 one candidate is the sponsor, at least one of the candidates
32 shall be the disclosing individual.

33 (f) Legal Remedy. -- Pursuant to the conditions established in
34 subdivisions (1), (2), and (3) of this subsection, a candidate
35 for an elective office who complied with the television and radio
36 disclosure requirements throughout that candidate's entire
37 campaign shall have a monetary remedy in a civil action against
38 (i) an opposing candidate or candidate committee whose television
39 or radio advertisement violates these disclosure requirements and
40 (ii) against any political party organization, political action
41 committee, individual, or other sponsor whose advertisement for
42 that elective office violates these disclosure requirements:

43 (1) Any plaintiff candidate in a statewide race in an
44 action under this section shall complete and file a

1 Notice of Complaint Regarding Failure to Disclose
2 on Television or Radio Campaign Advertising with
3 the State Board of Elections after the airing of
4 the advertisement but no later than the first
5 Friday after the Tuesday on which the election
6 occurred. Candidates in nonstatewide races may file
7 the notice during the same time period with one
8 county board of elections within the electoral area
9 in which they are candidates. The timely filing of
10 this notice preserves the candidate's right to
11 bring an action in superior court any time within
12 90 days after the election. A candidate shall bring
13 the civil action in the county where the candidate
14 filed the notice.

- 15 (2) Upon receiving a favorable verdict in accordance
16 with existing law, the plaintiff candidate shall
17 receive a monetary award of actual damages. The
18 price of actual damages shall be calculated as the
19 total dollar amount of television and radio
20 advertising time that was aired and that the
21 plaintiff candidate correctly identifies as being
22 in violation of the disclosure requirements of this
23 section.

24 The plaintiff candidate shall also receive an
25 award that trebles the amount of actual damages if:

- 26 a. The plaintiff candidate can establish having
27 notified or attempted to notify the sponsor of
28 the advertisement properly by return-receipt
29 mail about the failure of a particular
30 advertisement or advertisements to comply with
31 the disclosure requirements of this section,
32 and
33 b. After the notice or attempted notice, the
34 advertisement continued to be aired.

35 The treble damages shall be calculated from the
36 date on which the return-receipt notice was
37 accepted or rejected by a defendant sponsoring
38 candidate or candidate committee, political party
39 organization, political action committee, or
40 individual. The plaintiff candidate or candidate
41 committee shall send a copy of any return-receipt
42 mailing to the relevant board of elections as
43 provided in subdivision (1) of this subsection
44 within five days after the notice is returned to

1 the possession of the candidate or candidate
2 committee.

3 The court shall award reasonable attorneys'
4 fees to a plaintiff candidate who prevails in an
5 action under this section. The plaintiff candidate
6 may bring the civil action personally or authorize
7 his or her candidate campaign committee to bring
8 the civil action.

9 (3) A candidate who violates the disclosure
10 requirements of State law in this section and that
11 candidate's campaign committee shall be jointly and
12 severally liable for the payment of damages and
13 attorneys' fees. If the candidate is held
14 personally liable for any payment of damages or
15 attorneys' fees, the candidate shall not use or be
16 reimbursed by funds from the candidate's campaign
17 committee in paying any amount.

18 (g) Relation to the Communications Act of 1934. -- Television
19 advertisements by a sponsor supporting or opposing a specific
20 candidate or candidates shall comply with the oral disclosure
21 requirements under State law in this section. Those
22 advertisements shall also comply with disclosure requirements
23 under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 by
24 use of visual legends. The content of those visual legends is
25 specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and
26 317, and G.S. 163-278.39(a)(1). The size of those visual legends
27 is determined by G.S. 163-278.39(b), which satisfies requirements
28 under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317.
29 In the case of radio advertisements, the oral disclosure
30 requirements under State law in this section incorporate the
31 content requirements under the Communications Act of 1934, 47
32 U.S.C. §§ 315 and 317.

33 (h) No Additional Liability of Television or Radio Outlets. --
34 Television or radio outlets shall not be liable under this
35 section for carriage of political advertisements that fail to
36 include the disclosure requirements provided for in this section.

37 (i) No Criminal Liability. -- Nothing in this section regarding
38 the disclosure requirements in subsections (b) and (c) of this
39 section shall be relied upon or otherwise interpreted to create
40 criminal liability for any person.

41 "§ 163-278.39B. Definitions.

42 As used in this Part:

43 (1) 'Advertisement' means any message appearing in the
44 print media, on television, or on radio that

1 constitutes a contribution or expenditure under
2 this Article.

3 (2) 'Candidate' means any individual who, with respect
4 to a public office listed in G.S. 163-278.6(18),
5 has filed a notice of candidacy or a petition
6 requesting to be a candidate, or has been certified
7 as a nominee of a political party for a vacancy, or
8 has otherwise qualified as a candidate in a manner
9 authorized by law, or has filed a statement of
10 organization under G.S. 163-278.7 and is required
11 to file periodic financial disclosure statements
12 under G.S. 163-278.9.

13 (3) 'Candidate campaign committee' means any political
14 committee organized by or under the direction of a
15 candidate.

16 (4) 'Full-screen' means the only picture appearing on
17 the television screen during the oral disclosure
18 statement contains the disclosing person, that the
19 picture occupies all visible space on the
20 television screen, and that the image of the
21 disclosing person occupies at least fifty percent
22 (50%) of the vertical height of the television
23 screen.

24 (5) 'Print media' means billboards, cards, newspapers,
25 newspaper inserts, magazines, mass mailings,
26 pamphlets, periodicals, and outdoor advertising
27 facilities. A 'mass mailing' is a mailing with
28 more than five hundred (500) pieces.

29 (6) 'Political action committee' has the same meaning
30 as 'political committee' in G.S. 163-278.6(14),
31 except that 'political action committee' does not
32 include any political party or political party
33 organization.

34 (7) 'Political party organization' means any political
35 party executive committee or any political
36 committee that operates under the direction of a
37 political party executive committee or political
38 party chair.

39 (8) 'Radio' means any radio broadcast station that is
40 subject to the provisions of 47 U.S.C. §§ 315 and
41 317.

42 (9) 'Scan line' means a standard term of measurement
43 used in the electronic media industry calculating a
44 certain area in a television advertisement.

- 1 (10) 'Sponsor' means a candidate, candidate committee,
2 political party organization, political action
3 committee, referendum committee, individual, or
4 other entity that purchases an advertisement.
- 5 (11) 'Supporting or Opposing' means an advertisement
6 that mentions the name of a candidate, elected
7 official, political party, or referendum issue and
8 whose cost or value constitutes an expenditure or
9 contribution required to be disclosed under this
10 Article.
- 11 (12) 'Television' means any television broadcast
12 station, cable television system, wireless-cable
13 multipoint distribution system, satellite company,
14 or telephone company transmitting video programming
15 that is subject to the provisions of 47 U.S.C. §§
16 315 and 317.
- 17 (13) 'Unobscured' means the only printed material that
18 may appear on the television screen is a visual
19 disclosure statement required by law, and nothing
20 is blocking the view of the disclosing person's
21 face.

22 "§ 163-278.39C. Scope of disclosure requirements.

23 The disclosure requirements of this Part apply to any sponsor
24 of an advertisement in the print media or on radio or television
25 the cost or value of which constitutes an expenditure or
26 contribution required to be disclosed under this Article, except
27 that the disclosure requirements of this Part:

- 28 (1) Do not apply to an individual who makes
29 uncoordinated independent expenditures aggregating
30 less than one thousand dollars (\$1,000) in a
31 political campaign;
- 32 (2) Do not apply to an individual who incurs expenses
33 with respect to a referendum."

34 Section 2. G.S. 163-278.16 reads as rewritten:

35 "§ 163-278.16. Regulations regarding ~~contributions, expenditures~~
36 ~~and media advertising.~~ timing of contributions and expenditures.

37 (a) Except as provided in G.S. 163-278.12, no contribution may
38 be received or expenditure made by or on behalf of a candidate,
39 political committee, or referendum committee:

- 40 (1) Until the candidate, political committee, or
41 referendum committee appoints a treasurer and
42 certifies the name and address of the treasurer to
43 the Board; and

1 , (2) Unless the contribution is received or the
2 expenditure made by or through the treasurer of the
3 candidate, political committee, or referendum
4 committee.

5 (b) to (e) Repealed by Session Laws 1975, c. 565, s. 2.

6 ~~(f) No media advertisement of any kind may be made by a~~
7 ~~treasurer, candidate, political committee, referendum committee~~
8 ~~or individual unless~~

9 ~~(1) It bears the legend or includes the statement:~~
10 ~~"Paid for by (or Sponsored~~
11 ~~by)..... (Name of candidate,~~
12 ~~political committee, referendum committee,~~
13 ~~individual)";~~

14 ~~(2) The name used in the labeling required in~~
15 ~~subdivision (1) of this subsection is the name that~~
16 ~~appears on the statement of organization as~~
17 ~~required in G.S. 163-278.7(b)(1), provided that~~
18 ~~this subdivision applies only if the sponsor is a~~
19 ~~political committee or referendum committee;~~

20 ~~(3) The sponsor states in the media advertisement its~~
21 ~~position:~~
22 ~~a. For or against the candidate; or~~
23 ~~b. For or against an opposing candidate~~
24 ~~provided that this subdivision applies only if the~~
25 ~~media advertisement is made for or against a~~
26 ~~candidate; and~~

27 ~~(4) The sponsor states in the media advertisement its~~
28 ~~position for or against the ballot measure;~~
29 ~~provided this subdivision applies only if the media~~
30 ~~advertisement is made for or against a ballot~~
31 ~~measure.~~

32 ~~The requirements of subdivisions (3) and (4) of this subsection~~
33 ~~do not apply to any print advertisement less than two inches by~~
34 ~~two inches in size, or to any radio or television advertisement~~
35 ~~of less than 20 seconds in length.~~

36 ~~The media shall not publish or broadcast any political~~
37 ~~advertisement unless it bears the legend or includes the~~
38 ~~statement required herein. For purposes of this subsection,~~
39 ~~"media" means broadcasting stations, carrier current stations,~~
40 ~~newspapers, magazines, periodicals, outdoor advertising~~
41 ~~facilities, billboards, and newspaper inserts. "~~

42 Section 3. G.S. 163-278.27(a) reads as rewritten:

43 "(a) Any individual, candidate, political committee,
44 referendum committee, treasurer, person or media who violates the

1 applicable, provisions of G.S. 163-278.7, 163-278.8, 163-278.9,
2 163-278.10, 163-278.11, 163-278.12, 163-278.14, 163-278.16,
3 163-278.17, 163-278.18, 163-278.39, 163-278.40A, 163-278.40B,
4 163-278.40C, 163-278.40D or 163-278.40E is guilty of a Class 2
5 misdemeanor."

6 Section 4. The provisions of this act are severable. If
7 any provision is held invalid by a court of competent
8 jurisdiction, the invalidity does not affect other provisions of
9 the act that can be given effect without the invalid provision.

10 Section 5. This act becomes effective January 1, 1998,
11 and applies to all advertisements published on or after that
12 date. Prosecutions for, or sentences based on, offenses occurring
13 before the effective date of this act are not abated or affected
14 by this act, and the statutes that would be applicable to those
15 prosecutions or sentences but for the provisions of this act
16 remain applicable to those prosecutions or sentences.

Attachment 2

5/21/97
2nd Sub.
(#12)

1) Motion on the
Sub. by Judiciary
to Vote on up to
amendment
2) Amendment
Offered by
Rep. Farrell
3) Amendment
Offered by
Rep. Shubert
D

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

SENATE BILL 708
Judiciary Committee Substitute Adopted 4/22/97
Third Edition Engrossed 4/24/97
House Proposed Committee Substitute -- S708-PCSRR-012

Short Title: Stand By Your Ad.

(Public)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE CERTAIN DISCLOSURES BY THE SPONSORS OF
3 POLITICAL ADVERTISEMENTS.
4 The General Assembly of North Carolina enacts:
5 Section 1. Article 22A of Chapter 163 of the General
6 Statutes is amended by adding a new Part to read:
7 "Part 1A. Disclosure Requirements for Media Advertisements.
8 "§ 163-278.39. Basic disclosure requirements for all political
9 campaign advertisements.
10 (a) Basic Requirements. -- It shall be a violation of the law
11 for any sponsor to sponsor an advertisement in the print media or
12 on radio or television that constitutes an expenditure or
13 contribution required to be disclosed under this Article (shall be
14 made by any sponsor unless all the following conditions are met:
15 (1) It bears the legend or includes the statement:
16 'Paid for by [Name of
17 candidate, candidate campaign committee, political
18 party organization, political action committee,
19 referendum committee, individual, or other
20 sponsor].' In television advertisements, this
21 disclosure shall be made by visual legend.

- 1 (2) The name used in the labeling required in
2 subdivision (1) of this subsection is the name that
3 appears on the statement of organization as
4 required in G.S. 163-278.7(b)(1).
- 5 (3) The sponsor states in the advertisement its
6 position for or against the candidate, provided
7 that this subdivision applies only if the
8 advertisement supports or opposes a specific
9 candidate or candidates.
- 10 (4) The sponsor states in the advertisement its
11 position for or against a ballot measure, provided
12 that this subdivision applies only if the
13 advertisement is made for or against a ballot
14 measure.
- 15 (5) In a print media advertisement supporting or
16 opposing a specific candidate or candidates, the
17 sponsor states whether it is authorized by a
18 candidate. The visual legend in the advertisement
19 shall state either 'Authorized by [name of
20 candidate], candidate for [name of office]' or 'Not
21 authorized by a candidate.' This subdivision does
22 not apply if the sponsor of the advertisement is
23 the candidate the advertisement supports or that
24 candidate's campaign committee.

25 If an advertisement described in this section is jointly
26 sponsored, the disclosure statement shall name all the sponsors.

27 (b) Size Requirements. -- In a print media advertisement
28 covered by subsection (a) of this section, the height of all
29 disclosure statements required by that subsection shall
30 constitute at least five percent (5%) of the height of the
31 printed space of the advertisement, provided that the type shall
32 in no event be less than 12 points in size. If a single
33 advertisement consists of multiple pages, folds, or faces, the
34 disclosure requirement of this section applies only to one page,
35 fold, or face. In a television advertisement covered by
36 subsection (a) of this section, the visual disclosure legend
37 shall constitute 32 scan lines in size. In a radio advertisement
38 covered by subsection (a) of this section, the disclosure
39 statement shall last at least three seconds.

40 (c) Misrepresentation of Authorization. -- Notwithstanding G.S.
41 163-278.27(a), any candidate, candidate campaign committee,
42 political party organization, political action committee,
43 referendum committee, individual, or other sponsor making an
44 advertisement in the print media or on radio or television

1 bearing, any legend required by subsection (a) of this section
2 that misrepresents the sponsorship or authorization of the
3 advertisement is guilty of a Class 1 misdemeanor.

4 "§ 163-278.39A. Disclosure requirements for television and radio
5 advertisements supporting or opposing candidates.

6 (a) Expanded Disclosure Requirements. -- In addition to the
7 basic disclosure requirements in G.S. 163-278.39, any political
8 campaign advertisement on radio or television shall comply with
9 the expanded disclosure requirements set forth in this section.

10 (b) Disclosure Requirements for Television. --

11 (1) Candidate Advertisements on Television. --
12 Television advertisements purchased by a candidate
13 or by a candidate campaign committee supporting or
14 opposing a specific candidate or candidates shall
15 include a disclosure statement spoken by the
16 candidate and containing at least the following
17 words: 'I am (or "This is...") [name of candidate],
18 candidate for [name of office], and I (or "my
19 campaign...") sponsored this ad.'

20 (2) Political Party Advertisements on Television. --
21 Television advertisements purchased by a political
22 party organization supporting or opposing a
23 specific candidate or candidates shall include a
24 disclosure statement spoken by the chair, executive
25 director, or treasurer of the political party
26 organization and containing at least the following
27 words: 'The [name of political party organization]
28 sponsored this ad opposing/supporting [name of
29 candidate] for [name of office].' The disclosed
30 name of the political party organization shall
31 include the name of the political party as it
32 appears on the ballot.

33 (3) Political Action Committee Advertisements on
34 Television. -- Television advertisements purchased
35 by a political action committee supporting or
36 opposing a specific candidate or candidates shall
37 include a disclosure statement spoken by the chief
38 executive officer or treasurer of the political
39 action committee and containing at least the
40 following words: 'The [name of political action
41 committee] political action committee sponsored
42 this ad opposing/supporting [name of candidate] for
43 [name of office].' The name of the political action
44 committee used in the advertisement shall be the

1 name that appears on the statement of organization
2 as required in G.S. 163-278.7(b)(1).

3 (4) Advertisements on Television by an Individual. --
4 Television advertisements purchased by an
5 individual supporting or opposing a specific
6 candidate or candidates shall include a disclosure
7 statement spoken by the individual and containing
8 at least the following words: 'I am [individual's
9 name], and I sponsored this advertisement
10 opposing/sponsoring [name of candidate] for [name
11 of office].'

12 (5) Advertisements on Television by Another Sponsor. --
13 Television advertisements purchased by a sponsor
14 other than a candidate, a candidate campaign
15 committee, a political party organization, a
16 political action committee, or an individual which
17 mention the name of a specific candidate or
18 candidates and whose cost or value constitutes an
19 expenditure required to be disclosed under this
20 Article shall include a disclosure statement spoken
21 by the chief executive or principal decision maker
22 of the sponsor and containing at least the
23 following words: '[Name of sponsor] sponsored this
24 ad.'

25 (6) All Advertisements on Television. -- In any
26 television advertisement described in subdivisions
27 (1) through (5) of this subsection, an unobscured,
28 full-screen picture containing the disclosing
29 individual, either in photographic form or through
30 the actual appearance of the disclosing individual
31 on camera, shall be featured throughout the
32 duration of the disclosure statement.

33 (c) Disclosure Requirements for Radio. --

34 (1) Candidate Advertisements on Radio. -- Radio
35 advertisements purchased by a candidate or by a
36 candidate campaign committee supporting or opposing
37 a specific candidate or candidates shall include a
38 disclosure statement spoken by the candidate and
39 containing at least the following words: 'I am (or
40 "This is..") [name of candidate], candidate for
41 [name of office], and this ad was paid for (or
42 "sponsored" or "furnished") by [name of candidate
43 campaign committee that paid for the
44 advertisement].'

- 1 , (2) Political Party Advertisements on Radio. -- Radio
2 advertisements purchased by a political party
3 organization supporting or opposing a specific
4 candidate or candidates shall include a disclosure
5 statement spoken by the chair, executive director,
6 or treasurer of the political party organization
7 and containing at least the following words: 'This
8 ad opposing/supporting [name of candidate] for
9 [name of office] was paid for (or "sponsored" or
10 "furnished") by [name of political party].' The
11 disclosed name of the political party organization
12 shall include the name of the political party as it
13 appears on the ballot.
- 14 (3) Political Action Committee Advertisements on Radio.
15 -- Radio advertisements purchased by a political
16 action committee supporting or opposing a specific
17 candidate or candidates shall include a disclosure
18 statement spoken by the chief executive officer or
19 treasurer of the political action committee and
20 containing at least the following words: 'This ad
21 opposing/supporting [name of candidate] for [name
22 of office] was paid for (or "sponsored" or
23 "furnished") by [name of political action
24 committee] political action committee.' The name of
25 the political action committee used in the
26 advertisement shall be the name that appears on the
27 statement of organization as required by G.S. 163-
28 278.7(b)(1).
- 29 (4) Advertisements on Radio by an Individual. -- Radio
30 advertisements purchased by an individual
31 supporting or opposing a specific candidate or
32 candidates shall include a disclosure statement
33 spoken by the individual and containing at least
34 the following words: 'I am [individual's name], and
35 this ad opposing/supporting [name of candidate] for
36 [name of office] was paid for (or "sponsored" or
37 "furnished") by me.'
- 38 (5) Advertisements on Radio by Another Sponsor. --
39 Radio advertisements purchased by a sponsor other
40 than a candidate, a candidate campaign committee, a
41 political party organization, a political action
42 committee, or an individual which mentions the name
43 of a specific candidate or candidates and whose
44 cost or value constitutes an expenditure or

1 , contribution required to be disclosed under this
2 Article shall include a disclosure statement spoken
3 by the chief executive or principal decision maker
4 of the sponsor and containing at least the
5 following words: '[Name of sponsor] paid for (or
6 "sponsored" or "furnished") this ad.'

7 (d) Placement of Disclosure Statement in Television and Radio
8 Advertisements. -- In advertisements on television, a sponsor may
9 place the disclosure statement required by this section at any
10 point during the advertisement, except if the duration of the
11 advertisement is more than five minutes, the disclosure statement
12 shall be made both at the beginning and end of the advertisement.
13 The sponsor may provide the oral disclosure statement required by
14 this section at the same time as the visual disclosure required
15 under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317,
16 is shown. But any visual disclosure legend shall be at least 32
17 scan lines in size. For advertisements on radio, the placement of
18 the oral disclosure statement shall comply with the requirements
19 of the Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

20 (e) Choice of Supporting or Opposing a Candidate. -- In its
21 oral disclosure statement, a sponsoring political party
22 organization, political action committee, individual, or other
23 non-candidate sponsor shall choose either to identify an
24 advertisement as supporting a specific candidate or opposing a
25 specific candidate.

26 (el) Joint Sponsors. -- If an advertisement described in this
27 section is jointly sponsored, the disclosure statement shall name
28 all the sponsors and the disclosing individual shall be one of
29 those sponsors. If a candidate is one of the sponsors, that
30 candidate shall be the disclosing individual, and if more than
31 one candidate is the sponsor, at least one of the candidates
32 shall be the disclosing individual.

33 (f) Legal Remedy. -- Pursuant to the conditions established in
34 subdivisions (1), (2), and (3) of this subsection, a candidate
35 for an elective office who complied with the television and radio
36 disclosure requirements throughout that candidate's entire
37 campaign shall have a monetary remedy in a civil action against
38 (i) an opposing candidate or candidate committee whose television
39 or radio advertisement violates these disclosure requirements and
40 (ii) against any political party organization, political action
41 committee, individual, or other sponsor whose advertisement for
42 that elective office violates these disclosure requirements:

43 (1) Any plaintiff candidate in a statewide race in an
44 action under this section shall complete and file a

1 Notice of Complaint Regarding Failure to Disclose
2 on Television or Radio Campaign Advertising with
3 the State Board of Elections after the airing of
4 the advertisement but no later than the first
5 Friday after the Tuesday on which the election
6 occurred. Candidates in nonstatewide races may file
7 the notice during the same time period with one
8 county board of elections within the electoral area
9 in which they are candidates. The timely filing of
10 this notice preserves the candidate's right to
11 bring an action in superior court any time within
12 90 days after the election. A candidate shall bring
13 the civil action in the county where the candidate
14 filed the notice.

15 (2) Upon receiving a favorable verdict in accordance
16 with existing law, the plaintiff candidate shall
17 receive a monetary award of actual damages. The
18 price of actual damages shall be calculated as the
19 total dollar amount of television and radio
20 advertising time that was aired and that the
21 plaintiff candidate correctly identifies as being
22 in violation of the disclosure requirements of this
23 section.

24 The plaintiff candidate shall also receive an
25 award that trebles the amount of actual damages if:

26 a. The plaintiff candidate can establish having
27 notified or attempted to notify the sponsor of
28 the advertisement properly by return-receipt
29 mail about the failure of a particular
30 advertisement or advertisements to comply with
31 the disclosure requirements of this section,
32 and

33 b. After the notice or attempted notice, the
34 advertisement continued to be aired.

35 The treble damages shall be calculated from the
36 date on which the return-receipt notice was
37 accepted or rejected by a defendant sponsoring
38 candidate or candidate committee, political party
39 organization, political action committee, or
40 individual. The plaintiff candidate or candidate
41 committee shall send a copy of any return-receipt
42 mailing to the relevant board of elections as
43 provided in subdivision (1) of this subsection
44 within five days after the notice is returned to

1 the possession of the candidate or candidate
2 committee.

3 The court shall award reasonable attorneys'
4 fees to a plaintiff candidate who prevails in an
5 action under this section. The plaintiff candidate
6 may bring the civil action personally or authorize
7 his or her candidate campaign committee to bring
8 the civil action.

9 (3) A candidate who violates the disclosure
10 requirements of State law in this section and that
11 candidate's campaign committee shall be jointly and
12 severally liable for the payment of damages and
13 attorneys' fees. If the candidate is held
14 personally liable for any payment of damages or
15 attorneys' fees, the candidate shall not use or be
16 reimbursed by funds from the candidate's campaign
17 committee in paying any amount.

18 (g) Relation to the Communications Act of 1934. -- Television
19 advertisements by a sponsor supporting or opposing a specific
20 candidate or candidates shall comply with the oral disclosure
21 requirements under State law in this section. Those
22 advertisements shall also comply with disclosure requirements
23 under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 by
24 use of visual legends. The content of those visual legends is
25 specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and
26 317, and G.S. 163-278.39(a)(1). The size of those visual legends
27 is determined by G.S. 163-278.39(b), which satisfies requirements
28 under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317.
29 In the case of radio advertisements, the oral disclosure
30 requirements under State law in this section incorporate the
31 content requirements under the Communications Act of 1934, 47
32 U.S.C. §§ 315 and 317.

33 (h) No Additional Liability of Television or Radio Outlets. --
34 Television or radio outlets shall not be liable under this
35 section for carriage of political advertisements that fail to
36 include the disclosure requirements provided for in this section.

37 (i) No Criminal Liability. -- Nothing in this section regarding
38 the disclosure requirements in subsections (b) and (c) of this
39 section shall be relied upon or otherwise interpreted to create
40 criminal liability for any person.

41 "§ 163-278.39B. Definitions.

42 As used in this Part:

43 (1) 'Advertisement' means any message appearing in the
44 print media, on television, or on radio that

- 1 constitutes a contribution or expenditure under
2 this Article.
- 3 (2) 'Candidate' means any individual who, with respect
4 to a public office listed in G.S. 163-278.6(18),
5 has filed a notice of candidacy or a petition
6 requesting to be a candidate, or has been certified
7 as a nominee of a political party for a vacancy, or
8 has otherwise qualified as a candidate in a manner
9 authorized by law, or has filed a statement of
10 organization under G.S. 163-278.7 and is required
11 to file periodic financial disclosure statements
12 under G.S. 163-278.9.
- 13 (3) 'Candidate campaign committee' means any political
14 committee organized by or under the direction of a
15 candidate.
- 16 (4) 'Full-screen' means the only picture appearing on
17 the television screen during the oral disclosure
18 statement contains the disclosing person, that the
19 picture occupies all visible space on the
20 television screen, and that the image of the
21 disclosing person occupies at least fifty percent
22 (50%) of the vertical height of the television
23 screen.
- 24 (5) 'Print media' means billboards, cards, newspapers,
25 newspaper inserts, magazines, mass mailings,
26 pamphlets, periodicals, and outdoor advertising
27 facilities. A 'mass mailing' is a mailing with
28 more than five hundred (500) pieces.
- 29 (6) 'Political action committee' has the same meaning
30 as 'political committee' in G.S. 163-278.6(14),
31 except that 'political action committee' does not
32 include any political party or political party
33 organization.
- 34 (7) 'Political party organization' means any political
35 party executive committee or any political
36 committee that operates under the direction of a
37 political party executive committee or political
38 party chair.
- 39 (8) 'Radio' means any radio broadcast station that is
40 subject to the provisions of 47 U.S.C. §§ 315 and
41 317.
- 42 (9) 'Scan line' means a standard term of measurement
43 used in the electronic media industry calculating a
44 certain area in a television advertisement.

- 1 (10) 'Sponsor' means a candidate, candidate committee,
2 political party organization, political action
3 committee, referendum committee, individual, or
4 other entity that purchases an advertisement.
- 5 (11) 'Supporting or Opposing' means an advertisement
6 that mentions the name of a candidate, elected
7 official, political party, or referendum issue and
8 whose cost or value constitutes an expenditure or
9 contribution required to be disclosed under this
10 Article.
- 11 (12) 'Television' means any television broadcast
12 station, cable television system, wireless-cable
13 multipoint distribution system, satellite company,
14 or telephone company transmitting video programming
15 that is subject to the provisions of 47 U.S.C. §§
16 315 and 317.
- 17 (13) 'Unobscured' means the only printed material that
18 may appear on the television screen is a visual
19 disclosure statement required by law, and nothing
20 is blocking the view of the disclosing person's
21 face.

22 "§ 163-278.39C. Scope of disclosure requirements.

23 The disclosure requirements of this Part apply to any sponsor
24 of an advertisement in the print media or on radio or television
25 the cost or value of which constitutes an expenditure or
26 contribution required to be disclosed under this Article, except
27 that the disclosure requirements of this Part:

- 28 (1) Do not apply to an individual who makes
29 uncoordinated independent expenditures aggregating
30 less than one thousand dollars (\$1,000) in a
31 political campaign;
- 32 (2) Do not apply to an individual who incurs expenses
33 with respect to a referendum."

34 Section 2. G.S. 163-278.16 reads as rewritten:

35 "§ 163-278.16. Regulations regarding ~~contributions, expenditures~~
36 ~~and media advertising.~~ timing of contributions and expenditures.

37 (a) Except as provided in G.S. 163-278.12, no contribution may
38 be received or expenditure made by or on behalf of a candidate,
39 political committee, or referendum committee:

- 40 (1) Until the candidate, political committee, or
41 referendum committee appoints a treasurer and
42 certifies the name and address of the treasurer to
43 the Board; and

1 † (2) Unless the contribution is received or the
2 expenditure made by or through the treasurer of the
3 candidate, political committee, or referendum
4 committee.

5 (b) to (e) Repealed by Session Laws 1975, c. 565, s. 2.

6 ~~(f) No media advertisement of any kind may be made by a~~
7 ~~treasurer, candidate, political committee, referendum committee~~
8 ~~or individual unless~~

9 ~~(1) It bears the legend or includes the statement:~~
10 ~~"Paid _____ for _____ by _____ (or Sponsored~~
11 ~~by) _____ (Name of candidate,~~
12 ~~political committee, referendum committee,~~
13 ~~individual)";~~

14 ~~(2) The name used in the labeling required in~~
15 ~~subdivision (1) of this subsection is the name that~~
16 ~~appears on the statement of organization as~~
17 ~~required in G.S. 163-278.7(b)(1), provided that~~
18 ~~this subdivision applies only if the sponsor is a~~
19 ~~political committee or referendum committee;~~

20 ~~(3) The sponsor states in the media advertisement its~~
21 ~~position:~~
22 ~~a. For or against the candidate; or~~
23 ~~b. For or against an opposing candidate~~
24 ~~provided that this subdivision applies only if the~~
25 ~~media advertisement is made for or against a~~
26 ~~candidate; and~~

27 ~~(4) The sponsor states in the media advertisement its~~
28 ~~position for or against the ballot measure;~~
29 ~~provided this subdivision applies only if the media~~
30 ~~advertisement is made for or against a ballot~~
31 ~~measure.~~

32 ~~The requirements of subdivisions (3) and (4) of this subsection~~
33 ~~do not apply to any print advertisement less than two inches by~~
34 ~~two inches in size, or to any radio or television advertisement~~
35 ~~of less than 20 seconds in length.~~

36 ~~The media shall not publish or broadcast any political~~
37 ~~advertisement unless it bears the legend or includes the~~
38 ~~statement required herein. For purposes of this subsection,~~
39 ~~"media" means broadcasting stations, carrier current stations,~~
40 ~~newspapers, magazines, periodicals, outdoor advertising~~
41 ~~facilities, billboards, and newspaper inserts. "~~

42 Section 3. G.S. 163-278.27(a) reads as rewritten:

43 "(a) Any individual, candidate, political committee,
44 referendum committee, treasurer, person or media who violates the

1 applicable provisions of G.S. 163-278.7, 163-278.8, 163-278.9,
2 163-278.10; 163-278.11, 163-278.12, 163-278.14, 163-278.16,
3 163-278.17, 163-278.18, 163-278.39, 163-278.40A, 163-278.40B,
4 163-278.40C, 163-278.40D or 163-278.40E is guilty of a Class 2
5 misdemeanor."

6 Section 4. (a) G.S. 163-278.12 is repealed.

7 (b) Article 22A of Chapter 163 of the General Statutes
8 is amended by adding a new section to read:

9 "§ 163-278.12A. Disclosure of spending for material that names
10 elections, candidates, parties, elected officials, and referendum
11 issues.

12 (a) General Duty to Report. -- Any individual, person,
13 political committee, or other entity that makes an expenditure
14 for printed materials or advertisements broadcast or distributed
15 to anyone other than members of the entity shall report those
16 expenditures in accordance with subsection (b) of this section if
17 a candidate, elected official, political party, public office,
18 referendum issue or election is named in the printed material or
19 advertisement.

20 (b) Procedures for Reporting; Exceptions. -- Any political
21 committee otherwise required by this Article to file reports with
22 a board of elections shall include any expenditure described in
23 subsection (a) on those reports. Any entity not otherwise
24 required by this Article to file reports shall report
25 expenditures described in subsection (a) of this section to the
26 State Board of Elections within 10 days after the aggregate
27 expenditure has reached the threshold amount set for candidates
28 and political party committees in G.S. 163-278.10A. After the
29 initial report, each entity shall report subsequent expenditure
30 described in subsection (a) of this section according to the
31 schedule set out in G.S. 163-278.9(a), 163-278.9A(a), or Part 2
32 of this Article, whichever is appropriate. Individuals who incur
33 expenses with respect to referendum issues are not subject the
34 disclosure requirements of this section.

35 (c) Definition. -- For the purpose of this section, the term
36 'expenditure' means any purchase, advance, conveyance, deposit,
37 distribution, transfer of funds, loans, payment, gift, pledge, or
38 subscription of money or anything of value whatsoever, whether or
39 not made in an election year, and any contract, agreement,
40 promise or other obligation, whether or not legally enforceable.
41 An individual or entity is deemed to have made an expenditure for
42 printed materials or advertisements if that individual or entity
43 has agreed to compensate another individual or entity for
44 purchasing such materials or advertisements."

1 § Section 5. The provisions of this act are severable. If
2 any provision is held invalid by a court of competent
3 jurisdiction, the invalidity does not affect other provisions of
4 the act that can be given effect without the invalid provision.

5 Section 6. This act becomes effective January 1, 1998,
6 and applies to all advertisements published on or after that
7 date. Prosecutions for, or sentences based on, offenses occurring
8 before the effective date of this act are not abated or affected
9 by this act, and the statutes that would be applicable to those
10 prosecutions or sentences but for the provisions of this act
11 remain applicable to those prosecutions or sentences.



Attachment 3
**North Carolina General Assembly
Legislative Services Office**

5/21/97
Explanation #8728
George R. Hall, Legislative Services Officer
(919) 733-7044

Elaine W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
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Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
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300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

May 14, 1997

TO: House Committee on Election Laws and Campaign Reform.

FROM: William R. Gilkeson, Staff Attorney.

RE: Senate Bill 708 – Stand by Your Ad.

The Senate-passed version of Senate Bill 708, introduced by Sens. Cooper, Conder, Plyler, Horton, and Hartsell, requires any sponsor of an ad supporting or opposing a candidate to disclose in the ad whether the ad is authorized by a candidate. This would be in addition to basic disclosure requirements already in place. In a radio or television ad supporting or opposing a candidate, the sponsor of the ad would have to speak the required disclosure statements personally. In a television ad supporting or opposing a candidate, the sponsor's face would have to appear on the screen the whole time the sponsor was speaking the required disclosure.

Current State law requires that every "media ad" must contain the identification "Paid for by (or "Sponsored by) ... [the name of the sponsor]." If the sponsor is a political committee or referendum committee, the I.D. must use the name that it is required to use, identifying the parent entity of the committee (corporation, labor union, professional association) or the economic interest of the committee, if identifiable. And the I.D. must also state whether the sponsor supports or opposes a candidate or ballot measure. Current law defines "media" to include broadcast, newspapers, magazines, periodicals, outdoor advertising facilities, billboards, and newspaper inserts. The duty is one for the media as well as the sponsor. The penalty is a Class 2 misdemeanor.

Federal law places the following disclosure restrictions on radio and television outlets licensed by the Federal Communications Commission:

- Any ad must disclose the name of the person sponsoring the ad, or the person on behalf of whom the ad is sponsored. The disclosure shall fully and fairly disclose the true identity of that person.
- Any political ad on television must show the sponsor identification for a least 4 seconds in letters that take up at least 4% of the vertical picture height.

In addition, a candidate is entitled to the "lowest unit charge" of a broadcast station if that candidate makes a personal appearance, by face or voice, during the ad.

Through the Federal Communications Act, the federal government has pre-empted regulation of what television and radio must do, although the 1983 Fifth Circuit U.S. Court of Appeals decision in *KVUE v. Moore* says that there can be aspects of the way radio and TV outlets handle advertising that federal law doesn't address and therefore the States can regulate.

What the federal law does not do is regulate the behavior of State candidates and political committees. They are under the jurisdiction of State law. SB 708 seeks to fill that gap, requiring candidates and other State-regulated political sponsors, rather than the federally regulated broadcasters, put certain disclosures in their ads.

SB 708 contains two sets of requirements:

1. The Basic Requirements for any advertisement relating to an election or referendum, if spending for that ad would have to be reported in a campaign finance report.
2. Expanded Requirements for ads on TV and radio that support or oppose a candidate.

The Basic Requirements repeat current law, with these changes:

- If a print media ad supports or opposes a candidate, the ad must say whether or not it is authorized by a candidate.
- "Print media" is defined so as to include not only newspapers, periodicals, and billboards, but also pamphlets and cards.
- The bill removes a statement in current law that makes the print media liable for what appears in its ads.
- The disclosure statement on a print media ad must take up at least 10% of the face of the ad (or 10% of one page of a multi-page ad).
- Misrepresentation by a sponsor in the disclosure statement is raised to a Class 1 misdemeanor.

The Expanded Requirements state that on television and radio ads the sponsor of an ad supporting or opposing a candidate or candidates must appear in person and acknowledge sponsorship of the ad.:

- If the sponsor, is a candidate, the candidate must appear. On television and radio, that means the candidate must speak the words "I am Candidate X and I sponsored this ad." On television, when the candidate is speaking, a picture of that candidate must fill the screen.
- If the sponsor is a political party organization, or political action committee, the chair, executive director, or treasurer of the party must speak the words, "This ad supporting/opposing Candidate X for Office Y was paid for by the Z Party (or Z political action committee)." Again, on television, the speaker's picture must fill the screen while he or she is talking. The sponsor must choose whether the ad supports or opposes a candidate.
- If the sponsor is an individual, that individual must speak the words, "I am So-and-So, and this ad supporting/opposing Candidate X for Office Y was paid for by me." Again, there is the same visual requirement for television, and the same choice of whether the ad supports or opposes.

If there is a visual legend accompanying the picture of the talking sponsor, it must be 32 scan lines (a TV technical term) in height.

For violating the Expanded Requirements, the bill does not place any liability in addition to federal law on TV or radio outlets. On sponsors, the bill places no criminal liability, but it establishes a monetary civil remedy for a candidate who has complied with the requirements against an opposing candidate or other sponsor who has violated them. Damages would be the value of the ads that were in violation. If the plaintiff can show that he or she notified the sponsor that an ad was in violation and the sponsor continued to run the ad, the damages can be trebled.

The bill would become effective January 1, 1998.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Attachment 4

EDITION No. _____

H. B. No. _____

DATE 5-21-97

S. B. No. 708

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE ☒

(Rep.) SHUBERT
Sen.) _____

- 1 moves to amend the bill on page 1, lines 13 and 14
- 2 () WHICH CHANGES THE TITLE
- 3 by _____
- 4 deleting the term "shall be made
- 5 by any sponsor"
- 6 _____
- 7 _____
- 8 _____
- 9 _____
- 10 _____
- 11 _____
- 12 _____
- 13 _____
- 14 _____
- 15 _____
- 16 _____
- 17 _____
- 18 _____
- 19 _____

SIGNED Fern H. Shubert

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Attachment 5

EDITION No. _____

H. B. No. _____

DATE 5-21-97

S. B. No. 708

Amendment No. _____

COMMITTEE SUBSTITUTE ☒

(to be filled in by
Principal Clerk)

Rep. JARRELL
Sen.)

1 moves to amend the bill on page 9, line 26

2 () WHICH CHANGES THE TITLE

3 by _____

4 inserting after "pamphlets," to

5 term "fliers,"

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED Mary L. Jarrell

ADOPTED _____ FAILED _____ TABLED _____

Attachment 6

Handout 5/24/97
(Will Take up
next week 5/28)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 736

Proposed Committee Substitute -- H736-PCSRR-004

Short Title: Voter I.D.

(Public)

Sponsors:

Referred to: Election Law and Campaign Reform.

April 1, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ALL COUNTIES TO ISSUE VOTER REGISTRATION CARDS
3 AND TO PROVIDE FOR A VOTER IDENTIFICATION REQUIREMENT AT THE
4 POLLS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 163-82.8 reads as rewritten:
7 "§ 163-82.8. Voter registration cards.
8 (a) Authority to Issue Card. -- ~~With the approval of the board~~
9 ~~of county commissioners, the~~ The county board of elections ~~may~~
10 shall issue to each voter in the county a voter registration
11 ~~card, or may issue cards to all voters registered after January~~
12 ~~1, 1995.~~ card not later than December 31, 1997.
13 (b) Content and Format of Card. -- At a minimum, the voter
14 registration card shall:
15 (1) List the voter's name, address, and voting place;
16 (2) Contain the address and telephone number of the
17 county board of elections, along with blanks to
18 report a change of address within the county,
19 change of name, and change of party affiliation;
20 and
21 (3) Be wallet ~~size~~ size; and
22 (4) Contain an identification number.

1 No voter registration card may be issued by a county board of
2 elections unless the State Board of Elections has approved the
3 format of the card.

4 (c) Ways County Board and Registrant May Use Card. -- ~~If the~~
5 ~~county board of elections issues voter registration cards, the~~
6 The county board may use that card as a notice of tentative
7 approval of the voter's application pursuant to G.S. 163-82.7(c),
8 provided that the mailing contains the statements and information
9 required in that subsection. The county board may also satisfy
10 the requirements of G.S. 163-82.15(b), 163-82.16(b), or 163-
11 82.17(b) by sending the registrant a replacement of the voter
12 registration card to verify change of address, change of name, or
13 change of party affiliation. A registrant may use the card to
14 report a change of address, change of name, or change of party
15 affiliation, satisfying G.S. 163-82.15, 163-82.16, or 163-82.17.

