

2003

**HOUSE
ELECTION LAWS &
CAMPAIGN REFORM**

**COMMITTEE
MINUTES**

**ELECTION LAW AND CAMPAIGN FINANCE REFORM
COMMITTEE**

2003 SESSION

**REPRESENTATIVE H. M. "MICKEY" MICHAUX
CO-CHAIR**

**REPRESENTATIVE PAUL STAM
CO-CHAIR**

**REPRESENTATIVE HUGH HOLLIMAN
VICE-CHAIR**

**BILL GILKESON
COMMITTEE COUNSEL**

**ERIKA CHURCHILL
COMMITTEE COUNSEL**

**ANITA WILDER
COMMITTEE ASSISTANT**

**JANA STAM
COMMITTEE ASSISTANT**

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE NAME 2003 – 2004 SESSION



Rep. Michaux
Co-Chair



Rep. Stam
Co-Chair



Rep. Holliman
Vice chair

Vice chair



Rep. Alexander



Rep. Blust



Rep. Bonner



Rep. Crawford



Rep. Daughtridge



Rep. Daughtry



Rep. Kiser



Rep. Nesbitt



Rep. Parmon



Rep. Rayfield



Rep. Ross



Rep. Starnes



Rep. Wood

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE NAME
2003 – 2004 SESSION



Rep. Brubaker
Ex-officio



Rep. Culpepper
Ex-officio



Rep. Cunningham
Ex-officio



Rep. Eddins
Ex-officio

<u>Member</u>	<u>Assistant</u>	<u>Phone</u>	<u>Office</u>	<u>Seat</u>
Alexander, Martha	Ann Faust	3-5807	2208	
Blust, John	Betty Childress	3-5806	1420	
Bonner, Donald	Phyllis Cameron	3-5803	1313	
Crawford, Jim	Linda Winstead	3-5824	1301	
Daughtridge, Bill	Monica Saunders	3-5802	604	
Daughtry, Leo	Bernice Bullard	3-5868	510	
Kiser, Joe	Marilyn Holder	3-5782	1317	
Nesbitt, Martin	Jan Lee	5-3001	420	
Parmon, Earline	Pat Christmas	5-2530	634	
Rayfield, John	Brenda Olls	3-5607	609	
Ross, Deborah	Cleta Covington	3-5773	2223	
Starnes, Edgar	Pattie Fleming	5-9664	617	
Wood, Steve	Wendy Miller	3-5749	2219	
Holliman, Hugh Vice-chair	Carol Bowers	3-5827	1221	
Michaux, Mickey Chair	Anita Wilder Committee Assistant	3-5772	1325	
Stam, Paul Chair	Jana Stam Committee Assistant	3-5780	610	

Election Law and Finance Reform

(Name of Committee)

[illegible]

MINUTES
ELECTION LAW AND CAMPAIGN FINANCE REFORM COMMITTEE
MARCH 13, 2003

The House Committee on Election Law and Campaign Finance Reform met in Room 1228 on Thursday, March 13, 2003 at 12 noon. Rep. Paul Stam, Co-Chair presided at the meeting and the following members were present: Rep. Martha Alexander, Rep. John Blust, Rep. Jim Crawford, Rep. Bill Daughtridge, Rep. Leo Daughtry, Rep. Joe Kiser, Rep. Martin Nesbitt, Rep. Earline Parmon, Rep. Steve Woods, Rep. Hugh Holliman, Vice-Chair and Rep. Mickey Michaux, Co-Chair. Bill Gilkeson and Erika Churchill, staff counsels were present to assist the committee. Rep. Stam then called for the one item on the agenda.

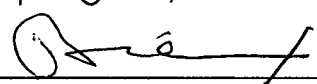
Rep. Michaux , Co-Chair gave introductory remarks and introduced the House Pages serving today, also with Mr. Worth and Mr. Spells of the Sergeant At Arms office. He also recognized and welcomed guests.

Rep. Stam introduced Bill Gilkeson, staff counsel and asked him to come forward and give background information on HAVA (HELP AMERICA VOTE ACT) (refer to handouts). Jerry Cohen of Research and Gary Bartlett of the State Board of Election were also on hand to help present the information on HAVA and answer questions and concerns. No action was taken and will continue discussion in the next meeting.

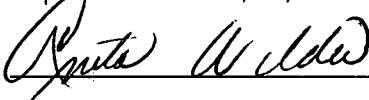
The meeting was adjourned at 12:45 p.m.



Rep. Paul Stam, Committee Co-Chair



Rep. H. M. Michaux, Jr., Committee Co-Chair



Anita Wilder, Committee Clerk

Anita Wilder, Committee Clerk

[DOCID: f:publ252.107]

[[Page 1665]]

HELP AMERICA VOTE ACT OF 2002

[[Page 116 STAT. 1666]]

Public Law 107-252
107th Congress

An Act

To establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes. <<NOTE: Oct. 29, 2002 - [H.R. 3295]>>

Be it enacted by the Senate and House of <<NOTE: Help America Vote Act of 2002.>> Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short <<NOTE: 42 USC 15301 note.>> Title.--This Act may be cited as the ``Help America Vote Act of 2002''.

(b) Table of Contents.--The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I--PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

Sec. 101. Payments to States for activities to improve administration of elections.

Sec. 102. Replacement of punch card or lever voting machines.

Sec. 103. Guaranteed minimum payment amount.

Sec. 104. Authorization of appropriations.

Sec. 105. Administration of programs.

Sec. 106. Effective date.

TITLE II--COMMISSION

Subtitle A--Establishment and General Organization

Part 1--Election Assistance Commission

Sec. 201. Establishment.

Sec. 202. Duties.

Sec. 203. Membership and appointment.

Sec. 204. Staff.

Sec. 205. Powers.

- Sec. 206. Dissemination of information.
- Sec. 207. Annual report.
- Sec. 208. Requiring majority approval for actions.
- Sec. 209. Limitation on rulemaking authority.
- Sec. 210. Authorization of appropriations.

Part 2--Election Assistance Commission Standards Board and Board of
Advisors

- Sec. 211. Establishment.
- Sec. 212. Duties.
- Sec. 213. Membership of Standards Board.
- Sec. 214. Membership of Board of Advisors.
- Sec. 215. Powers of Boards; no compensation for service.
- Sec. 216. Status of Boards and members for purposes of claims against Board.

[[Page 116 STAT. 1667]]

Part 3--Technical Guidelines Development Committee

- Sec. 221. Technical Guidelines Development Committee.
- Sec. 222. Process for adoption.

Subtitle B--Testing, Certification, Decertification, and Recertification
of Voting System Hardware and Software

- Sec. 231. Certification and testing of voting systems.

Subtitle C--Studies and Other Activities To Promote Effective
Administration of Federal Elections

- Sec. 241. Periodic studies of election administration issues.
- Sec. 242. Study, report, and recommendations on best practices for facilitating military and overseas voting.
- Sec. 243. Report on human factor research.
- Sec. 244. Study and report on voters who register by mail and use of social security information.
- Sec. 245. Study and report on electronic voting and the electoral process.
- Sec. 246. Study and report on free absentee ballot postage.
- Sec. 247. Consultation with Standards Board and Board of Advisors.

Subtitle D--Election Assistance

Part 1--Requirements Payments

- Sec. 251. Requirements payments.
- Sec. 252. Allocation of funds.
- Sec. 253. Condition for receipt of funds.
- Sec. 254. State plan.
- Sec. 255. Process for development and filing of plan; publication by Commission.
- Sec. 256. Requirement for public notice and comment.
- Sec. 257. Authorization of appropriations.
- Sec. 258. Reports.

Part 2--Payments to States and Units of Local Government To Assure
Access for Individuals With Disabilities

- Sec. 261. Payments to States and units of local government to assure access for individuals with disabilities.
- Sec. 262. Amount of payment.
- Sec. 263. Requirements for eligibility.
- Sec. 264. Authorization of appropriations.
- Sec. 265. Reports.

Part 3--Grants for Research on Voting Technology Improvements

- Sec. 271. Grants for research on voting technology improvements.
- Sec. 272. Report.
- Sec. 273. Authorization of appropriations.

Part 4--Pilot Program for Testing of Equipment and Technology

- Sec. 281. Pilot program.
- Sec. 282. Report.
- Sec. 283. Authorization of appropriations.

Part 5--Protection and Advocacy Systems

- Sec. 291. Payments for protection and advocacy systems.
- Sec. 292. Authorization of appropriations.

Part 6--National Student and Parent Mock Election

- Sec. 295. National Student and Parent Mock Election.
- Sec. 296. Authorization of appropriations.

TITLE III--UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A--Requirements

- Sec. 301. Voting systems standards.
- Sec. 302. Provisional voting and voting information requirements.
- Sec. 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail.
- Sec. 304. Minimum requirements.

[[Page 116 STAT. 1668]]

- Sec. 305. Methods of implementation left to discretion of State.

Subtitle B--Voluntary Guidance

- Sec. 311. Adoption of voluntary guidance by Commission.
- Sec. 312. Process for adoption.

TITLE IV--ENFORCEMENT

- Sec. 401. Actions by the Attorney General for declaratory and injunctive relief.
- Sec. 402. Establishment of State-based administrative complaint procedures to remedy grievances.

TITLE V--HELP AMERICA VOTE COLLEGE PROGRAM

- Sec. 501. Establishment of program.
- Sec. 502. Activities under program.

Sec. 503. Authorization of appropriations.

TITLE VI--HELP AMERICA VOTE FOUNDATION

Sec. 601. Help America Vote Foundation.

TITLE VII--VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

Sec. 701. Voting assistance programs.

Sec. 702. Designation of single State office to provide information on registration and absentee ballots for all voters in State.

Sec. 703. Report on absentee ballots transmitted and received after general elections.

Sec. 704. Extension of period covered by single absentee ballot application.

Sec. 705. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.

Sec. 706. Prohibition of refusal of voter registration and absentee ballot applications on grounds of early submission.

Sec. 707. Other requirements to promote participation of overseas and absent uniformed services voters.

TITLE VIII--TRANSITION PROVISIONS

Subtitle A--Transfer to Commission of Functions Under Certain Laws

Sec. 801. Federal Election Campaign Act of 1971.

Sec. 802. National Voter Registration Act of 1993.

Sec. 803. Transfer of property, records, and personnel.

Sec. 804. Effective date; transition.

Subtitle B--Coverage of Commission Under Certain Laws and Programs

Sec. 811. Treatment of Commission personnel under certain civil service laws.

Sec. 812. Coverage under Inspector General Act of 1978.

TITLE IX--MISCELLANEOUS PROVISIONS

Sec. 901. State defined.

Sec. 902. Audits and repayment of funds.

Sec. 903. Clarification of ability of election officials to remove registrants from official list of voters on grounds of change of residence.

Sec. 904. Review and report on adequacy of existing electoral fraud statutes and penalties.

Sec. 905. Other criminal penalties.

Sec. 906. No effect on other laws.

TITLE I--PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

SEC. 101. <<NOTE: 42 USC 15301.>> PAYMENTS TO STATES FOR ACTIVITIES TO IMPROVE ADMINISTRATION OF ELECTIONS.

(a) In <<NOTE: Deadlines. Notification.>> General.--Not later than 45 days after the date of the enactment of this Act, the Administrator of General Services

[[Page 116 STAT. 1669]]

(in this title referred to as the ``Administrator'') shall establish a program under which the Administrator shall make a payment to each State in which the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, notifies the Administrator not later than 6 months after the date of the enactment of this Act that the State intends to use the payment in accordance with this section.

(b) Use of Payment.--

(1) In general.--A State shall use the funds provided under a payment made under this section to carry out one or more of the following activities:

- (A) Complying with the requirements under title III.
- (B) Improving the administration of elections for Federal office.
- (C) Educating voters concerning voting procedures, voting rights, and voting technology.
- (D) Training election officials, poll workers, and election volunteers.
- (E) Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.
- (F) Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.
- (G) Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.
- (H) Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.

(2) Limitation.--A State may not use the funds provided under a payment made under this section--

- (A) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a payment under this section; or
- (B) for the payment of any judgment.

(c) Use of Funds To Be Consistent With Other Laws and Requirements.--In order to receive a payment under the program under this section, the State shall provide the Administrator with certifications that--

- (1) the State will use the funds provided under the payment in a manner that is consistent with each of the laws described in section 906, as such laws relate to the provisions of this Act; and
- (2) the proposed uses of the funds are not inconsistent with the requirements of title III.

(d) Amount of Payment.--

(1) In general.--Subject to section 103(b), the amount of payment made to a State under this section shall be the minimum payment amount described in paragraph (2) plus

[[Page 116 STAT. 1670]]

the voting age population proportion amount described in paragraph (3).

(2) Minimum payment amount.--The minimum payment amount described in this paragraph is--

(A) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the aggregate amount made available for payments under this section; and

(B) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, one-tenth of 1 percent of such aggregate amount.

(3) Voting age population proportion amount.--The voting age population proportion amount described in this paragraph is the product of--

(A) the aggregate amount made available for payments under this section minus the total of all of the minimum payment amounts determined under paragraph (2); and

(B) the voting age population proportion for the State (as defined in paragraph (4)).

(4) Voting age population proportion defined.--The term "voting age population proportion" means, with respect to a State, the amount equal to the quotient of--

(A) the voting age population of the State (as reported in the most recent decennial census); and

(B) the total voting age population of all States (as reported in the most recent decennial census).

SEC. 102. <<NOTE: 42 USC 15302.>> REPLACEMENT OF PUNCH CARD OR LEVER VOTING MACHINES.

(a) Establishment of Program.--

(1) In <<NOTE: Deadline.>> general.--Not later than 45 days after the date of the enactment of this Act, the Administrator shall establish a program under which the Administrator shall make a payment to each State eligible under subsection (b) in which a precinct within that State used a punch card voting system or a lever voting system to administer the regularly scheduled general election for Federal office held in November 2000 (in this section referred to as a "qualifying precinct").

(2) Use of funds.--A State shall use the funds provided under a payment under this section (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in qualifying precincts within that State with a voting system (by purchase, lease, or such other arrangement as may be appropriate) that--

(A) does not use punch cards or levers;

(B) is not inconsistent with the requirements of the laws described in section 906; and

(C) meets the requirements of section 301.

(3) Deadline.--

(A) In general.--Except as provided in subparagraph

(B), a State receiving a payment under the program under this section shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts

[[Page 116 STAT. 1671]]

within that State have been replaced in time for the regularly scheduled general election for Federal office to be held in November 2004.

(B) Waiver.--If a State certifies to the Administrator not later than January 1, 2004, that the State will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, the State shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within that State will be replaced in time for the first election for Federal office held after January 1, 2006.

(b) Eligibility.--

(1) In general.--A State is eligible to receive a payment under the program under this section if it submits to the Administrator a notice not later than the date that is 6 months after the date of the enactment of this Act (in such form as the Administrator may require) that contains--

(A) certifications that the State will use the payment (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems or lever voting systems (as the case may be) in the qualifying precincts within the State by the deadline described in subsection (a)(3);

(B) certifications that the State will continue to comply with the laws described in section 906;

(C) certifications that the replacement voting systems will meet the requirements of section 301; and

(D) such other information and certifications as the Administrator may require which are necessary for the administration of the program.

(2) Compliance of states that require changes to state law.--In the case of a State that requires State legislation to carry out an activity covered by any certification submitted under this subsection, the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.

(c) Amount of Payment.--

(1) In general.--Subject to paragraph (2) and section 103(b), the amount of payment made to a State under the program under this section shall be equal to the product of--

(A) the number of the qualifying precincts within the State; and

(B) \$4,000.

(2) Reduction.--If the amount of funds appropriated pursuant to the authority of section 104(a)(2) is insufficient to ensure that each State receives the amount of payment calculated under

paragraph (1), the Administrator shall reduce the amount specified in paragraph (1)(B) to ensure that the entire amount appropriated under such section is distributed to the States.

(d) Repayment of Funds for Failure To Meet Deadlines.--

(1) In general.--If a State receiving funds under the program under this section fails to meet the deadline applicable

[[Page 116 STAT. 1672]]

to the State under subsection (a)(3), the State shall pay to the Administrator an amount equal to the noncompliant precinct percentage of the amount of the funds provided to the State under the program.

(2) Noncompliant precinct percentage defined.--In this subsection, the term ``noncompliant precinct percentage'' means, with respect to a State, the amount (expressed as a percentage) equal to the quotient of--

(A) the number of qualifying precincts within the State for which the State failed to meet the applicable deadline; and

(B) the total number of qualifying precincts in the State.

(e) Punch Card Voting System Defined.--For purposes of this section, a ``punch card voting system'' includes any of the following voting systems:

- (1) C.E.S.
- (2) Datavote.
- (3) PBC Counter.
- (4) Pollstar.
- (5) Punch Card.
- (6) Vote Recorder.
- (7) Votomatic.

SEC. 103. <<NOTE: 42 USC 15303.>> GUARANTEED MINIMUM PAYMENT AMOUNT.

(a) In General.--In addition to any other payments made under this title, the Administrator shall make a payment to each State to which a payment is made under either section 101 or 102 and with respect to which the aggregate amount paid under such sections is less than \$5,000,000 in an amount equal to the difference between the aggregate amount paid to the State under sections 101 and 102 and \$5,000,000. In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands, the previous sentence shall be applied as if each reference to ``\$5,000,000'' were a reference to ``\$1,000,000''.

(b) Pro Rata Reductions.--The Administrator shall make such pro rata reductions to the amounts described in sections 101(d) and 102(c) as are necessary to comply with the requirements of subsection (a).

SEC. 104. <<NOTE: 42 USC 15304.>> AUTHORIZATION OF APPROPRIATIONS.

(a) In General.--There are authorized to be appropriated for payments under this title \$650,000,000, of which--

- (1) 50 percent shall be for payments under section 101; and
- (2) 50 percent shall be for payments under section 102.

(b) Continuing Availability of Funds After Appropriation.--Any payment made to a State under this title shall be available to the State

without fiscal year limitation (subject to subsection (c)(2)(B)).

(c) Use of Returned Funds and Funds Remaining Unexpended for Requirements Payments.--

(1) In general.--The amounts described in paragraph (2) shall be transferred to the Election Assistance Commission (established under title II) and used by the Commission to make requirements payments under part 1 of subtitle D of title II.

[[Page 116 STAT. 1673]]

(2) Amounts described.--The amounts referred to in this paragraph are as follows:

(A) Any amounts paid to the Administrator by a State under section 102(d)(1).

(B) Any amounts appropriated for payments under this title which remain unobligated as of September 1, 2003.

(d) Deposit of Amounts in State Election Fund.--When a State has established an election fund described in section 254(b), the State shall ensure that any funds provided to the State under this title are deposited and maintained in such fund.

(e) Authorization of Appropriations for Administrator.--In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to the Administrator such sums as may be necessary to administer the programs under this title.

SEC. 105. <<NOTE: 42 USC 15305.>> ADMINISTRATION OF PROGRAMS.

In administering the programs under this title, the Administrator shall take such actions as the Administrator considers appropriate to expedite the payment of funds to States.

SEC. 106. <<NOTE: Deadline. 42 USC 15306.>> EFFECTIVE DATE.

The Administrator shall implement the programs established under this title in a manner that ensures that the Administrator is able to make payments under the program not later than the expiration of the 45-day period which begins on the date of the enactment of this Act.

TITLE II--COMMISSION

Subtitle A--Establishment and General Organization

PART 1--ELECTION ASSISTANCE COMMISSION

SEC. 201. <<NOTE: 42 USC 15321.>> ESTABLISHMENT.

There is hereby established as an independent entity the Election Assistance Commission (hereafter in this title referred to as the ``Commission''), consisting of the members appointed under this part. Additionally, there is established the Election Assistance Commission Standards Board (including the Executive Board of such Board) and the Election Assistance Commission Board of Advisors under part 2 (hereafter in this part referred to as the ``Standards Board'' and the ``Board of Advisors'', respectively) and the Technical Guidelines Development Committee under part 3.

SEC. 202. <<NOTE: 42 USC 15322.>> DUTIES.

The Commission shall serve as a national clearinghouse and resource

for the compilation of information and review of procedures with respect to the administration of Federal elections by--

(1) carrying out the duties described in part 3 (relating to the adoption of voluntary voting system guidelines), including the maintenance of a clearinghouse of information on the experiences of State and local governments in implementing the guidelines and in operating voting systems in general;

[[Page 116 STAT. 1674]]

(2) carrying out the duties described in subtitle B (relating to the testing, certification, decertification, and recertification of voting system hardware and software);

(3) carrying out the duties described in subtitle C (relating to conducting studies and carrying out other activities to promote the effective administration of Federal elections);

(4) carrying out the duties described in subtitle D (relating to election assistance), and providing information and training on the management of the payments and grants provided under such subtitle;

(5) carrying out the duties described in subtitle B of title III (relating to the adoption of voluntary guidance); and

(6) developing and carrying out the Help America Vote College Program under title V.

SEC. 203. <<NOTE: 42 USC 15323.>> MEMBERSHIP AND APPOINTMENT.

(a) Membership.--

(1) In <<NOTE: President.>> general.--The Commission shall have four members appointed by the President, by and with the advice and consent of the Senate.

(2) Recommendations.--Before the initial appointment of the members of the Commission and before the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the Member of Congress involved.

(3) Qualifications.--Each member of the Commission shall have experience with or expertise in election administration or the study of elections.

(4) Date of <<NOTE: Deadline.>> appointment.--The appointments of the members of the Commission shall be made not later than 120 days after the date of the enactment of this Act.

(b) Term of Service.--

(1) In general.--Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and may be reappointed for not more than one additional term.

(2) Terms of initial appointees.--As designated by the President at the time of nomination, of the members first appointed--

(A) two of the members (not more than one of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and

(B) two of the members (not more than one of whom may be affiliated with the same political party) shall

be appointed for a term of 4 years.

(3) Vacancies.--

(A) In general.--A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(B) Expired terms.--A member of the Commission shall serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

[[Page 116 STAT. 1675]]

(C) Unexpired terms.--An individual appointed to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(c) Chair and Vice Chair.--

(1) In general.--The Commission shall select a chair and vice chair from among its members for a term of 1 year, except that the chair and vice chair may not be affiliated with the same political party.

(2) Number of terms.--A member of the Commission may serve as the chairperson and vice chairperson for only 1 term each during the term of office to which such member is appointed.

(d) Compensation.--

(1) In general.--Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) Other activities.--No member appointed to the Commission under subsection (a) may engage in any other business, vocation, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment before sitting as a member of the Commission.

SEC. 204. <<NOTE: 42 USC 15324.>> STAFF.

(a) Executive Director, General Counsel, and Other Staff.--

(1) Executive director.--The Commission shall have an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) Term of service for executive director.--The Executive Director shall serve for a term of 4 years. An Executive Director may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

(3) Procedure for appointment.--

(A) In general.--When a vacancy exists in the position of the Executive Director, the Standards Board and the Board of Advisors shall each appoint a search committee to recommend at least three nominees for the position.

(B) Requiring consideration of nominees.--Except as provided in subparagraph (C), the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director.

(C) Interim service of general counsel.--If a vacancy exists in the position of the Executive Director, the General Counsel of the Commission shall serve as the acting Executive Director until the Commission appoints a new Executive Director in accordance with this paragraph.

(D) Special rules for interim executive director.--

(i) Convening of search committees.--The Standards Board and the Board of Advisors shall each appoint a search committee and recommend nominees for the position of Executive Director in accordance

[[Page 116 STAT. 1676]]

with subparagraph (A) as soon as practicable after the appointment of their members.

(ii) Interim initial appointment.--

Notwithstanding subparagraph (B), the Commission may appoint an individual to serve as an interim Executive Director prior to the recommendation of nominees for the position by the Standards Board or the Board of Advisors, except that such individual's term of service may not exceed 6 months. Nothing in the previous sentence may be construed to prohibit the individual serving as the interim Executive Director from serving any additional term.

(4) General counsel.--The Commission shall have a General Counsel, who shall be appointed by the Commission and who shall serve under the Executive Director. The General Counsel shall serve for a term of 4 years, and may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission.

(5) Other staff.--Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate.

(6) Applicability of certain civil service laws.--The Executive Director, General Counsel, and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of that title.

(b) Experts and Consultants.--Subject to rules prescribed by the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, by a vote of the Commission.

(c) Staff of Federal Agencies.--Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(d) Arranging for Assistance for Board of Advisors and Standards Board.--At the request of the Board of Advisors or the Standards Board, the Commission may enter into such arrangements as the Commission

considers appropriate to make personnel available to assist the Boards with carrying out their duties under this title (including contracts with private individuals for providing temporary personnel services or the temporary detailing of personnel of the Commission).

(e) Consultation With Board of Advisors and Standards Board on Certain Matters.--In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Board of Advisors and the Standards Board.

[[Page 116 STAT. 1677]]

SEC. 205. <<NOTE: 42 USC 15325.>> POWERS.

(a) Hearings and Sessions.--The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) Information From Federal Agencies.--The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) Postal Services.--The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Administrative Support Services.--Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this Act.

(e) Contracts.--The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

SEC. 206. <<NOTE: 42 USC 15326.>> DISSEMINATION OF INFORMATION.

In carrying out its duties, the Commission shall, on an ongoing basis, disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) in a manner that is consistent with the requirements of chapter 19 of title 44, United States Code, information on the activities carried out under this Act.

SEC. 207. <<NOTE: 42 USC 15327.>> ANNUAL REPORT.

Not <<NOTE: Deadline.>> later than January 31 of each year (beginning with 2004), the Commission shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate detailing its activities during the fiscal year which ended on September 30 of the previous calendar year, and shall include in the report the following information:

(1) A detailed description of activities conducted with respect to each program carried out by the Commission under this Act, including information on each grant or other payment made under such programs.

(2) A copy of each report submitted to the Commission by a recipient of such grants or payments which is required under

such a program, including reports submitted by States receiving requirements payments under part 1 of subtitle D, and each other report submitted to the Commission under this Act.

(3) Information on the voluntary voting system guidelines adopted or modified by the Commission under part 3 and information on the voluntary guidance adopted under subtitle B of title III.

(4) All votes taken by the Commission.

[[Page 116 STAT. 1678]]

(5) Such other information and recommendations as the Commission considers appropriate.

SEC. 208. <<NOTE: 42 USC 15328.>> REQUIRING MAJORITY APPROVAL FOR ACTIONS.

Any action which the Commission is authorized to carry out under this Act may be carried out only with the approval of at least three of its members.

SEC. 209. <<NOTE: 42 USC 15329.>> LIMITATION ON RULEMAKING AUTHORITY.

The Commission shall not have any authority to issue any rule, promulgate any regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(a)).

SEC. 210. <<NOTE: 42 USC 15330.>> AUTHORIZATION OF APPROPRIATIONS.

In addition to the amounts authorized for payments and grants under this title and the amounts authorized to be appropriated for the program under section 503, there are authorized to be appropriated for each of the fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed \$10,000,000 for each such year) for the Commission to carry out this title.

PART 2--ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

SEC. 211. <<NOTE: 42 USC 15341.>> ESTABLISHMENT.

There are hereby established the Election Assistance Commission Standards Board (hereafter in this title referred to as the ``Standards Board'') and the Election Assistance Commission Board of Advisors (hereafter in this title referred to as the ``Board of Advisors'').

SEC. 212. <<NOTE: 42 USC 15342.>> DUTIES.

The Standards Board and the Board of Advisors shall each, in accordance with the procedures described in part 3, review the voluntary voting system guidelines under such part, the voluntary guidance under title III, and the best practices recommendations contained in the report submitted under section 242(b).

SEC. 213. <<NOTE: 42 USC 15343.>> MEMBERSHIP OF STANDARDS BOARD.

(a) Composition.--

(1) In general.--Subject to certification by the chair of

the Federal Election Commission under subsection (b), the Standards Board shall be composed of 110 members as follows:

(A) Fifty-five shall be State election officials selected by the chief State election official of each State.

(B) Fifty-five shall be local election officials selected in accordance with paragraph (2).

(2) List of local election officials.--Each State's local election officials, including the local election officials of Puerto Rico and the United States Virgin Islands, shall select (under a process supervised by the chief election official of the State) a representative local election official from the State for purposes of paragraph (1)(B). In the case of the District of Columbia, Guam, and American Samoa, the chief election official shall establish a procedure for selecting an individual to serve as a local election official for purposes of such paragraph,

[[Page 116 STAT. 1679]]

except that under such a procedure the individual selected may not be a member of the same political party as the chief election official.

(3) Requiring mix of political parties represented.--The two members of the Standards Board who represent the same State may not be members of the same political party.

(b) Procedures for Notice and Certification of Appointment.--

(1) Notice <<NOTE: Deadline.>> to chair of federal election commission.--Not later than 90 days after the date of the enactment of this Act, the chief State election official of the State shall transmit a notice to the chair of the Federal Election Commission containing--

(A) the name of the State election official who agrees to serve on the Standards Board under this title; and

(B) the name of the representative local election official from the State selected under subsection (a)(2) who agrees to serve on the Standards Board under this title.

(2) <<NOTE: Publication.>> Certification.--Upon receiving a notice from a State under paragraph (1), the chair of the Federal Election Commission shall publish a certification that the selected State election official and the representative local election official are appointed as members of the Standards Board under this title.

(3) Effect of failure to provide notice.--If a State does not transmit a notice to the chair of the Federal Election Commission under paragraph (1) within the deadline described in such paragraph, no representative from the State may participate in the selection of the initial Executive Board under subsection (c).

(4) Role of commission.--Upon the appointment of the members of the Election Assistance Commission, the Election Assistance Commission shall carry out the duties of the Federal Election Commission under this subsection.

(c) Executive Board.--

(1) <<NOTE: Deadline.>> In general.--Not later than 60 days after the last day on which the appointment of any of its

members may be certified under subsection (b), the Standards Board shall select nine of its members to serve as the Executive Board of the Standards Board, of whom--

(A) not more than five may be State election officials;

(B) not more than five may be local election officials; and

(C) not more than five may be members of the same political party.

(2) Terms.--Except as provided in paragraph (3), members of the Executive Board of the Standards Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

(3) Staggering of initial terms.--Of the members first selected to serve on the Executive Board of the Standards Board--

(A) three shall serve for 1 term;

(B) three shall serve for 2 consecutive terms; and

(C) three shall serve for 3 consecutive terms,

as determined by lot at the time the members are first appointed.

[[Page 116 STAT. 1680]]

(4) Duties.--In addition to any other duties assigned under this title, the Executive Board of the Standards Board may carry out such duties of the Standards Board as the Standards Board may delegate.

SEC. 214. <<NOTE: 42 USC 15344.>> MEMBERSHIP OF BOARD OF ADVISORS.

(a) In General.--The Board of Advisors shall be composed of 37 members appointed as follows:

(1) Two members appointed by the National Governors Association.

(2) Two members appointed by the National Conference of State Legislatures.

(3) Two members appointed by the National Association of Secretaries of State.

(4) Two members appointed by the National Association of State Election Directors.

(5) Two members appointed by the National Association of Counties.

(6) Two members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

(7) Two members appointed by the United States Conference of Mayors.

(8) Two members appointed by the Election Center.

(9) Two members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

(10) Two members appointed by the United States Commission on Civil Rights.

(11) Two members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(12) The chief of the Office of Public Integrity of the Department of Justice, or the chief's designee.

(13) The chief of the Voting Section of the Civil Rights Division of the Department of Justice or the chief's designee.

(14) The director of the Federal Voting Assistance Program

of the Department of Defense.

(15) Four members representing professionals in the field of science and technology, of whom--

(A) one each shall be appointed by the Speaker and the Minority Leader of the House of Representatives; and

(B) one each shall be appointed by the Majority Leader and the Minority Leader of the Senate.

(16) Eight members representing voter interests, of whom--

(A) four members shall be appointed by the Committee on House Administration of the House of Representatives, of whom two shall be appointed by the chair and two shall be appointed by the ranking minority member; and

(B) four members shall be appointed by the Committee on Rules and Administration of the Senate, of whom two shall be appointed by the chair and two shall be appointed by the ranking minority member.

(b) Manner of Appointments.--Appointments shall be made to the Board of Advisors under subsection (a) in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States.

(c) Term of Service; Vacancy.--Members of the Board of Advisors shall serve for a term of 2 years, and may be reappointed.

[[Page 116 STAT. 1681]]

Any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.

(d) Chair.--The Board of Advisors shall elect a Chair from among its members.

SEC. 215. <<NOTE: 42 USC 15345.>> POWERS OF BOARDS; NO COMPENSATION FOR SERVICE.

(a) Hearings and Sessions.--

(1) In general.--To the extent that funds are made available by the Commission, the Standards Board (acting through the Executive Board) and the Board of Advisors may each hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as each such Board considers advisable to carry out this title, except that the Boards may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

(2) Meetings.--The Standards Board and the Board of Advisors shall each hold a meeting of its members--

(A) not less frequently than once every year for purposes of voting on the voluntary voting system guidelines referred to it under section 222;

(B) in the case of the Standards Board, not less frequently than once every 2 years for purposes of selecting the Executive Board; and

(C) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title.

(b) Information From Federal Agencies.--The Standards Board and the Board of Advisors may each secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board (in the case of the

Standards Board) or the Chair (in the case of the Board of Advisors), the head of such department or agency shall furnish such information to the Board.

(c) Postal Services.--The Standards Board and the Board of Advisors may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

(d) Administrative Support Services.--Upon the request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title.

(e) No Compensation for Service.--Members of the Standards Board and members of the Board of Advisors shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

SEC. 216. <<NOTE: 42 USC 15346.>> STATUS OF BOARDS AND MEMBERS FOR PURPOSES OF CLAIMS AGAINST BOARD.

(a) <<NOTE: Applicability.>> In General.--The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability

[[Page 116 STAT. 1682]]

of the Standards Board, the Board of Advisors, and their members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

(b) Exception for Criminal Acts and Other Willful Conduct.--Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Standards Board or the Board of Advisors.

PART 3--TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE

SEC. 221. <<NOTE: 42 USC 15361.>> TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.

(a) Establishment.--There is hereby established the Technical Guidelines Development Committee (hereafter in this part referred to as the ``Development Committee``).

(b) Duties.--

(1) In general.--The Development Committee shall assist the Executive Director of the Commission in the development of the voluntary voting system guidelines.

(2) Deadline for initial set of recommendations.--The Development Committee shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed.

(c) Membership.--

(1) In general.--The Development Committee shall be composed

of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Standards and Technology, consisting of the following:

(A) An equal number of each of the following:

- (i) Members of the Standards Board.
- (ii) Members of the Board of Advisors.
- (iii) Members of the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(B) A representative of the American National Standards Institute.

(C) A representative of the Institute of Electrical and Electronics Engineers.

(D) Two representatives of the National Association of State Election Directors selected by such Association who are not members of the Standards Board or Board of Advisors, and who are not of the same political party.

(E) Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

(2) Quorum.--A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.

(d) No Compensation for Service.--Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies

[[Page 116 STAT. 1683]]

under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Development Committee.

(e) Technical Support From National Institute of Standards and Technology.--

(1) In general.--At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this subtitle.

(2) Technical support.--The technical support provided under paragraph (1) shall include intramural research and development in areas to support the development of the voluntary voting system guidelines under this part, including--

(A) the security of computers, computer networks, and computer data storage used in voting systems, including the computerized list required under section 303(a);

(B) methods to detect and prevent fraud;

(C) the protection of voter privacy;

(D) the role of human factors in the design and application of voting systems, including assistive technologies for individuals with disabilities (including blindness) and varying levels of literacy; and

(E) remote access voting, including voting through the Internet.

(3) No private sector intellectual property rights in guidelines.--No private sector individual or entity shall obtain any intellectual property rights to any guideline or the contents of any guideline (or any modification to any guideline) adopted by the Commission under this Act.

(f) Publication of Recommendations in Federal Register.--At the time the Commission adopts any voluntary voting system guideline pursuant to section 222, the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the guideline adopted.

SEC. 222. <<NOTE: 42 USC 15362.>> PROCESS FOR ADOPTION.

(a) <<NOTE: Federal Register, publication.>> General Requirement for Notice and Comment.--Consistent with the requirements of this section, the final adoption of the voluntary voting system guidelines (or modification of such a guideline) shall be carried out by the Commission in a manner that provides for each of the following:

- (1) Publication of notice of the proposed guidelines in the Federal Register.
- (2) An opportunity for public comment on the proposed guidelines.
- (3) An opportunity for a public hearing on the record.
- (4) Publication of the final guidelines in the Federal Register.

(b) Consideration of Recommendations of Development Committee; Submission of Proposed Guidelines to Board of Advisors and Standards Board.--

- (1) Consideration of recommendations of development committee.--In developing the voluntary voting system guidelines and modifications of such guidelines under this section,

[[Page 116 STAT. 1684]]

the Executive Director of the Commission shall take into consideration the recommendations provided by the Technical Guidelines Development Committee under section 221.

(2) Board of advisors.--The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Board of Advisors.

(3) Standards board.--The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Executive Board of the Standards Board, which shall review the guidelines (or modifications) and forward its recommendations to the Standards Board.

(c) Review.--Upon receipt of voluntary voting system guidelines described in subsection (b) (or a modification of such guidelines) from the Executive Director of the Commission, the Board of Advisors and the Standards Board shall each review and submit comments and recommendations regarding the guideline (or modification) to the Commission.

(d) Final Adoption.--

(1) In general.--A voluntary voting system guideline described in subsection (b) (or modification of such a guideline) shall not be considered to be finally adopted by the Commission unless the Commission votes to approve the final adoption of the guideline (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (c).

(2) Minimum period for consideration of comments and recommendations.--The Commission may not vote on the final adoption of a guideline described in subsection (b) (or modification of such a guideline) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the proposed guideline (or modification) to the Board of Advisors and the Standards Board under subsection (b).

(e) Special Rule for Initial Set of Guidelines.--Notwithstanding any other provision of this part, the most recent set of voting system standards adopted by the Federal Election Commission prior to the date of the enactment of this Act shall be deemed to have been adopted by the Commission as of the date of the enactment of this Act as the first set of voluntary voting system guidelines adopted under this part.

Subtitle B--Testing, Certification, Decertification, and Recertification of Voting System Hardware and Software

SEC. 231. <<NOTE: 42 USC 15371.>> CERTIFICATION AND TESTING OF VOTING SYSTEMS.

(a) Certification and Testing.--

(1) In general.--The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

[[Page 116 STAT. 1685]]

(2) Optional use by states.--At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

(b) Laboratory Accreditation.--

(1) Recommendations by national institute of standards and technology.--Not <<NOTE: Deadline. Records.>> later than 6 months after the Commission first adopts voluntary voting system guidelines under part 3 of subtitle A, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section.

(2) Approval by commission.--

(A) In general.--The Commission shall vote on the accreditation of any laboratory under this section, taking into consideration the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a vote of the Commission.

(B) Accreditation laboratories not on director list.-- <<NOTE: Publication.>> The Commission shall publish an explanation for the accreditation of any laboratory not included on the list submitted by the Director of the National Institute of Standards and Technology under paragraph (1).

(c) Continuing Review by National Institute of Standards and Technology.--

(1) In general.--In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

(2) Approval by commission required for revocation.--The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a vote of the Commission.

(d) Transition.--Until such time as the Commission provides for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories under this section, the accreditation of laboratories and the procedure for the testing, certification, decertification, and recertification of voting system hardware and software used as of the date of the enactment of this Act shall remain in effect.

[[Page 116 STAT. 1686]]

Subtitle C--Studies and Other Activities To Promote Effective Administration of Federal Elections

SEC. 241. <<NOTE: 42 USC 15381.>> PERIODIC STUDIES OF ELECTION ADMINISTRATION ISSUES.

(a) <<NOTE: Public information.>> In General.--On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which--

(1) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services and overseas voters, individuals with disabilities, including the blind and visually impaired, and voters with limited proficiency in the English language;

(2) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;

(3) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and

(4) will be efficient and cost-effective for use.

(b) Election Administration Issues Described.--For purposes of subsection (a), the election administration issues described in this subsection are as follows:

(1) Methods and mechanisms of election technology and voting systems used in voting and counting votes in elections for Federal office, including the over-vote and under-vote notification capabilities of such technology and systems.

(2) Ballot designs for elections for Federal office.

(3) Methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that registered voters appear on the voter registration list at the appropriate polling site.

(4) Methods of conducting provisional voting.

(5) Methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including individuals with disabilities (including the blind and visually impaired), Native American or Alaska Native citizens, and voters with limited proficiency in the English language.

(6) Nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office.

(7) Identifying, deterring, and investigating methods of voter intimidation.

(8) Methods of recruiting, training, and improving the performance of poll workers.

(9) Methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections.

(10) The feasibility and advisability of conducting elections for Federal office on different days, at different places, and

[[Page 116 STAT. 1687]]

during different hours, including the advisability of establishing a uniform poll closing time and establishing--

(A) a legal public holiday under section 6103 of title 5, United States Code, as the date on which general elections for Federal office are held;

(B) the Tuesday next after the 1st Monday in November, in every even numbered year, as a legal public holiday under such section;

(C) a date other than the Tuesday next after the 1st Monday in November, in every even numbered year as the date on which general elections for Federal office are held; and

(D) any date described in subparagraph (C) as a legal public holiday under such section.

(11) Federal and State laws governing the eligibility of persons to vote.