16 (d) Card as Evidence of Registration. -- A voter registration
17 card shall be evidence of registration but shall not preclude a
18 challenge as permitted by law.

19 ~~(e) Display of Card May Not Be Required to Vote. -- No county~~
20 ~~board of elections may require that a voter registration card be~~
21 ~~displayed in order to vote. "~~

22 Section 2. G.S. 163-150(a) reads as rewritten:

23 "(a) Checking Registration. -- A person seeking to vote shall
24 enter the voting enclosure at the voting place through the
25 appropriate entrance and shall at once state his name and place
26 of residence to one of the judges of election. A voter shall show
27 one of the following types of identification:

- 28 (1) A voter registration card issued under G.S. 163-
29 82.8;
- 30 (2) A drivers license;
- 31 (3) A special identification card issued under G.S. 20-
32 37.7;
- 33 (4) A passport;
- 34 (5) An identification card issued by the U.S.
35 Department of Defense; or
- 36 (6) A social security card and one other type of
37 identification showing the name and a picture of
38 the voter.

39 A voter who does not show one of those types of identification
40 shall be allowed to mark a provisional ballot. The provisional
41 ballot shall be sealed in an envelope on which the voter shall
42 sign an affidavit attesting to identity and eligibility to vote
43 the ballot. The county board of elections shall determine if the
44 voter is eligible to cast the ballot and, if so, shall count it,

1 and if not, shall not count it. The State Board of Elections
2 shall promulgate rules for provisional ballot procedures to
3 include instructions for county boards of elections in methods to
4 determine the eligibility of persons who vote a provisional
5 ballot under this subsection. In a primary election, the voter
6 shall also state the political party with which he affiliates and
7 in whose primary he desires to vote, or if the voter is an
8 unaffiliated voter permitted to vote in the primary of a
9 particular party under G.S. ~~163-116~~, 163-119, the voter shall
10 state the name of the authorizing political party in whose
11 primary he wishes to vote. The judge to whom the voter gives
12 this information shall announce the name and residence of the
13 voter in a distinct tone of voice. After examining the precinct
14 registration records, the chief judge shall state whether the
15 person seeking to vote is duly registered. Fraudulently
16 presenting an identification shall be a Class H felony."

17 Section 3. This act is effective when it becomes law.

Attachment 1 *orig. Justus*

NOTE: The following transcript was requested by Rep. Justus following the meeting on May 21, 1997:

MEMORANDUM

DATE: May 21, 1997

TO: Representative Justus
Representative C. Wilson

FROM: Rosemary Stowe, Clerk

SUBJ: Verbatim Transcript of Motion by Representative Michaux at
Election Law Committee Meeting May 21, 1997 relative to SB 708

A motion was made by Rep. Michaux relative to the House Proposed Committee Substitute (S708-PCSR-012) after the amendment by Rep. Jarrell and the technical amendment by Rep. Shubert had been adopted. The motion was:

"I move that the Bill be incorporated with the amendments into a committee substitute and the committee substitute be given a favorable report and the original bill be given an unfavorable report."

Rep. Justus thanked Rep. Michaux for the motion and asked if any discussion on the motion. Rep. Baddour made comments favorable to the bill. Other questions to Senator Cooper ensued and further discussion by other members occurred. There was a vote on the Michaux motion, and it passed.

Rosemary Stowe (Rep. Wilson)

From: Rosemary Stowe (Rep. Wilson)
Sent: Wednesday, May 21, 1997 5:38 PM
To: Carolyn Justus (Rep. Justus)
Cc: Jackie Hamby (House Committee Clerks Office)
Subject: Verbatim Transcript of Motion by Rep. Michaux



sb 708
memorandum.doc

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 708
Judiciary Committee Substitute Adopted 4/22/97
Third Edition Engrossed 4/24/97

Short Title: Stand By Your Ad.

(Public)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE CERTAIN DISCLOSURES BY THE SPONSORS OF
3 POLITICAL ADVERTISEMENTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 22A of Chapter 163 of the General Statutes is amended
6 by adding a new Part to read:

7 "Part 1A. Disclosure Requirements for Media Advertisements.

8 "**§ 163-278.39. Basic disclosure requirements for all political campaign advertisements.**

9 (a) Basic Requirements. -- No advertisement in the print media or on radio or
10 television whose cost or value constitutes an expenditure or contribution required to
11 be disclosed under this Article shall be made by a sponsoring candidate, candidate
12 campaign committee, political party organization, political action committee,
13 referendum committee, or individual in a State or local campaign unless all the
14 following conditions are met:

15 (1) It bears the legend or includes the statement: 'Paid for by
16 [Name of candidate, candidate campaign committee,
17 political party organization, political action committee, referendum
18 committee, or individual].' In television advertisements, this
19 disclosure shall be made by visual legend.

20 (2) The name used in the labeling required in subdivision (1) of this
21 subsection is the name that appears on the statement of
22 organization as required in G.S. 163-278.7(b)(1).

(3) The sponsor states in the advertisement its position for or against the candidate, provided that this subdivision applies only if the media advertisement supports or opposes a specific candidate or candidates.

(4) The sponsor states in the advertisement its position for or against a ballot measure, provided that this subdivision applies only if the media advertisement is made for or against a ballot measure.

(5) In a print media advertisement supporting or opposing a specific candidate or candidates, the sponsor states whether it is authorized by a candidate. The visual legend in the advertisement shall state either 'Authorized by [name of candidate], candidate for [name of office]' or 'Not authorized by a candidate.' This subdivision does not apply if the sponsor of the advertisement is the candidate the advertisement supports or that candidate's campaign committee.

(b) Size Requirements. -- In a print media advertisement covered by subsection (a) of this section, all disclosure statements required by that subsection shall constitute at least ten percent (10%) of the space of the advertisement. If a single advertisement consists of multiple pages, folds, or faces, the requirement of the previous sentence applies only to one page, fold, or face. In a television advertisement covered by subsection (a) of this section, the visual disclosure legend shall constitute 32 scan lines in size.

(c) Misrepresentation of Authorization. -- Notwithstanding G.S. 163-278.27(a), any candidate, candidate campaign committee, political party organization, political action committee, referendum committee, or sponsoring individual making an advertisement in the print media or on radio or television bearing any legend required by subsection (a) of this section that misrepresents the sponsorship or authorization of the advertisement is guilty of a Class 1 misdemeanor.

"§ 163-278.39A. Disclosure requirements for television and radio advertisements supporting or opposing candidates.

(a) Expanded Disclosure Requirements. -- In addition to the basic disclosure requirements in G.S. 163-278.39, any political campaign advertisement on radio or television supporting or opposing a specific candidate or candidates shall comply with the expanded disclosure requirements set forth in this section.

(b) Disclosure Requirements for Television. --

(1) Candidate Advertisements on Television. -- Television advertisements purchased by a candidate or by a candidate campaign committee supporting or opposing a specific candidate or candidates shall include a disclosure statement spoken by the candidate and containing at least the following words: 'I am (or "This is...") [candidate's name], candidate for [name of office], and I (or "my campaign...") sponsored this ad.'

(2) Political Party Advertisements on Television. -- Television advertisements purchased by a political party organization supporting or opposing a specific candidate or candidates shall

1 include a disclosure statement spoken by the chair, executive
2 director, or treasurer of the political party organization and
3 containing at least the following words: 'The [name of political
4 party organization] sponsored this ad opposing/supporting [name of
5 candidate] for [name of office].' The disclosed name of the
6 political party organization shall include the name of the political
7 party as it appears on the ballot.

8 (3) Political Action Committee Advertisements on Television. --
9 Television advertisements purchased by a political action
10 committee supporting or opposing a specific candidate or
11 candidates shall include a disclosure statement spoken by the chief
12 executive officer or treasurer of the political action committee and
13 containing at least the following words: 'The [name of political
14 action committee] political action committee sponsored this ad
15 opposing/supporting [name of candidate] for [name of office].' The
16 name of the political action committee used in the advertisement
17 shall be the name that appears on the statement of organization as
18 required in G.S. 163-278.7(b)(1).

19 (4) Advertisements on Television by an Individual. -- Television
20 advertisements purchased by an individual supporting or opposing
21 a specific candidate or candidates shall include a disclosure
22 statement spoken by the individual and containing at least the
23 following words: 'I am [individual's name], and I sponsored this
24 advertisement opposing/sponsoring [name of candidate] for [name
25 of office].'

26 (5) All Advertisements on Television. -- In any television
27 advertisement described in subdivisions (1) through (4) of this
28 subsection, an unobscured, full-screen picture containing the
29 disclosing person, either in photographic form or through the
30 actual appearance of the disclosing person on camera, shall be
31 featured throughout the duration of the disclosure statement.

32 (c) Disclosure Requirements for Radio. --

33 (1) Candidate Advertisements on Radio. -- Radio advertisements
34 purchased by a candidate or by a candidate campaign committee
35 shall include a disclosure statement spoken by the candidate and
36 containing at least the following words: 'I am (or "This is.") [name
37 of candidate], candidate for [name of office], and this ad was paid
38 for by [name of candidate campaign committee that paid for the
39 advertisement].'

40 (2) Political Party Advertisements on Radio. -- Radio advertisements
41 purchased by a political party organization supporting or opposing
42 a specific candidate or candidates shall include a disclosure
43 statement spoken by the chair, executive director, or treasurer of
44 the political party organization and containing at least the

1 following words: 'This ad opposing/supporting [name of candidate]
2 for [name of office] was paid for (or "sponsored" or "furnished")
3 by [name of political party].' The disclosed name of the political
4 party organization shall include the name of the political party as it
5 appears on the ballot.

6 (3) Political Action Committee Advertisements on Radio. -- Radio
7 advertisements purchased by a political action committee
8 supporting or opposing a specific candidate or candidates shall
9 include a disclosure statement spoken by the chief executive officer
10 or treasurer of the political action committee and containing at
11 least the following words: 'This ad opposing/supporting [name of
12 candidate] for [name of office] was paid for (or "sponsored" or
13 "furnished") by [name of political action committee] political
14 action committee.' The name of the political action committee
15 used in the advertisement shall be the name that appears on the
16 statement of organization as required by G.S. 163-278.7(b)(1).

17 (4) Advertisements on Radio by an Individual. -- Radio advertisements
18 purchased by an individual supporting or opposing a specific
19 candidate or candidates shall include a disclosure statement spoken
20 by the individual and containing at least the following words: 'I am
21 [individual's name], and this ad opposing/supporting [name of
22 candidate] for [name of office] was paid for (or "sponsored" or
23 "furnished") by me.'

24 (d) Placement of Disclosure Statement in Television and Radio Advertisements. --
25 In advertisements on television, a sponsoring candidate or candidate campaign
26 committee, political party organization, political action committee, or individual may
27 place the disclosure statement required by this section at any point during the
28 advertisement, except if the duration of the advertisement is more than five minutes,
29 the disclosure statement shall be made both at the beginning and end of the
30 advertisement. The sponsor may provide the oral disclosure statement required by
31 this section at the same time as the visual disclosure required under the Federal
32 Communications Act, 47 U.S.C. §§ 315 and 317 is shown. But any visual disclosure
33 legend shall be at least 32 scan lines in size. For advertisements on radio, the
34 placement of the oral disclosure statement shall follow the requirements under the
35 Federal Communications Act, 47 U.S.C. §§ 315 and 317.

36 (e) Choice by Noncandidate Entity of Supporting or Opposing a Candidate. -- In
37 its oral disclosure statement, a sponsoring political party organization, political action
38 committee, or individual shall choose either to identify an advertisement as
39 supporting a specific candidate or opposing a specific candidate.

40 (f) Legal Remedy. -- Pursuant to the conditions established in subdivisions (1), (2),
41 and (3) of this subsection, a candidate for an elective office who complied with the
42 television and radio disclosure requirements throughout that candidate's entire
43 campaign shall have a monetary remedy in a civil action against (i) an opposing
44 candidate or candidate committee whose television or radio advertisement violates

1 these disclosure requirements and (ii) against any political party organization,
2 political action committee, or individual whose advertisement for that elective office
3 violates these disclosure requirements:

4 (1) Any plaintiff candidate in a statewide race in an action under this
5 section shall complete and file a Notice of Complaint Regarding
6 Failure to Disclose on Television or Radio Campaign Advertising
7 with the State Board of Elections after the airing of the
8 advertisement but no later than the first Friday after the Tuesday
9 on which the election occurred. Candidates in nonstatewide races
10 may file the notice during the same time period with one county
11 board of elections within the electoral area in which they are
12 candidates. The timely filing of this notice preserves the
13 candidate's right to bring an action in superior court any time
14 within 90 days after the election. A candidate shall bring the civil
15 action in the county where the candidate filed the notice.

16 (2) Upon receiving a favorable verdict in accordance with existing law,
17 the plaintiff candidate shall receive a monetary award of actual
18 damages. The price of actual damages shall be calculated as the
19 total dollar amount of television and radio advertising time that
20 was aired and that the plaintiff candidate correctly identifies as
21 being in violation of the disclosure requirements of this section.

22 The plaintiff candidate shall also receive an award that trebles
23 the amount of actual damages if:

24 a. The plaintiff candidate can establish having notified or
25 attempted to notify the sponsor of the advertisement
26 properly by return-receipt mail about the failure of a
27 particular advertisement or advertisements to comply with
28 the disclosure requirements of this section, and

29 b. After the notice or attempted notice, the advertisement
30 continued to be aired.

31 The treble damages shall be calculated from the date on which the
32 return-receipt notice was accepted or rejected by a defendant
33 sponsoring candidate or candidate committee, political party
34 organization, political action committee, or individual. The
35 plaintiff candidate or candidate committee shall send a copy of any
36 return-receipt mailing to the relevant board of elections as
37 provided in subdivision (1) of this subsection within five days after
38 the notice is returned to the possession of the candidate or
39 candidate committee.

40 The court shall award reasonable attorneys' fees to a plaintiff
41 candidate who prevails in an action under this section. The
42 plaintiff candidate may bring the civil action personally or
43 authorize his or her candidate campaign committee to bring the
44 civil action.

(3) A candidate who violates the disclosure requirements of State law in this section and that candidate's campaign committee shall be jointly and severally liable for the payment of damages and attorneys' fees. If the candidate is held personally liable for any payment of damages or attorneys' fees, the candidate shall not use or be reimbursed by funds from the candidate's campaign committee in paying any amount.

(g) Relation to the Federal Communications Act. -- Television advertisements by candidates or candidate campaign committees, political party organizations, political action committees, and individuals supporting or opposing a specific candidate or candidates shall comply with the oral disclosure requirements under State law in this section. Those advertisements shall also comply with disclosure requirements under the Federal Communications Act, 47 U.S.C. §§ 315 and 317 by use of visual legends. The content of those visual legends is specified by the Federal Communications Act, 47 U.S.C. §§ 315 and 317, and G.S. 163-278.39(a)(1). The size of those visual legends is determined by G.S. 163-278.39(b), which satisfies minimum requirements under the Federal Communications Act, 47 U.S.C. §§ 315 and 317. In the case of radio advertisements, the oral disclosure requirements under State law in this section incorporate the content requirements under the Federal Communications Act, 47 U.S.C. §§ 315 and 317.

(h) No Additional Liability of Television or Radio Outlets. -- Television or radio outlets shall not be liable under this section for carriage of political advertisements that fails to include the disclosure requirements provided for in this section.

(i) No Criminal Liability. -- Nothing in this section regarding the disclosure requirements in subsections (b) and (c) of this section shall be relied upon or otherwise interpreted to create criminal liability for any person.

"§ 163-278.39B. Definitions.

As used in this Part:

(1) 'Candidate' means any individual who, with respect to a public office listed in G.S. 163-278.6(18), has filed a notice of candidacy or a petition requesting to be a candidate, or has been certified as a nominee of a political party for a vacancy, or has otherwise qualified as a candidate in a manner authorized by law, or has filed a statement of organization under G.S. 163-278.7 and is required to file periodic financial disclosure statements under G.S. 163-278.9.

(2) 'Candidate campaign committee' means any political committee organized by or under the direction of a candidate.

(3) 'Full-screen' means the only picture appearing on the television screen during the oral disclosure statement contains the disclosing person, that the picture occupies all visible space on the television screen, and that the image of the disclosing person occupies at least fifty percent (50%) of the vertical height of the television screen.

- (4) 'Print media' means billboards, cards, newspapers, newspaper inserts, magazines, mass mailings, pamphlets, periodicals, and outdoor advertising facilities. A 'mass mailing' is a mailing with more than five hundred (500) pieces.
- (5) 'Political action committee' has the same meaning as 'political committee' in G.S. 163-278.6(14), except that 'political action committee' does not include any political party or political party organization.
- (6) 'Political party organization' means any political party executive committee or any political committee that operates under the direction of a political party executive committee or political party chair.
- (7) 'Radio' means any radio broadcast station that is subject to the provisions of 47 U.S.C. §§ 315 and 317.
- (8) 'Scan line' means a standard term of measurement used in the electronic media industry calculating a certain area in a television advertisement.
- (9) 'Supporting or Opposing' means an advertisement that mentions the name of a candidate and whose cost or value constitutes an expenditure or contribution required to be disclosed under this Article.
- (10) 'Television' means any television broadcast station, cable television system, wireless-cable multipoint distribution system, satellite company, or telephone company transmitting video programming that is subject to the provisions of 47 U.S.C. §§ 315 and 317.
- (11) 'Unobscured' means the only printed material that may appear on the television screen is a visual disclosure statement required by law, and nothing is blocking the view of the disclosing person's face.

"§ 163-278.39C. Scope of disclosure requirements.

The disclosure requirements of this Part apply to all those candidates or candidate committees, political party organizations, political action committees, and individuals required to file financial disclosure statements in North Carolina pursuant to this Article or pursuant to federal law, except that the disclosure requirements of this Part do not apply to an individual who expends or contributes an aggregate of less than one thousand dollars (\$1,000) in a political campaign."

Section 2. G.S. 163-278.16 reads as rewritten:

"§ 163-278.16. Regulations regarding ~~contributions, expenditures and media advertising.~~ timing of contributions and expenditures.

(a) Except as provided in G.S. 163-278.12, no contribution may be received or expenditure made by or on behalf of a candidate, political committee, or referendum committee:

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up 5/28

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 736

Short Title: Voter I.D.

(Public)

Sponsors: Representatives Justus; Cansler, Capps, Davis, Ives, Morris, and
Sexton.

Referred to: Election Law and Campaign Reform.

April 1, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO REQUIRE ALL COUNTIES TO ISSUE VOTER REGISTRATION
3 CARDS AND TO PROVIDE FOR A VOTER IDENTIFICATION
4 REQUIREMENT AT THE POLLS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 163-82.8 reads as rewritten:

7 "**§ 163-82.8. Voter registration cards.**

8 (a) Authority to Issue Card. -- ~~With the approval of the board of county~~
9 ~~commissioners, the~~ The county board of elections may shall issue to each voter in the
10 county a voter registration card, ~~or may issue cards to all voters registered after~~
11 ~~January 1, 1995.~~ card not later than December 31, 1997.

12 (b) Content and Format of Card. -- At a minimum, the voter registration card
13 shall:

- 14 (1) List the voter's name, address, and voting place;
15 (2) Contain the address and telephone number of the county board of
16 elections, along with blanks to report a change of address within
17 the county, change of name, and change of party affiliation; and
18 (3) Be wallet size.

19 No voter registration card may be issued by a county board of elections unless the
20 State Board of Elections has approved the format of the card.

21 (c) Ways County Board and Registrant May Use Card. -- ~~If the county board of~~
22 ~~elections issues voter registration cards, the~~ The county board may use that card as a
23 notice of tentative approval of the voter's application pursuant to G.S. 163-82.7(c),

1 provided that the mailing contains the statements and information required in that
2 subsection. The county board may also satisfy the requirements of G.S. 163-82.15(b),
3 163-82.16(b), or 163-82.17(b) by sending the registrant a replacement of the voter
4 registration card to verify change of address, change of name, or change of party
5 affiliation. A registrant may use the card to report a change of address, change of
6 name, or change of party affiliation, satisfying G.S. 163-82.15, 163-82.16, or 163-82.17.

7 (d) Card as Evidence of Registration. -- A voter registration card shall be evidence
8 of registration but shall not preclude a challenge as permitted by law.

9 (e) Display of ~~Card May Not Be Required to Vote~~. Card. -- No Except as
10 provided by G.S. 163-150(a), no county board of elections may require that a voter
11 registration card be displayed in order to vote."

12 Section 2. G.S. 163-150(a) reads as rewritten:

13 "(a) Checking Registration. -- A person seeking to vote shall enter the voting
14 enclosure at the voting place through the appropriate entrance and shall at once state
15 his name and place of residence to one of the judges of election. A voter shall show
16 one of the following types of identification:

17 (1) A voter registration card issued under G.S. 163-82.8 in a county
18 which issues such cards;

19 (2) A drivers license;

20 (3) A special identification card issued under G.S. 20-37.7;

21 (4) A passport;

22 (5) An identification card issued by the U.S. Department of Defense;
23 or

24 (6) A social security card and one other type of identification showing
25 the name and a picture of the voter.

26 A voter who does not show one of those types of identification, but does not
27 otherwise appear to be ineligible to vote in the precinct, shall be allowed to mark a
28 provisional ballot. The provisional ballot shall be sealed in an envelope on which the
29 voter shall sign an affidavit attesting to identity and eligibility to vote the ballot. The
30 county board of elections shall determine if the voter is eligible to cast the ballot and,
31 if so, shall count it, and if not, shall not count it. The State Board of Elections shall
32 promulgate rules for provisional ballot procedures to include instructions for county
33 boards of elections in methods to determine the eligibility of persons who vote a
34 provisional ballot under this subsection. In a primary election, the voter shall also
35 state the political party with which he affiliates and in whose primary he desires to
36 vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a
37 particular party under G.S. ~~163-116, 163-119~~, the voter shall state the name of the
38 authorizing political party in whose primary he wishes to vote. The judge to whom
39 the voter gives this information shall announce the name and residence of the voter
40 in a distinct tone of voice. After examining the precinct registration records, the
41 chief judge shall state whether the person seeking to vote is duly registered."

42 Section 3. This act is effective when it becomes law.

HOUSE COMMITTEE
ON
ELECTION LAWS & CAMPAIGN REFORM

May 28, 1997
Room 1327, Legislative Building
11:00 AM

AGENDA

I. CALL TO ORDER

Co-Chairmen: Representative Larry Justus
Representative Connie Wilson

II. BILLS

- **HOUSE BILL 1145 -- JUDICIAL RETENTION**
Representative Bill Culpepper
- **SENATE BILL 825 -- CANDIDATE ACCOUNTABILITY**
Senator Dan Page

III. ADJOURNMENT

HOUSE COMMITTEE ON ELECTION LAW
AND
CAMPAIGN REFORM

May 28, 1997
Room 1327

HOUSE MEMBERS PRESENT: [21] Representatives Justus, Wilson, Aldridge, Arnold, Baddour, Berry, Bonner, Braswell, Cansler, Dedmon, Hiatt, Insko, Jarrell, Kiser, Michaux, Rayfield, Shubert, Tallent, Weatherly, Howard and Wood.

The House Committee on Election Laws and Campaign Reform met in Room 1327 of the Legislative Building on Wednesday, May 28, 1997. Representative Larry Justus called the meeting to order at 11:10 AM. Representative Justus introduced House Pages Brantley Smith from Lincoln county and Clint Madry from Wake County.

Representative Justus asked for a motion that House Bill 736 --Voter I.D. -- be included in the "Basket"¹. Representative Arnold moved that House Bill 736 be included in the bundle. Motion carried with Representative Michaux opposing the bill.

Representative Justus remarked that there have been questions on Senate Bill 708 -- Stand By Your Ad --by several groups including the ACLU. Representative Rayfield, as a member voting on the prevailing side, moved that the committee reconsider Senate Bill 708. Representative Wilson explained that several groups have expressed concern that the language of the bill would require any group who has a newsletter and mentions an elected official would be required to place disclaimers. Representative Wilson took over the gavel. The motion carried to reconsider Senate Bill 708. Representative Wilson assigned Senate Bill 708 to a Subcommittee Chaired by Representative Shubert. Representatives Baddour, Michaux, Braswell, Kiser and Arnold are members of the subcommittee with Representatives Justus and Wilson as ex officio members..

Representative Wilson recognized Representative Culpepper to present House Bill 1145.

House Bill 1145 -- Judicial Retention

¹ 1. Basket - a collection of bills which have been given a favorable committee report and are awaiting inclusion in a House Committee substitute for a Senate bill

Representative Culpepper presented Attachment 1 - Proposed Committee Substitute for House Bill 1145. Representative Arnold moved that the committee substitute be placed before the committee for discussion. Motion carried. Representative Culpepper explained that his proposed legislation would allow for a referendum in November to allow the Governor to appoint appellate judges upon the recommendation of a commission. The judges would then be subject to a retention election. Representative Culpepper added that a similar bill almost passed in 1996. This would take the election of appellate judges out of partisan politics. The Courts Commission has sponsored two bills this session. Their recommendation has been made into a study. Representative Culpepper continued that twenty five states have the appeals court appointed by the Governor and twenty one of those states have appointments recommended by a commission. Sitting appellate judges would run in retention elections. There would be a joint legislative commission on appointing judges who would nominate three names to the Governor. The Governor would select one name. The appointed appellate judge would be subject to a retention election in one or two years and then every eight years. Representative Culpepper continued that the Courts Commission bill has a state judicial council of eighteen members who handle a variety of duties and his bill has a commission with this one function. The members of the legislative commission are appointed by the Speaker and President Pro Tempore.

Representative Michaux asked Representative Culpepper to explain the difference between an election and a retention election. Representative Culpepper responded that one difference is the feasibility of a statewide nonpartisan election. Also, an election puts a person against a person. Representative Michaux asked why there are only members of the General Assembly on this commission and not lay persons or others. Representative Culpepper said he wanted the General Assembly to stay involved in this matter.

Representative Braswell asked if there would be any cost savings in the retention election vs. regular election. Representative Culpepper replied that he has not studied this issue from that angle. Representative Braswell asked if judges would walk around the Legislative Building seeking votes like Board of Governors members. Representative Culpepper said there would be no floor vote. The recommendation would be made in committee. Representative Braswell asked if the committee would interview prospective judges or would the selection be done by paper.

Representative Arnold asked how the members of this committee would be assured that the appointment would be bipartisan. He continued that he is nervous about the loose language in this bill. Representative Arnold then suggested sending the bill to a subcommittee to work out the problems.

Representative Justus asked how long the members of the selection committee would serve. Representative Culpepper said he has not looked at that. Representative Justus then commented that if one political party controls the House and Senate, then there could be six House members of the same party plus six Senate members of the same party. Representative Culpepper said this could be fixed.

Representative Shubert expressed concern that this committee is looking at this bill when the Courts Commission report is being studied. Representative Culpepper said this is a narrow part of the bigger bill.

Representative Kiser asked if this bill would give judges a lifetime job. Is there no age limit or term limit. Representative Culpepper replied that there is an age limit already in the law. He added that a judge was removed by retention vote in Tennessee.

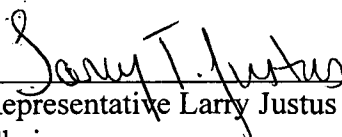
Representative Cansler added that there is only a retention vote; there is no side to bring out the issues.

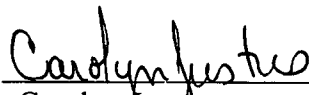
Representative Dedmon said that a lot of time and effort has been put into this bill. It would be simpler to have all judges run nonpartisan. Representative Culpepper replied that people don't want to give up the right to vote on District Court and Superior Court Judges.

Representative Justus moved that a subcommittee look at this bill. Motion carried.

Representative Wilson told Senator Page his bill will be first on the agenda next week.

The meeting was adjourned at 11:52 AM


Representative Larry Justus
Chairman


Carolyn Justus
Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1145

Short Title: Judicial Retention.

(Public)

Sponsors: Representative Culpepper.

Referred to: Election Law and Campaign Reform.

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR RETENTION OF APPELLATE JUSTICES AND
3 JUDGES OF THE GENERAL COURT OF JUSTICE BY VOTE OF THE
4 PEOPLE.

5 The General Assembly of North Carolina enacts:

6 Section 1. Section 16 of Article IV of the Constitution of North Carolina
7 reads as rewritten:

8 "Sec. 16. Terms of office and election of Justices of the Supreme Court, Judges of
9 the Court of Appeals, and Judges of the Superior Court.

10 As vacancies occur whether by expiration of term, failure of the voters to retain a
11 Justice or Judge in office, or otherwise, Justices of the Supreme Court, Court and
12 Judges of the Court of Appeals, and regular Appeals shall be appointed by the
13 Governor from a list of three recommendations of qualified nominees submitted by a
14 commission established by law consisting of members of the General Assembly, and
15 shall serve until January following the next statewide general election held at least
16 one year from taking office. The General Assembly may provide by law for the
17 Speaker of the House of Representatives and the President Pro Tempore of the
18 Senate to appoint members of the commission. To continue in office after that time,
19 the Justice or Judge must have been retained in office by a vote of the qualified
20 voters of the State, and shall hold office for terms of eight years. Regular Judges of
21 the Superior Court shall be elected by the qualified voters and shall hold office for
22 terms of eight years and until their successors are elected and qualified. Justices of
23 the Supreme Court and Judges of the Court of Appeals shall be elected by the
24 qualified voters of the State. Regular Judges of the Superior Court may be elected by

1 the qualified voters of the State or by the voters of their respective districts, as the
2 General Assembly may prescribe."

3 Section 2. The amendment set out in Section 1 of this act shall be
4 submitted to the qualified voters of the State at an election to be conducted on the
5 Tuesday after the first Monday in November 1997, which election shall be conducted
6 under the laws then governing elections in the State. Ballots, voting systems, or both
7 may be used in accordance with Chapter 163 of the General Statutes. The question
8 to be used in the voting systems and ballots shall be:

9 "[] FOR [] AGAINST

10 Constitutional amendment allowing appointment of Appellate Justices
11 and Judges by the Governor upon recommendation of three names from a
12 nominating commission, and allowing the voters to decide whether or not Appellate
13 Justices and Judges should remain in office."

14 Section 3. If a majority of the votes cast on the question are in favor of
15 the amendment set out in Section 1 of this act, the State Board of Elections shall
16 certify the amendment to the Secretary of State. The amendment becomes effective
17 upon this certification. The Secretary of State shall enroll the amendment so
18 certified among the permanent records of that office.

19 Section 4. Chapter 163 of the General Statutes is amended by adding a
20 new Subchapter to read:

21 "SUBCHAPTER X. RETENTION OF JUSTICES AND JUDGES.

22 "ARTICLE 26.

23 "Retention of Appellate Justices and Judges
24 by Vote of the People.

25 "§ 163-341. Applicability.

26 This Article applies to every Appellate Justice and Judge of the General Court of
27 Justice who on July 1, 1997, was serving a term of office for which^b he or she was
28 elected, and to every Appellate Justice and Judge of the General Court of Justice
29 elected to, or retained in, office after that date. Vacancies in judgeships shall be
30 filled as provided by law.

31 "§ 163-342. Notice of candidacy for retention vote; payment of filing fee.

32 (a) Form of Notice. -- Each Justice or Judge who has been elected to office, or
33 retained in office, who wishes to stand for a retention vote must state that intention to
34 the State Board of Elections by filing a notice of candidacy for retention with the
35 State Board of Elections in the following form, inserting the words in parentheses
36 when appropriate:

37
38 'Date ;

39
40 I hereby file notice that (a) I was elected to the office of on
41 (date). [(b) the following if applicable: I was last retained for a succeeding regular
42 term of office on (date)]. (c) my current term expires at the end of the next
43 calendar year, and (d) I wish to stand for a retention vote about whether I should
44 remain in my office for the next succeeding regular term of office.

Signed

(Name of Justice or Judge)

(District number, if applicable)

Witness:

Each candidate for retention shall sign the notice of candidacy in the presence of the chairman or secretary of the State Board of Elections. Or, a candidate may sign and acknowledge the notice of candidacy before an officer authorized to take acknowledgments and administer oaths; in this case, the officer shall certify the notice under seal. An acknowledged and certified notice may be mailed to the State Board of Elections.

The candidate for retention shall sign the notice of candidacy with his or her legal name, and, in his or her discretion, any nickname by which the candidate is commonly known, in the form that the candidate wishes to appear on the retention ballot but substantially as in the following example: 'Richard D. (Dick) Roc.' A candidate for retention may also, in lieu of his or her legal first name and legal middle initial or middle name (if any) sign his or her nickname, provided that he or she appends to the notice of candidacy for retention an affidavit that the candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit.

(b) Time for Filing Notice of Candidacy for Retention. -- Any Appellate Justice or Judge of the General Court of Justice who is seeking to remain in office by retention vote must file a notice of candidacy for retention with the State Board of Elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the first Friday in August of the year immediately preceding the final year of the Justice's or Judge's current term of office. Failure to comply with this subsection means that regular election procedures provided elsewhere in the General Statutes apply to the judgeship in question.

(b1) Time for Filing Notice of Candidacy for Retention Where Term Expires in 1998. -- Notwithstanding subsection (b) of this section, any Appellate Justice or Judge of the General Court of Justice, whose term of office expires in 1998 and who is seeking to remain in office by retention vote, must file a notice of candidacy for retention with the State Board of Elections no earlier than 12:00 noon on the seventh day after the date upon which this Article is approved under section 5 of the Voting Rights Act of 1965 and no later than 12:00 noon on the twenty-first day after the date upon which this Article is approved under section 5 of the Voting Rights Act of 1965. This section expires December 31, 1998. The State Board of Election may promulgate a special filing period for the 1998 election for any case in which a regular election for that office is required.

(c) Payment of Filing Fee. -- At the time he or she files notice of candidacy for retention, a Justice or Judge seeking to remain in office by retention vote must pay the filing fee applicable to that office provided in G.S. 163-107(a).

1 (d) Withdrawal of Notice of Candidacy for Retention. -- A Justice or Judge of the
2 General Court of Justice who has filed notice of candidacy for retention shall have
3 the right to withdraw it at any time prior to the date on which the right to file notice
4 of candidacy for retention expires, as provided in subsection (b) of this section. If a
5 Justice or Judge seeking retention does not withdraw before the filing deadline, his or
6 her name shall be printed on the retention ballot, any votes for that Justice or Judge
7 shall be counted, and that Justice or Judge shall not be refunded the filing fee.

8 **"§ 163-343. Retention ballot.**

9 (a) General. -- A Justice or Judge to whom G.S. 163-341 applies, and who has
10 filed a notice of candidacy and paid a filing fee as required by G.S. 163-342, shall
11 stand for approval by ballot by the people on the issue of the Justice's or Judge's
12 retention. The Justice's or Judge's name shall appear on the ballot, but his or her
13 political party affiliation shall not be identified on the ballot. The issue on the ballot
14 is whether the Justice or Judge should remain in office. This retention ballot shall be
15 held in an election on the Tuesday next after the first Monday in November of the
16 year immediately preceding the final year of the Justice's or Judge's current term of
17 office.

18 (b) Voters Eligible to Participate in Retention Ballot. -- Voting on retention of the
19 Chief Justice, Associate Justices, and Judges of the Appellate Division shall be by the
20 qualified voters of the whole State.

21 (c) Effect of Retention. -- If a majority of the votes cast in the retention ballot are
22 for the Justice or Judge to remain in office, the Justice or Judge shall continue in
23 office for the next succeeding regular term.

24 (d) Effect of Failure to Retain. -- If the voters fail to approve for retention a
25 Justice or Judge, the judgeship is deemed open for the next succeeding regular term
26 of office, and candidates may file and run for election to that office as provided
27 elsewhere in the General Statutes.

28 (e) Unretained Justice or Judge May File for Election. -- A Justice or Judge who
29 was not retained by the retention vote may file and run for election, as provided
30 elsewhere in the General Statutes, to the judgeship the Justice or Judge has vacated.

31 **"§ 163-344. Death, disqualification, or resignation of Justice or Judge seeking**
32 **retention, or who has been retained.**

33 (a) Death, Disqualification, or Resignation After Filing Notice of Candidacy for
34 Retention Vote, but Before Retention Vote. -- If a Justice or Judge of the General
35 Court of Justice seeking retention dies, is disqualified, or resigns after filing his or her
36 notice of candidacy for a retention vote, the office shall be deemed vacant and shall
37 be filled as provided by law.

38 (b) Death, Disqualification, or Resignation After Retention, but Before End of
39 Original Term Extended by Retention. -- If a Justice or Judge of the General Court
40 of Justice who has been retained in office dies, is disqualified, or resigns before the
41 end of his or her original term of office extended by retention, the office shall be
42 deemed vacant and shall be filled as provided by law.

43 (c) Death, Disqualification, or Resignation After Retention, and After End of
44 Original Term Extended by Retention. -- If a Justice or Judge of the General Court

1 of Justice who has been in office dies, is disqualified, or resigns after retention and
2 after the end of the original term extended by retention, the Governor shall appoint
3 to fill the vacancy, as provided by law, until the next election at which members of
4 the General Assembly are elected, occurring more than 60 days after the death,
5 disqualification, or resignation.

6 "§ 163-345. Applicability of laws governing administration of elections to retention
7 votes.

8 Insofar as they do not conflict with the provisions of this Article, the provisions of
9 Subchapter I. (Time of Primaries and Elections), Subchapter II. (Election Officers),
10 Subchapter III. (Qualifying to Vote), Subchapter VI. (Conduct of Primaries and
11 Elections), Subchapter VII. (Absentee Voting), and Subchapter VIII. (Regulation of
12 Election Campaign) of this Chapter (Elections and Election Law) apply to the
13 administration of the retention votes described in this Article. The State Board of
14 Elections may adopt rules to implement this Article."

15 Section 5. Chapter 7A of the General Statutes is amended by adding a
16 new Article to read:

17 "ARTICLE 6A.

18 "Joint Legislative Commission on Selection of Appellate Judges.

19 "§ 7A-39.21. Joint Legislative Commission on Selection of Appellate Judges.

20 (a) There is established in the General Assembly the Joint Legislative Commission
21 on Selection of Appellate Judges.

22 (b) The Commission shall consist of six members of the House of Representatives
23 appointed by the Speaker of the House of Representatives and six members of the
24 Senate appointed by the President Pro Tempore of the Senate.

25 (c) For each vacancy in the office of Justice or Judge of the Appellate Division of
26 the General Court of Justice, the Commission shall nominate to the Governor three
27 eligible persons as candidates."

28 Section 6. The Administrative Office of the Courts shall notify every
29 Judge and Justice of the General Court of Justice who is affected by G.S. 163-342(b1)
30 as enacted by this act of its contents immediately upon its approval under section 5 of
31 the Voting Rights Act of 1965.

32 Section 7. Sections 4 and 5 of this act become effective only if the
33 constitutional amendment proposed by Section 1 of this act is approved by the
34 qualified voters as provided in Section 2 of this act, and in such case they are
35 effective 10 days after the date upon which it is approved under section 5 of the
36 Voting Rights Act of 1965.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 1145
Proposed Committee Substitute H1145-PCS1387

Short Title: Judicial Retention.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR RETENTION OF APPELLATE JUSTICES AND
3 JUDGES OF THE GENERAL COURT OF JUSTICE BY VOTE OF THE
4 PEOPLE.
5 The General Assembly of North Carolina enacts:
6 Section 1. Section 16 of Article IV of the Constitution of North Carolina
7 reads as rewritten:
8 "Sec. 16. Terms of office and ~~election~~ selection of Justices of the Supreme Court,
9 Judges of the Court of Appeals, and Judges of the Superior Court.
10 As vacancies occur whether by failure of the voters to retain a Justice or Judge in
11 office, or otherwise, Justices of the Supreme Court, Court and Judges of the Court of
12 Appeals, and regular Appeals shall be appointed by the Governor as provided by
13 law. The General Assembly may provide by law that the gubernatorial appointees be
14 selected from recommendations of qualified nominees submitted by a commission
15 established by law which may consist of members of the General Assembly. The
16 General Assembly may provide by law for the Speaker of the House of
17 Representatives and the President Pro Tempore of the Senate to appoint members of
18 the commission. The General Assembly may provide by law that appointments are
19 subject to confirmation by the General Assembly. After appointment, the Justices and
20 Judges shall hold office until January following the next statewide general election
21 held at least one year from taking office. To continue in office after that time, the
22 Justice or Judge must have been retained in office by a vote of the qualified voters of
23 the State, and shall hold office for terms of eight years. Regular Judges of the

1 Superior Court shall be elected by the qualified voters and shall hold office for terms
2 of eight years and until their successors are elected and qualified. ~~Justices of the~~
3 ~~Supreme Court and Judges of the Court of Appeals shall be elected by the qualified~~
4 ~~voters of the State.~~ Regular Judges of the Superior Court may be elected by the
5 qualified voters of the State or by the voters of their respective districts, as the
6 General Assembly may prescribe."

7 Section 2. The amendment set out in Section 1 of this act shall be
8 submitted to the qualified voters of the State at an election to be conducted on the
9 Tuesday after the first Monday in November 1997, which election shall be conducted
10 under the laws then governing elections in the State. Ballots, voting systems, or both
11 may be used in accordance with Chapter 163 of the General Statutes. The question
12 to be used in the voting systems and ballots shall be:

13 "[] FOR [] AGAINST

14 Constitutional amendment allowing appointment of Appellate Justices
15 and Judges by the Governor upon recommendation of three names from a
16 nominating commission, and allowing the voters to decide whether or not Appellate
17 Justices and Judges should remain in office."

18 Section 3. If a majority of the votes cast on the question are in favor of
19 the amendment set out in Section 1 of this act, the State Board of Elections shall
20 certify the amendment to the Secretary of State. The amendment becomes effective
21 upon this certification. The Secretary of State shall enroll the amendment so
22 certified among the permanent records of that office.

23 Section 4. Chapter 163 of the General Statutes is amended by adding a
24 new Subchapter to read:

25 "SUBCHAPTER X. RETENTION OF JUSTICES AND JUDGES.

26 "ARTICLE 26.

27 "Retention of Appellate Justices and Judges
28 by Vote of the People.

29 "§ 163-341. Applicability.

30 This Article applies to every Appellate Justice and Judge of the General Court of
31 Justice who on July 1, 1997, was serving a term of office for which he or she was
32 elected, and to every Appellate Justice and Judge of the General Court of Justice
33 appointed to, or retained in, office after that date. Vacancies in judgeships shall be
34 filled as provided by law.