(12) Ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(13) (A) The laws and procedures used by each State that govern--

(i) recounts of ballots cast in elections for Federal office;

(ii) contests of determinations regarding whether

votes are counted in such elections; and

(iii) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office.

(B) The best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i).

(C) Whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(14) The technical feasibility of providing voting materials in eight or more languages for voters who speak those languages and who have limited English proficiency.

(15) Matters particularly relevant to voting and administering elections in rural and urban areas.

(16) Methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.

(17) The best methods for establishing voting system performance benchmarks, expressed as a percentage of residual vote in the Federal contest at the top of the ballot.

(18) Broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

(19) Such other matters as the Commission determines are appropriate.

(c) Reports.--The Commission shall submit to the President and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on each study conducted under subsection (a) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

[[Page 116 STAT. 1688]]

SEC. 242. <<NOTE: 42 USC 15382.>> STUDY, REPORT, AND RECOMMENDATIONS ON BEST PRACTICES FOR FACILITATING MILITARY AND OVERSEAS VOTING.

(a) Study.--

(1) In general.--The Commission, in consultation with the Secretary of Defense, shall conduct a study on the best practices for facilitating voting by absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act).

(2) Issues considered.--In conducting the study under paragraph (1) the Commission shall consider the following issues:

(A) The rights of residence of uniformed services voters absent due to military orders.

(B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots, including the right of such voters to cast a secret ballot.

(C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year.

(D) The appropriate preelection deadline for mailing absentee ballots to absent uniformed services voters and overseas voters.

(E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots.

(F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters.

(G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud.

(H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year.

(I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters.

(J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters.

(K) Other issues related to the rights of absent uniformed services voters and overseas voters to participate in elections.

(b) <<NOTE: Deadline.>> Report and Recommendations.--Not later than the date that is 18 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a report on the study conducted under subsection (a)(1) together with recommendations identifying the best practices used with respect to the issues considered under subsection (a)(2).

SEC. 243. <<NOTE: 42 USC 15383.>> REPORT ON HUMAN FACTOR RESEARCH.

Not <<NOTE: Deadline.>> later than 1 year after the date of the enactment of this Act, the Commission, in consultation with the Director of the

[[Page 116 STAT. 1689]]

National Institute of Standards and Technology, shall submit a report to Congress which assesses the areas of human factor research, including usability engineering and human-computer and human-machine interaction, which feasibly could be applied to voting products and systems design to ensure the usability and accuracy of voting products and systems, including methods to improve access for individuals with disabilities (including blindness) and individuals with limited proficiency in the English language and to reduce voter error and the number of spoiled ballots in elections.

SEC. 244. <<NOTE: 42 USC 15384.>> STUDY AND REPORT ON VOTERS WHO REGISTER BY MAIL AND USE OF SOCIAL SECURITY INFORMATION.

(a) Registration by Mail.--

(1) Study.--

(A) In general.--The Commission shall conduct a study of the impact of section 303(b) on voters who

register by mail.

(B) Specific issues studied.--The study conducted under subparagraph (A) shall include--

(i) an examination of the impact of section 303(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(ii) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(iii) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(2) <<NOTE: Deadline.

AGENDA

HOUSE COMMITTEE ON ELECTION LAW AND CAMPAIGN FINANCE REFORM

March 20, 2003
Room 1228 LOB
12 p.m.

OPENING REMARKS

Representative Mickey Michaux, Chairman
Representative Paul Stam, Chairman
Election Law and Campaign Finance Reform

AGENDA ITEMS

HB 549 – ESTABLISH ELECTION FUND TO IMPLEMENT HELP AMERICA
VOTE ACT - Michaux and Stam

Discussion on HAVA (Help America Vote Act)

MINUTES
ELECTION LAW AND CAMPAIGN FINANCE REFORM COMMITTEE
MARCH 20, 2003

The House Committee on Election Law and Campaign Finance Reform met in Room 1228 on Thursday, March 20, 2003 at 12 noon. Rep. Mickey Michaux, Co-Chair presided at the meeting and the following members were present: Rep. Martha Alexander, Rep. John Blust, Rep. Jim Crawford, Rep. Bill Daughtridge, Rep. Leo Daughtry, Rep. Joe Kiser, Rep. Martin Nesbitt, Rep. Earline Parmon, Rep. John Rayfield, Rep. Deborah Ross, Rep. Steve Woods, Rep. Hugh Holliman, Vice-Chair and Rep. Paul Stam, Co-Chair. Bill Gilkeson and Erika Churchill, staff counsels were present to assist the committee.

Rep. Michaux introduced House Pages: Mario Grange and Eric McCombs. Rep. Michaux then called for the first item on the agenda.

House Bill 549, entitled An Act To Establish The Election Fund Required By The Help America Vote Act of 2002 (HAVA) as A Condition For Receiving Federal Funds Under That Act. The bill was explained by Erika Churchill, Staff Counsel. This bill is beginning of the funds to be given as a result of HAVA to states to replace punch card voting systems. This money is also free money (no matching monies) to the State of North Carolina. There was a brief period of questions by various members regarding who qualifies for this money and how it can be used and what counties in North Carolina who will be able to use the monies received and how much will it cost the State of North Carolina once all monies have been spent to complete the updating of the punch card voting system. Gary Bartlett of the State Board of Elections was present to answer questions. Rep. Martha Alexander moved that the bill be reported favorably. Upon motion made by Representative Alexander, the Committee voted for a favorable report with the federal certification attached.

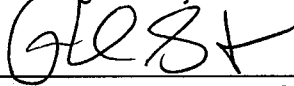
House Bill 548, entitled An Act To Appropriate Funds To the State Board of Elections to Match Federal Funds On A Nineteen-To-One Ratio To Implement The Help America Vote Act of 2002 (HAVA), So As To Improve Election Administration, To Meet The Maintenance Of Effort Requirements of HAVA, And To Establish the Election Fund Required By That Act.

The bill was explained by Erika Churchill. An amendment was submitted by Rep. Stam to delete in line 25, page 2, 2002 to fiscal year 2003. The amendment was moved by Rep. Stam and passed. This bill is exactly like HB 549 with the exception that it appropriates one million dollars. There was a brief question and answer period.


Rep. Stam expressed that he expects three bills to be generated as a result of HAVA with HB548 and HB549 being the firsts of these bills to be introduced. Rep. Martha Alexander moved that bill be given a favorable report with the amendment to be incorporated and re-referred to Appropriations. Upon motion made by Representative Alexander, the Committee voted for a favorable report with the amendment incorporated and re-referred to the Appropriations.

Sarah Colvin of Rep. Deborah Ross's district was introduced again along with Jason Cannon of Fiscal Staff.

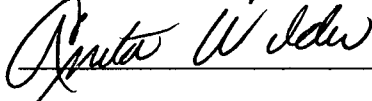
The meeting was adjourned at 12:45 p.m.



Rep. Paul Stam, Committee Co-Chair



Rep. H. M. Michaux, Jr., Committee Co-Chair



Anita Wilder, Committee Clerk

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **Election Law and Campaign Finance Reform**

☐ Committee Substitute for
H.B. 549 A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ELECTION FUND
REQUIRED BY THE HELP AMERICA VOTE ACT OF 2002 (HAVA) AS A CONDITION
FOR RECEIVING FEDERAL FUNDS UNDER THAT ACT.

- ☒ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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.
- ☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 549

Short Title: Establish Election Fund to Implement HAVA.

(Public)

Sponsors: Representatives Michaux and Stam (Primary Sponsors).

Referred to: Election Law and Campaign Finance Reform.

March 19, 2003

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE ELECTION FUND REQUIRED BY THE HELP
AMERICA VOTE ACT OF 2002 (HAVA) AS A CONDITION FOR RECEIVING
FEDERAL FUNDS UNDER THAT ACT.

Whereas, in 2002, Congress enacted the Help America Vote Act of 2002 (HAVA), Public Law 107-252, entitled an act to establish a program to provide funds to states to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of federal elections and to otherwise provide assistance with the administration of certain federal election laws and programs, to establish minimum election administration standards for states and units of local government with responsibility for the administration of federal elections, and for other purposes; and has appropriated over thirty-one million dollars (\$31,000,000) to the State of North Carolina for the current fiscal year; and

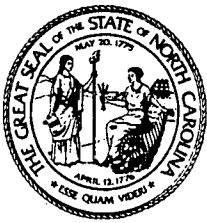
Whereas, Section 254(b) of HAVA requires each state receiving funds to establish a fund to receive and disburse these funds; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. There is established a special fund to be known as the Election Fund. All funds received for implementation of the Help America Vote Act of 2002, Public Law 107-252, shall be deposited in that fund. The State Board of Elections shall use funds in the Election Fund only to implement HAVA.

SECTION 2. G.S. 147-69.2(a) is amended by adding a new subdivision to read:

"(17d) The Election Fund."

SECTION 3. This act is effective when it becomes law.



HB 549: Establish Election Fund to Implement HAVA.

BILL ANALYSIS

Committee: House Election Law and
Campaign Reform

Date: March 20, 2003

Version: First Edition

Introduced by: Reps. Michaux and Stam

Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would create a separate fund for the moneys to be received from the federal government to be used to implement the Help America Vote Act of 2002.*

BILL ANALYSIS:

Section 1. Establishes a special fund to be known as the Election Fund. All funds received for implementation of HAVA are to be deposited in that fund, and the State Board of Elections is to use the monies in the Election Fund only to implement HAVA.

Section 2. Provides a conforming amendment to permit the State Treasurer to invest idle funds in the special Election Fund created by Section 1.

BACKGROUND: Public Law 10-252, the Help America Vote Act of 2002, requires each state desiring to receive an early payment under Title I of that Act to establish an election fund in which to place the monies. The monies in the fund are to be used exclusively for the implementation of HAVA.

EFFECTIVE DATE: The bill would become effective when it becomes law.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **Election Law and Campaign Finance Reform**

- ☐ Committee Substitute for
H.B. 548 A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE
STATE BOARD OF ELECTIONS TO MATCH FEDERAL FUNDS ON A NINETEEN-
TO-ONE RATIO TO IMPLEMENT THE HELP AMERICA VOTE ACT OF 2002 (HAVA),
SO AS TO IMPROVE ELECTION ADMINISTRATION, TO MEET THE
MAINTENANCE OF EFFORT REQUIREMENTS OF HAVA, AND TO ESTABLISH THE
ELECTION FUND REQUIRED BY THAT ACT.
- ☐ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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.
- ☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 548

Short Title: Federal Election Funds Appropriation (HAVA).

(Public)

Sponsors: Representatives Michaux and Stam (Primary Sponsors).

Referred to: Election Law and Campaign Finance Reform, if favorable,
Appropriations.

March 19, 2003

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF ELECTIONS
TO MATCH FEDERAL FUNDS ON A NINETEEN-TO-ONE RATIO TO
IMPLEMENT THE HELP AMERICA VOTE ACT OF 2002 (HAVA), SO AS TO
IMPROVE ELECTION ADMINISTRATION, TO MEET THE MAINTENANCE
OF EFFORT REQUIREMENTS OF HAVA, AND TO ESTABLISH THE
ELECTION FUND REQUIRED BY THAT ACT.

Whereas, the Congress in 2002 enacted the Help America Vote Act of 2002,
Public Law 107-252 (HAVA), entitled an act to establish a program to provide funds to
States to replace punch-card voting systems, to establish the Election Assistance
Commission to assist in the administration of federal elections and to otherwise provide
assistance with the administration of certain federal election laws and programs, to
establish minimum election administration standards for States and units of local
government with responsibility for the administration of federal elections, and for other
purposes; and

Whereas, the North Carolina General Assembly in 2001 enacted Session Law
2001-310, to ban punch-card ballots effective January 1, 2006; and

Whereas, that act envisioned State appropriations to assist counties in this
phase out; and

Whereas, Section 102 of HAVA provided for grants for states to replace
punch-card and lever voting machines, and Congress has appropriated to the State of
North Carolina the sum of eight hundred seventy-six thousand four hundred
eighty-eight dollars (\$876,488) for the current federal fiscal year to implement Section
102 of HAVA; and

Whereas, Congress has appropriated to the State of North Carolina under
Section 101 of HAVA the sum of seven million nine hundred thousand dollars
(\$7,900,000) for the current federal fiscal year to improve administration of elections;
and

1 Whereas, the Congress has appropriated to the State of North Carolina under
2 Title II of HAVA the sum of twenty-two million six hundred thousand dollars
3 (\$22,600,000) for the current federal fiscal year to implement the provision of Title III
4 of HAVA, or if all those requirements have been met to improve the administration of
5 elections for Federal office.

6 Whereas, Title II of HAVA requires the State of North Carolina to match the
7 Title II funds with proportionate State funding of five percent (5%) (Section 253(b)(5))
8 and to maintain the expenditures of the State for activities funded by the payment at a
9 level that is not less than the level of such expenditures maintained by the State for the
10 fiscal year ending prior to November 2000 (Section 254(a)(7)); and

11 Whereas, Section 254(b) of HAVA requires each State receiving funds to
12 establish a fund to receive and disburse these funds; Now, therefore,
13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** There is established a special fund to be known as the Election
15 Fund. All funds received for implementation of the Help America Vote Act of 2002,
16 Public Law 107-252, shall be deposited in that fund. The State Board of Elections shall
17 use funds in the Election Fund only to implement HAVA, and funds in the Election
18 Fund are continually appropriated to the State Board of Elections for direct expenditures
19 to implement HAVA and for payments to counties as provided by the State Board of
20 Elections to implement HAVA.

21 **SECTION 2.** G.S. 147-69.2(a) is amended by adding a new subdivision to
22 read:

23 "(17d) The Election Fund."

24 **SECTION 3.** There is appropriated from the General Fund to the Election
25 Fund for fiscal year 2002-2003 the sum of one million one hundred thirty thousand
26 dollars (\$1,130,000) to match funds under the Help America Vote Act of 2002, Public
27 Law 107-252 (HAVA), so as to implement that act, and the sum of one million dollars
28 (\$1,000,000) to meet the maintenance of effort requirements of Section 254(a)(7) of
29 HAVA.

30 **SECTION 4.** Sections 1 and 2 of this act are effective when they become
31 law. Section 3 of this act becomes effective July 1, 2003.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 548

H548-ALB-12 [v.1]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

Page 1 of 1

Date _____, 2003

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative _____

- 1 moves to amend the bill on page 2, line 25, by deleting "fiscal year 2002-2003" and
- 2 substituting "fiscal year 2003-2004".

SIGNED Stam
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HAVA

The Help America Vote Act of 2002

William R. Gilkeson, Counsel, House Committee on Election Laws and Campaign Finance Reform.
March 18, 2003

Enacted in response to the flaws exposed in the American election system in the 2000 Presidential election, especially in Florida, where the closeness of the election held the flaws up to the light for everyone to see.

The bill was passed last fall by a Republican-controlled House and a Democratic-controlled Senate, so it is a bipartisan bill filled with bipartisan compromises. Some of the compromises were hard to arrive at, and that's one of the reasons the bill being is so hard to read. Unlike with much congressional legislation, there is no committee report that explains the intent behind HAVA. When asked why not, a congressional staff attorney who worked on the bill said the conferees on the bill were barely able to agree upon the wording of the bill – they would never have been able to agree on a statement of what it meant!

The bill provides a lot of money to the States. And it makes several important requirements of the States. The requirements apply only to elections for federal office. Most States, presumably, would not want to have one system for federal elections and a separate system for State and local elections, so legislation by the General Assembly will be required to enact the changes so N.C. will have a uniform system compliant with HAVA.

HAVA contains two pots of money for the States.

- The first pot, called "early out money," will be granted to States according to a formula based on population. All receipt of that money requires is an act of the Governor requesting the money. North Carolina gets in the neighborhood of \$9 million. No State match is required. That money, if accepted by the State, must be used to replace punchcard and lever machine voting equipment. N.C. has seven counties that still use punchcards, including Forsyth and Cabarrus, and four that still use lever machines. If there is some of the \$9 million left over, that can be used for a number of other purposes that are listed on P. 5 of the bill. Title I of HAVA.
- The second pot of money, the much bigger pot, is called "requirements money," and it is to be used to help bring the State into compliance with HAVA's requirements. According to the original authorization in HAVA North Carolina would have received some \$83 million of requirements money over a period of three fiscal years. According to President Bush's

recommended budget, however, the money would be much less than that -- closer to \$50 million over the three years. The requirements money requires a 5% State match for each year. It also requires the State to maintain its level of funding. The chief state election official (Gary Bartlett) is required to submit a State Plan by this September describing how NC will spend the money. Title II of HAVA.

The State must set up an Election Fund in which to administer grants received. § 254 of HAVA.

Now for the Requirements. They are contained in Title III of HAVA, starting on p. 41 of the bill. They are basically in six categories:

1. Voting Equipment --- § 301 of HAVA.

- Must comply by 1-1-06.
- All voting equipment must allow voter to independently and privately verify how they voted.
- Must allow voter to independently and privately correct their vote.
- If voter overvoted, must tell the voter they overvoted and what that means, and give them an opportunity to correct that. For punchcard, paper ballots, or central count systems, this can be satisfied by having an educational program and providing instructions to the voter in the polling place. Question as to optical scan systems.
- Audit capacity: (Relevant to DREs). Permanent paper record with manual audit capacity, voter has opportunity to correct before paper is produced, paper record shall be available as official record for a recount.
- Accessibility for disabled. Must have one DRE machine in each precinct where disabled, including blind, can vote with the same privacy and independence as other voters. Means recording with earphones.

2. Provisional Voting --- § 302 of HAVA.

- Must comply by 1-1-04.
- NC ahead of many States in that we already have provisional voting.
- Must allow anyone who shows up at polls and claims to be eligible to vote there to vote there.
- Must provide a toll-free, private way for voter to find out whether their provisional vote was cast, and if it wasn't, why it wasn't. Must notify any provisional voter of that right.
- If any voter votes after the regular poll hours because of a court order extending those hours, they vote provisionally.

3. Voting Information Must Be Posted --- § 302 of HAVA.

- Must comply by 1-1-04.
- Sample ballot.
- Poll opening and closing hours.
- Instructions on how to vote, including provisionally.
- Instructions for first-time voters who must present an I.D.
- Information on State and federal laws on voting rights.
- Information on State and federal laws against fraud and misrepresentation.

4. Computerized Statewide Voter Registration List --- § 303 of HAVA.

- Must comply by 1-1-04.
- NC also has head start.
- Must have single, computerized, official list.
- Must have unique identifier for every voter in the State.
- All county VR information must go into the Big List on an "expedited basis" – means 24 hours.
- Must be coordinated with other agency databases in the State.
- List maintenance must be done through the Big List.

5. Voter Registration Information --- § 303 of HAVA.

- Must comply by 1-1-04.
- State must not "accept or process" a VR application unless the voter provides their current and valid DL # if they have one, and if they don't have a DL #, the last 4 digits of their SS #, and if they don't have either, State must provide a unique I.D. # for them.
- State must put certain citizenship and age question verbatim on its VR form.
- State must use computerized lists from DMV, CSS to verify validity of the numbers.

6. I.D. Requirements for First Time Voters Who Register by Mail --- § 303 of HAVA.

- Must comply by 1-1-03.
- Any voter who is voting in their first federal election in the State who has registered by mail on or after 1-1-03, must provide an I.D. before voting in person or absentee . . .

- . . . unless the voter provided a D.L. # or SS # on the registration form or mailed in with the registration form one of the I.D.s. Also exempted from I.D. if they can vote absentee under UOCAVA or VAEHA.
- For absentee voting, you mail the I.D. in with the ballot.
- The I.D. can be either a current and valid photo identification (HAVA doesn't say what kind) or a current utility bill, bank statement, paycheck or other govt document that shows the name and address of the voter.
- If don't have the I.D., can vote provisionally.

HAVA creates a new federal agency, the Election Assistance Commission, which must adopt "voluntary guidelines" to help States comply. Title II of HAVA

The U.S. Attorney General, however, may bring a civil action against any State in U.S. District Court for declaratory or injunctive relief. USDOJ plans to issue statements about its views on the act. § 401 of HAVA.

State must adopt Complaint Procedure to Remedy Grievances. § 402 of HAVA.

 NATIONAL CONFERENCE of STATE LEGISLATURES		You are logged in Home My NCSL Contact/Ask NCSL Search Site map	
NCSL Services	Policy Issues	State Legislatures	Information Exchange
		State-Federal Relations	Legislative Staff

"Help America Vote Act of 2002" NASS/NCSL Summary

Table of Contents

TITLE I - EARLY PAYMENTS TO STATES

"Early Out Money" to States to Improve Elections
 "Early Out Money" to States for Punch Card/Lever Machine Replacement
 Minimum Payment to States

TITLE II - COMMISSION

Election Assistance Commission
 Election Assistance Standards Board
 Election Assistance Board of Advisors
 Technical Guidelines Development Committee
 Certification and Testing of Voting Systems
 Election Assistance - Federal "Requirements Payments"
 State Eligibility for "Requirements Funds"
 State Plans
 State Reporting
 Polling Place Accessibility Grant
 Grants for R&D
 Grants for Pilot Programs
 Grants for Protection and Advocacy Systems
 National Student Parent Mock Election

TITLE III - FEDERAL REQUIREMENTS

Voting System Standards - Requirements
 Provisional Voting Requirement
 Voting Information - Requirements
 Computerized Statewide Voter Registration List - Requirements
 Voter Registration - Requirements
 Voter Registration by Mail - Requirements

TITLE IV - ENFORCEMENT

Department of Justice
 State-Based Administrative Complaint Process to Remedy Grievances

TITLE V - COLLEGE POLL WORKER PLAN

TITLE VI - HELP AMERICA VOTE FOUNDATION

TITLE VII - MILITARY AND OVERSEAS VOTING

TITLE VIII- TRANSITION PROVISIONS

TITLE IX - MISCELLANEOUS

TITLE I - EARLY PAYMENTS TO STATES

1. "Early Out Money" to States to Improve Elections

Sections 101, 103, 104 referenced

- This is a payment program administered by the General Services Administration (GSA.) It must be up and running within 45 days of enactment.
- In order to be eligible for funds the Governor of a state, in consultation with the Chief State election official must certify within 6 months of enactment that the state will use the money to improve elections (there is a laundry list of activities that qualify from replacing equipment to developing a state plan). The state must also certify that the use of these funds will not be inconsistent with existing federal laws and will not be inconsistent with the voting equipment requirements found in the legislation.
- State may not use these funds to pay for any litigation or for the payment of any judgment.
- Payment amounts would be a minimum payment (most cases 1/2 of 1% of total amount appropriated for this section, or 1/10 of 1% for American Samoa, Guam, PR, US Virgin Islands) plus state VAP/national VAP of total amount (minus the already calculated minimums)
- Total authorization for this section is \$325 million dollars
- No fiscal year limitation on money given to the states under this section

2. "Early Out Money" to States for Punch Card/Lever Machine Replacement

Sections 102, 103, 104 referenced

- This is a payment program administered by the GSA. It must be up and running within 45 days of enactment.
- Under this program, states receiving money must have precincts, which used punch cards or levers in the Nov 2000 election. These are referenced as qualifying precincts.
- States must submit a certification (does not identify which official must do certification) within 6 months of enactment that the money will be used as outlined below. If a state needs to pass legislation to meet certification requirements, the legislation allows for the state to make an initial certification and make a subsequent certification once state law is passed.
- States must use this money directly or as reimbursement (including reimbursement for costs incurred on or after January 1, 2001 under multi-year contracts) to replace punch

cards and levers that were used in Nov 2000 election.

- States must replace equipment with something other than punch cards or levers, new equipment must meet all current federal laws and new equipment must meet the equipment requirements of the legislation.
- A state receiving payment under this section must ensure that ALL punch cards and/or lever equipment used in the Nov 2000 election will be replaced in time for the November 2004 election.
- States can get a waiver to January 1, 2006 "for good cause and listing the reason for the failure to meet the Nov 2004 deadline" If states do not replace all equipment by the deadline, they must return the money for the precincts where equipment wasn't replaced.
- Total authorization for this section is \$325 million
- States will receive payment based on number of qualifying precincts times \$4000. If actual appropriated funds are less than authorized funds the \$4000 amount will be reduced.
- No fiscal year limitation on money given to the states under this section

3. Minimum Payment to States

Sections 103, 104 referenced

- Any state that submits a certification for payment under section 101 or 102 or both shall be eligible for a minimum of \$5,000,000. If the payment under section 101 or 102 or the combination of both don't add up to at least \$5,000,000, the Administrator of GSA will make a payment to the state for the difference. Except for PR, Guam, US Virgin Islands and American Samoa, the total shall be 1,000,000.
- All payments to the state under this title are to be deposited in the state election fund - when the fund is set up in the state. It must be set up in time to receive the "requirements payments" outlines below.

TITLE II - COMMISSION

1. Election Assistance Commission

Section 201, 241, 242, 245, 246 referenced

- A new independent entity consisting of 4 commissioners appointed by the President by and with the advice and consent of the Senate. The leadership of the House and Senate shall submit a candidate recommendation for the commission posts.
- The commissioners must have experience with or expertise in election administration or the study of elections.
- Commissioners must be appointed with 120 of enactment. Except for all initial appointees, the term will be for four years. This is a full time position at level IV of the Executive Schedule.
- The professional staff of the Commission will consist of at least an Executive Director and a General Counsel
- The commission shall hold hearings.
- The commission shall function as a clearinghouse for election administration information.

Shall also be responsible for the testing and certification program for election systems. Must also produce a myriad of studies on a multitude of issues related to elections. Put together voluntary guidance on how states could meet new federal requirements. Responsible for the grant programs in the bill and responsible for the Help America Vote College Program.

- Commission will also be responsible for putting together studies with the DOD on the issues of military voters and report within 18 months. Recommendations for best practices must come from the studies.
- Within a year of enactment the Commission, in consult with NIST shall submit a report to Congress accessing human factor research
- The Commission shall also do a study on the impact of the new ID requirements on voters who register by mail and impact on states. Report must be done within 18 months of provisions taking effect.
- Any action taken by the Commission can only be done with the approval of at least three commissioners.
- Final adoption of the Voluntary Voting System guidelines must include a process that incorporates publication in the Federal Register, public comment, public hearing and publication of the final guidelines in the Federal Register
- Voluntary voting system guidelines cannot be voted upon until Standards Board and Board of Advisors have submitted recommendations and until 90 days have passed since the ED submitted guideline for their approval.
- The Commission has NO rulemaking authority or the ability to promulgate regulations or take action, which imposes a requirement on any state or local gov- except what is already permitted under NVRA.
- Initial voting system guidelines will be the most recent passed by the FEC prior to the date of enactment.

2. Election Assistance Standards Board

Section 211 referenced

- Responsible for reviewing the voluntary voting system guidelines and the voluntary guidance procedures to assist states in meeting the new federal requirements related to equipment, election day activities, etc.
- Standards Board will be made of 110 officials - 55 state and 55 local election officials.
- The chief state election official will select one state election official and the locals, under the supervision of the chief state election official, will select one rep per state. The state/local rep from each state must be of differing political parties.
- Within 90 days of enactment, the chief state election official of each state must submit both names to the FEC (until new commission is in place.) Upon receipt, the FEC (until new commission is in place) shall publish a certification that the officials are appointed as standards board members. If a state doesn't submit names within 90 days, they can't participate in the selection of the initial Standards Board Executive Board.
- The Executive Board of the Standards Board will consist of 9 members and shall be selected by the Standards Board.
- No pay - but per diem reimbursement for expenses
- Must meet at least once a year to vote on voluntary voting system guidelines and at least once every two years to selection Executive Board
- The ED of the commission shall submit proposed guidelines to Executive Board, who will

- consider and forward its recommendations to full Standards Board
- Standards Board shall review proposed voluntary voting system guidelines

3. Election Assistance Board of Advisors

Section 211 referenced

- 37 member Board of Advisors
- 2 members each from NGA, NCSL, NASS, NASED, NACo, NACRC, US Conf of Mayors, Election Center, IACREOT, US Comm on Civil Rights, ACCESS Board.
- Chief or designee from DOJ Office of Public Integrity, chief or designee of the DOJ Voting Rights Section/Civil Rights Division, director of FVAP
- 4 members from science/tech community appointed by congressional leadership
- 8 members representing voter interests 4 appointed by House Admin, 4 appointed by Senate Rules.
- All appointees must be bipartisan and reflect various geographic regions.
- Two year terms and may be reappointed.
- Must meet at least once a year to vote on voluntary voting system guidelines
- The ED must submit proposed guidelines to the Board of Advisors

4. Technical Guidelines Development Committee

Section 221 referenced

- Committee will assist the ED in the development of the voluntary voting system guidelines
- First set of recommendations re guidelines are due to ED no later than 9 months after the appointment of all committee members.
- Total of 15 members appointed by Commission and NIST and headed by Director of NIST. Members shall consist of reps from Standards Board, Board of Advisors, Access Board, ANSI, IEEE, and 2 from NASED who are not already members of Standards Board and Board of Advisors and others with technical expertise.
- A majority of the members of this committee will constitute a quorum. All members must be appointed before business can be conducted.
- No pay, just per diem reimbursement
- NIST shall provide the support to committee to carry out duties including R/D to support the development of the voluntary voting guidelines including security of computer, networks, computer data storage, computerized lists, methods to detect and prevent fraud, protection of privacy, human factors in designing voting systems, and assistive technologies for the disabled, internet voting.
- If the Commission passes any of the guidelines, the committee must publish in the Federal Register their recommendations related to that guideline that they submitted to the Commission.
- The ED must take into consideration the recommendations of the tech committee

when developing the guidelines and any modifications

5. Certification and Testing of Voting Systems

Section 231 referenced

- The commission will provide for the testing and certification of equipment. The states can also do their own testing and certification if they choose to do so.
- The Commission shall also accredit laboratories.

6. Election Assistance - Federal "Requirements Payments"**Section 251, 252, 257 referenced**

- The commission must make "requirements payments" each year to each state that meets the funding conditions.
- This money can only be used to meet the federal requirements found in Title III of the legislation UNLESS the state certifies to the Commission that it has already implemented ALL of the Title III requirements or the amount spent on those OTHER activities doesn't exceed the state's minimum payment amount for the "requirements payment".
- States may use the "requirements payment" as reimbursement for voting equipment purchased after the Nov 2000 election, if the equipment meets all federal requirements.
- If a state obtained equipment, under a multiyear contract, they may use this "requirements payment" for costs for voting equipment which meets the federal requirements for costs incurred after January 1, 2001 - EXCEPT that the amount the state is otherwise committed to under the MOE requirement must be increased by the original amount of payment made with respect to the multiyear contract.
- States do not have to implement the Commission issued Voluntary Voting System Guidelines as a condition of receiving payment.
- "Requirements payments" to the states that submit a state plan must be made at least once a year and based on a formula of total amount appropriated for the year and the state allocation (SVAP/VAP). Minimum payment is 1/2 of 1% of total amount appropriated. 1/10 of 1% for the territories.
- Total Authorized amount for requirements payments: FY 2003 - 1.4 billion, FY 2004 - 1 billion, FY 2005 - 600 million.
- Payment is made to states without fiscal year limitation

7. State Eligibility for "Requirements Funds"**Section 253, 254 referenced**

- A state is eligible for requirements funds for a FY if the Chief Executive Officer of the state, in consultation and coordination with the chief election official has filed a certification with the commission.
- States can't file a statement of certification until their state plan has been published in the Federal Register for 45 days.
- The state must submit a state plan for each fiscal year to be eligible for a payment for that year.
- As part of the state plan, the state must file a plan for the implementation of a uniform, non-discriminatory administrative complaint procedure. If this implementation plan is not filed as part of the state plan, it must go through the same process for the development and filing and public notice that the state plan did.
- The state must be in compliance with existing federal law

- If the state plans to use the money for anything other than the federal requirements, the use must not be inconsistent with the federal requirements
- The state must also appropriate funds equal to 5% of the total amount to be spent (federal payment and amount spent by state - then calculate 5%). For those states getting reimbursed for costs after Jan 1, 2001 under multiyear contract, the state must also incorporate the additional amount of the reimbursement.
- The specific methods of how a state will comply with the elements of a state plan will be left to states.
- "Election funds" must be set up in the treasury of the state government. The fund will hold "Requirements payments", "early out money", state matching funds and interest payments. If a state needs to change state law to establish "election funds", the commission will withhold "requirements payments" until state law is changed and fund is established.

8. State Plans

Section 254, 256 referenced

- States who want to receive requirements funding must submit a self certified state plan listing all of the provisions below
 1. How the requirements payment will be used;
 2. How the state will distribute and monitor the distribution of the payment to local gov or "other entities" within the state - including the criteria for their eligibility for the funding;
 3. How the state will provide for voter ed, poll worker training,
 4. How the state will adopt voting system guidelines which are consistent with federal requirements,
 5. How the state will establish the funds to accept the federal dollars,
 6. What the state's budget is for activities,
 7. How the state will maintain their expenditure level so that it is not less than the expenditure level of the fiscal year ending prior to Nov 2000
 8. How the state will measure performance to determine success for the state and for local government in carrying out the plan - timetables, who is responsible for what, etc.
 9. A description of the uniform, non-discriminatory state-based administrative procedure
 10. If the state got any early out money - how was it used and impact on plan.
 11. How will the state conduct ongoing management of the plan
 12. If applicable, any changes from the previous FY state plan and a report on the previous FY state plan success
 13. A description of the committee who helped develop the state plan.
- There is a safe harbor for information contained in the state plan unless it involves criminal acts or omissions.
- Chief state election official develops plan through a committee to include: chief election officials of 2 most populous jurisdictions, other local election officials, stake holders (including reps from disability groups reps) and other citizens appointed by the chief state election official.

- State must make preliminary version of plan available for public inspection and comment 30 days before submission to commission and publicize this.
- State must take into account the public comments before submitting final plan to Commission.

9. State Reporting

Section 258 referenced

- Within 6 months of close of FY in which a state receives a "requirements payment", the state shall submit a report to the commission listing expenditures covered by that payment, # and types of voting equipment purchased with that payment, and analysis and description of activities covered with payment and how it fits in the state plan.

10. Polling Place Accessibility Grant

Section 261 referenced

- The Secretary of HHS will make payments to eligible state and local governments. Eligible state and locals will submit an application to the HHS Secretary describing what they will use the money for and whatever else the HHS Secretary requires.
- Appropriate uses of funds outlined in bill include polling place accessibility - physical improvements like path of travel, entrances, exits and voting areas for disabled including blind and visually impaired. Could also include providing the disabled information about polling place accessibility and training for election officials, poll workers and volunteers on assisting the disabled.
- The Secretary shall be prepared to make payments within 6 months of enactment and at least once a year thereafter.
- Payments to state and locals will be for a year and amount will be determined by Secretary. No fiscal year limitation on funds and will remain available until expended.
- No action can be brought against a state or locality for info found in the application unless can be construed as criminal or an omission.
- Authorized \$50 million for FY 2003, \$25 million for FY 2004 and \$25 million for FY 2005
- State or locality must submit a report to Secretary within 6 months of the close of the FY funding was received on how the money was used.
- Each FY the Secretary will then report to House Admin and Senate Rules on the activities taking place across the country.

11. Grants for R&D

Section 271 referenced

- The Commission will make grants to "entities" for R&D on voting equipment, election systems and voting technology.
- Eligible applications will include certifications that R&D will take into account full accessibility, private and independent voting, alternative language accessibility and other certifications the commission may require.
- Director of NIST will submit an annual list of suggestions for issues needing R&D. NIST Director will also review all grant applications and provide comments to the Commission.

- Each entity receiving funding will be required to report to the commission within 60 days of the end of the FY they received the funds.
- Authorized to be \$20 million for FY 2003 and will remain available to until expended

12. Grants for Pilot Programs

Section 281 referenced

- The Commission will make grants to "entities" to carry out pilot programs using new technologies in voting systems and equipment are used on a trial basis and then report to Congress
- Eligible applications will include certifications that pilot programs will take into account full accessibility, private and independent voting, alternative language accessibility and other certifications the commission may require.
- Director of NIST will submit to the Commission an annual list of suggestions for pilot programs and will help to review applications and will help with monitoring and recommendations for any modification.
- Each entity receiving funding will be required to report to the commission within 60 days of the end of the FY they received the funds.
- Authorized to be \$10 million for FY 2003 and shall remain available without fiscal year limitation and until expended.

13. Grants for Protection and Advocacy Systems

Section 291 referenced

- Secretary of HHS will pay the P&A system in each state to ensure full participation for the disabled community. They will same general authorities that they already have under Dev. Disabl Assis. And Bill of Rights Act of 2000.
- The minimum amount of each grant to a P&A system will be determined and allocated according to the Rehab Act of 1973 - except that the amounts shall not be less 70,000 and 35,000.
- Within 90 days of initial appropriation for a FY, the HHS Secretary will set aside 7% to make payments to "eligible entities" for training and technical assistance to carry out activities of the Act. The recipient of this payment may use the funds to support training in the use of voting systems and to demonstrate and evaluate the systems for the disabled community. At least 1 recipient of this 7% funding must provide training and technical assistance for the visually impaired.
- An eligible entity is a public or private nonprofit entity with demonstrated experience in voting issues for the disabled, governed by a board with the majority of members are disabled or family members are disabled, and submits an application meeting all the Secretaries requirements.
- Authorized \$10 million for FY 2003, 2004, 2005 and 2006 and such sums as may be necessary in subsequent fiscal years. Amounts shall remain available until expended.
- None of the funding can be used to initiate or participate in any litigation related to election-related disability access.

14. National Student Parent Mock Election

Section 295 referenced

- The Commission is authorized to award grants to the NSPME to carry out their voter education activities, including simulated national elections and school forums, speeches and debates by local candidates, quiz team competitions, etc.
- The NSPME will present awards to outstanding student and parent mock election projects
- Authorized to be appropriated \$200,000 for FY 2003 and such sums as may be necessary for the six succeeding years.

TITLE III - FEDERAL REQUIREMENTS**1. Voting System Standards - Requirements****Section 301 referenced**

- The voting system shall permit the voter to verify whom they voted for and make any changes to their vote - in a private and independent manner - before the ballot is cast and counted.
- If a voter overvotes, the system will notify them that they have overvoted, what happens to their vote if the overvote and provide the voter with an opportunity to correct or change ballot before cast and counted.
- A state or jurisdiction that uses paper ballots, punch cards, central count (including mail in ballots) may meet this requirement by establishing a voter education program specific to their voting system that tells the voter the effect of overvoting and tells the voter either how to correct the ballot, including how to get a replacement ballot.
- The voting system shall ensure that any notification required preserves the privacy of the voter and the secrecy of the ballot.
- The voting system shall produce a permanent paper record with a manual audit capacity. The system shall provide the voter with the opportunity to change the ballot before the permanent paper record is produced. This paper record must be available as the official record for a recount.
- The system must be accessible for the disabled in a manner that provides the same opportunity for access and participation as for other voters (including privacy and independence). This requirement can be met through the use of at least 1 DRE or other voting system equipped for individuals with disabilities at each polling place.) All equipment purchased with funds made available under the "requirements payment" purchased after January 1, 2007 must meet the standards for disability access.
- The system shall provide alternative language accessibility pursuant to sec. 203 of Voting Rights Act.
- The error rate for the voting equipment - attributable only to equipment error, not voters - must comply with the error rates established in the voluntary voting systems guidelines in effect at the FEC at date of enactment.
- The state must define uniform and non-discriminatory standards for what constitutes a vote for each category of voting equipment used in the state.
- All states and jurisdictions must meet these voting system standard requirements by January 1, 2006.
- To help states comply with legislation, the Election Assistance Commission will issue voluntary guidance consistent with the requirements of this section by January 1, 2004.

2. Provisional Voting Requirement

Section 302 referenced

- If a voter states that they are a registered voter in the jurisdiction where they have shown up to vote, and they are eligible to vote in an election for Federal office, but their name doesn't appear on the official list of voters for that polling place they shall be permitted to cast a provisional ballot.
- The election official must notify the voter that they are eligible to cast a provisional ballot.
- The voter can cast a provisional ballot at that polling place after signing an affirmation that states that they are a registered voter in the jurisdiction and that they are eligible to vote.
- The provisional ballot or the info contained in the affirmation will be verified by the appropriate state or local election official. If the information can be confirmed, the provisional ballot will be counted as a vote in accordance with state law.
- At the time the voter casts their provisional ballot, the appropriate state or local election official must give the voter written info that explains how to find out whether or not their vote was counted, and if it wasn't counted, why it wasn't counted.
- The appropriate state or local election official shall establish a free access system for a voter who casts a provisional ballot to check to see whether or not their vote was counted and if not, why not. The state or local official must maintain reasonable procedures to protect the security, confidentiality and integrity of personal info needed for the free access system. Access to info about the provisional ballot will be restricted to the individual voter.
- States described in section 4(b) of NVRA may meet the provisional voting requirements using the voter registration procedures established under state law.
- Any individual who votes for a federal office after the polls close, as a result of a court order or any other order extending the polling hours by a state law shall vote a provisional ballot and held separate from provisional ballots cast by voters during regular polling hours
- Each state and jurisdiction must have provisional voting in place by January 1, 2004
- To help states comply with legislation, the Election Assistance Commission will issue voluntary guidance consistent with the requirements of this section by October 1, 2003

3. Voting Information - Requirements

Section 302 referenced

- The appropriate state or local election official shall be responsible for publicly posting voting information at each polling place on election day.
- Voting info means - sample ballot for that election, info re date and polling place hours of operation, instructions on how to vote, including how to cast a vote and how to cast a provisional ballot, ID instructions for mail-in registrants who are first time voters, general info on voting rights under federal and state laws - including the right to cast a provisional ballot and instructions on how to contact the appropriate officials if rights are violated, general info on federal and state laws regarding prohibitions on acts of fraud and misrepresentation
- The voting information requirements must be in place by January 1, 2004.
- To help states comply with legislation, the Election Assistance Commission will issue

voluntary guidance consistent with the requirements of this section by October 1, 2003

4. Computerized Statewide Voter Registration List - Requirements

Section 303 referenced

- Each state (except ND), acting through the chief state election official shall implement, in a uniform and non-discriminatory manner a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained and administered at the state level.
- The computerized list must contain the name and registration information of every legally registered voter in the state and must assign a unique identifier to each legally registered voter in the state
- The computerized list must be coordinated with other state agency databases
- Any election official in the state may obtain immediate electronic access to the info contained in the computerized list
- All voter registration info obtained by any local election official must be electronically entered on an expedited basis at the time it is provided
- The chief state election official must supply support so the local officials can enter the info electronically and in an expedited manner
- This computerized list shall serve as the official voter registration list for the conduct of all elections for federal office in the state.
- List maintenance shall be performed on a regular basis by the appropriate state or local election official. If an individual is to be removed, it must be done in accordance with NVRA. The state shall also coordinate with agencies that keep records on felony status and death records. If a state is described in section 4(b) of NVRA, they may remove names in accordance with state law.
- List maintenance must be conducted to ensure that all registered voters appear on list correctly, ineligible voters are removed correctly and duplicate registrations are eliminated.
- The states must implement a system of list/file maintenance that makes a reasonable effort to remove ineligible voters. Consistent with NVRA, registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for federal office shall be removed from the official list of eligible voters - no registrant may be removed solely by reason of failure to vote. Safeguards must be in place to ensure that eligible voters are not removed in error.
- The computerized statewide voter registration list must be in place by January 1, 2004 - states could get waiver to January 1, 2006.
- To help states comply with legislation, the Election Assistance Commission will issue voluntary guidance consistent with the requirements of this section by October 1, 2003

5. Voter Registration - Requirements

Section 303 referenced

- New voter registration applications for a federal election may not be accepted or processed by a state unless the applicant has included a driver's license number or the

last 4 digits of social security number. If the applicant has neither of those, the state shall assign the applicant a number, which will serve as the unique identifier for voter registration purposes.

- The state shall be responsible, in accordance with state law of determining the validity of the DL # or last 4 digits of SS#
- The chief state election official and the official responsible for DMV will enter into an agreement to match info in the database of statewide voter registration info with the info in the database of DMV to the extent necessary to verify accuracy on voter registration applications.
- The official responsible for DMV shall enter into an agreement with the Commissioner of SS for the purpose of verifying applicable info and include safeguards to ensure the confidentiality of any applicable info disclosed and that info is used for the purpose of maintaining records. Commissioner will supply information when he/she deems appropriate. The Commissioner shall develop methods to verify accuracy of info provided by DMV for those using last 4 digits of SS#. Information used to verify match will be name, date of birth (month, date, year) and SS#. Information will be used to check Commissioner death records. The Commissioner has the right to determine exceptional circumstances, which would warrant an exception to doing a data match.
- States already permitted to use full SS# can decide whether or not they want to change their procedures to include the above steps.
- These provisions must be in place by January 1, 2004 - possibility for waiver to 2006.
- To help states comply with legislation, the Election Assistance Commission will issue voluntary guidance consistent with the requirements of this section by October 1, 2003

6. Voter Registration by Mail - Requirements

Section 303 referenced

- These requirements are to be applied by the state in a uniform and non-discriminatory manner.
- These requirements apply to first time voters in a state who register by mail or a voter who re-registers by mail because they are moving jurisdictions within a state and the state does not yet have a new statewide registration system in place. The voter can include a DL# or the last 4 digits of SS# and if the information can be matched with another database, no additional ID will be necessary. Or if the voter doesn't want to include that information with the registration, they can include a copy of current & valid photo ID or copy of current utility bill, bank statement, government check, paycheck or other gov doc that shows the name and address of the voter. If the voter doesn't include any of the above info, then:
 - If the voter votes in person, the voter would need to show a current and valid photo ID or a current utility bill, bank statement, government check, paycheck or other gov document that shows the name and address of the voter.
 - If the voter votes by mail, the voter must submit a copy of the above items with absentee ballot
 - Or either in person or voting by mail without the various ID, the vote would be treated as provisional ballot.

None of the above provisions apply to voters entitled to vote an absentee ballot under UOCAVA or provided the right to vote absentee under section 3(b)(2)(B)

(ii) of VAEHA.

- The new federal mail in voter registration form must include the following questions: 1. Are you a citizen of the United States of America, 2. Will you be 18 years of age on or before election day? The form will also include boxes for yes and no. The form will also include a statement that says, "If you checked no in response to either of these questions, do not complete form." The new federal form will also include all information about the voter ID requirements for mail-in registrations and to send in ID requirements with registration to avoid additional ID requirements at the polls.
- If the applicant fails to complete the federal mail-in voter registration form, the registrar must notify the applicant of the problem and provide an opportunity to complete the form before the next Federal election, subject to state law
- Each state and jurisdiction shall be required to comply with the voter registration by mail requirements by January 1, 2004. They must be prepared to receive registration materials submitted by first time voters who register by mail by January 1, 2003.
- To help states comply with legislation, the Election Assistance Commission will issue voluntary guidance consistent with the requirements of this section by October 1, 2003

TITLE IV - ENFORCEMENT

1. Department of Justice

Section 401 referenced

- The AG may bring civil action against any state or locality for declaratory and injunctive relief as may be necessary to carry out the uniform and non-discriminatory federal requirements in the bill.

2. State-Based Administrative Complaint Process to Remedy Grievances

Section 402 referenced

- Any state that receives any kind of funding under this legislation must set up a state-based administrative complaint procedure. The procedure shall be uniform and non-discriminatory.
- A "non-participating state" is defined as a state during 2003 that does not notify any federal office responsible for a grant program in this bill of their intent to participate in and receive funds.
- A complaint may be filed by any person who believes that there is a violation of any provision of Title III (the federal requirements). Including violations which have occurred, are occurring or is about to occur)
- Any complaint filed shall be in writing and notarized and signed and sworn by the complaint filer. At the request of the complainant, there must be a hearing on the record.
- The state may consolidate complaints.
- If, using the procedures, the state determines that there is a violation of any provision of title III, the state must provide the appropriate remedy. If, under the procedures, the state determines that there is no violation, the state shall dismiss the complaint and publish

the result.

- Final determination of a complaint must be done with 90 days of filing - unless the complainant consents to longer.
- If the state doesn't meet the deadline, the complaint shall be resolved within 60 days by an alternative dispute resolution procedure.
- By January 1, 2004 each non-participating state must either certify to the commission that they have establish the above defined state-based administrative procedure in the same way a state would that is receiving funds - by including in a state plan or not filed as part of the state plan, it must go through the same process for the development and filing and public notice that the state plan did. Or they must submit a compliance plan to the AG providing detailed information on the steps the state will take to ensure that federal requirements in Title III are met.
- The non-participating state that chooses to submit a plan to the AG, must have the plan approved by the AG or they will be deemed out of compliance.

TITLE V - COLLEGE POLL WORKER PLAN

- Within a year of enactment, the EAC shall develop the Help America Vote College Program to encourage college students to serve as non-partisan poll workers and to encourage state and local governments to utilize the resource the students provide.
- In consultation with the chief election official, the commission shall develop materials, sponsor seminars and workshops, public service ads, provide grants.
- All materials will be made available without charge to the colleges
- All activities and grant recipients must be without partisan bias and without promoting any particular point of view on any issue.
- \$5 million appropriated in 2003 and such sums as necessary in each succeeding fiscal year.

TITLE VI - HELP AMERICA VOTE FOUNDATION

- The foundation is a federally chartered corporation of a charitable and non-profit nature with a perpetual existence.
- The foundation's purpose is to mobilize and place secondary school students to participate in the election process in a non-partisan manner as pollworkers or assistants (to the extent permitted by state law)
- The foundation will work with the state and local election officials, local educational outlets, superintendents/principals and other 501c3 non-profit charitable and educational organizations to further the purposes of the foundation.
- All activities must be without partisan bias and without promoting any particular point of view on any issue
- The foundation shall work in consultation with the chief election official in each state to carry out its purposes.
- The Board of Directors, the governing body, will be appointed within 60 days - 4 by the President, 2 by the Speaker of the House, 2 by Minority Leader of the House, 2 by Majority leader of the Senate and 2 by Minority Leader of the Senate. In addition to the directors, the chair and ranking members of House Admin and Senate Rules shall serve as ex officio non-voting board members. The terms are four years. The Board will meet

at least once a year and be reimbursed for travel and per diem expenses. The Board appoints officers and employees of the foundation. These people would not be employees of the Federal Government.

- The foundation may adopt a constitution and bylaws, adopt a seal and function as a corporation in DC
- The foundation may enter into such contracts with public and private entities, as it considers appropriate.
- Beginning in 2003, the foundation may sponsor a conference in DC to honor students and others who have served or plan to serve as pollworkers and assistants or who have otherwise participated in the programs and activities of the foundation.
- The principal office shall be in DC unless the Board determines otherwise.
- \$5 million authorized for 2003 and such sums as may be necessary thereafter.
- The foundation must submit an annual report to the Commission, the President and Congress on activities.

TITLE VII - MILITARY AND OVERSEAS VOTING

Sections 701, 702, 703, 706 referenced

- The Secretary of Defense shall ensure that military postal authorities transmit voting materials expeditiously. Secretary shall also ensure that, to the maximum extent practicable, measures are taken to ensure a postmark or other official proof of mailing date is provided on each ballot collected at any overseas location. The Secretary will also ensure that these new measures do not delay the delivery of the ballots to their final destination. Within 6 months of enactment, the Secretary shall report to congress on how this will be done.
- The Secretary of each military division shall - to the maximum extent practicable - provide notice to the military of the last date they can mail their ballots and still get to the state/local office before a general election.
- The Secretary of each military division shall - to the maximum extent practicable - ensure that all military and their families have easy access to voting information and make the national voter registration form prepared for UOCAVA available at enlistment.
- Where practicable, special days will be designated at each military installation for disseminating election info.
- Each state must designate a single office which must be responsible for providing information re voter registration and absentee ballot procedures for military and overseas voters re election for federal office - including procedures for federal write in ballot. Congress recommends this same office ultimately be responsible for accepting all of ballots, registration apps etc from military and overseas voters.
- Within 90 days of a federal election, each state and locality shall submit a report through the state to the EAC on the combined number of absentee ballots transmitted to uniform and overseas voters and the combined number of such ballots returned and shall make the report available to the public.
- The Election Assistance Commission will work on a standardized report format for the states and make available.
- Military voters shall be allowed to use their registration application to receive absentee ballots for the next 2 regularly scheduled general elections for federal office, including any runoffs. The state shall supply the absentee ballot.
- The Presidential designee under UOCAVA must ensure that the voting officers

appointed are aware of the requirements of this legislation.

- If a state requires a standard oath or affirmation to accompany any document under this title, they must use the standard oath prescribed by the Presidential designee. The Presidential designee must also provide a separate statistical analysis between overseas citizen voters and uniformed voters
- A state can't refuse to accept or process (for an election of federal office) any valid voter reg app or absentee ballot app simply on the grounds that it arrives too early - must be in place by January 1, 2004
- States must provide a rejected voter reg app or absentee ballot app of military or overseas voter with a reason why it was rejected.

TITLE VIII- TRANSITION PROVISIONS

- All function of FEC's OEA will be transferred to EAC, including all NVRA duties
- Personnel of OEA will be transferred to EAC. They will be protected from losing their jobs or pay grades during the transfer for a year from the enactment date.
- The transition will take place upon the appointment of all members of EAC.
- Until the transition, OEA will continue to operate as always, with some new responsibilities included in this bill.

TITLE IX - MISCELLANEOUS

- Approvals by the Commission or GSA of grants or applications will not have any effect on those states with preclearance requirements under the Voting Rights Act.
- The AG will be reviewing existing criminal statutes concerning election offenses and make recommendations to Congress

For a complete copy of the legislation go to:

<http://www.electionline.org/site/docs/pdf/hr3295.pl107252.final.pdf>

Source: National Association of Secretaries of States and the National Conference of State Legislatures, November 19, 2002

National Conference of State Legislatures
INFO@NCSL.ORG (autoresponse directory)

Denver Office:
7700 East First Place
Denver, CO 80230
Tel: 303-364-7700
Fax: 303-364-7800

Washington Office:
444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
Tel: 202-624-5400
Fax: 202-737-1069




Help America Vote Act Timeline

Days/Months After Enactment	Date	Activity
45 days	December 13, 2002	Section 101: GSA establish grant program for payments to States to improve election administration.
45 days	December 13, 2002	Section 102: GSA establish grant program for payments to States to replace punch card or lever voting machines.
	January 1, 2003	States must be ready to accept materials from individuals who register by mail. Section 303(b)
90 days	January 27, 2003	Chief State election officials transmit notice to FEC Chair (and/or EAC) containing name of State election official and local election official selected to serve on Standards Board.
120 days	February 26, 2003	Appointment of 4 EAC Commissioners.
	March 31, 2003	State NVRA Reports for 2001-2002 due to FEC
6 months	April 29, 2003	Last date on which States may submit certification to GSA for Section 101 payments.


Last date on which States may submit certification to GSA for

6 months


April 29, 2003

Section 102 payments.



June 30, 2003

2001-2002 NVRA report submitted to Congress.


October 1, 2003


EAC adopts recommendations and voluntary guidance on Section 302 Provisional Voting Requirements.


October 1, 2003

EAC adopts recommendations and voluntary guidance on Section 303 provisions on computerized statewide voter registration list requirements and mail registration requirements.



12 months

October 29, 2003


EAC submits Human Factors Report to the President and Congress. (Section 243)


12 months


October 29, 2003

EAC submits to Congress report on free absentee ballot postage. (Section 246)



January 1, 2004

Deadline for states to qualify for waiver of computerized statewide voter registration databases.



January 1, 2004

Last date for States applying for waiver of deadline for replacement of punchcard or lever voting machines using Section 102 payments.


January 1, 2004

States not participating in the grant programs shall certify to the EAC that the State has established a administrative complaint procedures (Section 402), or has submitted a compliance plan to the U.S. Attorney General.


January 1, 2004

Effective date for Section 302 provisional voting and voting information requirements.


January 1, 2004

States and jurisdictions required to comply with Section 303 requirements pertaining to computerized statewide voter registration lists (unless qualified for a waiver) and 1st time voters who register by mail.

January 1, 2004

EAC adopts voluntary guidance recommendations relating to Section 301 Voting Systems Standards requirements.

January 1, 2004

Effective date of new Section 706 UOCAVA amendments prohibiting states from refusing to accept registration and absentee ballot applications on grounds of early submission.

January 31, 2004

EAC submits first Annual Report to Congress.

18 months

March 29, 2004

EAC (in conjunction with FVAP) submits to the President and Congress a report and recommendations for facilitating military and overseas voting. (Section 242).

20 months

May 29, 2004

EAC submits to House and Senate a report on the issues and challenges presented by incorporating communication and internet technology into the election process. (Section 245).

November 2, 2004

All punchcard and lever machines replaced in States accepting Section 102 payments unless qualified for waiver.

March 31, 2005

State NVRA Reports for 2003-2004 due to EAC.

June 1, 2005

EAC submits report to President and Congress on voters who register by mail. (Section 244).

June 1, 2005

EAC (in conjunction with SSA) reports to Congress on the feasibility and advisability of using SSN or other such information to establish registration or other election eligibility and ID requirements. (Section 244).

June 30, 2005

2003-2004 NVRA report submitted to Congress.

January 1, 2006

Each State and jurisdiction required to comply with the voting systems requirements in Section 301.

January 1, 2006

Deadline for States to implement computerized Statewide voter registration database if qualified for waiver.

First election for Federal office
after January 1, 2006

All punchcard and lever machines replaced in States accepting Section 102 payments who qualified for a waiver of the original deadline.

January 1, 2007

Voting systems purchased with Title II requirements payments must meet disability access standards in section 201.

VISITOR REGISTRATION SHEET

→ Election Law and Campaign Finance Reform

3-20-03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Kathie Austin	Fiscal Research - GA
DAVID BARNE	P+S
C. MOYERS	REP. KISER
John M. Hays	Gov. O'Keefe
Sarah Covey	w/rep Ross
GARY COLE	Bill Drost
Tim Covey	UNCTC

Election Law & Campaign
Name of Committee

3-20-03
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

FIRM OR AGENCY AND ADDRESS

NC Statewatch

NC SBO E

→ (already signed)

AGENDA

HOUSE COMMITTEE ON ELECTION LAW AND CAMPAIGN FINANCE REFORM

March 27, 2003
Room 1228 LOB
12 p.m.

OPENING REMARKS

Representative Mickey Michaux, Chairman
Representative Paul Stam, Chairman
Election Law and Campaign Finance Reform

AGENDA ITEMS

Discussion on HAVA (Help America Vote Act) and the legislative response

Minutes
House Committee on Election Law and Campaign Finance Reform

March 27, 2003

The House Committee on Election Law and Campaign Finance Reform met on Thursday, March 27, 2003 in Room 1228 of the Legislative Building at 12:00 p.m. The following members were present: Co-Chair Mickey Michaux, Co-Chair Paul Stam, Vice-Chair Hugh Holliman, Representatives Alexander, Blust, Bonner, Daughtridge, Daughtry, Kiser, Nesbitt, Parmon, Rayfield, Ross, Starnes, and Wood. Bill Gilkeson and Erika Churchill, Staff Counselors were in attendance. A Visitor Registration list is attached and made part of these minutes.

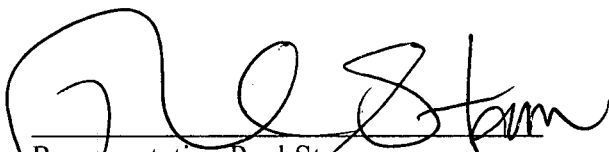
Co-Chair Rep. Stam was presiding and called the meeting to order to discuss **HAVA (Help America Vote Act)**. Rep Stam introduced the pages: Ivey Taylor and Phillip Ingram; the Sgt. At Arms staff, Tom Wilder and Bill Freeman. The Chair also recognized Mayor Sam Bridges of Garner who was introduced by Rep. Debra Ross.

Bill Gilkeson was recognized to explain the draft bill for HAVA (Help America Vote Act). This bill requires that all states whether they receive money or not to comply with certain provisions to include all state elections. HAVA deals with the following topics: statewide voter registration system, standards for voting equipment, provisional voting, I.D. for certain 1st time voters who register by mail, administrative complaint procedure, uniformed and overseas absentee voters.


The staff from the State Board of Elections was present to help answer questions and included: Gary Bartlett, Exec. Director; Don Wright, General Counsel; Johnnie McClean, Deputy Director; Bob Rauf, Computer Finance Director.

There being no further business, Rep. Stam adjourned the meeting at 12:45 p.m.

Respectfully submitted,



Representative Paul Stam
Co-Chair (Presiding Chair)



Anita Wilder
Committee Assistant

Draft Bill to provide a uniform State election system that complies with the Help America Vote Act of 2002 (HAVA)

William R. Gilkeson, Co-Counsel, House Committee on Election Laws & Campaign Finance Reform
2003-RR-23[v.23] – for meeting March 27, 2003

The draft bill is designed to comply with six provisions of the Help America Vote Act of 2002. HAVA requires that all States comply with these provisions regardless of whether they receive federal money. But HAVA's mandate only applies to federal elections. The draft bill essentially says to the State Board of Elections and other agencies: "Change North Carolina's election system to comply with HAVA, but make that system apply to all elections in NC, not just federal elections."

The requirements of HAVA deal with the following topics:

1. **Statewide voter registration system.** *Sec. 303(a) of HAVA.*
2. **Standards for voting equipment.** *Sec. 301 of HAVA.*
3. **Provisional voting.** *Sec. 302 of HAVA.*
4. **I.D. for certain 1st time voters who register by mail.** *Sec. 303(b) of HAVA.*
5. **Administrative complaint procedure.** *Sec. 402 of HAVA.*
6. **Uniformed and Overseas Absentee Voters.** *Title VII of HAVA.*

Statewide voter registration system

(Sections of the draft bill dealing with)

- Sec. 2. – Makes the statewide VR system the official list for conduct of all elections. County paper document is a backup to statewide list. *(to comply with Sec. 303 of HAVA.)* Continues to require re-registration if move to another NC county.
Effective 1-1-04.
- Sec. 3 – VR application may be paperless. *(Not required by HAVA but logical extension of recent developments.)* *Effective when it becomes law.*
- Sec. 4 – Electronically captured signature of VR applicant suffices for signature requirement. *(Not required by HAVA but logical extension of recent developments.)*
Effective when it becomes law.
- Sec. 5 – Exempts DL # or SS # or signature from public records law if on VR application.
(not to comply with HAVA but to prevent unintended consequences of loss of privacy.)
Effective when it becomes law.
- Sec. 6 – Defining role of State Board and of county boards in maintaining VR. Requires State Board to update list to comply with HAVA. *(to comply with Sec. 303 of HAVA.)* *Effective 1-1-04.*

- Sec. 7(a) – Directs State Board to adopt guidelines for administering statewide VR system. *(to comply with Sec. 303 of HAVA.)* Exempts those guidelines from NC APA. *Effective 1-1-04.*
- Sec. 7(b) – Directs DOT to coordinate with State Board to have computer match-up of DMV and VR names. *Effective 1-1-04.*
- Sec. 9 – Changes contents of the voter registration form. Adds DL # and SS #. Requires State Board issuance of unique identifier # if no DL or SS has been issued. Adds the verbatim citizenship and age questions required by HAVA. *(to comply with Sec. 303 of HAVA. Effective 1-1-04.*
- Sec. 10 – Requires assignment of unique identifier to everyone. *(to comply with Sec. 303 of HAVA.) Effective 1-1-04.*

Standards for voting equipment

(Sections of the draft bill dealing with)

- Sec. 11 – Expands State Board's authority over approval and disapproval of voting systems, requires it to make those systems comply with HAVA. *(to comply with Sec. 301 of HAVA.) Effective 1-1-06.*
- Sec. 12 – Amends the section enacted in 2001 that prohibited punchcards and gave current users till 2006 to get rid of them. **Adds lever machines to this abolition.** *(not an absolute requirement of HAVA, but logical if State accepts early-out HAVA money to replace punchcards and lever machines.) Effective when it becomes law.*
- Sec. 13 -- Amends the vote-counting statute to require the SBOE to adopt procedures and standards for voting systems, including defining what is a vote and what will be counted as a vote on every voting system used in the State. *(to comply with Sec. 301 of HAVA.)* Exemption from NC APA. ***This draft specifies that optical scan systems must return an overvoted ballot to the voter for correction before the vote is accepted and counted.*** *Effective 1-1-06.*

Provisional Voting

(Sections of the draft bill dealing with)

- Sec. 8. – Requires that certain HAVA-required information, including how to vote provisionally, be posted at voting place. *(to comply with Sec. 302(b) of HAVA.) Effective 1-1-04.*
- Sec. 14 – If voting hours extended by court order, afterhours voters must vote by provisional ballot. *(to comply with Sec. 302 of HAVA.) Effective 1-1-04.*
- Sec. 15 – If voter shows up and says I'm entitled to vote in this precinct, precinct officials shall inform voter of what precinct he/she is registered in. If voter insists on voting here, gets provisional ballot. *(to comply with Sec. 302 of HAVA.) Eff. 1-1-04.*
- Sec. 16 – Provisional voting omnibus section. Includes the right-to-know provision of HAVA, giving provisional voter a confidential, cost-free means of finding out whether the vote was counted and if not, why not. *(to comply with Sec. 301 of HAVA.) Effective 1-1-04.*

I.D. requirement for certain 1st time voters

(Section of the draft bill dealing with)

Sec. 17 – I.D. requirement for voters who registered by mail after 1-1-03 and are casting their first federal vote in NC and didn't put DL or SS # on VR form. *(to comply with Sec. 301(b) of HAVA.) Effective 1-1-04.*

Complaint Procedure

(Section of the draft bill dealing with)

Sec. 18 – Complaint procedure to remedy grievances for violation of HAVA. *(to comply with Sec. 402 of HAVA.)* The draft basically delegates to the State Board the creation of a complaint procedure to comply with HAVA.. It exempts the procedure from the APA. HAVA says the procedure must be open to any person who believes there's been a violation of HAVA, must be finally decided within 90 days unless complainant agrees to an extension, and must provide alternative dispute resolution if the normal means don't yield a result in 90 days. *Effective 1-1-04.*

Uniformed and Overseas Absentee Voting

(Sections of the draft bill dealing with)

Sec. 19 – Makes SBOE single office for info about uniformed and overseas voters. *(to comply with Sec. 702 of HAVA) Effective when it becomes law.*

Sec. 20 – Makes changes to UO voters provision, including removal of any start date for application. *(to comply with Sec. 706 of HAVA) Effective 1-1-04.*

Sec. 21 – Extends validity of UO absentee application through two general elections. *(to comply with Sec. 704 of HAVA) Effective 1-1-04.*

VISITOR REGISTRATION SHEET

Election Law and Campaign Finance Reform

March 27, 2003

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ken Melton	Alley Associates, Inc
Bob Rant	SBE
Johnnie McLean	"
Dan Wright	"
Kathie Alesh	Fiscal Research
John McKeeg	COO Office
Steve Wall	CONC
MICHAEL CRAWSON	ATTY, RALIGH
Bob Hare	Democracy NC
Sam Brooks	Mayor of Garret
Jeff Mooneyhan	AP

Minutes
House Committee on Election Law and Campaign Finance Reform

April 3, 2003

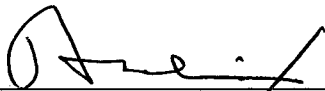
The House Committee on Election Law and Campaign Finance Reform met on Thursday, April 3, 2003, in Room 1228 of the Legislative Building at 12:00 p.m. The following members were present: Co-Chair Mickey Michaux, Co-Chair Paul Stam, Vice-Chair Hugh Holliman, Representatives Alexander, Blust, Bonner, Daughtry, Kiser, Parmon, Rayfield, Ross, Starnes and Wood. Bill Gilkeson and Erika Churchill, Staff Counselors were in attendance.

Co-Chair Michaux is presiding and called the meeting to order to consider the following bill:

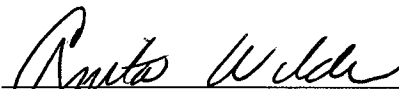
Co-Chair Michaux recognized Bill Gilkeson to explain **HB 842, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A SYSTEM FOR ALL NORTH CAROLINA ELECTIONS THAT COMPLIES WITH THE HELP AMERICA VOTE ACT**. Representative Stam sent forward an amendment. Representative Stam moved that the amendment be adopted. The amendment was adopted. Upon motion by Representative Stam that the original bill be given an unfavorable report and that the amendment be incorporated to committee substitute bill with a favorable report, the Committee voted for a favorable report.

There being no further discussion, the meeting was adjourned at 12.45 p.m.

Respectfully submitted,



Representative H. M. "Mickey" Michaux, Jr.
Co-Chair (Presiding Chair)



Anita Wilder
Committee Assistant

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **ELECTION LAW
AND CAMPAIGN FINANCE REFORM.**

- ☐ Committee Substitute for
H.B. 842 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A SYSTEM FOR ALL
NORTH CAROLINA ELECTIONS THAT COMPLIES WITH THE HELP AMERICA
VOTE ACT.
- ☐ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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.
- ☐ 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)

03/19/03



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 842

H842-ARR-5 [v.1]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

Page 1 of 1

Date _____, 2003

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative _____

- 1 moves to amend the bill on page 12, line 19,
- 2 by deleting the term "One" and substituting the term "A copy of one".
- 3
- 4
- 5

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 842

Short Title: Help America Vote Act Compliance.

(Public)

Sponsors: Representatives Michaux, Stam (Primary Sponsors); and Alexander.

Referred to: Election Law and Campaign Finance Reform.

April 2, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A SYSTEM FOR ALL NORTH CAROLINA
ELECTIONS THAT COMPLIES WITH THE HELP AMERICA VOTE ACT.

The General Assembly of North Carolina enacts:

SECTION 1. The purpose of this act is to ensure that the State of North Carolina has a system for all North Carolina elections that complies with the requirements for federal elections set forth in the federal Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 U.S.C. §§ 15481-15485.

The General Assembly finds that the education and training of election officials as required by G.S. 163-82.34 has met and continues to meet the mandate for the education and training of precinct officials and other election officials in section 254(a)(3) of the Help America Vote Act of 2002. The General Assembly further finds that the establishment, development, and continued operation of the statewide list maintenance program for voter registration set forth in G.S. 163-82.14 has met and continues to meet the mandates of section 303(a)(2) of the Help America Vote Act of 2002.

In certain other areas of the election statutes and other laws, the General Assembly finds that the statutes must be amended to comply with the Help America Vote Act.

SECTION 2. G.S. 163-82.10(a) reads as rewritten:

"(a) ~~Application Form Becomes~~ Official Record. – The State voter registration system is the official voter registration list for the conduct of all elections in the State. A completed and signed registration application form-form, if available, described in G.S. 163-82.3, once approved by the county board of elections, becomes backup to the official registration record of the voter. Electronically captured images of the signatures of voters, full or partial social security numbers, and drivers license numbers that may be generated in the voter registration process, by either the State Board of Elections or a county board of elections, are confidential and shall not be considered public records

1 and subject to disclosure to the general public under Chapter 132 of the General
2 Statutes. The county board of elections shall maintain custody of ~~the official any paper~~
3 hard copy registration records of all voters in the county and shall keep them in a place
4 where they are secure."

5 **SECTION 3.** G.S. 163-82.10 is amended by adding a new section to read:

6 "(a1) Paperless, Instant Electronic Transfer. – The application described in G.S.
7 163-82.3 may be either a paper hard copy or an electronic document."

8 **SECTION 4.** G.S. 163-82.6(b) reads as rewritten:

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

13 **SECTION 5.** G.S. 132-1.2 reads as rewritten:

14 "**§ 132-1.2. Confidential information.**

15 Nothing in this Chapter shall be construed to require or authorize a public agency or
16 its subdivision to disclose any information that:

17 (1) Meets all of the following conditions:

- 18 a. Constitutes a "trade secret" as defined in G.S. 66-152(3).
- 19 b. Is the property of a private "person" as defined in G.S.
20 66-152(2).
- 21 c. Is disclosed or furnished to the public agency in connection
22 with the owner's performance of a public contract or in
23 connection with a bid, application, proposal, industrial
24 development project, or in compliance with laws, regulations,
25 rules, or ordinances of the United States, the State, or political
26 subdivisions of the State.
- 27 d. Is designated or indicated as "confidential" or as a "trade secret"
28 at the time of its initial disclosure to the public agency.

29 (2) Reveals an account number for electronic payment as defined in G.S.
30 147-86.20 and obtained pursuant to Articles 6A or 6B of Chapter 147
31 of the General Statutes or G.S. 159-32.1.

32 (3) Reveals a document, file number, password, or any other information
33 maintained by the Secretary of State pursuant to Article 21 of Chapter
34 130A of the General Statutes.

35 (4) Reveals the electronically captured image of an individual's signature,
36 drivers license number, or a portion of an individual's social security
37 number if the agency has those items because they are on a voter
38 registration document."

39 **SECTION 6.** G.S. 163-82.11 reads as rewritten:

40 "**§ 163-82.11. Establishment of statewide computerized voter registration.**

41 (a) Statewide System as Official List. – The State Board of Elections shall
42 develop and implement a statewide computerized voter registration system to facilitate
43 voter registration and to provide a central database containing voter registration
44 information for each county. The system shall serve as the single system for storing and

1 managing the official list of registered voters in the State. The system shall serve as the
2 official voter registration list for the conduct of all elections in the State. The system
3 shall encompass both software development and purchasing of the necessary hardware
4 for the central and distributed-network systems.

5 (b) Uses of Statewide System. – The State Board of Elections shall develop and
6 implement the system so that each county board of elections can do all the
7 following:

- 8 (1) Verify that an applicant to register in its county is not also registered in
9 another county; county.
- 10 (2) Be notified automatically that a registered voter in its county has
11 registered to vote in another county; and county.
- 12 (3) Receive automatically data about a person who has applied to vote at a
13 drivers license office or at another public agency that is authorized to
14 accept voter registration applications.

15 (c) Compliance With Federal Law. – The State Board of Elections shall update
16 the statewide computerized voter registration list and database to meet the requirements
17 of section 303(a) of the Help America Vote Act of 2002 and to reflect changes when
18 citizenship rights are restored under G.S. 13-1.

19 (d) Role of County and State Boards of Elections. – Each county board of
20 elections shall be responsible for registering voters within its county according to law.
21 Each county board of elections shall maintain its own computer file of registered voters
22 records by using the statewide computerized voter registration system in accordance
23 with rules promulgated by the State Board of Elections. Each county board of elections
24 shall transmit enter through the computer network system all additions, deletions, and
25 changes in its list of registered voters promptly to the statewide computer file system.
26 The State Board of Elections shall maintain a continually updated duplicate file of each
27 county's registered voters."

28 **SECTION 7.(a) G.S. 163-82.12 reads as rewritten:**

29 **"§ 163-82.12. Promulgation of rules-guidelines relating to computerized voter**
30 **registration.**

31 The State Board of Elections shall make all rules-guidelines necessary to administer
32 the statewide voter registration system established by this Article. All county boards of
33 elections shall follow these guidelines and cooperate with the State Board of Elections
34 in implementing guidelines. These rules-guidelines shall include provisions for: for all
35 of the following:

- 36 (1) Establishing, developing, and maintaining a computerized central voter
37 registration file; file.
- 38 (2) Linking the central file through a network with computerized voter
39 registration files in each of the counties; counties.
- 40 (3) Interacting with the computerized drivers license records of the
41 Division of Motor Vehicles and with the computerized records of other
42 public agencies authorized to accept voter registration
43 applications; applications.
- 44 (4) Protecting and securing the data; and data.

- 1 (5) Converting current voter registration records in the counties in
2 computer files that can be used on the statewide computerized
3 registration system.
- 4 (6) Enabling the statewide system to determine whether the voter
5 identification information provided by an individual is valid.
- 6 (7) Enabling the statewide system to interact electronically with the
7 Division of Motor Vehicles system to validate identification
8 information.
- 9 (8) Enabling the Division of Motor Vehicles to provide real-time interface
10 for the validation of the drivers license number and last four digits of
11 the social security number.
- 12 (9) Enabling the statewide system to assign a unique identifier to each
13 legally registered voter in the State.

14 These guidelines shall not be considered to be rules subject to Article 2A of Chapter
15 150B of the General Statutes. However, the State Board shall publish in the North
16 Carolina Register the guidelines and any changes to them after adoption, with that
17 publication noted as information helpful to the public under G.S. 150B-21.17(a)(6).
18 Copies of those guidelines shall be made available to the public upon request or
19 otherwise by the State Board."

20 **SECTION 7.(b) G.S. 163-82.19 reads as rewritten:**

21 **"§ 163-82.19. Voter registration at drivers license ~~offices.~~ offices; coordination on**
22 **data interface.**

23 (a) Voter Registration at Drivers License Offices. – The Division of Motor
24 Vehicles shall, pursuant to the rules adopted by the State Board of Elections, modify its
25 forms so that any eligible person who applies for original issuance, renewal or
26 correction of a drivers license, or special identification card issued under G.S. 20-37.7
27 may, on a part of the form, complete an application to register to vote or to update his
28 registration if the voter has changed his address or moved from one precinct to another
29 or from one county to another. The person taking the application shall ask if the
30 applicant is a citizen of the United States. If the applicant states that the applicant is not
31 a citizen of the United States, or declines to answer the question, the person taking the
32 application shall inform the applicant that it is a felony for a person who is not a citizen
33 of the United States to apply to register to vote. Any person who willfully and
34 knowingly and with fraudulent intent gives false information on the application is guilty
35 of a Class I felony. The application shall state in clear language the penalty for violation
36 of this section. The necessary forms shall be prescribed by the State Board of Elections.
37 The form must ask for the previous voter registration address of the voter, if any. If a
38 previous address is listed, and it is not in the county of residence of the applicant, the
39 appropriate county board of elections shall treat the application as an authorization to
40 cancel the previous registration and also process it as such under the procedures of G.S.
41 163-82.9. If a previous address is listed and that address is in the county where the voter
42 applies to register, the application shall be processed as if it had been submitted under
43 G.S. 163-82.9.

1 Registration shall become effective as provided in G.S. 163-82.7. Applications to
2 register to vote accepted at a drivers license office under this section until the deadline
3 established in G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no
4 person who completes an application at that drivers license office shall be denied the
5 vote in that election for failure to apply earlier than that deadline.

6 All applications shall be forwarded by the Department of Transportation to the
7 appropriate board of elections not later than five business days after the date of
8 acceptance, according to rules which shall be promulgated by the State Board of
9 Elections. Those rules shall provide for a paperless, instant, electronic transfer of
10 applications to the appropriate county board of elections.

11 (b) Coordination on Data Interface. – The Department of Transportation jointly
12 with the State Board of Elections shall develop and operate a computerized interface to
13 match information in the database of the statewide voter registration system with the
14 drivers license information in the Division of Motor Vehicles to the extent required to
15 enable the State Board of Elections and the Department of Transportation to verify the
16 accuracy of the information provided on applications for voter registration, whether the
17 applications were received at drivers license offices or elsewhere. The Department of
18 Transportation and the State Board shall implement the provisions of this subsection so
19 as to comply with section 303 of the Help America Vote Act of 2002."

20 **SECTION 8.** Article 13A of Chapter 163 of the General Statutes is amended
21 by adding a new section to read:

22 **"§ 163-166.7A. Voter education and information.**

23 (a) Posting The Information. – For each election that involves candidates for
24 federal or State office, each county board of elections shall post at each active voting
25 place the following information in a manner and format approved by the State Board of
26 Elections:

- 27 (1) A sample ballot as required by G.S. 163-165.2.
- 28 (2) The date of the election and the hours the voting place will be open.
- 29 (3) Instructions on how to vote, including how to cast a vote or correct a
30 vote on the voting systems available for use in that voting place.
- 31 (4) Instructions on how to cast a provisional ballot.
- 32 (5) Instructions to mail-in registrants and first-time voters on how to
33 comply with the requirements in section 303(b) of the Help America
34 Vote Act of 2002 concerning voter identifications.
- 35 (6) General information on voting rights under applicable federal and
36 State law, including information on the right of an individual to cast a
37 provisional ballot and instructions on how to contact the appropriate
38 officials if the voter believes those rights have been violated.
- 39 (7) General information on federal and State laws that prohibit acts of
40 fraud and misrepresentation as to voting and elections.

41 (b) Intent. – The posting required by subsection (a) of this section is intended to
42 meet the mandate of the voting information requirements in section 302(b) of the Help
43 America Vote Act of 2002."

44 **SECTION 9.** G.S. 163-82.4 reads as rewritten:

1 **"§ 163-82.4. Contents of application form.**

2 (a) Information Requested of Applicant. – The form required by G.S. 163-82.3(a)
3 shall request the applicant's:

- 4 (1) Name,
- 5 (2) Date of birth,
- 6 (3) Residence address,
- 7 (4) County of residence,
- 8 (5) Date of application,
- 9 (6) Gender,
- 10 (7) Race,
- 11 (7a) Ethnicity,
- 12 (8) Political party affiliation, if any, in accordance with subsection (c) of
13 this section,
- 14 (9) Telephone number (to assist the county board of elections in
15 contacting the voter if needed in processing the application),
- 16 (10) Drivers license number, or, if the applicant does not have a drivers
17 license number the last four digits of the applicant's social security
18 number,

19 and any other information the State Board finds is necessary to enable officials of the
20 county where the person resides to satisfactorily process the application. The form shall
21 require the applicant to state whether currently registered to vote anywhere, and at what
22 address, so that any prior registration can be cancelled. The portions of the form
23 concerning race and ethnicity shall include as a choice any category shown by the most
24 recent decennial federal census to compose at least one percent (1%) of the total
25 population of North Carolina. The county board shall make a diligent effort to complete
26 for the registration records any information requested on the form that the applicant
27 does not complete, but no application shall be denied because an applicant does not
28 state race, ethnicity, gender, or telephone number. The application shall conspicuously
29 state that provision of the applicant's telephone number is optional. If the county board
30 maintains voter records on computer, the free list provided under this subsection shall
31 include telephone numbers if the county board enters the telephone number into its
32 computer records of voters.

33 (a1) No Drivers License or Social Security Number Issued. – The State Board
34 shall assign a unique identifier number to an applicant for voter registration if the
35 applicant has not been issued either a current and valid drivers license or a social
36 security number. That unique identifier number shall serve to identify that applicant for
37 voter registration purposes.