35 "§ 163-342. Notice of candidacy for retention vote; payment of filing fee.

36 (a) Form of Notice. -- Each Justice or Judge who wishes to stand for a retention
37 vote must state that intention to the State Board of Elections by filing a notice of
38 candidacy for retention with the State Board of Elections in the following form,
39 inserting the words in parentheses when appropriate:

40
41 'Date;
42

1 I hereby file notice that (i) my current term expires at the end of the next calendar
2 year, and (ii) I wish to stand for a retention vote about whether I should remain in
3 my office for the next succeeding regular term of office.

4
5 Signed
6 (Name of Justice or Judge)
7

8 Witness: '.
9

10 Each candidate for retention shall sign the notice of candidacy in the presence of
11 the chairman or secretary of the State Board of Elections. Or, a candidate may sign
12 and acknowledge the notice of candidacy before an officer authorized to take
13 acknowledgments and administer oaths; in this case, the officer shall certify the notice
14 under seal. An acknowledged and certified notice may be mailed to the State Board
15 of Elections.

16 The candidate for retention shall sign the notice of candidacy with his or her legal
17 name, and, in his or her discretion, any nickname by which the candidate is
18 commonly known, in the form that the candidate wishes to appear on the retention
19 ballot but substantially as in the following example: 'Richard D. (Dick) Roe.' A
20 candidate for retention may also, in lieu of his or her legal first name and legal
21 middle initial or middle name (if any) sign his or her nickname, provided that he or
22 she appends to the notice of candidacy for retention an affidavit that the candidate
23 has been commonly known by that nickname for at least five years prior to the date
24 of making the affidavit.

25 (b) Time for Filing Notice of Candidacy for Retention. -- Any Appellate Justice
26 or Judge of the General Court of Justice who is seeking to remain in office by
27 retention vote must file a notice of candidacy for retention with the State Board of
28 Elections no earlier than 12:00 noon on the first Friday in July and no later than
29 12:00 noon on the first Friday in August immediately preceding the January when the
30 Justice's or Judge's current term of office ends. Failure to comply with this
31 subsection means a person may be appointed as provided by law to serve beginning
32 at the expiration of the term.

33 (b1) Time for Filing Notice of Candidacy for Retention Where Term Expires in
34 1998. -- Notwithstanding subsection (b) of this section, any Appellate Justice or Judge
35 of the General Court of Justice, whose term of office expires in 1998 and who is
36 seeking to remain in office by retention vote, must file a notice of candidacy for
37 retention with the State Board of Elections no earlier than 12:00 noon on the seventh
38 day after the date upon which this Article is approved under section 5 of the Voting
39 Rights Act of 1965 and no later than 12:00 noon on the twenty-first day after the date
40 upon which this Article is approved under section 5 of the Voting Rights Act of 1965.
41 This section expires December 31, 1998. The State Board of Election may
42 promulgate a special filing period for the 1998 election for any case in which a
43 regular election for that office is required.

1 (c) Payment of Filing Fee. -- At the time he or she files notice of candidacy for
2 retention, a Justice or Judge seeking to remain in office by retention vote must pay a
3 filing fee of one percent (1%) of the annual salary.

4 (d) Withdrawal of Notice of Candidacy for Retention. -- A Justice or Judge of the
5 General Court of Justice who has filed notice of candidacy for retention shall have
6 the right to withdraw it at any time prior to the date on which the right to file notice
7 of candidacy for retention expires, as provided in subsection (b) of this section. If a
8 Justice or Judge seeking retention does not withdraw before the filing deadline, his or
9 her name shall be printed on the retention ballot, any votes for that Justice or Judge
10 shall be counted, and that Justice or Judge shall not be refunded the filing fee.

11 "§ 163-343. Retention ballot.

12 (a) General. -- A Justice or Judge to whom G.S. 163-341 applies, and who has
13 filed a notice of candidacy and paid a filing fee as required by G.S. 163-342, shall
14 stand for approval by ballot by the people on the issue of the Justice's or Judge's
15 retention. The Justice's or Judge's name shall appear on the ballot, but his or her
16 political party affiliation shall not be identified on the ballot. The issue on the ballot
17 is whether the Justice or Judge should remain in office. This retention ballot shall be
18 held in an election on the Tuesday next after the first Monday in November
19 immediately preceding the January when the Justice's or Judge's current term of
20 office ends.

21 (b) Voters Eligible to Participate in Retention Ballot. -- Voting on retention of the
22 Chief Justice, Associate Justices, and Judges of the Appellate Division shall be by the
23 qualified voters of the whole State.

24 (c) Effect of Retention. -- If a majority of the votes cast in the retention ballot are
25 for the Justice or Judge to remain in office, the Justice or Judge shall continue in
26 office for the next succeeding regular term.

27 (d) Effect of Failure to Retain. -- If the voters fail to approve for retention a
28 Justice or Judge, the Governor may appoint to fill the vacancy as provided by law.

29 "§ 163-344. Death, disqualification, or resignation of Justice or Judge seeking
30 retention, or who has been retained.

31 (a) Death, Disqualification, or Resignation After Filing Notice of Candidacy for
32 Retention Vote, but Before Retention Vote. -- If a Justice or Judge of the General
33 Court of Justice seeking retention dies, is disqualified, or resigns after filing his or her
34 notice of candidacy for a retention vote, the office shall be deemed vacant and shall
35 be filled as provided by law.

36 (b) Death, Disqualification, or Resignation After Retention Election, but Before
37 End of Term Extended by Retention Election. -- If a Justice or Judge of the General
38 Court of Justice who has been retained in office dies, is disqualified, or resigns before
39 the end of his or her term of office extended by retention, the office is vacant and
40 shall be filled as provided by law.

41 (c) Death, Disqualification, or Resignation After Retention Election, and After
42 End of Term Extended by Retention Election. -- If a Justice or Judge of the General
43 Court of Justice who has been in office dies, is disqualified, or resigns after retention

1 and after the end of the term extended by retention, the office is vacant and shall be
2 filled as provided by law.

3 "§ 163-345. Applicability of laws governing administration of elections to retention
4 votes.

5 Insofar as they do not conflict with the provisions of this Article, the provisions of
6 Subchapter I. (Time of Primaries and Elections), Subchapter II. (Election Officers),
7 Subchapter III. (Qualifying to Vote), Subchapter VI. (Conduct of Primaries and
8 Elections), Subchapter VII. (Absentee Voting), and Subchapter VIII. (Regulation of
9 Election Campaign) of this Chapter (Elections and Election Law) apply to the
10 administration of the retention votes described in this Article. The State Board of
11 Elections may adopt rules to implement this Article."

12 Section 5. Chapter 7A of the General Statutes is amended by adding a
13 new Article to read:

14 "ARTICLE 6A.

15 "Joint Legislative Commission on Selection of Appellate Judges.

16 "§ 7A-39.21. Joint Legislative Commission on Selection of Appellate Judges.

17 (a) There is established in the General Assembly the Joint Legislative Commission
18 on Selection of Appellate Judges.

19 (b) The Commission shall consist of six members of the House of Representatives
20 appointed by the Speaker of the House of Representatives and six members of the
21 Senate appointed by the President Pro Tempore of the Senate.

22 (c) For each vacancy in the office of Justice or Judge of the Appellate Division of
23 the General Court of Justice, the Commission shall nominate to the Governor three
24 eligible persons as candidates. The Governor shall appoint one of the three
25 candidates nominated by the Commission.

26 (d) In considering persons who might be nominated to the Governor, the
27 Commission shall develop a procedure that brings under consideration a pool of
28 possible candidates reflecting the diverse characteristics, including gender, race, and
29 geography, of those who are legally qualified to serve.

30 (e) Members of the Commission shall receive subsistence and travel expenses at
31 the rates set forth in G.S. 120-3.1.

32 "§ 7A-39.22. Commission staffing.

33 The Commission shall use clerical and professional employees of the General
34 Assembly for its staff, who shall be made available to the Commission by the
35 Legislative Services Commission. The Commission shall have the power to employ
36 other professional staff, upon the determination of the necessity therefor by the
37 Commission; provided, however, that sufficient funds for such outside staff are
38 available within the Commission's budget. Travel and subsistence allowances for
39 staff and employees of the Commission shall be as fixed by G.S. 138-6 and G.S. 138-7
40 when such travel is approved by either chairman. Employees of the Commission
41 shall not be subject to the State Personnel Act. Suitable office and meeting space,
42 and appropriate equipment, shall be assigned to the Commission by the Legislative
43 Services Commission.

44 "§ 7A-39.23. Additional powers.

The Commission, while in the discharge of official duties, may exercise all the powers provided for under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the call of either chairman, whether or not the General Assembly is in session.

"§ 7A-39.24. Nomination procedures.

(a) The Commission may conduct an investigation of a potential nominee. The investigation may include an evaluation of the potential nominee's ethical conduct, the potential nominee's knowledge of and application of the law, the potential nominee's management of the courts over which the potential nominee has presided, the potential nominee's work habits, the potential nominee's health, and the potential nominee's judicial demeanor. The potential nominee shall be given an opportunity to present to the committee any information that the potential nominee determines to be appropriate.

(b) The Commission shall be allowed to inspect the files of the Judicial Standards Commission by request of the chairman of the committee. Notwithstanding the provisions of G.S. 7A-377, the files of the Judicial Standards Commission shall be made available to the Commission. Testimony and other evidence presented to the Commission is privileged in any action for defamation."

Section 6. (a) G.S. 163-140(a) reads as rewritten:

"(a) Kinds of General Election Ballots; Right to Combine. -- For purposes of general elections, there shall be seven kinds of official ballots entitled:

- (1) Ballot for presidential electors
- (2) Ballot for United States Senator
- (3) Ballot for member of the United States House of Representatives
- (4) State ballot
- (5) County ballot
- (6) Repealed by Session Laws 1973, c. 793, s. 56
- (7) Ballot for constitutional amendments and other propositions submitted to the people
- (8) Judicial ballot for superior court.

Use of official ballots shall be limited to the purposes indicated by their titles. The printing on all ballots shall be plain and legible but, unless large type is specified by this section, type larger than 10-point shall not be used in printing ballots. All general election ballots shall be prepared in such a way as to leave sufficient blank space beneath each name printed thereon in which a voter may conveniently write the name of any person for whom he may desire to vote.

Unless prohibited by this section, the board of elections, State or county, charged by law with printing ballots may, in its discretion, combine any two or more official ballots. Whenever two or more ballots are combined, the voting instructions for the State ballot set out in subsection (b)(4) of this section shall be used, except that if the two ballots being combined do not contain a multi-seat race, then the second sentence of instruction b. shall not appear on the ballot.

Contests in the general election for seats in the State House of Representatives and State Senate shall be on ballots that are separate from ballots containing non-

1 legislative contests, except where the voting system used makes separation of ballots
2 impractical. State House and State Senate contests shall be on the same ballot, unless
3 one is a single-seat contest and the other a multi-seat contest.

4 ~~All candidates for the Appellate Division shall appear on the same ballot."~~

5 Section 7. G.S. 7A-10(a) reads as rewritten:

6 "(a) The Supreme Court shall consist of a Chief Justice and six associate justices,
7 ~~elected by the qualified voters of the State for terms of eight years~~ selected as
8 provided by Article 6A of this Chapter. Before entering upon the duties of his office,
9 each justice shall take an oath of office. Four justices shall constitute a quorum for
10 the transaction of the business of the court. Sessions of the court shall be held in the
11 city of Raleigh, and scheduled by rule of court so as to discharge expeditiously the
12 court's business."

13 Section 8. G.S. 7A-16 reads as rewritten:

14 "**§ 7A-16. Creation and organization.**

15 ~~The Court of Appeals is created effective January 1, 1967. It shall consist initially~~
16 ~~of six judges, elected by the qualified voters of the State for terms of eight years. The~~
17 ~~Chief Justice of the Supreme Court shall designate one of the judges as Chief Judge,~~
18 ~~to serve in such capacity at the pleasure of the Chief Justice. Before entering upon~~
19 ~~the duties of his office, a judge of the Court of Appeals shall take the oath of office~~
20 ~~prescribed for a judge of the General Court of Justice.~~

21 ~~The Governor on or after July 1, 1967, shall make temporary appointments to the~~
22 ~~six initial judgeships. The appointees shall serve until January 1, 1969. Their~~
23 ~~successors shall be elected at the general election for members of the General~~
24 ~~Assembly in November, 1968, and shall take office on January 1, 1969, to serve for~~
25 ~~the remainder of the unexpired term which began on January 1, 1967.~~

26 ~~Upon the appointment of at least five judges, and the designation of a Chief Judge,~~
27 ~~the court is authorized to convene, organize, and promulgate, subject to the approval~~
28 ~~of the Supreme Court, such supplementary rules as it deems necessary and~~
29 ~~appropriate for the discharge of the judicial business lawfully assigned to it.~~

30 ~~Effective January 1, 1969, the number of judges is increased to nine, and the~~
31 ~~Governor, on or after March 1, 1969, shall make temporary appointments to the~~
32 ~~additional judgeships thus created. The appointees shall serve until January 1, 1971.~~
33 ~~Their successors shall be elected at the general election for members of the General~~
34 ~~Assembly in November, 1970, and shall take office on January 1, 1971, to serve for~~
35 ~~the remainder of the unexpired term which began on January 1, 1969.~~

36 ~~Effective January 1, 1977, the number of judges is increased to 12; and the~~
37 ~~Governor, on or after July 1, 1977, shall make temporary appointments to the~~
38 ~~additional judgeships thus created. The appointees shall serve until January 1, 1979.~~
39 ~~Their successors shall be elected at the general election for members of the General~~
40 ~~Assembly in November, 1978, and shall take office on January 1, 1979, to serve the~~
41 ~~remainder of the unexpired term which began on January 1, 1977.~~

42 The Court of Appeals shall consist of 12 judges, selected as provided in Article 6A
43 of this Chapter. The Chief Justice of the Supreme Court shall designate one of the
44 judges as Chief Judge to serve in such capacity at the pleasure of the Chief Justice.

1 Before entering upon the duties of his office, a judge of the Court of Appeals shall
2 take the oath of office prescribed for a judge of the General Court of Justice.

3 The Court of Appeals shall sit in panels of three judges each. The Chief Judge
4 insofar as practicable shall assign the members to panels in such fashion that each
5 member sits a substantially equal number of times with each other member. He shall
6 preside over the panel of which he is a member, and shall designate the presiding
7 judge of the other panel or panels.

8 Three judges shall constitute a quorum for the transaction of the business of the
9 court, except as may be provided in G.S. 7A-32.

10 In the event the Chief Judge is unable, on account of absence or temporary
11 incapacity, to perform the duties placed upon him as Chief Judge, the Chief Justice
12 shall appoint an acting Chief Judge from the other judges of the Court, to
13 temporarily discharge the duties of Chief Judge."

14 Section 9. G.S. 163-106(c) reads as rewritten:

15 "(c) Time for Filing Notice of Candidacy. -- Candidates seeking party primary
16 nominations for the following offices shall file their notice of candidacy with the State
17 Board of Elections no earlier than 12:00 noon on the first Monday in January and no
18 later than 12:00 noon on the first Monday in February preceding the primary:

19 Governor

20 Lieutenant Governor

21 All State executive officers

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

23 Judges of the superior courts

24 Judges of the district courts

25 United States Senators

26 Members of the House of Representatives of the United States

27 District attorneys

28 Candidates seeking party primary nominations for the following offices shall file
29 their notice of candidacy with the county board of elections no earlier than 12:00
30 noon on the first Monday in January and no later than 12:00 noon on the first
31 Monday in February preceding the primary:

32 State Senators

33 Members of the State House of Representatives

34 All county offices."

35 Section 10. G.S. 163-106(d) reads as rewritten:

36 "(d) Notice of Candidacy for Certain Offices to Indicate Vacancy. -- In any
37 primary in which there are ~~two or more vacancies for Chief Justice and associate~~
38 ~~justices of the Supreme Court, two or more vacancies for judge of the Court of~~
39 ~~Appeals, or two vacancies for United States Senator from North Carolina or two or~~
40 ~~more vacancies for the office of district court judge to be filled by nominations, each~~
41 candidate shall, at the time of filing notice of candidacy, file with the State Board of
42 Elections a written statement designating the vacancy to which he seeks nomination.
43 Votes cast for a candidate shall be effective only for his nomination to the vacancy
44 for which he has given notice of candidacy as provided in this subsection.

A person seeking party nomination for a specialized district judgeship established under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the specialized judgeship to which he seeks nomination."

Section 11. G.S. 163-107(a) reads as rewritten:

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

Office Sought	Amount of Filing Fee
Governor	One percent (1%) of the annual salary of the office sought
Lieutenant Governor	One percent (1%) of the annual salary of the office sought
All State executive offices	One percent (1%) of the annual salary of the office sought
~~All Justices, Judges, and~~ <u>Superior Court Judges,</u> <u>District Court Judges,</u> District Attorneys of the General Court of Justice	One percent (1%) of the annual salary of the office sought
United States Senator	One percent (1%) of the annual salary of the office sought
Members of the United States House of Representatives	One percent (1%) of the annual salary of the office sought
State Senator	One percent (1%) of the annual salary of the office sought
Member of the State House of Representatives	One percent (1%) of the annual salary of the office sought
All county offices not compensated by fees	One percent (1%) of the annual salary of the office sought
County commissioners, if compensated entirely by fees	Ten dollars (\$10.00)
Members of county board of education, if compensated entirely by fees	Five dollars (\$5.00)
Sheriff, if compensated entirely by fees	Forty dollars (\$40.00), plus one percent (1%) of the income of the office above four thousand dollars (\$4,000)
Clerk of superior court, if compensated entirely by fees	Forty dollars (\$40.00), plus one percent (1%) of the income of the

1		office above four thousand
2		dollars (\$4,000)
3	Register of deeds, if	Forty dollars (\$40.00), plus one
4	compensated entirely by fees	percent (1%) of the income of the
5		office above four thousand
6		dollars (\$4,000)
7	Any other county office, if	Twenty dollars (\$20.00), plus one
8	compensated entirely by fees	percent (1%) of the income of the
9		office above two thousand dollars
10		(\$2,000)
11	All county offices compensated	One percent (1%) of the first
12	partly by salary and partly	annual salary to be received
13	by fees	(exclusive of fees)."

14 Section 12. G.S. 163-107.1(b) reads as rewritten:

15 "(b) If the candidate is seeking the office of United States Senator, Governor,
16 Lieutenant Governor, or any State executive officer, ~~Justice of the Supreme Court or~~
17 ~~Judge of the Court of Appeals~~, the petition must be signed by 10,000 registered voters
18 who are members of the political party in whose primary the candidate desires to
19 run, except that in the case of a political party as defined by G.S. 163-96(a)(2) which
20 will be making nominations by primary election, the petition must be signed by ten
21 percent (10%) of the registered voters of the State who are affiliated with the same
22 political party in whose primary the candidate desires to run, or in the alternative,
23 the petition shall be signed by no less than 10,000 registered voters regardless of the
24 voter's political party affiliation, whichever requirement is greater. The petition must
25 be filed with the State Board of Elections not later than 12:00 noon on Monday
26 preceding the filing deadline before the primary in which he seeks to run. The names
27 on the petition shall be verified by the board of elections of the county where the
28 signer is registered, and the petition must be presented to the county board of
29 elections at least 15 days before the petition is due to be filed with the State Board of
30 Elections. When a proper petition has been filed, the candidate's name shall be
31 printed on the primary ballot."

32 Section 13. G.S. 163-111(c)(1) reads as rewritten:

33 "(1) A candidate who is apparently entitled to demand a second
34 primary, according to the unofficial results, for one of the offices
35 listed below, and desiring to do so, shall file a request for a second
36 primary in writing or by telegram with the Executive
37 Secretary-Director of the State Board of Elections no later than
38 12:00 noon on the seventh day (including Saturdays and Sundays)
39 following the date on which the primary was conducted, and such
40 request shall be subject to the certification of the official results by
41 the State Board of Elections. If the vote certification by the State
42 Board of Elections determines that a candidate who was not
43 originally thought to be eligible to call for a second primary is in
44 fact eligible to call for a second primary, the Executive

Secretary-Director of the State Board of Elections shall immediately notify such candidate and permit him to exercise any options available to him within a 48-hour period following the notification:

Governor,
Lieutenant Governor,
All State executive officers,
~~Justices, Judges, or Superior Court Judges, District Court~~
Judges or District Attorneys of the General Court of Justice,
United States Senators,
Members of the United States House of Representatives,
State Senators in multi-county senatorial districts, and
Members of the State House of Representatives in multi-county representative districts."

Section 14. G.S. 163-177 reads as rewritten:

"§ 163-177. Disposition of duplicate abstracts.

Within six hours after the returns of a primary or election have been canvassed and the results judicially determined, the chairman of the county board of elections shall mail, or otherwise deliver, to the State Board of Elections the duplicate-original abstracts prepared in accordance with G.S. 163-176 for all offices and referenda for which the State Board of Elections is required to canvass the votes and declare the results including:

President and Vice-President of the United States
Governor, Lieutenant Governor, and all other State executive officers
United States Senators
Members of the House of Representatives of the United States Congress
~~Justices, Judges, and Superior Court Judges, District Court Judges and~~ District Attorneys of the General Court of Justice
State Senators in multi-county senatorial districts
Members of the State House of Representatives in multi-county representative districts

Constitutional amendments and propositions submitted to the voters of the State. One duplicate abstract prepared in accordance with G.S. 163-176 for all offices and referenda for which the county board of elections is required to canvass the votes and declare the results (and which are listed below) shall be retained by the county board, which shall forthwith publish and declare the results; the second duplicate abstract shall be mailed to the chairman of the State Board of Elections, to the end that there be one set of all primary and election returns available at the seat of government.

All county offices
State Senators in single-county senatorial districts
Members of the State House of Representatives in single-county representative districts
Propositions submitted to the voters of one county.

1 If the chairman of the county board of elections fails or neglects to transmit
2 duplicate abstracts to the chairman of the State Board of Elections within the time
3 prescribed in this section, he shall be guilty of a misdemeanor. Provided, that the
4 penalty shall not apply if the chairman was prevented from performing the prescribed
5 duty because of sickness or other unavoidable delay, but the burden of proof shall be
6 on the chairman to show that his failure to perform was due to sickness or
7 unavoidable delay."

8 Section 15. G.S. 163-192 reads as rewritten:

9 **"§ 163-192. State Board of Elections to prepare abstracts and declare results of**
10 **primaries and elections.**

11 (a) After Primary. -- At the conclusion of its canvass of the primary election, the
12 State Board of Elections shall prepare separate abstracts of the votes cast:

- 13 (1) For Governor and all State officers, ~~justices of the Supreme Court,~~
14 ~~judges of the Court of Appeals,~~ judges of the superior court, and
15 United States Senators.
- 16 (2) For members of the United States House of Representatives for the
17 several congressional districts in the State.
- 18 (3) For district court judges for the several district court districts in the
19 State.
- 20 (4) For district attorney in the several prosecutorial districts in the
21 State.
- 22 (5) For State Senators in the several senatorial districts in the State
23 composed of more than one county.
- 24 (6) For members of the State House of Representatives in the several
25 representative districts in the State composed of more than one
26 county.

27 Abstracts prepared by the State Board of Elections under this subsection shall state
28 the total number of votes cast for each candidate of each political party for each of
29 the various offices canvassed by the State Board of Elections. They shall also state the
30 name or names of the person or persons whom the State Board of Elections shall
31 ascertain and judicially determine by the count to be nominated for each office.

32 Abstracts prepared under this subsection shall be signed by the members of the
33 State Board of Elections in their official capacity and shall have the great seal of the
34 State affixed thereto.

35 (b) After General Election. -- At the conclusion of its canvass of the general
36 election, the State Board of Elections shall prepare abstracts of the votes cast:

- 37 (1) For President and Vice-President of the United States, when an
38 election is held for those offices.
- 39 (2) For Governor and all State officers, ~~justices of the Supreme Court,~~
40 ~~judges of the Court of Appeals,~~ judges of the superior court, and
41 United States Senators.
- 42 (3) For members of the United States House of Representatives for the
43 several congressional districts in the State.

- 1 (4) For district court judges for the several district court districts as
2 defined in G.S. 7A-133 in the State.
3 (5) For district attorney in the several prosecutorial districts in the
4 State.
5 (6) For State Senators in the several senatorial districts in the State
6 composed of more than one county.
7 (7) For members of the State House of Representatives in the several
8 representative districts in the State composed of more than one
9 county.
10 (8) For and against any constitutional amendments or propositions
11 submitted to the people.

12 Abstracts prepared by the State Board of Elections under this subsection shall state
13 the names of all persons voted for, the office for which each received votes, and the
14 number of legal ballots cast for each candidate for each office canvassed by the State
15 Board of Elections. They shall also state the name or names of the person or persons
16 whom the State Board of Elections shall ascertain and judicially determine by the
17 count to be elected to each office.

18 Abstracts prepared under this subsection shall be signed by the members of the
19 State Board of Elections in their official capacity and shall have the great seal of the
20 State affixed thereto.

21 (c) Disposition of Abstracts of Returns. -- The State Board of Elections shall file
22 with the Secretary of State the original abstracts of returns prepared by it under the
23 provisions of subsections (a) and (b) of this section, and also the duplicate county
24 abstracts transmitted to the State Board of Elections under the provisions of G.S. 163-
25 177. Upon the request of the Legislative Services Office, the Secretary of State shall
26 submit a copy of the original abstracts to that Office."

27 Section 16. G.S. 163-194 reads as rewritten:

28 **"§ 163-194. Governor to issue commissions to certain elected officials.**

29 Every person duly elected to one of the offices listed below, upon obtaining a
30 certificate of his election from the Secretary of State under the provisions of G.S.
31 163-193, shall procure from the Governor a commission attesting his election to the
32 specified office, which the Governor shall issue upon production of the Secretary of
33 State's certificate:

34 Members of the United States House of Representatives,

35 ~~Justices, Judges, and~~ Superior Court Judges, District Court Judges and District
36 Attorneys of the General Court of Justice."

37 Section 17. G.S. 163-1 is amended in the table by deleting the entries for
38 "Justices and Judges of the Appellate Division".

39 Section 18. G.S. 163-9(a) reads as rewritten:

40 ~~"(a) Vacancies occurring in the offices of Justice of the Supreme Court, judge of~~
41 ~~the Court of Appeals, and office of judge of the superior court for causes other than~~
42 ~~expiration of term shall be filled by appointment of the Governor. An appointee to~~
43 ~~the office of Justice of the Supreme Court or judge of the Court of Appeals shall~~
44 ~~hold office until January 1 next following the election for members of the General~~

~~1 Assembly that is held more than 60 days after the vacancy occurs, at which time an
2 election shall be held for an eight year term and until a successor is elected and
3 qualified."~~

4 Section 19. Notwithstanding G.S. 163-107(c), in 1998 only, if at the time
5 filing of notices for candidacy for the offices of Chief Justice of the Supreme Court,
6 Justice of the Supreme Court, or Judge of the Court of Appeals, is to open under
7 G.S. 163-106(c), the provisions of this act that provide that those offices are no longer
8 elective have not been approved under section 5 of the Voting Rights Act of 1965,
9 then notices of candidacy for that office shall not be filed with the State Board of
10 Elections earlier than the third Monday in January.

11 Section 20. The General Assembly shall appropriate from the General
12 Fund to the State Board of Elections for fiscal year 1995-96 sufficient funds to
13 reimburse the counties for the reasonable additional costs of conducting the election
14 provided by Section 2 of this act.

15 Section 21. The Administrative Office of the Courts shall notify every
16 Judge and Justice of the General Court of Justice who is affected by G.S. 163-342(b1)
17 as enacted by this act of its contents immediately upon its approval under section 5 of
18 the Voting Rights Act of 1965.

19 Section 22. Sections 4 through 18 of this act become effective only if the
20 constitutional amendment proposed by Section 1 of this act is approved by the
21 qualified voters as provided in Section 2 of this act, and in such case they are
22 effective 10 days after the date upon which it is approved under section 5 of the
23 Voting Rights Act of 1965.

VISITOR REGISTRATION SHEET

ELECTION LAW & CAMPAIGN REFORM

MAY 28, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

HOUSE COMMITTEE
ON
ELECTION LAW & CAMPAIGN REFORM

JUNE 11, 1997

11:00 AM

Room 1327, Legislative Building

AGENDA

I. CALL TO ORDER

Co-Chairmen: Representative Larry Justus
Representative Connie Wilson

II. BILLS

SB 825 CANDIDATE ACCOUNTABILITY
Senator Page

SB 553 PAPER BALLOTS IN RUNOFF
Senator Allran

SB 663 ABSENTEE VOTING CHANGES
Senator Rucho

III. ADJOURNMENT

HOUSE COMMITTEE ON ELECTION LAW AND CAMPAIGN REFORM

Minutes

June 11, 1997

HOUSE MEMBERS PRESENT: [18] Representatives Wilson, Justus, Aldridge, Alexander, Arnold, Baddour, Berry, Bonner, Church, Hardy, Hiatt, Insko, Jarrell, Kiser, Michaux, Rayfield, Shubert and Howard.

The House Committee on Election Law and Campaign Reform met in Room 1327 of the Legislative Office Building on Wednesday, June 11, 1997 at 11:00 a.m. Representative Connie Wilson called the meeting to order and introduced the pages.

SENATE BILL 825 CANDIDATE ACCOUNTABILITY

Senator Dan Page, sponsor of the bill, explained that the bill (Attachment 1) was introduced to address a major loophole in campaign laws concerning advocacy advertisements. These ads have no limits in spending and can affect the outcome of an election. This bill would provide some accountability by an opponent if a candidate believes that a particular advocacy advertisement being run is erroneous or untrue and should not be publicized and the opponent is benefiting from the ad. Rep. Rayfield made a motion to give a favorable report to Senate Bill 825. Rep. Baddour offered an amendment (Attachment 2) to remove the obligation of the State Board of Elections to notify the news media by press release. Rep. Shubert offered a perfecting amendment (Attachment 3) and the vote was taken to approve the amendment. It was unanimously approved. Rep. Rayfield revised his motion to give a favorable report to the committee substitute. The vote was taken and the motion passed.

SENATE BILL 553 PAPER BALLOTS IN RUNOFF

The sponsor of the bill, Senator Austin Allran, explained that the bill allows counties to use paper ballots in runoff elections when voting machines have been used in the first election. Rep. Kiser made the motion that the bill be given a favorable report and placed in the "basket." The motion carried.

SENATE BILL 663 ABSENTEE VOTING CHANGES

Rep. Justus appointed the following representatives to serve on a subcommittee to study the bill; Representatives Kiser (Chairman), Bonner, Insko, Baddour, Berry, Cansler and Arnold.

There being no further business, Rep. Justus adjourned the meeting at 11:50 p.m.

Connie Wilson, Chairman

Rosemary H. Stowe, Clerk

Attachments:

- (1) Explanation by William Gilkeson of Senate Bill 825
- (2) Baddour Amendment
- (3) Shubert Amendment
- (4) Senate Bill 825
- (5) Senate Bill 553
- (6) Senate Bill 663
- (7) Attendance Sheet
- (8) Visitor Registration Sheet



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May 21, 1997

TO: House Committee on Election Laws and Campaign Reform.

FROM: William R. Gilkeson, Staff Attorney.

RE: Senate Bill 825 – Candidate Accountability.

The version of Senate Bill 825 that passed the Senate, introduced by Sen. Page, would establish a procedure whereby a candidate concerned about an advertisement could use an official form to ask another candidate for the same office whether he or she approves or disapproves of the ad. The second candidate would be asked to respond by sending the form directly to the State Board of Elections, which would make the response or lack of response a public record.

A candidate for any office on the ballot in North Carolina could use this procedure. If that candidate believed an ad on radio, on television, or in print could affect the outcome of an election and that ad mention the name of a candidate in his/her race, the candidate so believing could send any other candidate in the same race a disclosure request form.

The disclosure request form would be designed by the State Board of Elections. It would have space to describe the ad, and it would have a space for the requesting candidate to register approval or disapproval of the ad. The State Board would have a statement on the form requesting that the receiving candidate send it back in immediately. It would state that if the State Board did not receive a returned form within 10 days after the candidate received the form, the State Board would record that the candidate did not respond. (The requesting candidate would have been required to send the form by certified mail, return receipt requested. The requester would have to notify the State Board when he/she sent the form and when he/she got the return receipt.)

The State Board would be required to keep a record of the responses. It would be a public record. In addition, the State Board would be required to issue a news release of all the candidates who had been requested to approve or disapprove an ad, and their responses or nonresponses. The State Board would not give publicity to any candidate remarks other than approve, disapprove, decline to approve or disapprove, or no response.

The bill would go into effect January 1, 1998.

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.)

) _____

Sen.)

1 moves to amend the bill on page 2, line 32 through 36

2 () WHICH CHANGES THE TITLE

3 by deleting the language on those lines that
4 begin "The State Board..."
5
6
7
8
9
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14
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16
17
18
19

SIGNED

P. J. A. Bailey

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 825

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

S825-ARR-004

Date _____, 1997

Comm. Sub. [Y]
Amends Title []

Representative Shubert

1 moves to amend the bill on page 2, line 36,
2 by adding at the end of that line the following:

3
4 "The State Board shall in a timely fashion furnish to the requesting
5 candidate a copy of the public record of the receiving candidate's
6 response or non-response."
7
8

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

S

3

SENATE BILL 825
 Judiciary Committee Substitute Adopted 4/30/97
 Third Edition Engrossed 5/1/97

Short Title: Candidate Accountability.

(Public)

Sponsors:

Referred to:

April 14, 1997

- 1 A BILL TO BE ENTITLED
 2 AN ACT TO ESTABLISH A PROCEDURE FOR CANDIDATE DISCLOSURE
 3 WITH REGARD TO ADVERTISEMENTS.
 4 The General Assembly of North Carolina enacts:
 5 Section 1. Article 22A of Chapter 163 of the General Statutes is
 6 amended by adding a new section to read:
 7 "**§ 163-278.38A. Procedure for candidate disclosure concerning ads.**
 8 (a) Definitions. -- As used in this section:
 9 (1) 'Requesting candidate' means a candidate for any office on the
 10 ballot in North Carolina who sends a disclosure request to a
 11 receiving candidate according to the provisions of subsection (b) of
 12 this section.
 13 (2) 'Receiving candidate' means a candidate for any office on the
 14 ballot in North Carolina who is sent a disclosure request according
 15 to the provisions of subsection (b) of this section.
 16 (3) 'Disclosure request' means a form designed by the State Board of
 17 Elections to be sent by a requesting candidate to a receiving
 18 candidate. The State Board of Elections shall develop such a form,
 19 providing a space for the requesting candidate to disclose his or
 20 her name and describe the advertisement about which the request
 21 is being made. The form shall have a space in which the receiving
 22 candidate shall be asked to register whether he or she approves or

disapproves of the publication of that advertisement. The form shall not contain a space for the receiving candidate to make additional comments. On the form, the State Board of Elections shall ask that the receiving candidate send the disclosure request form immediately to the State Board. The State Board shall notify the receiving candidate on the form that if the State Board does not receive a response within 10 days after the receiving candidate receives the disclosure request, the State Board will prepare a public record stating that the receiving candidate did not respond.

(b) Right of Requesting Candidate to Send Disclosure Request. -- If a requesting candidate believes the outcome of an election would be affected by an advertisement that:

(1) Has been published on radio, on television, or in print; and

(2) Mentions the name of any candidate for that office,

the requesting candidate may send a disclosure request to a receiving candidate for the same office. Any requesting candidate sending a disclosure request shall do so by certified mail, return receipt requested. The requesting candidate shall notify the State Board of Elections when the disclosure request has been sent and when the return receipt has been received.

(c) Response by Receiving Candidate; Public Record. -- Any receiving candidate who receives a disclosure request under subsection (b) of this section may respond by registering on the disclosure request form whether he or she approves or disapproves of the publication of the advertisement, may respond by declining to register approval or disapproval, or may elect not to respond. The State Board of Elections shall record a receiving candidate's response to any disclosure letter sent under subsection (b) of this section and make that record public upon the State Board's receipt of the receiving candidate's response. The State Board shall not include in its record any comments of the receiving candidate beyond approval, disapproval, declination to approve or disapprove, or nonresponse. If the State Board does not receive a response within 10 days after the receiving candidate receives the disclosure request, the State Board shall immediately prepare a public record stating that the receiving candidate did not respond. The State Board of Elections shall notify the news media by press release at least 21 days before any primary or election the names of all receiving candidates who have been sent disclosure requests under this section and their responses. The State Board shall update that press release once a week during the final three weeks before the primary or election.

(d) Rules by State Board of Elections. -- The State Board of Elections shall promulgate rules for the enforcement of this section."

Section 2. This act becomes effective January 1, 1998.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 553

State Government, Local Government, and Personnel Committee Substitute Adopted
4/17/97

Short Title: Paper Ballots in Runoff.

(Public)

Sponsors:

Referred to:

March 27, 1997

1 A BILL TO BE ENTITLED

2 AN ACT ALLOWING COUNTY BOARDS OF ELECTIONS TO USE PAPER
3 BALLOTS IN SECOND PRIMARY ELECTIONS WHERE VOTING SYSTEMS
4 ARE USED IN THE FIRST PRIMARY ELECTION.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 14 of Chapter 163 of the General Statutes is amended
7 by adding a new section to read:

8 "§ 164-162.2. Use of paper ballots in a second primary where voting systems are used
9 in the first primary.

10 In counties in which voting machines are used in some or all precincts in a
11 primary election, the county board of elections shall have authority to furnish in a
12 second primary election paper ballots of each kind to precincts that used voting
13 machines in the first primary election."

14 Section 2. This act applies only to Catawba County.

15 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

Attachment 6

3

S

SENATE BILL 663

Judiciary Committee Substitute Adopted 4/29/97
Third Edition Engrossed 4/30/97

Short Title: Absentee Voting Changes.

(Public)

Sponsors:

Referred to:

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES IN THE ELECTION LAWS DESIGNED TO
PREVENT LONG LINES AT THE POLLS ON ELECTION DAY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-226 reads as rewritten:

"§ 163-226. Who may vote an absentee ballot.

(a) Who May Vote Absentee Ballot; Generally. -- Any qualified voter of the State may vote by absentee ballot in a statewide primary, general, or special election on constitutional amendments, referenda or bond proposals, and any qualified voter of a county is authorized to vote by absentee ballot in any primary or election conducted by the county board of elections, in the manner provided in this Article if:

(1) The voter expects not to be ~~absent from the county in which he is registered during the entire period that the polls are open~~ present at the voting place to vote in person on the day of the specified election in which the voter desires to vote; or

(2) The voter is unable to be present at the voting place to vote in person on the day of the specified election in which the voter desires to vote because of the voter's sickness or other physical disability.

~~(3) The voter is incarcerated, whether in the voter's county of residence or elsewhere, shall be entitled to vote by absentee ballot in the county of the voter's residence in any election, specified~~

herein, in which the voter otherwise would be entitled to vote. Absentee voting shall be in the same manner as provided in this Article. The chief custodian or superintendent of the institution or other place of confinement shall certify that the applicant is not a felon, and the certification shall be as prescribed by the State Board of Elections. The State Board of Elections is authorized to prescribe procedures to carry out the intent and purpose of this subsection;

(3a) The voter because of the observance of a religious holiday pursuant to the tenets of the voter's religion will be unable to cast a ballot at the polling place on the day of the election; or

(4) The voter is an employee of the county board of elections or a precinct official, observer, or ballot counter, in another precinct and the voter's assigned duties on the day of the election will cause the voter to be unable to be present at the voting place to vote in person and provided such employee has the application witnessed by the chairman of the county board of elections.

(b) Absentee Ballots; Exceptions. -- Notwithstanding the authority contained in G.S. 163-226(a), absentee ballots shall not be permitted in fire district elections.

(c) As used in this Subchapter, unless the context clearly requires otherwise, the term 'election' includes a general, primary, second primary, runoff election, bond election, referendum, or special election."

Section 2. G.S. 163-226.1 reads as rewritten:

"§ 163-226.1. Absentee voting in primary.

A qualified voter may vote by absentee ballot in a ~~statewide or countywide~~ partisan primary provided ~~he the qualified voter~~ is affiliated, at the time ~~he the qualified voter~~ makes application for absentee ballots, with the political party in whose primary ~~he the qualified voter~~ wishes to vote. vote, except that an affiliated voter may vote in a party primary if permitted under G.S. 163-119. The official registration records of the county in which the voter is registered shall be proof of whether ~~he the qualified voter~~ is affiliated with a political party and of the party, if any, with which ~~he the qualified voter~~ is affiliated."

Section 3. G.S. 163-226.3 reads as rewritten:

"§ 163-226.3. Certain acts declared felonies.