38 (b) Notice of Requirements, Attestation, Notice of Penalty, and Notice of
39 Confidentiality. – The form required by G.S. 163-82.3(a) shall contain, in uniform type,
40 the following:

- 41 (1) A statement that specifies each eligibility requirement (including
42 citizenship) and an attestation that the applicant meets each such
43 requirement, with a requirement for the signature of the applicant,
44 under penalty of a Class I felony under G.S. 163-275(4).

(2) A statement that, if the applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

(3) A statement that, if the applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

(c) **Party Affiliation or Unaffiliated Status.** – The application form described in G.S. 163-82.3(a) shall provide a place for the applicant to state a preference to be affiliated with one of the political parties in G.S. 163-96, or a preference to be an "unaffiliated" voter. Every person who applies to register shall state his preference. If the applicant fails to declare a preference for a party or for unaffiliated status, that person shall be listed as "unaffiliated", except that if the person is already registered to vote in the county and that person's registration already contains a party affiliation, the county board shall not change the registrant's status to "unaffiliated" unless the registrant clearly indicates a desire in accordance with G.S. 163-82.17 for such a change. An unaffiliated registrant shall not be eligible to vote in any political party primary, except as provided in G.S. 163-119, but may vote in any other primary or general election. The application form shall so state.

(d) **Citizenship and Age Questions.** – Voter registration application forms shall include all of the following:

(1) The question 'Are you a citizen of the United States of America?' and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(2) The question 'Will you be 18 years of age on or before election day?' and boxes for the applicant to check to indicate whether the applicant will be 18 years of age or older on election day.

(3) The statement 'If you checked "no" in response to either of these questions, do not complete this form'.

If the voter fails to check the box set out in subdivision (1) of this subsection, the person filling out the registration shall be notified of the omission and given the opportunity to complete the form in a timely manner in order to be registered for the next election."

SECTION 10. G.S. 163-82.10A reads as rewritten:

"§ 163-82.10A. Permanent voter registration numbers.

~~Each county board of elections~~ The statewide voter registration system shall assign to each voter a unique registration number. That number shall be permanent for that voter and shall not be changed or reassigned by the county board of elections."

SECTION 11. G.S. 163-165.7 reads as rewritten:

"§ 163-165.7. Voting systems: powers and duties of State Board of Elections.

The State Board of Elections shall have authority to approve types, makes, and models of voting systems for use in elections and referenda held in this State. Only voting systems that have been approved by the State Board shall be used to conduct elections under this Chapter, and the approved systems shall be valid in any election or referendum held in any county or municipality. The State Board may use guidelines,

1 information, testing reports, certification, decertification, recertification, and any
2 relevant data produced by the Election Assistance Commission, its Standards Board, its
3 Board of Advisors, or the Technical Guidelines Development Committee as established
4 in Title II of the Help America Vote Act of 2002, with regard to any action or
5 investigation the State Board may take concerning a voting system. The State Board
6 may use, for the purposes of voting system certification, laboratories accredited by the
7 Election Assistance Commission under the provisions of section 231(2) of the Help
8 America Vote Act of 2002. The State Board may, upon request of a local board of
9 elections, authorize the use of a voting system not approved for general use. The State
10 Board may also, upon notice and hearing, disapprove types, makes, and models of
11 voting systems. Upon disapproving a type, make, or model of voting system, the State
12 Board shall determine the process by which the disapproved system is discontinued in
13 any county. If a county makes a showing that discontinuance would impose a financial
14 hardship upon it, the county shall be given up to four years from the time of State Board
15 disapproval to replace the system. A county may appeal a decision by the State Board
16 concerning discontinuance of a voting system to the superior court in that county or to
17 the Superior Court of Wake County. The county has 30 days from the time of the State
18 Board's decision on discontinuance to make that appeal.

19 Subject to the provisions of this Chapter, the State Board of Elections shall prescribe
20 rules for the adoption, handling, operation, and honest use of voting systems, including,
21 but not limited to, the following:

- 22 (1) Types, makes, and models of voting systems approved for use in this
23 State.
- 24 (2) Form of official ballot labels to be used on voting systems.
- 25 (3) Operation and manner of voting on voting systems.
- 26 (4) Instruction of precinct officials in the use of voting systems.
- 27 (5) Instruction of voters in the use of voting systems.
- 28 (6) Assistance to voters using voting systems.
- 29 (7) Duties of custodians of voting systems.
- 30 (8) Examination of voting systems before use in an election.
- 31 (9) Compliance with section 301 of the Help America Vote Act of 2002."

32 **SECTION 12.** G.S. 163-165.4A reads as rewritten:

33 **"§ 163-165.4A. ~~Punch-Card ballots.~~Punch-card ballots and lever machines.**

34 (a) No ballot may be used in any referendum, primary, or other election as an
35 official ballot if it requires the voter to punch out a hole with a stylus or other tool.

36 (a1) No lever machine voting system may be used in any referendum, primary, or
37 other election as a means of voting the official ballot. A 'lever machine voting system' is
38 a voting system on which the voter casts a vote by pressing a lever and the vote is
39 mechanically recorded by the machine.

40 (b) In any counties that used punch-card ballots as official ballots or lever
41 machines in the election of November 2000, and in any municipalities located in those
42 counties, this section becomes effective January 1, 2006. It is the intent of the General
43 Assembly that any county that uses county funds to replace voting equipment to satisfy
44 this section shall be given priority in appropriations to counties for voting equipment."

SECTION 13. G.S. 163-182.1 reads as rewritten:

"§ 163-182.1. Principles and rules for counting official ballots.

(a) General Principles That Shall Apply. – The following general principles shall apply in the counting of official ballots, whether the initial count or any recount:

- (1) Only official ballots shall be counted.
- (2) No official ballot shall be rejected because of technical errors in marking it, unless it is impossible to clearly determine the voter's choice.
- (3) If it is impossible to clearly determine a voter's choice in a ballot item, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which the voter's choice can be clearly determined.
- (4) If an official ballot is marked in a ballot item with more choices than there are offices to be filled or propositions that may prevail, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which there is no overvote and the voter's choice can be clearly determined.
- (5) If an official ballot is rejected by a scanner or other counting machine, but human counters can clearly determine the voter's choice, the official ballot shall be counted by hand and eye.
- (6) Write-in votes shall not be counted in party primaries or in referenda, but shall be counted in general elections if all of the following are true:
 - a. The write-in vote is written by the voter or by a person authorized to assist the voter pursuant to G.S. 163-166.8.
 - b. The write-in vote is not cast for a candidate who has failed to qualify under G.S. 163-123 as a write-in candidate.
 - c. The voter's choice can be clearly determined.
- (7) Straight-party ticket and split-ticket votes shall be counted in general elections according to the following guidelines:
 - a. If a voter casts a vote for a straight-party ticket, that vote shall be counted for all the candidates of that party, other than those for President and Vice President, in the partisan ballot items on that official ballot except as otherwise provided in this subdivision.
 - b. If a voter casts a vote for a straight-party ticket and also votes in a partisan ballot item for a candidate not of that party, the official ballot shall be counted in that ballot item only for the individually marked candidate. In partisan ballot items where no mark is made for an individual candidate, the official ballot shall be counted for the candidates of the party whose straight ticket the voter voted.
 - c. If a voter casts a vote for a straight-party ticket and also casts a write-in vote in any partisan ballot item, the straight-party ticket vote shall not control the way the official ballot is counted in

that ballot item, except to the extent it would control in the case of crossover voting under this subdivision. The following principles shall apply:

1. If the write-in vote is proper under subdivision (6) of this subsection, that write-in candidate shall receive a vote.
2. If the write-in vote is not proper under subdivision (6) of this subsection and no other candidate is individually marked in that ballot item, then no vote shall be counted in that ballot item.
3. If the straight-ticket voter casts both write-in votes and individually marked votes for ballot candidates in a ballot item, then the write-in and individually marked votes shall be counted unless the write-in is not proper under subdivision (6) of this subsection or an overvote results.

~~(b) Rules and Directions by State Board of Elections. — The State Board of Elections shall promulgate rules where necessary to apply the principles in subsection (a) of this section to each voting system in use in the State. The rules shall prescribe procedures and standards for each type of voting system. Those procedures and standards shall be followed uniformly throughout the State in all places where that type of voting system is used. The State Board shall direct the county boards of elections in the application of the principles and rules in individual circumstances.~~

(b) Procedures and Standards. — The State Board of Elections shall adopt uniform and nondiscriminatory procedures and standards for voting systems. The standards shall define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State. The State Board shall adopt those procedures and standards at a meeting occurring not earlier than 15 days after the State Board gives notice of the meeting. The procedures and standards adopted shall apply to all elections occurring in the State and shall be subject to amendment or repeal by the State Board acting at any meeting where notice that the action has been proposed has been given at least 15 days before the meeting. These procedures and standards shall not be considered to be rules subject to Article 2A of Chapter 150B of the General Statutes. However, the State Board shall publish in the North Carolina Register the procedures and standards and any changes to them after adoption, with that publication noted as information helpful to the public under G.S. 150B-21.17(a)(6). Copies of those procedures and standards shall be made available to the public upon request or otherwise by the State Board. For optical scan and direct record systems, those procedures and standards shall provide that if the voter selects votes for more than the number of candidates to be elected or proposals to be approved in a ballot item, the voting system shall do all the following:

- (1) Notify the voter that the voter has selected more than the correct number of candidates or proposals in the ballot item.
- (2) Notify the voter before the vote is accepted and counted of the effect of casting overvotes in the ballot item.

- (3) Provide the voter with the opportunity to correct the official ballot before it is accepted and counted."

SECTION 14. G.S. 163-166.01 reads as rewritten:

"§ 163-166.01. Hours for voting.

In every election, the voting place shall be open at 6:30 A.M. and shall be closed at 7:30 P.M. In extraordinary circumstances, the county board of elections may direct that the polls remain open until 8:30 P.M. If any voter is in line to vote at the time the polls are closed, that voter shall be permitted to vote. No voter shall be permitted to vote who arrives at the voting place after the closing of the polls.

Any voter who votes after the statutory poll closing time of 7:30 P.M. by virtue of a federal or State court order or any other lawful order, including an order of a county board of elections, shall be allowed to vote, under the provisions of that order, only by using a provisional official ballot. Any special provisional official ballots cast under this section shall be separated, counted, and held apart from other provisional ballots cast by other voters not under the effect of the order extending the closing time of the voting place. If the court order has not been reversed or stayed by the time of the county canvass, the total for that category of provisional ballots shall be added to the official canvass."

SECTION 15. Article 13A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-166.11. Provisional voting requirements.

If an individual seeking to vote claims to be a registered voter in a jurisdiction and though eligible to vote in the election does not appear on the official list of eligible registered voters in the voting place, that individual may cast a provisional official ballot as follows:

- (1) An election official at the voting place shall notify the individual that the individual may cast a provisional official ballot in that election.
- (2) The individual may cast a provisional official ballot at that voting place upon executing a written affirmation before an election official at the voting place, stating that the individual is a registered voter in the jurisdiction in which the individual seeks to vote and is eligible to vote in that election.
- (3) At the time the individual casts the provisional official ballot, the election officials shall provide the individual written information stating that anyone casting a provisional official ballot can ascertain whether and to what extent the ballot was counted and, if the ballot was not counted in whole or in part, the reason it was not counted. The State Board of Elections or the county board of elections shall establish a system for so informing a provisional voter. It shall make the system available to every provisional voter without charge, and it shall build into it reasonable procedures to protect the security, confidentiality, and integrity of the voter's personal information and vote.

(4) The cast provisional official ballot and the written affirmation shall be secured by election officials at the voting place according to guidelines and procedures adopted by the State Board of Elections. At the close of the polls, election officials shall transmit the provisional official ballots cast at that voting place to the county board of elections for prompt verification according to guidelines and procedures adopted by the State Board of Elections.

(5) The county board of elections shall count the individual's provisional official ballot for all ballot items on which it determines that the individual was eligible under State or federal law to vote."

SECTION 16. Article 13A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-166.12. Requirements for certain voters who register by mail.

(a) Voting in Person. – An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, shall present to a local election official at a voting place before voting there one of the following:

(1) A current and valid photo identification.

(2) One of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

(b) Voting Mail-In Absentee. – An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, in order to cast a mail-in absentee vote shall submit with the mailed-in absentee ballot one of the following:

(1) A copy of a current and valid photo identification.

(2) A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

The county board of elections shall note the type of identification proof submitted by the voter and may dispose of the tendered copy of identification proof as soon as the type of proof is noted in the voter registration records.

This subsection shall not apply to persons entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act.

(c) The Right to Vote Provisionally. – If an individual is required under subsection (a) or (b) of this section to present identification in order to vote, but that individual does not present the required identification, that individual may vote a provisional official ballot. If the voter is at the voting place, the voter may vote provisionally there without unnecessary delay. If the voter is voting by mail-in absentee ballot, the mailed ballot without the required identification shall be treated as a provisional official ballot.

(d) Exemptions. – This section does not apply to any of the following:

(1) An individual who registers by mail and submits as part of the registration application either of the following:

- a. A copy of a current and valid photo identification.
 - b. A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.
- (2) An individual who registers by mail and submits as part of the registration application the individual's drivers license number or at least the last four digits of the individual's social security number where an election official matches either or both of the numbers submitted with an existing State identification record bearing the same number, name, and date of birth contained in the submitted registration.
- (3) An individual who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act.
- (4) An individual who is entitled to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act.
- (5) An individual who is entitled to vote otherwise than in person under any other federal law."

SECTION 17.(a) Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 8A.

"HAVA Administrative Complaint Procedure.

"§ 163-91. Complaint Procedure.

(a) The Board shall establish a complaint procedure as required by section 402 of Title IV of the Help America Vote Act of 2002 for the resolution of complaints alleging violations of Title III of that Act.

(b) With respect to the adoption of the complaint procedure under this section, the Board is exempt from the requirements of Article 2A of Chapter 150B of the General Statutes. Prior to adoption or amendment of the complaint procedure under this section, the Board shall complete all of the following:

- (1) Publish the proposed plan in the North Carolina Register at least 30 days prior to the adoption of the final complaint procedure.
- (2) Accept oral and written comments on the proposed complaint procedure.
- (3) Hold at least one public hearing on the proposed complaint procedure.

(c) Hearings and final determinations of complaints filed under the procedure adopted pursuant to this section are not subject to Articles 3 and 4 of Chapter 150B of the General Statutes."

SECTION 17.(b) G.S. 150B-1(c) is amended by adding a new subdivision to read:

"(c) Full Exemptions. – This Chapter applies to every agency except:

...

(6) The State Board of Elections in administering the HAVA Administrative Complaint Procedure of Article 8A of Chapter 163 of the General Statutes."

SECTION 18. G.S. 163-256 reads as rewritten:

"§ 163-256. Regulations of State Board of Elections.

(a) The State Board of Elections shall adopt rules and regulations to carry out the intent and purpose of G.S. 163-254 and 163-255, and to ensure that a proper list of persons voting under said sections shall be maintained by the boards of elections, and to ensure proper registration records, and such rules and regulations shall not be subject to the provisions of G.S. 150B-9. Article 2A of Chapter 150B of the General Statutes.

(b) The State Board of Elections shall be the single office responsible for providing information concerning voter registration and absentee voting procedures to be used by absent uniformed services voters and overseas voters as to all elections and procedures relating to the use of federal write-in absentee ballots. Unless otherwise required by law, the State Board of Elections shall be responsible for maintaining contact and cooperation with the Federal Voting Assistance Program, the United States Department of Defense, and other federal entities that deal with military and overseas voting. The State Board of Elections shall, as needed, make recommendations concerning military and overseas citizen voting to the General Assembly, the Governor, and other State officials."

SECTION 19. G.S. 163-245 reads as rewritten:

"§ 163-245. Persons in armed forces, their spouses, certain veterans, civilians working with armed forces, and members of Peace Corps may register and vote by mail.

(a) Any individual who is eligible to register and who is qualified to vote in any statewide primary or election held under the laws of this State, and who is absent from the county of his residence in any of the capacities specified in subsection (b) of this section, shall be entitled to register by mail and to vote by military absentee ballot in the manner provided in this Article.

(b) The provisions of this Article shall apply to the following persons:

(1) Individuals serving in the armed forces of the United States, including, but not limited to, the army, the navy, the air force, the marine corps, the coast guard, the Merchant Marine, the National Oceanic and Atmospheric Administration, the commissioned corps of the Public Health Service, and members of the national guard and military reserve.

(2) Spouses of persons serving in the armed forces of the United States residing outside the counties of their spouses' voting residence.

(3) Disabled war veterans in United States government hospitals.

(4) Civilians attached to and serving outside the United States with the armed forces of the United States.

(5) Members of the Peace Corps.

(c) An otherwise valid voter registration or absentee ballot application submitted by an absent uniformed services voter during a year shall not be refused or prohibited

1 on the grounds that the voter submitted the application before the first date on which the
2 county board of elections otherwise accepts those applications submitted by absentee
3 voters who are not members of the uniformed services for that year.

4 (d) If any absent uniformed services or overseas voter submits a voter
5 registration application or absentee ballot request and the request is rejected, the board
6 of elections that makes the rejection shall notify the voter of the reasons for the
7 rejection.

8 (e) The requirement for any oath or affirmation to accompany any document as
9 to voter registration or absentee ballots under this Article may be met by use of the
10 standard oath prescribed by the Presidential designee under section 101(b)(7) of the
11 Uniformed and Overseas Citizens Absentee Voting Act."

12 **SECTION 20.** G.S. 163-247(3) reads as rewritten:

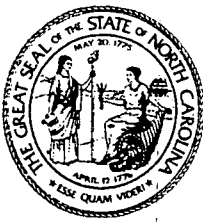
13 "(3) If a single application from an absentee uniformed voter is received by
14 an election official, it shall be considered a valid absentee ballot
15 request with respect to all general, primary, and runoff elections for
16 federal, State, county, or those municipal offices in which absentee
17 ballots are allowed under the provisions of G.S. 163-302, ~~held during~~
18 ~~the calendar year the application was received.~~ held through the next
19 two regularly scheduled general elections for federal office. This
20 subdivision does not apply to a special election not involving the
21 election of candidates, unless that special election is being held on the
22 same day as a general or primary election."

23 **SECTION 21.** Article 7A of Chapter 163 of the General Statutes is amended
24 by adding a new section to read:

25 **"§ 163-82.27. Citation to Help America Vote Act of 2002.**

26 As used in this Chapter, the term the 'Help America Vote Act of 2002' means the
27 Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified
28 at 42 U.S.C. §§ 15481-15485. Citations to titles and sections of the Help America Vote
29 Act of 2002 are as they appear in the Public Law."

30 **SECTION 22.** Sections 1, 3, 4, 5, 12, 18, and 21 of this act are effective
31 when this act becomes law. Sections 11 and 13 of this act become effective January 1,
32 2006. The remainder of this act becomes effective January 1, 2004. All sections of this
33 act apply with respect to all primaries and elections held on or after the date they
34 become effective.



HOUSE BILL 842: Help America Vote Act Compliance.

BILL ANALYSIS

Committee: House Election Laws and
Campaign Finance Reform

Date: April 3, 2003

Version: First Edition

Introduced by: Reps. Michaux and Stam

Summary by: William R. Gilkeson
Committee Co-Counsel

SUMMARY: *House Bill 842 designed to comply with six provisions of the Help America Vote Act of 2002. HAVA requires that all States comply with these provisions regardless of whether they receive federal money. But HAVA's mandate only applies to federal elections. The draft bill essentially says to the State Board of Elections and other agencies: "Change North Carolina's election system to comply with HAVA, but make that system apply to all elections in NC, not just federal elections."*

The requirements of HAVA deal with the following topics:

1. **Statewide voter registration system.** Sec. 303(a) of HAVA.
2. **Standards for voting equipment.** Sec. 301 of HAVA.
3. **Provisional voting.** Sec. 302 of HAVA.
4. **I.D. for certain 1st time voters who register by mail.** Sec. 303(b) of HAVA.
5. **Administrative complaint procedure.** Sec. 402 of HAVA.
6. **Uniformed and Overseas Absentee Voters.** Title VII of HAVA.

Statewide voter registration system

(Sections of the draft bill dealing with)

- Sec. 2. – Makes the statewide VR system the official list for conduct of all elections. County paper document is a backup to statewide list. *(to comply with Sec. 303 of HAVA.)* Continues to require re-registration if move to another NC county. *Effective 1-1-04.*
- Sec. 3 – VR application may be paperless. *(Not required by HAVA but logical extension of recent developments.)* *Effective when it becomes law.*
- Sec. 4 – Electronically captured signature of VR applicant suffices for signature requirement. *(Not required by HAVA but logical extension of recent developments.)* *Effective when it becomes law.*
- Sec. 5 – Exempts DL # or SS # or signature from public records law if on VR application. *(not to comply with HAVA but to prevent unintended consequences of loss of privacy.)* *Effective when it becomes law.*
- Sec. 6 – Defining role of State Board and of county boards in maintaining VR. Requires State Board to update list to comply with HAVA and to reflect the restoration of citizenship rights to ex-felons. *(to comply with Sec. 303 of HAVA.)* *Effective 1-1-04.*
- Sec. 7(a) – Directs State Board to adopt guidelines for administering statewide VR system. *(to comply with Sec. 303 of HAVA.)* Exempts those guidelines from NC APA. *Effective 1-1-04.*
- Sec. 7(b) – Directs DOT to coordinate with State Board to have computer match-up of DMV and VR names. *Effective 1-1-04.*

HOUSE BILL 842

Page 2

Sec. 9 – Changes contents of the voter registration form. Adds DL # and SS #. Requires State Board issuance of unique identifier # if no DL or SS has been issued. Adds the verbatim citizenship and age questions required by HAVA. *(to comply with Sec. 303 of HAVA. Effective 1-1-04.*

Sec. 10 – Requires assignment of unique identifier to everyone. *(to comply with Sec. 303 of HAVA.) Effective 1-1-04.*

Standards for voting equipment

(Sections of the draft bill dealing with)

Sec. 11 – Expands State Board's authority over approval and disapproval of voting systems, requires it to make those systems comply with HAVA. *(to comply with Sec. 301 of HAVA.) Effective 1-1-06.*

Sec. 12 – Amends the section enacted in 2001 that prohibited punchcards and gave current users till 2006 to get rid of them. **Adds lever machines to this abolition.** *(not an absolute requirement of HAVA, but logical if State accepts early-out HAVA money to replace punchcards and lever machines.) Effective when it becomes law.*

Sec. 13 – Amends the vote-counting statute to require the SBOE to adopt procedures and standards for voting systems, including defining what is a vote and what will be counted as a vote on every voting system used in the State. *(to comply with Sec. 301 of HAVA.)* Exemption from NC APA. ***This draft specifies that optical scan systems must return an overvoted ballot to the voter for correction before the vote is accepted and counted.*** *Effective 1-1-06.*

Provisional Voting

(Sections of the draft bill dealing with)

Sec. 8. – Requires that certain HAVA-required information, including how to vote provisionally, be posted at voting place. *(to comply with Sec. 302(b) of HAVA.) Effective 1-1-04.*

Sec. 14 – If voting hours extended by court order, afterhours voters must vote by provisional ballot. *(to comply with Sec. 302 of HAVA.) Effective 1-1-04.*

Sec. 15 –Provisional voting omnibus section. Includes the right-to-know provision of HAVA, giving provisional voter a confidential, cost-free means of finding out whether the vote was counted and if not, why not. *(to comply with Sec. 301 of HAVA.) Effective 1-1-04.*

I.D. requirement for certain 1st time voters

(Section of the draft bill dealing with)

Sec. 16 – I.D. requirement for voters who registered by mail after 1-1-03 and are casting their first federal vote in NC and didn't put DL or SS # on VR form. *(to comply with Sec. 301(b) of HAVA.) Effective 1-1-04.*

Complaint Procedure

(Section of the draft bill dealing with)

Sec. 17 – Complaint procedure to remedy grievances for violation of HAVA. *(to comply with Sec. 402 of HAVA.)* The draft basically delegates to the State Board the creation of a complaint procedure to comply with HAVA.. It exempts the procedure from the APA. HAVA says the procedure must be open to any person who believes there's been a violation of HAVA, must be finally decided within 90 days unless complainant agrees to an extension, and must provide alternative dispute resolution if the normal means don't yield a result in 90 days. *Effective 1-1-04.*

Uniformed and Overseas Absentee Voting

(Sections of the draft bill dealing with)

Sec. 18 – Makes SBOE single office for info about uniformed and overseas voters. *(to comply with Sec. 702 of HAVA) Effective when it becomes law.*

Sec. 19 – Makes changes to UO voters provision, including removal of any start date for application. *(to comply with Sec. 706 of HAVA) Effective 1-1-04.*

Sec. 20 – Extends validity of UO absentee application through two general elections. *(to comply with Sec. 704 of HAVA) Effective 1-1-04.*

VISITOR REGISTRATION SHEET

Election Law and Campaign Finance Reform

April 3, 2003

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: _____

FIRM OR AGENCY AND ADDRESS

G.I. Allison	105 W. Main St. Democracy N.C. Carrboro, N.C. 27510
--------------	--

Kiki Danton	NCPIRG
-------------	--------

John Mathews	CREW OFFICER
--------------	--------------

Steve White Conservation Council

Priya Harrison	Beaufort NC
----------------	-------------

AGENDA

HOUSE COMMITTEE ON ELECTION LAW AND CAMPAIGN FINANCE REFORM

April 9, 2003
Room 605 LOB
1 p.m.

OPENING REMARKS

Representative Mickey Michaux, Chairman
Representative Paul Stam, Chairman
Election Law and Campaign Finance Reform

AGENDA ITEMS

HB 201 – Name on Ballot – Gillespie and Setzer

HB 821 – Filling Candidate Vacancy – Justus (Discussion Only)

HB 867 – Electoral Fairness - Blust

Minutes
House Committee on Election Law and Campaign Finance Reform

April 9, 2003

The House Committee on Election Law and Campaign Finance Reform met on Wednesday, April 9, 2003 in Room 605 of the Legislative Office Building at 12:00 p.m. The following members were present: Co-Chair Paul Stam, Co-Chair Mickey Michaux, Vice-Chair Hugh Holliman, Representatives Alexander, Blust, Crawford, Daughtridge, Daughtry, Kiser, Rayfield, Ross, and Starnes. Bill Gilkeson and Erika Churchill, Staff Counselors were in attendance. A Visitor Registration list is attached and made part of these minutes.

Co-Chair Paul Stam is presiding and called the meeting to order to consider the following bills:

Representative Carolyn Justus was recognized to explain **HB 821, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE PROCESS OF FILLING A VACANCY ON A PARTY TICKET.** Upon motion made by Representative Stam, the bill received a favorable report.


Representative Mitch Gillespie was recognized to explain **HB 201, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE PROCESS OF FILLING A VACANCY ON A PARTY TICKET.** Representative Gillespie sent forward an amendment. Rep. Stam moved that the amendment be adopted and the amendment was adopted by the Committee. Upon motion made by Representative Rayfield that the original bill be given an unfavorable report and that the amendment be incorporated to the committee substitute bill and be given a favorable report. The Committee voted for the amended bill to be given a favorable report.

The Chair recognized Representative Blust to explain **HB 867, A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED OF A NEW PARTY AND OF A STATEWIDE UNAFFILIATED CANDIDATE TO ACHIEVE BALLOT ELIGIBILITY; TO REDUCE THE NUMBER OF VOTES A NEW PARTY MUST GAIN FOR A NOMINEE IN ORDER TO MAINTAIN BALLOT ELIGIBILITY; AND TO MOVE TO A DATE BEFORE THE PARTY PRIMARIES THE DEADLINES FOR FILING NEW PARTY PETITIONS AND NOMINATING NEW PARTY CANDIDATES.** Upon motion made by Representative Parmon, the Committee voted to consider a proposed substitute committee for discussion and without objection the motion was carried. Representative Holliman sent forward an amendment and the amendment was adopted by the Committee. Representative Starnes sent forward an amendment and Bill Gilkeson will draft the amendment to be incorporated to the amended bill and the amendment was adopted by the Committee.


April 9, 2003
Page 2

With time running out and there being no time for further discussion on HB 867, the meeting was adjourned at 12:55 p.m. and HB 867 will be taken up at next meeting.

Respectfully submitted,



Representative Paul Stam
Co-Chair (Presiding Chair)



Anita Wilder
Committee Assistant

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **Election Law and Campaign Finance Reform.**

☒ Committee Substitute for

H.B. 821 A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE PROCESS OF
FILLING A VACANCY ON A PARTY TICKET

☒ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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.

☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 821

Short Title: Filling Candidate Vacancy.

(Public)

Sponsors: Representatives Justus; and Alexander.

Referred to: Election Law and Campaign Finance Reform.

April 1, 2003

A BILL TO BE ENTITLED
AN ACT TO SIMPLIFY THE PROCESS OF FILLING A VACANCY ON A PARTY
TICKET.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-114 reads as rewritten:

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

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

Position

President
Vice President

Vacancy is to be filled by
appointment of national executive
committee of political party in
which vacancy occurs

Presidential elector or
alternate elector
Any elective State office
United States Senator

Vacancy is to be filled by
appointment of State executive
committee of political party in
which vacancy occurs

A district office, including:
Member of the United States
House of Representatives
District Attorney

Appropriate district executive
committee of political party in
which vacancy occurs

1 State Senator in a multi-county
2 senatorial district
3 Member of State House of
4 Representatives in a multi-county
5 representative district
6

7 State Senator in a single-county
8 senatorial district
9 Member of State House of
10 Representatives in a single-county
11 representative district
12 Any elective county office
13
14
15
16
17

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

18 The party executive making a nomination in accordance with the provisions of this
19 section shall certify the name of its nominee to the chairman of the board of elections,
20 State or county, ~~charged with the duty of printing the ballots on which the name is to~~
21 ~~appear. that has jurisdiction over the ballot item under G.S. 163-182.4.~~ If at the time a
22 nomination is made under this section the general election ballots have already been
23 printed, the provisions of G.S. 163-165.3(c) shall apply. If a vacancy occurs in a
24 nomination of a political party and that vacancy arises from a cause other than death and
25 the vacancy in nomination occurs more than 120 days before the general election, the
26 vacancy in nomination may be filled under this section only if the appropriate executive
27 committee certifies the name of the nominee in accordance with this paragraph at least
28 75 days before the general election.

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

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

40 **SECTION 2.** This act is effective when it becomes law.



HOUSE BILL 821: Filling Candidate Vacancy

BILL ANALYSIS

Committee: House Election Laws and
Campaign Finance Reform

Date: April 10, 2003

Version: First Edition

Introduced by: Representative Justus

Summary by: William R. Gilkeson

Committee Co-Counsel

SUMMARY: *HB 821 updates the statute on filling candidate vacancies. It would reflect a 2001 statutory rewrite. The bill would require the party committee choosing a replacement nominee to certify that name to only one board of elections, instead of several. Effective when it becomes law.*

CURRENT LAW: Currently, when a vacancy occurs on a political party's ticket, the appropriate party committee chooses a replacement nominee and certifies that person's name to the board of elections that prints the ballot on which the candidate's name is to appear. That used to be the State Board of Elections for multi-county offices and the county board of elections for single-county offices. In 2001, however, the General Assembly rewrote the ballot laws, giving county boards of elections the duty to print all ballots. The candidate vacancy statute was inadvertently left unchanged in that rewrite.

The result of the oversight is that when a party chooses a replacement to fill a vacancy on the ticket for a multi-county congressional or legislative seat, the party must certify to name of the candidate to every county board of elections in the district. That would be the requirement of the statute if it is read literally. In addition, the party may feel the need to certify the nominee to the State Board of Elections, since that is where the certification used to go. All this filing must sometimes be done in a very short time-frame, since vacancies sometimes occur just before the ballot is being printed, or even just before the election.

BILL ANALYSIS: House Bill 821 changes the candidate vacancy statute to require that the party certify the replacement nominee to only one board of elections. That is the board that under the new G.S. 163-182.4 has responsibility for canvassing and certifying the results of election for the office in question.

Here is a copy of the new statute, showing which board of elections it would require replacement candidate certifications to go:

§ 163-182.4. Jurisdiction for certain ballot items.

(a) Jurisdiction of County Board of Elections. – As used in this Article, the county board of elections shall have jurisdiction over the following:

- (1) Offices of that county, including clerk of superior court and register of deeds.
- (2) Membership in either house of the General Assembly from a district lying entirely within that county.
- (3) Offices of municipalities, unless the municipality has a valid board of election.
- (4) Referenda in which only residents of that county are eligible to vote.

(b) Jurisdiction of State Board of Elections. – As used in this Article, the State Board of Elections shall have jurisdiction over the following:

- (1) National offices.
- (2) State offices.
- (3) District offices (including General Assembly seats) in which the district lies in more than one county.
- (4) Superior court judge, district court judge, and district attorney, regardless of whether the district lies entirely in one county or in more than one county.
- (5) Referenda in which residents of more than one county are eligible to vote.

(c) For the purposes of this Article, having jurisdiction shall mean that the appropriate board shall do all of the following with regard to the ballot item:

- (1) Canvass for the entire electorate for the ballot item.
- (2) Prepare abstracts or composite abstracts for the entire electorate for the ballot item.
- (3) Issue certificates of nomination and election. (2001-398, s. 3.)

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **ELECTION LAW
AND CAMPAIGN FINANCE REFORM.**

☐ Committee Substitute for

H.B. 201 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BOARD OF
ELECTIONS TO NOTIFY EACH CANDIDATE BEFORE THE BALLOT IS PRINTED
HOW THAT CANDIDATE'S NAME WILL APPEAR ON THE BALLOT.

☐ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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.

☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 201

Short Title: Name on Ballot.

(Public)

Sponsors: Representatives Gillespie and Setzer.

Referred to: Election Law and Campaign Finance Reform.

March 4, 2003

A BILL TO BE ENTITLED
AN ACT TO REQUIRE THE BOARD OF ELECTIONS TO NOTIFY EACH
CANDIDATE BEFORE THE BALLOT IS PRINTED HOW THAT
CANDIDATE'S NAME WILL APPEAR ON THE BALLOT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-165.5 reads as rewritten:

"§ 163-165.5. Contents of official ballots.

Each official ballot shall contain all the following elements:

- (1) The heading prescribed by the State Board of Elections. The heading shall include the term "Official Ballot".
- (2) The title of each office to be voted on and the number of seats to be filled in each ballot item.
- (3) The names of the candidates as they appear on their notice of candidacy filed pursuant to G.S. 163-106 or G.S. 163-323, or on petition forms filed in accordance with G.S. 163-122. No title, appendage, or appellation indicating rank, status, or position shall be printed on the official ballot in connection with the candidate's name. Candidates, however, may use the title Mr., Mrs., Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the notice of candidacy or qualifying petition, but the nickname shall appear according to standards adopted by the State Board of Elections. Those standards shall allow the presentation of legitimate nicknames in ways that do not mislead the voter or unduly advertise the candidacy. In the case of candidates for presidential elector, the official ballot shall not contain the names of the candidates for elector but instead shall contain the nominees for President and Vice President which the candidates for elector represent. Before any ballot is distributed, every candidate on the ballot shall be notified how that candidate's name

1 shall appear on the ballot. The State Board of Elections shall designate
2 which boards of elections shall give that notice to which candidates.

3 (4) Party designations in partisan ballot items.

4 (5) A means by which the voter may cast write-in votes, as provided in
5 G.S. 163-123.

6 (6) Instructions to voters, unless the State Board of Elections allows
7 instructions to be placed elsewhere than on the official ballot.

8 (7) The printed title and facsimile signature of the chair of the county
9 board of elections."

10 **SECTION 2.** This act is effective when it becomes law.



HOUSE BILL 201: Name on Ballot.

BILL ANALYSIS

Committee: House Election Law and
Campaign Reform
Date: April 9, 2003
Version: First Edition

Introduced by: Reps. Gillespie and Setzer
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would require the board of elections to notify every candidate how that candidate's name shall appear on the ballot prior to printing or programming or otherwise setting the ballot.*

CURRENT LAW: Ballot preparation is the responsibility of the local board of election. This preparation is to be done in compliance with statute and rule. G.S. 163-165.5 specifies the contents of the ballot for elections. Each ballot is to contain:

1. A heading prescribed by the State Board of Elections that is to include the term "Official Ballot".
2. The title of each office to be voted on and the number of seats to be filled in each ballot item.
3. The names of the candidates as they appear on their notice of candidacy or qualifying petition. When stating the name, no title, appendage, or appellation indicating rank, status, or position is to be printed on the official ballot in connection with the candidate's name. Candidates may use the title Mr., Mrs., Miss, or Ms. Nicknames are permitted, if used in the notice of candidacy or qualifying petition, and in accordance with rule. In the case of candidates for presidential elector, the official ballot does not contain the names of the nominees for President and Vice President, not the candidates.
4. Party designations in partisan ballot items.
5. A means by which the voter may cast write-in votes.
6. Instructions to voters, unless the State Board of Elections allows instructions to be placed elsewhere than on the official ballot.
7. The printed title and facsimile signature of the chair of the county board of elections.

BILL ANALYSIS: The bill would require the appropriate board of elections to notify every candidate how that candidate's name shall appear on the ballot prior to printing or programming or otherwise setting the ballot in accordance with G.S. 163-165.5(3). The State Board is to adopt procedures to administer this provision.

EFFECTIVE DATE: The bill would become effective when it becomes law.

VISITOR REGISTRATION SHEET

Election Law and Campaign Finance Reform

4-9-03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Barbara Howe	Libertarian Party of NC
Kira Howe	L P
Nicholas Goree	L p
Dave Goree	LP
Johanie McLean	SBE
Amy O. Bartlett	11
Bob Phillips	Common Cause North Carolina
Elena Everett	North Carolina Campus Greens at NCSU, UNC-Wilmington UNC-Charlotte, ASU, 123 Chamberlaine St. Raleigh, NC 27607
Brock Winstead	NC Campus Greens @ NC State
Susan O'Neil	North Carolina Green Party Durham, NC
Mark Huebner	North Carolina Green Party Durham, NC

VISITOR REGISTRATION SHEET

Election Law and Campaign Finance Reform

4-9-03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

W. Randall Stroud

Waller, Stroud, Stewart + Aramida
200 Shannon Oaks Circle, Cary, 27511

Tom Howe

Libertarian Party of NC

TOM BAILEY

LPNC

AGENDA

HOUSE COMMITTEE ON ELECTION LAW AND CAMPAIGN FINANCE REFORM

April 17, 2003
Room 1228
12 p.m.

OPENING REMARKS

Representative Mickey Michaux, Chairman
Representative Paul Stam, Chairman
Election Law and Campaign Finance Reform

AGENDA ITEMS

HB 867 – Electoral Fairness- Rep. Blust
HB 756 – Same Day Registration – Rep. Ross
HB 1147 – Absentee Ballot Requests- Rep. Nesbitt; Alexander
HB 819 – Campaigning Outside Polls – Rep. Miller; Ellis

Minutes
House Committee on Election Law and Campaign Finance Reform

April 17, 2003

The House Committee on Election Law and Campaign Finance Reform met on Thursday, April 17, 2003, in Room 1228 of the Legislative Building at 12:00 p.m. The following members were present: Co-Chair Mickey Michaux, Co-Chair Paul Stam, Vice-Chair, Hugh Holliman, Representatives Alexander, Blust, Daughtridge, Kiser, Parmon, Rayfield, Ross, and Starnes. Bill Gilkeson and Erika Churchill, Staff Counselors were in attendance. A Visitor Registration list is attached and made part of these minutes.

Co-Chair Michaux is presiding and called the meeting to order to consider the following bills:

Co-Chair Michaux recognized Bill Gilkeson to discuss **HB 867, A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED OF A NEW PARTY TO ACHIEVE BALLOT ELIGIBILITY; TO REDUCE THE NUMBER OF VOTES A NEW PARTY MUST GAIN FOR A NOMINEE IN ORDER TO MAINTAIN BALLOT ELIGIBILITY; AND TO ALLOW THAT NOMINEE TO BE ANY STATEWIDE NOMINEE, NOT JUST ITS NOMINEE FOR PRESIDENTIAL ELECTOR OR GOVERNOR.** Upon motion by Representative Stam to discuss committee substitute bill, the Committee voted in favor. Representative Michaux recognized Elena Everett from the Green Party to speak on bill, who stated that she was in favor of the bill. Representative Starnes sent forward amendments to the bill and was recognized to explain. The amendments were defeated. The Committee voted for a favorable report to the committee substitute and an unfavorable report to the original bill.

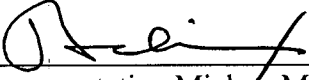
Co-Chair Michaux recognized Representative Paul Miller to explain **HB 819, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE REQUIREMENT THAT THE COUNTY BOARDS OF ELECTIONS MUST PROVIDE BEYOND THE BUFFER ZONE AROUND THE VOTING PLACE A SPACE WHERE CAMPAIGNING AND OTHER ELECTION-RELATED ACTIVITY CAN BE CONDUCTED.** Upon motion made by Representative Starnes the bill received a favorable report.

The next order of business was **HB 756, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT EARLY VOTING SITES AND AT CENTRAL SITES ON ELECTION DAY.** A proposed committee substitute was submitted and upon motion made by Representative Daughtry, the Committee voted in favor for discussion. Representative Debra Ross was recognized to explain the bill. After much discussion, no action was taken on this bill.