(a) Any person who shall, in connection with absentee voting in any ~~primary, general, municipal or special~~ election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

(1) For any person except the voter's near relative ~~as defined in G.S. 163-227(c)(4)~~ or the voter's verifiable legal guardian to assist the voter to vote an absentee ballot when the voter is voting an absentee ballot other than under the procedure described in G.S. 163-227.2; provided that if there is not a near relative or legal

- 1 guardian available to assist the voter, the voter may request some
2 other person to give assistance;
- 3 (2) For any person to assist a voter to vote an absentee ballot under
4 the absentee voting procedure authorized by G.S. 163-227.2 except
5 a member of the county board of elections, the director of
6 elections, an employee of the board authorized by the board, the
7 voter's near relative ~~as defined in G.S. 163-227(e)(4)~~, or the voter's
8 verifiable legal guardian;
- 9 (3) For a voter who votes an absentee ballot under the procedures
10 authorized by G.S. 163-227.2 to vote ~~his~~ that voter's absentee
11 ballot outside of the voting booth or private room provided to ~~him~~
12 the voter for that purpose in or adjacent to the office of the county
13 board of elections or at the additional site provided by G.S. 163-
14 227.2(f1), or to receive assistance in getting to and from the voting
15 booth or private room and in preparing and marking ~~his~~ that
16 voter's ballots from any person other than a member of the county
17 board of elections, the director of elections, an employee of the
18 board of elections authorized by the board, a near relative of the
19 voter ~~as defined in G.S. 163-227(e)(4)~~, or the voter's verifiable
20 legal guardian;
- 21 (4) For any owner, manager, director, employee, or other person,
22 other than the voter's near relative ~~as defined in G.S. 163-227(e)(4)~~
23 or verifiable legal guardian, to make a written request pursuant to
24 G.S. 163-230.1 or an application on behalf of a registered voter
25 who is a patient in any hospital, clinic, nursing home or rest home
26 in this State or for any owner, manager, director, employee, or
27 other person other than the voter's near relative or verifiable legal
28 guardian, ~~or officer authorized to administer oaths acting pursuant~~
29 ~~to G.S. 163-231(a)(1)~~, to mark the voter's absentee ballot or assist
30 such a voter in marking an absentee ballot;
- 31 (5) Repealed by Session Laws 1987, c. 583, s. 8.
- 32 (6) For any person to take into ~~his~~ that person's possession for
33 delivery to a voter or for return to a county board of elections the
34 absentee ballot of any voter, provided, however, that this
35 prohibition shall not apply to a voter's near relative ~~as defined in~~
36 ~~G.S. 163-227(e)(4)~~ or the voter's verifiable legal guardian;
- 37 (7) Except as provided in subsections (1), (2), (3), and (4) of this
38 section, G.S. 163-231(a), G.S. 163-250(a), and G.S. 163-227.2(e),
39 for any voter to permit another person to assist ~~him~~ the voter in
40 marking ~~his~~ that voter's absentee ballot, to be in the voter's
41 presence when a voter votes an absentee ballot, or to observe the
42 voter mark ~~his~~ that voter's absentee ballot.
- 43 (b) The State Board of Elections or a county board of elections, upon receipt of a
44 sworn affidavit from any qualified voter of the State or the county, as the case may

1 be, attesting to first-person knowledge of any violation of subsection (a) of this
2 section, shall transmit ~~such~~ that affidavit to the appropriate district attorney, who
3 shall investigate and prosecute any person violating subsection (a)."

4 Section 4. G.S. 163-227 is repealed.

5 Section 5. G.S. 163-227.1 reads as rewritten:

6 "**§ 163-227.1. Second primary; applications for absentee ballots for voting in second**
7 **primary.**

8 A voter applying for an absentee ballot for a primary election who will be ~~absent~~
9 ~~from the county of his residence~~ eligible to vote under this Article on the day of the
10 primary and second primary shall be permitted by the county board of elections to
11 indicate ~~such~~ that fact on ~~his~~ that voter's application and ~~such~~ that voter shall
12 automatically be issued an application and absentee ballot for the second primary if
13 one is called. The county board of elections shall consider ~~such~~ that indication a
14 separate request for application for the second primary and, at the proper time, shall
15 enter ~~such~~ that voter's name in the absentee register along with the listing of other
16 applicants for absentee ballots for the second primary.

17 In addition, a voter entitled to absentee ballots under the provisions of this Article
18 who did not make application for the primary or who failed to apply for a second
19 primary ballot at the time of application for a first primary ballot may ~~apply for~~ make
20 a written request for absentee ballots for a second primary not earlier than the day a
21 second primary is called and not later than ~~5:00 P.M. on the Tuesday prior to the~~
22 ~~date on which the second primary is held.~~ the date and time provided by G.S. 163-
23 230.1.

24 All procedures with respect to absentee ballots in a second primary shall be the
25 same as with respect to absentee ballots in a first primary except as otherwise
26 provided by this section."

27 Section 6. G.S. 163-227.2 reads as rewritten:

28 "**§ 163-227.2. Alternate procedures for requesting application for absentee ballot;**
29 **'one-stop' voting procedure in board office.**

30 (a) A person expecting ~~to be absent from the county~~ not to be present at the
31 polling place in which ~~he~~ that person is registered during the entire period that the
32 polls are open on the day of an election in which absentee ballots are authorized ~~or is~~
33 ~~eligible under G.S. 163-226(a)(2), 163-226(a)(3a), or 163-226(a)(4)~~ may request an
34 application for absentee ballots, complete the application, ~~receive the absentee~~
35 ~~ballots, vote and deliver them sealed in a container return envelope to the county~~
36 ~~board of elections in the county in which he is registered~~ and vote under the
37 provisions of this section.

38 (b) Not earlier than the ~~twenty-fourth day~~ first business day after the twenty-fifth
39 day before an election, in which absentee ballots are authorized, in which ~~he~~ a voter
40 seeks to vote and not later than 5:00 P.M. on the Friday prior to that election, the
41 voter shall appear in person only at the office of the county board of elections and
42 request that the chairman, a member, or the director of elections of the board, or an
43 employee of the board of elections, authorized by the board, furnish ~~him~~ the voter
44 with an application form as specified in G.S. ~~163-227.~~ 163-229. The voter shall

1 complete the application in the presence of the chairman, member, director of
2 elections or authorized employee of the board, and shall deliver the application to
3 that person.

4 (c) If the application is properly filled out, the chairman, member, director of
5 elections of the board, or employee of the board of elections, authorized by the
6 board, shall enter the voter's name in the register of absentee ~~ballot requests,~~
7 applications, and ballots issued; shall furnish the voter with the instruction sheets
8 called for by G.S. 163-229(c); and shall furnish the voter with the ballots to which the
9 application for absentee ballots applies; and shall furnish the voter with a
10 container-return envelope. applies. The voter thereupon shall ~~comply with the~~
11 ~~provisions of G.S. 163-231(a) except that he shall deliver the container-return~~
12 ~~envelope to the chairman, member, supervisor of elections of the board, or an~~
13 ~~employee of the board of elections, authorized by the board, immediately after~~
14 ~~making and subscribing the certificate printed on the container-return envelope as~~
15 ~~provided in G.S. 163-229(b).~~ vote in accordance with subsection (e) of this section.

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

24 (d) Only the chairman, ~~member~~ member, employee, or director of elections of the
25 board shall keep the voter's application for absentee ballots ~~and the sealed~~
26 ~~container-return envelope~~ in a safe place, separate and apart from other applications
27 and container-return envelopes. ~~At the first meeting of the board pursuant to G.S.~~
28 ~~163-230(2) held after receipt of the application and envelope, the chairman shall~~
29 ~~comply with the requirements of G.S. 163-230(1) and G.S. 163-230(2) b. and c. If the~~
30 ~~voter's application for absentee ballots is approved by the board at that meeting, the~~
31 ~~application form and container-return envelope, with the ballots enclosed, shall be~~
32 ~~handled in the same manner and under the same provisions of law as applications~~
33 ~~and container-return envelopes received by the board under other provisions of this~~
34 ~~Article.~~ If the voter's application for absentee ballots is disapproved by the board, the
35 board shall so notify the voter stating the reason for disapproval by first-class mail
36 addressed to the voter at ~~his~~ that voter's residence address ~~or~~ and at the address
37 shown in the application for absentee ballots; and the board ~~chairman~~ shall ~~retain the~~
38 ~~container-return envelope in its unopened condition until the day of the primary or~~
39 ~~election to which it relates and on that day he shall destroy the container-return~~
40 ~~envelope and the ballots therein, without, however, revealing the manner in which~~
41 ~~the voter marked the ballots.~~ enter a challenge under G.S. 163-89.

42 (e) The voter shall vote ~~his~~ that voter's absentee ballot in a voting booth in the
43 office of the county board of elections, and the county board of elections shall
44 provide a voting booth for that purpose, provided however, that the county board of

1 elections may in the alternative provide a private room for the voter adjacent to the
2 office of the board, in which case the voter shall vote his that voter's absentee ballot
3 in that room. ~~The voting booth shall be in the office of the county board of elections.~~
4 If the voter needs assistance in getting to and from the voting booth and in preparing
5 and marking his that voter's ballots or if ~~he~~ the voter is a blind voter, only a member
6 of the county board of elections, the director of elections, an employee of the board
7 of elections authorized by the board, a near relative of the voter ~~as defined in G.S.~~
8 ~~163-227(e)(4),~~ or the voter's verifiable legal guardian shall be entitled to assist the
9 voter. The ballot shall be a paper ballot or a voting system in which a paper ballot is
10 counted by computer or mechanical device. The ballot in any case shall have the
11 ballot number on it in accordance with G.S. 163-230.1(a2)(1). After the voter casts
12 the ballot, the voter shall deposit the ballot in the ballot box or voting system in the
13 same manner as if that box or system was in use in a precinct on election day. At the
14 end of each business day, or at any time when there will be no employee or officer of
15 the board of elections on the premises, the ballot box or system shall be secured in
16 accordance with rules approved by the State Board of Elections, which shall include
17 verifying that no additional ballots have been placed in the box or system. If a direct
18 record electronic voting system with retrievable ballots is approved by the State
19 Board of Elections, it may be used for ballots cast under this section under rules
20 approved by the State Board of Elections.

21 (f) Notwithstanding the exception specified in G.S. 163-36, counties which operate
22 a modified full-time office shall remain open five days each week during regular
23 business hours consistent with daily hours presently observed by the county board of
24 elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing
25 until 5:00 P.M. on the Friday prior to that election or primary. The boards of county
26 commissioners shall provide necessary funds for the additional operation of the office
27 during ~~such~~ that time.

28 (f1) Notwithstanding any other provision of this section, a county board of
29 elections may provide for one or more sites in that county for absentee ballots to be
30 applied for and cast under this section. Those sites must be approved by the State
31 Board of Elections as part of a Plan for Implementation approved by both the county
32 board of elections and by the State Board of Elections which shall also provide
33 adequate security of the ballots and provisions to avoid allowing persons to vote who
34 have already voted."

35 Section 7. G.S. 163-228 reads as rewritten:

36 "**§ 163-228. Register of absentee ballot requests, applications, and ballots issued; a**
37 **public record.**

38 The State Board of Elections shall ~~design~~ approve an official register ~~and provide a~~
39 ~~source of supply thereof from in~~ which the ~~chairman of the~~ county board of elections
40 in each county of the State shall ~~purchase a book to be called the register of absentee~~
41 ~~ballot applications and ballots issued in which shall be recorded~~ record the following
42 information:

43 (1) Name of voter for whom application and ballots are being
44 requested, and, if applicable, the name and address of the voter's

- 1 near relative or verifiable legal guardian who requested the
2 application and ballots for the voter.
3 (2) Number of assigned voter's application when issued.
4 (3) Precinct in which applicant is registered.
5 (4) Address to which ballots are to be mailed, or, if the voter voted
6 pursuant to G.S. 163-227.2, a notation of that fact.
7 (5) Reason assigned for requesting absentee ballots.
8 (6) Date request for application for ballots is received by the county
9 board of elections.
10 (7) The voter's party affiliation.
11 (8) The date the ballots were mailed or delivered to the voter.
12 (9) ~~whatever~~ Whatever additional information and official action may
13 be required by this Article.

14 The State Board of Elections may provide for the register to be kept by electronic
15 data processing equipment, and a copy shall be printed out each business day, or a
16 supplement printed out each business day of new information.

17 The register of absentee ~~ballot~~ requests, applications, and ballots issued shall
18 constitute a public record and shall be opened to the inspection of any registered
19 voter of the county at any time within 50 days before and 30 days after an election in
20 which absentee ballots were authorized, or at any other time when good and
21 sufficient reason may be assigned for its inspection."

22 Section 8. G.S. 163-229 reads as rewritten:

23 "§ 163-229. Absentee ballots, applications on container-return envelopes, and
24 instruction sheets.

25 (a) Absentee Ballot Form. -- In accordance with the provisions of G.S. ~~163-230(3),~~
26 163-230.1, persons entitled to vote by absentee ballot shall be furnished with ~~regular~~
27 official ballots. Separate or distinctly marked absentee ballots shall not be used.

28 (b) Application on Container-Return Envelope. -- In time for use not later than 50
29 days before a statewide primary, general election or county bond election, the county
30 board of elections shall print a sufficient number of envelopes in which persons
31 casting absentee ballots may transmit their marked ballots to the ~~chairman of the~~
32 county board of elections. Each container-return envelope shall have printed on it an
33 application which shall be designed and prescribed by the State Board of Elections,
34 the voter's certification of eligibility to vote the enclosed ballot and of having voted
35 the enclosed ballot in accordance with this Article, a space for identification of the
36 envelope with the voter, and a space for approval by the county board of elections.
37 The envelope shall allow reporting of a change of name as provided by G.S. 163-
38 82.16. The container-return envelope shall be printed in accordance with the
39 following instructions: instructions of the State Board of Elections.

40 (1) ~~On one side shall be printed an identified space in which shall be~~
41 ~~inserted the application number of the voter and the following~~
42 ~~statement which shall be certified by one member of the county~~
43 ~~board of elections:~~
44

~~"Certification of Election Official"~~

~~The undersigned election official does by his hand and seal certify that..... is a registered and qualified voter of County, Precinct # and has made proper application to vote under the Absentee Ballot Law of North Carolina.~~

~~.....(Seal)
Chairman-Member"~~

- (2) ~~On the other side shall be printed the return address of the chairman of the county board of elections and the following certificate:~~

~~"Certificate of Absentee or Sick Voter"~~

~~State of.....~~

~~County of.....~~

~~I, ..., do certify that I am a resident and registered voter in precinct, ... County, North Carolina; that on the day of an election, ..., (check whichever of the following statements is correct.)~~

~~☐ I will be absent from the county in which I reside.~~

~~☐ Due to sickness or physical disability, or incarceration as a misdemeanant, I will be unable to travel to the voting place in the precinct in which I reside.~~

~~☐ Due to the observance of a religious holiday pursuant to the tenets of my religion, I will be unable to cast a ballot at the polling place on the day of the election.~~

~~I further certify that I made application for absentee ballots, and that I marked the ballots enclosed herein, or that they were marked for me in my presence and according to my instructions. I understand it is a felony to falsely sign this certificate.~~

~~.....
(Signature of voter)~~

~~.....
Signature of Witness #1~~

~~.....
Signature of Witness #2~~

~~.....
Address of Witness #1~~

~~.....
Address of Witness #2"~~

(c) Instruction Sheets. -- In time for use not later than 50 days before a statewide primary, general or county bond election, the county board of elections shall prepare and print a sufficient number of sheets of instructions on how voters are to prepare absentee ballots and return them to the chairman of the county board of elections."

Section 9. G.S. 163-230 is repealed.

Section 10. G.S. 163-230.1 reads as rewritten:

1 "§ 163-230.1. Simultaneous issuance of absentee ballots with application.

2 (a) ~~When a~~ A qualified voter ~~personally requests by mail who is eligible to vote~~
3 ~~by absentee ballot under G.S. 163-226(a)(1), or that voter's near relative or verifiable~~
4 ~~legal guardian, shall request in writing an application for absentee ballots, so that the~~
5 ~~county board of elections receives the request not later than 5:00 p.m. on the Tuesday~~
6 ~~before the election, an application for absentee ballots; The county board of~~
7 ~~elections shall enter in the register of absentee requests, applications, and ballots~~
8 ~~issued the information required in G.S. 163-228 as soon as each item of that~~
9 ~~information becomes available. Upon receiving the application, the county board of~~
10 ~~elections shall cause to be mailed to that voter in a single package:~~

- 11 (1) ~~The official ballots the voter is entitled to vote if his application is~~
12 ~~approved; vote;~~
13 (2) ~~A container-return envelope for the ballots, upon the outside of~~
14 ~~which shall be printed the appropriate application form as~~
15 ~~provided in G.S. 163-227; printed in accordance with G.S. 163-229;~~
16 ~~and~~
17 (3) ~~A large envelope (similar to a No. 14 or larger manila envelope) in~~
18 ~~which the container-return envelope with the ballots may be~~
19 ~~returned and on which the affidavit provided by G.S. 163-229(b)~~
20 ~~shall be printed; and~~
21 (4) ~~An instruction sheet.~~

22 ~~The ballots, envelopes~~ envelope, and instructions shall be mailed to the voter by
23 ~~the county board's chairman, secretary or director~~ chairman, member, officer, or
24 employee as determined by the board and entered in ~~its official minutes. the register~~
25 as provided by this Article.

26 ~~On the back of the large transmittal envelope shall be clearly printed or stamped~~
27 ~~the following statement:~~

28 ~~DO NOT PLACE THE ENVELOPE CONTAINING YOUR BALLOTS INTO~~
29 ~~THIS ENVELOPE UNTIL YOU HAVE COMPLETED THE APPLICATION ON~~
30 ~~THE ENVELOPE CONTAINING YOUR BALLOTS AND SECURED THE~~
31 ~~SIGNATURE OF A WITNESS.~~

32 (a1) Absence for Sickness or Physical Disability. -- Notwithstanding the provisions
33 of subsection (a) of this section, if a voter expects to be unable to go to the voting
34 place to vote in person on election day because of that voter's sickness or other
35 physical disability, that voter or that voter's near relative or verifiable legal guardian
36 may make written request in person for absentee ballots to the board of elections of
37 the county in which the voter is registered after 5:00 p.m. on the Tuesday before the
38 election but not later than 5:00 p.m. on the Friday before the election. The county
39 board of elections shall enter in the register of absentee requests, applications, and
40 ballots issued the information required in G.S. 163-228 as soon as each item of that
41 information becomes available. The county board of elections shall personally deliver
42 to the requester in a single package:

- 43 (1) The official ballots the voter is entitled to vote;

(2) A container-return envelope for the ballots, printed in accordance with G.S. 163-229; and

(3) An instruction sheet.

(a2) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. -- When the county board of elections receives a request for applications and absentee ballots, the board shall promptly issue and transmit them to the voter in accordance with the following instructions:

(1) On the top margin of each ballot the applicant is entitled to vote, the chair, a member, officer, or employee of the board of elections shall write or type the words 'Absentee Ballot No.' or an abbreviation approved by the State Board of Elections and insert in the blank space the number assigned the applicant's application in the register of absentee requests, applications, and ballots issued. That person shall not write, type, or print any other matter upon the ballots transmitted to the absentee voter. Alternatively, the board of elections may cause to be barcoded on the ballot the voter's application number, if that barcoding system is approved by the State Board of Elections.

(2) The chair, member, officer, or employee of the board of elections shall fold and place the ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, in accordance with the terms of G.S. 163-229(b), the absentee voter's name, the absentee voter's application number, and the designation of the precinct in which the voter is registered. If the ballot is barcoded under this section, the envelope may be barcoded rather than having the actual number appear. The person placing the ballots in the envelopes shall leave the container-return envelope holding the ballots unsealed.

(3) The chair, member, officer, or employee of the board of elections shall then place the unsealed container-return envelope holding the ballots together with printed instructions for voting and returning the ballots, in an envelope addressed to the voter at the post office address stated in the request, seal the envelope, and mail it at the expense of the county board of elections, or deliver it to the voter in person: Provided, that in case of a request received after 5:00 p.m. on the Tuesday before the election under the provisions of subsection (a1) of this section, in lieu of transmitting the ballots to the voter in person or by mail, the chair, member, officer, or employee of the board of elections may deliver the sealed envelope containing the instruction sheet and the container-return envelope holding the ballots to a near relative or verifiable legal guardian of the voter.

1 The county board of elections may receive written requests for applications earlier
2 than 50 days prior to the election but shall not mail applications and ballots to the
3 voter or issue applications and ballots in person earlier than 50 days prior to the
4 election, except as provided in G.S. 163-227.2. No election official shall issue
5 applications for absentee ballots except in compliance with this Article.

6 (b) ~~The application shall be completed; completed and signed by the voter~~
7 ~~personally, the ballots marked, the ballots sealed in the container-return envelope,~~
8 ~~and the large envelope affidavit certificate completed as provided in G.S. 163-227 and~~
9 ~~G.S. 163-231. The container-return envelope shall be placed in the large transmittal~~
10 ~~envelope for return to the chairman of the county board of elections.~~

11 (c) At its next official meeting after return of the completed container-return
12 envelope ~~and large envelope~~ with the voter's ballots, the county board of elections
13 shall determine whether the container-return envelope ~~and large envelope~~ has
14 been properly executed. If the board determines that ~~both~~ the container-return
15 envelope ~~and large envelope~~ has been properly executed, it shall approve the
16 application and deposit the container-return envelope with other container-return
17 envelopes for the envelope to be opened and the ballots counted at the same time as
18 all other container-return envelopes and absentee ballots.

19 (c1) Required Meeting of County Board of Elections. -- During the period
20 commencing on the third Tuesday before an election, in which absentee ballots are
21 authorized, the county board of elections shall hold one or more public meetings
22 each Tuesday at 5:00 p.m. for the purpose of action on applications for absentee
23 ballots. At these meetings, the county board of elections shall pass upon applications
24 for absentee ballots.

25 If the county board of elections changes the time of holding its meetings or
26 provides for additional meetings in accordance with the terms of this subsection,
27 notice of the change in hour and notice of the schedule of additional meetings, if any,
28 shall be published in a newspaper circulated in the county at least 30 days prior to
29 the election.

30 At the time the county board of elections makes its decision on an application for
31 absentee ballots, the board shall enter in the appropriate column in the register of
32 absentee requests, applications, and ballots issued opposite the name of the applicant
33 a notation of whether the applicant's application was 'Approved' or 'Disapproved'.

34 The decision of the board on the validity of an application for absentee ballots
35 shall be final subject only to such review as may be necessary in the event of an
36 election contest. The county board of elections shall constitute the proper official
37 body to pass upon the validity of all applications for absentee ballots received in the
38 county; this function shall not be performed by the chairman or any other member of
39 the board individually.

40 ~~(d) The provisions of this section shall apply only to requests received by mail~~
41 ~~from and signed by the voter individually and personally. No near relative, guardian,~~
42 ~~or other person other than the voter himself shall be permitted to apply for absentee~~
43 ~~ballots under this section.~~

1 (e) The State Board of Elections, by ~~regulation~~ rule or by instruction to the
2 county board of elections, shall establish procedures to provide appropriate
3 safeguards in the implementation of this section.

4 (f) For the purpose of this Article, 'near relative' means spouse, brother, sister,
5 parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law,
6 son-in-law, stepparent, or stepchild."

7 Section 11. G.S. 163-231 reads as rewritten:

8 "**§ 163-231. Voting absentee ballots and transmitting them to ~~chairman~~ of the county**
9 **board of elections.**

10 (a) Procedure for Voting Absentee Ballots. -- In the presence of two other persons
11 who are at least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4)
12 or G.S. 163-274(5a), the voter shall:

- 13 (1) Mark ~~his~~ the voter's ballots, or cause them to be marked by one of
14 such persons in ~~his~~ the voter's presence according to ~~his~~ the voter's
15 instruction;
- 16 (2) Fold each ballot separately, or cause each of them to be folded in
17 ~~his~~ the voter's presence;
- 18 (3) Place the folded ballots in the container-return envelope and
19 securely seal it, or have this done in ~~his~~ the voter's presence;
- 20 (4) Make the application printed on the container-return envelope
21 according to the provisions of G.S. 163-229(b) and make the
22 certificate printed on the container-return envelope according to
23 the provisions of G.S. 163-229(b).

24 The persons in whose presence the ballot is marked shall at all times respect the
25 secrecy of the ballot and the privacy of the absentee voter, unless the voter requests
26 their assistance and they are otherwise authorized by law to give assistance. The
27 persons in whose presence the ballot was marked shall sign the application and
28 certificate as witnesses, and shall indicate their address. When thus executed, the
29 sealed container-return envelope, with the ballots enclosed, shall be transmitted in
30 accordance with the provisions of subsection (b) of this section to the ~~chairman~~ of the
31 county board of elections ~~who~~ which issued the ballots.

32 (a1) Repealed by Session Laws 1987, c. 583, s. 1.

33 (b) Transmitting Executed Absentee Ballots to ~~Chairman~~ of County Board of
34 Elections. -- The sealed container-return envelope in which executed absentee ballots
35 have been placed shall be transmitted to the ~~chairman~~ of the county board of
36 elections who issued them as follows: All ballots issued under the provisions of
37 Articles 20 and 21 of this Chapter shall be transmitted by ~~mail~~, mail or by
38 commercial courier service, at the voter's expense, or delivered in person, or by the
39 voter's ~~spouse, brother, sister, parent, grandparent, child or grandchild~~ near relative
40 or verifiable legal guardian not later than ~~5:00 P.M. on the day before the statewide~~
41 ~~primary or general election or county bond~~ 7:30 p.m. on the day of the election. If
42 such ballots are received later than that hour, they shall not be accepted for voting."

43 Section 12. G.S. 163-232 reads as rewritten:

44 "**§ 163-232. Certified list of executed absentee ballots; distribution of list.**

1 (a) ~~The chairman of the~~ county board of elections shall prepare, or cause to be
2 prepared, a list in at least quadruplicate, of all absentee ballots returned to the county
3 board of elections to be counted, which have been approved by the county board of
4 ~~elections.~~ elections, and which have been received as of 5:00 p.m. on the day before
5 the election. At the end of the list, the chairman shall execute the following
6 certificate under oath:

7 'State of North Carolina

8 County of

9 I, ..., chairman of the County board of elections, do hereby
10 certify that the foregoing is a list of all executed absentee ballots to be
11 voted in the election to be conducted on the day of, 19,
12 which have been approved by the county board of ~~elections.~~ elections and
13 which have been returned no later than 5:00 p.m. on the day before the
14 election. ~~I further certify that I have issued ballots to no other persons than~~
15 ~~those listed herein, whose original applications or original applications~~
16 ~~made by near relatives are filed in the office of the county board of~~
17 ~~elections, and I further certify that I have~~ the chairman, member, officer,
18 or employee of the board of elections has not delivered ballots for absentee
19 voting to any person other than the voter himself, voter, by mail or by
20 commercial courier service or in person, except as provided by law, in the
21 ease of approved applications received after 5:00 P.M. on the Tuesday or
22 Friday before the election. and have not mailed or delivered ballots when
23 the request for the ballot was received after the deadline provided by law.

24 This the day of, 19.....

25
26 (Signature of chairman of county board of elections)

27 Sworn to and subscribed before me this day of, 19 Witness
28 my hand and official seal.

29
30 (Signature of officer administering oath)

31
32 (Title of officer)'

33 No ~~earlier than 3:00 P.M. on the day before the election and no~~ later than 10:00
34 A.M. on election day, the ~~chairman~~ county board of elections shall cause one copy of
35 the list of executed absentee ballots, which may be a continuing countywide list or a
36 separate list for each precinct, to be immediately deposited as 'first-class' mail to the
37 State Board of Elections. ~~He~~ The board shall retain one copy in the board office for
38 public inspection and ~~he~~ the board shall cause two copies of the appropriate precinct
39 list to be delivered to the chief judge of each precinct in the county. The ~~chairman~~
40 county board of elections shall be authorized to call upon the sheriff of the county to
41 distribute the list to the precincts. In addition the ~~chairman~~ county board of elections
42 shall, upon request, provide a copy of the complete list to the chairman of each
43 political party, recognized under the provisions of G.S. 163-96, represented in the
44 county.

1 The chief judge shall post one copy of the list immediately in a conspicuous
2 location in the voting place and retain one copy until all challenges of absentee
3 ballots have been heard by the county board of elections. Challenges shall be made
4 to absentee ballots as provided in G.S. 163-89.

5 After receipt of the list of absentee voters required by this section the chief judge
6 shall call the name of each person recorded on the list and enter an 'A' in the
7 appropriate voting square on the voter's permanent registration ~~record~~ record, or a
8 similar entry on the computer list used at the polls. If such person is already
9 recorded as having voted in that election, the chief judge shall enter a challenge
10 which shall be presented to the ~~chairman of the~~ county board of elections for
11 resolution by the board of elections prior to certification of results by the board.

12 (b) The county board of elections shall prepare, or cause to be prepared, a list in
13 at least duplicate, of all absentee ballots returned to the county board of elections to
14 be counted, which have been approved by the county board of elections, and which
15 have been received after 5:00 p.m. on the day before the election but before 7:30 p.m.
16 on election day. At the end of the list, the chairman shall execute the following
17 certificate under oath:

18 'State of North Carolina

19 County of

20 I, ..., chairman of the County board of elections, do hereby
21 certify that the foregoing is a list of all executed absentee ballots to be
22 voted in the election to be conducted on the day of, which
23 have been approved by the county board of elections and which have been
24 returned after 5:00 p.m. on the day before the election but before 7:30 p.m.
25 on election day, and I further certify that the chairman, member, officer, or
26 employee of the board of elections has not delivered ballots for absentee
27 voting to any person other than the voter, by mail or in person, except as
28 provided by law, and have not mailed or delivered ballots when the
29 request for the ballot was received after the deadline provided by law.

30 This the day of, ...

31
32 (Signature of chairman of county board of elections)

33 Sworn to and subscribed before me this day of, ... Witness my
34 hand and official seal.

35
36 (Signature of officer administering oath)

37
38 (Title of officer)'

39 No later than 10:00 p.m. on election day, the county board of elections shall cause
40 one copy of the list of executed absentee ballots, which may be a continuing
41 countywide list or a separate list for each precinct, to be immediately deposited as
42 'first-class' mail to the State Board of Elections. The board shall retain one copy in
43 the board office for public inspection. In addition the county board of elections shall,
44 upon request, provide a copy of the complete list to the chairman of each political

1 party, recognized under the provisions of G.S. 163-96, represented in the county.
2 Challenges shall be made to absentee ballots as provided in G.S. 163-89.

3 On or before the day of the canvass by the county board of elections, a member or
4 employee of the board of elections shall call the name of each person recorded on
5 the list and enter an 'A' in the appropriate voting square on the voter's permanent
6 registration record. If that person is already recorded as having voted in that election,
7 the director of elections shall enter a challenge which shall be presented to the
8 county board of elections for resolution by the board of elections prior to certification
9 of results by the board.

10 (c) All lists required by this section shall be retained by the county board of
11 elections for a period of ~~four years~~ 22 months after which they may then be
12 destroyed."

13 Section 13. G.S. 163-233 reads as rewritten:

14 "§ 163-233. Applications for absentee ballots; how retained.

15 The ~~chairman of the~~ county board of elections shall retain, in a safe place, the
16 original of all applications made for absentee ballots and shall make them available to
17 inspection by the State Board of Elections or to any person upon the directive of the
18 State Board of Elections.

19 All applications for absentee ballots shall be retained by the county board of
20 elections for a period of one year after which they may be destroyed."

21 Section 14. G.S. 163-234 reads as rewritten:

22 "§ 163-234. Counting absentee ballots by county board of elections.

23 All absentee ballots returned to the ~~chairman or supervisor of elections of the~~
24 county board of elections in the container-return envelopes shall be retained by the
25 ~~chairman board~~ to be counted by the county board of elections as herein provided.

26 (1) Only those absentee ballots returned to the county board of
27 elections no later than ~~5:00 P.M.~~ 7:30 p.m. on the ~~day before~~
28 election day in a properly executed container-return envelope shall
29 be counted.

30 (2) The county board of elections shall meet at 5:00 P.M. on election
31 day in the board office or other public location in the county
32 courthouse for the purpose of counting all absentee ballots except
33 those which have been challenged before 5:00 P.M. on election
34 day. Any elector of the county shall be permitted to attend the
35 meeting and allowed to observe the counting process, provided ~~he~~
36 the elector shall not in any manner interfere with the election
37 officials in the discharge of their duties.

38 Provided, that the county board of elections is authorized to
39 begin counting absentee ballots between the hours of 2:00 P.M. and
40 5:00 P.M. upon the adoption of a resolution at least two weeks
41 prior to the election wherein the hour and place of counting
42 absentee ballots shall be stated. A copy of the resolutions shall be
43 published once a week for two weeks prior to the election, in a
44 newspaper having general circulation in the county. Notice may

1 additionally be made on a radio or television station or both, but
2 such notice shall be in addition to the newspaper and other
3 required notice. The count shall be continuous until completed
4 and the members shall not separate or leave the counting place
5 except for unavoidable ~~necessity~~. necessity, except that if the count
6 has been completed prior to the time the polls close, it shall be
7 suspended until that time pending receipt of any additional ballots,
8 and except that one-stop ballots under G.S. 163-227.2 counted
9 electronically shall not be counted until the polls close; provided,
10 however, that if there are outstack ballots in the counting device,
11 they may be counted at the same time as other ballots are counted
12 under this subdivision. The county board of elections may begin
13 putting them in the tabulator at the same time as other ballots are
14 counted under this subdivision if the system for counting one-stop
15 ballots requires them to be put in a tabulator but the process has
16 the voter place them in a ballot box. The board shall not
17 announce the result of the count before 7:30 P.M.

18 (3) The counting of absentee ballots shall not commence until a
19 majority and at least one board member of each political party
20 represented on the board is present and ~~such~~ that fact is publicly
21 declared and entered in the official minutes of the county board.

22 (4) The county board of elections may employ such assistants as
23 deemed necessary to count the absentee ballots, but each board
24 member present shall be responsible for and observe and supervise
25 the opening and tallying of the ballots.

26 (5) As each ballot envelope is opened, the board shall cause to be
27 entered into a pollbook designated 'Pollbook of Absentee Voters'
28 the name of the absentee ~~voter~~. voter, or if the pollbook is
29 computer-generated, the board shall check off the name.
30 Preserving secrecy, the ballots shall be placed in the appropriate
31 ballot boxes, at least one of which shall be provided for each type
32 of ballot. The 'Pollbook of Absentee Voters' shall also contain the
33 names of all persons who voted under G.S. 163-227.2, but those
34 names may be printed by computer for inclusion in the pollbook.

35 After all ballots have been placed in the boxes, the counting
36 process shall begin.

37 If one-stop ballots under G.S. 163-227.2 are counted
38 electronically, that count shall commence at the time the polls
39 close. If one-stop ballots are paper ballots counted manually, that
40 count shall commence at the same time as other absentee ballots
41 are counted.

42 If a challenge transmitted to the board on canvass day by a
43 chief judge is sustained, the ballots challenged and sustained shall

1 be withdrawn from the appropriate boxes, as provided in G.S.
2 163-89(e).

3 As soon as the absentee ballots have been counted and the
4 names of the absentee voters entered in the pollbook as required
5 herein, the board members and assistants employed to count the
6 absentee ballots shall each sign the pollbook immediately beneath
7 the last absentee voter's name entered therein. The ~~chairman~~
8 county board of elections shall be responsible for the safekeeping
9 of the pollbook of absentee voters.

10 (6) Upon completion of the counting process the board members shall
11 cause the results of the tally to be entered on the absentee abstract
12 prescribed by the State Board of Elections. The abstract shall be
13 signed by the members of the board in attendance and the original
14 mailed immediately to the State Board of ~~Elections, Raleigh, North~~
15 ~~Carolina 27602.~~ Elections. The county board of elections may have
16 a separate count on the abstract for one-stop absentee ballots under
17 G.S. 163-227.2.

18 (7) One copy of the absentee abstract shall be retained by the county
19 board of elections and the totals appearing thereon shall be added
20 to the final totals of all votes cast in the county for each office as
21 determined on the official canvass.

22 (8) In the event a political party does not have a member of the
23 county board of elections present at the ~~5:00 P.M.~~ meeting to count
24 absentee ballots due to illness or other cause of the member, the
25 counting shall not commence until the county party chairman of
26 said absent member, or a member of the party's county executive
27 committee, is in attendance. Such person shall act as an official
28 witness to the counting and shall sign the absentee ballot abstract
29 as an 'observer.'

30 (9) The county board of elections shall retain all container-return
31 envelopes and absentee ballots, in a safe place, for at least four
32 months, and longer if any contest is pending concerning the
33 validity of any ballot."

34 Section 15. G.S. 163-236 reads as rewritten:

35 "§ 163-236. Violations by ~~chairman of county board of elections.~~

36 The ~~chairman of the~~ county board of elections shall be sole custodian of blank
37 applications for absentee ballots, official ballots, and container-return envelopes for
38 absentee ballots. ~~He~~ The board shall issue and deliver blank applications for absentee
39 ballots in strict accordance with the provisions of G.S. ~~163-227(e).~~ 163-230.1. The
40 issuance of ballots to persons whose ~~applications~~ requests for absentee ballots have
41 been ~~approved~~ received by the county board of elections under the provisions of G.S.
42 ~~163-230(3)~~ 163-230.1 is the responsibility and duty of the ~~chairman of the~~ county
43 board of elections.

1 It shall be the duty of the ~~chairman of the~~ county board of elections to keep
2 current all records required ~~of him~~ by this Article and to make promptly all reports
3 required ~~of him~~ by this Article. If that duty has been assigned to the chair, member,
4 officer, or employee of the board of elections, they shall carry out the duty.

5 The willful violation of this section shall constitute a Class 2 misdemeanor."

6 Section 16. G.S. 163-82.7(g)(2) reads as rewritten:

7 "(2) If the Postal Service has returned as undeliverable a notice sent
8 within 25 days before the election to the applicant under
9 subsection (c) of this section, then the applicant may vote only in
10 person in that first election and may not vote by ~~mailed~~ absentee
11 ~~ballot.~~ ballot except in person under G.S. 163-227.2. The county
12 board of elections shall establish a procedure at the voting site for:

- 13 a. Obtaining the correct address of any person described in
14 this subdivision who appears to vote in person; and
15 b. Assuring that the person votes in the proper place and in
16 the proper contests.

17 If a notice mailed under subsection (c) or subsection (e) of this
18 section is returned as undeliverable after a person has already
19 voted by absentee ballot, then that person's ballot may be
20 challenged in accordance with G.S. 163-89."

21 Section 17. G.S. 163-137(b) reads as rewritten:

22 "(b) The ballots prepared for use in general and special elections under the
23 provisions of this Article by the State Board of Elections shall be printed and
24 delivered to the county boards of elections at least ~~60~~ 50 days prior to the date of any
25 ~~election in which absentee voting is permitted and at least 60 days prior to the date of~~
26 ~~any election in which absentee voting is not permitted.~~ election."

27 Section 18. G.S. 163-155(4) reads as rewritten:

28 "(4) The affidavit executed by the voter shall be retained by the county
29 board of elections for a period of six months. In those precincts
30 using voting machines, the county board of elections shall furnish
31 paper ballots of each kind for use by persons authorized to vote
32 outside the voting place by this section. In any precinct using
33 direct record electronic voting equipment, the county board of
34 elections, with the approval of the State Board of Elections, may
35 provide for all such paper ballots to be transported upon closing of
36 the polls to the office of the county board of elections for counting.
37 Those ballots may be transported only by the chief judge, judge, or
38 assistant. Upon receipt by the county board of elections, those
39 ballots shall be counted and canvassed in the same manner as one-
40 stop ballots cast under G.S. 163-227.2, except that rather than the
41 count commencing when the polls close under G.S. 163-234(5) as
42 provided for one-stop ballots, the count shall commence when the
43 board has received from each precinct either that precinct's ballots
44 or notification that no such ballots were cast.

1 The total for ballots counted by the county board of
2 elections under this subdivision shall be canvassed as if it were a
3 separate precinct."

4 Section 19. G.S. 163-169(i) reads as rewritten:

5 "(i) Absentee Ballots. -- Absentee ballots shall be deposited and voted in
6 accordance with the provisions of G.S. 163-227.2 and G.S. 163-234; they shall be
7 counted and tabulated as provided in this section and G.S. 163-170."

8 Section 20. Article 21 is amended by adding a new section to read:

9 "**§ 163-257. Facsimile transmission of election materials.**

10 An applicant entitled to exercise the rights conferred by this Article may apply for
11 registration and an absentee ballot by facsimile if otherwise qualified to apply for and
12 vote by absentee ballot. A county board of elections may send and receive facsimile
13 absentee ballot applications and accept voted ballots by facsimile from eligible
14 electors as defined in G.S. 163-245."

15 Section 21. G.S. 163-274(5a) reads as rewritten:

16 "(5a) For any person to be a witness under G.S. 163-231(a) or G.S. 163-
17 250(a) in any primary or election in which the person is a
18 candidate for nomination or ~~election~~; election, unless the voter is
19 the candidate's near relative as defined in G.S. 163-230.1(f)."

20 Section 22. This act applies to elections held on or after January 1, 1998,
21 except that the State Board of Elections may issue rules required or permitted by this
22 act prior to that date.

ATTENDANCE

ELECTION LAWS & CAMPAIGN REFORM

DATES	1997 (Name of Committee)										(Cancelled)									
	2/26	3/2	3/26	4/9	4/23	5/7	5/21	6/4	6/11											
LARRY JUSTUS	✓	✓	✓	✓	✓	✓	✓		✓											
CONNIE WILSON	✓	✓	✓	✓	✓	✓	✓		✓											
HENRY ALDRIDGE	✓	✓	✓	✓	✓	✓	✓		✓											
MARTHA ALEXANDER	✓		✓	✓	✓	✓	*		✓											
GENE ARNOLD	✓	✓	✓	✓	✓	✓			✓											
PHIL BADDOUR	✓	✓	✓	✓	✓	✓	✓		✓											
CHERIE BERRY	✓		✓		✓	✓			✓											
DONALD BONNER	✓	✓	✓	✓	✓	✓	✓		✓											
JERRY BRASWELL	✓		✓	✓		✓														
LANIER CANSLER	✓	✓	✓	✓	✓	✓														
WALTER CHURCH	✓	✓		✓					✓											
ANDY DEDMON	✓	✓	✓	✓	✓	✓	✓													
SANDY HARDY	✓	✓	✓	✓	✓		✓		✓											
BILL HIATT	✓	✓	✓	✓	✓	✓			✓											
VERLA INSKO	✓	✓	✓	✓	✓	✓			✓											
MARY JARRELL	✓					✓	✓		✓											
JOE KISER	✓	✓	✓	✓	✓	✓	✓		✓											
MICKEY MICHAUX	✓	✓	✓	✓	✓	✓	✓		✓											
JOHN RAYFIELD	✓	✓	✓	✓	✓	✓	✓		✓											
FERN SHUBERT	✓	✓	✓	✓	✓	✓	✓		✓											
TIM TALLENT				✓																
WILLIAM WAINWRIGHT																				
ALEX WARNER		✓		✓																
JOHN WEATHERLY	✓	✓	✓	✓		✓	✓													
JULIA HOWARD									✓											
LEO DAUGHTRY																				
STEVE WOOD	✓					✓														

* Excused Absence due to Mother's Day

VISITOR REGISTRATION SHEET

ELECTION LAWS & CAMPAIGN REFORM

June 11, 1997

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
~~Bernard Allen~~	SOS
~~Cliff Malloy~~	PMMC - Concord NC
~~Scott Holmes~~	ACLU
Horace Jarrett	Citizen
Judi Walend	Brevard NC
Stan Kuni	—
BILL SCOBGIN	NCBA
Joan Pia	Wake County Bd of Elections
Johnnie McLean	St Bd of Elections
Mary O. Bartlett	" " " "
~~Thad Dill~~	Thad
Nichola L. Marshall	Institute of Gov't
Jeannine Bell	Institute of Government
Caroline Wauke	Institute of Gov't
DAYA RIE	IOG
Susan Campbell	IOG
Donnis Patterson	AP
Kim Reed	UNC Law School
Fayla Buestein	Institute of Government
Mary Carmlia	Mecklenburg County
Debrah Huns	All
Taylor Bate	Charlotte Observer
LYMAN COOPER	CSX Corp
R. Paul Williams	NCHISA

HOUSE COMMITTEE
ON
ELECTION LAW & CAMPAIGN REFORM

JULY 16, 1997

2:00 P.M. *3:00 p.m.*

Room 1327, Legislative Building

AGENDA

I. CALL TO ORDER

Co-Chairmen: Representative Larry Justus
Representative Connie Wilson

II. BILLS

HB 23 CAMPAIGN STANDARDS COMMISSION
Rep. Cansler

HB 24 CLOSE RUNOFF LOOPHOLE
Rep. Cansler

HB 79 BALLOT ACCESS CHANGES
Rep. Rayfield

HB 525 PARTY ALIGNMENT ROTATED
Rep. Morris

HB 736 VOTER IDENTIFICATION
Rep. Justus

SB 553 PAPER BALLOTS IN RUNOFF
Sen. Allran

SB 663 ABSENTEE VOTING CHANGES
Sen. Rucho

III. ADJOURNMENT

HOUSE COMMITTEE ON ELECTION LAW AND CAMPAIGN REFORM

Minutes

July 16, 1997

HOUSE MEMBERS PRESENT: [18] Representatives Wilson, Justus, Alexander, Baddour, Berry, Bonner, Cansler, Dedmon, Hardy, Hiatt, Insko, Kiser, Michaux, Rayfield, Shubert, Tallent, Weatherly and Wood.