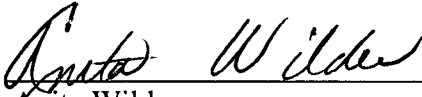
April 17, 2003
Page 2

Due to the lateness of the time and the members needing to report to another meeting, Co-Chair Michaux adjourned the meeting.

Respectfully submitted,



Representative Mickey Michaux
Co-Chair (Presiding Chair)



Anita Wilder
Committee Assistant

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **Election Law and Campaign Finance Reform.**

☒ Committee Substitute for

H.B. 867 A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED OF A NEW PARTY TO ACHIEVE BALLOT ELIGIBILITY; TO REDUCE THE NUMBER OF VOTES A NEW PARTY MUST GAIN FOR A NOMINEE IN ORDER TO MAINTAIN BALLOT ELIGIBILITY; AND TO ALLOW THAT NOMINEE TO BE ANY STATEWIDE NOMINEE, NOT JUST ITS NOMINEE FOR PRESIDENTIAL ELECTOR OR GOVERNOR.

- ☐ 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 the committee substitute bill (~~#~~), ☐ which changes the title, unfavorable as to (the original bill) (~~Committee Substitute Bill #~~), (and recommendation that the committee substitute bill ~~#~~) be re-referred to the Committee on ~~on~~.)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 867
PROPOSED COMMITTEE SUBSTITUTE H867-CSRR-4 [v.5]

4/16/2003 7:30:37 PM

Short Title: Electoral Fairness Act.

(Public)

Sponsors:

Referred to:

April 7, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED OF A NEW
3 PARTY AND OF A STATEWIDE UNAFFILIATED CANDIDATE TO ACHIEVE
4 BALLOT ELIGIBILITY; TO REDUCE THE NUMBER OF VOTES A NEW
5 PARTY MUST GAIN FOR A NOMINEE IN ORDER TO MAINTAIN BALLOT
6 ELIGIBILITY; AND TO MOVE TO A DATE BEFORE THE PARTY
7 PRIMARIES THE DEADLINES FOR FILING NEW PARTY PETITIONS AND
8 NOMINATING NEW PARTY CANDIDATES.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. G.S. 163-96(a) reads as rewritten:

11 "(a) Definition. – A political party within the meaning of the election laws of this
12 State shall be either:

- 13 (1) Any group of voters which, at the last preceding general State election,
14 polled for its candidate for Governor, or for presidential electors, at
15 least ~~ten-two~~ two percent ~~(10%)~~ (2%) of the entire vote cast in the State for
16 Governor or for presidential electors; or
17 (2) Any group of voters which shall have filed with the State Board of
18 Elections petitions for the formulation of a new political party which
19 are signed by registered and qualified voters in this State equal in
20 number to ~~two-one-half~~ one percent ~~(2%)~~ (0.5%) of the total number
21 of voters who voted in the most recent general election for Governor.
22 Also the petition must be signed by at least 200 registered voters from
23 each of four congressional districts in North Carolina. To be effective,
24 the petitioners must file their petitions with the State Board of
25 Elections before 12:00 noon on the first day of ~~June~~ April preceding
26 the day on which is to be held the first general State election in which
27 the new political party desires to participate. The State Board of
28 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."

SECTION 2. G.S. 163-97 reads as rewritten:

"§ 163-97. Termination of status as political party.

When any political party fails to poll for its candidate ~~for or~~ group of candidates in at least one of the following races, governor, governor or for presidential electors, at least ~~ten-two percent (10%)-(2%)~~ of the entire vote cast in the State ~~for governor or for presidential electors in that race~~ at a general election, it shall cease to be a political party within the meaning of the primary and general election laws and all other provisions of this Chapter."

SECTION 3. 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 national, State, congressional, and local offices printed on the official ballots.

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~~ May 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. The State Board of Elections shall send to each county board of elections the list of any new party candidates so that the county board can add those names to the appropriate ballot."

SECTION 4. G.S. 163-122(a) reads as rewritten:

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

- (1) If the office is a statewide office, file written petitions with the State Board of Elections supporting his candidacy for a specified office. These petitions must be filed with the State Board of Elections on or before 12:00 noon on the last Friday in June preceding the general election and must be signed by qualified voters of the State equal in number to ~~two-one-half of one percent (2%) (0.5%)~~ of the total number of ~~registered voters in the State as reflected by the most recent statistical report issued by the State Board of Elections~~. voters who voted in the most recent general election for Governor. Also the petition must be signed by at least 200 registered voters from each of four congressional districts in North Carolina. No later than 5:00 p.m. on the fifteenth day preceding the date the petitions are due to be filed with the State Board of Elections, each petition shall be presented to the chairman of the board of elections of the county in which the

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

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

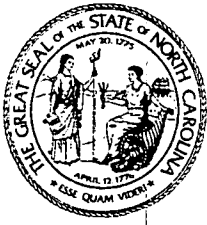
26 (3) If the office is a county office or a single county legislative district, file
27 written petitions with the chairman or director of the county board of
28 elections supporting his candidacy for a specified county office. These
29 petitions must be filed with the county board of elections on or before
30 12:00 noon on the last Friday in June preceding the general election
31 and must be signed by qualified voters of the county equal in number
32 to four percent (4%) of the total number of registered voters in the
33 county as reflected by the most recent statistical report issued by the
34 State Board of Elections, except if the office is for a district consisting
35 of less than the entire county and only the voters in that district vote
36 for that office, the petitions must be signed by qualified voters of the
37 district equal in number to four percent (4%) of the total number of
38 voters in the district according to the most recent figures certified by
39 the State Board of Elections. Each petition shall be presented to the
40 chairman or director of the county board of elections. The chairman
41 shall examine, or cause to be examined, the names on the petition and
42 the procedure for certification shall be the same as specified in (1)
43 above.

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

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

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

16 **SECTION 5.** This act becomes effective January 1, 2004, and applies to all
17 primaries and elections held on or after that date.



HOUSE BILL 867: Electoral Fairness Act.

BILL ANALYSIS

Committee: House Election Laws and
Campaign Finance Reform

Date: April 9, 2003

Version: First Edition

Introduced by: Representative Blust

Summary by: William R. Gilkeson
Committee Co-Counsel

SUMMARY: House Bill 867 would reduce the number of signatures new parties must collect to qualify for ballot access from 2% of the number of votes cast in the last Governor's race to 0.5%. It would also change the test for a party to retain ballot status: Instead of its nominee for President or Governor having to get 10% of the vote, its nominee for any statewide office would have to receive 2% of the vote.

CURRENT LAW: In order to qualify to nominate candidates who will appear on the North Carolina ballot under its party label, a new party must first collect signatures on petitions equal to 2% of the votes cast in the last general election for Governor. In the 2000 election for Governor, the number of votes cast was 2,942,062. Two percent of that number is 58,842. So, to nominate candidates to be on the ballot under its label in 2004, a new party must collect 58,842 names on petitions and present them to the State Board of Elections by June 1, 2004.

Once on the ballot, a new party may stay on the ballot only if its nominee for President, or its nominee for Governor, receives 10% of the vote. If neither party nominee gets that much of the vote, the party loses its ballot status and may only regain it by again collecting signatures equal to 2% of the vote in the last Governor's race.

(For a party to qualify to be on the ballot anywhere in North Carolina, it must qualify statewide. This State has no regional or local new party qualification.)

BILL ANALYSIS: The bill would decrease the number of signatures requires for a new party to gain ballot status from 2% of the last Governor's race vote to 0.5% of that vote. To achieve ballot status in 2004, that number would be 14,711 signatures.

In addition, the bill would decrease the threshold the new party would have to meet to stay on the ballot. Instead of having to reach 10% of the vote for its nominee for either President or Governor, the party could retain its ballot status if its nominee for any statewide office received 2% of the vote. Since North Carolina elects its Governor in the same year as the Presidential election—always leap year—current law exposes a new party to the risk of losing ballot status only once every four years. Under the bill, the party might be exposed more often, since statewide elections sometimes occur in non-presidential even-numbered years. Probably fewer will in the future because appellate judgeship elections have gone nonpartisan.

BACKGROUND: The new party threshold contrasts with the petition requirement for an unaffiliated candidate to qualify to be on the NC ballot for any statewide office. An unaffiliated candidate needs the signatures of 2%, not of the total vote for Governor, but of all the registered voters of the State. At the latest count, the State has 5,008,861 registered voters. Two percent of that number is 100,178. So statewide unaffiliated candidates currently need to collect almost twice as many signatures as new parties do. If the new party requirement is changed to 0.5%, the unaffiliateds will need almost 7 times as many signatures.

North Carolina has experience litigation over the disparity in percentages between new parties and unaffiliated candidates. In *Greaves v. State Board of Elections*, 508 F. Supp. 78 (1980), the N.C. unaffiliated percentage was held unconstitutional. The court noted it was sixteen times higher than the new party percentage.

In 2002 Paul DeLaney, a man who failed to qualify for an unaffiliated candidacy for U.S. Senate, challenged the unaffiliated percentage in federal court. Though the court did not grant his petition to be allowed on the ballot, a trial has been set for January 2004.

In 2001 the Senate passed a bill that would have equalized the statewide unaffiliated signature requirement with that for new parties. The bill was defeated 45-71 in the House.

New Items in PCS – H867-CSRR-4 [v.2]

- **Moves new party petition-filing deadline from June 1 to April 1.**
(Section 1)
- **Moves new party deadline for nominating candidates from July 1 to May 1.** *(Section 3)*
- **Changes statewide unaffiliated candidate petition requirement from 2% of all registered voters in State (100,781) to 0.5% of last Governor's election vote (14,711). Would equalize with new party requirement.** *(Section 4)*
- **Leaves original bill basically in place. (Technical change in Section 2)**

Ballot Access Numbers Sheet

Total Registered Voters of N.C. 5,008,861

10%	500,887
2%	100,178 (current: statewide UA cand petition signats)
1%	50,089
0.5%	25,045

Total Vote 2000 NC Gov Race 2,942,062

10%	294,207 (current: party stay-on alternative)
2%	58,842 (current: new party petition sign) (PCS: party stay-on alternative)
1%	29,421
0.5%	14,711 (PCS: party & statewide UA petition signats)

Total Vote 2000 NC Pres Race 2,911,262

10%	291,127 (current: party stay-on alternative)
2%	58,226 (PCS: party stay-on alternative)
1%	29,113
0.5%	14,557



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 867

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H867-ARR-13 [v.1]

Page 1 of 1

Date _____, 2003

Comm. Sub. [YES]
Amends Title [YES]
H867-CSRR-4 [v.5]

Representative Starnes

- 1 moves to amend the bill on page 1, lines 2 through 4,
2 by deleting the term "TO REDUCE THE NUMBER OF SIGNATURES REQUIRED
3 OF A NEW PARTY AND OF A STATEWIDE UNAFFILIATED CANDIDATE TO
4 ACHIEVE BALLOT ELIGIBILITY;"; and
5
6 on page 1, line 10, by deleting the term "163-96(a)" and substituting "163-96(a)(~~1~~)"; and
7
8 on page 1, lines 11 and 12, by deleting the language on those lines; and
9
10 on page 1, lines 13 through 16, by placing quotation marks at the beginning and end of
11 the language on those lines; and
12
13 on page 1, line 17, through page 2, line 2, by deleting the language on those lines; and
14
15 by deleting Section 4 of the bill and renumbering any subsequent bill section
16 accordingly.
17

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

PLEASE PRESS HARD - 5 COPIES**NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT**

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 067

DATE

4/9/03

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)COMMITTEE SUBSTITUTE H067-CSRR-4v.2

Rep.)

Sen.)

L. Hyl Holliman1 moves to amend the bill on page 2, line 24

2 () WHICH CHANGES THE TITLE

3 by _____

4 Striking through the phrase

5 _____

6 "for state, congressional, and national
7 offices".

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

19 _____

SIGNED

J. Hyl Holliman

ADOPTED

FAILED

TABLED

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. H 867-CSRR-41.2DATE 4/9/03

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE ☒(to be filled in by
Principal Clerk)Rep.) Starnes
Sen.) _____1. moves to amend the bill on page 1, lines 16-19

2 () WHICH CHANGES THE TITLE

3 by REWRITING those lines to read:4 "polled for its candidate for GOVERNOR, OR FOR
5 presidential electors, at least ~~ten~~ two percent
6 ~~(10%)~~ (2%) of the entire vote cast in
7 the State for GOVERNOR OR for presidential
8 electors; OR "9
10 and further moves to amend the bill on page 2,
11 lines 8-10 by rewriting those lines to read:12 "When any political party fails to poll for its
13 candidate for GOVERNOR, OR for presidential electors,
14 at least ~~ten~~ two percent ~~(10%)~~ (2%) of
15 the entire vote cast in the State for GOVERNOR OR
16 for presidential electors at "

SIGNED

E.V. Starnes

ADOPTED

FAILED

TABLED

Chronology of Ballot Access Requirements in N.C.

William R. Gilkeson, Staff Attorney, Research Division, N.C. General Assembly

New Parties				Unaffiliated Candidates	
Deadline	Signatures	Petition Wording	Deadline	Signatures	
1933 90 days before general election	10,000	Petitioners must declare their intention to organize the party.			
1935			Day of the primary.	25% "of those entitled to vote for a candidate for such office according to the vote cast in the last gubernatorial election. . . ."	
1948	<i>States' Rights Democratic Party v. State Board of Elections</i> : State Supreme Ct. rules that any registered voter must be allowed to sign a new party petition, regardless of whether they voted in a primary.				
1949 July 1	"	Petitioners must declare their intention to organize the party <i>and to vote for its nominees</i> .			
1967			Last Saturday in May.	25% of votes cast in last Governor's race in the jurisdiction.	

New Parties			Unaffiliated Candidates	
Deadline	Signatures	Petition Wording	Deadline	Signatures
1973			"	10% of votes cast in last Governor's race in the jurisdiction.
1975	15-day lead time added to allow county boards to verify petitions for multi-county offices.			
1979	June 1.		Last Friday in April.	"
1980			<u>Greaves v. State Bd. of Elections</u> : U.S. Eastern District Ct. invalidates the 10% of Gov.'s race as a discrimination against candidates who run as independents rather than with a party. Also invalidates the April deadline as not being based on compelling State interest.	

New Parties			Unaffiliated Candidates	
Deadline	Signatures	Petition Wording	Deadline	Signatures
1981	5,000	Verbatim wording placed in statute. Petitioners direct board of elections to change their party affiliation to the new party on registration records.	Last Friday in June.	<ul style="list-style-type: none"> • 2% of all registered voters in State for statewide office; • 5% of reg. voters in district for multi-county district office. • 10% of reg. voters in county for office within one county.
1982		<u>Socialist Worker Party v. State Board</u> : U.S. Eastern Dist. Ct. invalidates petition wording changing signer's affiliation.		
1983	2% of last Gov.'s race.			

New Parties			Unaffiliated Candidates	
Deadline	Signatures	Petition Wording	Deadline	Signatures
1988	<u>New Alliance Party v. State Board</u> : U.S. Eastern District Ct. invalidates statute that prohibits new party from nominating candidates for offices below federal and statewide level. Though statute stays on the books, elections boards stop enforcing it, allowing new parties to nominate candidates at all levels.			
1991				<u>Obie v. State Board</u> : U.S. Eastern District Ct. rules 10% for county candidates unconstitutional denial of associational rights.
1995	<u>McLaughlin v. State Board</u> : U.S. 4 th Circuit Ct. of Appeals rules that 5¢ per name fee and notarization are invalid requirements for petitions. But it does not strike petition language as facially unconstitutional. It also denies challenge against the number of signatures.			General Assembly drops district and county percentages to 4%
1999	General Assembly repeals notary and 5¢ fee requirement for petitions.		General Assembly repeals 5¢ fee requirement.	

New Parties			Unaffiliated Candidates	
Deadline	Signatures	Petition Wording	Deadline	Signatures
2001	General Assembly changes new party statute to permit nomination of candidates at all levels.			Senate Bill 10 to reduce unaffiliated percentage, passes Senate but is defeated on House floor.
2002				<i>DeLaney v. Bartlett</i> , filed challenging high signature requirement for unaffiliateds. Prelim injunction denied.

2000 BALLOT ACCESS FOR AN INDEPENDENT PRESIDENTIAL CANDIDATE

(Showing Existing North Carolina Law.)

STATE	LEGAL REQUIREMENT	ELECTION CODE REFERENCE	REQUIRED
Ala	number stated in law	17-19-2(a)	5,000
Alas	1% of 1996 pres. vote	15.30.025	2,410
Az	3% of no. of indp. vtrs mid-2000	16.341E	9,598
Ark	number stated in law	7-8-302	1,000
Cal	1% of no. of reg. voters, Oct. 1998	elec. code 8401	149,692
Colo	just pay \$500	1-4-801(b)	0
Ct	number stated in law	9-453(d)	7,500
Del	1% of Dec. 1999 registration	Title 15, §3002(b)	4,819
Fla	1% of no. of reg. voters as of 1998	103.021(3)	82,203
Ga	1% of no. of reg. voters as of 1998	21-2-180	39,094
Hi	1% of no. of 1996 vote cast	Tit. 2, 11-113b(2)(B)	3,703
Id	1% of 1996 pres. vote	34-501(1)(c)(D)	4,918
Il	number stated in law	10 ILCS 5/10-3	25,000
In	2% of 1998 sec of state vote	3-8-6-3	30,717
Io	number stated in law	Tit 4, §45.1	1,500
Kan	number stated in law	25-303	5,000
Ky	number stated in law	Title 10, §118.315(2)	5,000
La	just pay \$500	Title 18, §465C	0
Me	number stated in law	Title 21, §494.5	4,000
Md	1% of no. of reg. voters Mar. 2000	Art. 33, §5-703(e)	25,607
Ma	number stated in law	Chap. 53, §6	10,000
Mi	1% of 1998 gub. vote	168.590(b)2	30,272
Mn	number stated in law	204B.08	2,000
Ms	number stated in law	23-15-359	1,000
Mo	number stated in law	Tit 9, §115.321	10,000
Mt	number stated in law	13-10-601	5,000
Neb	number stated in law	32-504(2)(c)	2,500
Nev	1% of 1998 congress vote	Tit 24, §298.109	4,099
NH	number stated in law	Title 4, §655:42	3,000
NJ	number stated in law	19:13-5	800
NM	3% of 1998 gub. vote	1-8-51	14,964
NY	number stated in law	Chap. 17, §6-142	15,000
NC	2% of no. of reg. voters	163-122	98,606
ND	number stated in law	16.1-12-02	4,000
Oh	number stated in law	3513.257	5,000
Ok	3% of 1996 pres. vote	Title 26, §10-101.2	36,202
Ore	1% of 1996 pres. vote	Title 23, §249.735	13,755
Pa	2% of 1999 judge winner's vote	Title 25, §2911	21,739
RI	number stated in law	17-14-7	1,000
SC	number stated in law	7-11-70	10,000
SD	1% of 1998 gub. vote	12-7-1	2,602
Tn	number stated in law	2-505	25
Tx	1% of 1996 pres. vote	Elec. code 192.032(d)	56,117
Ut	number stated in law	20-3-38	300
Vt	number stated in law	Title 17, §2402(b)	1,000
Va	number stated in law	24.1-159	10,000
Wa	number stated in law	29.24.030	200
WV	2% of 1996 pres. vote	3-5-23	12,730
Wis	number stated in law	Title 2, §8.20(4)	2,000
Wy	2% of 1998 congress vote	22-5-304	3,485
DC	1% of no. of reg. voters, July 2000	1-1308(f)	3,320

"Requirement" shows the no. of signatures to get an independent presidential candidate on the Nov. 2000 ballot. Chart prepared Feb. 14, 2001 by Richard Winger, (415) 922-9779, ban@igc.org.

2000 BALLOT ACCESS FOR A NEW PARTY PRESIDENTIAL CANDIDATE
(Showing Existing North Carolina Law, unchanged by PCS for Senate Bill 10)

STATE	LEGAL REQUIREMENT	ELECTION CODE REFERENCE	SIGNATURES	% of POPULATN
Ala	3% of 1998 gub. vote	17-8-2.1	39,536	0.88%
Alas	1% of 1996 pres. vote	15.30.025	2,410	0.33%
Az	3% of reg. independents as of 2000	16-341.E	9,598	0.18%
Ark	number stated in law	7-8-302	1,000	0.03%
Cal	1% of 1998 vote cast	elec. code 5100(b) (reg.)	86,027	0.25%
Colo	just pay \$500	1-4-801(b)	0	0.00%
Ct	number stated in law	9-453(d)	7,500	0.22%
Del	.05% of Dec. 1999 registration	Title 15, §3001 (reg.)	241	0.03%
Fla	file list of officers; hold nat. conv.	97.021(12)	0	0.00%
Ga	1% of no. of reg. voters as of 1998	21-2-180	39,094	0.47%
Hi	one-tenth of 1% of reg. voters, 1998	Tit. 2, 11-62	602	0.04%
Id	2% of 1996 pres. vote	34-501(1)(c)(D)	9,835	0.76%
Il	number stated in law	10 ILCS 5/10-3	25,000	0.20%
In	2% of 1998 sec of state vote	3-8-6-3	30,717	0.50%
Io	number stated in law	Tit 4, §45.1	1,500	0.05%
Kan	2% of 1998 gub. vote	25-302a	14,854	0.55%
Ky	number stated in law	Title 10, §118.315(2)	5,000	0.12%
La	just pay \$500	Title 18, §465C	0	0.00%
Me	number stated in law	Title 21, §494.5	4,000	0.31%
Md	number stated in law	Art 33, 4-102(b)(2), 5-302(g)	10,000	0.18%
Ma	number stated in law	Chap. 53, §6	10,000	0.15%
Mi	1% of 1998 gub. vote	168.685(1)	30,272	0.30%
Mn	number stated in law	204B.08	2,000	0.04%
Ms	number stated in law	23-15-359	1,000	0.03%
Mo	number stated in law	Tit 9, §115.321	10,000	0.17%
Mt	number stated in law	13-10-601	5,000	0.55%
Neb	1% of 1998 gub. vote	32-716	5,367	0.31%
Nev	1% of 1998 US House vote	Tit 24, §293.1715	4,099	0.20%
NH	number stated in law	Title 4, §655:42	3,000	0.24%
NJ	number stated in law	19:13-5	800	0.009%
NM	1/2 of 1% of 1998 gub. vote	1-8-2.B & 1-7-2.A	2,494	0.13%
NY	number stated in law	Chap. 17, §6-142	15,000	0.07%
NC	2% of 1996 gub. vote	163-96, unchanged by SB 10	51,324	0.63%
ND	number stated in law	16.1-11-30	7,000	1.09%
Oh	1% of 1998 gub. vote	3517.01	33,543	0.29%
Ok	3% of 1996 pres. vote	Title 26, §10-101.2	36,202	1.04%
Ore	1.5% of 1998 pres. vote	Title 23, §249.732	16,257	0.47%
Pa	2% of 1999 judge winner's vote	Title 25, §2911	21,739	0.17%
RI	number stated in law	17-14-7	1,000	0.09%
SC	number stated in law	7-9-10	10,000	0.24%
SD	1% of 1998 gub. vote	12-7-1	2,602	0.34%
Tn	2.5% of 1998 gub. vote	2-104(27)(b)	23,819	0.41%
Tx	1% of 1998 gub. vote	Elec. code 181.005	37,385	0.17%
Ut	number stated in law	20-3-38	300	0.01%
Vt	number stated in law	Title 17, §2402(b)	1,000	0.16%
Va	number stated in law	24.1-159	10,000	0.14%
Wa	number stated in law	29.24.030	200	0.003%
WV	2% of 1996 pres. vote	3-5-23	12,730	0.70%
Wis	number stated in law	Title 2, §8.20(4)	2,000	0.03%
Wy	2% of 1998 US House vote	22-4-402(d)	3,485	0.70%
DC	1% of no. of reg. voters, July 2000	1-1308(f)	3,320	0.58%

"Signatures" shows the no. of signatures to get a new party on the Nov. 2000 ballot. Chart prepared Feb. 14, 2001, by Richard Winger, (415) 922-9779, ban@igc.org. All procedures permit the party label on the ballot. If a state has more than one procedure to qualify a new party, the easier one is shown. "Reg." means "registrations". Population percentages added by Research Division of N.C. General Assembly, February 21, 2001.

● Thank you Representative Micheaux and members of the committee. My name is Elena Everett, I am the chair of the North Carolina Green Party. I am 22 years old and a political science student at NC State. I represent students at UNC-Charlotte, UNC-Wilmington, UNC-Chapel Hill, and Appalachian State University. We urge the committee to support ~~this bill~~ in its present form.
the Electoral Fairness Act

○ North Carolina is currently 49th in the nation in terms of petitioning requirements to get 3rd parties & independent candidates on the ballot. This bill, especially the language easing the petitioning requirements, will put us on par with the rest of the United States, and make it possible for more people to participate. ^{The national average was 48%}

○ Only 34% of voters aged 18-24 voted in the last general election. North Carolina is losing its young voters. We feel it is lack of choice on the ballot that keeps many away from the polls, especially young people who feel like outsiders to the political process.

○ Elena Everett

chair of the NC Green Party
urge support of 867 without
further amendment.

FUNERAL FOR DEMOCRACY

April 19th 12 noon

Partnership Elementary (corner of Glenwood Ave and Deureux)

The funeral procession will meet at the school at 12:00 SHARP and proceed downtown to our state capitol.

The "funeral" is a procession from Partnership Elementary to the state capitol with coffins and body bags representing the casualties of war--on the American side as well as the Iraqi side. The artwork will also signify the intensified war on Veterans rights, funding for education, healthcare benefits, Immigrants' Rights, Civil Liberties, racial Justice, and such related effects of war.

Statement: We are a collaboration of students, workers, and families in the Raleigh area. As Americans, it is our mission to promote peace, justice and democracy. We stand proud in our efforts to speak out against injustices and inequalities at home and abroad.

for questions or further info, contact Bridgette at (919) 523-3193, James at (919) 854-2039, or Mary at (919) 512-4065 OR visit www.ncpeacehub.org

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **ELECTION LAW
AND CAMPAIGN FINANCE REFORM.**

☐ Committee Substitute for

H.B. 819 A BILL TO BE ENTITLED AN ACT TO STENGTHEN THE REQUIREMENT
THAT THE COUNTY BOARDS OF ELECTIONS MUST PROVIDE BEYOND THE
BUFFER ZONE AROUND THE VOTING PLACE A SPACE WHERE CAMPAIGNING
AND OTHER ELECTION-RELATED ACTIVITY CAN BE CONDUCTED.

- ☒ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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.
- ☐ 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)

03/19/03

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

1

HOUSE BILL 819

Short Title: Campaigning Outside Polls.

(Public)

Sponsors: Representatives Miller, Ellis (Primary Sponsors); Barnhart, Blackwood, Blust, Bowie, Capps, Culp, Frye, Gorman, Gulley, Hilton, Holmes, Howard, Hunter, L. Johnson, Justice, Justus, Kiser, LaRoque, Lewis, Luebke, McGee, McHenry, Michaux, Moore, Munford, Pate, Preston, Ray, Setzer, Sexton, Stam, Walend, Walker, West, K. Williams, C. Wilson, and G. Wilson.

Referred to: Election Law and Campaign Finance Reform.

April 1, 2003

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE REQUIREMENT THAT THE COUNTY
BOARDS OF ELECTIONS MUST PROVIDE BEYOND THE BUFFER ZONE
AROUND THE VOTING PLACE A SPACE WHERE CAMPAIGNING AND
OTHER ELECTION-RELATED ACTIVITY CAN BE CONDUCTED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-166.4 reads as rewritten:

**"§ 163-166.4. Limitation on activity in the voting place and in a buffer zone
around it.**

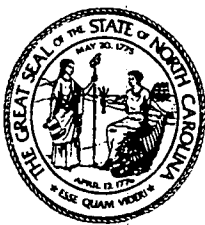
No person or group of persons shall hinder access, harass others, distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity in the voting place or in a buffer zone which shall be prescribed by the county board of elections around the voting place. In determining the dimensions of that buffer zone for each voting place, the county board of elections shall, where practical, set the limit at 50 feet from the door of entrance to the voting place, measured when that door is closed, but in no event shall it set the limit at less than 25 feet. The county board of elections shall ~~also, where practical,~~ also provide an area adjacent to the buffer zone for each voting place in which persons or groups of persons may distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity. No later than 30 days before each election, the county board of elections shall make available to the public the following information concerning each voting place:

(1) The door from which the buffer zone is measured.

(2) The distance the buffer zone extends from that door.

(3) Any available information concerning where political activity, including sign placement, ~~that~~ is permitted beyond the buffer zone."

SECTION 2. This act is effective when it becomes law.



HOUSE BILL 819: Campaigning Outside Polls.

BILL ANALYSIS

Committee: House Election Law and
Campaign Reform
Date: April 16, 2003
Version: First Edition

Introduced by: Reps. Miller and Ellis
Summary by: R. Erika Churchill
Committee Counsel

SUMMARY: *The bill would require the local board of elections to provide an area for engaging in election related activity that is adjacent to the buffer zone for each voting place.*

CURRENT LAW: At polling places, within the voting place or the buffer zone around the voting place, persons are not allowed to do any of the following:

- Hinder access.
- Harass others.
- Distribute campaign literature.
- Place political advertising, solicit votes.
- Otherwise engage in election-related activity.

In setting the buffer zone for each voting place, the county board of elections to set the limit at 50 feet from the door of entrance to the voting place, measured when that door is closed. To take into account varying building and lot designs, the buffer zone may be less than 50 feet if necessary, but in no event may it be less than 25 feet.

The county board of elections is also required, **where practical**, to provide an area adjacent to the buffer zone for each voting place in which persons or groups of persons may distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity.

The following information with respect to each voting place is to be made available to the public at least 30 days before each election:

- (1) The door from which the buffer zone is measured.
- (2) The distance the buffer zone extends from that door.
- (3) Any available information concerning political activity, including sign placement, that is permitted beyond the buffer zone.

BILL ANALYSIS: The bill would **require** the local board of elections to provide an area adjacent to the buffer zone at each polling place for the purposes of election-related activities prohibited in the buffer zone, rather than provide such an area where practical.

EFFECTIVE DATE: The bill would become effective when it becomes law.

AGENDA

HOUSE COMMITTEE ON ELECTION LAW AND CAMPAIGN FINANCE REFORM

April 21, 2003
Room 415 LOB
5 p.m.

OPENING REMARKS

Representative Mickey Michaux, Chairman
Representative Paul Stam, Chairman
Election Law and Campaign Finance Reform

AGENDA ITEMS

HB 756 – Same Day Registration – Rep. Ross
HB 787 – Reporting by Federal PAC – Rep. Mitchell
HB 869 – Reporting Absentee Votes – Rep. Gorman
HB 1119 – Election Law Changes – Rep. Alexander
HB 1147 – Absentee Ballot Requests- Rep. Nesbitt

Minutes
House Committee on Election Law and Campaign Finance Reform
April 21, 2003

The House Committee on Election Law and Campaign Finance Reform met on Monday, April 21, 2003 in Room 415 of the Legislative Office Building at 5:00 p.m. The following members were present: Co-Chair Paul Stam, Co-Chair Mickey Michaux, Vice-Chair Hugh Holliman, Representatives Alexander, Blust, Crawford, Daughtridge, Daughtry, Kiser, Nesbitt, Parmon, Rayfield, and Ross. Bill Gilkeson and Erika Churchill, Staff Counselors were in attendance.

Co-Chair Paul Stam presiding and called the meeting to order to consider the following bills:

Representative Gorman was recognized to explain **HB 869, A BILL TO BE ENTITLED AN ACT TO ADVANCE THE DATE FOR REPORTING MAILED ABSENTEE AND ONE-STOP VOTES BY PRECINCT FROM 2006 TO 2004 FOR THOSE COUNTIES CAPABLE OF DOING SO.** Upon motion made by Representative Rayfield, the Committee voted for a favorable report.

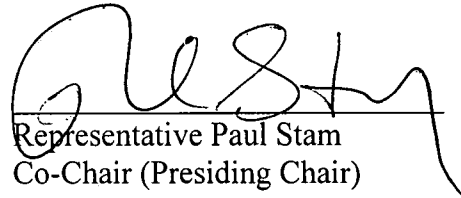
The next order of business was **HB 787, A BILL TO BE ENTITLED AN ACT TO ESTABLISH EQUITY IN REPORTING REQUIREMENTS BETWEEN FEDERAL POLITICAL COMMITTEES AND NORTH CAROLINA POLITICAL COMMITTEES.** Representative Mitchell, bill sponsor explained the bill. Upon motion made by Representative Daughtry, the Committee voted for a favorable report.

Representative Alexander was recognized to explain **HB 1119, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE ELECTION LAWS.** Amendments were sent forward by Representative Nesbitt and Alexander and were adopted by the Committee. Upon motion made by Representative Ross to give the original bill an unfavorable report and the committee substitute bill be given a favorable report, the Committee gave favorable vote to the committee substitute bill.

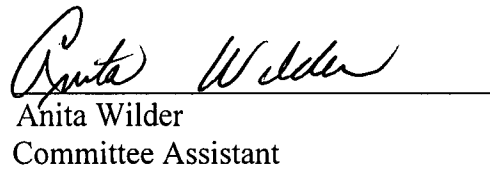
Representative Nesbitt was recognized to explain **HB 1147, A BILL TO BE ENTITLED AN ACT TO REMOVE RECENTLY ENACTED RESTRICTIONS ON REQUESTING ABSENTEE BALLOTS.** Representative Rayfield makes a motion to adopt the proposed committee substitute bill for discussion and the Committee voted in favor. Upon motion made by Representative Kiser, the Committee voted to give an unfavorable report to the original bill and a favorable report to the committee substitute bill, the Committee voted for a favorable report.

Page 2
April 21, 2003

Respectfully submitted,



Representative Paul Stam
Co-Chair (Presiding Chair)



Anita Wilder
Committee Assistant

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **ELECTION LAW
AND CAMPAIGN FINANCE REFORM.**

☐ Committee Substitute for

H.B. 869 A BILL TO BE ENTITLED AN ACT TO ADVANCE THE DATE FOR
REPORTING MAILED ABSENTEE AND ONE-STOP VOTES BY PRECINCT FROM
2006 TO 2004 FOR THOSE COUNTIES CAPABLE OF DOING SO.

☒ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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.

☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 869

Short Title: Reporting Absentee Votes.

(Public)

Sponsors: Representatives Gorman; and Blust.

Referred to: Election Law and Campaign Finance Reform.

April 7, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ADVANCE THE DATE FOR REPORTING MAILED ABSENTEE
3 AND ONE-STOP VOTES BY PRECINCT FROM 2006 TO 2004 FOR THOSE
4 COUNTIES CAPABLE OF DOING SO.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 163-132.5G reads as rewritten:

7 "§ 163-132.5G. Voting data maintained by precinct.

8 To the extent that it can do so without compromising the secrecy of an individual's
9 ballot, each county board of elections shall maintain voting data by precinct so that
10 precinct returns for each item on the ballot shall include the votes cast by residents of
11 the precinct who voted by absentee ballot, both mail and one-stop. The county board
12 shall not be required to report absentee voting data by precinct until 60 days after the
13 election. The State Board of Elections shall adopt rules for the enforcement of this
14 section with the goal that all voting data shall be reported by precinct by the 2006
15 election. Those rules shall provide for exemptions where the expense of compliance
16 would place a financial hardship on a county. Those rules shall provide for compliance
17 by 2004 for counties the State Board determines are capable of complying by that year."

18 SECTION 2. This act is effective when it becomes law.



HOUSE BILL 869: Reporting Absentee Votes.

BILL ANALYSIS

Committee: House Election Law and
Campaign Reform
Date: April 21, 2003
Version: First Edition

Introduced by: Representative Gorman
Summary by: R. Erika Churchill
Committee Co-Counsel

SUMMARY: *The bill would require the State Board of Elections to adopt rules requiring counties that can comply with the absentee voting data by precinct requirement in G.S. 163-132.5G by 2004 to do so.*

CURRENT LAW:

The 2001 General Assembly enacted a new provision to require absentee votes, whether mail-in or one-stop, to be reported by precinct, effective with the 2006 election. The State Board was to adopt rules to ensure that the reporting by the county boards of elections was implemented by the 2006 election, and provide for exemptions from the reporting requirement in the case of financial hardship.

BILL ANALYSIS: The bill would require that in adopting rules to implement the provisions of G.S. 163-135.5G, the State Board is to demand that counties that can comply with the absentee ballot reporting requirement by 2004 do so.

BACKGROUND:

The Legislative Services Office is required, as part of its duty to develop a computer system for redistricting, to collect voter registration data and election data as well as Census population data, for every precinct in the State. County boards of elections are required to prepare abstracts of election data by precinct. Those abstracts are stored with the county's Clerk of Superior Court and the Secretary of State. The State Board of Elections also has the authority to collect computerized election returns.

In collecting voter registration and election data by precinct, the Legislative Services Office has encountered an issue in that a number of voters are casting their votes by absentee ballots. Not all counties are able to break down returns coming from those kinds of ballots by precinct. For example, in the 2000 NC Governor's election, 486,152 votes were reported by county boards at the county level – not by precinct. This was 14.2% of the total of 3,428,214 votes cast. The ultimate result is that election results by precinct may not accurately reflect the votes of the voters of that precinct.

EFFECTIVE DATE: The bill would become effective when it becomes law.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **ELECTION LAW
AND CAMPAIGN FINANCE REFORM.**

- ☐ Committee Substitute for
H.B. 787 A BILL TO BE ENTITLED AN ACT TO ESTABLISH EQUITY IN
REPORTING REQUIREMENTS BETWEEN FEDERAL POLITICAL COMMITTEES
AND NORTH CAROLINA POLITICAL COMMITTEES.
- ☒ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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.
- ☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 787

Short Title: Reporting by Federal PAC.

(Public)

Sponsors: Representative Mitchell.

Referred to: Election Law and Campaign Finance Reform.

March 27, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH EQUITY IN REPORTING REQUIREMENTS BETWEEN
3 FEDERAL POLITICAL COMMITTEES AND NORTH CAROLINA POLITICAL
4 COMMITTEES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 163-278.7A reads as rewritten:

7 "§ 163-278.7A. Gifts from federal political committees.

8 It shall be permissible for a federal political committee, as defined by the Federal
9 Election Campaign Act and regulations adopted pursuant thereto, to make contributions
10 to a North Carolina candidate or political committee registered under this Article with
11 the State Board of Elections or a county board of elections, provided that the
12 contributing committee:

- 13 (1) Is registered with the State Board of Elections consistent with the
14 provisions of this Article;
15 (2) Complies with reporting requirements specified by the State Board of
16 Elections; Elections, which shall not be more stringent than those
17 required of North Carolina political committees registered under this
18 Article;
19 (3) Makes its contributions within the limits specified in this Article; and
20 (4) Appoints an assistant or deputy treasurer who is a resident of North
21 Carolina and stipulates to the State Board of Elections that the
22 designated in-State resident assistant or deputy treasurer shall be
23 authorized to produce whatever records reflecting political activity in
24 North Carolina the State Board of Elections deems necessary."

25 SECTION 2. This act is effective when the State Board of Elections
26 develops the technological capacity to implement it, but no later than January 1, 2004.



HOUSE BILL 787: Reporting by Federal PAC.

BILL ANALYSIS

Committee: House Election Law and
Campaign Reform

Date: April 21, 2003

Version: First Edition

Introduced by: Representative Mitchell

Summary by: R. Erika Churchill

Committee Co-Counsel

SUMMARY: *The bill would require that when specifying the reporting requirements of federal political campaign committees, the State Board of Elections could not specify requirements that are more stringent than the reporting requirements for North Carolina political committees.*

CURRENT LAW: Federal political committees are allowed to make contributions to a North Carolina candidate or political committee provided that the contributing federal political committee does all of the following:

1. Registers with the State Board of Elections.
2. Complies with reporting requirements specified by the State Board of Elections.
3. Makes its contributions within the limits specified in Article 22A. i.e. No political committee may contribute to any candidate or political committee more than \$4,000.00 for an election.
4. Appoints an assistant or deputy treasurer who is a resident of North Carolina and stipulates to the State Board that person is authorized to produce whatever records reflecting political activity in North Carolina the State Board deems necessary.

The State Board has specified that the **reporting requirements for federal PACs** are:

- A report of contributions to 'in-state' North Carolina candidates and committees is due immediately (within 10 days of making a contribution).
- The report is to be received in the North Carolina Campaign Reporting Office within 10 days of the date of the contribution or oldest contribution not yet disclosed. A report bearing an U.S. Postmark of the due date or an earlier date will be accepted as timely.
- Late filings result in penalty assessments as prescribed in G.S. 163-278.34.
- Any reports filed must disclose all contributions made to North Carolina 'in-state' candidates and committees, even when the federal law sets a higher reporting threshold.

BILL ANALYSIS: The bill would require that when specifying the reporting requirements of federal political campaign committees, the State Board of Elections could not specify requirements that are more stringent than the reporting requirements for North Carolina political committees.

EFFECTIVE DATE: The bill would become effective when the State Board develops the technology to implement the act, but not later than January 1, 2004.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **ELECTION LAW
AND CAMPAIGN FINANCE REFORM.**

☐ Committee Substitute for

H.B. 1119 A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE
ELECTION LAWS.