The House Committee on Election Law and Campaign Reform met in Room 1327 of the Legislative Office Building on Wednesday, July 16, 1997, at 3:00 p.m. Representative Connie Wilson called the meeting to order.

SENATE BILL 663 ABSENTEE VOTING CHANGES

Rep. Kiser explained the subcommittee appointed to study the bill had given it an unfavorable report as to the original bill but a favorable report to the committee substitute (Attachment 1) which places it into a Legislative Research Committee to study the changes to absentee voting and other election law matters. Rep. Justus made the motion that the proposed committee substitute be brought forward for consideration. The motion passed. Rep. Kiser moved for a favorable report on Senate Bill 663 Proposed House Committee Substitute, unfavorable to the original bill. Rep. Wood sent forth an amendment (Attachment 2). The vote was taken and the amendment was adopted. Rep. Kiser's motion was voted on and passed.

SENATE BILL 553 PAPER BALLOTS IN RUNOFF

Senator Austin Allran gave an explanation of the bill (Attachment 3). Rep. Wood asked the purpose of the bill and Senator Allran explained it would save money and avoid moving heavy machines. Rep. Justus moved that the proposed committee substitute (Attachment 4) be considered before the committee. The Proposed House Committee Substitute for Senate Bill 553 combines HB 23 (Attachment 5), HB 24 (Attachment 6), HB 79 (Attachment 7), HB 525 (Attachment 8), HB 553, and HB 736 (Attachment 9) into one bill (Explanation, Attachment 10). The motion was voted on and passed. Representative Morris explained the section of the bill, "Political party alignment on

House Committee on Election Law and Campaign Reform
Minutes - July 16, 1997
Page 2

ballots" on Page 17. Rep. Justus explained the section of the bill on Page 16, "Voter Identification Requirement." Rep. Michaux offered an amendment (Attachment 11) which would remove the section on voter identification requirement. A vote was taken on the amendment and the motion was defeated. Rep. Baddour sent forth another amendment (Amendment 12). A perfecting amendment was offered by Rep. Michaux to allow the Board of Elections to put the requirements of disclosure within the current documents it is using. The vote was taken to approve the perfecting amendment and it passed. Rep. Wilson stated the committee would not take a vote on the proposed committee substitute at this meeting but would look at it at another meeting.

Rep. Wilson adjourned the meeting.

Connie Wilson, Chairman

Rosemary H. Stowe, Clerk

Attachments:

- (1) Proposed House Committee Substitute for Senate Bill 663
- (2) Wood Amendment
- (3) Senate Bill 553
- (4) Proposed House Committee Substitute for Senate Bill 553
- (5) House Bill 23
- (6) House Bill 24
- (7) House Bill 79
- (8) House Bill 525
- (9) House Bill 736
- (10) Explanation of Proposed House Committee Substitute 553
- (11) Michaux Amendment
- (12) Baddour Amendment
- (13) Attendance
- (14) Visitor Registration Sheet

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

S

D

SENATE BILL 663
Judiciary Committee Substitute Adopted 4/29/97
Third Edition Engrossed 4/30/97
Proposed House Committee Substitute S663-PCS7843

Short Title: Election Law Study.

(Public)

Sponsors:

Referred to:

April 2, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
3 STUDY ABSENTEE BALLOT CHANGES AND OTHER ELECTION LAW
4 MATTERS.

5 The General Assembly of North Carolina enacts:

6 Section 1. The Legislative Research Commission is authorized to study
7 the election laws of North Carolina and recommend any needed changes, including a
8 comprehensive rewrite of those laws. The study may include an inquiry into the
9 advisability of removing the excuse requirement for absentee ballots, of allowing
10 county boards of elections to designate additional sites for One-Stop voting, and of
11 making other changes to the absentee ballot laws. As references for its study, the
12 Legislative Research Commission may consider any version of Senate Bill 663, Senate
13 Bill 951, House Bill 1014, or any other election-law bill or amendment introduced in
14 the 1997 or a previous General Assembly.

15 Section 2. The Commission may make an interim report, including any
16 legislative proposals, to the 1997 General Assembly, Regular Session 1998, and a final
17 report, including any legislative proposals, to the 1999 General Assembly.

18 Section 3. This act is effective when it becomes law.

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. 663

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

Sen.)

Wood1 moves to amend the bill on page 1, line 15

2 () WHICH CHANGES THE TITLE

3 by _____

4 inserting after the, "1997" = the term5 "or a previous"

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

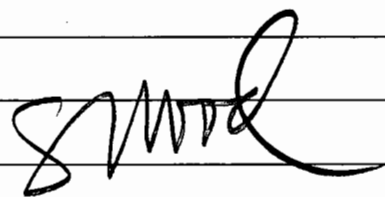
16 _____

17 _____

18 _____

19 _____

SIGNED _____



ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 553

State Government, Local Government, and Personnel Committee Substitute Adopted
4/17/97

Short Title: Paper Ballots in Runoff.

(Public)

Sponsors:

Referred to:

March 27, 1997

1 A BILL TO BE ENTITLED

2 AN ACT ALLOWING COUNTY BOARDS OF ELECTIONS TO USE PAPER
3 BALLOTS IN SECOND PRIMARY ELECTIONS WHERE VOTING SYSTEMS
4 ARE USED IN THE FIRST PRIMARY ELECTION.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 14 of Chapter 163 of the General Statutes is amended
7 by adding a new section to read:

8 "**§ 164-162.2. Use of paper ballots in a second primary where voting systems are used**
9 **in the first primary.**

10 **In counties in which voting machines are used in some or all precincts in a**
11 **primary election, the county board of elections shall have authority to furnish in a**
12 **second primary election paper ballots of each kind to precincts that used voting**
13 **machines in the first primary election.**"

14 Section 2. This act applies only to Catawba County.

15 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 553

State Government, Local Government, and Personnel Committee
 Substitute Adopted 4/17/97

Proposed House Committee Substitute -- S553-PCSRR-008

Short Title: Election Law Reform.

(Public)

Sponsors:

Referred to:

March 27, 1997

- 1 A BILL TO BE ENTITLED
 2 AN ACT:
 3 * TO ESTABLISH A CAMPAIGN STANDARDS CODE TO BE ENFORCED BY A
 4 CAMPAIGN STANDARDS COMMISSION;
 5 * TO CHANGE THE DEADLINES AND PROCEDURES BY WHICH NEW PARTIES
 6 MAY GAIN BALLOT ACCESS AND CHOOSE CANDIDATES, TO ALLOW VOTERS
 7 TO RETAIN OFFICIAL AFFILIATION WITH AN EXPIRED PARTY, TO MAKE
 8 CERTAIN CHANGES TO EQUALIZE CANDIDACY REQUIREMENTS, AND TO
 9 REMOVE CERTAIN COURT-INVALIDATED REQUIREMENTS FROM THE
 10 PETITION PROCEDURES FOR NEW PARTIES, UNAFFILIATED CANDIDATES,
 11 AND WRITE-IN CANDIDATES;
 12 * TO CLOSE THE CONTRIBUTION-LIMIT LOOPHOLE FOR SECOND
 13 PRIMARIES;
 14 * TO ALLOW THE CATAWBA COUNTY BOARD OF ELECTIONS TO USE PAPER
 15 BALLOTS IN SECOND PRIMARY ELECTIONS WHERE VOTING SYSTEMS ARE
 16 USED IN THE FIRST PRIMARY ELECTION;
 17 * TO REQUIRE VOTER IDENTIFICATION; AND
 18 * TO ROTATE BALLOT ALIGNMENT OF POLITICAL PARTIES.
 19
 20 The General Assembly of North Carolina enacts:

1 --CAMPAIGN STANDARDS.

2 Section 1. (a) Chapter 163 of the General Statutes is
3 amended by adding a new Article to read:

4 "ARTICLE 22D.

5 "Campaign Standards.

6 "§ 163-278.60. Purpose of Article.

7 The purpose of this Article is to use constitutional means to
8 encourage informative and civil political campaigning in North
9 Carolina elections and to discourage false or misleading attacks.

10 "§ 163-278.61. North Carolina Campaign Standards Commission
11 established.

12 (a) Establishment of the Commission. -- There is established
13 within the office of the State Board of Elections the North
14 Carolina Campaign Standards Commission.

15 (b) Appointment of Members. -- The Commission shall consist of
16 six members to be appointed by the Governor. No more than three
17 members shall be affiliated with the same political party. The
18 Governor shall appoint the members from a list of nominees
19 submitted by the State Chair of each of the two political parties
20 having the highest number of registered affiliates as reflected
21 by the latest registration statistics published by the State
22 Board of Elections. Each party Chair shall submit a list of at
23 least six nominees who are affiliated with that party.

24 (c) Terms of Office. -- By October 1, 1997, and as needed
25 thereafter, the Governor shall appoint the six members of the
26 Commission. Of the initial appointees, two shall be appointed for
27 one-year terms, two shall be appointed for two-year terms, and
28 two shall be appointed for three-year terms according to random
29 lot. Thereafter, appointees shall be appointed to serve four-
30 year terms. A person may not serve more than two full terms.
31 The appointed members receive the legislative per diem pursuant
32 to G.S.120-3.1.

33 (d) Election of Chair. -- One of the Commission members shall
34 be elected by the members as chair.

35 (e) Vacancies. -- A vacancy during an unexpired term shall be
36 filled in the same manner as a full term.

37 (f) Prohibitions. -- No member of the Commission shall do or
38 be any of the following:

- 39 (1) Hold, or be a candidate for, public office;
40 (2) Serve in a political party office or on a political
41 party executive committee or on a committee
42 supporting or opposing a candidate;
43 (3) Be a registered lobbyist;

1 (4) Make or solicit a contribution on behalf of a
2 candidate or political committee; or

3 (5) Be a State employee.

4 (g) Staff Assistance. -- The State Board of Elections shall
5 provide staff assistance to the Commission.

6 "§ 163-278.62. Powers and duties of the Commission.

7 (a) Adoption of Rules. -- The Commission shall adopt any rules
8 necessary for the effective administration of this Article, not
9 inconsistent with the provisions of this Article.

10 (b) Receipt and Processing of Complaints. -- The Commission
11 shall prescribe the form of complaints alleging violation of G.S.
12 163-278.63. A complaint shall be made by affidavit under penalty
13 of perjury. Upon the filing of a complaint with the Commission,
14 the Commission shall process the complaint in accordance with
15 G.S. 163-278.64.

16 (c) Reports to the General Assembly. -- The Commission shall
17 report to the General Assembly by the convening of every regular
18 session of the General Assembly. The report shall review the
19 most recent campaign with respect to the purpose of this Article
20 and the Code of Campaign Standards set out in G.S. 163-278.63.
21 The Commission may recommend legislation.

22 "§ 163-278.63. Code of Campaign Standards.

23 No person, during the course of any campaign for nomination or
24 election to public office, by means of campaign materials,
25 including sample ballots, an advertisement in radio or television
26 or in a newspaper or periodical, a public speech, press release,
27 or otherwise, shall knowingly and with intent to affect the
28 outcome of the campaign do any of the following:

29 (1) Make a false or misleading statement concerning the
30 voting record of a candidate or public official.
31 'Voting record' under this subdivision means the
32 recorded affirmative or negative on a bill,
33 ordinance, resolution, motion, amendment, or
34 confirmation. A 'misleading statement' under this
35 subdivision includes taking votes or actions
36 significantly out of context or distorting the
37 opponent's record by the use of demonstrably
38 unrepresentative votes or actions.

39 (2) Make a false or misleading statement that a
40 candidate or public official has been indicted or
41 convicted of a theft offense, extortion, or other
42 crime involving financial corruption or moral
43 turpitude.

- 1 (3) Make a statement that a candidate has been indicted
2 for any crime or has been the subject of a finding
3 by the Campaign Standards Commission without
4 disclosing the outcome of any legal proceedings
5 resulting from the indictment or finding.
- 6 (4) Make a false or misleading statement that a
7 candidate or official has a record of treatment or
8 confinement for mental disorder.
- 9 (5) Make a false or misleading statement that a
10 candidate or official has been subjected to
11 military discipline for criminal misconduct or
12 dishonorably discharged from the armed services.
- 13 (6) Identify in a false or misleading way the source of
14 a statement, issue statements under the name of
15 another person without attribution, or state in a
16 false or misleading way the endorsement of or
17 opposition to a candidate by a person or
18 publication.
- 19 (7) Use the title of an office not currently held by a
20 candidate in a manner that implies that the
21 candidate does currently hold that office or use
22 the term 're-elect' when the candidate has never
23 been elected at a primary, general, or special
24 election to the office for which that person is a
25 candidate.
- 26 (8) Make a false or misleading statement concerning the
27 formal schooling or training completed or attempted
28 by a candidate; a degree, diploma, certificate,
29 scholarship, grant, award, prize, or honor
30 received, earned, or held by a candidate; or the
31 period of time during which a candidate attended
32 any school, college, community technical school, or
33 institution.
- 34 (9) Make a false or misleading statement concerning the
35 professional, occupational, or vocational licenses
36 held by a candidate, or concerning any position the
37 candidate held for which the candidate received a
38 salary or wages.
- 39 (10) Use an appeal to discrimination based on race,
40 gender, or religious belief.
- 41 (11) Use any still photo, film, or video of a candidate
42 that is designed to make that candidate look
43 personally unpleasant or contorted or that is taken
44 significantly out of context.

1 "§ 163-278.64. Processing of complaint.

2 (a) Probable Cause Hearing. -- If a complaint is filed
3 alleging a violation of the Code of Campaign Standards in G.S.
4 163-278.63, a panel of two members of the Commission shall
5 determine whether there is probable cause to refer the matter to
6 the full Commission. The two members of the panel shall not be
7 of the same political party. The panel shall meet within three
8 business days after the attorney makes a determination, unless it
9 finds good cause to postpone the meeting. All members of the
10 panel shall participate if the panel refers a complaint to the
11 full Commission, provided that the panel's meeting may be
12 conducted by conference call. The panel shall make only one of
13 the following two findings:

14 (1) That there is no probable cause to believe that a
15 violation of the Code has occurred. If the panel so
16 finds, it shall dismiss the complaint.

17 (2) That there is probable cause to believe that a
18 violation of the Code has occurred. If the panel so
19 finds, it shall refer the complaint to the full
20 Commission.

21 A finding of probable cause may be entered only by a unanimous
22 vote of the panel.

23 (b) Hearing by Full Commission. -- If a panel of the
24 Commission finds pursuant to subsection (a) of this section that
25 there is probable cause that a violation of the Code has taken
26 place, the full Commission shall conduct a hearing within 10
27 business days after the panel makes its finding. At the hearing,
28 the Commission shall determine whether or not a violation of the
29 Code occurred and shall do one of the following:

30 (1) Enter a finding that a violation of the Code has
31 not been proven by clear and convincing evidence
32 and dismiss the complaint.

33 (2) Enter a finding that a violation of the Code has
34 been proven by clear and convincing evidence to
35 have occurred and issue a letter of reprimand to
36 the individual or entity that it determines is in
37 violation.

38 A finding that a violation has occurred may be entered only by a
39 majority vote of all the members of the Commission.

40 (c) Referral to District Attorney. -- If as a result of the
41 evidence it has heard the Commission determines that there is
42 probable cause that a violation of G.S. 163-274(8) has occurred
43 in a matter that is before it, the Commission shall refer the
44 matter to the appropriate district attorney. The referral may be

1 made only upon a positive vote of a majority of all the members
2 of the Commission."

3 (b) This section is effective when it becomes law.
4 --BALLOT ACCESS CHANGES.

5 Section 2. (a) G.S. 163-96 reads as rewritten:
6 "§ 163-96. 'Political party' defined; creation of new party.

7 (a) Definition. -- A political party within the meaning of the
8 election laws of this State shall be either:

9 (1) Any group of voters which, at the last preceding
10 general State election, polled for its candidate
11 for Governor, or for presidential electors, at
12 least ten percent (10%) of the entire vote cast in
13 the State for Governor or for presidential
14 electors; or

15 (2) Any group of voters which shall have filed with the
16 State Board of Elections petitions for the
17 formulation of a new political party which are
18 signed by registered and qualified voters in this
19 State equal in number to two percent (2%) of the
20 total number of voters who voted in the most recent
21 general election for Governor. Also the petition
22 must be signed by at least 200 registered voters
23 from each of four congressional districts in North
24 Carolina. To be effective, the petitioners must
25 file their petitions with the State Board of
26 Elections before 12:00 noon on the ~~first day of~~
27 ~~June~~ thirty-first day of December preceding the
28 day on which is to be held the first general State
29 election in which the new political party desires
30 to participate. The State Board of Elections shall
31 forthwith determine the sufficiency of petitions
32 filed with it and shall immediately communicate its
33 determination to the State chairman of the proposed
34 new political party.

35 (b) Petitions for New Political Party. -- Petitions for the
36 creation of a new political party shall contain on the heading of
37 each page of the petition in bold print or all in capital letters
38 the words: 'THE UNDERSIGNED REGISTERED VOTERS IN
39 COUNTY HEREBY PETITION FOR THE FORMATION OF A NEW POLITICAL PARTY
40 TO BE NAMED AND WHOSE STATE CHAIRMAN IS
41, RESIDING AT..... AND WHO CAN BE
42 REACHED BY TELEPHONE AT..... THE SIGNERS OF THIS PETITION
43 ~~INTEND TO ORGANIZE A NEW POLITICAL PARTY~~ DESIRE THAT A NEW

1 POLITICAL PARTY BE ORGANIZED TO PARTICIPATE IN THE NEXT
2 SUCCEEDING GENERAL ELECTION.'

3 All printing required to appear on the heading of the petition
4 shall be in type no smaller than 10 point or in all capital
5 letters, double spaced typewriter size. In addition to the form
6 of the petition, the organizers and petition circulators shall
7 inform the signers of the general purpose and intent of the new
8 party.

9 The petitions must specify the name selected for the proposed
10 political party. The State Board of Elections shall reject
11 petitions for the formation of a new party if the name chosen
12 contains any word that appears in the name of any existing
13 political party recognized in this State or if, in the Board's
14 opinion, the name is so similar to that of an existing political
15 party recognized in this State as to confuse or mislead the
16 voters at an election.

17 The petitions must state the name and address of the State
18 chairman of the proposed new political party.

19 ~~The validity of the signatures on the petitions shall be proved~~
20 ~~in accordance with one of the following alternative procedures:~~

21 ~~(1) The signers may acknowledge their signatures before~~
22 ~~an officer authorized to take acknowledgments,~~
23 ~~after which that officer shall certify the validity~~
24 ~~of the signatures by appropriate notation attached~~
25 ~~to the petition, or~~

26 ~~(2) A person in whose presence a petition was signed~~
27 ~~may go before an officer authorized to take~~
28 ~~acknowledgments and, after being sworn, testify to~~
29 ~~the genuineness of the signatures on the petition,~~
30 ~~after which the officer before whom he has~~
31 ~~testified shall certify his testimony by~~
32 ~~appropriate notation attached to the petition.~~

33 Each petition shall be presented to the chairman of the board
34 of elections of the county in which the signatures were obtained,
35 and it shall be the chairman's duty:

36 (1) To examine the signatures on the petition and place
37 a check mark on the petition by the name of each
38 signer who is qualified and registered to vote in
39 his county.

40 (2) To attach to the petition his signed certificate
41 a. Stating that the signatures on the petition
42 have been checked against the registration
43 records and

1 b. Indicating the number found qualified and
2 registered to vote in his county.

3 (3) To return each petition, together with the
4 certificate required by the preceding subdivision,
5 to the person who presented it to him for checking.

6 The group of petitioners shall submit the petitions to the
7 chairman of the county board of elections in the county in which
8 the signatures were obtained no later than 5:00 P.M. on the
9 fifteenth business day preceding the date the petitions are due
10 to be filed with the State Board of Elections as provided in
11 subsection (a)(2) of this section. ~~Provided the petitions are~~
12 ~~timely submitted, the chairman of the county board of elections~~
13 ~~shall require a fee of five cents (5¢) for each signature~~
14 ~~appearing and shall proceed to examine and verify the signatures~~
15 ~~under the provisions of this subsection.~~ Verification shall be
16 completed within ~~two weeks~~ 15 business days from the date such
17 petitions are ~~presented and the required fee received.~~ presented.
18 Notwithstanding the previous sentence, the county board may
19 extend its deadline for verifying the signatures for a reasonable
20 length of time, if meeting the deadline is unduly burdensome and
21 extending it will not disadvantage the petitioners."

22 (b) G.S. 163-97.1 reads as rewritten:

23 "\$ 163-97.1. Voters affiliated with expired political party.

24 ~~The State Board of Elections shall be authorized to promulgate~~
25 ~~appropriate procedures to order the county boards of elections to~~
26 ~~change the registration affiliation of all voters who are~~
27 ~~recorded on the voter registration books as being affiliated with~~
28 ~~a political party which has lost its legal status as provided in~~
29 ~~G.S. 163-97. The State Board of Elections shall not implement the~~
30 ~~authority contained in this section earlier than 90 days~~
31 ~~following the certification of the election in which the~~
32 ~~political party failed to continue its legal status as provided~~
33 ~~in G.S. 163-97. All voters affiliated with such expired political~~
34 ~~party shall be changed to "unaffiliated" designation by the State~~
35 ~~Board's order and all such registrants shall be entitled to~~
36 ~~declare a political party affiliation as provided in G.S.~~
37 ~~163-74(b).~~ Any voter registered with a political party shall be
38 allowed to retain that affiliation even if that party loses its
39 status as a political party under the provisions of G.S. 163-97.
40 Unless the voter indicates an intention otherwise, the county
41 board of elections shall carry that voter on its registration
42 lists as a member of the expired party."

43 (c) G.S. 163-97 reads as rewritten:

44 "\$ 163-98. General election participation by new political party.

1 In the first general election following the date on which a new
2 political party qualifies under the provisions of G.S. 163-96, it
3 shall be entitled to have the names of its candidates for
4 municipal, county, district, State, congressional, and national
5 offices printed on the official ballots, but it shall not be
6 entitled to have the names of candidates for other offices
7 printed on State, district, or county ballots at that election.
8 ballots in accordance with the procedures in this section.

9 For the first general election following the date on which it
10 qualifies under G.S. 163-96, a new political party shall select
11 its candidates ~~by party convention. Following adjournment of the~~
12 ~~nominating convention, but not later than the first day of July~~
13 ~~prior to the general election, the president of the convention~~
14 ~~shall certify to the State Board of Elections the names of~~
15 ~~persons chosen in the convention as the new party's candidates~~
16 ~~for State, congressional, and national offices in the ensuing~~
17 ~~general election. The State Board of Elections shall print names~~
18 ~~thus certified on the appropriate ballots as the nominees of the~~
19 ~~new party.~~ in accordance with Article 10 of this Chapter."

20 (d) Article 9 of Chapter 163 of the General Statutes is
21 amended by adding a new section to read:
22 "163-100. Political party for presidential election only.

23 A party shall be recognized only for the purposes of nominating
24 candidates for presidential elector in a general election if the
25 party meets the other requirements of this Article except that
26 the petitioners for that party file their petitions as provided
27 in G.S. 163-96(a)(2) with the State Board of Elections before
28 12:00 noon on the second Thursday in July before that general
29 election. If that party so qualifies, it may nominate its
30 electors in convention no later than ninety (90) days before the
31 general election. Unless the party has met the petition deadline
32 of G.S. 163-96, it shall cease to be a political party within the
33 provisions of this Chapter."

34 (e) G.S. 163-106(b) reads as rewritten:

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

1 to be a candidate for at least 90 days prior to the filing date
2 for the office for which he desires to file his notice of
3 ~~candidacy-~~ candidacy, provided that the requirement of this
4 sentence shall not apply to a person filing a notice of candidacy
5 in the primary of a party holding its first primary since gaining
6 ballot access under the provisions of G.S. 163-96(a)(2).

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

9 (f) G.S. 163-107.1 reads as rewritten:

10 "\$ 163-107.1. Petition in lieu of payment of filing fee.

11 (a) Any qualified voter who seeks nomination in the party
12 primary of the political party with which he affiliates may, in
13 lieu of payment of any filing fee required for the office he
14 seeks, file a written petition requesting him to be a candidate
15 for a specified office with the appropriate board of elections,
16 State, county or municipal.

17 (b) If the candidate is seeking the office of United States
18 Senator, Governor, Lieutenant Governor, any State executive
19 officer, Justice of the Supreme Court or Judge of the Court of
20 Appeals, the petition must be signed by ~~10,000 registered voters~~
21 ~~who are members of the political party in whose primary the~~
22 ~~candidate desires to run, except that in the case of a political~~
23 ~~party as defined by G.S. 163-96(a)(2) which will be making~~
24 ~~nominations by primary election, the petition must be signed by~~
25 ~~ten percent (10%) of the registered voters of the State who are~~
26 ~~affiliated with the same political party in whose primary the~~
27 ~~candidate desires to run, or in the alternative, the petition~~
28 ~~shall be signed by no less than 10,000 registered voters~~
29 ~~regardless of the voter's political party affiliation, whichever~~
30 ~~requirement is greater.~~ registered voters of the State equal in
31 number to two percent (2%) of the total number of registered
32 voters in the State as reflected by the most recent statistical
33 report issued by the State Board of Elections. The petition must
34 be filed with the State Board of Elections not later than 12:00
35 noon on Monday preceding the filing deadline before the primary
36 in which he seeks to run. The names on the petition shall be
37 verified by the board of elections of the county where the signer
38 is registered, and the petition must be presented to the county
39 board of elections at least 15 days before the petition is due to
40 be filed with the State Board of Elections. When a proper
41 petition has been filed, the candidate's name shall be printed on
42 the primary ballot.

43 (c) County, Municipal and District Primaries. -- If the
44 candidate is seeking one of the offices set forth in G.S. 163-

1 106(c) but which is not listed in subsection (b) of this section,
2 or a municipal or any other office requiring a partisan primary
3 which is not set forth in G.S. 163-106(c) or (d), he shall file a
4 written petition with the appropriate board of elections no later
5 than 12:00 noon on Monday preceding the filing deadline before
6 the primary. The petition shall be signed by ~~ten percent (10%) of~~
7 ~~the registered voters of the election area in which the office~~
8 ~~will be voted for, who are affiliated with the same political~~
9 ~~party in whose primary the candidate desires to run, or in the~~
10 ~~alternative, the petition shall be signed by no less than 200~~
11 ~~registered voters regardless of said voter's political party~~
12 ~~affiliation, whichever requirement is greater.~~ registered voters
13 in the election area in which the office will be voted for equal
14 to four percent (4%) of the registered voters of that area, as
15 reflected by the latest statistical report issued by the
16 appropriate board of elections. The board of elections shall
17 verify the names on the petition, and if the petition is found to
18 be sufficient, the candidate's name shall be printed on the
19 appropriate primary ballot. Petitions for candidates for member
20 of the U.S. House of Representatives, District Attorney, and
21 judge of the District Court or members of the State House of
22 Representatives from multi-county districts or members of the
23 State Senate from multi-county districts must be presented to the
24 county board of elections for verification at least 15 days
25 before the petition is due to be filed with the State Board of
26 Elections, and such petition must be filed with the State Board
27 of Elections no later than 12:00 noon on Monday preceding the
28 filing deadline. The State Board of Elections may adopt rules to
29 implement this section and to provide standard petition forms.

30 (d) Nonpartisan Primaries and Elections. -- Any qualified
31 voter who seeks to be a candidate in any nonpartisan primary or
32 election may, in lieu of payment of the filing fee required, file
33 a written petition signed by ~~ten percent (10%) of the registered~~
34 ~~voters in the election area in which the office will be voted for~~
35 ~~with the appropriate board of elections.~~ registered voters in
36 the election area in which the office will be voted for equal to
37 four percent (4%) of the registered voters of that area, as
38 reflected by the latest statistical report issued by the
39 appropriate board of elections. Any qualified voter may sign the
40 petition. The petition shall state the candidate's name, address
41 and the office which he is seeking. The petition must be filed
42 with the appropriate board of elections no later than 60 days
43 prior to the filing deadline for the primary or election, and if

1 found to be sufficient, the candidate's name shall be printed on
2 the ballot. "

3 (g) G.S. 163-122 reads as rewritten:

4 "§ 163-122. Unaffiliated candidates nominated by petition.

5 (a) Procedure for Having Name Printed on Ballot as
6 Unaffiliated Candidate. -- Any qualified voter who seeks to have
7 his name printed on the general election ballot as an
8 unaffiliated candidate shall:

9 (1) If the office is a statewide office, file written
10 petitions with the State Board of Elections
11 supporting his candidacy for a specified office.
12 These petitions must be filed with the State Board
13 of Elections on or before 12:00 noon on the ~~last~~
14 ~~Friday in June~~ day of the first primary for the
15 office preceding the general election and must be
16 signed by qualified voters of the State equal in
17 number to two percent (2%) of the total number of
18 registered voters in the State as reflected by the
19 most recent statistical report issued by the State
20 Board of Elections. Each petition shall be
21 presented to the chairman of the board of elections
22 of the county in which the signatures were
23 obtained. The chairman shall examine the names on
24 the petition and place a check mark on the petition
25 by the name of each signer who is qualified and
26 registered to vote in his county and shall attach
27 to the petition his signed certificate. Said
28 certificates shall state that the signatures on the
29 petition have been checked against the registration
30 records and shall indicate the number of signers to
31 be qualified and registered to vote in his county.
32 The chairman shall return each petition, together
33 with the certificate required in this section, to
34 the person who presented it to him for checking.
35 Verification by the chairman of the county board of
36 elections shall be completed within two weeks from
37 the date such petitions are ~~presented and a fee of~~
38 ~~five cents (5¢) for each name appearing on the~~
39 ~~petition has been received.~~ presented.

40 (2) If the office is a district office comprised of two
41 or more counties, file written petitions with the
42 State Board of Elections supporting his candidacy
43 for a specified office. These petitions must be
44 filed with the State Board of Elections on or

1 before 12:00 noon on the ~~last Friday in June~~ day
2 of the first primary for the office preceding the
3 general election and must be signed by qualified
4 voters of the district equal in number to four
5 percent (4%) of the total number of registered
6 voters in the district as reflected by the latest
7 statistical report issued by the State Board of
8 Elections. Each petition shall be presented to the
9 chairman of the board of elections of the county in
10 which the signatures were obtained. The chairman
11 shall examine the names on the petition and the
12 procedure for certification shall be the same as
13 specified in (1) above.

14 (3) If the office is a county office or a single county
15 legislative district, file written petitions with
16 the chairman or director of the county board of
17 elections supporting his candidacy for a specified
18 county office. These petitions must be filed with
19 the county board of elections on or before 12:00
20 noon on the ~~last Friday in June~~ day of the first
21 primary for the office preceding the general
22 election and must be signed by qualified voters of
23 the county equal in number to four percent (4%) of
24 the total number of registered voters in the county
25 as reflected by the most recent statistical report
26 issued by the State Board of Elections, except if
27 the office is for a district consisting of less
28 than the entire county and only the voters in that
29 district vote for that office, the petitions must
30 be signed by qualified voters of the district equal
31 in number to four percent (4%) of the total number
32 of voters in the district according to the most
33 recent figures certified by the State Board of
34 Elections. Each petition shall be presented to the
35 chairman or director of the county board of
36 elections. The chairman shall examine, or cause to
37 be examined, the names on the petition and the
38 procedure for certification shall be the same as
39 specified in (1) above.

40 (4) If the office is a partisan municipal office, file
41 written petitions with the chairman or director of
42 the county board of elections in the county wherein
43 the municipality is located supporting his
44 candidacy for a specified municipal office. These

1 petitions must be filed with the county board of
2 elections on or before the time and date specified
3 in G.S. 163-296 and must be signed by the number of
4 qualified voters specified in G.S. 163-296. The
5 procedure for certification shall be the same as
6 specified in (1) above.

7 Upon compliance with the provisions of (1), (2), (3), or (4) of
8 this subsection, the board of elections with which the petitions
9 and affidavit have been timely filed shall cause the unaffiliated
10 candidate's name to be printed on the general election ballots in
11 accordance with G.S. 163-140.

12 An individual whose name appeared on the ballot in a primary
13 election preliminary to the general election shall not be
14 eligible to have his name placed on the general election ballot
15 as an unaffiliated candidate for the same office in that year.

16 (b) Form of Petition. -- Petitions requesting an unaffiliated
17 candidate to be placed on the general election ballot shall
18 contain on the heading of each page of the petition in bold print
19 or in all capital letters the words: "THE UNDERSIGNED REGISTERED
20 VOTERS IN COUNTY HEREBY PETITION ON BEHALF OF
21 AS AN UNAFFILIATED CANDIDATE IN THE NEXT GENERAL
22 ELECTION. THE UNDERSIGNED HEREBY PETITION THAT SUBJECT CANDIDATE
23 BE PLACED ON THE APPROPRIATE BALLOT UPON COMPLIANCE WITH THE
24 PROVISIONS CONTAINED IN G.S. 163-122.

25 (c) This section does not apply to elections under Article 25
26 of this Chapter.

27 (d) Presidential Electors. -- Unaffiliated candidates for
28 presidential electors who comply with the other provisions of
29 this section shall qualify for the ballot if the petitions for
30 their candidacy is filed with the State Board of Elections at
31 least seventy-five (75) days before the general election."

32 (h) G.S. 163-123(c)(1) reads as rewritten:

33 "(1) If the office is a statewide office, file written
34 petitions with the State Board of Elections
35 supporting his candidacy for a specified office.
36 These petitions shall be filed on or before noon on
37 the 90th day before the general election. They
38 shall be signed by 500 qualified voters of the
39 State. Before being filed with the State Board of
40 Elections, each petition shall be presented to the
41 board of elections of the county in which the
42 signatures were obtained. A petition presented to a
43 county board of elections shall contain only names
44 of voters registered in that county. The chairman

1 of the county board of elections shall examine the
2 names on the petition and place a check mark by the
3 name of each signer who is qualified and registered
4 to vote in his county. The chairman of the county
5 board shall attach to the petition his signed
6 certificate. On his certificate the chairman shall
7 state that the signatures on the petition have been
8 checked against the registration records and shall
9 indicate the number of signers who are qualified
10 and registered to vote in his county and eligible
11 to vote for that office. The chairman shall return
12 each petition, together with the certificate
13 required in this section, to the person who
14 presented it to him for checking. The chairman of
15 the county board shall complete the verification
16 within two weeks from the date the petition is
17 presented. ~~At the time of submitting the petition,~~
18 ~~a fee of five cents (5¢) shall be paid for each~~
19 ~~name appearing on the petition. "~~

20 (i) This section is effective when it becomes law.

21 --CLOSE THE LOOPHOLE FOR SECOND PRIMARIES.

22 Section 3. (a) G.S. 163-278.13(d) reads as rewritten:

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

30 (b) This section becomes effective January 1, 1998, and
31 applies to all elections occurring on or after that date.

32 --ALLOW CATAWBA COUNTY BOARD OF ELECTIONS TO USE PAPER BALLOTS IN
33 SECOND PRIMARY ELECTIONS WHERE VOTING SYSTEMS ARE USED IN THE
34 FIRST PRIMARY ELECTION.

35 Section 4. (a) Article 14 of Chapter 163 of the General
36 Statutes is amended by adding a new section to read:

37 "§ 163-162.2. Use of paper ballots in a second primary where
38 voting systems are used in the first primary.

39 In counties in which voting systems are used in some or all
40 precincts in a primary election, the county board of elections
41 shall have authority to furnish in a second primary election
42 paper ballots of each kind to precincts that used voting systems
43 in the first primary election."

44 (b) This section applies only to Catawba County.

1 (c) This section is effective when it becomes law.

2 --VOTER IDENTIFICATION REQUIREMENT.

3 Section 5. (a) G.S. 163-82.8 reads as rewritten:

4 "§ 163-82.8. Voter registration cards.

5 (a) Authority to Issue Card. -- ~~With the approval of the board~~
6 ~~of county commissioners, the~~ The county board of elections ~~may~~
7 shall issue to each voter in the county a voter registration
8 ~~card, or may issue cards to all voters registered after January~~
9 ~~1, 1995, card not later than December 31, 1997.~~

10 (b) Content and Format of Card. -- At a minimum, the voter
11 registration card shall:

- 12 (1) List the voter's name, address, and voting place;
13 (2) Contain the address and telephone number of the
14 county board of elections, along with blanks to
15 report a change of address within the county,
16 change of name, and change of party affiliation;
17 and
18 (3) Be wallet ~~size~~ size; and
19 (4) Contain an identification number.

20 No voter registration card may be issued by a county board of
21 elections unless the State Board of Elections has approved the
22 format of the card.

23 (c) Ways County Board and Registrant May Use Card. -- ~~If the~~
24 ~~county board of elections issues voter registration cards, the~~
25 The county board may use that card as a notice of tentative
26 approval of the voter's application pursuant to G.S. 163-82.7(c),
27 provided that the mailing contains the statements and information
28 required in that subsection. The county board may also satisfy
29 the requirements of G.S. 163-82.15(b), 163-82.16(b), or 163-
30 82.17(b) by sending the registrant a replacement of the voter
31 registration card to verify change of address, change of name, or
32 change of party affiliation. A registrant may use the card to
33 report a change of address, change of name, or change of party
34 affiliation, satisfying G.S. 163-82.15, 163-82.16, or 163-82.17.

35 (d) Card as Evidence of Registration. -- A voter registration
36 card shall be evidence of registration but shall not preclude a
37 challenge as permitted by law.

38 ~~(e) Display of Card May Not Be Required to Vote. -- No county~~
39 ~~board of elections may require that a voter registration card be~~
40 ~~displayed in order to vote. "~~

41 (b) G.S. 163-150(a) reads as rewritten:

42 "(a) Checking Registration. -- A person seeking to vote shall
43 enter the voting enclosure at the voting place through the
44 appropriate entrance and shall at once state his name and place

1 of residence to one of the judges of election. A voter shall show
2 one of the following types of identification:

- 3 (1) A voter registration card issued under G.S. 163-
4 82.8;
5 (2) A drivers license;
6 (3) A special identification card issued under G.S. 20-
7 37.7;
8 (4) A passport;
9 (5) An identification card issued by the U.S.
10 Department of Defense; or
11 (6) A social security card and one other type of
12 identification showing the name and a picture of
13 the voter.

14 A voter who does not show one of those types of identification
15 shall be allowed to mark a provisional ballot. The provisional
16 ballot shall be sealed in an envelope on which the voter shall
17 sign an affidavit attesting to identity and eligibility to vote
18 the ballot. The county board of elections shall determine if the
19 voter is eligible to cast the ballot and, if so, shall count it,
20 and if not, shall not count it. The State Board of Elections
21 shall promulgate rules for provisional ballot procedures to
22 include instructions for county boards of elections in methods to
23 determine the eligibility of persons who vote a provisional
24 ballot under this subsection. In a primary election, the voter
25 shall also state the political party with which he affiliates and
26 in whose primary he desires to vote, or if the voter is an
27 unaffiliated voter permitted to vote in the primary of a
28 particular party under G.S. ~~163-116~~, 163-119, the voter shall
29 state the name of the authorizing political party in whose
30 primary he wishes to vote. The judge to whom the voter gives
31 this information shall announce the name and residence of the
32 voter in a distinct tone of voice. After examining the precinct
33 registration records, the chief judge shall state whether the
34 person seeking to vote is duly registered."

35 (c) This section is effective when it becomes law.
36 --BALLOT ROTATION.

37 Section 6. (a) G.S. 163-140.1 reads as rewritten:
38 "§ 163-140.1. Political party alignment on ballots.

39 All ballots printed for use in general elections in the State,
40 district, county or any other political subdivision, shall be
41 aligned with the number of political party columns required
42 pursuant to instructions contained in G.S. 163-140(b) and the
43 columns shall be assigned in ~~strict-alphabetical~~ order, beginning
44 with the left column, to the two political parties entitled to

1 ~~ballot position provided such political parties reflect at least~~
2 ~~five percent (5%) of~~ that have the largest proportion of the
3 ~~total statewide voter registration, according to the latest~~
4 ~~statistical report published by the State Board of Elections, so~~
5 that such parties rotate order every four years. The order of the
6 parties for the four-year cycle shall be determined on August 1
7 in the even-numbered year in which there is no presidential
8 election. The voter registration statistics used in the
9 determination shall be the latest statistical report prepared by
10 the State Board of Elections as of August 1. Political parties
11 ~~having less than five percent (5%)~~ smaller proportions of the
12 total statewide voter registration, but otherwise eligible for
13 ballot position shall be assigned column alignment to the right
14 ~~of all other~~ the largest two qualified political parties.
15 parties. As soon as the deadline passes for ballot access in the
16 general election of the first year of each four-year cycle, the
17 State Board of Elections shall determine by lot the column
18 alignment of any parties then qualified that are smaller than the
19 two largest parties. If any parties qualify subsequent to the
20 lottery during the four-year cycle, those parties shall be
21 aligned in the chronological order in which they qualified to the
22 right of all other parties. The column for unaffiliated
23 candidates shall be to the right of the columns for all parties.
24 The State Board of Elections shall be responsible for
25 implementing the procedures required by this section and shall
26 issue instructions to those counties using voting machines so as
27 to accomplish the effect of this section whether such counties
28 utilize voting machines that list party columns in a horizontal
29 or vertical alignment. Every county board of elections shall
30 follow the column alignment prescribed by the State Board of
31 Elections."