☐ 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 the committee substitute bill (~~#~~), ☐ which changes the
title, unfavorable as to (the 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.

☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1119

Short Title: Election Law Changes - 1.

(Public)

Sponsors: Representative Alexander.

Referred to: Election Law and Campaign Finance Reform.

April 10, 2003

A BILL TO BE ENTITLED
AN ACT TO MAKE CHANGES TO THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. Subsections (e), (f), (g), (h), and (i) of G.S. 163-278.9 are repealed.

SECTION 2.(a) G.S. 163-278.6 is amended by adding a new subsection to read:

"(15a) "Political party organization" means any political party executive committee or any political committee that operates under the direction of a political party, political party executive committee, or political party chair."

SECTION 2.(b) G.S. 163-278.39B(6) reads as rewritten:

"(6) "Political party organization" means any political party executive committee or any political committee that operates under the direction of a political party, political party executive committee, or political party chair."

SECTION 3. G.S. 163-278.8(c) reads as rewritten:

"(c) A treasurer may not accept a contribution of more than one hundred dollars (\$100.00) from a nonresident of this State unless the contribution is accompanied by a written statement setting forth the name-name, daytime telephone number or e-mail address, and mailing address of each contributor."

SECTION 3.1. G.S. 163-278.66(a) reads as rewritten:

"(a) Reporting by Noncertified Candidates and Independent Expenditure Entities.
- Any noncertified candidate with a certified opponent shall report total income, expenses, and obligations to the Board by facsimile machine or electronically within 24 hours after the total amount of campaign expenditures or obligations made, or funds raised or borrowed, exceeds eighty percent (80%) of the trigger for rescue funds as defined in G.S. 163-278.62(18). Any entity making independent expenditures in excess of three thousand dollars (\$3,000) in support of or opposition to a certified candidate

1 candidate or in support of a candidate opposing a certified candidate shall report the
2 total funds received, spent, or obligated for those expenditures to the Board by facsimile
3 machine or electronically within 24 hours after the total amount of expenditures or
4 obligations made, or funds raised or borrowed, for the purpose of making the
5 independent expenditures, exceeds fifty percent (50%) of the trigger for rescue funds.
6 After this 24-hour filing, the noncertified candidate or independent expenditure entity
7 shall comply with an expedited reporting schedule by filing additional reports after
8 receiving each additional amount in excess of one thousand dollars (\$1,000) or after
9 making or obligating to make each additional expenditure(s) in excess of one thousand
10 dollars (\$1,000). The schedule and forms for reports required by this subsection shall be
11 made according to procedures developed by the Board."

12 SECTION 4. G.S. 163-46 reads as rewritten:

13 **"§ 163-46. Compensation of precinct officials and assistants.**

14 The precinct chief judge shall be paid the state minimum wage for his services on
15 the day of a primary, special or general election. Judges of election shall each be paid
16 the state minimum wage for their services on the day of a primary, special or general
17 election. Assistants, appointed pursuant to G.S. 163-42, shall each be paid the state
18 minimum wage for their services on the day of a primary, special or general election.
19 Ballot counters appointed pursuant to G.S. 163-43 shall be paid a minimum of five
20 dollars (\$5.00) for their services on the day of a primary, general or special election. If
21 an election official is being paid an hourly wage or daily fee on an election day and the
22 official is performing additional election duties away from the assigned precinct voting
23 place, the official shall not be entitled to any additional monies for those services,
24 except for reimbursable expenses in performing the services.

25 If the county board of elections requests the presence of a chief judge or judge at the
26 county canvass, the chief judge shall be paid the sum of twenty dollars (\$20.00) per day
27 and judges shall be paid the sum of fifteen dollars (\$15.00) per day. If the county board
28 of elections requests a precinct official, including chief judge or judge, to personally
29 deliver official ballots or other official materials to the county board of elections, the
30 precinct official shall be paid the sum of twenty dollars (\$20.00) per day and judges
31 shall be paid the sum of fifteen dollars (\$15.00) per day.

32 The chairman of the county board of elections, along with the director of elections,
33 shall conduct an instructional meeting prior to each primary and general election which
34 shall be attended by each chief judge and judge of election, unless excused by the
35 chairman, and such precinct election officials shall be paid the sum of fifteen dollars
36 (\$15.00) for attending the instructional meetings required by this section.

37 In its discretion, the board of county commissioners of any county may provide
38 funds with which the county board of elections may pay chief judges, judges, assistants,
39 and ballot counters in addition to the amounts specified in this section. Observers shall
40 be paid no compensation for their services.

41 A person appointed to serve as chief judge, or judge of election when a previously
42 appointed chief judge or judge fails to appear at the voting place or leaves his post on
43 the day of an election or primary shall be paid the same compensation as the chief judge
44 or judge appointed prior to that date.

1 For the purpose of this section, the phrase "the State minimum wage," means the
2 amount set by G.S. 95-25.3(a). For the purpose of this section, no other provision of
3 Article 2A of Chapter 95 of the General Statutes shall apply."

4 **SECTION 5.** G.S. 163-112(b) reads as rewritten:

5 "(b) Death of One of More Than Two Candidates within 10 Days after the Filing
6 Period Closes. – If at the close of the filing period more than two candidates have filed
7 for a ~~single~~single-seat office, and within 10 days after the filing period closes the board
8 of elections receives notice of a candidate's death, the board shall immediately open the
9 filing period for that party contest, for three additional days in order for candidates to
10 file for that office. The name of the deceased candidate shall not be printed on the
11 ballot.

12 In the event a candidate's death occurs more than 10 days after the closing of the
13 original filing period, the names of the remaining candidates shall be printed on the
14 ballot. If the ballots have been printed at the time death occurs, the ballots shall not be
15 reprinted and any votes cast for a deceased candidate shall not be counted or considered
16 for any purpose. In the event the death of a candidate or candidates leaves only one
17 candidate, then such candidate shall be certified as the party's nominee for that office."

18 **SECTION 6.** G.S. 163-278.6(18a) reads as rewritten:

19 "(18a) The term 'referendum' means any question, issue, or act referred to a
20 vote of the people of the entire State by the General Assembly, a unit
21 of local government, or by the people under any applicable local act
22 and includes constitutional amendments and State bond issues. The
23 term 'referendum' includes any type of municipal, county, or special
24 district ~~referendum~~. referendum and any initiative referendum
25 authorized by a municipal charter or local act. A recall election shall
26 not be considered a referendum within the meaning of this Article."

27 **SECTION 7.(a)** G.S. 163-82.10(d) reads as rewritten:

28 "(d) Exception for Address of Certain Registered Voters. – Notwithstanding
29 subsections (b) and (c) of this section, if a registered voter submits to the county board
30 of elections a copy of a protective order without attachments, if any, issued to that
31 person under G.S. 50B-3 or a lawful order of any court of competent jurisdiction
32 restricting the access or contact of one or more persons with a registered voter or a
33 current and valid Address Confidentiality Program authorization card issued pursuant to
34 the provisions of Chapter 15C of the General Statutes, accompanied by a signed
35 statement that the voter has good reason to believe that the physical safety of the voter
36 or a member of the voter's family residing with the voter would be jeopardized if the
37 voter's address were open to public inspection, that voter's address is a public record but
38 shall be kept confidential as long as the protective order remains in effect or the voter
39 remains a certified program participant in the Address Confidentiality Program. That
40 voter's name, precinct, and the other data contained in that voter's registration record
41 shall remain a public record. That voter's signed statement submitted under this
42 subsection is a public record but shall be kept confidential as long as the protective
43 order remains in effect or the voter remains a certified program participant in the
44 Address Confidentiality Program. It is the responsibility of the voter to provide the

1 county board with a copy of the valid protective order in effect or a current and valid
2 Address Confidentiality Program authorization card issued pursuant to the provisions of
3 Chapter 15C of the General Statutes. The voter's actual address shall be used for any
4 election-related purpose by any board of elections. That voter's address shall be
5 available for inspection by a law enforcement agency or by a person identified in a court
6 order, if inspection of the address by that person is directed by that court order. It shall
7 not be a violation of this section if the address of a voter who is participating in the
8 Address Confidentiality Program is discovered by a member of the public in public
9 records disclosed by a county board of elections prior to December 1, 2001. Addresses
10 required to be kept confidential by this section shall not be made available to the jury
11 commission under the provisions of G.S. 9-2."

12 **SECTION 7.(b)** G.S. 9-2(g) reads as rewritten:

13 "(g) The custodian of the appropriate election registration records in each county
14 shall cooperate with the jury commission in its duty of compiling the list required by
15 this section. Nothing in this section authorizes the disclosure of addresses required to be
16 kept confidential by G.S. 163-82.10(d)."

17 **SECTION 8.** G.S. 163-221 reads as rewritten:

18 **"§ 163-221. Persons may not sign name of another to petition.**

19 (a) No person may sign the name of another person ~~to~~ to any of the following:

20 (1) Any petition calling for an election or ~~referendum~~; referendum.

21 (2) Any petition under G.S. 163-96 for the formulation of a new political
22 party; party.

23 (3) Any petition under G.S. 163-107.1 requesting a person to be a
24 eandidate; candidate.

25 (4) Any petition under G.S. 163-122 to have the name of an unaffiliated
26 candidate placed on the general election ballot, or under G.S. 163-296
27 to have the name of an unaffiliated or nonpartisan candidate placed on
28 the regular municipal election ~~ballot~~; or ballot.

29 (5) Any petition under G.S. 163-213.5 to place a name on the ballot under
30 the Presidential Preference Primary Act.

31 (6) Any petition under G.S. 163-123 to qualify as a write-in candidate.

32 (b) Any name signed on a petition, in violation of this section, shall be void.

33 (c) Any person who willfully violates this section is guilty of a Class 2
34 misdemeanor."

35 **SECTION 9.** G.S. 6-19.1 reads as rewritten:

36 **"§ 6-19.1. Attorney's fees to parties appealing or defending against agency**
37 **decision.**

38 In any civil action, other than an adjudication for the purpose of establishing or
39 fixing a rate, or a disciplinary action by a licensing board, brought by the State or
40 brought by a party who is contesting State action pursuant to G.S. 150B-43 or any other
41 appropriate provisions of law, unless the prevailing party is the State, the court may, in
42 its discretion, allow the prevailing party to recover reasonable attorney's fees, including
43 attorney's fees applicable to the administrative review portion of the case, in contested

cases arising under Article 3 of Chapter 150B, to be taxed as court costs against the appropriate agency if:

- (1) The court finds that the agency acted without substantial justification in pressing its claim against the party; and
- (2) The court finds that there are no special circumstances that would make the award of attorney's fees unjust. The party shall petition for the attorney's fees within 30 days following final disposition of the case. The petition shall be supported by an affidavit setting forth the basis for the request.

Nothing in this section shall be deemed to authorize the assessment of attorney's fees for the administrative review portion of the case in contested cases arising under Article 9 of Chapter 131E of the General Statutes.

Nothing in this section shall be deemed to authorize the assessment of attorney's fees against the State Board of Elections concerning any decision of the board pertaining to election protests, contests, or disputes over election outcomes.

Nothing in this section grants permission to bring an action against an agency otherwise immune from suit or gives a right to bring an action to a party who otherwise lacks standing to bring the action.

Any attorney's fees assessed against an agency under this section shall be charged against the operating expenses of the agency and shall not be reimbursed from any other source."

SECTION 10. G.S. 163-182.13(a) reads as rewritten:

"(a) When State Board May Order New Election. – The State Board of Elections may order a new election, upon agreement of at least four of its members, in the case of any one or more of the following:

- (1) Ineligible voters sufficient in number to change the outcome of the election were allowed to vote in the election, and it is not possible from examination of the official ballots to determine how those ineligible voters voted and to correct the totals.
- (2) Eligible voters sufficient in number to change the outcome of the election were improperly prevented from voting.
- (3) Other irregularities affected a sufficient number of votes to change the outcome of the election.
- (4) Irregularities or improprieties occurred to such an extent that, although it is not possible to determine whether those irregularities or improprieties affected the outcome of the election, that they taint the results of the entire election and cast doubt on its fairness."

SECTION 11. G.S. 163-182.14 reads as rewritten:

"§ 163-182.14. Appeal of a final decision to superior court.

A copy of the final decision of the State Board of Elections on an election protest shall be served on the parties personally or by certified mail. A decision to order a new election is considered a final decision for purposes of seeking review of the decision. An aggrieved party has the right to appeal the final decision to the Superior Court of Wake County within 10 days of the date of service.

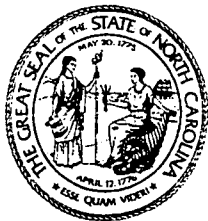
1 After the decision by the State Board of Elections has been served on the parties, the
2 certification of nomination or election or the results of the referendum shall issue
3 pursuant to G.S. 163-182.15 unless an appealing party obtains a stay of the certification
4 from the Superior Court of Wake County within 10 days after the date of service. The
5 court shall not issue a stay of certification unless the petitioner shows the court that the
6 petitioner has appealed the decision of the State Board of Elections, that the petitioner is
7 an aggrieved party, and that the petitioner is likely to prevail, ~~and that the results of the~~
8 ~~election would be changed in the petitioner's favor. Mere irregularities in the election~~
9 ~~which would not change the results of the election shall not be sufficient for the court to~~
10 ~~issue a stay of certification. prevail."~~

11 **SECTION 12.** G.S. 163-213.4 reads as rewritten:

12 **"§ 163-213.4. Nomination by State Board of Elections.**

13 The State Board of Elections shall convene in Raleigh on the first ~~Tuesday in~~
14 ~~February~~ business day after the close of the candidate-filing period established in G.S.
15 163-106(c) preceding the presidential preference primary election. At the meeting
16 required by this section, the State Board of Elections shall nominate as presidential
17 primary candidates all candidates affiliated with a political party, recognized pursuant to
18 the provisions of Article 9 of Chapter 163 of the General Statutes, who have become
19 eligible to receive payments from the Presidential Primary Matching Payment Account,
20 as provided in section 9033 of the U.S. Internal Revenue Code of 1954, as amended.
21 Immediately upon completion of these requirements, the Board shall release to the news
22 media all such nominees selected. Provided, however, nothing shall prohibit the partial
23 selection of nominees prior to the meeting required by this section, if all provisions
24 herein have been complied with."

25 **SECTION 13.** Section 3 of this act becomes effective January 1, 2004. The
26 remainder of this act is effective when it becomes law.



HOUSE BILL 1119: Election Law Changes -- 1.

BILL ANALYSIS

Committee: House Election Laws and
Campaign Finance Reform

Introduced by: Representative Alexander

Summary by: William R. Gilkeson

Date: April 21, 2003

Committee Co-Counsel

Version: First Edition

SUMMARY: *House Bill 1119 makes technical and other changes to the election statutes, most requested by the State Board of Elections (SBOE). All but Sec. 3 effective when bill becomes law.*

Section 1 -- **Outdated Party Reporting.** Repeals 5 subsections of G.S. 163-278.9, which lists required campaign reports. What is being repealed deals with political parties that must file federal and State reports. The SBOE says the procedure is outdated, that parties do and should file like other political committees. This is what would be repealed:

(e) Notwithstanding subsections (a) through (c) of this section, any political party (including a State, district, county, or precinct committee thereof) which is required to file reports under those subsections and under the Federal Election Campaign Act of 1971, as amended (2 U.S.C. 434), shall instead of filing the reports required by those subsections, file with the State Board of Elections:

(1) The organizational report required by subsection (a)(1) of this section, and

(2) A copy of each report required to be filed under 2 U.S.C. 434, such copy to be filed on the same day as the federal report is required to be filed.

(f) Any report filed under subsection (e) of this section may include matter required by the federal law but not required by this Article.

(g) Any report filed under subsection (e) of this section must contain all the information required by G.S. 163-278.8 or G.S. 163-278.11, notwithstanding that the federal law may set a higher reporting threshold.

(h) Any report filed under subsection (e) of this section may reflect the cumulative totals required by G.S. 163-278.11 in an attachment, if the federal law does not permit such information in the body of the report.

(i) Any report or attachment filed under subsection (e) of this section must be certified.

Section 2 -- **"Political Party Organization" Definition.** Takes a definition of "political party organization" in the "Stand by Your Ad" Act, changes the definition somewhat, and applies it to the entire Campaign Reporting Chapter. Currently, "political party" is defined for the Chapter but political party organization. The definition is "any political party executive committee or any political committee that operates under the direction of a political party, political party executive committee, or political party chair." So far, the term is used only in the Stand by Your Ad Act, but this section would make it available for future use as a defined term in the entire Campaign Reporting Act.

Section 3 -- **Daytime Phone # for Out-of-State Donor.** Requires the treasurer of a candidate or political committee to get a daytime phone number for each out-of-State contributor giving over \$100. Effective 1-1-04.

Section 3.1 -- **Technical Change to Judicial Public Financing Act.** Makes a technical change to the statute setting up voluntary public financing of appellate judicial candidates. That statute (163-278.67) entitles a candidate for appellate judge who has volunteered to abide by the fundraising and spending restrictions of the program to receive "rescue funds" if the candidate's opponent spends in excess of the limitation, or if someone makes an independent expenditure in opposition to the candidate in the program, or in support of an opponent of that candidate. Another statute (163-278.66) sets up a reporting requirement of independent expenditures to make that work, but the language is not quite parallel: The reporting statute requires reporting of independent expenditures "in support of or opposition to a certified candidate." This section makes the language in the rescue funds statute and the reporting statute parallel.

HOUSE BILL 1119

Page 2

- Section 4 -- **No Extra Compensation of Election Officials.** Provides that if an election official is being paid an hourly wage or fee on election day and the official is performing additional election duties away from the assigned precinct, the official will be entitled to no additional compensation for the extra work other than reimbursement for expenses.
- Section 5 -- **Technical Change to Primary Vacancy Statute.** Makes a technical change to the statute about the death of a candidate in a primary. The current language talks about two candidates filing for a "single office." Because all candidates file for only one office, a change is made to "single-seat office" to clarify that the statute is referring to a race in which only one is to be nominated.
- Section 6 -- **Definition of "Referendum."** Broadens the definition of "referendum" in the Campaign Reporting Act to include a ballot item triggered by an initiative that is authorized by local act or city charter. Recall elections are specifically excluded from the definition of referendum. One of the consequences of a vote being a referendum is that contribution limits and corporate/union contribution restrictions do not apply – courts have said they cannot apply because no candidate is involved. With a recall vote, a candidate or candidates would be involved.
- Section 7 -- **Conforming Change on Address Confidentiality – Jurors.** The 2001 General Assembly enacted legislation designed to protect people in danger of being stalked and threatened – it required custodians of public records about these people to keep their addresses confidential. Election boards are covered by the new confidentiality requirement with respect to addresses of registered voters. This section extends that confidentiality to the disclosure of registered voters' addresses to the county jury commissions.
- Section 8 -- **Technical Change to Petition Statutes.** Current law prohibits signing someone else's name to a petition that has a legal effect. Doing so is a Class 2 misdemeanor. G.S. 163-221 contains a list of the types of petitions that are included, but inadvertently petitions for write-in candidates was left out. This section remedies that omission.
- Section 9 -- **No Attorney's Fees Assessed Against State Board for Certain Actions.** The SBOE has the duty of deciding various kinds of disputes about elections. Sometimes the decisions of the SBOE are appealed into court, and the SBOE is one of the parties in a lawsuit. This section provides that a court cannot assess attorney's fees against the SBOE in one of those cases.
- Secs. 10 & 11 -- **Technical Change to New Statute on New Elections.** The SBOE has the sole authority in the election system to order a new election. The SBOE may order a new election only if 4 of its 5 members vote to do so, guaranteeing at least some bipartisan agreement. The standards for new elections are basically one of two:
- **"The Math."** That irregularities affected more votes than the margin of victory, rendering the outcome uncertain mathematically.
 - **"The Cloud."** That irregularities occurred to such an extent that they taint the entire election and cast doubt on its fairness.
- In the election law rewrite of 2001, the new G.S. 163-182.13 makes clear that both the Math and the Cloud are still standards for a new election, but the new 163-182.14 concerning appeals is not parallel. Sections 10 and 11 change both statutes to make them parallel.
- Section 12 -- **Conforming Change: Presidential Primary/New Filing Period.** The general candidate filing deadline was recently moved from the 1st Monday in February to the last business day in February. This section moves SBOE designation of presidential primary candidate to the first business day after that filing period ends, as it was under the old filing deadline law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1119

H1119-ARR-17 [v.1]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

Page 1 of 1

Date _____ .2003

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative Stam

- 1 moves to amend the bill on page 4, line 35, through page 5, line 21,
- 2 by deleting Section 9 from the bill; and
- 3
- 4 by renumbering subsequent sections of the bill accordingly.
- 5

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1119

H1119-ARR-17 [v.1]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

Page 1 of 1

Date 4.21.03, 2003

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative Stam *Neabett*

- 1 moves to amend the bill on page 4, line 35, through page 5, line 21,
- 2 by deleting Section 9 from the bill; and
- 3
- 4 by renumbering subsequent sections of the bill accordingly.
- 5

SIGNED *Mark Neabett*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1119

H1119-ARR-18 [v.1]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

Page 1 of 1

Date 4-21-03, 2003

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative Alexander

- 1 moves to amend the bill on page 3, line 24,
- 2 by inserting after the term "initiative" the term "or".
- 3
- 4

SIGNED

Amendment Sponsor

Mark B. Alexander

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

☒

FAILED

TABLED

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1

H. B. No. 1119

DATE 4-21-03

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.) Michaux
Sen.) _____

1 moves to amend the bill on page 1, lines 17-21

2 () WHICH CHANGES THE TITLE

3 by deleting those lines and renumbering the
4 remaining sections accordingly.

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED 

ADOPTED _____ FAILED _____ TABLED _____

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **ELECTION LAW
AND CAMPAIGN FINANCE REFORM.**

- ☐ Committee Substitute for
H.B. 1147 A BILL TO BE ENTITLED AN ACT TO REMOVE RECENTLY ENACTED
RESTRICTIONS ON REQUESTING ABSENTEE BALLOTS.
- ☐ 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 the committee substitute bill (~~#~~), ☐ which changes the
title, unfavorable as to (the original bill) (~~Committee Substitute Bill #~~), (and
~~recommendation that the committee substitute bill #~~) be re-referred to the Committee
on ~~on~~.
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ 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)

03/19/03

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

D

**HOUSE BILL 1147
PROPOSED COMMITTEE SUBSTITUTE H1147-CSRR-15 [v.1]**

4/16/2003 11:36:38 PM

Short Title: Absentee Ballot Requests.

(Public)

Sponsors:

Referred to:

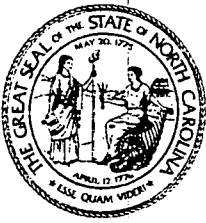
April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE RECENTLY ENACTED RESTRICTIONS ON
3 REQUESTING ABSENTEE BALLOTS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 163-230.2 is repealed.

6 **SECTION 2.** This act is effective when it becomes law.



HOUSE BILL 1147: Absentee Ballot Requests.

BILL ANALYSIS

Committee: House Election Laws and
Campaign Finance Reform

Date: April 17, 2003

Version: First Edition

Introduced by: Representative Nesbitt

Summary by: William R. Gilkeson
Committee Co-Counsel

SUMMARY: *House Bill 1147 would repeal G.S. 163-230.2, a statute enacted in 2002 and in effect for the first time in 2003 that limits how a person may request an absentee application and ballot. The repeal would be effective when the bill became law. (The statute is copied below.)*

CURRENT LAW: The way a person starts the process of getting an absentee ballot is to send in a written request for one to the county board of elections. The board then sends to the requester a package that consists of a ballot and a formal application for the ballot on an envelope. The voter fills out the application, votes the ballot, puts the voted ballot in the envelope and mails it back to the board.

From the early 1970s until this year, the statutory requirements of the request were simple: It simply had to be written and had to be sent to the board by the voter, or the voter's near relative or legal guardian. Otherwise the statute did not specify what form it had to be in. Some county boards of elections, in order to encourage voters to send in the correct information, made absentee ballot request forms available, but the law did not require that the voter use one. (It was assumed that the request had to be signed, and when the State Board of Elections noted that the statute (G.S. 163-130.1) did not require a signature, they requested and received a change in the law to require a signature.)

In recent years political parties and candidates have developed mailing campaigns tied to absentee ballot requests. The practice is to send request forms, often already filled out with information about the voter, to favorable registered voters, urging them to sign the form, send it in, and vote the right way. The practice became more intense when, in 2001, the General Assembly lifted the "excuse" requirement from mail-back absentee voting, allowing anyone who desired to vote absentee by mail.

Late in the 2002 Session, the General Assembly enacted G.S. 163-230.2, placing limitations on how a voter could request an absentee ballot. The voter could still make a simple written request, but could not use a form unless the form was generated by the county board of elections (not by a party or candidate) and issued directly to the voter or the voter's near relative or guardian. If the voter could not complete a written request due to disability or illiteracy, that voter could receive assistance in writing the request from anyone.

BILL ANALYSIS: House Bill 1147 would repeal G.S. 163-230.2, effective when the bill becomes law. It would return to the rule that any written and signed request from the voter or the voter's near relative or guardian would be acceptable, whether on a duplicated form from a mailing campaign or otherwise.

§ 163-230.2. Method of requesting absentee ballots.

(a) **Valid Types of Written Requests.** – A written request for an absentee ballot as required by G.S. 163-230.1 is valid only if it is written entirely by the requester personally, or is on a form generated by the county board of elections and signed by the requester. The county board of elections shall issue a request form only to the voter seeking to vote by absentee ballot or to a person authorized by G.S. 163-230.1 to make a request for the voter. If a requester, due to disability or illiteracy, is unable to complete a written request, that requester may receive assistance in writing that request from an individual of that requester's choice.

(b) **Invalid Types of Written Requests.** – A request is not valid if it does not comply with subsection (a) of this section. If a county board of elections receives a request for an absentee ballot that does not comply with subsection (a) of this section, the board shall not issue an application and ballot under G.S. 163-230.1.

(c) **Rules by State Board.** – The State Board of Elections shall adopt rules for the enforcement of this section. (2002-159, s. 57(a).)

**Testimony to the House Election Law and Campaign Finance Reform Committee
Regarding Same Day Registration and Voting
By Mike McLaughlin
N.C. Center for Public Policy Research
April 2003**

Thank you for the opportunity to testify before the House Election Law and Campaign Finance Reform Committee regarding House Bill 756, a bill to allow same day registration and voting at early voting sites and at central sites on election day.

But before I get started on that, I want to say a quick word about the N.C. Center for Public Policy Research. We are a private, nonpartisan, nonprofit research group, and we study public policy issues of statewide significance. Our goal is to provide nonpartisan, independent research to legislators and other state policymakers about important public policy issues facing North Carolina. We have a 27-member Board of Directors that is designed to reflect the makeup of the state's population in proportions of men and women; whites, African Americans, and Hispanics; Republicans and Democrats; from the east, west, and the Piedmont. Both Sen. Walter Dalton and Representative Ed McMahan are members of our Board of Directors.

All of our studies are subject to review prior to publication to ensure that they are fair, balanced, thorough, and accurate. We want to recognize and thank Representatives Martha Alexander and John Blust who provided information for our draft article. Our reviewers helped us get arguments for and against election day registration in this study, but we're here to today to give you our conclusions.

We at the North Carolina Center for Public Policy Research studied voting and election administration and published our research in this issue of *North Carolina Insight* released today. In our study, we examined three issues: (1) North Carolina's record in voter turnout since 1960; (2) What states in the Top 10 in voter turnout do that we don't; and (3) ways to improve election administration to avoid an election dispute like Florida experienced in the 2000 Presidential election.

from 4/17
committee
meeting.
These ~~are~~ are notes
of Mike McLaughlin's
brief speech

Based on our research findings, we make eight different recommendations for improving voter participation and four additional recommendations to guard against fraud and assure that the state has the ability to produce an accurate count of the vote. We'd like to come back at a later date to give you the full picture of our findings and recommendations, but today, one issue is before you – election day registration. One of our recommendations to improve voter turnout is that the state move toward election-day registration.

At the Center, our recommendations must flow from our research. On this issue, our research uncovered four key facts in favor of election day registration.

(1) First, North Carolina's record in voter turnout is not good. Since 1960, our high for turnout in Presidential elections years was 54.4% of the voting age population in 1968, and our low was 42.8% of the voting age population in 1972. In non-Presidential election years since 1962, our highest turnout was 40.7%, in 1990, and our lowest was 27.3% in the 1974 elections.

Political scientists and state elections officials have long debated which registration figures to use in discussing voter turnout. Elections officials often prefer to use percent of registered voters voting as the standard for discussing turnout. Using registered voter figures produces a higher turnout than voting-age population figures. For example, in the 2000 presidential election, 56.0 % of North Carolina's registered voters cast a ballot, while the percentage of the voting age population who went to the polls was only 50.2%. In the 2002 midterm election, the difference was even more pronounced, with 46.2% of registered voters going to the polls compared to only 36.4% of the voting age population. Those who study problems with people going to the polls prefer to use percentage of voting age population who cast a ballot when discussing voter turnout, and that is what we use, because it focuses on the true goal – getting people to vote, not just register.

Currently, we rank 34th among the 50 states in voter turnout. Meanwhile, many states regularly get 60% turnout, and a few have achieved 70% turnout. This first finding says we have a problem in North Carolina in voter turnout. The next three findings are specifically in favor of election day registration.

(2) Second, there are six states that offer election day registration – Minnesota, Maine, Wisconsin, New Hampshire, Wyoming, and Idaho – and one state, North Dakota, that does not require registration at all. And, in 15 other democracies, citizens are automatically registered to vote when they reach voting age, and 14 of these countries have higher voting rates than the United States.

And here in the United States, among the six states that allow election day registration, voter turnout in the 2000 Presidential election averaged 63% of the voting age population. North Dakota, with no registration required, got 60.4% turnout. The national average was 51%, and North Carolina's voter turnout was even lower at 50.2%.

(3) Third, for the 2000 Presidential election, we found that for each day the voter registration deadline is moved ahead of election day, there is approximately a 0.4% decrease in voter turnout.

North Carolina's current voter registration deadline – at 25 days before the election – falls near the middle of the pack in relation to deadlines among the 50 states. However, our deadline is more than three weeks before North Carolinas go to the polls to cast their ballots, so it means the rolls are closed to new registrants during a period when excitement about political campaigns is at its peak. And, every day which separates election day from the registration deadline costs us votes and participation in our democracy.

(4) Finally, of the Top 11 states in voter participation in the 2000 election, five have election-day voter registration. A sixth state, North Dakota, also is in the Top 10, and remember that it does not require registration at all. Remember too that all six states with election day registration had above-average voter turnout for the 2000 election. And, for the 1996 election, the six states with election-day registration exceeded the national average again, and that was the first year in which Idaho, New Hampshire, and Wyoming offered election day registration. Maine, Minnesota, and Wisconsin have had election day registration since 1976 and have exceeded the national average in voter turnout every year since. This evidence strongly argues that election-day registration holds great potential to increase voter turnout. It allows would-be voters who become

interested in elections late – when excitement about political campaigns is at its height, to register and cast a ballot.

With its new State Election Information Management System (SEIMS), the State Board of Elections now has the data network in place ultimately to allow election-day registration. State Board of Elections director Gary Bartlett notes that with adequate resources, election-day registration can be a reality for North Carolina. He told us, “Give me a little time, give me a little more money and people to provide the necessary infrastructure, and election day registration can work.” To assure eligibility and to prevent fraud, the state may need to require a showing of an address on a driver’s license or other strong proof of residence, but election-day registration should be implemented in North Carolina.

Based on these four research findings, **the N.C. Center for Public Policy Research recommends that the State Board of Elections and the N.C. General Assembly take steps to close the gap between the close of registration and election day – with the ultimate goal of adopting election-day voter registration by 2006.** House Bill 756 is consistent with that recommendation, and, therefore, we endorse this bill and hope this Committee will give the bill a favorable report. Thank you again for the opportunity to testify before this Committee today.

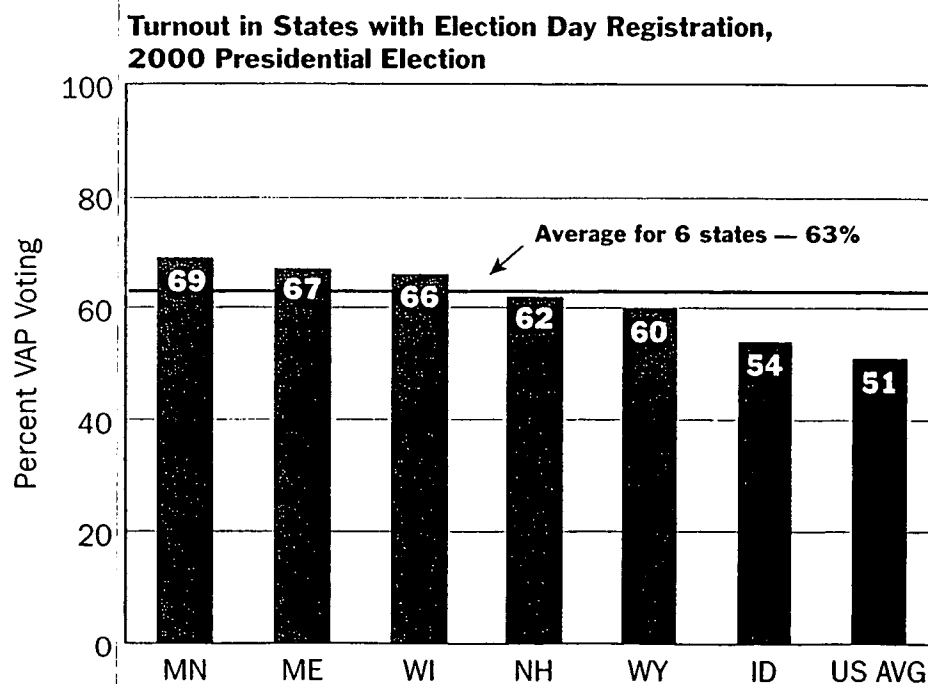
Table 6. Participation Rates of Voting Age Population in Presidential Elections (1960–2000) of Seven States with Election Day Registration or No Registration Compared to U.S. and N.C.

	1960	1964	1968	1972	1976	1980	1984	1988	1992	1996	2000
<i>United States</i>	62.8	61.9	60.8	55.2	53.6	52.6	53.1	50.1	55.1	49.1	51.0
North Carolina*	52.9	52.3	54.4	42.8	43.0	43.4	47.4	43.4	50.1	45.6	50.2
Minnesota	76.4	75.8	73.8	68.7	71.5	70.0	68.2	66.3	71.6	64.1	68.8
Maine	71.7	65.1	66.4	60.3	63.7	64.5	64.8	62.2	72.0	71.9	67.4
Wisconsin	72.9	69.5	66.5	62.5	66.5	67.4	63.5	62.0	69.0	57.4	66.1
New Hampshire	78.7	72.4	69.6	63.6	57.3	57.1	53.0	54.8	63.1	57.3	62.3
North Dakota**	78.0	72.0	70.0	68.3	67.2	64.6	62.7	61.5	67.3	56.0	60.4
Wyoming	73.3	74.3	67.0	64.4	58.6	53.2	53.4	50.3	62.3	59.4	59.7
Idaho	79.7	77.2	73.3	63.3	60.7	67.7	59.9	58.3	65.2	57.1	53.7
Average for these seven states (excludes N.C.)	75.8	72.3	69.5	64.4	63.6	63.5	60.8	59.3	67.3	60.5	62.6

* North Carolina requires voters to register at least 25 days before elections.

** North Dakota does not require voters to register before casting their ballots. Election day registration took effect in 1974 in Maine and Minnesota, in 1976 in Wisconsin, and in 1994 in Idaho, New Hampshire, and Wyoming.

Source: Federal Election Commission



Note: North Dakota does not have voter registration. Average turnout for states with election day registration in 2000 was 63 percent, a 12 percent margin over the national average of 51 percent.

**Table 1. Voter Registration and Participation Rates
in Presidential Elections, 1960–2000,
North Carolina and the Nation**

North Carolina	1960	1964	1968	1972	1976	1980	1984	1988	1992	1996	2000
Percent Registered	n/a	n/a	63.6	66.5	65.4	64.9	71.2	69.9	73.2	78.2	81.0
Percent VAP ¹ Voting	52.9	52.3	54.4	42.8	43.0	43.4	47.4	43.4	50.1	45.6	50.2
Nation											
Percent Registered	58.2	64.6	67.9	69.1	69.0	68.7	71.2	69.2	70.8	74.4	76.0
Percent Voting	62.8	61.9	60.8	55.2	53.6	52.6	53.1	50.1	55.1	49.1	51.0

¹ VAP Voting = Voting Age Population

Sources: Federal Election Commission, Center for Voting and Democracy,
North Carolina State Board of Elections.

**Table 2. Voter Participation Rates in Non-Presidential
Elections, 1962–2002, North Carolina and the Nation**

North Carolina	1962	1966	1970	1974	1978	1982	1986	1990	1994	1998	2002
Percent VAP ¹ Voting	30.9	32.8	30.6	27.3	27.8	29.8	33.5	40.7	29.3	34.4	36.4
Nation											
Percent VAP Voting	47.4	48.4	46.8	38.3	37.8	40.1	36.4	36.4	38.5	35.3	35.0

¹ VAP Voting = Voting Age Population

Sources: Federal Election Commission, Committee for the Study of the American Electorate

**Table 5. Ranking of States Based on
Voting Age Population (VAP) Turnout, 2000 Elections**

Rank	State	% VAP Voted	Rank	State	% VAP Voted
1	Minnesota ¹	68.8	tie	Pennsylvania	53.7
2	Maine ¹	67.4	27	Illinois	52.8
3	Wisconsin ¹	66.1	28	Utah	52.7
4	Alaska	64.4	29	Virginia ²	52.0
5	Vermont	63.7	30	Kentucky	51.7
6	New Hampshire ¹	62.3	31	Maryland	51.4
7	Montana	61.5		<i>National Average</i>	<i>51.0</i>
8	Iowa	60.7	32	New Jersey	51.0
9	Oregon	60.5	33	Florida	50.6
10	North Dakota	60.4	34	North Carolina	50.2
11	Wyoming ¹	59.7	35	Alabama	50.0
12	Connecticut	58.3	36	New York	49.3
13	South Dakota	58.2	37	Tennessee ²	49.2
14	Missouri	57.5	38	Indiana	49.1
15	Michigan	57.4	39	Oklahoma	48.8
16	Washington	56.9	40	Mississippi	48.6
17	Colorado	56.8	41	Arkansas	47.8
tie	Massachusetts	56.8	42	New Mexico	47.4
19	Delaware	56.3	43	South Carolina ²	46.5
tie	Nebraska	56.3	44	West Virginia	45.7
21	Ohio	55.7	45	California	44.0
22	Louisiana	54.2	46	Georgia ²	43.8
tie	Rhode Island	54.2	tie	Nevada	43.8
24	Kansas	54.0	48	Texas	43.1
25	Idaho ¹	53.7	49	Arizona	42.1
			50	Hawaii	40.5

¹ Six states with Election Day Registration

² Four states bordering North Carolina

Sources: Center for Voting Democracy and Federal Election Commission

**Table 3. Voter Turnout in 20 Democracies—
1970s, 1980s, 1990s**

	Average Turnout as Percentage of Eligible Population			Compulsory Voting	Mandatory Requirement To Register
	(1990s)	(1980s)	(1970s)		
Italy	90 %	90 %	94 %	Yes	Automatic ¹
Belgium	84	94	88	Yes	Automatic
Sweden	84	89	88	No	Automatic
Australia	83	94	86	Yes	Yes
Germany	83	87	85	No	Automatic
Spain	79	75	78	No	Automatic
Austria	78	91	88	No	Automatic
Norway	76	83	82	No	Automatic
Netherlands	75	85	82	No	Automatic
Denmark	72	86	85	No	Automatic
United Kingdom	72	74	75	No	No
Finland	71	74	82	No	Automatic
Ireland	71	72	77	No	Automatic
France	61	72	78	No	No
Canada	60	73	68	No	Automatic
Switzerland	38	47	44	No	Automatic
New Zealand	n/a	89	83	No	Yes
Israel	n/a	79	80	No	Automatic
Japan	n/a	71	72	No	Automatic
<i>United States</i>	<i>45 %</i>	<i>54 %</i>	<i>54 %</i>	<i>No</i>	<i>No</i>
U.S. Rank Among Democracies	16 of 17	19 of 20	19 of 20		
North Carolina	48 %	45 %	43 %	No	No

¹ Countries with automatic registration do not require citizens to initiate the registration process. They are automatically registered to vote when they reach voter age.