32 (b) This section becomes effective January 1, 1998.
33 Rotation as required by this section begins in 1998, with the
34 party that had the second to the left column in 1996 and 1997
35 having the left column in 1998, 1999, 2000, and 2001.

36 Section 7. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 23

Short Title: Campaign Standards.

(Public)

Sponsors: Representatives Cansler; Weatherly, Capps, McMahan, McComas, Rayfield, and Shubert.

Referred to: Election Law and Campaign Reform.

February 3, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A NORTH CAROLINA CAMPAIGN STANDARDS
3 CODE TO BE ENFORCED BY A CAMPAIGN STANDARDS COMMISSION.
4 The General Assembly of North Carolina enacts:
5 Section 1. Chapter 163 of the General Statutes is amended by adding a
6 new Article to read:
7 "ARTICLE 22D.
8 "Campaign Standards.
9 "§ 163-278.60. Purpose of Article.
10 The purpose of this Article is to use constitutional means to encourage informative
11 and civil political campaigning in North Carolina elections and to discourage false or
12 misleading attacks.
13 "§ 163-278.61. North Carolina Campaign Standards Commission established.
14 (a) Establishment of the Commission. -- There is established within the office of
15 the State Board of Elections the North Carolina Campaign Standards Commission.
16 (b) Appointment of Members. -- The Commission shall consist of six members to
17 be appointed by the Governor. No more than three members shall be affiliated with
18 the same political party. The Governor shall appoint the members from a list of
19 nominees submitted by the State Chair of each of the two political parties having the
20 highest number of registered affiliates as reflected by the latest registration statistics
21 published by the State Board of Elections. Each party Chair shall submit a list of at
22 least six nominees who are affiliated with that party.

(c) Terms of Office. -- By October 1, 1997, and as needed thereafter, the Governor shall appoint the six members of the Commission. Of the initial appointees, two shall be appointed for one-year terms, two shall be appointed for two-year terms, and two shall be appointed for three-year terms according to random lot. Thereafter, appointees shall be appointed to serve four-year terms. A person may not serve more than two full terms. The appointed members receive the legislative per diem pursuant to G.S.120-3.1.

(d) Election of Chair. -- One of the Commission members shall be elected by the members as chair.

(e) Vacancies. -- A vacancy during an unexpired term shall be filled in the same manner as a full term.

(f) Prohibitions. -- No member of the Commission shall do or be any of the following:

- (1) Hold, or be a candidate for, public office;
- (2) Serve in a political party office or on a political party executive committee or on a committee supporting or opposing a candidate;
- (3) Be a registered lobbyist;
- (4) Make or solicit a contribution on behalf of a candidate or political committee; or
- (5) Be a State employee.

(g) Staff Assistance. -- The State Board of Elections shall provide staff assistance to the Commission.

"§ 163-278.62. Powers and duties of the Commission.

(a) Adoption of Rules. -- The Commission shall adopt any rules necessary for the effective administration of this Article, not inconsistent with the provisions of this Article.

(b) Receipt and Processing of Complaints. -- The Commission shall prescribe the form of complaints alleging violation of G.S. 163-278.63. A complaint shall be made by affidavit under penalty of perjury. Upon the filing of a complaint with the Commission, the Commission shall process the complaint in accordance with G.S. 163-278.64.

(c) Reports to the General Assembly. -- The Commission shall report to the General Assembly by the convening of every regular session of the General Assembly. The report shall review the most recent campaign with respect to the purpose of this Article and the Code of Campaign Standards set out in G.S. 163-278.63. The Commission may recommend legislation.

"§ 163-278.63. Code of Campaign Standards.

No person, during the course of any campaign for nomination or election to public office, by means of campaign materials, including sample ballots, an advertisement in radio or television or in a newspaper or periodical, a public speech, press release, or otherwise, shall knowingly and with intent to affect the outcome of the campaign do any of the following:

- (1) Make a false or misleading statement concerning the voting record of a candidate or public official. 'Voting record' under this

subdivision means the recorded affirmative or negative on a bill, ordinance, resolution, motion, amendment, or confirmation. A 'misleading statement' under this subdivision includes taking votes or actions significantly out of context or distorting the opponent's record by the use of demonstrably unrepresentative votes or actions.

- (2) Make a false or misleading statement that a candidate or public official has been indicted or convicted of a theft offense, extortion, or other crime involving financial corruption or moral turpitude.
- (3) Make a statement that a candidate has been indicted for any crime or has been the subject of a finding by the Campaign Standards Commission without disclosing the outcome of any legal proceedings resulting from the indictment or finding.
- (4) Make a false or misleading statement that a candidate or official has a record of treatment or confinement for mental disorder.
- (5) Make a false or misleading statement that a candidate or official has been subjected to military discipline for criminal misconduct or dishonorably discharged from the armed services.
- (6) Identify in a false or misleading way the source of a statement, issue statements under the name of another person without attribution, or state in a false or misleading way the endorsement of or opposition to a candidate by a person or publication.
- (7) Use the title of an office not currently held by a candidate in a manner that implies that the candidate does currently hold that office or use the term 're-elect' when the candidate has never been elected at a primary, general, or special election to the office for which that person is a candidate.
- (8) Make a false or misleading statement concerning the formal schooling or training completed or attempted by a candidate; a degree, diploma, certificate, scholarship, grant, award, prize, or honor received, earned, or held by a candidate; or the period of time during which a candidate attended any school, college, community technical school, or institution.
- (9) Make a false or misleading statement concerning the professional, occupational, or vocational licenses held by a candidate, or concerning any position the candidate held for which the candidate received a salary or wages.
- (10) Use an appeal to discrimination based on race, gender, or religious belief.
- (11) Use any still photo, film, or video of a candidate that is designed to make that candidate look personally unpleasant or contorted or that is taken significantly out of context.

"§ 163-278.64. Processing of complaint.

(a) Probable Cause Hearing. -- If a complaint is filed alleging a violation of the Code of Campaign Standards in G.S. 163-278.63, a panel of two members of the Commission shall determine whether there is probable cause to refer the matter to the full Commission. The two members of the panel shall not be of the same political party. The panel shall meet within three business days after the attorney makes a determination, unless it finds good cause to postpone the meeting. All members of the panel shall participate if the panel refers a complaint to the full Commission, provided that the panel's meeting may be conducted by conference call. The panel shall make only one of the following two findings:

(1) That there is no probable cause to believe that a violation of the Code has occurred. If the panel so finds, it shall dismiss the complaint.

(2) That there is probable cause to believe that a violation of the Code has occurred. If the panel so finds, it shall refer the complaint to the full Commission.

A finding of probable cause may be entered only by a unanimous vote of the panel.

(b) Hearing by Full Commission. -- If a panel of the Commission finds pursuant to subsection (a) of this section that there is probable cause that a violation of the Code has taken place, the full Commission shall conduct a hearing within 10 business days after the panel makes its finding. At the hearing, the Commission shall determine whether or not a violation of the Code occurred and shall do one of the following:

(1) Enter a finding that a violation of the Code has not been proven by clear and convincing evidence and dismiss the complaint.

(2) Enter a finding that a violation of the Code has occurred and issue a letter of reprimand to the individual or entity that it determines is in violation.

A finding that a violation has occurred may be entered only by a majority vote of all the members of the Commission.

(c) Referral to District Attorney. -- If as a result of the evidence it has heard the Commission determines that there is probable cause that a violation of G.S. 163-274(8) has occurred in a matter that is before it, the Commission shall refer the matter to the appropriate district attorney. The referral may be made only upon a positive vote of a majority of all the members of the Commission."

Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

H

1

HOUSE BILL 24

Short Title: Close Runoff Loophole.

(Public)

Sponsors: Representatives Cansler; Weatherly, Capps, Ives, Rayfield, and Shubert.

Referred to: Election Law and Campaign Reform.

February 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE THE EXTRA CONTRIBUTION LIMIT PERIOD FOR
3 THE SECOND PRIMARY FOR CANDIDATES WHO ARE NOT ON THE
4 BALLOT IN A SECOND PRIMARY.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 163-278.13 reads as rewritten:
7 "**§ 163-278.13. Limitation on contributions.**
8 (a) No individual or political committee shall contribute to any candidate or other
9 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
12 from any individual or other political committee of any money or any other
13 contribution in any election in excess of four thousand dollars (\$4,000) for that
14 election.
15 (c) Notwithstanding the provisions of subsections (a) and (b) of this section, it
16 shall be lawful for a candidate or a candidate's spouse, parents, brothers and sisters to
17 make a contribution to the candidate or to the candidate's treasurer of any amount of
18 money or to make any other contribution in any election in excess of four thousand
19 dollars (\$4,000) for that election.
20 (d) For the purposes of this section, the term 'an election' means any primary,
21 second primary, or general election in which the candidate or political committee
22 may be involved, without regard to whether the candidate is opposed or unopposed
23 in the ~~election~~. election, except that where a candidate is not on the ballot in a

1 second primary, that second primary is not 'an election' with respect to that
2 candidate.

3 (e) This section shall not apply to any State, district or county executive
4 committee of any political party. For the purposes of this section only, the term
5 'political party' means only those political parties officially recognized under G.S.
6 163-96.

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

11 (f) Any individual, candidate, political committee, or referendum committee who
12 violates the provisions of this section is guilty of a Class 2 misdemeanor."

13 Section 2. This act is effective when it becomes law and applies to all
14 primaries conducted on and after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

H

1

HOUSE BILL 79*

Short Title: Ballot Access Changes.

(Public)

Sponsors: Representatives Rayfield; Aldridge, Capps, Clary, Davis, Gulley,
Sexton, and Shubert.

Referred to: Election Law and Campaign Reform.

February 10, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO STATUTES CONCERNING BALLOT
3 ACCESS FOR POLITICAL PARTIES.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 163-96 reads as rewritten:
6 **"§ 163-96. 'Political party' defined; creation of new party.**
7 (a) Definition. -- A political party within the meaning of the election laws of this
8 State shall be either:
9 (1) Any group of voters which, at the last preceding general State
10 election, polled for its candidate for Governor, or for presidential
11 electors, at least ten percent (10%) of the entire vote cast in the
12 State for Governor or for presidential electors; or
13 (2) Any group of voters which shall have filed with the State Board of
14 Elections petitions for the formulation of a new political party
15 which are signed by registered and qualified voters in this State
16 equal in number to two percent (2%) of the total number of voters
17 who voted in the most recent general election for Governor. Also
18 the petition must be signed by at least 200 registered voters from
19 each of four congressional districts in North Carolina. To be
20 effective, the petitioners must file their petitions with the State
21 Board of Elections before 12:00 noon on the ~~first day of June~~
22 second Thursday in July preceding the day on which is to be held
23 the first general State election in which the new political party

desires to participate. The State Board of Elections shall forthwith determine the sufficiency of petitions filed with it and shall immediately communicate its determination to the State chairman of the proposed new political party.

(b) Petitions for New Political Party. -- Petitions for the creation of a new political party shall contain on the heading of each page of the petition in bold print or all in capital letters the words: 'THE UNDERSIGNED REGISTERED VOTERS IN COUNTY HEREBY PETITION FOR THE FORMATION OF A NEW POLITICAL PARTY TO BE NAMED AND WHOSE STATE CHAIRMAN IS, RESIDING AT..... AND WHO CAN BE REACHED BY TELEPHONE AT..... THE SIGNERS OF THIS PETITION ~~INTEND TO ORGANIZE A NEW POLITICAL PARTY~~ DESIRE THAT A NEW POLITICAL PARTY BE ORGANIZED TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION.'

All printing required to appear on the heading of the petition shall be in type no smaller than 10 point or in all capital letters, double spaced typewriter size. In addition to the form of the petition, the organizers and petition circulators shall inform the signers of the general purpose and intent of the new party.

The petitions must specify the name selected for the proposed political party. The State Board of Elections shall reject petitions for the formation of a new party if the name chosen contains any word that appears in the name of any existing political party recognized in this State or if, in the Board's opinion, the name is so similar to that of an existing political party recognized in this State as to confuse or mislead the voters at an election.

The petitions must state the name and address of the State chairman of the proposed new political party.

The validity of the signatures on the petitions shall be proved in accordance with one of the following alternative procedures:

(1) The signers may acknowledge their signatures before an officer authorized to take acknowledgments, after which that officer shall certify the validity of the signatures by appropriate notation attached to the petition, or

(2) A person in whose presence a petition was signed may go before an officer authorized to take acknowledgments and, after being sworn, testify to the genuineness of the signatures on the petition, after which the officer before whom he has testified shall certify his testimony by appropriate notation attached to the petition.

Each petition shall be presented to the chairman of the board of elections of the county in which the signatures were obtained, and it shall be the chairman's duty:

(1) To examine the signatures on the petition and place a check mark on the petition by the name of each signer who is qualified and registered to vote in his county.

(2) To attach to the petition his signed certificate

- 1 a. Stating that the signatures on the petition have been
- 2 checked against the registration records and
- 3 b. Indicating the number found qualified and registered to vote
- 4 in his county.
- 5 (3) To return each petition, together with the certificate required by
- 6 the preceding subdivision, to the person who presented it to him
- 7 for checking.

8 The group of petitioners shall submit the petitions to the chairman of the county
9 board of elections in the county in which the signatures were obtained no later than
10 5:00 P.M. on the fifteenth business day preceding the date the petitions are due to be
11 filed with the State Board of Elections as provided in subsection (a)(2) of this section.
12 Provided the petitions are timely submitted, the chairman of the county board of
13 elections shall require a fee of five cents (5¢) for each signature appearing and shall
14 proceed to examine and verify the signatures under the provisions of this subsection.
15 Verification shall be completed within ~~two weeks~~ 15 business days from the date such
16 petitions are presented and the required fee ~~received~~. received. Notwithstanding the
17 previous sentence, the county board may extend its deadline for verifying the
18 signatures for a reasonable length of time, if meeting the deadline is unduly
19 burdensome and extending it will not disadvantage the petitioners."

20 Section 2. G.S. 163-97.1 reads as rewritten:

21 "**§ 163-97.1. Voters affiliated with expired political party.**

22 ~~The State Board of Elections shall be authorized to promulgate appropriate~~
23 ~~procedures to order the county boards of elections to change the registration~~
24 ~~affiliation of all voters who are recorded on the voter registration books as being~~
25 ~~affiliated with a political party which has lost its legal status as provided in G.S.~~
26 ~~163-97. The State Board of Elections shall not implement the authority contained in~~
27 ~~this section earlier than 90 days following the certification of the election in which~~
28 ~~the political party failed to continue its legal status as provided in G.S. 163-97. All~~
29 ~~voters affiliated with such expired political party shall be changed to "unaffiliated"~~
30 ~~designation by the State Board's order and all such registrants shall be entitled to~~
31 ~~declare a political party affiliation as provided in G.S. 163-74(b). Any voter registered~~
32 ~~with a political party shall be allowed to retain that affiliation even if that party loses~~
33 ~~its status as a political party under the provisions of G.S. 163-97. Unless the voter~~
34 ~~indicates an intention otherwise, the county board of elections shall carry that voter~~
35 ~~on its registration lists as a member of the expired party."~~

36 Section 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 525

Short Title: Party Alignment Rotated.

(Public)

Sponsors: Representatives Morris; Arnold, Barbee, Berry, Cansler, Capps, Carpenter, Clary, Creech, Davis, Eddins, Gulley, Hall, Hardy, Ives, Kiser, McComas, McMahan, Mitchell, Neely, Nichols, Rayfield, Reynolds, Sexton, Starnes, and Wood.

Referred to: Election Law and Campaign Reform.

March 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ROTATE PARTY ALIGNMENT ON THE BALLOT.
3 The General Assembly of North Carolina enacts:
4 Section 1. G.S. 163-140.1 reads as rewritten:
5 "§ 163-140.1. Political party alignment on ballots.
6 All ballots printed for use in general elections in the State, district, county or any
7 other political subdivision, shall be aligned with the number of political party
8 columns required pursuant to instructions contained in G.S. 163-140(b) and the
9 columns shall be assigned in ~~strict alphabetical~~ order, beginning with the left column,
10 to the political parties entitled to ballot position provided such political parties reflect
11 at least five percent (5%) of the total statewide voter registration, according to the
12 latest statistical report published by the State Board of Elections. Elections so that
13 such parties rotate order each two years, and if there are more than two eligible
14 parties, then the order among those parties shall be determined by lot, with no party
15 being eligible for the left column for two years after it has had that column. Political
16 parties having less than five percent (5%) of the total statewide voter registration, but
17 otherwise eligible for ballot position shall be assigned column alignment to the right
18 of all other qualified political parties. The State Board of Elections shall be
19 responsible for implementing the procedures required by this section and shall issue
20 instructions to those counties using voting machines so as to accomplish the effect of
21 this section whether such counties utilize voting machines that list party columns in a

1 horizontal or vertical alignment. Every county board of elections shall follow the
2 column alignment prescribed by the State Board of Elections."

3 Section 2. This act becomes effective January 1, 1998. Rotation as
4 required by this act begins in 1998, with the party that had the second to the left
5 column in 1996 and 1997 having the left column in 1998 and 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 736

Short Title: Voter I.D.

(Public)

Sponsors: Representatives Justus; Cansler, Capps, Davis, Ives, Morris, and
Sexton.

Referred to: Election Law and Campaign Reform.

April 1, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ALL COUNTIES TO ISSUE VOTER REGISTRATION
3 CARDS AND TO PROVIDE FOR A VOTER IDENTIFICATION
4 REQUIREMENT AT THE POLLS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 163-82.8 reads as rewritten:

7 "**§ 163-82.8. Voter registration cards.**

8 (a) Authority to Issue Card. -- ~~With the approval of the board of county~~
9 ~~commissioners, the~~ The county board of elections may shall issue to each voter in the
10 county a voter registration card, ~~or may issue cards to all voters registered after~~
11 ~~January 1, 1995.~~ card not later than December 31, 1997.

12 (b) Content and Format of Card. -- At a minimum, the voter registration card
13 shall:

- 14 (1) List the voter's name, address, and voting place;
15 (2) Contain the address and telephone number of the county board of
16 elections, along with blanks to report a change of address within
17 the county, change of name, and change of party affiliation; and
18 (3) Be wallet size.

19 No voter registration card may be issued by a county board of elections unless the
20 State Board of Elections has approved the format of the card.

21 (c) Ways County Board and Registrant May Use Card. -- ~~If the county board of~~
22 ~~elections issues voter registration cards, the~~ The county board may use that card as a
23 notice of tentative approval of the voter's application pursuant to G.S. 163-82.7(c),

1 provided that the mailing contains the statements and information required in that
2 subsection. The county board may also satisfy the requirements of G.S. 163-82.15(b),
3 163-82.16(b), or 163-82.17(b) by sending the registrant a replacement of the voter
4 registration card to verify change of address, change of name, or change of party
5 affiliation. A registrant may use the card to report a change of address, change of
6 name, or change of party affiliation, satisfying G.S. 163-82.15, 163-82.16, or 163-82.17.

7 (d) Card as Evidence of Registration. -- A voter registration card shall be evidence
8 of registration but shall not preclude a challenge as permitted by law.

9 (e) Display of ~~Card May Not Be Required to Vote. Card.~~ -- No Except as
10 provided by G.S. 163-150(a), no county board of elections may require that a voter
11 registration card be displayed in order to vote."

12 Section 2. G.S. 163-150(a) reads as rewritten:

13 "(a) Checking Registration. -- A person seeking to vote shall enter the voting
14 enclosure at the voting place through the appropriate entrance and shall at once state
15 his name and place of residence to one of the judges of election. A voter shall show
16 one of the following types of identification:

17 (1) A voter registration card issued under G.S. 163-82.8 in a county
18 which issues such cards;

19 (2) A drivers license;

20 (3) A special identification card issued under G.S. 20-37.7;

21 (4) A passport;

22 (5) An identification card issued by the U.S. Department of Defense;
23 or

24 (6) A social security card and one other type of identification showing
25 the name and a picture of the voter.

26 A voter who does not show one of those types of identification, but does not
27 otherwise appear to be ineligible to vote in the precinct, shall be allowed to mark a
28 provisional ballot. The provisional ballot shall be sealed in an envelope on which the
29 voter shall sign an affidavit attesting to identity and eligibility to vote the ballot. The
30 county board of elections shall determine if the voter is eligible to cast the ballot and,
31 if so, shall count it, and if not, shall not count it. The State Board of Elections shall
32 promulgate rules for provisional ballot procedures to include instructions for county
33 boards of elections in methods to determine the eligibility of persons who vote a
34 provisional ballot under this subsection. In a primary election, the voter shall also
35 state the political party with which he affiliates and in whose primary he desires to
36 vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a
37 particular party under G.S. ~~163-116, 163-119~~, the voter shall state the name of the
38 authorizing political party in whose primary he wishes to vote. The judge to whom
39 the voter gives this information shall announce the name and residence of the voter
40 in a distinct tone of voice. After examining the precinct registration records, the
41 chief judge shall state whether the person seeking to vote is duly registered."

42 Section 3. This act is effective when it becomes law.

PROPOSED COMMITTEE SUBSTITUTE FOR SENATE BILL 553.

Attachment 10

	CURRENT LAW	PROPOSED IN PCS FOR SB 553
1. Campaign Standards Commission.— HB 23.	Misdemeanor statutes prohibit: - False derogatory statements against candidates if knowingly or recklessly made. - Derogatory statements against candidates, even if true, if made anonymously.	Would set up an 11-point code of campaign standards. Enforcement would be by a Campaign Standards Commission, with membership evenly divided between the parties. It would have the power to issue letters of reprimand, but not impose other sanctions.
2. Ballot Access Changes.—HB 79.	To get on ballot in a general election, a <u>new party</u> must collect signatures of 2% of number who voted in last gubernatorial election. - The new party must file those petitions with the State Board of Elections by June 1. The parties must file their petitions with county boards 15 days before June 1, and the CBOEs have 2 weeks to verify the petitions. - The new party must choose its first slate of candidates in a convention by July 1. - If the new party does not get 10% of the vote for Governor or President in the general election, it loses its ballot status. The registered voters affiliated with that expired party are changed to "Unaffiliated." To get on the ballot as an <u>unaffiliated candidate</u>, a person must collect signatures of 2% of registered voters statewide, or 4% in a county or district race. The petitions must be filed by the last Friday in July. To be recognized as a <u>write-in candidate</u>, a person must names on a petition in these numbers: 500 statewide, 250 multi-county district, 100 county or smaller. The courts have invalidated statutes: - charging 5 cents a name for petitions for new parties, unaffiliateds, & write-ins, and - requiring new party petitions to be notarized but those statutes remain on the books.	Would make these changes for new parties: - Provide two types of deadlines: Dec. 31 for parties that intend to run a full slate of state candidates. And 90 days before the general election for candidates only running a presidential candidate. - Change the statutory wording of the petition, so that it doesn't sound like the signer is committing self to organize the party, but simply wants the party to be on the ballot. - Require new party candidate (other than for presidential elector) to file in primary and pay same filing fee during same filing period as existing party candidates. Eliminates system whereby candidate nominate their first-candidates in a convention. Rewrites petition alternative to filing fee to provide level playing field for all candidates. - Give county boards of elections 15 <u>business</u> days to verify petition names. They may take longer if it doesn't disadvantage the party. - Allow voters to retain their affiliation with a party on the registration books, even if that party loses ballot status because of poor showing in election. Would move the filing deadline for unaffiliated candidates to the date of the first primary for party candidates. Exception would be candidates for presidential elector, who could file 75 days before the general election. Would remove the invalidated 5-cent-per-name charge and the notarization requirement.
3. Close Second Primary Loophole.— HB 24.	Contributions limited to \$4,000 per donor per donee per election. The first primary, second primary, and general election are separate "elections." A candidate may raise a separate \$4,000 for the second primary "election" even if that candidate is not on the ballot.	Would allow candidate to raise an extra \$4,000 for the second primary only if that candidate is on the ballot in a second primary.

PROPOSED COMMITTEE SUBSTITUTE FOR SENATE BILL 553.

	CURRENT LAW	PROPOSED IN PCS FOR SB 553
4. Catawba Paper Ballots.—SB 553.	If a county uses voting machines or other mechanical or electronic voting systems in a precinct in the first primary, it must use the same system in the second primary.	Would authorize Catawba County Board of Elections to use hand-counted paper ballots in a second primary, even if voting machines were used in the first primary.
5. Voter Identification.—HB 736.	County elections boards may issue voter registration cards, with approval of their county commissioners. The SBOE must approve the format. The card does not have to have an I.D. number. Election officials may not require voters to display those cards in order to vote. Currently, 73 counties have issued cards to some or all voters or are in the process of doing so. Some counties have issued cards only to new registered voters. About 62% of the State's registered voters have been issued a card with a unique number.	Would require every county to issue every voter a voter registration card with a unique identification number. At the polls, each voter must display that card or any one of several specified types of photo I.D. A voter who could not display an I.D. would be allowed to vote a provisional ballot.
6. Ballot Rotation. — HB 525.	Columns for all parties with 5% or more of the registered voters are put at the left-hand side of the ballot in alphabetical order. (Democrats first, Republicans second.) Any smaller parties are to the right of them, with the statute specifying no particular order.	Would rotate the two largest parties every four years, beginning in the non-presidential cycle. The party that was second from left in 1996 (Republican), would be in the left-hand column from 1998 to 2001. Would have a lottery at the beginning of the four-year cycle for placement of smaller parties. If parties gained ballot access during the four-year cycle, they would be added to the right in the order in which they qualified.

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. 553

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

Sen.)

~~T. S. RO~~ MICHAUX1 moves to amend the bill on page 1, line 16

2 () WHICH CHANGES THE TITLE

3 by

4 adding "AND"; and

5

6 on page 1, line 17,

7 by deleting the language on that

8 line; and

9

10 on page 16, line 2, through page

11 17, line 35,

12 by deleting the language on these

13 lines; and

14

15 by renumbering any subsequent sections

16 of the bill accordingly.

17

18

19

SIGNED

~~Walter C. Davis~~
Davis

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 553

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of 3

S553-ARR-001



Date _____, 1997

Comm. Sub. [Y]
Amends Title [Y]
Sixth Edition

Representative

- 1 moves to amend the bill on page 1, line 17,
- 2 by deleting the term "AND"; and
- 3
- 4 on page 1, line 18,
- 5 by deleting the period and substituting the term "; AND"; and
- 6
- 7 on page 1, line 19,
- 8 by inserting the following language:
- 9 "TO REQUIRE CANDIDATES TO DISCLOSE FELONY CONVICTIONS."; and
- 10
- 11 on page 18, line 35,
- 12 by inserting after that line the following:
- 13
- 14 "Section 7. Article 10 of Chapter 163 of the General
- 15 Statutes is amended by adding a new section to read:
- 16 "§ 163-106.1. Candidate disclosure of felony convictions.
- 17 (a) Disclosure Report. -- Every person who files as a candidate
- 18 for nomination or election to any office filled by election of the
- 19 people shall disclose any felony conviction that has ever been
- 20 entered against that candidate. The candidate shall disclose those
- 21 felony convictions regardless of whether the candidate's citizenship
- 22 has been restored. The candidate shall make the report on a standard
- 23 form to be developed by the State Board of Elections. The form shall
- 24 provide for disclosure of the charge of which the person was
- 25 convicted, the date of the conviction, the jurisdiction in which the
- 26 person was convicted, any explanation the candidate wishes to make
- 27 concerning the conviction.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 553

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of 3

S553-ARR-001

- 1 (b) When Report Filed. -- Each candidate shall file the report
2 required in subsection (a) at the time the candidacy commences under
3 G.S. 163-106, 163-114, 163-122, 163-123, 163-98, or 163-294.2. The
4 candidate shall file the report with the board of elections and in
5 the manner that candidate files the document commencing candidacy.
6 (c) Penalty. -- If a candidate does not file an accurate statement
7 as required by this section, that candidate shall be notified by
8 registered mail of the requirement to file an accurate report. If
9 the report is not received within fifteen (15) days after notice is
10 received, then the board of elections shall not certify the
11 candidate as the nominee of a party or as the winner of an
12 election."
13
14
15

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

ATTENDANCE

ELECTION LAWS & CAMPAIGN REFORM

1997 (Name of Committee) (Cancelled)																				
DATES	2/26	3/2	3/26	4/9	4/23	5/7	5/21	6/4	6/11	7/6										
LARRY JUSTUS	✓	✓	✓	✓	✓	✓	✓		✓	✓										
CONNIE WILSON	✓	✓	✓	✓	✓	✓	✓		✓	✓										
HENRY ALDRIDGE	✓	✓	✓	✓	✓	✓	✓		✓											
MARTHA ALEXANDER	✓		✓	✓	✓	✓	*		✓	✓										
GENE ARNOLD	✓	✓	✓	✓	✓	✓			✓											
PHIL BADDOUR	✓	✓	✓	✓	✓	✓	✓		✓	✓										
CHERIE BERRY	✓		✓		✓	✓			✓	✓										
DONALD BONNER	✓	✓	✓	✓	✓	✓	✓		✓	✓										
JERRY BRASWELL	✓		✓	✓		✓														
LANIER CANSLER	✓	✓	✓	✓	✓	✓				✓										
WALTER CHURCH	✓	✓		✓					✓											
ANDY DEDMON	✓	✓	✓	✓		✓	✓			✓										
SANDY HARDY	✓	✓	✓	✓	✓		✓		✓	✓										
BILL HIATT	✓	✓	✓	✓	✓	✓			✓	✓										
VERLA INSKO	✓	✓	✓	✓	✓	✓			✓	✓										
MARY JARRELL	✓					✓	✓		✓											
JOE KISER	✓	✓		✓	✓	✓	✓			✓										
MICKEY MICHAUX	✓	✓	✓	✓	✓	✓	✓		✓	✓										
JOHN RAYFIELD	✓	✓		✓	✓	✓	✓		✓	✓										
FERN SHUBERT	✓	✓	✓	✓	✓	✓	✓		✓	✓										
TIM TALLENT				✓						✓										
WILLIAM WAINWRIGHT																				
ALEX WARNER		✓		✓																
JOHN WEATHERLY	✓	✓	✓	✓		✓	✓			✓										
JULIA HOWARD									✓											
LEO DAUGHTRY																				
STEVE WOOD	✓					✓				✓										

* Excused Absence due to Mother's death.

VISITOR REGISTRATION SHEET

ELECTION LAWS & CAMPAIGN REFORM

Name of Committee

July 16, 1997
Date

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

C. Scott Holmes

ACLU

me

Kenia

Shah

Paul Davis

Lyk Anka

Brown

HOUSE COMMITTEE ON ELECTION LAW

AND

CAMPAIGN REFORM

August 5, 1997
Room 1327

HOUSE MEMBERS PRESENT: [18] Representatives Justus, Wilson, Aldridge, Alexander, Baddour, Berry, Bonner, Cansler, Church, Dedmon, Hiatt, Insko, Jarrell, Kiser, Rayfield, Tallent, Weatherly, and Howard .

The House Committee on Election Laws and Campaign Reform met in Room 1327 of the Legislative Building on Tuesday, August 5, 1997. Representative Larry Justus called the meeting to order at 8:36 AM. Representative Justus introduced Sergeant at Arms John Amman.

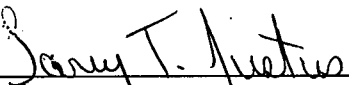
Representative Justus stated that the proposed committee substitute for Senate Bill 553 will include Representative Ives House Bill 745 - Legal Notices/One -Stop. Representative Tallent moved that the proposed committee substitute for Senate Bill 553 be placed before the committee. Motion carried. Bill Gilkeson, Legal Staff, distributed Attachment 1 -Proposed House Committee Substitute for Senate Bill 553 - and Attachment 2 - an explanation of the proposed House Committee Substitute. Representative Ives explained the bill. Representative Berry moved an unfavorable report to the original bill and a favorable report to the committee substitute. Motion carried.

Representative Justus stated that the bills that were placed in the House Committee Substitute for Senate Bill 573 have been debated in committee, voted on, and placed in the "basket". Bill Gilkeson, Legal Staff, distributed Attachment 3 - an explanation for the proposed House committee substitute for Senate Bill 573 - and Attachment 4 -House Proposed Committee Substitute for Senate Bill 573.

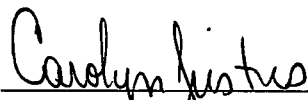
Representative Kiser moved that the proposed committee substitute be placed before the committee. Motion carried. Representative Baddour asked if one stop voting was included in this bill. Representative Justus replied that one stop voting was not included in this bill but had been considered at an earlier meeting and was to be included in a study. Representative Baddour added that any election law reform should deal with the absentee ballot process. Representative Baddour then offered an amendment to remove the section that allows the rotation of political parties on the ballot. Representative Justus asked that this amendment be offered on the floor. Representative Baddour said he would not offer the amendment at this time but wanted it included in the record.

Representative Cansler moved a favorable report on the House Committee Substitute for Senate Bill 573. Motion carried.

The meeting was adjourned at 8:50 AM.



Representative Larry Justus
Chairman



Carolyn Justus
Committee Clerk

HOUSE COMMITTEE
ON
ELECTION LAWS & CAMPAIGN REFORM

AUGUST 5, 1997
Room 1327, Legislative Building
8:30 AM

AGENDA

I. CALL TO ORDER

Co-Chairmen: Representative Larry Justus
Representative Connie Wilson

II. BILLS

- **HOUSE BILL 745 ELECTION NOTICES/ONE STOP**
Representative Bill Ives
- **SENATE BILL 573 BALLOT ACCESS CHANGES**
Senator Wib Gulley

III. ADJOURNMENT

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Justus and C. Wilson** for the Committee on **ELECTION LAW AND
CAMPAIGN REFORM.**

- ☒ Committee Substitute for
S.B. 573 A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATUTES
CONCERNING BALLOT ACCESS FOR POLITICAL PARTIES.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☒ With a favorable report as to House committee substitute bill (~~#~~), ☒ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 573*

Judiciary Committee Substitute Adopted 4/30/97
Proposed House Committee Substitute S573-PCS4638

Short Title: Election Law Reform.

(Public)

Sponsors:

Referred to:

April 1, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A CAMPAIGN STANDARDS CODE TO BE
3 ENFORCED BY A CAMPAIGN STANDARDS COMMISSION; TO CHANGE
4 THE DEADLINES AND PROCEDURES BY WHICH NEW PARTIES MAY
5 GAIN BALLOT ACCESS AND CHOOSE CANDIDATES, TO ALLOW
6 VOTERS TO RETAIN OFFICIAL AFFILIATION WITH AN EXPIRED PARTY,
7 TO MAKE CERTAIN CHANGES TO EQUALIZE CANDIDACY
8 REQUIREMENTS, AND TO REMOVE CERTAIN COURT-INVALIDATED
9 REQUIREMENTS FROM THE PETITION PROCEDURES FOR NEW
10 PARTIES, UNAFFILIATED CANDIDATES, AND WRITE-IN CANDIDATES;
11 TO CLOSE THE CONTRIBUTION-LIMIT LOOPHOLE FOR SECOND
12 PRIMARIES; TO REQUIRE VOTER IDENTIFICATION; AND TO ROTATE
13 BALLOT ALIGNMENT OF POLITICAL PARTIES.
14 The General Assembly of North Carolina enacts:
15 --CAMPAIGN STANDARDS.
16 Section 1. (a) Chapter 163 of the General Statutes is amended by adding
17 a new Article to read:
18 "ARTICLE 22D.
19 "Campaign Standards.
20 "§ 163-278.60. Purpose of Article.

The purpose of this Article is to use constitutional means to encourage informative and civil political campaigning in North Carolina elections and to discourage false or misleading attacks.

"§ 163-278.61. North Carolina Campaign Standards Commission established.

(a) Establishment of the Commission. -- There is established within the office of the State Board of Elections the North Carolina Campaign Standards Commission.

(b) Appointment of Members. -- The Commission shall consist of six members to be appointed by the Governor. No more than three members shall be affiliated with the same political party. The Governor shall appoint the members from a list of nominees submitted by the State Chair of each of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board of Elections. Each party Chair shall submit a list of at least six nominees who are affiliated with that party.

(c) Terms of Office. -- By October 1, 1997, and as needed thereafter, the Governor shall appoint the six members of the Commission. Of the initial appointees, two shall be appointed for one-year terms, two shall be appointed for two-year terms, and two shall be appointed for three-year terms according to random lot. Thereafter, appointees shall be appointed to serve four-year terms. A person may not serve more than two full terms. The appointed members receive the legislative per diem pursuant to G.S. 120-3.1.

(d) Election of Chair. -- One of the Commission members shall be elected by the members as Chair.

(e) Vacancies. -- A vacancy during an unexpired term shall be filled in the same manner as a full term.

(f) Prohibitions. -- No member of the Commission shall do or be any of the following:

(1) Hold, or be a candidate for, public office;

(2) Serve in a political party office or on a political party executive committee or on a committee supporting or opposing a candidate;

(3) Be a registered lobbyist;

(4) Make or solicit a contribution on behalf of a candidate or political committee; or

(5) Be a State employee.

(g) Staff Assistance. -- The State Board of Elections shall provide staff assistance to the Commission.

"§ 163-278.62. Powers and duties of the Commission.

(a) Adoption of Rules. -- The Commission shall adopt any rules necessary for the effective administration of this Article, not inconsistent with the provisions of this Article.

(b) Receipt and Processing of Complaints. -- The Commission shall prescribe the form of complaints alleging violation of G.S. 163-278.63. A complaint shall be made by affidavit under penalty of perjury. Upon the filing of a complaint with the Commission, the Commission shall process the complaint in accordance with G.S. 163-278.64.

1 (c) Reports to the General Assembly. -- The Commission shall report to the
2 General Assembly by the convening of every regular session of the General
3 Assembly. The report shall review the most recent campaign with respect to the
4 purpose of this Article and the Code of Campaign Standards set out in G.S. 163-
5 278.63. The Commission may recommend legislation.

6 "§ 163-278.63. Code of Campaign Standards.

7 No person, during the course of any campaign for nomination or election to public
8 office, by means of campaign materials, including sample ballots, an advertisement in
9 radio or television or in a newspaper or periodical, a public speech, press release, or
10 otherwise, shall knowingly and with intent to affect the outcome of the campaign do
11 any of the following:

- 12 (1) Make a false or misleading statement concerning the voting record
13 of a candidate or public official. 'Voting record' under this
14 subdivision means the recorded affirmative or negative on a bill,
15 ordinance, resolution, motion, amendment, or confirmation. A
16 'misleading statement' under this subdivision includes taking votes
17 or actions significantly out of context or distorting the opponent's
18 record by the use of demonstrably unrepresentative votes or
19 actions.
- 20 (2) Make a false or misleading statement that a candidate or public
21 official has been indicted or convicted of a theft offense, extortion,
22 or other crime involving financial corruption or moral turpitude.
- 23 (3) Make a statement that a candidate has been indicted for any crime
24 or has been the subject of a finding by the Campaign Standards
25 Commission without disclosing the outcome of any legal
26 proceedings resulting from the indictment or finding.
- 27 (4) Make a false or misleading statement that a candidate or official
28 has a record of treatment or confinement for mental disorder.
- 29 (5) Make a false or misleading statement that a candidate or official
30 has been subjected to military discipline for criminal misconduct or
31 dishonorably discharged from the armed services.
- 32 (6) Identify in a false or misleading way the source of a statement,
33 issue statements under the name of another person without
34 attribution, or state in a false or misleading way the endorsement
35 of or opposition to a candidate by a person or publication.
- 36 (7) Use the title of an office not currently held by a candidate in a
37 manner that implies that the candidate does currently hold that
38 office or use the term 'reelect' when the candidate has never been
39 elected at a primary, general, or special election to the office for
40 which that person is a candidate.
- 41 (8) Make a false or misleading statement concerning the formal
42 schooling or training completed or attempted by a candidate; a
43 degree, diploma, certificate, scholarship, grant, award, prize, or
44 honor received, earned, or held by a candidate; or the period of

time during which a candidate attended any school, college, community technical school, or institution.

(9) Make a false or misleading statement concerning the professional, occupational, or vocational licenses held by a candidate, or concerning any position the candidate held for which the candidate received a salary or wages.

(10) Use an appeal to discrimination based on race, gender, or religious belief.

(11) Use any still photo, film, or video of a candidate that is designed to make that candidate look personally unpleasant or contorted or that is taken significantly out of context.

"§ 163-278.64. Processing of complaint.

(a) Probable Cause Hearing. -- If a complaint is filed alleging a violation of the Code of Campaign Standards in G.S. 163-278.63, a panel of two members of the Commission shall determine whether there is probable cause to refer the matter to the full Commission. The two members of the panel shall not be of the same political party. The panel shall meet within three business days after the attorney makes a determination, unless it finds good cause to postpone the meeting. All members of the panel shall participate if the panel refers a complaint to the full Commission, provided that the panel's meeting may be conducted by conference call. The panel shall make only one of the following two findings:

(1) That there is no probable cause to believe that a violation of the Code has occurred. If the panel so finds, it shall dismiss the complaint.

(2) That there is probable cause to believe that a violation of the Code has occurred. If the panel so finds, it shall refer the complaint to the full Commission.

A finding of probable cause may be entered only by a unanimous vote of the panel.

(b) Hearing by Full Commission. -- If a panel of the Commission finds pursuant to subsection (a) of this section that there is probable cause that a violation of the Code has taken place, the full Commission shall conduct a hearing within 10 business days after the panel makes its finding. At the hearing, the Commission shall determine whether or not a violation of the Code occurred and shall do one of the following:

(1) Enter a finding that a violation of the Code has not been proven by clear and convincing evidence and dismiss the complaint.

(2) Enter a finding that a violation of the Code has been proven by clear and convincing evidence to have occurred and issue a letter of reprimand to the individual or entity that it determines is in violation.