Sources: Thomas T. Mackie, *The International Almanac of Electoral History*. Fully revised 3rd ed., Congressional Quarterly, Washington, D.C., 1991

Center for Voting and Democracy, Takoma Park, Md., on the Internet at www.fairvote.org

VISITOR REGISTRATION SHEET

Election Law & Campaign
Name of Committee

4-21-03
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Mike McLoughlin	N.C. Center for Public Policy Research
Sam Watts	" "
Lynne Williams	NC Fair Share
Don Wright	State Board of Elections
Ken Westbrook	State Board of Elections
Johnnie McLean	" " "
Bee Weatherman	NC Petroleum Council
Bob Hall	Democracy North Carolina
Elizabeth Oniz	NCPAC
Bob Phillips	Common Cause NC
Kathie Austin	FRTD
Amy Dobson	NC State Watch
Shad Duhems	Charlotte Observer
Doug Howe	NCPMA
Gary Harris	NCPMA
Chris Means	Rep JOE KISER
Chris Heagerty	NC Center for Voter Ed
FRANK BARD	NCVCE

AGENDA

HOUSE COMMITTEE ON ELECTION LAW AND CAMPAIGN FINANCE REFORM

April 24, 2003
Room 1228
12 p.m.

OPENING REMARKS

Representative Mickey Michaux, Chairman
Representative Paul Stam, Chairman
Election Law and Campaign Finance Reform

AGENDA ITEMS

HB 737 – Durham School Recall Election – Rep. Miller
HB 756 – Same Day Registration – Rep. Ross
HB 1057 – Recall Elections – Rep. Blust
HB 1120 – High School Students as Poll workers – Rep. Alexander

Minutes
House Committee on Election Law and Campaign Finance Reform

April 24, 2003

The House Committee on Election Law and Campaign Finance Reform met on Thursday, April 24, 2003 in Room 1228 of the Legislative Building at 12:00 p.m. The following members were present: Co-Chair Mickey Michaux, Co-Chair, Paul Stam, Vice-Chair, Hugh Holliman, Representatives Alexander, Blust, Bonner, Crawford, Daughtridge, Daughtry, Kiser, Nesbitt, Parmon, Rayfield, Ross, Starnes and Wood. Bill Gilkeson and Erika Churchill, Staff Counselors were in attendance. A Visitor Registration List is attached and made part of these minutes.

Co-Chair Michaux called the meeting to order to consider the following bills:

Representative Miller was recognized to explain **HB 737, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RECALL ELECTIONS FOR THE DURHAM BOARD OF EDUCATION**. Upon motion made by Representative Rayfield, the bill received a favorable report.

The Chair recognized Co-Chair Stam to explain **HB 1120, A BILL TO BE ENTITLED AN ACT TO PERMIT THE APPOINTMENT OF CERTAIN HIGH SCHOOL STUDENTS AS PRECINCT ASSISTANTS**. A proposed substitute committee bill was sent forth for discussion and upon motion made by Representative Bonner, the Committee voted to discuss the substitute bill. Bill Gilkeson, Staff Counselor gave further explanation of the bill. Upon motion made by Representative Holliman, the bill was given a favorable report to the committee substitute bill and an unfavorable to the original bill.

The next order of business was **HB 756**, a bill that was discussed previously on April 17, 2003 in our meeting. Upon motion made by Representative Starnes, a favorable vote was given to consider the proposed committee substitute bill for discussion to make a technical change. The amendment was sent forward by Representative Ross and the Committee voted favorable to adopt the amendment. Representative Holliman made the motion to incorporate the amendment to the committee substitute bill and that it be given a favorable report and an unfavorable report to the original bill, and the Committee voted a favorable report to the Committee Substitute bill. Representative Ross sent forward a proposed Committee Substitute that replaces the original bill, but will not make the crossover and does not have to be discussed at this time.

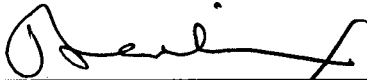
The Chair recognized Representative Blust to explain **HB 1057, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ALLOW RECALL ELECTIONS FOR ANY OFFICE ESTABLISHED BY THE CONSTITUTION**.

Page 2
April 24, 2003

A proposed committee substitute bill was sent forward and upon a motion made by Representative Holliman, a favorable vote was given adopt the amended bill. Upon motion made by Representative Nesbitt to give the bill an unfavorable report, the Committee voted to give an unfavorable report.

There being further business for discussion, the meeting was adjourned at 12:50.

Respectfully submitted,



Representative H. M. Michaux, Jr.
Co-Chair (Presiding Chair)



Anita Wilder
Committee Assistant

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **ELECTION LAW
AND CAMPAIGN FINANCE REFORM.**

☐ Committee Substitute for

H.B. 737 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RECALL ELECTIONS
FOR THE DURHAM BOARD OF EDUCATION.

☒ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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.

☐ 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)

03/19/03

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

1

HOUSE BILL 737

Short Title: Durham School Recall Election.

(Local)

Sponsors: Representatives Miller; Luebke and Michaux.

Referred to: Election Law and Campaign Finance Reform.

March 27, 2003

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE RECALL ELECTIONS FOR THE DURHAM BOARD OF
EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Any member of the Durham Board of Education may be removed from office in the manner provided for in this act.

SECTION 2. Any registered voter of the Durham School Administrative Unit may make and file with the Durham County Director of Elections an affidavit containing the name of the official whose removal is sought and a general statement of the grounds alleged for removal, except that if the member sought to be recalled is from a district, the petition must be signed by a registered voter of that district. The Director of Elections shall thereupon deliver to the registered voter making such affidavit copies of petitions for demanding such a removal printed forms of which the Director of Elections shall keep on hand. Such blank forms shall be issued by the Director of Elections with his or her signature thereto attached and shall be dated and addressed to the Board of Elections of Durham County, indicate the person to whom issued, state the name of the official whose removal is sought, and contain the general statement of the grounds on which the removal is sought as alleged in the affidavit.

SECTION 3. A copy of the petition shall be promptly delivered to the Superintendent of the Durham School Administrative Unit, who shall enter the copy of the petition in a record book kept for that purpose in the Office of the Superintendent. A recall petition to be effective must be returned within 30 days after the filing of the affidavit and to be sufficient must bear the signatures of registered voters of the school administrative unit equal in number to at least twenty-five percent (25%) of the registered voters of the school administrative unit as shown by the registration records of the last preceding general school administrative unit election; however, if the board member was from a district, then to be sufficient a recall petition must bear the signatures of registered voters of the school administrative unit district equal in number to at least twenty-five percent (25%) of the registered voters of the school

1 administrative unit district as shown by the registration records of the last preceding
2 general school administrative unit election.

3 **SECTION 4.** The signatures to the petition need not all be appended to one
4 paper, but each signer shall add to his signature the signer's place of residence, giving
5 the residence address including town. One of the signers of each such paper shall take
6 an oath before an officer competent to administer oaths that each signature to the paper
7 appended is the genuine signature of the person whose name it purports to be.

8 **SECTION 5.** The Board of Elections of Durham County shall investigate
9 the sufficiency of any such petition and certify the results of such investigation to the
10 Board of Education. The Board of Elections may employ such persons as it deems
11 necessary to undertake such investigation, and the reasonable cost of such investigation
12 shall be reimbursed to the Board of Elections by the school administrative unit. The
13 Board of Elections may adopt such rules and regulations as it deems necessary or
14 advisable concerning the validation of signatures appearing on the recall petition.

15 **SECTION 6.** The Board of Elections shall complete its investigation and
16 issue its certification of the results of such investigation within 15 days after the filing
17 of any such petition. If, by the Board of Elections' certification, the petition is shown to
18 be insufficient, it may be amended within 10 days from the date of said certificate. The
19 Board shall, within 10 days after such amendment, make like examination of the
20 amended petition, and if its certificate shall show the same to be insufficient, it shall be
21 returned to the person filing the same, without prejudice to the filing of a new petition.

22 **SECTION 7.** Upon a determination that a sufficient recall petition has been
23 submitted, the Board of Elections shall order and fix a date for holding a recall election.
24 Subject to the remaining provisions of this section, any such election shall be held not
25 less than 50 nor more than 70 days after the petition has been certified as being
26 sufficient. If any other general or special election is scheduled within such period, the
27 Board of Elections shall schedule the special election at the same time. If the provisions
28 of general law prohibit the holding of special elections during the time aforesaid, and no
29 general or special election is otherwise scheduled during said period of time, then the
30 Board of Elections shall schedule the special recall election for some date within 10
31 days after the last day of the period of time during which special elections are prohibited
32 by general law.

33 **SECTION 8.** The Durham County Board of Elections shall cause legal
34 notice of the election to be published, the notice to include the general statement of the
35 grounds on which the recall is sought as alleged in the affidavit, and shall make all
36 arrangements for holding such election in accordance with general law, and the same
37 shall be conducted, returned, and the results thereof declared in all respects as other
38 school administrative unit elections in the Durham School Administrative Unit. If the
39 member subject to recall is from a district, the election shall be conducted only in that
40 district. The reasonable costs of such election shall be reimbursed to the Board of
41 Elections by the school administrative unit.

42 **SECTION 9.** The question of recalling any number of officials may be
43 submitted at the same election, but, as to each such official, a separate petition shall be
44 filed and there shall be an entirely separate ballot.

SECTION 10. The ballots used in a recall election shall submit the following proposition:

"[] For [] Against

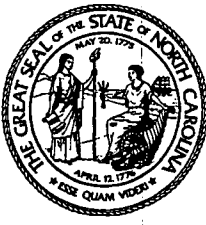
The recall of (name and title of official)."

SECTION 11. If less than a majority of the votes cast on the question of recalling an official be for recall, the official shall continue in office for the remainder of the unexpired term, but, except as provided by Section 13 of this act, subject to the recall as before. If a majority of such votes be for the recall of the official designated on the ballot, the official shall, regardless of any defects in the recall petition, be deemed removed from office.

SECTION 12. If an official is removed from office as a result of a recall election, the vacancy so caused shall be filled in the manner provided by law for filling vacancies in such office. An official removed from office by the voters as a result of a recall election shall not be appointed to fill the vacancy caused by that official's own removal or resignation.

SECTION 13. No recall petition shall be filed against an officer who has been subjected to a recall election, and not removed thereby, until at least one year after that election. No recall petition shall be filed against an officer during either the first or last six months of the term of that office.

SECTION 14. This act is effective when it becomes law.



Favorable Report
4-24-03

HOUSE BILL 737: DURHAM SCHOOL RECALL ELECTION.

BILL ANALYSIS

Committee: House Election Law and
Campaign Reform

Date: April 24, 2003

Version: First Editio

Introduced by: Representative Miller

Summary by: R. Erika Churchill

Committee Co-Counsel

SUMMARY: *House Bill 737 would create a process under which a member of the Durham County Board of Education could be subject to a recall election.*

CURRENT LAW: Recall elections are not provided for in the Constitution of North Carolina. The General Assembly has provided for recall elections in some instances for local offices, such as municipal governing bodies. Currently, approximately 16 municipalities and one school board have a procedure for a recall election.

BILL ANALYSIS:

The bill would, in the form of a local act, set forth a process under which a member of the Durham County Board of Education may be removed from office via a recall election.

A qualified voter of the district from which the member of the board of education was elected would initiate the recall election. The local board of elections would then provide forms for gathering signatures for a petition for the removal of that member of the board of education. The petition would have to be signed by 25% of the registered voters of the district from which the member was elected. The signed petitions would have to be returned in 30 days, and verified within 15 days of that return. If the petition were insufficient, 10 days would be allowed for amendment.

Upon a determination that a sufficient recall petition has been submitted, the local board of elections must order a recall election and fix a date for such election. The date of the election cannot be less than 50 days, or more than 70 days after the petition is determined sufficient.

If a member is removed by a majority vote of the people, the vacancy is to be filled as provided for by law, provided the member being removed may not be appointed to fill the vacancy.

Limitations placed on the filing of petitions for recall elections would be as follows:

- No petition could be filed within 6 months of the date the elected person was elected.
- No petition could be filed within 6 months of the expiration of the elected person's term.
- The member cannot be subject to more than one recall election per year.

EFFECTIVE DATE: The act would become effective when it becomes law.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **ELECTION LAW
AND CAMPAIGN FINANCE REFORM.**

☐ Committee Substitute for

H.B. 1120 A BILL TO BE ENTITLED AN ACT TO PERMIT THE APPOINTMENT OF
CERTAIN HIGH SCHOOL STUDENTS AS PRECINCT ASSISTANTS.

☐ 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 the committee substitute bill (~~#~~), ☐ which changes the
title, unfavorable as to (the 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.

☐ 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)

03/19/03

Favorable - Committee Substitute - I's
Unfavorable - Original
Amendment

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1120

Short Title: H.S. Students as Pollworkers.

(Public)

Sponsors: Representatives Alexander; and Insko.

Referred to: Election Law and Campaign Finance Reform.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE APPOINTMENT OF CERTAIN HIGH SCHOOL
STUDENTS AS PRECINCT ASSISTANTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-42 reads as rewritten:

**"§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of
office.**

Each county and municipal board of elections is authorized, in its discretion, to appoint two or more assistants for each precinct to aid the chief judge and judges. Not more than two assistants shall be appointed in precincts having 500 or less registered voters. Assistants shall be qualified voters of the county in which the precinct is located. When the board of elections determines that assistants are needed in a precinct an equal number shall be appointed from different political parties, unless the requirement as to party affiliation cannot be met because of an insufficient number of voters of different political parties within the county.

In the discretion of the county board of elections, a precinct assistant may serve less than the full day prescribed for chief judges and judges in G.S. 163-47(a).

The chairman of each political party in the county shall have the right to recommend from three to 10 registered voters in each precinct for appointment as precinct assistants in that precinct. If the recommendations are received by it no later than the thirtieth day prior to the primary or election, the board shall make appointments of the precinct assistants for each precinct from the names thus recommended. If the recommendations of the party chairs for precinct assistant in a precinct are insufficient, the county board of elections by unanimous vote of all of its members may name to serve as precinct assistant in that precinct registered voters in that precinct who were not recommended by the party chairs. If, after diligently seeking to fill the positions with registered voters of the precinct, the county board still has an insufficient number of precinct assistants for the precinct, the county board by unanimous vote of all of its members may appoint to the positions registered voters in other precincts in the same county who meet the

1 qualifications other than residence to be precinct officials in the precinct. In making its
2 appointments, the county board shall assure, wherever possible, that no precinct has
3 precinct officials all of whom are registered with the same party. In no instance shall the
4 county board appoint nonresidents of the precinct to a majority of the positions as
5 precinct assistant in a precinct.

6 In addition, a county board of elections by unanimous vote of all of its members may
7 appoint any registered voter in the county as emergency election-day assistant, as long
8 as that voter is otherwise qualified to be a precinct official. The State Board of Elections
9 shall determine for each election the number of emergency election-day assistants each
10 county may have, based on population, expected turnout, and complexity of election
11 duties. The county board by unanimous vote of all of its members may assign
12 emergency election-day assistants on the day of the election to any precinct in the
13 county where the number of precinct officials is insufficient because of an emergency
14 occurring within 48 hours of the opening of the polls that prevents an appointed precinct
15 official from serving. A person appointed to serve as emergency election-day assistant
16 shall be trained and paid like other precinct assistants in accordance with G.S. 163-46.
17 A county board of elections shall apportion the appointments as emergency election-day
18 assistant among registrants of each political party so as to make possible the staffing of
19 each precinct with officials of more than one party, and the county board shall make
20 assignments so that no precinct has precinct officials all of whom are registered with the
21 same party.

22 A student of at least 17 years of age at the time of any election or primary in which
23 the student works shall be eligible to be appointed as an election assistant. To be eligible
24 a student must have all the following qualifications:

25 (1) Be a United States citizen.

26 (2) Be a resident of the county in which the student is appointed.

27 (3) Be enrolled in a secondary educational institution with an exemplary
28 academic record as determined by that institution.

29 (4) Be recommended by the principal or director of the secondary
30 educational institution in which the student is enrolled.

31 (5) Have the consent of a parent, legal custodian, or guardian.

32 No more than two student election assistants shall be assigned to any voting place.
33 Every student election assistant shall work under the direct supervision of the election
34 judges. The student election assistants shall attend the same training as any other
35 election assistant and shall be compensated in the same manner as other election
36 assistants. Under no circumstances may students ineligible to register to vote be
37 appointed and act as precinct judges or observers in any election.

38 Before entering upon the duties of the office, each assistant shall take the oath
39 prescribed in G.S. 163-41(a) to be administered by the chief judge of the precinct for
40 which the assistant is appointed. Assistants serve for the particular primary or election
41 for which they are appointed, unless the county board of elections appoints them for a
42 term to expire on the date appointments are to be made pursuant to G.S. 163-41."

43 **SECTION 2.** This act becomes effective January 1, 2004.



HOUSE BILL 1120: High School Students as Pollworkers.

BILL ANALYSIS

Committee: House Election Laws and
Campaign Finance Reform
Date: April 24, 2003
Version: First Edition

Introduced by: Representative Alexander
Summary by: William R. Gilkeson
Committee Co-Counsel

SUMMARY: *House Bill 1120 would authorize the appointment of high students 17 years and older as precinct assistants. Effective January 1, 2004.*

CURRENT LAW: The voting place in each precinct is staffed on election day by a chief judge, two judges, and at the discretion of the county board of elections, two or more assistants. The assistants perform many of the same duties as the chief judge and the judges, but they do not enter into the quasi-judicial duties of the chief judge and judges, such as making an initial ruling on a challenge to a voter.

The standard way that precinct assistants are named is by nomination by the county chair of the political party in the county, and appointment by the county board from the party's list of nominations. Each precinct shall have an equal number of assistants from different political parties. If the parties' nominations are insufficient, the county board may appoint someone else.

Precinct assistants must be registered voters in the precinct, unless the number is insufficient, in which case the county board by unanimous vote may appoint registered voters from elsewhere in the county. The county board by unanimous vote may also appoint and assign emergency election-day assistants to serve anywhere in the county where there is a last-minute need.

BILL ANALYSIS: House Bill 1120 would allow the county board of elections to appoint high school students 17 years old and older to serve as precinct assistants. Although some would be too young to register to vote, they would have to have the following qualifications:

1. U.S. citizenship.
2. Residence in the county.
3. Enrollment in a secondary educational institution, with an exemplary academic record as determined by that institution.
4. Recommendation by the principal or director of that institution.
5. Consent from a parent, legal custodian, or guardian.

The bill would prohibit more than 2 student assistants per polling place. They would have to work under the supervision of the judges.

BACKGROUND: County boards of elections report that they have a hard time recruiting enough precinct officials to staff the polls.

The Help America Vote Act of 2002 (HAVA) contains a provision creating a "Help America Vote Foundation" whose purpose is to "mobilize secondary school students (including students educated in the home) in the United States to participate in the election process in a nonpartisan manner as poll workers or assistants (to the extent permitted under applicable State law)." The Foundation must also establish cooperative efforts between election officials, educational agencies, and nonprofits. It can accept private donations. HAVA authorizes the appropriation of \$5 million for the foundation.

HAVA contains another provision to encourage college students to be nonpartisan pollworkers.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 756

Short Title: Same Day Registration.

(Public)

Sponsors: Representatives Ross, Michaux, Alexander, Luebke (Primary Sponsors);
B. Allen, Bell, Bonner, Carney, Earle, Farmer-Butterfield, Glazier,
Goodwin, Holliman, Insko, McComas, Parmon, Wainwright, and Weiss.

Referred to: Election Law and Campaign Finance Reform.

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT
EARLY VOTING SITES AND AT CENTRAL SITES ON ELECTION DAY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-82.6 reads as rewritten:

"§ 163-82.6. Acceptance of voter registration application forms.

(a) How the Form May Be Submitted. – The county board of elections shall accept any form described in G.S. 163-82.3 if the applicant submits the form by mail, facsimile transmission, or in person. The applicant may delegate the submission of the form to another person. Any person who communicates to an applicant acceptance of that delegation shall deliver that form so that it is received by the appropriate county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be a Class 2 misdemeanor for any person to communicate to the applicant acceptance of that delegation and then fail to make a good faith effort to deliver the form so that it is received by the county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be an affirmative defense to a charge of failing to make a good faith effort to deliver a delegated form by the registration deadline that the delegatee informed the applicant that the form would not likely be delivered in time for the applicant to vote in the next election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a completed voter registration form or to condition its delivery upon payment.

(b) Signature. – The form shall be valid only if signed by the applicant.

(c) Registration Deadlines for an Election. – In order to be valid for an election, except as provided in subsection (f) of this section, the form:

(1) If submitted by mail, must be postmarked at least 25 days before the election, except that any mailed application on which the postmark is

missing or unclear is validly submitted if received in the mail not later than 20 days before the election,

(2) If submitted in person or by facsimile transmission, must be received by the county board of elections by a time established by that board, but no earlier than 5:00 P.M., on the twenty-fifth day before the election,

(3) If submitted through a delegatee who violates the duty set forth in subsection (a) of this section, must be signed by the applicant and given to the delegatee not later than 25 days before the election, ~~except as provided in subsection (d) of this section.~~ election.

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

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

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

~~(2) The county director of elections; or~~

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

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

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

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

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

1 (f) In-Person Registration and Voting. – An individual who is qualified to
2 register to vote may register in person and then vote at one of the following times and
3 places in that individual's county of residence:

4 (1) At a one-stop voting site in that county during the period for one-stop
5 voting provided under G.S. 163-227.2.

6 (2) At a central site in that county provided for in-person registration and
7 voting on election day.

8 The central site or sites in a county for in-person registration and voting on election
9 day shall be determined by the same process as one-stop voting sites are determined
10 under G.S. 163-227.2. Each county shall have at least one site. They need not be the
11 same sites as the one-stop voting sites for the same election.

12 The State Board of Elections and the county boards of elections shall provide to the
13 maximum extent practical electronic access to an updated statewide voter registration
14 database at each site where in-person registration and voting take place. The county
15 board shall staff those sites with personnel capable of using the equipment to conduct
16 in-person registration and voting with competence and integrity.

17 To register under this subsection, the person shall complete a registration form,
18 make an oath in the form prescribed by the State Board of Elections, and provide proof
19 of identity and residence. The State Board of Elections shall prescribe procedures for
20 providing proof of identity and residence. Under those procedures, the display of a
21 current and valid North Carolina drivers license or identification card issued pursuant to
22 G.S. 20-37.7 shall suffice as proof of identity, and the State Board may provide that
23 other documents or methods may suffice.

24 An individual who registers in person under this subsection must vote immediately
25 after registering. The county board of elections shall ensure that the individual is
26 informed of this requirement before registering. If an individual who has registered
27 under this subsection declines to vote immediately, the registration shall be cancelled,
28 but that individual may later register and vote under this subsection in the same election.

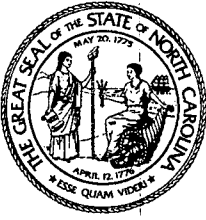
29 An election-day vote cast immediately after registration under this subsection shall
30 be treated as a one-stop absentee ballot, except that as to the timing of counting the
31 ballots, the State Board of Elections shall prescribe procedures so that complete returns
32 will be available promptly after the polls close.

33 The county board of elections shall proceed under G.S. 163-82.7 to verify the
34 qualifications and address of every individual who registers under this subsection. The
35 individual's vote shall be counted, unless the county board determines under G.S.
36 163-82.7(b) that the applicant is not qualified to vote at the address given. Appeals in
37 sufficient number from those denials may be grounds for an election protest under
38 Article 15A of this Chapter. Denials of registration in sufficient number based on lack
39 of verification of address under G.S. 163-82.7(f) may be grounds for an election protest
40 under Article 15A of this Chapter."

41 **SECTION 2.** The State Board of Elections shall monitor the progress of the
42 implementation of this act. It shall report during the 2004 Regular Session of the 2003
43 General Assembly to the House Committee on Election Laws and Campaign Finance

1 Reform and to the Senate Judiciary I Committee on that progress and on the feasibility
2 of expanding election-day registration and voting to every voting place.

3 **SECTION 3.** This act becomes effective January 1, 2004, and shall apply to
4 all primaries and elections held on or after that date.



HOUSE BILL 756: Same Day Registration.

BILL ANALYSIS

Committee: Election Laws and Campaign
Finance Reform

Date: April 17, 2003

Version: S756-CSRR-7 [v.2]

Introduced by: Representatives Ross,
Michaux, Alexander, Luebke

Summary by: William R. Gilkeson
Committee Co-Counsel

SUMMARY: *The PCS for House Bill 756 would allow voters to register to vote and cast their vote on the same day, after the 25-day registration deadline before an election. The two places they could do this 2-step process would be at one-stop (early voting) sites and at special places set up for this purpose on election day. Effective beginning the 2004 elections.*

CURRENT LAW: Current law sets a deadline of 25 days before an election for a person to register in order to be able to vote in that election. That rule covers the vast majority of citizens.

The only people who are allowed to register on election day are those who have become U.S. citizens through naturalization after the 25-day deadline, and ex-felons who have had their citizenship restored after the 25-day deadline. In addition, the federal Uniformed and Overseas Voters Absentee Voting Act (UOCAVA) allows certain people to both register and vote absentee after the deadline.

BILL ANALYSIS: The PCS for House Bill 756 would retain the 25-day deadline. But it would allow someone who had not registered by that deadline 2 other opportunities to vote in that election:

- They could both register and vote at a one-stop absentee voting site. One-stop absentee voting is a procedure in which the voter can vote in person to a central site or sites set up by the county board of elections during the period starting on the 3rd Thursday before the election and ending the Saturday before the election. Each county must have at least one such one-stop site and may by unanimous vote of the county board of elections designate other such sites. A county's site plan is subject to approval by the State Board of Elections. If the county board cannot achieve unanimity concerning the sites, a member of the county board may petition to State Board of Elections to designate sites for the county.
- They could both register and vote at a central site or sites set up by the county board of elections for registration and voting on election day. These sites would be designated in the same manner as one-stop sites, but they would not have to be the same sites as the county's one-stop sites.

The person seeking to register and vote together at one of those places would have to present an identification document, including a drivers license, a photo I.D. from a government agency, or a copy of a utility bill, bank statement, paycheck, government check, or other government document. The State Board of Elections could authorize the acceptance of other forms of I.D. in addition to those. The person would have to vote immediately after registering.

The vote cast at a one-stop site would be treated as an absentee ballot anyway – it would have to be retrievable if it was determined the voter was not qualified. The bill requires that the same-day registrant's election-day ballot would have to be treated as an absentee ballot as well. Ordinarily, absentee ballots are counted during the time the polls are open on election day. The bill requires the State Board of Elections to develop special procedures for getting those same-day ballots counted in time for complete returns to be available promptly after the polls close.

BACKGROUND: Five states allow registration on election day. They are Idaho, Maine, Minnesota, New Hampshire, and Wisconsin. Their programs differ in the details. Minnesota allows voters to register at any polling place and vote, not an absentee ballot, but a ballot that goes directly into the unretrievable mix of all ballots. North Dakota is the only state that does not require that citizens register before they vote.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **ELECTION LAW
AND CAMPAIGN FINANCE REFORM.**

☐ Committee Substitute for

H.B. 1057 A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF
NORTH CAROLINA TO ALLOW RECALL ELECTIONS FOR ANY OFFICE
ESTABLISHED BY THE CONSTITUTION.

☐ 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 the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the 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.

☒ 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)

03/19/03



HOUSE BILL 1057: RECALL ELECTIONS.

BILL ANALYSIS

Committee: House Election Law and
Campaign Reform

Date: April 24, 2003

Version: H1057-CSST-21 v.2

Introduced by: Representative Blust, Capps

Summary by: R. Erika Churchill

Committee Co-Counsel

SUMMARY: *The proposed committee substitute would amend the Constitution of North Carolina to add a provision allowing for recall of any elected officer, upon approval of the voters of North Carolina.*

CURRENT LAW: Recall elections are not provided for in the Constitution of North Carolina. The General Assembly has provided for recall elections in some instances for local offices, such as municipal governing bodies.

BILL ANALYSIS:

Section 1. The pcs would add a new section to Article VI of the North Carolina Constitution. Article VI covers Suffrage and Office Eligibility. The new section would allow for a recall election of any person holding an elected office in the State. Recall is defined as the removal of a person from office by the qualified voters.

The process for holding a recall election would be initiated by the qualified voters of the area. A petition calling for the recall election would need to be signed by 25% of the registered voters of the area. The General Assembly would be authorized to provide for the procedure to collect and verify those petitions and the procedure for the holding of the recall election.

Limitations would be placed on the filing of petitions for recall elections as follows:

- No petition could be filed within 3 months of the date the elected person was elected.
- No petition could be filed within 6 months of the expiration of the elected person's term.
- No more than one recall election for the office could be held during a single term of that officer.

Section 2. The pcs would provide for a constitutional amendment question to be on the November 2004 general election ballot.

Section 3. The pcs would direct the Secretary of State to enroll the constitutional amendment in the permanent record if a majority of votes are cast in favor of the amendment.

EFFECTIVE DATE: The act would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 1057
PROPOSED COMMITTEE SUBSTITUTE H1057-CSST-21 [v.2]

4/24/2003 11:16:13 AM

Short Title: Recall Elections.

(Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED
AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ALLOW
RECALL ELECTIONS FOR ANY ELECTED OFFICE.

The General Assembly of North Carolina enacts:

SECTION 1. Article VI of the Constitution of North Carolina is amended by adding a new section to read:

"Sec. 11. Recall.

Recall is the removal of a person from office by the qualified voters. A person holding any elective office whether established by this Constitution or by law is subject to recall from office by the qualified voters as provided by this section.

Before any recall election is held, qualified voters of the area that elected the officer, equal in number to at least twenty-five percent (25%) of the registered voters, must sign a petition calling for the recall from office of the officer.

The General Assembly shall provide by law for the manner of circulation and verification of the petitions and of holding the recall election.

No petition to recall an officer may be filed within three months of the date the person was elected or during the six months before the expiration of the officer's term. No more than one election may be held to recall an officer within a single term of office of that officer."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the general election in November 2004, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[] FOR [] AGAINST

Constitutional amendment allowing the voters to recall from office any person holding an elected office."

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

6 **SECTION 4.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1057

Short Title: Recall Elections.

(Public)

Sponsors: Representatives Blust; and Capps.

Referred to: Election Law and Campaign Finance Reform.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ALLOW
RECALL ELECTIONS FOR ANY OFFICE ESTABLISHED BY THE
CONSTITUTION.

The General Assembly of North Carolina enacts:

SECTION 1. Article VI of the Constitution of North Carolina is amended by
adding a new section to read:

"Sec. 11. Recall.

Recall is the removal of a person from office by the qualified voters. A person
holding any elective office whether established by this Constitution or by law is subject
to recall from office by the qualified voters as provided by this section.

Before any recall election is held, qualified voters of the area which elected the
officer, equal in number to at least twenty-five percent (25%) of the registered voters,
must sign a petition calling for the recall from office of the officer.

The General Assembly shall provide by law for the manner of circulation and
verification of the petitions and of holding the recall election.

No petition to recall an officer may be filed within three months of the date the
person was elected nor during the six months before the expiration of the officer's term.
No more than one election may be held to recall an officer within a single term of office
of that officer."

SECTION 2. The amendment set out in Section 1 of this act shall be
submitted to the qualified voters of the State at the general election in November 2004,
which election shall be conducted under the laws then governing elections in the State.
Ballots, voting systems, or both may be used in accordance with Chapter 163 of the
General Statutes. The question to be used in the voting systems and ballots shall be:

"[] FOR [] AGAINST

Constitutional amendment allowing the voters to recall from office any
person holding an office established by the Constitution of North Carolina."

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

6 **SECTION 4.** This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Election Law and Campaign Finance Reform

APRIL 24, 2003

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Don Wright	State Board of Elections
Johnnie McLean	" " "
Mary Bartlett	" " "
Lynise Williams	NC Fair Share
Rev. Dr. Jim Viger	NC Synod office of Advocacy
Bob Phillips	Common Cause NC
Jesse Rutledge	NC Center Voter Ed
Chris Heagarty	NC Center for Voter Ed
Sam Watts	NC Center for Public Policy Research
Mike McLaughlin	NC Center for Public Policy Research
ERIN BYRD	NCVCE

AGENDA

HOUSE COMMITTEE ON ELECTION LAW AND CAMPAIGN FINANCE REFORM

May27, 2003
Room 1228
15 minutes after session

OPENING REMARKS

Representative Mickey Michaux, Chairman
Representative Paul Stam, Chairman
Election Law and Campaign Finance Reform

AGENDA ITEMS

HB 43- New Party Filing Fee- Rep. Rayfield

HB 427- Statewide Elections/Funding- Rep. Rayfield

Minutes
House Committee on Election Law and Campaign Finance Reform
May 27, 2003

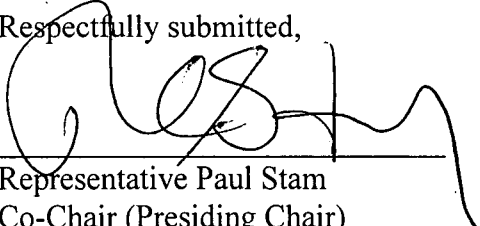
The House Committee on Election Law and Campaign Finance Reform met on Tuesday, May 27, 2003, in Room 1228 of the Legislative Building 15 minutes after session. The following members were present: Co-Chair Paul Stam, Co-Chair Mickey Michaux, Vice-Chair, Hugh Holliman, Representatives Blust, Bonner, Daughtry, Parmon, Rayfield, Ross and Wood. Bill Gilkeson and Erika Churchill, Staff Counselors were in attendance.

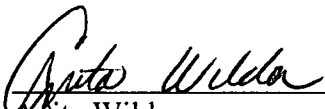
Co-Chair Stam is presiding and called the meeting to order to consider the following bills:

Co-Chair recognized Representative Rayfield to explain **HB 43, A BILL TO BE ENTITLED AN ACT TO REQUIRE NEW PARTY CANDIDATES TO PAY FILING FEES ON A SIMILAR BASIS TO MAJOR PARTY CANDIDATES.** Representative Rayfield sent forward a proposed committee substitute bill for discussion and the Committee voted in favor for the bill to be discussed. Upon motion made by Representative Daughtry to give the bill an unfavorable report to the original bill and a favorable report to the committee substitute and re-referred to the Finance Committee, the Committee gave a favorable report.

The next order of business was **HB 427, A BILL TO BE ENTITLED AN ACT TO AMEND LAWS THAT PROVIDE FOR PRIMARIES, ELECTIONS, AND REFERENDA, AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.** Representative Ross made a motion to adopt the committee substitute bill for discussion and the Committee gave a favorable vote. Representative Rayfield gave explanation of the bill along with Staff Counselor, Erika Churchill. Upon motion made by Representative Daughtry to adjourn, the Committee voted to adjourn with no further action on HB 427.

Respectfully submitted,


Representative Paul Stam
Co-Chair (Presiding Chair)


Anita Wilder
Committee Assistant

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **ELECTION LAW
AND CAMPAIGN FINANCE REFORM.**

☐ Committee Substitute for

H.B. 43 A BILL TO BE ENTITLED AN ACT TO REQUIRE NEW PARTY
CANDIDATES TO PAY FILING FEES ON A SIMILAR BASIS TO MAJOR PARTY
CANDIDATES.

☐ 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 the committee substitute bill (~~#~~), ☐ which changes the
title, unfavorable as to (the original bill) (~~Committee Substitute Bill #~~), (and
recommendation that the committee substitute bill ~~#~~) be re-referred to the Committee
on **Finance**

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 43
PROPOSED COMMITTEE SUBSTITUTE H43-CSRR-32 [v.4]

5/27/2003 1:27:43 PM

Short Title: New Party Filing Fee.

(Public)

Sponsors:

Referred to:

February 20, 2003

A BILL TO BE ENTITLED
AN ACT TO REQUIRE NEW PARTY CANDIDATES TO PAY FILING FEES ON A
SIMILAR BASIS TO MAJOR PARTY CANDIDATES.

The General Assembly of North Carolina enacts:

SECTION 1. 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 national, State, congressional, and local offices printed on the official ballots.

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. At the time their names are certified, each person nominated shall pay to the State Board of Elections the same amount that a candidate filing for the same office in a party primary would be required to pay under G.S. 163-107. In lieu of making that payment, the candidate may file with the State Board a written petition that meets the requirements set forth in G.S. 163-107.1. The State Board of Elections shall print names thus certified on the appropriate ballots as the nominees of the new party. The State Board of Elections shall send to each county board of elections the list of any new party candidates so that the county board can add those names to the appropriate ballot."

SECTION 2. G.S. 163-107.1 reads as rewritten:

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

(a) Any qualified voter who seeks nomination in the party primary of the political party with which he affiliates or who receives the nomination of a political

1 party under G.S. 163-98 may, in lieu of payment of any filing fee required for the office
2 he seeks, file a written petition requesting him to be a candidate for a specified office
3 with the appropriate board of elections, State, county or municipal.

4 (b) **(Effective with respect to primaries and elections held before January 1,**
5 **2004)** If the candidate is seeking the office of United States Senator, Governor,
6 Lieutenant Governor, any State executive officer, Justice of the Supreme Court or Judge
7 of the Court of Appeals, the petition must be signed by 10,000 registered voters who are
8 members of the political party in whose primary the candidate desires to run, except that
9 in the case of a political party as defined by G.S. 163-96(a)(2) which will be making
10 nominations by primary election, the petition must be signed by ten percent (10%) of
11 the registered voters of the State who are affiliated with the same political party in
12 whose primary the candidate desires to run, or in the alternative, the petition shall be
13 signed by no less than 10,000 registered voters regardless of the voter's political party
14 affiliation, whichever requirement is greater. The petition must be filed with the State
15 Board of Elections not later than 12:00 noon on Monday preceding the filing deadline
16 before the primary in which he seeks to run. The names on the petition shall be verified
17 by the board of elections of the county where the signer is registered, and the petition
18 must be presented to the county board of elections at least 15 days before the petition is
19 due to be filed with the State Board of Elections. When a proper petition has been filed,
20 the candidate's name shall be printed on the primary ballot.

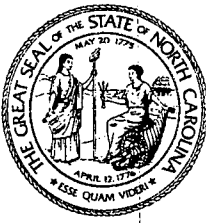
21 (b) **(Effective with respect to primaries and elections held on or after**
22 **January 1, 2004)** If the candidate is seeking the office of United States Senator,
23 Governor, Lieutenant Governor, or any State executive officer, the petition must be
24 signed by 10,000 registered voters who are members of the political party in whose
25 primary the candidate desires to run, except that in the case of a political party as
26 defined by G.S. 163-96(a)(2) which will be making nominations by primary election,
27 the petition must be signed by ten percent (10%) of the registered voters of the State
28 who are affiliated with the same political party in whose primary the candidate desires
29 to run, or in the alternative, the petition shall be signed by no less than 10,000 registered
30 voters regardless of the voter's political party affiliation, whichever requirement is
31 greater. The petition must be filed with the State Board of Elections not later than 12:00
32 noon on Monday preceding the filing deadline before the primary in which he seeks to
33 ~~run.~~ run, or in the case of a candidate nominated under G.S. 163-98, not later than noon
34 on the third Monday after the candidate's nomination is certified to the State Board of
35 Elections by the nominating convention. The names on the petition shall be verified by
36 the board of elections of the county where the signer is registered, and the petition must
37 be 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, the
39 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 set
43 forth in G.S. 163-106(c) or (d), he shall file a written petition with the appropriate board
44 of elections no later than 12:00 noon on Monday preceding the filing deadline before

1 the ~~primary.~~ primary, or in the case of a candidate nominated under G.S. 163-98, not
2 later than noon on the third Monday after the candidate's name is certified to the State
3 Board of Elections by the nominating convention. The petition shall be signed by ten
4 percent (10%) of the registered voters of the election area in which the office will be
5 voted for, who are affiliated with the same political party in whose primary the
6 candidate desires to run, or in the alternative, the petition shall be signed by no less than
7 200 registered voters regardless of said voter's political party affiliation, whichever
8 requirement is greater. The board of elections shall verify the names on the petition, and
9 if the petition is found to be sufficient, the candidate's name shall be printed on the
10 appropriate primary ballot. Petitions for candidates for member of the U.S. House of
11 Representatives, District Attorney, and members of the State House of Representatives
12 from multi-county districts or members of the State Senate from multi-county districts
13 must be presented to the county board of elections for verification at least 15 days
14 before the petition is due to be filed with the State Board of Elections, and such petition
15 must be filed with the State Board of Elections no later than 12:00 noon on Monday
16 preceding the filing deadline. The State Board of Elections may adopt rules to
17 implement this section and to provide standard petition forms.

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

27 **SECTION 3.** This act becomes effective January 1, 2004, and applies to all
28 primaries and elections held after that date.



HOUSE BILL 43: New Party Filing Fee.

BILL ANALYSIS

Committee: House Election Laws and
Campaign Finance Reform

Date: May 27, 2003

Version: H43-CSRR-32[v.4]

Introduced by: Representative Rayfield

Summary by: William R. Gilkeson Jr.
Committee Co-Counsel

SUMMARY: *The PCS for House Bill 43 would require that new party candidates, nominated in a convention to run in the first general election after their party gains ballot access, must pay filing fees. Those filing fees would be equivalent to those paid by candidates in party primaries. If they do not want to pay the filing fee, new-party candidates like primary candidates could use a signature-collecting alternative. Effective for elections after January 1, 2004.*

CURRENT LAW: Anyone who files as a candidate in a party primary is required to pay a filing fee. G.S. 163-107, copied on other side. Any primary candidate who does not wish to pay the filing fee may collect a certain number of signatures on a petition as an alternative. G.S. 163-107.1, set out in bill.