A finding that a violation has occurred may be entered only by a majority vote of all the members of the Commission.

(c) Referral to District Attorney. -- If as a result of the evidence it has heard the Commission determines that there is probable cause that a violation of G.S. 163-274(8) has occurred in a matter that is before it, the Commission shall refer the

1 matter to the appropriate district attorney. The referral may be made only upon a
2 positive vote of a majority of all the members of the Commission."

3 (b) This section is effective when it becomes law.

4 --BALLOT ACCESS CHANGES.

5 Section 2. (a) G.S. 163-96 reads as rewritten:

6 "**§ 163-96. 'Political party' defined; creation of new party.**

7 (a) Definition. -- A political party within the meaning of the election laws of this
8 State shall be either:

9 (1) Any group of voters which, at the last preceding general State
10 election, polled for its candidate for Governor, or for presidential
11 electors, at least ten percent (10%) of the entire vote cast in the
12 State for Governor or for presidential electors; or

13 (2) Any group of voters which shall have filed with the State Board of
14 Elections petitions for the formulation of a new political party
15 which are signed by registered and qualified voters in this State
16 equal in number to two percent (2%) of the total number of voters
17 who voted in the most recent general election for Governor. Also
18 the petition must be signed by at least 200 registered voters from
19 each of four congressional districts in North Carolina. To be
20 effective, the petitioners must file their petitions with the State
21 Board of Elections before 12:00 noon on the ~~first day of June~~
22 thirty-first day of December preceding the day on which is to be
23 held the first general State election in which the new political
24 party desires to participate. The State Board of Elections shall
25 forthwith determine the sufficiency of petitions filed with it and
26 shall immediately communicate its determination to the State
27 chairman of the proposed new political party.

28 (b) Petitions for New Political Party. -- Petitions for the creation of a new political
29 party shall contain on the heading of each page of the petition in bold print or all in
30 capital letters the words: 'THE UNDERSIGNED REGISTERED VOTERS IN
31 COUNTY HEREBY PETITION FOR THE FORMATION OF A NEW POLITICAL
32 PARTY TO BE NAMED AND WHOSE STATE CHAIRMAN IS,
33 RESIDING AT..... AND WHO CAN BE REACHED BY TELEPHONE
34 AT..... THE SIGNERS OF THIS PETITION ~~INTEND TO ORGANIZE A NEW~~
35 ~~POLITICAL PARTY~~ DESIRE THAT A NEW POLITICAL PARTY BE
36 ORGANIZED TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL
37 ELECTION.'

38 All printing required to appear on the heading of the petition shall be in type no
39 smaller than 10 point or in all capital letters, double spaced typewriter size. In
40 addition to the form of the petition, the organizers and petition circulators shall
41 inform the signers of the general purpose and intent of the new party.

42 The petitions must specify the name selected for the proposed political party. The
43 State Board of Elections shall reject petitions for the formation of a new party if the
44 name chosen contains any word that appears in the name of any existing political

1 party recognized in this State or if, in the Board's opinion, the name is so similar to
2 that of an existing political party recognized in this State as to confuse or mislead the
3 voters at an election.

4 The petitions must state the name and address of the State chairman of the
5 proposed new political party.

6 ~~The validity of the signatures on the petitions shall be proved in accordance with~~
7 ~~one of the following alternative procedures:~~

8 (1) ~~The signers may acknowledge their signatures before an officer~~
9 ~~authorized to take acknowledgments, after which that officer shall~~
10 ~~certify the validity of the signatures by appropriate notation~~
11 ~~attached to the petition, or~~

12 (2) ~~A person in whose presence a petition was signed may go before~~
13 ~~an officer authorized to take acknowledgments and, after being~~
14 ~~sworn, testify to the genuineness of the signatures on the petition,~~
15 ~~after which the officer before whom he has testified shall certify his~~
16 ~~testimony by appropriate notation attached to the petition.~~

17 Each petition shall be presented to the chairman of the board of elections of the
18 county in which the signatures were obtained, and it shall be the chairman's duty:

19 (1) To examine the signatures on the petition and place a check mark
20 on the petition by the name of each signer who is qualified and
21 registered to vote in his county.

22 (2) To attach to the petition his signed certificate
23 a. Stating that the signatures on the petition have been
24 checked against the registration records and
25 b. Indicating the number found qualified and registered to vote
26 in his county.

27 (3) To return each petition, together with the certificate required by
28 the preceding subdivision, to the person who presented it to him
29 for checking.

30 The group of petitioners shall submit the petitions to the chairman of the county
31 board of elections in the county in which the signatures were obtained no later than
32 5:00 P.M. on the fifteenth business day preceding the date the petitions are due to be
33 filed with the State Board of Elections as provided in subsection (a)(2) of this section.
34 ~~Provided the petitions are timely submitted, the chairman of the county board of~~
35 ~~elections shall require a fee of five cents (5¢) for each signature appearing and shall~~
36 ~~proceed to examine and verify the signatures under the provisions of this subsection.~~
37 ~~Verification shall be completed within two weeks~~ 15 business days ~~from the date such~~
38 ~~petitions are presented and the required fee received. presented. Notwithstanding the~~
39 ~~previous sentence, the county board may extend its deadline for verifying the~~
40 ~~signatures for a reasonable length of time, if meeting the deadline is unduly~~
41 ~~burdensome and extending it will not disadvantage the petitioners."~~

42 (b) G.S. 163-97.1 reads as rewritten:

43 "§ 163-97.1. Voters affiliated with expired political party.

~~The State Board of Elections shall be authorized to promulgate appropriate procedures to order the county boards of elections to change the registration affiliation of all voters who are recorded on the voter registration books as being affiliated with a political party which has lost its legal status as provided in G.S. 163-97. The State Board of Elections shall not implement the authority contained in this section earlier than 90 days following the certification of the election in which the political party failed to continue its legal status as provided in G.S. 163-97. All voters affiliated with such expired political party shall be changed to "unaffiliated" designation by the State Board's order and all such registrants shall be entitled to declare a political party affiliation as provided in G.S. 163-74(b). Any voter registered with a political party shall be allowed to retain that affiliation even if that party loses its status as a political party under the provisions of G.S. 163-97. Unless the voter indicates an intention otherwise, the county board of elections shall carry that voter on its registration lists as a member of the expired party."~~

(c) G.S. 163-98 reads as rewritten:

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

In the first general election following the date on which a new political party qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its candidates for municipal, county, district, State, congressional, and national offices printed on the official ballots, ~~but it shall not be entitled to have the names of candidates for other offices printed on State, district, or county ballots at that election.~~ ballots in accordance with the procedures in this section.

For the first general election following the date on which it qualifies under G.S. 163-96, a new political party shall select its candidates ~~by party convention. Following adjournment of the nominating convention, but not later than the first day of July prior to the general election, the president of the convention shall certify to the State Board of Elections the names of persons chosen in the convention as the new party's candidates for State, congressional, and national offices in the ensuing general election. The State Board of Elections shall print names thus certified on the appropriate ballots as the nominees of the new party.~~ in accordance with Article 10 of this Chapter."

(d) Article 9 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-100. Political party for presidential election only.

A party shall be recognized only for the purposes of nominating candidates for presidential elector in a general election if the party meets the other requirements of this Article except that the petitioners for that party file their petitions as provided in G.S. 163-96(a)(2) with the State Board of Elections before 12:00 noon on the second Thursday in July before that general election. If that party so qualifies, it may nominate its electors in convention no later than 90 days before the general election. Unless the party has met the petition deadline of G.S. 163-96, it shall cease to be a political party within the provisions of this Chapter."

(e) G.S. 163-106(b) reads as rewritten:

1 "(b) Eligibility to File. -- No person shall be permitted to file as a candidate in a
2 primary if, at the time he offers to file notice of candidacy, he is registered on the
3 appropriate registration book or record as an affiliate of a political party other than
4 that in whose primary he is attempting to file. No person who has changed his
5 political party affiliation or who has changed from unaffiliated status to party
6 affiliation as permitted in G.S. 163-82.17, shall be permitted to file as a candidate in
7 the primary of the party to which he changed unless he has been affiliated with the
8 political party in which he seeks to be a candidate for at least 90 days prior to the
9 filing date for the office for which he desires to file his notice of ~~candidacy~~.
10 candidacy, provided that the requirement of this sentence shall not apply to a person
11 filing a notice of candidacy in the primary of a party holding its first primary since
12 gaining ballot access under the provisions of G.S. 163-96(a)(2).

13 A person registered as 'unaffiliated' shall be ineligible to file as a candidate in a
14 party primary election."

15 (f) G.S. 163-107.1 reads as rewritten:

16 **"§ 163-107.1. Petition in lieu of payment of filing fee.**

17 (a) Any qualified voter who seeks nomination in the party primary of the political
18 party with which he affiliates may, in lieu of payment of any filing fee required for
19 the office he seeks, file a written petition requesting him to be a candidate for a
20 specified office with the appropriate board of elections, State, county or municipal.

21 (b) If the candidate is seeking the office of United States Senator, Governor,
22 Lieutenant Governor, any State executive officer, Justice of the Supreme Court or
23 Judge of the Court of Appeals, the petition must be signed by ~~10,000 registered voters~~
24 ~~who are members of the political party in whose primary the candidate desires to~~
25 ~~run, except that in the case of a political party as defined by G.S. 163-96(a)(2) which~~
26 ~~will be making nominations by primary election, the petition must be signed by ten~~
27 ~~percent (10%) of the registered voters of the State who are affiliated with the same~~
28 ~~political party in whose primary the candidate desires to run, or in the alternative,~~
29 ~~the petition shall be signed by no less than 10,000 registered voters regardless of the~~
30 ~~voter's political party affiliation, whichever requirement is greater. registered voters~~
31 of the State equal in number to two percent (2%) of the total number of registered
32 voters in the State as reflected by the most recent statistical report issued by the State
33 Board of Elections. The petition must be filed with the State Board of Elections not
34 later than 12:00 noon on Monday preceding the filing deadline before the primary in
35 which he seeks to run. The names on the petition shall be verified by the board of
36 elections of the county where the signer is registered, and the petition must be
37 presented to the county board of elections at least 15 days before the petition is due
38 to be filed with the State Board of Elections. When a proper petition has been filed,
39 the candidate's name shall be printed on the primary ballot.

40 (c) County, Municipal and District Primaries. -- If the candidate is seeking one of
41 the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this
42 section, or a municipal or any other office requiring a partisan primary which is not
43 set forth in G.S. 163-106(c) or (d), he shall file a written petition with the appropriate
44 board of elections no later than 12:00 noon on Monday preceding the filing deadline

1 before the primary. The petition shall be signed by ~~ten percent (10%) of the~~
2 ~~registered voters of the election area in which the office will be voted for, who are~~
3 ~~affiliated with the same political party in whose primary the candidate desires to run,~~
4 ~~or in the alternative, the petition shall be signed by no less than 200 registered voters~~
5 ~~regardless of said voter's political party affiliation, whichever requirement is greater.~~
6 registered voters in the election area in which the office will be voted for equal to
7 four percent (4%) of the registered voters of that area, as reflected by the latest
8 statistical report issued by the appropriate board of elections. The board of elections
9 shall verify the names on the petition, and if the petition is found to be sufficient, the
10 candidate's name shall be printed on the appropriate primary ballot. Petitions for
11 candidates for member of the U.S. House of Representatives, District Attorney, and
12 judge of the District Court or members of the State House of Representatives from
13 multi-county districts or members of the State Senate from multi-county districts must
14 be presented to the county board of elections for verification at least 15 days before
15 the petition is due to be filed with the State Board of Elections, and such petition
16 must be filed with the State Board of Elections no later than 12:00 noon on Monday
17 preceding the filing deadline. The State Board of Elections may adopt rules to
18 implement this section and to provide standard petition forms.

19 (d) Nonpartisan Primaries and Elections. -- Any qualified voter who seeks to be a
20 candidate in any nonpartisan primary or election may, in lieu of payment of the filing
21 fee required, file a written petition signed by ~~ten percent (10%) of the registered~~
22 ~~voters in the election area in which the office will be voted for with the appropriate~~
23 ~~board of elections.~~ registered voters in the election area in which the office will be
24 voted for equal to four percent (4%) of the registered voters of that area, as reflected
25 by the latest statistical report issued by the appropriate board of elections. Any
26 qualified voter may sign the petition. The petition shall state the candidate's name,
27 address and the office which he is seeking. The petition must be filed with the
28 appropriate board of elections no later than 60 days prior to the filing deadline for
29 the primary or election, and if found to be sufficient, the candidate's name shall be
30 printed on the ballot. "

31 (g) G.S. 163-122 reads as rewritten:

32 "**§ 163-122. Unaffiliated candidates nominated by petition.**

33 (a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. --
34 Any qualified voter who seeks to have his name printed on the general election ballot
35 as an unaffiliated candidate shall:

36 (1) If the office is a statewide office, file written petitions with the
37 State Board of Elections supporting his candidacy for a specified
38 office. These petitions must be filed with the State Board of
39 Elections on or before 12:00 noon on the ~~last Friday in June~~ day of
40 the first primary for the office preceding the general election and
41 must be signed by qualified voters of the State equal in number to
42 two percent (2%) of the total number of registered voters in the
43 State as reflected by the most recent statistical report issued by the
44 State Board of Elections. Each petition shall be presented to the

1 chairman of the board of elections of the county in which the
2 signatures were obtained. The chairman shall examine the names
3 on the petition and place a check mark on the petition by the
4 name of each signer who is qualified and registered to vote in his
5 county and shall attach to the petition his signed certificate. Said
6 certificates shall state that the signatures on the petition have been
7 checked against the registration records and shall indicate the
8 number of signers to be qualified and registered to vote in his
9 county. The chairman shall return each petition, together with the
10 certificate required in this section, to the person who presented it
11 to him for checking. Verification by the chairman of the county
12 board of elections shall be completed within two weeks from the
13 date such petitions are ~~presented and a fee of five cents (5¢) for~~
14 ~~each name appearing on the petition has been received.~~ presented.

15 (2) If the office is a district office comprised of two or more counties,
16 file written petitions with the State Board of Elections supporting
17 his candidacy for a specified office. These petitions must be filed
18 with the State Board of Elections on or before 12:00 noon on the
19 ~~last Friday in June~~ day of the first primary for the office preceding
20 the general election and must be signed by qualified voters of the
21 district equal in number to four percent (4%) of the total number
22 of registered voters in the district as reflected by the latest
23 statistical report issued by the State Board of Elections. Each
24 petition shall be presented to the chairman of the board of
25 elections of the county in which the signatures were obtained. The
26 chairman shall examine the names on the petition and the
27 procedure for certification shall be the same as specified in (1)
28 above.

29 (3) If the office is a county office or a single county legislative district,
30 file written petitions with the chairman or director of the county
31 board of elections supporting his candidacy for a specified county
32 office. These petitions must be filed with the county board of
33 elections on or before 12:00 noon on the ~~last Friday in June~~ day of
34 the first primary for the office preceding the general election and
35 must be signed by qualified voters of the county equal in number
36 to four percent (4%) of the total number of registered voters in the
37 county as reflected by the most recent statistical report issued by
38 the State Board of Elections, except if the office is for a district
39 consisting of less than the entire county and only the voters in that
40 district vote for that office, the petitions must be signed by
41 qualified voters of the district equal in number to four percent
42 (4%) of the total number of voters in the district according to the
43 most recent figures certified by the State Board of Elections. Each
44 petition shall be presented to the chairman or director of the

1 county board of elections. The chairman shall examine, or cause to
2 be examined, the names on the petition and the procedure for
3 certification shall be the same as specified in (1) above.

- 4 (4) If the office is a partisan municipal office, file written petitions
5 with the chairman or director of the county board of elections in
6 the county wherein the municipality is located supporting his
7 candidacy for a specified municipal office. These petitions must be
8 filed with the county board of elections on or before the time and
9 date specified in G.S. 163-296 and must be signed by the number
10 of qualified voters specified in G.S. 163-296. The procedure for
11 certification shall be the same as specified in (1) above.

12 Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the
13 board of elections with which the petitions and affidavit have been timely filed shall
14 cause the unaffiliated candidate's name to be printed on the general election ballots
15 in accordance with G.S. 163-140.

16 An individual whose name appeared on the ballot in a primary election
17 preliminary to the general election shall not be eligible to have his name placed on
18 the general election ballot as an unaffiliated candidate for the same office in that
19 year.

20 (b) Form of Petition. -- Petitions requesting an unaffiliated candidate to be placed
21 on the general election ballot shall contain on the heading of each page of the
22 petition in bold print or in all capital letters the words: 'THE UNDERSIGNED
23 REGISTERED VOTERS IN COUNTY HEREBY PETITION ON BEHALF
24 OF AS AN UNAFFILIATED CANDIDATE IN THE NEXT GENERAL
25 ELECTION. THE UNDERSIGNED HEREBY PETITION THAT SUBJECT
26 CANDIDATE BE PLACED ON THE APPROPRIATE BALLOT UPON
27 COMPLIANCE WITH THE PROVISIONS CONTAINED IN G.S. 163-122.'

28 (c) This section does not apply to elections under Article 25 of this Chapter.

29 (d) Presidential Electors. -- Unaffiliated candidates for presidential electors who
30 comply with the other provisions of this section shall qualify for the ballot if the
31 petitions for their candidacy are filed with the State Board of Elections at least 75
32 days before the general election."

33 (h) G.S. 163-123(c)(1) reads as rewritten:

- 34 "(1) If the office is a statewide office, file written petitions with the
35 State Board of Elections supporting his candidacy for a specified
36 office. These petitions shall be filed on or before noon on the 90th
37 day before the general election. They shall be signed by 500
38 qualified voters of the State. Before being filed with the State
39 Board of Elections, each petition shall be presented to the board of
40 elections of the county in which the signatures were obtained. A
41 petition presented to a county board of elections shall contain only
42 names of voters registered in that county. The chairman of the
43 county board of elections shall examine the names on the petition
44 and place a check mark by the name of each signer who is

qualified and registered to vote in his county. The chairman of the county board shall attach to the petition his signed certificate. On his certificate the chairman shall state that the signatures on the petition have been checked against the registration records and shall indicate the number of signers who are qualified and registered to vote in his county and eligible to vote for that office. The chairman shall return each petition, together with the certificate required in this section, to the person who presented it to him for checking. The chairman of the county board shall complete the verification within two weeks from the date the petition is presented. ~~At the time of submitting the petition, a fee of five cents (5¢) shall be paid for each name appearing on the petition.~~ "

(i) This section is effective when it becomes law.

--CLOSE THE LOOPHOLE FOR SECOND PRIMARIES.

Section 3. (a) G.S. 163-278.13(d) reads as rewritten:

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

(b) This section becomes effective January 1, 1998, and applies to all elections occurring on or after that date.

--VOTER IDENTIFICATION REQUIREMENT.

Section 4. (a) G.S. 163-82.8 reads as rewritten:

"§ 163-82.8. Voter registration cards.

(a) Authority to Issue Card. -- ~~With the approval of the board of county commissioners, the~~ The county board of elections may shall issue to each voter in the county a voter registration card, ~~or may issue cards to all voters registered after January 1, 1995.~~ card not later than December 31, 1997.

(b) Content and Format of Card. -- At a minimum, the voter registration card shall:

- (1) List the voter's name, address, and voting place;
- (2) Contain the address and telephone number of the county board of elections, along with blanks to report a change of address within the county, change of name, and change of party affiliation; ~~and~~
- (3) Be wallet ~~size.~~ size; and
- (4) Contain an identification number.

No voter registration card may be issued by a county board of elections unless the State Board of Elections has approved the format of the card.

(c) Ways County Board and Registrant May Use Card. -- ~~If the county board of elections issues voter registration cards, the~~ The county board may use that card as a notice of tentative approval of the voter's application pursuant to G.S. 163-82.7(c),

1 provided that the mailing contains the statements and information required in that
2 subsection. The county board may also satisfy the requirements of G.S. 163-82.15(b),
3 163-82.16(b), or 163-82.17(b) by sending the registrant a replacement of the voter
4 registration card to verify change of address, change of name, or change of party
5 affiliation. A registrant may use the card to report a change of address, change of
6 name, or change of party affiliation, satisfying G.S. 163-82.15, 163-82.16, or 163-82.17.

7 (d) Card as Evidence of Registration. -- A voter registration card shall be evidence
8 of registration but shall not preclude a challenge as permitted by law.

9 ~~(e) Display of Card May Not Be Required to Vote. -- No county board of~~
10 ~~elections may require that a voter registration card be displayed in order to vote. "~~

11 (b) G.S. 163-150(a) reads as rewritten:

12 "(a) Checking Registration. -- A person seeking to vote shall enter the voting
13 enclosure at the voting place through the appropriate entrance and shall at once state
14 his name and place of residence to one of the judges of election. A voter shall show
15 one of the following types of identification:

16 (1) A voter registration card issued under G.S. 163-82.8;

17 (2) A drivers license;

18 (3) A special identification card issued under G.S. 20-37.7;

19 (4) A passport;

20 (5) An identification card issued by the U.S. Department of Defense;

21 or

22 (6) A social security card and one other type of identification showing
23 the name and a picture of the voter.

24 A voter who does not show one of those types of identification shall be allowed to
25 mark a provisional ballot. The provisional ballot shall be sealed in an envelope on
26 which the voter shall sign an affidavit attesting to identity and eligibility to vote the
27 ballot. The county board of elections shall determine if the voter is eligible to cast the
28 ballot and, if so, shall count it, and if not, shall not count it. The State Board of
29 Elections shall promulgate rules for provisional ballot procedures to include
30 instructions for county boards of elections in methods to determine the eligibility of
31 persons who vote a provisional ballot under this subsection. In a primary election, the
32 voter shall also state the political party with which he affiliates and in whose primary
33 he desires to vote, or if the voter is an unaffiliated voter permitted to vote in the
34 primary of a particular party under G.S. ~~163-116~~, ~~163-119~~, the voter shall state the
35 name of the authorizing political party in whose primary he wishes to vote. The
36 judge to whom the voter gives this information shall announce the name and
37 residence of the voter in a distinct tone of voice. After examining the precinct
38 registration records, the chief judge shall state whether the person seeking to vote is
39 duly registered."

40 (c) This section is effective when it becomes law.

41 --BALLOT ROTATION.

42 Section 5. (a) G.S. 163-140.1 reads as rewritten:

43 "§ 163-140.1. Political party alignment on ballots.

1 All ballots printed for use in general elections in the State, district, county or any
2 other political subdivision, shall be aligned with the number of political party
3 columns required pursuant to instructions contained in G.S. 163-140(b) and the
4 columns shall be assigned in ~~strict alphabetical~~ order, beginning with the left column,
5 to the two political parties entitled to ballot position ~~provided such political parties~~
6 ~~reflect at least five percent (5%) of that have the largest proportion of the total~~
7 statewide voter registration, ~~according to the latest statistical report published by the~~
8 ~~State Board of Elections~~; so that such parties rotate order every four years. The order
9 of the parties for the four-year cycle shall be determined on August 1 in the even-
10 numbered year in which there is no presidential election. The voter registration
11 statistics used in the determination shall be the latest statistical report prepared by the
12 State Board of Elections as of August 1. Political parties having ~~less than five percent~~
13 ~~(5%)~~ smaller proportions of the total statewide voter registration, but otherwise
14 eligible for ballot position shall be assigned column alignment to the right of ~~all other~~
15 the largest two qualified political parties. ~~parties.~~ As soon as the deadline passes for
16 ballot access in the general election of the first year of each four-year cycle, the State
17 Board of Elections shall determine by lot the column alignment of any parties then
18 qualified that are smaller than the two largest parties. If any parties qualify
19 subsequent to the lottery during the four-year cycle, those parties shall be aligned in
20 the chronological order in which they qualified to the right of all other parties. The
21 column for unaffiliated candidates shall be to the right of the columns for all parties.
22 The State Board of Elections shall be responsible for implementing the procedures
23 required by this section and shall issue instructions to those counties using voting
24 machines so as to accomplish the effect of this section whether such counties utilize
25 voting machines that list party columns in a horizontal or vertical alignment. Every
26 county board of elections shall follow the column alignment prescribed by the State
27 Board of Elections."

28 (b) This section becomes effective January 1, 1998. Rotation as required
29 by this section begins in 1998, with the party that had the second to the left column
30 in 1996 and 1997 having the left column in 1998, 1999, 2000, and 2001.

31 Section 6. This act is effective when it becomes law.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Justus and C. Wilson** for the Committee on **ELECTION LAW AND CAMPAIGN REFORM.**

☒ Committee Substitute for

S.B. 553 A BILL TO BE ENTITLED AN ACT ALLOWING COUNTY BOARDS OF ELECTIONS TO USE PAPER BALLOTS IN SECOND PRIMARY ELECTIONS WHERE VOTING SYSTEMS ARE USED IN THE FIRST PRIMARY ELECTION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill (#), ☒ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 553

State Government, Local Government, and Personnel Committee Substitute Adopted
4/17/97

Proposed House Committee Substitute S553-PCS6719

Short Title: Legal Notices/One-Stop.

(Public)

Sponsors:

Referred to:

March 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE STATE SHALL PAY THE COST OF ANY
3 REQUIRED LEGAL ADVERTISING IT REQUIRES COUNTIES TO PLACE IN
4 CONNECTION WITH ANY REFERENDUM PLACED ON THE BALLOT BY
5 THE GENERAL ASSEMBLY; TO ALLOW A COUNTY BOARD OF
6 ELECTIONS TO CONDUCT ONE-STOP VOTING ON ITS ELECTION-DAY
7 VOTING EQUIPMENT AT THE COUNTY BOARD OF ELECTIONS OFFICE
8 USING CURRENT EXCUSE REQUIREMENTS UNDER A PLAN APPROVED
9 BY THE STATE BOARD OF ELECTIONS; AND TO ALLOW THE
10 CATAWBA COUNTY BOARD OF ELECTIONS TO USE PAPER BALLOTS
11 IN SECOND PRIMARY ELECTIONS WHERE VOTING SYSTEMS ARE USED
12 IN THE FIRST PRIMARY ELECTION.
13 The General Assembly of North Carolina enacts:
14 Section 1. G.S. 163-33(8) reads as rewritten:
15 "(8) To provide for the issuance of all notices, advertisements, and
16 publications concerning elections required by law. If the election
17 is on a State bond issue, an amendment to the Constitution, or
18 approval of an act submitted to the voters of the State, the State
19 Board of Elections shall reimburse the county boards of elections
20 for their reasonable additional costs in placing such notices,
21 advertisements, and publications. In addition, the county board of

elections shall give notice at least 20 days prior to the date on which the registration books or records are closed that there will be a primary, general or special election, the date on which it will be held, and the hours the voting places will be open for voting in that election. The notice also shall describe the nature and type of election, and the issues, if any, to be submitted to the voters at that election. Notice shall be given by advertisement at least once weekly during the 20-day period in a newspaper having general circulation in the county and by posting a copy of the notice at the courthouse door. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. This subdivision shall not apply in the case of bond elections called under the provisions of Chapter 159."

Section 2. G.S. 163-227.2 reads as rewritten:

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

(a) A person expecting to be absent from the county in which he is registered during the entire period that the polls are open on the day of an election in which absentee ballots are authorized or is eligible under G.S. 163-226(a)(2), 163-226(a)(3a), or 163-226(a)(4) may request an application for absentee ballots, complete the application, receive the absentee ballots, vote and deliver them sealed in a container-return envelope to the county board of elections in the county in which he is registered under the provisions of this section.

(b) Not earlier than the ~~twenty-fourth day~~ first business day after the twenty-fifth day before an election, in which absentee ballots are authorized, in which he seeks to vote and not later than 5:00 P.M. on the Friday prior to that election, the voter shall appear in person only at the office of the county board of elections and request that the chairman, a member, or the director of elections of the board, or an employee of the board of elections, authorized by the board, furnish him with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the chairman, member, director of elections or authorized employee of the board, and shall deliver the application to that person.

(c) If the application is properly filled out, the chairman, member, director of elections of the board, or employee of the board of elections, authorized by the board, shall enter the voter's name in the register of absentee ballot applications and ballots issued; shall furnish the voter with the instruction sheets called for by G.S. 163-229(c); shall furnish the voter with the ballots to which the application for absentee ballots applies; and shall furnish the voter with a container-return envelope. The voter thereupon shall comply with the provisions of G.S. 163-231(a) except that he shall deliver the container-return envelope to the chairman, member, director of elections of the board, or an employee of the board of elections, authorized by the board, immediately after making and subscribing the certificate printed on the container-return envelope as provided in G.S. 163-229(b). All actions required by

1 this subsection shall be performed in the office of the board of elections. For the
2 purposes of this section only, the chairman, member, director of elections of the
3 board, or full-time employee, authorized by the board shall sign the application and
4 certificate as the witness and indicate the official title held by him or her.
5 Notwithstanding G.S. 163-231(a), in the case of this subsection, only one witness shall
6 be required on the certificate.

7 (d) Only the chairman, member or director of elections of the board shall keep
8 the voter's application for absentee ballots and the sealed container-return envelope
9 in a safe place, separate and apart from other applications and container-return
10 envelopes. At the first meeting of the board pursuant to G.S. 163-230(2) held after
11 receipt of the application and envelope, the chairman shall comply with the
12 requirements of G.S. 163-230(1) and G.S. 163-230(2)b. and c. If the voter's
13 application for absentee ballots is approved by the board at that meeting, the
14 application form and container-return envelope, with the ballots enclosed, shall be
15 handled in the same manner and under the same provisions of law as applications
16 and container-return envelopes received by the board under other provisions of this
17 Article. If the voter's application for absentee ballots is disapproved by the board,
18 the board shall so notify the voter stating the reason for disapproval by first-class mail
19 addressed to the voter at his residence address or at the address shown in the
20 application for absentee ballots; and the board chairman shall retain the container-
21 return envelope in its unopened condition until the day of the primary or election to
22 which it relates and on that day he shall destroy the container-return envelope and
23 the ballots therein, without, however, revealing the manner in which the voter
24 marked the ballots.

25 (e) The voter shall vote his absentee ballot in a voting booth and the county board
26 of elections shall provide a voting booth for that purpose, provided however, that the
27 county board of elections may in the alternative provide a private room for the voter
28 adjacent to the office of the board, in which case the voter shall vote his absentee
29 ballot in that room. The voting booth shall be in the office of the county board of
30 elections. If the voter needs assistance in getting to and from the voting booth and in
31 preparing and marking his ballots or if he is a blind voter, only a member of the
32 county board of elections, the director of elections, an employee of the board of
33 elections authorized by the board, a near relative of the voter as defined in G.S. 163-
34 227(c)(4), or the voter's legal guardian shall be entitled to assist the voter.

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

1 subsection shall submit a plan for doing so to the State Board of Elections. The State
2 Board shall adopt standards for conducting one-stop voting under this subsection and
3 shall approve any county plan that adheres to its standards. The county board shall
4 adhere to its State Board-approved plan. The plan shall provide that each one-stop
5 ballot shall have a ballot number on it in accordance with G.S. 163-230(3)a., or shall
6 have an equivalent identifier to allow for retrievability. The standards shall address
7 retrievability in one-stop voting on direct record electronic equipment where no
8 paper ballot is used.

9 (f) Notwithstanding the exception specified in G.S. 163-36, counties which operate
10 a modified full-time office shall remain open five days each week during regular
11 business hours consistent with daily hours presently observed by the county board of
12 elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing
13 until 5:00 P.M. on the Friday prior to that election or primary. The boards of county
14 commissioners shall provide necessary funds for the additional operation of the office
15 during such time."

16 Section 3. (a) Article 14 of Chapter 163 of the General Statutes is
17 amended by adding a new section to read:

18 **"§ 163-162.2. Use of paper ballots in a second primary where voting systems are used**
19 **in the first primary.**

20 In counties in which voting systems are used in some or all precincts in a primary
21 election, the county board of elections shall have authority to furnish in a second
22 primary election paper ballots of each kind to precincts that used voting systems in
23 the first primary election."

24 (b) This section applies only to Catawba County.

25 Section 4. This act is effective when it becomes law.

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **ELECTION LAWS & CAMPAIGN REFORM** will meet as follows:

DAY & DATE: TUESDAY, AUGUST 5, 1997

TIME: 8:30 AM

LOCATION: ROOM 1327 LEGISLATIVE BUILDING

The following bills will be considered (Bill # & Short Title):

HB 745 ELECTION NOTICES/ONE STOP

SB 573 BALLOT ACCESS CHANGES

Respectfully,

Representative JUSTUS AND WILSON
Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
7:15 PM on AUGUST 4,, 1997.

___Principal Clerk
___Reading Clerk - House Chamber

CAROLYN JUSTUS (Committee Clerk)

Judiciary

Proposed Committee Substitute For

S.B. 573

CHAP. _____

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO STATUTES CONCERNING BALLOT ACCESS FOR POLITICAL PARTIES.

Introduced by Senator(s)

Sullivan

Principal Clerk's Use Only

Committee Substitute
Adopted
Pursuant to Rule 45.1
APR 20 1997

RECEIVED

MAY 1 1997

for 1045/100

RULES SUSPENDED

*lect in Supple.
Calendar*

PASSED 1st READING

MAY 1 1997

AND REFERRED TO COMMITTEE
ON *Electron Law*

ad Campaign Reform

PASSED 2nd & 3rd
READINGS

48-0 (V)
MAY 1 1997

ORDERED SENT TO
HOUSE OF REPRESENTATIVE

BY SPECIAL MESSENGER

J. Pruitt

BILL

St. Sen/Sec Sen/Pres.

Proposed Committee Substitute For

S.B. 553

CHAP. _____

A BILL TO BE ENTITLED

AN ACT ALLOWING COUNTY BOARDS OF ELECTIONS TO USE PAPER BALLOTS IN SECOND
PRIMARY ELECTIONS WHERE VOTING SYSTEMS ARE USED IN THE FIRST PRIMARY ELECTION.

Introduced by Senator(s)

Alban

Principal Clerk's Use Only

PASSED 1st READING

APR 24 1997

AND REFERRED TO COMMITTEE

*ON Election Law and
Campaign Reform*

Committee Substitute
Adopted
Pursuant to Rule 45.1

APR 17 1997

PASSED 2nd & 3rd
READINGS

44-0 (V)

APR 21 1997

ORDERED SENT TO
HOUSE OF REPRESENTATIVE

Janet Pruitt

RECEIVED

APR 23 1997

Jim 9:30 AM

PCS for SB 553 – Legal Notices/One-Stop.

8-5-97
ATT-1

	CURRENT LAW	PROPOSED IN PCS FOR SB 553
1. Legal Notices for Referenda – HB 745.	Requires counties to pay for legal notices for elections.	Would require the State Board of Elections to reimburse county boards of elections for required legal notices for statewide referenda
2. Mainstreaming One-Stop Voting – HB 745	Provides that a voter who cannot be at the polls on election day may vote in person at the county elections office during the three weeks before the election. In 90 counties the ballot a person must vote in One-Stop is the same as a ballot a person must use if voting absentee by mail. Those ballots must be sealed in envelopes and removed on election day to be counted then. Because they found that process to be burdensome and unnecessary, 10 counties have in recent years successfully sought local legislation to allow them to conduct One-Stop voting on the same equipment they use at the polls on election day. Those counties are Durham, Gaston, Guilford, Mecklenburg, Pasquotank, Randolph, Union, Wake, Watauga, and Wilson. Several of those counties use "direct record electronic" equipment, on which voting is a paperless process	Would allow any county board of elections to conduct One-Stop absentee ballot voting on the voting equipment it uses on election day, if: • The election-day voting equipment allows for a ballot later determined to be ineligible to be retrieved so that it is not counted. Because some counties have the kind of election-day equipment that does not permit retrievability of ballots (e.g., lever machines), they would not qualify. • The county board chooses by resolution to do so. • The county board presents a plan to the State Board that the State Board approves as complying with its standards. Those standards must include security against fraud.
3. Catawba Paper Ballots.—SB 553.	If a county uses voting machines or other mechanical or electronic voting systems in a precinct in the first primary, it must use the same system in the second primary.	Would authorize Catawba County Board of Elections to use hand-counted paper ballots in a second primary, even if voting machines were used in the first primary.

7/28/97

PCS for SB 573 – ELECTION LAW REFORM.

A443
8-5-97

	CURRENT LAW	PROPOSED IN PCS FOR SB 573
1. Campaign Standards Commission.— HB 23.	Misdemeanor statutes prohibit: - False derogatory statements against candidates if knowingly or recklessly made. - Derogatory statements against candidates, even if true, if made anonymously.	Would set up an 11-point code of campaign standards. Enforcement would be by a Campaign Standards Commission, with membership evenly divided between the parties. It would have the power to issue letters of reprimand, but not impose other sanctions.
2. Ballot Access Changes.—HB 79.	To get on ballot in a general election, a <u>new party</u> must collect signatures of 2% of number who voted in last gubernatorial election. - The new party must file those petitions with the State Board of Elections by June 1. The parties must file their petitions with county boards 15 days before June 1, and the CBOEs have 2 weeks to verify the petitions. - The new party must choose its first slate of candidates in a convention by July 1. - If the new party does not get 10% of the vote for Governor or President in the general election, it loses its ballot status. The registered voters affiliated with that expired party are changed to "Unaffiliated." To get on the ballot as an <u>unaffiliated candidate</u>, a person must collect signatures of 2% of registered voters statewide, or 4% in a county or district race. The petitions must be filed by the last Friday in July. To be recognized as a <u>write-in candidate</u>, a person must names on a petition in these numbers: 500 statewide, 250 multi-county district, 100 county or smaller. The courts have invalidated statutes: - charging 5 cents a name for petitions for new parties, unaffiliateds, & write-ins, and - requiring new party petitions to be notarized but those statutes remain on the books.	Would make these changes for new parties: - Provide two types of deadlines: Dec. 31 for parties that intend to run a full slate of state candidates. And 90 days before the general election for candidates only running a presidential candidate. - Change the statutory wording of the petition, so that it doesn't sound like the signer is committing self to organize the party, but simply wants the party to be on the ballot. - Require new party candidate (other than for presidential elector) to file in primary and pay same filing fee during same filing period as existing party candidates. Eliminates system whereby candidate nominate their first-candidates in a convention. Rewrites petition alternative to filing fee to provide level playing field for all candidates. - Give county boards of elections 15 <u>business</u> days to verify petition names. They may take longer if it doesn't disadvantage the party. - Allow voters to retain their affiliation with a party on the registration books, even if that party loses ballot status because of poor showing in election. Would move the filing deadline for unaffiliated candidates to the date of the first primary for party candidates. Would remove the invalidated 5-cent-per-name charge and the notarization requirement.
3. Close Second Primary Loophole.— HB 24.	Contributions limited to \$4,000 per donor per donee per election. The first primary, second primary, and general election are separate "elections." A candidate may raise a separate \$4,000 for the second primary "election" even if that candidate is not on the ballot.	Would allow candidate to raise an extra \$4,000 for the second primary only if that candidate is on the ballot in a second primary.

	CURRENT LAW	PROPOSED IN PCS FOR SB 573
4. Voter Identification.—HB 736.	County elections boards may issue voter registration cards, with approval of their county commissioners. The SBOE must approve the format. The card does not have to have an I.D. number. Election officials may not require voters to display those cards in order to vote. Currently, 73 counties have issued cards to some or all voters or are in the process of doing so. Some counties have issued cards only to new registered voters. About 62% of the State's registered voters have been issued a card with a unique number.	Would require every county to issue every voter a voter registration card with a unique identification number. At the polls, each voter must display that card or any one of several specified types of photo I.D. A voter who could not display an I.D. would be allowed to vote a provisional ballot.
5. Ballot Rotation. — HB 525.	Columns for all parties with 5% or more of the registered voters are put at the left-hand side of the ballot in alphabetical order. (Democrats first, Republicans second.) Any smaller parties are to the right of them, with the statute specifying no particular order.	Would rotate the two largest parties every four years, beginning in the non-presidential cycle. The party that was second from left in 1996 (Republican), would be in the left-hand column from 1998 to 2001. Would have a lottery at the beginning of the four-year cycle for placement of smaller parties. If parties gained ballot access during the four-year cycle, they would be added to the right in the order in which they qualified.

VISITOR REGISTRATION SHEET

ELECTION LAW & CAMPAIGN REFORM

AUGUST 5, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Rishyn Jaiwal

loblax's

Paul L. Soper

WCSR

James Stem

474

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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D

SENATE BILL 553

State Government, Local Government, and Personnel Committee
Substitute Adopted 4/17/97

Proposed House Committee Substitute -- S553-PCSRR-010

Short Title: Legal Notices/One-Stop.

(Public)

Sponsors:

Referred to:

March 27, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE STATE SHALL PAY THE COST OF ANY
3 REQUIRED LEGAL ADVERTISING IT REQUIRES COUNTIES TO PLACE IN
4 CONNECTION WITH ANY REFERENDUM PLACED ON THE BALLOT BY THE
5 GENERAL ASSEMBLY; TO ALLOW A COUNTY BOARD OF ELECTIONS TO
6 CONDUCT ONE-STOP VOTING ON ITS ELECTION-DAY VOTING EQUIPMENT AT
7 THE COUNTY BOARD OF ELECTIONS OFFICE USING CURRENT EXCUSE
8 REQUIREMENTS UNDER A PLAN APPROVED BY THE STATE BOARD OF
9 ELECTIONS; AND TO ALLOW THE CATAWBA COUNTY BOARD OF ELECTIONS
10 TO USE PAPER BALLOTS IN SECOND PRIMARY ELECTIONS WHERE VOTING
11 SYSTEMS ARE USED IN THE FIRST PRIMARY ELECTION.
12 The General Assembly of North Carolina enacts:
13 Section 1. G.S. 163-33(8) reads as rewritten:
14 "(8) To provide for the issuance of all notices,
15 advertisements, and publications concerning
16 elections required by law. If the election is on a
17 State bond issue, an amendment to the Constitution,
18 or approval of an act submitted to the voters of
19 the State, the State Board of Elections shall
20 reimburse the county boards of elections for their

1 reasonable additional costs in placing such
2 notices, advertisements, and publications. In
3 addition, the county board of elections shall give
4 notice at least 20 days prior to the date on which
5 the registration books or records are closed that
6 there will be a primary, general or special
7 election, the date on which it will be held, and
8 the hours the voting places will be open for voting
9 in that election. The notice also shall describe
10 the nature and type of election, and the issues, if
11 any, to be submitted to the voters at that
12 election. Notice shall be given by advertisement
13 at least once weekly during the 20-day period in a
14 newspaper having general circulation in the county
15 and by posting a copy of the notice at the
16 courthouse door. Notice may additionally be made
17 on a radio or television station or both, but such
18 notice shall be in addition to the newspaper and
19 other required notice. This subdivision shall not
20 apply in the case of bond elections called under
21 the provisions of Chapter 159."

22 Section 2. G.S. 163-227.2 reads as rewritten:

23 "§ 163-227.2. Alternate procedures for requesting application
24 for absentee ballot; "one-stop" voting procedure in board office.

25 (a) A person expecting to be absent from the county in which
26 he is registered during the entire period that the polls are open
27 on the day of an election in which absentee ballots are
28 authorized or is eligible under G.S. 163-226(a)(2), 163-
29 226(a)(3a), or 163-226(a)(4) may request an application for
30 absentee ballots, complete the application, receive the absentee
31 ballots, vote and deliver them sealed in a container-return
32 envelope to the county board of elections in the county in which
33 he is registered under the provisions of this section.

34 (b) Not earlier than the ~~twenty-fourth day~~ first business day
35 after the twenty-fifth day before an election, in which absentee
36 ballots are authorized, in which he seeks to vote and not later
37 than 5:00 P.M. on the Friday prior to that election, the voter
38 shall appear in person only at the office of the county board of
39 elections and request that the chairman, a member, or the
40 director of elections of the board, or an employee of the board
41 of elections, authorized by the board, furnish him with an
42 application form as specified in G.S. 163-227. The voter shall
43 complete the application in the presence of the chairman, member,

1 director of elections or authorized employee of the board, and
2 shall deliver the application to that person.

3 (c) If the application is properly filled out, the chairman,
4 member, director of elections of the board, or employee of the
5 board of elections, authorized by the board, shall enter the
6 voter's name in the register of absentee ballot applications and
7 ballots issued; shall furnish the voter with the instruction
8 sheets called for by G.S. 163-229(c); shall furnish the voter
9 with the ballots to which the application for absentee ballots
10 applies; and shall furnish the voter with a container-return
11 envelope. The voter thereupon shall comply with the provisions
12 of G.S. 163-231(a) except that he shall deliver the container-
13 return envelope to the chairman, member, director of elections of
14 the board, or an employee of the board of elections, authorized
15 by the board, immediately after making and subscribing the
16 certificate printed on the container-return envelope as provided
17 in G.S. 163-229(b). All actions required by this subsection
18 shall be performed in the office of the board of elections. For
19 the purposes of this section only, the chairman, member, director
20 of elections of the board, or full-time employee, authorized by
21 the board shall sign the application and certificate as the
22 witness and indicate the official title held by him or her.
23 Notwithstanding G.S. 163-231(a), in the case of this subsection,
24 only one witness shall be required on the certificate.

25 (d) Only the chairman, member or director of elections of the
26 board shall keep the voter's application for absentee ballots and
27 the sealed container-return envelope in a safe place, separate
28 and apart from other applications and container-return envelopes.
29 At the first meeting of the board pursuant to G.S. 163-230(2)
30 held after receipt of the application and envelope, the chairman
31 shall comply with the requirements of G.S. 163-230(1) and G.S.
32 163-230(2)b. and c. If the voter's application for absentee
33 ballots is approved by the board at that meeting, the application
34 form and container-return envelope, with the ballots enclosed,
35 shall be handled in the same manner and under the same provisions
36 of law as applications and container-return envelopes received by
37 the board under other provisions of this Article. If the voter's
38 application for absentee ballots is disapproved by the board, the
39 board shall so notify the voter stating the reason for
40 disapproval by first-class mail addressed to the voter at his
41 residence address or at the address shown in the application for
42 absentee ballots; and the board chairman shall retain the
43 container-return envelope in its unopened condition until the day
44 of the primary or election to which it relates and on that day he

1 shall destroy the container-return envelope and the ballots
2 therein, without, however, revealing the manner in which the
3 voter marked the ballots.

4 (e) The voter shall vote his absentee ballot in a voting booth
5 and the county board of elections shall provide a voting booth
6 for that purpose, provided however, that the county board of
7 elections may in the alternative provide a private room for the
8 voter adjacent to the office of the board, in which case the
9 voter shall vote his absentee ballot in that room. The voting
10 booth shall be in the office of the county board of elections.
11 If the voter needs assistance in getting to and from the voting
12 booth and in preparing and marking his ballots or if he is a
13 blind voter, only a member of the county board of elections, the
14 director of elections, an employee of the board of elections
15 authorized by the board, a near relative of the voter as defined
16 in G.S. 163-227(c)(4), or the voter's legal guardian shall be
17 entitled to assist the voter.

18 (e1) If a county uses a voting system with retrievable ballots,
19 that county's board of elections may by resolution elect to
20 conduct one-stop absentee voting according to the provisions of
21 this subsection. In a county in which the board has opted to do
22 so, a one-stop voter shall cast the ballot and then shall deposit
23 the ballot in the ballot box or voting system in the same manner
24 as if such box or system was in use in a precinct on election
25 day. At the end of each business day, or at any time when there
26 will be no employee or officer of the board of elections on the
27 premises, the ballot box or system shall be secured in accordance
28 with a plan approved by the State Board of Elections, which shall
29 include that no additional ballots have been placed in the box or
30 system. Any county board desiring to conduct one-stop voting
31 according to this subsection shall submit a plan for doing so to
32 the State Board of Elections. The State Board shall adopt
33 standards for conducting one-stop voting under this subsection
34 and shall approve any county plan that adheres to its standards.
35 The county board shall adhere to its State Board-approved plan.
36 The plan shall provide that each one-stop ballot shall have a
37 ballot number on it in accordance with G.S. 163-230(3)a, or shall
38 have an equivalent identifier to allow for retrievability. The
39 standards shall address retrievability in one-stop voting on
40 direct record electronic equipment where no paper ballot is used.

41 (f) Notwithstanding the exception specified in G.S. 163-36,
42 counties which operate a modified full-time office shall remain
43 open five days each week during regular business hours consistent
44 with daily hours presently observed by the county board of

1 elections, commencing with the date prescribed in G.S. 163-
2 227.2(b) and continuing until 5:00 P.M. on the Friday prior to
3 that election or primary. The boards of county commissioners
4 shall provide necessary funds for the additional operation of the
5 office during such time."

6 Section 3. (a) Article 14 of Chapter 163 of the General
7 Statutes is amended by adding a new section to read:

8 "§ 163-162.2. Use of paper ballots in a second primary where
9 voting systems are used in the first primary.

10 In counties in which voting systems are used in some or all
11 precincts in a primary election, the county board of elections
12 shall have authority to furnish in a second primary election
13 paper ballots of each kind to precincts that used voting systems
14 in the first primary election."

15 (b) This section applies only to Catawba County.

16 Section 4. This act is effective when it becomes law.

Att. 4
8-5-97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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D

SENATE BILL 573

Judiciary Committee Substitute Adopted 4/30/97
House Proposed Committee Substitute -- S573-PCSRR-003

Short Title: Election Law Reform.

(Public)

Sponsors:

Referred to:

April 1, 1997

1 A BILL TO BE ENTITLED
2 AN ACT:
3 * TO ESTABLISH A CAMPAIGN STANDARDS CODE TO BE ENFORCED BY A
4 CAMPAIGN STANDARDS COMMISSION;
5 * TO CHANGE THE DEADLINES AND PROCEDURES BY WHICH NEW PARTIES
6 MAY GAIN BALLOT ACCESS AND CHOOSE CANDIDATES, TO ALLOW VOTERS
7 TO RETAIN OFFICIAL AFFILIATION WITH AN EXPIRED PARTY, TO MAKE
8 CERTAIN CHANGES TO EQUALIZE CANDIDACY REQUIREMENTS, AND TO
9 REMOVE CERTAIN COURT-INVALIDATED REQUIREMENTS FROM THE
10 PETITION PROCEDURES FOR NEW PARTIES, UNAFFILIATED CANDIDATES,
11 AND WRITE-IN CANDIDATES;
12 * TO CLOSE THE CONTRIBUTION-LIMIT LOOPHOLE FOR SECOND
13 PRIMARIES;
14 * TO REQUIRE VOTER IDENTIFICATION; AND
15 * TO ROTATE BALLOT ALIGNMENT OF POLITICAL PARTIES.
16
17 The General Assembly of North Carolina enacts:
18 --CAMPAIGN STANDARDS.
19 Section 1. (a) Chapter 163 of the General Statutes is
20 amended by adding a new Article to read:
21 "ARTICLE 22D.
22 "Campaign Standards.

1 "§ 163-278.60. Purpose of Article.

2 The purpose of this Article is to use constitutional means to
3 encourage informative and civil political campaigning in North
4 Carolina elections and to discourage false or misleading attacks.

5 "§ 163-278.61. North Carolina Campaign Standards Commission
6 established.

7 (a) Establishment of the Commission. -- There is established
8 within the office of the State Board of Elections the North
9 Carolina Campaign Standards Commission.

10 (b) Appointment of Members. -- The Commission shall consist of
11 six members to be appointed by the Governor. No more than three
12 members shall be affiliated with the same political party. The
13 Governor shall appoint the members from a list of nominees
14 submitted by the State Chair of each of the two political parties
15 having the highest number of registered affiliates as reflected
16 by the latest registration statistics published by the State
17 Board of Elections. Each party Chair shall submit a list of at
18 least six nominees who are affiliated with that party.

19 (c) Terms of Office. -- By October 1, 1997, and as needed
20 thereafter, the Governor shall appoint the six members of the
21 Commission. Of the initial appointees, two shall be appointed for
22 one-year terms, two shall be appointed for two-year terms, and
23 two shall be appointed for three-year terms according to random
24 lot. Thereafter, appointees shall be appointed to serve four-
25 year terms. A person may not serve more than two full terms.
26 The appointed members receive the legislative per diem pursuant
27 to G.S.120-3.1.

28 (d) Election of Chair. -- One of the Commission members shall
29 be elected by the members as chair.

30 (e) Vacancies. -- A vacancy during an unexpired term shall be
31 filled in the same manner as a full term.

32 (f) Prohibitions. -- No member of the Commission shall do or
33 be any of the following:

- 34 (1) Hold, or be a candidate for, public office;
35 (2) Serve in a political party office or on a political
36 party executive committee or on a committee
37 supporting or opposing a candidate;
38 (3) Be a registered lobbyist;
39 (4) Make or solicit a contribution on behalf of a
40 candidate or political committee; or
41 (5) Be a State employee.

42 (g) Staff Assistance. -- The State Board of Elections shall
43 provide staff assistance to the Commission.

44 "§ 163-278.62. Powers and duties of the Commission.

1 (a) Adoption of Rules. -- The Commission shall adopt any rules
2 necessary for the effective administration of this Article, not
3 inconsistent with the provisions of this Article.

4 (b) Receipt and Processing of Complaints. -- The Commission
5 shall prescribe the form of complaints alleging violation of G.S.
6 163-278.63. A complaint shall be made by affidavit under penalty
7 of perjury. Upon the filing of a complaint with the Commission,
8 the Commission shall process the complaint in accordance with
9 G.S. 163-278.64.

10 (c) Reports to the General Assembly. -- The Commission shall
11 report to the General Assembly by the convening of every regular
12 session of the General Assembly. The report shall review the
13 most recent campaign with respect to the purpose of this Article
14 and the Code of Campaign Standards set out in G.S. 163-278.63.
15 The Commission may recommend legislation.

16 "§ 163-278.63. Code of Campaign Standards.

17 No person, during the course of any campaign for nomination or
18 election to public office, by means of campaign materials,
19 including sample ballots, an advertisement in radio or television
20 or in a newspaper or periodical, a public speech, press release,
21 or otherwise, shall knowingly and with intent to affect the
22 outcome of the campaign do any of the following:

23 (1) Make a false or misleading statement concerning the
24 voting record of a candidate or public official.
25 'Voting record' under this subdivision means the
26 recorded affirmative or negative on a bill,
27 ordinance, resolution, motion, amendment, or
28 confirmation. A 'misleading statement' under this
29 subdivision includes taking votes or actions
30 significantly out of context or distorting the
31 opponent's record by the use of demonstrably
32 unrepresentative votes or actions.

33 (2) Make a false or misleading statement that a
34 candidate or public official has been indicted or
35 convicted of a theft offense, extortion, or other
36 crime involving financial corruption or moral
37 turpitude.

38 (3) Make a statement that a candidate has been indicted
39 for any crime or has been the subject of a finding
40 by the Campaign Standards Commission without
41 disclosing the outcome of any legal proceedings
42 resulting from the indictment or finding.

- 1 (4) Make a false or misleading statement that a
2 candidate or official has a record of treatment or
3 confinement for mental disorder.
- 4 (5) Make a false or misleading statement that a
5 candidate or official has been subjected to
6 military discipline for criminal misconduct or
7 dishonorably discharged from the armed services.
- 8 (6) Identify in a false or misleading way the source of
9 a statement, issue statements under the name of
10 another person without attribution, or state in a
11 false or misleading way the endorsement of or
12 opposition to a candidate by a person or
13 publication.
- 14 (7) Use the title of an office not currently held by a
15 candidate in a manner that implies that the
16 candidate does currently hold that office or use
17 the term 're-elect' when the candidate has never
18 been elected at a primary, general, or special
19 election to the office for which that person is a
20 candidate.
- 21 (8) Make a false or misleading statement concerning the
22 formal schooling or training completed or attempted
23 by a candidate; a degree, diploma, certificate,
24 scholarship, grant, award, prize, or honor
25 received, earned, or held by a candidate; or the
26 period of time during which a candidate attended
27 any school, college, community technical school, or
28 institution.
- 29 (9) Make a false or misleading statement concerning the
30 professional, occupational, or vocational licenses
31 held by a candidate, or concerning any position the
32 candidate held for which the candidate received a
33 salary or wages.
- 34 (10) Use an appeal to discrimination based on race,
35 gender, or religious belief.
- 36 (11) Use any still photo, film, or video of a candidate
37 that is designed to make that candidate look
38 personally unpleasant or contorted or that is taken
39 significantly out of context.
- 40 "§ 163-278.64. Processing of complaint.
- 41 (a) Probable Cause Hearing. -- If a complaint is filed
42 alleging a violation of the Code of Campaign Standards in G.S.
43 163-278.63, a panel of two members of the Commission shall
44 determine whether there is probable cause to refer the matter to

1 the full Commission. The two members of the panel shall not be
2 of the same political party. The panel shall meet within three
3 business days after the attorney makes a determination, unless it
4 finds good cause to postpone the meeting. All members of the
5 panel shall participate if the panel refers a complaint to the
6 full Commission, provided that the panel's meeting may be
7 conducted by conference call. The panel shall make only one of
8 the following two findings:

9 (1) That there is no probable cause to believe that a
10 violation of the Code has occurred. If the panel so
11 finds, it shall dismiss the complaint.

12 (2) That there is probable cause to believe that a
13 violation of the Code has occurred. If the panel so
14 finds, it shall refer the complaint to the full
15 Commission.

16 A finding of probable cause may be entered only by a unanimous
17 vote of the panel.

18 (b) Hearing by Full Commission. -- If a panel of the
19 Commission finds pursuant to subsection (a) of this section that
20 there is probable cause that a violation of the Code has taken
21 place, the full Commission shall conduct a hearing within 10
22 business days after the panel makes its finding. At the hearing,
23 the Commission shall determine whether or not a violation of the
24 Code occurred and shall do one of the following:

25 (1) Enter a finding that a violation of the Code has
26 not been proven by clear and convincing evidence
27 and dismiss the complaint.

28 (2) Enter a finding that a violation of the Code has
29 been proven by clear and convincing evidence to
30 have occurred and issue a letter of reprimand to
31 the individual or entity that it determines is in
32 violation.

33 A finding that a violation has occurred may be entered only by a
34 majority vote of all the members of the Commission.

35 (c) Referral to District Attorney. -- If as a result of the
36 evidence it has heard the Commission determines that there is
37 probable cause that a violation of G.S. 163-274(8) has occurred
38 in a matter that is before it, the Commission shall refer the
39 matter to the appropriate district attorney. The referral may be
40 made only upon a positive vote of a majority of all the members
41 of the Commission."

42 (b) This section is effective when it becomes law.

43 --BALLOT ACCESS CHANGES.

44 Section 2. (a) G.S. 163-96 reads as rewritten:

1 "§ 163-96. 'Political party' defined; creation of new party.

2 (a) Definition. -- A political party within the meaning of the
3 election laws of this State shall be either:

4 (1) Any group of voters which, at the last preceding
5 general State election, polled for its candidate
6 for Governor, or for presidential electors, at
7 least ten percent (10%) of the entire vote cast in
8 the State for Governor or for presidential
9 electors; or

10 (2) Any group of voters which shall have filed with the
11 State Board of Elections petitions for the
12 formulation of a new political party which are
13 signed by registered and qualified voters in this
14 State equal in number to two percent (2%) of the
15 total number of voters who voted in the most recent
16 general election for Governor. Also the petition
17 must be signed by at least 200 registered voters
18 from each of four congressional districts in North
19 Carolina. To be effective, the petitioners must
20 file their petitions with the State Board of
21 Elections before 12:00 noon on the ~~first day of~~
22 ~~June~~ thirty-first day of December preceding the
23 day on which is to be held the first general State
24 election in which the new political party desires
25 to participate. The State Board of Elections shall
26 forthwith determine the sufficiency of petitions
27 filed with it and shall immediately communicate its
28 determination to the State chairman of the proposed
29 new political party.

30 (b) Petitions for New Political Party. -- Petitions for the
31 creation of a new political party shall contain on the heading of
32 each page of the petition in bold print or all in capital letters
33 the words: 'THE UNDERSIGNED REGISTERED VOTERS IN
34 COUNTY HEREBY PETITION FOR THE FORMATION OF A NEW POLITICAL PARTY
35 TO BE NAMED AND WHOSE STATE CHAIRMAN IS
36, RESIDING AT..... AND WHO CAN BE
37 REACHED BY TELEPHONE AT..... THE SIGNERS OF THIS PETITION
38 ~~INTEND TO ORGANIZE A NEW POLITICAL PARTY~~ DESIRE THAT A NEW
39 POLITICAL PARTY BE ORGANIZED TO PARTICIPATE IN THE NEXT
40 SUCCEEDING GENERAL ELECTION.'

41 All printing required to appear on the heading of the petition
42 shall be in type no smaller than 10 point or in all capital
43 letters, double spaced typewriter size. In addition to the form
44 of the petition, the organizers and petition circulators shall

1 inform the signers of the general purpose and intent of the new
2 party.

3 The petitions must specify the name selected for the proposed
4 political party. The State Board of Elections shall reject
5 petitions for the formation of a new party if the name chosen
6 contains any word that appears in the name of any existing
7 political party recognized in this State or if, in the Board's
8 opinion, the name is so similar to that of an existing political
9 party recognized in this State as to confuse or mislead the
10 voters at an election.

11 The petitions must state the name and address of the State
12 chairman of the proposed new political party.

13 ~~The validity of the signatures on the petitions shall be proved~~
14 ~~in accordance with one of the following alternative procedures:~~

15 ~~(1) The signers may acknowledge their signatures before~~
16 ~~an officer authorized to take acknowledgments,~~
17 ~~after which that officer shall certify the validity~~
18 ~~of the signatures by appropriate notation attached~~
19 ~~to the petition, or~~

20 ~~(2) A person in whose presence a petition was signed~~
21 ~~may go before an officer authorized to take~~
22 ~~acknowledgments and, after being sworn, testify to~~
23 ~~the genuineness of the signatures on the petition,~~
24 ~~after which the officer before whom he has~~
25 ~~testified shall certify his testimony by~~
26 ~~appropriate notation attached to the petition.~~

27 Each petition shall be presented to the chairman of the board
28 of elections of the county in which the signatures were obtained,
29 and it shall be the chairman's duty:

30 (1) To examine the signatures on the petition and place
31 a check mark on the petition by the name of each
32 signer who is qualified and registered to vote in
33 his county.

34 (2) To attach to the petition his signed certificate
35 a. Stating that the signatures on the petition
36 have been checked against the registration
37 records and
38 b. Indicating the number found qualified and
39 registered to vote in his county.

40 (3) To return each petition, together with the
41 certificate required by the preceding subdivision,
42 to the person who presented it to him for checking.

43 The group of petitioners shall submit the petitions to the
44 chairman of the county board of elections in the county in which

1 the signatures were obtained no later than 5:00 P.M. on the
2 fifteenth business day preceding the date the petitions are due
3 to be filed with the State Board of Elections as provided in
4 subsection (a)(2) of this section. ~~Provided the petitions are~~
5 ~~timely submitted, the chairman of the county board of elections~~
6 ~~shall require a fee of five cents (5¢) for each signature~~
7 ~~appearing and shall proceed to examine and verify the signatures~~
8 ~~under the provisions of this subsection.~~ Verification shall be
9 completed within ~~two weeks~~ 15 business days from the date such
10 petitions are ~~presented and the required fee received.~~ presented.
11 Notwithstanding the previous sentence, the county board may
12 extend its deadline for verifying the signatures for a reasonable
13 length of time, if meeting the deadline is unduly burdensome and
14 extending it will not disadvantage the petitioners."

15 (b) G.S. 163-97.1 reads as rewritten:
16 "\$ 163-97.1. Voters affiliated with expired political party.
17 ~~The State Board of Elections shall be authorized to promulgate~~
18 ~~appropriate procedures to order the county boards of elections to~~
19 ~~change the registration affiliation of all voters who are~~
20 ~~recorded on the voter registration books as being affiliated with~~
21 ~~a political party which has lost its legal status as provided in~~
22 ~~G.S. 163-97. The State Board of Elections shall not implement the~~
23 ~~authority contained in this section earlier than 90 days~~
24 ~~following the certification of the election in which the~~
25 ~~political party failed to continue its legal status as provided~~
26 ~~in G.S. 163-97. All voters affiliated with such expired political~~
27 ~~party shall be changed to "unaffiliated" designation by the State~~
28 ~~Board's order and all such registrants shall be entitled to~~
29 ~~declare a political party affiliation as provided in G.S.~~
30 ~~163-74(b).~~ Any voter registered with a political party shall be
31 allowed to retain that affiliation even if that party loses its
32 status as a political party under the provisions of G.S. 163-97.
33 Unless the voter indicates an intention otherwise, the county
34 board of elections shall carry that voter on its registration
35 lists as a member of the expired party."

36 (c) G.S. 163-97 reads as rewritten:
37 "\$ 163-98. General election participation by new political party.
38 In the first general election following the date on which a new
39 political party qualifies under the provisions of G.S. 163-96, it
40 shall be entitled to have the names of its candidates for
41 municipal, county, district, State, congressional, and national
42 offices printed on the official ballots, ~~but it shall not be~~
43 ~~entitled to have the names of candidates for other offices~~

~~1 printed on State, district, or county ballots at that election.~~
~~2 ballots in accordance with the procedures in this section.~~

~~3 For the first general election following the date on which it~~
~~4 qualifies under G.S. 163-96, a new political party shall select~~
~~5 its candidates by party convention. Following adjournment of the~~
~~6 nominating convention, but not later than the first day of July~~
~~7 prior to the general election, the president of the convention~~
~~8 shall certify to the State Board of Elections the names of~~
~~9 persons chosen in the convention as the new party's candidates~~
~~10 for State, congressional, and national offices in the ensuing~~
~~11 general election. The State Board of Elections shall print names~~
~~12 thus certified on the appropriate ballots as the nominees of the~~
~~13 new party, in accordance with Article 10 of this Chapter."~~

14 (d) Article 9 of Chapter 163 of the General Statutes is
15 amended by adding a new section to read:

16 "163-100. Political party for presidential election only.

17 A party shall be recognized only for the purposes of nominating
18 candidates for presidential elector in a general election if the
19 party meets the other requirements of this Article except that
20 the petitioners for that party file their petitions as provided
21 in G.S. 163-96(a)(2) with the State Board of Elections before
22 12:00 noon on the second Thursday in July before that general
23 election. If that party so qualifies, it may nominate its
24 electors in convention no later than ninety (90) days before the
25 general election. Unless the party has met the petition deadline
26 of G.S. 163-96, it shall cease to be a political party within the
27 provisions of this Chapter."

28 (e) G.S. 163-106(b) reads as rewritten:

29 "(b) Eligibility to File. -- No person shall be permitted to
30 file as a candidate in a primary if, at the time he offers to
31 file notice of candidacy, he is registered on the appropriate
32 registration book or record as an affiliate of a political party
33 other than that in whose primary he is attempting to file. No
34 person who has changed his political party affiliation or who has
35 changed from unaffiliated status to party affiliation as
36 permitted in G.S. 163-82.17, shall be permitted to file as a
37 candidate in the primary of the party to which he changed unless
38 he has been affiliated with the political party in which he seeks
39 to be a candidate for at least 90 days prior to the filing date
40 for the office for which he desires to file his notice of
41 ~~candidacy.~~ candidacy, provided that the requirement of this
42 sentence shall not apply to a person filing a notice of candidacy
43 in the primary of a party holding its first primary since gaining
44 ballot access under the provisions of G.S. 163-96(a)(2).

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

3 (f) G.S. 163-107.1 reads as rewritten:

4 "\$ 163-107.1. Petition in lieu of payment of filing fee.

5 (a) Any qualified voter who seeks nomination in the party
6 primary of the political party with which he affiliates may, in
7 lieu of payment of any filing fee required for the office he
8 seeks, file a written petition requesting him to be a candidate
9 for a specified office with the appropriate board of elections,
10 State, county or municipal.

11 (b) If the candidate is seeking the office of United States
12 Senator, Governor, Lieutenant Governor, any State executive
13 officer, Justice of the Supreme Court or Judge of the Court of
14 Appeals, the petition must be signed by ~~10,000 registered voters~~
15 ~~who are members of the political party in whose primary the~~
16 ~~candidate desires to run, except that in the case of a political~~
17 ~~party as defined by G.S. 163-96(a)(2) which will be making~~
18 ~~nominations by primary election, the petition must be signed by~~
19 ~~ten percent (10%) of the registered voters of the State who are~~
20 ~~affiliated with the same political party in whose primary the~~
21 ~~candidate desires to run, or in the alternative, the petition~~
22 ~~shall be signed by no less than 10,000 registered voters~~
23 ~~regardless of the voter's political party affiliation, whichever~~
24 ~~requirement is greater.~~ registered voters of the State equal in
25 number to two percent (2%) of the total number of registered
26 voters in the State as reflected by the most recent statistical
27 report issued by the State Board of Elections. The petition must
28 be filed with the State Board of Elections not later than 12:00
29 noon on Monday preceding the filing deadline before the primary
30 in which he seeks to run. The names on the petition shall be
31 verified by the board of elections of the county where the signer
32 is registered, and the petition must be presented to the county
33 board of elections at least 15 days before the petition is due to
34 be filed with the State Board of Elections. When a proper
35 petition has been filed, the candidate's name shall be printed on
36 the primary ballot.

37 (c) County, Municipal and District Primaries. -- If the
38 candidate is seeking one of the offices set forth in G.S. 163-
39 106(c) but which is not listed in subsection (b) of this section,
40 or a municipal or any other office requiring a partisan primary
41 which is not set forth in G.S. 163-106(c) or (d), he shall file a
42 written petition with the appropriate board of elections no later
43 than 12:00 noon on Monday preceding the filing deadline before
44 the primary. The petition shall be signed by ~~ten percent (10%) of~~

~~1 the registered voters of the election area in which the office~~
~~2 will be voted for, who are affiliated with the same political~~
~~3 party in whose primary the candidate desires to run, or in the~~
~~4 alternative, the petition shall be signed by no less than 200~~
~~5 registered voters regardless of said voter's political party~~
~~6 affiliation, whichever requirement is greater.~~ registered voters
7 in the election area in which the office will be voted for equal
8 to four percent (4%) of the registered voters of that area, as
9 reflected by the latest statistical report issued by the
10 appropriate board of elections. The board of elections shall
11 verify the names on the petition, and if the petition is found to
12 be sufficient, the candidate's name shall be printed on the
13 appropriate primary ballot. Petitions for candidates for member
14 of the U.S. House of Representatives, District Attorney, and
15 judge of the District Court or members of the State House of
16 Representatives from multi-county districts or members of the
17 State Senate from multi-county districts must be presented to the
18 county board of elections for verification at least 15 days
19 before the petition is due to be filed with the State Board of
20 Elections, and such petition must be filed with the State Board
21 of Elections no later than 12:00 noon on Monday preceding the
22 filing deadline. The State Board of Elections may adopt rules to
23 implement this section and to provide standard petition forms.

24 (d) Nonpartisan Primaries and Elections. -- Any qualified
25 voter who seeks to be a candidate in any nonpartisan primary or
26 election may, in lieu of payment of the filing fee required, file
27 a written petition signed by ~~ten percent (10%) of the registered~~
~~28 voters in the election area in which the office will be voted for~~
~~29 with the appropriate board of elections.~~ registered voters in
30 the election area in which the office will be voted for equal to
31 four percent (4%) of the registered voters of that area, as
32 reflected by the latest statistical report issued by the
33 appropriate board of elections. Any qualified voter may sign the
34 petition. The petition shall state the candidate's name, address
35 and the office which he is seeking. The petition must be filed
36 with the appropriate board of elections no later than 60 days
37 prior to the filing deadline for the primary or election, and if
38 found to be sufficient, the candidate's name shall be printed on
39 the ballot. "

40 (g) G.S. 163-122 reads as rewritten:

41 "§ 163-122. Unaffiliated candidates nominated by petition.

42 (a) Procedure for Having Name Printed on Ballot as
43 Unaffiliated Candidate. -- Any qualified voter who seeks to have

1 his name printed on the general election ballot as an
2 unaffiliated candidate shall:

3 (1) If the office is a statewide office, file written
4 petitions with the State Board of Elections
5 supporting his candidacy for a specified office.
6 These petitions must be filed with the State Board
7 of Elections on or before 12:00 noon on the ~~last~~
8 ~~Friday in June~~ day of the first primary for the
9 office preceding the general election and must be
10 signed by qualified voters of the State equal in
11 number to two percent (2%) of the total number of
12 registered voters in the State as reflected by the
13 most recent statistical report issued by the State
14 Board of Elections. Each petition shall be
15 presented to the chairman of the board of elections
16 of the county in which the signatures were
17 obtained. The chairman shall examine the names on
18 the petition and place a check mark on the petition
19 by the name of each signer who is qualified and
20 registered to vote in his county and shall attach
21 to the petition his signed certificate. Said
22 certificates shall state that the signatures on the
23 petition have been checked against the registration
24 records and shall indicate the number of signers to
25 be qualified and registered to vote in his county.
26 The chairman shall return each petition, together
27 with the certificate required in this section, to
28 the person who presented it to him for checking.
29 Verification by the chairman of the county board of
30 elections shall be completed within two weeks from
31 the date such petitions are ~~presented and a fee of~~
32 ~~five cents (5¢) for each name appearing on the~~
33 ~~petition has been received.~~ presented.

34 (2) If the office is a district office comprised of two
35 or more counties, file written petitions with the
36 State Board of Elections supporting his candidacy
37 for a specified office. These petitions must be
38 filed with the State Board of Elections on or
39 before 12:00 noon on the ~~last Friday in June~~ day
40 of the first primary for the office preceding the
41 general election and must be signed by qualified
42 voters of the district equal in number to four
43 percent (4%) of the total number of registered
44 voters in the district as reflected by the latest

1 statistical report issued by the State Board of
2 Elections. Each petition shall be presented to the
3 chairman of the board of elections of the county in
4 which the signatures were obtained. The chairman
5 shall examine the names on the petition and the
6 procedure for certification shall be the same as
7 specified in (1) above.

8 (3) If the office is a county office or a single county
9 legislative district, file written petitions with
10 the chairman or director of the county board of
11 elections supporting his candidacy for a specified
12 county office. These petitions must be filed with
13 the county board of elections on or before 12:00
14 noon on the ~~last Friday in June~~ day of the first
15 primary for the office preceding the general
16 election and must be signed by qualified voters of
17 the county equal in number to four percent (4%) of
18 the total number of registered voters in the county
19 as reflected by the most recent statistical report
20 issued by the State Board of Elections, except if
21 the office is for a district consisting of less
22 than the entire county and only the voters in that
23 district vote for that office, the petitions must
24 be signed by qualified voters of the district equal
25 in number to four percent (4%) of the total number
26 of voters in the district according to the most
27 recent figures certified by the State Board of
28 Elections. Each petition shall be presented to the
29 chairman or director of the county board of
30 elections. The chairman shall examine, or cause to
31 be examined, the names on the petition and the
32 procedure for certification shall be the same as
33 specified in (1) above.

34 (4) If the office is a partisan municipal office, file
35 written petitions with the chairman or director of
36 the county board of elections in the county wherein
37 the municipality is located supporting his
38 candidacy for a specified municipal office. These
39 petitions must be filed with the county board of
40 elections on or before the time and date specified
41 in G.S. 163-296 and must be signed by the number of
42 qualified voters specified in G.S. 163-296. The
43 procedure for certification shall be the same as
44 specified in (1) above.

1 Upon compliance with the provisions of (1), (2), (3), or (4) of
2 this subsection, the board of elections with which the petitions
3 and affidavit have been timely filed shall cause the unaffiliated
4 candidate's name to be printed on the general election ballots in
5 accordance with G.S. 163-140.

6 An individual whose name appeared on the ballot in a primary
7 election preliminary to the general election shall not be
8 eligible to have his name placed on the general election ballot
9 as an unaffiliated candidate for the same office in that year.

10 (b) Form of Petition. -- Petitions requesting an unaffiliated
11 candidate to be placed on the general election ballot shall
12 contain on the heading of each page of the petition in bold print
13 or in all capital letters the words: "THE UNDERSIGNED REGISTERED
14 VOTERS IN COUNTY HEREBY PETITION ON BEHALF OF
15 AS AN UNAFFILIATED CANDIDATE IN THE NEXT GENERAL
16 ELECTION. THE UNDERSIGNED HEREBY PETITION THAT SUBJECT CANDIDATE
17 BE PLACED ON THE APPROPRIATE BALLOT UPON COMPLIANCE WITH THE
18 PROVISIONS CONTAINED IN G.S. 163-122.

19 (c) This section does not apply to elections under Article 25
20 of this Chapter.

21 (d) Presidential Electors. -- Unaffiliated candidates for
22 presidential electors who comply with the other provisions of
23 this section shall qualify for the ballot if the petitions for
24 their candidacy is filed with the State Board of Elections at
25 least seventy-five (75) days before the general election."

26 (h) G.S. 163-123(c)(1) reads as rewritten:

27 "(1) If the office is a statewide office, file written
28 petitions with the State Board of Elections
29 supporting his candidacy for a specified office.
30 These petitions shall be filed on or before noon on
31 the 90th day before the general election. They
32 shall be signed by 500 qualified voters of the
33 State. Before being filed with the State Board of
34 Elections, each petition shall be presented to the
35 board of elections of the county in which the
36 signatures were obtained. A petition presented to a
37 county board of elections shall contain only names
38 of voters registered in that county. The chairman
39 of the county board of elections shall examine the
40 names on the petition and place a check mark by the
41 name of each signer who is qualified and registered
42 to vote in his county. The chairman of the county
43 board shall attach to the petition his signed
44 certificate. On his certificate the chairman shall

1 state that the signatures on the petition have been
2 checked against the registration records and shall
3 indicate the number of signers who are qualified
4 and registered to vote in his county and eligible
5 to vote for that office. The chairman shall return
6 each petition, together with the certificate
7 required in this section, to the person who
8 presented it to him for checking. The chairman of
9 the county board shall complete the verification
10 within two weeks from the date the petition is
11 presented. ~~At the time of submitting the petition,~~
12 ~~a fee of five cents (5¢) shall be paid for each~~
13 ~~name appearing on the petition. "~~

14 (i) This section is effective when it becomes law.
15 --CLOSE THE LOOPHOLE FOR SECOND PRIMARIES.

16 Section 3. (a) G.S. 163-278.13(d) reads as rewritten:
17 "(d) For the purposes of this section, the term 'an election'
18 means any primary, second primary, or general election in which
19 the candidate or political committee may be involved, without
20 regard to whether the candidate is opposed or unopposed in the
21 election, election, except that where a candidate is not on the
22 ballot in a second primary, that second primary is not 'an
23 election' with respect to that candidate."

24 (b) This section becomes effective January 1, 1998, and
25 applies to all elections occurring on or after that date.
26 --VOTER IDENTIFICATION REQUIREMENT.

27 Section 4. (a) G.S. 163-82.8 reads as rewritten:
28 "§ 163-82.8. Voter registration cards.

29 (a) Authority to Issue Card. -- ~~With the approval of the board~~
30 ~~of county commissioners, the~~ The county board of elections ~~may~~
31 shall issue to each voter in the county a voter registration
32 ~~card, or may issue cards to all voters registered after January~~
33 ~~1, 1995. card not later than December 31, 1997.~~

34 (b) Content and Format of Card. -- At a minimum, the voter
35 registration card shall:

- 36 (1) List the voter's name, address, and voting place;
- 37 (2) Contain the address and telephone number of the
38 county board of elections, along with blanks to
39 report a change of address within the county,
40 change of name, and change of party affiliation;
41 and
- 42 (3) Be wallet ~~size~~ size; and
- 43 (4) Contain an identification number.

1 No voter registration card may be issued by a county board of
2 elections unless the State Board of Elections has approved the
3 format of the card.

4 (c) Ways County Board and Registrant May Use Card. -- ~~If the~~
5 ~~county board of elections issues voter registration cards, the~~
6 The county board may use that card as a notice of tentative
7 approval of the voter's application pursuant to G.S. 163-82.7(c),
8 provided that the mailing contains the statements and information
9 required in that subsection. The county board may also satisfy
10 the requirements of G.S. 163-82.15(b), 163-82.16(b), or 163-
11 82.17(b) by sending the registrant a replacement of the voter
12 registration card to verify change of address, change of name, or
13 change of party affiliation. A registrant may use the card to
14 report a change of address, change of name, or change of party
15 affiliation, satisfying G.S. 163-82.15, 163-82.16, or 163-82.17.

16 (d) Card as Evidence of Registration. -- A voter registration
17 card shall be evidence of registration but shall not preclude a
18 challenge as permitted by law.

19 ~~(e) Display of Card May Not Be Required to Vote. -- No county~~
20 ~~board of elections may require that a voter registration card be~~
21 ~~displayed in order to vote. "~~

22 (b) G.S. 163-150(a) reads as rewritten:

23 "(a) Checking Registration. -- A person seeking to vote shall
24 enter the voting enclosure at the voting place through the
25 appropriate entrance and shall at once state his name and place
26 of residence to one of the judges of election. A voter shall show
27 one of the following types of identification:

- 28 (1) A voter registration card issued under G.S. 163-
29 82.8;
30 (2) A drivers license;
31 (3) A special identification card issued under G.S. 20-
32 37.7;
33 (4) A passport;
34 (5) An identification card issued by the U.S.
35 Department of Defense; or
36 (6) A social security card and one other type of
37 identification showing the name and a picture of
38 the voter.

39 A voter who does not show one of those types of identification
40 shall be allowed to mark a provisional ballot. The provisional
41 ballot shall be sealed in an envelope on which the voter shall
42 sign an affidavit attesting to identity and eligibility to vote
43 the ballot. The county board of elections shall determine if the
44 voter is eligible to cast the ballot and, if so, shall count it,

1 and if not, shall not count it. The State Board of Elections
2 shall promulgate rules for provisional ballot procedures to
3 include instructions for county boards of elections in methods to
4 determine the eligibility of persons who vote a provisional
5 ballot under this subsection. In a primary election, the voter
6 shall also state the political party with which he affiliates and
7 in whose primary he desires to vote, or if the voter is an
8 unaffiliated voter permitted to vote in the primary of a
9 particular party under G.S. ~~163-116,~~ 163-119, the voter shall
10 state the name of the authorizing political party in whose
11 primary he wishes to vote. The judge to whom the voter gives
12 this information shall announce the name and residence of the
13 voter in a distinct tone of voice. After examining the precinct
14 registration records, the chief judge shall state whether the
15 person seeking to vote is duly registered."

16 (c) This section is effective when it becomes law.
17 --BALLOT ROTATION.

18 Section 5. (a) G.S. 163-140.1 reads as rewritten:
19 "§ 163-140.1. Political party alignment on ballots.

20 All ballots printed for use in general elections in the State,
21 district, county or any other political subdivision, shall be
22 aligned with the number of political party columns required
23 pursuant to instructions contained in G.S. 163-140(b) and the
24 columns shall be assigned in ~~strict alphabetical~~ order, beginning
25 with the left column, to the two political parties entitled to
26 ballot position ~~provided such political parties reflect at least~~
27 ~~five percent (5%) of~~ that have the largest proportion of the
28 total statewide voter registration, according to the latest
29 statistical report published by the State Board of Elections, so
30 that such parties rotate order every four years. The order of the
31 parties for the four-year cycle shall be determined on August 1
32 in the even-numbered year in which there is no presidential
33 election. The voter registration statistics used in the
34 determination shall be the latest statistical report prepared by
35 the State Board of Elections as of August 1. Political parties
36 having less than five percent (5%) smaller proportions of the
37 total statewide voter registration, but otherwise eligible for
38 ballot position shall be assigned column alignment to the right
39 of all other the largest two qualified political parties.
40 parties. As soon as the deadline passes for ballot access in the
41 general election of the first year of each four-year cycle, the
42 State Board of Elections shall determine by lot the column
43 alignment of any parties then qualified that are smaller than the
44 two largest parties. If any parties qualify subsequent to the

1 lottery during the four-year cycle, those parties shall be
2 aligned in the chronological order in which they qualified to the
3 right of all other parties. The column for unaffiliated
4 candidates shall be to the right of the columns for all parties.
5 The State Board of Elections shall be responsible for
6 implementing the procedures required by this section and shall
7 issue instructions to those counties using voting machines so as
8 to accomplish the effect of this section whether such counties
9 utilize voting machines that list party columns in a horizontal
10 or vertical alignment. Every county board of elections shall
11 follow the column alignment prescribed by the State Board of
12 Elections."

13 (b) This section becomes effective January 1, 1998.
14 Rotation as required by this section begins in 1998, with the
15 party that had the second to the left column in 1996 and 1997
16 having the left column in 1998, 1999, 2000, and 2001.

17 Section 6. This act is effective when it becomes law.