When a new party gains access to the ballot by filing a sufficient number of signatures on petitions, in the first general election after gaining that ballot access, the new party nominates its candidates in a convention. G.S. 163-98. Those new-party convention nominees are not subject to the filing fee statute.

BILL ANALYSIS: House Bill 43 would require that new party candidates nominated in a convention would be required to pay a filing fee. The filing fee would be equivalent to that paid by a candidate in a party primary for the same office. The convention-nominated candidate would have the same alternative of collecting names on a petition that is available to a primary candidate. The PCS sets a later deadline for new party candidates' petitions.

BACKGROUND: Until the 1970s, candidates in North Carolina party primaries were simply required to pay filing fees. A series of federal court cases, some decided by the U.S. Supreme Court, culminated in Brown v. State Board of Elections, 394 F. Supp. 359 (W.D.N.C. 1975), which held that the NC filing fee statute violated the Equal Protection Clause of the 14th Amendment because it provided no alternative for people unable to pay the fee.

Faced with similar court decisions, some States repaired their filing fee statutes by allowing candidates to comply with a signature-collecting alternative only if they were indigent and could not afford the filing fee. North Carolina went further and made available the signature alternative for any candidate, whether indigent or not.

The Libertarian Cycle: One smaller party, the Libertarians, have adapted themselves to the ballot access laws of North Carolina in such a way that they have candidates on the general election ballot every two years, but alternate between convention nomination and primary nomination. The Libertarian cycle works this way:

1. In 1998 the Libertarians gained ballot access by collecting signatures equal to 2% of the vote cast in last Governor's race. In the first election after gaining access, 1998, they were required to nominate their candidates in a convention. Those candidates did not pay a filing fee.
2. In 2000, their second general election, the law required their candidates to be nominated in a primary. Libertarian primaries were held that year, and the candidates in them paid filing fees.
3. In the 2000 elections for Governor and President, the Libertarian nominees failed to get 10% of the vote cast, so according to NC law the party lost ballot access. It immediately began collecting signatures and got back on in 2002, when the law required them to nominate by convention – with no filing fee.
4. In 2004, the 2d general election after regaining access, Libertarians will have a primary, with filing fees.
5. If they again fail to meet the stay-on threshold with their 2004 candidate for either Governor or President, the Libertarians will have to re-collect signatures to get on in 2006, when they would again nominate in convention, with no filing fees.

Other smaller parties in recent years, such as Natural Law and Reform, have generally met the get-on threshold during the Presidential year, nominated their candidates in convention without filing fees, failed to meet the stay-on threshold that year, and not attempted to meet the get-on threshold until the next Presidential year, if ever.

§ 163-107. Filing fees required of candidates in primary; refunds.

(a) (Effective with respect to primaries and elections held on or after January 1, 2004) 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 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 office above four thousand dollars (\$4,000)
Register of deeds, 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)
Any other county office, if compensated entirely by fees	Twenty dollars (\$20.00), plus one percent (1%) of the income of the office above two thousand dollars (\$2,000)
All county offices compensated partly by salary and partly by fees	One percent (1%) of the first annual salary to be received (exclusive of fees)

(b) Refund of Fees. – If any person who has filed a notice of candidacy and paid the filing fee prescribed in subsection (a) of this section, withdraws his notice of candidacy within the period prescribed in G.S. 163-106(e), he shall be entitled to have the fee he paid refunded. If the fee was paid to the State Board of Elections, the chairman of that board shall cause a warrant to be drawn on the Treasurer of the State for the refund payment. If the fee was paid to a county board of elections, the chairman of the Board shall certify to the county finance officer that the refund should be made, and the county finance officer shall make the refund in accordance with the provisions of the Local Government Budget and Fiscal Control Act. If any person who has filed a notice of candidacy and paid the filing fee prescribed in subsection (a) of this section dies prior to the date of the primary election provided by G.S. 163-1, the personal representative of the estate shall be entitled to have the fee refunded if application is made to the board of elections to which the fee was paid no later than one year after the date of death, and refund shall be made in the same manner as in withdrawal of notice of candidacy.

If any person files a notice of candidacy and pays a filing fee to a board of elections other than that with which he is required to file under the provisions of G.S. 163-106(e), he shall be entitled to have the fee refunded in the manner prescribed in this subsection if he requests the refund before the date on which the right to file for that office expires under the provisions of G.S. 163-106(e).

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 427

Corrected Copy 3/13/03

PROPOSED COMMITTEE SUBSTITUTE H427-CSST-43 [v.2]

5/21/2003 3:47:07 PM

Short Title: Statewide Elections/Funding.

(Public)

Sponsors:

Referred to:

March 12, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND LAWS THAT PROVIDE FOR PRIMARIES, ELECTIONS,
AND REFERENDA, AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 163 of the General Statutes is amended by
adding a new section to read:

**"§ 163-25.1. State reimbursement of counties for cost of conducting statewide
primaries, elections, and referenda.**

**For each primary, election, or referendum having a statewide contest on the ballot,
the State Board of Elections shall pay to the county the greater of the following:**

**(a) An amount equal to fifty cent (\$.50) per voter who voted in the
primary, election, or referendum.**

(b) Three thousand dollars (\$3,000.00)."

SECTION 2. There is appropriated from the General Fund to the State
Board of Elections the sum of one million seven hundred fifty thousand dollars
(\$1,750,000) for the 2004-2005 fiscal year for the purpose of reimbursing counties for
the cost of conducting statewide primaries, elections, and referenda, according to the
provisions of Section 1 of this act.

SECTION 3. This act becomes effective July 1, 2004, and applies to
primaries, elections and referenda held on or after that date.



HOUSE BILL 427: Statewide Elections/Funding.

BILL ANALYSIS

Committee: House Election Law and
Campaign Reform

Date: May 27, 2003

Version: H427-CSST-43v.2

Introduced by: Rep. Rayfield

Summary by: R. Erika Churchill
Committee Co-Counsel

SUMMARY: *The proposed committee substitute for House Bill 427 would require the State to reimburse counties for a portion of the cost of conducting statewide elections.*

CURRENT LAW: County boards of elections are responsible for conducting elections: printing ballots, programming election equipment, paying precinct officials, and meeting the other costs associated with conducting the election. *G.S. 163-33, 163-165.3.* The county commissioners are required to appropriate reasonable and adequate funds necessary for the legal functions of the county board of elections. *G.S. 163-37.*

BILL ANALYSIS: When there is on the ballot a statewide election contest or referenda, the proposed committee substitute would amend the current practice of the county board of elections bearing all costs of conducting the election. For each primary, election, or referendum having a statewide contest on the ballot, the State Board of Elections will pay greater of:

- 1) An amount equal to fifty cent (\$.50) per voter who turned out. OR
- 2) Three thousand dollars (\$3,000.00).

The proposed committee substitute also appropriates \$1.75 million in the 2004-05 fiscal year for this purpose.

EFFECTIVE DATE: The bill would become effective July 1, 2004, and apply to elections on or after that date.

*Bill Gilkeson contributed to this summary.

VISITOR REGISTRATION SHEET

Election Law and Campaign Finance Reform

Name of Committee

Date

5/27/03

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Barbara Howe

Libertarian Party of NC

Johnnie McLean

St. Bd. of Elections

Greg A. Battlett

" " " " " "

Joe Johnson

Insider

Minutes
House Committee on Election Law and Campaign Finance Reform
June 18, 2003

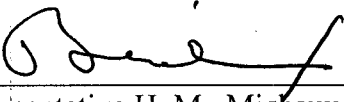
The House Committee on Election Law and Campaign Finance Reform met on Wednesday, June 18, 2003 in Room 1228 of the Legislative Building at 12:00 p.m. The following members were present: Co-Chair Mickey Michaux, Co-Chair Paul Stam, Vice-Chair Hugh Holliman, Representatives Nesbitt, Parmon, Ross and Starnes. Bill Gilkeson and Erika Churchill, Staff Counselors were in attendance. A Visitor Registration list is attached and made part of these minutes.

Co-Chair Michaux called the meeting to order to consider the following bill sent back from the Senate for concurrence:

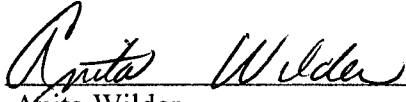
Bill Gilkeson was recognized to explain the changes made by the Senate **HB 1120, A BILL TO BE ENTITLED AN ACT TO PERMIT THE APPOINTMENT OF CERTAIN HIGH SCHOOL STUDENTS AS STUDENT ELECTION ASSISTANTS AND TO MAKE OTHER CHANGES TO THE ELECTION LAWS.** This bill is a combination of HB 1120 and HB 1119. Representative Stam made a motion for concurrence to the Senate Committee substitute, and the Committee voted to concur.

There being no further business, Co-Chair Michaux adjourned the meeting.

Respectfully submitted,



Representative H. M. Michaux, Jr.
Co-Chair (Presiding Chair)



Anita Wilder
Committee Assistant

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives **Michaux and Stam** (Chairs) for the Committee on **Election Law and Campaign Finance Reform.**

Senate

☒ Committee Substitute for
H.B. 1120 A BILL TO BE ENTITLED AN ACT TO PERMIT THE APPOINTMENT OF
CERTAIN HIGH SCHOOL STUDENTS AS STUDENT ELECTION ASSISTANTS AND
TO MAKE OTHER CHANGES TO THE ELECTION LAWS

- ☐ 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the 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.
- ☐ 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

3

HOUSE BILL 1120
Committee Substitute Favorable 4/24/03
Senate Judiciary I Committee Substitute Adopted 6/4/03

Short Title: Student Pollworkers/Other Changes.

(Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE APPOINTMENT OF CERTAIN HIGH SCHOOL STUDENTS AS STUDENT ELECTION ASSISTANTS AND TO MAKE OTHER CHANGES TO THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

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

"§ 163-42.1. Student election assistants.

A student of at least 17 years of age at the time of any election or primary in which the student works shall be eligible to be appointed as a student election assistant. To be eligible a student must have all the following qualifications:

- (1) Be a United States citizen.
- (2) Be a resident of the county in which the student is appointed.
- (3) Be enrolled in a secondary educational institution, including a home school as defined in G.S. 115C-563(a), with an exemplary academic record as determined by that institution.
- (4) Be recommended by the principal or director of the secondary educational institution in which the student is enrolled.
- (5) Have the consent of a parent, legal custodian, or guardian.

The county board of elections may appoint student election assistants, following guidelines which shall be issued by the State Board of Elections. No more than two student election assistants shall be assigned to any voting place. Every student election assistant shall work under the direct supervision of the election judges. The student election assistants shall attend the same training as a precinct assistant, shall be sworn in the same manner as a precinct assistant, and shall be compensated in the same manner as precinct assistants. The county board of elections shall prescribe the duties of a student election assistant, following guidelines which shall be issued by the State Board

1 of Elections. Under no circumstances may students ineligible to register to vote be
2 appointed and act as precinct judges or observers in any election."

3 **SECTION 2. G.S. 163-278.66(a) reads as rewritten:**

4 "(a) Reporting by Noncertified Candidates and Independent Expenditure Entities.
5 – Any noncertified candidate with a certified opponent shall report total income,
6 expenses, and obligations to the Board by facsimile machine or electronically within 24
7 hours after the total amount of campaign expenditures or obligations made, or funds
8 raised or borrowed, exceeds eighty percent (80%) of the trigger for rescue funds as
9 defined in G.S. 163-278.62(18). Any entity making independent expenditures in excess
10 of three thousand dollars (\$3,000) in support of or opposition to a certified ~~candidate~~
11 candidate or in support of a candidate opposing a certified candidate shall report the
12 total funds received, spent, or obligated for those expenditures to the Board by facsimile
13 machine or electronically within 24 hours after the total amount of expenditures or
14 obligations made, or funds raised or borrowed, for the purpose of making the
15 independent expenditures, exceeds fifty percent (50%) of the trigger for rescue funds.
16 After this 24-hour filing, the noncertified candidate or independent expenditure entity
17 shall comply with an expedited reporting schedule by filing additional reports after
18 receiving each additional amount in excess of one thousand dollars (\$1,000) or after
19 making or obligating to make each additional expenditure(s) in excess of one thousand
20 dollars (\$1,000). The schedule and forms for reports required by this subsection shall be
21 made according to procedures developed by the Board."

22 **SECTION 3. G.S. 163-46 reads as rewritten:**

23 **"§ 163-46. Compensation of precinct officials and assistants.**

24 The precinct chief judge shall be paid the state minimum wage for his services on
25 the day of a primary, special or general election. Judges of election shall each be paid
26 the state minimum wage for their services on the day of a primary, special or general
27 election. Assistants, appointed pursuant to G.S. 163-42, shall each be paid the state
28 minimum wage for their services on the day of a primary, special or general election.
29 Ballot counters appointed pursuant to G.S. 163-43 shall be paid a minimum of five
30 dollars (\$5.00) for their services on the day of a primary, general or special election. If
31 an election official is being paid an hourly wage or daily fee on an election day and the
32 official is performing additional election duties away from the assigned precinct voting
33 place, the official shall not be entitled to any additional monies for those services,
34 except for reimbursable expenses in performing the services.

35 If the county board of elections requests the presence of a chief judge or judge at the
36 county canvass, the chief judge shall be paid the sum of twenty dollars (\$20.00) per day
37 and judges shall be paid the sum of fifteen dollars (\$15.00) per day. If the county board
38 of elections requests a precinct official, including chief judge or judge, to personally
39 deliver official ballots or other official materials to the county board of elections, the
40 precinct official shall be paid the sum of twenty dollars (\$20.00) per day and judges
41 shall be paid the sum of fifteen dollars (\$15.00) per day.

42 The chairman of the county board of elections, along with the director of elections,
43 shall conduct an instructional meeting prior to each primary and general election which
44 shall be attended by each chief judge and judge of election, unless excused by the

1 chairman, and such precinct election officials shall be paid the sum of fifteen dollars
2 (\$15.00) for attending the instructional meetings required by this section.

3 In its discretion, the board of county commissioners of any county may provide
4 funds with which the county board of elections may pay chief judges, judges, assistants,
5 and ballot counters in addition to the amounts specified in this section. Observers shall
6 be paid no compensation for their services.

7 A person appointed to serve as chief judge, or judge of election when a previously
8 appointed chief judge or judge fails to appear at the voting place or leaves his post on
9 the day of an election or primary shall be paid the same compensation as the chief judge
10 or judge appointed prior to that date.

11 For the purpose of this section, the phrase "the State minimum wage," means the
12 amount set by G.S. 95-25.3(a). For the purpose of this section, no other provision of
13 Article 2A of Chapter 95 of the General Statutes shall apply."

14 **SECTION 4.** G.S. 163-112(b) reads as rewritten:

15 "(b) Death of One of More Than Two Candidates within 10 Days after the Filing
16 Period Closes. – If at the close of the filing period more than two candidates have filed
17 for a ~~single~~ single-seat office, and within 10 days after the filing period closes the board
18 of elections receives notice of a candidate's death, the board shall immediately open the
19 filing period for that party contest, for three additional days in order for candidates to
20 file for that office. The name of the deceased candidate shall not be printed on the
21 ballot.

22 In the event a candidate's death occurs more than 10 days after the closing of the
23 original filing period, the names of the remaining candidates shall be printed on the
24 ballot. If the ballots have been printed at the time death occurs, the ballots shall not be
25 reprinted and any votes cast for a deceased candidate shall not be counted or considered
26 for any purpose. In the event the death of a candidate or candidates leaves only one
27 candidate, then such candidate shall be certified as the party's nominee for that office."

28 **SECTION 5.** G.S. 163-278.6(18a) reads as rewritten:

29 "(18a) The term 'referendum' means any question, issue, or act referred to a
30 vote of the people of the entire State by the General Assembly, a unit
31 of local government, or by the people under any applicable local act
32 and includes constitutional amendments and State bond issues. The
33 term 'referendum' includes any type of municipal, county, or special
34 district ~~referendum~~ referendum and any initiative or referendum
35 authorized by a municipal charter or local act. A recall election shall
36 not be considered a referendum within the meaning of this Article."

37 **SECTION 6.** G.S. 163-82.10(d) reads as rewritten:

38 "(d) Exception for Address of Certain Registered Voters. – Notwithstanding
39 subsections (b) and (c) of this section, if a registered voter submits to the county board
40 of elections a copy of a protective order without attachments, if any, issued to that
41 person under G.S. 50B-3 or a lawful order of any court of competent jurisdiction
42 restricting the access or contact of one or more persons with a registered voter or a
43 current and valid Address Confidentiality Program authorization card issued pursuant to
44 the provisions of Chapter 15C of the General Statutes, accompanied by a signed

statement that the voter has good reason to believe that the physical safety of the voter or a member of the voter's family residing with the voter would be jeopardized if the voter's address were open to public inspection, that voter's address is a public record but shall be kept confidential as long as the protective order remains in effect or the voter remains a certified program participant in the Address Confidentiality Program. That voter's name, precinct, and the other data contained in that voter's registration record shall remain a public record. That voter's signed statement submitted under this subsection is a public record but shall be kept confidential as long as the protective order remains in effect or the voter remains a certified program participant in the Address Confidentiality Program. It is the responsibility of the voter to provide the county board with a copy of the valid protective order in effect or a current and valid Address Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of the General Statutes. The voter's actual address shall be used for any election-related purpose by any board of elections. That voter's address shall be available for inspection by a law enforcement agency or by a person identified in a court order, if inspection of the address by that person is directed by that court order. It shall not be a violation of this section if the address of a voter who is participating in the Address Confidentiality Program is discovered by a member of the public in public records disclosed by a county board of elections prior to December 1, 2001. Addresses required to be kept confidential by this section shall not be made available to the jury commission under the provisions of G.S. 9-2."

SECTION 7. G.S. 163-221 reads as rewritten:

"§ 163-221. Persons may not sign name of another to petition.

(a) No person may sign the name of another person ~~to~~ to any of the following:

(1) Any petition calling for an election or ~~referendum~~; referendum.

(2) Any petition under G.S. 163-96 for the formulation of a new political ~~party~~; party.

(3) Any petition under G.S. 163-107.1 requesting a person to be a ~~candidate~~; candidate.

(4) Any petition under G.S. 163-122 to have the name of an unaffiliated candidate placed on the general election ballot, or under G.S. 163-296 to have the name of an unaffiliated or nonpartisan candidate placed on the regular municipal election ~~ballot~~; or ballot.

(5) Any petition under G.S. 163-213.5 to place a name on the ballot under the Presidential Preference Primary Act.

(6) Any petition under G.S. 163-123 to qualify as a write-in candidate.

(b) Any name signed on a petition, in violation of this section, shall be void.

(c) Any person who willfully violates this section is guilty of a Class 2 misdemeanor."

SECTION 8.(a) G.S. 163-182.13(a) reads as rewritten:

"(a) When State Board May Order New Election. – The State Board of Elections may order a new election, upon agreement of at least four of its members, in the case of any one or more of the following:

- (1) Ineligible voters sufficient in number to change the outcome of the election were allowed to vote in the election, and it is not possible from examination of the official ballots to determine how those ineligible voters voted and to correct the totals.
- (2) Eligible voters sufficient in number to change the outcome of the election were improperly prevented from voting.
- (3) Other irregularities affected a sufficient number of votes to change the outcome of the election.
- (4) Irregularities or improprieties occurred to such an extent ~~that, although it is not possible to determine whether those irregularities or improprieties affected the outcome of the election,~~ that they taint the results of the entire election and cast doubt on its fairness."

SECTION 8.(b) G.S. 163-182.14 reads as rewritten:

"§ 163-182.14. Appeal of a final decision to superior court.

A copy of the final decision of the State Board of Elections on an election protest shall be served on the parties personally or by certified mail. A decision to order a new election is considered a final decision for purposes of seeking review of the decision. An aggrieved party has the right to appeal the final decision to the Superior Court of Wake County within 10 days of the date of service.

After the decision by the State Board of Elections has been served on the parties, the certification of nomination or election or the results of the referendum shall issue pursuant to G.S. 163-182.15 unless an appealing party obtains a stay of the certification from the Superior Court of Wake County within 10 days after the date of service. The court shall not issue a stay of certification unless the petitioner shows the court that the petitioner has appealed the decision of the State Board of Elections, that the petitioner is an aggrieved party, and that the petitioner is likely to prevail, ~~and that the results of the election would be changed in the petitioner's favor. Mere irregularities in the election which would not change the results of the election shall not be sufficient for the court to issue a stay of certification. prevail in the appeal.~~

SECTION 9.(a) G.S. 163-213.4 reads as rewritten:

"§ 163-213.4. Nomination by State Board of Elections.

The State Board of Elections shall convene in Raleigh on the first Tuesday in ~~February~~ March preceding the presidential preference primary election. At the meeting required by this section, the State Board of Elections shall nominate as presidential primary candidates all candidates affiliated with a political party, recognized pursuant to the provisions of Article 9 of Chapter 163 of the General Statutes, who have become eligible to receive payments from the Presidential Primary Matching Payment Account, as provided in section 9033 of the U.S. Internal Revenue Code of 1954, as amended. Immediately upon completion of these requirements, the Board shall release to the news media all such nominees selected. Provided, however, nothing shall prohibit the partial selection of nominees prior to the meeting required by this section, if all provisions herein have been complied with."

SECTION 9.(b) G.S. 163-213.5 reads as rewritten:

"§ 163-213.5. Nomination by petition.

Any person seeking the endorsement by the national political party for the office of President of the United States, or any group organized in this State on behalf of, and with the consent of, such person, may file with the State Board of Elections petitions signed by 10,000 persons who, at the time they signed are registered and qualified voters in this State and are affiliated, by such registration, with the same political party as the candidate for whom the petitions are filed. Such petitions shall be presented to the county board of elections 10 days before the filing deadline and shall be certified promptly by the chairman of the board of elections of the county in which the signatures were obtained and shall be filed by the petitioners with the State Board of Elections no later than 5:00 P.M. on the Monday prior to the date the State Board of Elections is required to meet as directed by G.S. 163-213.4.

The petitions must state the name of the candidate for nomination, along with a letter of approval signed by such candidate. Said petitions must also state the name and address of the chairman of any such group organized to circulate petitions authorized under this section. The requirement for signers of such petitions shall be the same as now required under provisions of G.S. 163-96(b)(1) and (2). The requirement of the respective chairmen of county boards of elections shall be the same as now required under the provisions of G.S. 163-96(b)(1) and (2) as they relate to the chairman of the county board of elections.

The State Board of Elections shall forthwith determine the sufficiency of petitions filed with it and shall immediately communicate its determination to the chairman of such group organized to circulate petitions. The form and style of petition shall be as prescribed by the State Board of Elections."

SECTION 10.(a) G.S. 163-182.5(b) reads as rewritten:

"(b) Canvassing by County Board of Elections. – The county board of elections shall meet at 11:00 A.M. on the ~~third day (Sunday excepted)~~ seventh day after every election to complete the canvass of votes cast and to authenticate the count in every ballot item in the county by determining that the votes have been counted and tabulated correctly. If, despite due diligence by election officials, the initial counting of all the votes has not been completed by that time, the county board may hold the canvass meeting a reasonable time thereafter. The canvass meeting shall be at the county board of elections office, unless the county board, by unanimous vote of all its members, designates another site within the county. The county board shall examine the returns from precincts, from absentee official ballots, and from provisional official ballots and shall conduct the canvass."

SECTION 10.(b) G.S. 163-182.7(b) reads as rewritten:

"(b) Mandatory Recounts for Ballot Items Within the Jurisdiction of the County Board of Elections. – In a ballot item within the jurisdiction of the county board of elections, a candidate shall have the right to demand a recount of the votes if the difference between the votes for that candidate and the votes for a prevailing candidate is not more than one percent (1%) of the total votes cast in the ballot item, or in the case of a multiseat ballot item not more than one percent (1%) of the votes cast for those two candidates. The demand for a recount must be made in writing and must be received by the county board of elections by ~~noon on the fourth~~ 5:00 P.M. on the first day after the

1 canvass. The recount shall be conducted under the supervision of the county board of
2 elections."

3 **SECTION 10.(c)** G.S. 163-182.7(c) reads as rewritten:

4 "(c) Mandatory Recounts for Ballot Items Within the Jurisdiction of the State
5 Board of Elections. – In a ballot item within the jurisdiction of the State Board of
6 Elections, a candidate shall have the right to demand a recount of the votes if the
7 difference between the votes for that candidate and the votes for a prevailing candidate
8 are not more than the following:

9 (1) For a nonstatewide ballot item, one percent (1%) of the total votes cast
10 in the ballot item, or in the case of a multiseat ballot item, one percent
11 (1%) of the votes cast for those two candidates.

12 (2) For a statewide ballot item, one-half of one percent (0.5%) of the votes
13 cast in the ballot item, or in the case of a multiseat ballot item, one-half
14 of one percent (0.5%) of the votes cast for those two candidates, or
15 10,000 votes, whichever is less.

16 The demand for a recount must be in writing and must be received by the State Board of
17 Elections by noon on the second ~~Wednesday~~ Thursday after the election. If on that
18 ~~Wednesday~~ Thursday the available returns show a candidate not entitled to a mandatory
19 recount, but the Executive Director determines subsequently that the margin is within
20 the threshold set out in this subsection, the Executive Director shall notify the eligible
21 candidate immediately and that candidate shall be entitled to a recount if that candidate
22 so demands within 48 hours of notice. The recount shall be conducted under the
23 supervision of the State Board of Elections."

24 **SECTION 10.(d)** G.S. 163-111(c) reads as rewritten:

25 "(c) Procedure for Requesting Second Primary. –

26 (1) **(Effective with respect to primaries and elections held on or after**
27 **January 1, 2004)** A candidate who is apparently entitled to demand a
28 second primary, according to the unofficial results, for one of the
29 offices listed below, and desiring to do so, shall file a request for a
30 second primary in writing ~~or by telegram~~ with the Executive Director
31 of the State Board of Elections no later than 12:00 noon on the ~~seventh~~
32 ninth day (including Saturdays and Sundays) following the date on
33 which the primary was conducted, and such request shall be subject to
34 the certification of the official results by the State Board of Elections.
35 If the vote certification by the State Board of Elections determines that
36 a candidate who was not originally thought to be eligible to call for a
37 second primary is in fact eligible to call for a second primary, the
38 Executive Director of the State Board of Elections shall immediately
39 notify such candidate and permit him to exercise any options available
40 to him within a 48-hour period following the notification:

41 Governor,

42 Lieutenant Governor,

43 All State executive officers,

44 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.

- (2) A candidate who is apparently entitled to demand a second primary, according to the unofficial results, for one of the offices listed below and desiring to do so, shall file a request for a second primary in writing ~~or by telegram~~ with the chairman or director of the county board of elections no later than 12:00 noon on the ~~seventh~~ ninth day (including Saturdays and Sundays) following the date on which the primary was conducted, and such request shall be subject to the certification of the official results by the county board of elections:

State Senators in single-county senatorial districts,
Members of the State House of Representatives in
single-county representative districts, and
All county officers.

- (3) Immediately upon receipt of a request for a second primary the appropriate board of elections, State or county, shall notify all candidates entitled to participate in the second primary, by telephone followed by written notice, that a second primary has been requested and of the date of the second primary."

SECTION 10.(e) G.S. 163-291(5) reads as rewritten:

- "(5) The canvass of the primary and second primary shall be held on the ~~third seventh~~ day (~~Sunday excepted~~) following the primary or second primary. In accepting the filing of complaints concerning the conduct of an election, a board of elections shall be subject to the rules concerning Sundays and holidays set forth in G.S. 103-5."

SECTION 10.(f) G.S. 163-291(6) reads as rewritten:

- "(6) Candidates having the right to demand a second primary shall do so not later than 12:00 noon on the ~~Monday~~ Thursday following the canvass of the first primary."

SECTION 10.(g) G.S. 163-293(c) reads as rewritten:

- "(c) The canvass of the first election shall be held on the ~~third seventh~~ day (~~Sunday excepted~~) after the election. A candidate entitled to a runoff election may do so by filing a written request for a runoff election with the board of elections no later than 12:00 noon on the ~~Monday~~ Thursday after the result of the first election has been officially declared. In accepting the filing of complaints concerning the conduct of an election, a board of elections shall be subject to the rules concerning Sundays and holidays set forth in G.S. 103-5."

SECTION 10.(h) G.S. 163-294(b) reads as rewritten:

- "(b) In the primary, the two candidates for a single office receiving the highest number of votes, and those candidates for a group of offices receiving the highest number of votes, equal to twice the number of positions to be filled, shall be declared

1 nominated. In both the primary and election, a voter should not mark more names for
2 any office than there are positions to be filled by election. If two or more candidates
3 receiving the highest number of votes each received the same number of votes, the
4 board of elections shall determine their relative ranking by lot, and shall declare the
5 nominees accordingly. The canvass of the primary shall be held on the ~~third~~ seventh day
6 (~~Sunday excepted~~) following the primary. In accepting the filing of complaints
7 concerning the conduct of an election, a board of elections shall be subject to the rules
8 concerning Sundays and holidays set forth in G.S. 103-5."

9 **SECTION 10.(i)** G.S. 163-300 reads as rewritten:

10 **"§ 163-300. Disposition of duplicate abstracts in municipal elections.**

11 Within ~~five~~ nine days after a primary or election is held in any municipality, the
12 chairman of the county or municipal board of elections shall mail to the chairman of the
13 State Board of Elections, the duplicate abstract prepared in accordance with G.S.
14 163-182.6. One copy shall be retained by the county or municipal board of elections as
15 a permanent record and one copy shall be filed with the city clerk."

16 **SECTION 10.(j)** G.S. 163-322(b) reads as rewritten:

17 "(b) Determination of Nominees. – In the primary, the two candidates for a single
18 office receiving the highest number of votes, and those candidates for a group of offices
19 receiving the highest number of votes, equal to twice the number of positions to be
20 filled, shall be declared nominated. If two or more candidates receiving the highest
21 number of votes each receive the same number of votes, the State Board of Elections
22 shall determine their relative ranking by lot, and shall declare the nominees accordingly.
23 The canvass of the primary shall be held on the same date as the primary canvass fixed
24 under G.S. ~~163-188.~~ 163-182.5. The canvass shall be conducted in accordance with
25 Article ~~16~~ 15A of this Chapter."

26 **SECTION 10.(k)** G.S. 163-182.15 reads as rewritten:

27 **"§ 163-182.15. Certificate of nomination or election, or certificate of the results of
28 a referendum.**

29 (a) Issued by County Board of Elections. – In ballot items within the jurisdiction
30 of the county board of elections, the county board shall issue a certificate of nomination
31 or election, or a certificate of the results of the referendum, as appropriate. The
32 certificate shall be issued by the county board ~~five~~ six days after the completion of the
33 canvass pursuant to G.S. 163-182.5, unless there is an election protest pending. If there
34 is an election protest, the certificate of nomination or election or the certificate of the
35 result of the referendum shall be issued in one of the following ways, as appropriate:

36 (1) The certificate shall be issued five days after the protest is dismissed or
37 denied by the county board of elections, unless that decision has been
38 appealed to the State Board of Elections.

39 (2) The certificate shall be issued 10 days after the final decision of the
40 State Board, unless the State Board has ordered a new election or the
41 issuance of the certificate is stayed by the Superior Court of Wake
42 County pursuant to G.S. 163-182.14.

43 (3) If the decision of the State Board has been appealed to the Superior
44 Court of Wake County and the court has stayed the certification, the

1 certificate shall be issued five days after the entry of a final order in
2 the case in the Superior Court of Wake County, unless that court or an
3 appellate court orders otherwise.

4 (b) Issued by State Board of Elections. – In ballot items within the jurisdiction of
5 the State Board of Elections, the State Board of Elections shall issue a certificate of
6 nomination or election, or a certificate of the results of the referendum, as appropriate.
7 The certificate shall be issued by the State Board ~~five~~six days after the completion of
8 the canvass pursuant to G.S. 163-182.5, unless there is an election protest pending. If
9 there is an election protest, the certificate of nomination or election or the certificate of
10 the result of the referendum shall be issued in one of the following ways, as appropriate:

11 (1) The certificate shall be issued 10 days after the final decision of the
12 State Board on the election protest, unless the State Board has ordered
13 a new election or the issuance of the certificate is stayed by the
14 Superior Court of Wake County pursuant to G.S. 163-14.

15 (2) If the decision of the State Board has been appealed to the Superior
16 Court of Wake County and the court has stayed the certification, the
17 certificate shall be issued five days after the entry of a final order in
18 the case in the Superior Court of Wake County, unless that court or an
19 appellate court orders otherwise.

20 (c) Copy to Secretary of State. – The State Board of Elections shall provide to
21 the Secretary of State a copy of each certificate of nomination or election, or certificate
22 of the results of a referendum, issued by it. The Secretary shall keep the certificates in a
23 form readily accessible and useful to the public."

24 **SECTION 11.** G.S. 163-227.2(a) reads as rewritten:

25 "(a) ~~Except as provided in subsection (a1) of this section, a person expecting to be~~
26 ~~absent from the county in which that person is registered during the entire period that~~
27 ~~the polls are open on the day of an election in which absentee ballots are authorized or~~
28 ~~is eligible under G.S. 163-226(a)(2), 163-226(a)(3a), or 163-226(a)(4) Any voter~~
29 eligible to vote by absentee ballot under G.S. 163-226 may request an application for
30 absentee ballots, complete the application, and vote under the provisions of this
31 section."

32 **SECTION 12.** Sections 1 and 10 of this act become effective January 1,
33 2004. The remainder of this act becomes effective when this act becomes law.



HOUSE BILL 1120: Student Pollworkers/Other Changes.

BILL ANALYSIS

Committee: House Election Laws &
Campaign Finance Reform

Date: June 18, 2003

Version: Third Edition

Introduced by: Representative Alexander

Summary by: William R. Gilkeson
Committee Co-Counsel

SUMMARY: *The Senate version of House Bill 1120 would authorize the appointment of high school students 17 years and older as student election assistants, move the canvass from the 3rd to the 7th day after election day, and make several other election-law changes. Effective 1-1-04 for the student assistants and the canvass; other changes, effective when the bill becomes law.*

Senate Changes

The Senate version of H1120 is a combination of the House-passed versions of H1120 and H1119.

Sections 1 through 9 of the new H1120 were **substantially approved by the House** in either HB 1120 or in HB 1119. The Senate made minor changes in Sections 6 and 9.

The Senate **added Section 10** (moving the canvass day from the 3rd to the 7th day after election day) and **Section 11** (correcting the one-stop statute).

The Senate **did not include** 3 sections of H 1119:

- * The repeal of what the State Board of Elections described as outdated party reporting requirements. Concern was expressed that the repeal might have unintended consequences involving federal law.
- * The expansion of the definition of "political party organization." Concern was expressed that the repeal might have unintended consequences involving federal law.
- * The repeal of restrictions added in 2002 on requesting absentee ballots. That provision had been added to H1119 on the House floor.

Section 1 -- **Student Election Assistants.** Allows county boards of elections to appoint students of at least 17 years old as "student election assistants." The State Board of Elections would adopt guidelines as to how the student election assistants would be appointed. The students would have to be U.S. citizens, residents of the county, enrolled in a secondary school (including a home school) with an exemplary academic record, be recommended by the principal or director of the school, and have the consent of a parent, legal custodian, or guardian. The student election assistants would work at the voting place under the supervision of the election judges there. Although they would not be precinct officials, they would receive the same training and pay as a precinct assistant. There could not be more than 2 of them per precinct. (The Help America Vote Act of 2002 (HAVA) contains a provision creating a "Help America Vote Foundation" whose purpose is to "mobilize secondary school students (including students educated in the home) in the United States to participate in the election process in a nonpartisan manner as poll workers or assistants (to the extent permitted under applicable State law)." The Foundation must also establish cooperative efforts between election officials, educational agencies, and nonprofits. It can accept private donations. HAVA authorizes the appropriation of \$5 million for the foundation.) **House passed in H1120.**

Section 2 -- **Technical Change to Judicial Public Financing Act.** Makes a technical change to the statute setting up voluntary public financing of appellate judicial candidates. That statute (163-278.67) entitles a candidate for appellate judge who has volunteered to abide by the fundraising and spending restrictions of the program to receive "rescue funds" if the candidate's opponent spends in excess of

HOUSE BILL 1120

Page 2

the limitation, or if someone makes an independent expenditure in opposition to the candidate in the program, or in support of an opponent of that candidate. Another statute (163-278.66) sets up a reporting requirement of independent expenditures to make that work, but the language is not quite parallel: The reporting statute requires reporting of independent expenditures "in support of or opposition to a certified candidate." This section makes the language in the rescue funds statute and the reporting statute parallel. **House passed in H1119.**

- Section 3 -- **No Extra Compensation of Election Officials.** Provides that if an election official is being paid an hourly wage or fee on election day and the official is performing additional election duties away from the assigned precinct, the official will be entitled to no additional compensation for the extra work other than reimbursement for expenses. **House passed in H1119.**
- Section 4 -- **Technical Change to Primary Vacancy Statute.** Makes a technical change to the statute about the death of a candidate in a primary. The current language talks about two candidates filing for a "single office." Because all candidates file for only one office, a change is made to "single-seat office" to clarify that the statute is referring to a race in which only one is to be nominated. **House passed in H1119.**
- Section 5 -- **Definition of "Referendum."** Broadens the definition of "referendum" in the Campaign Reporting Act to include a ballot item triggered by an initiative that is authorized by local act or city charter. Recall elections are specifically excluded from the definition of referendum. One of the consequences of a vote being a referendum is that contribution limits and corporate/union contribution restrictions do not apply – courts have said they cannot apply because no candidate is involved. With a recall vote, a candidate or candidates would be involved. **House passed in H1119.**
- Section 6 -- **Conforming Change on Address Confidentiality – Jurors.** The 2001 General Assembly enacted legislation designed to protect people in danger of being stalked and threatened – it required custodians of public records about these people to keep their addresses confidential. Election boards are covered by the new confidentiality requirement with respect to addresses of registered voters. This section extends that confidentiality to the disclosure of registered voters' addresses to the county jury commissions. **House passed in H1119. Part of the House-passed version was included in H 842, the HAVA bill, so is not included here.**
- Section 7 -- **Technical Change to Petition Statutes.** Current law prohibits signing someone else's name to a petition that has a legal effect. Doing so is a Class 2 misdemeanor. G.S. 163-221 contains a list of the types of petitions that are included, but inadvertently petitions for write-in candidates was left out. This section remedies that omission. **House passed in H1119.**
- Section 8 -- **Technical Change to New Statute on New Elections.** The SBOE has the sole authority in the election system to order a new election. The SBOE may order a new election only if 4 of its 5 members vote to do so, guaranteeing at least some bipartisan agreement. The standards for new elections are basically one of two:
- **"The Math."** That irregularities affected more votes than the margin of victory, rendering the outcome uncertain mathematically.
 - **"The Cloud."** That irregularities occurred to such an extent that they taint the entire election and cast doubt on its fairness.
- In the election law rewrite of 2001, the new G.S. 163-182.13 makes clear that both the Math and the Cloud are still standards for a new election, but the new 163-182.14 concerning appeals is not parallel. Sections 8.(a) and 8.(b) change both statutes to make them parallel. **House passed in H1119.**
- Section 9 -- **Conforming Change: Presidential Primary/New Filing Period.** The general candidate filing deadline was recently moved from the 1st Monday in February to the last business day in February. SBOE designation of presidential primary candidates is still on the 1st Tuesday in February, formerly the day after the candidate filing deadline. That was not changed in 2001 when the filing deadline was moved. **Section 9.(a) moves the SBOE presidential primary designation day to the 1st Tuesday in March.** Current law directs the SBOE to designate for a party's presidential

HOUSE BILL 1120

Page 3

primary all candidates who have qualified to receive matching funds under the federal public financing program for presidential candidates. But other candidates may get on the presidential primary ballot if they collect 10,000 signatures on petitions and submit them to the SBOE by the day the SBOE meets to designate the candidates. **Section 9.(b) moves that petition filing deadline to the day before the designation day. House passed in H1119, Senate changed "day after" language to a fixed date.**

Section 10 -- **Moving Canvass Date from 3rd to 7th Day after Election.** Currently the county canvass (the day when the county board of elections meets to certify the official results of the vote) is the third day after the primary or election. It is usually the Friday after a Tuesday election. The main thrust of Section 10 is to move that canvass forward to the seventh day after the election, the next Tuesday, on the theory that boards of elections will need more time to count the additional provisional ballots required by HAVA. That change is in Section 10.(a). But moving the canvass has a ripple effect on the rest of the post-election schedule, necessitating Sections 10.(b) through 10.(k) **Added by Senate.**

Sec. #	Event	Date under current law	Date under H 1120
10.(a)	Canvass Day	3rd day after election – 11-5-04 3rd day after primary – 5-7-04	7th day after election – 11-9-04 7th day after primary – 5-11-04
10.(b)	Demand Deadline for Mandatory Recount in County Race	4th day after election canvass – 11-9-04 4th day after primary canvass – 5-11-04	1 day after election canvass – 11-10-04 1 day after primary canvass – 5-12-04
10.(c)	Demand Deadline for Mandatory Recount in Multi-County Race	2nd Wed. after election – 11-10-04 2nd Wed. after primary – 5-12-04	2nd Thurs. after election – 11-11-04 2nd Thurs. after primary – 5-13-04
10.(d)	Demand Deadline for 2nd Primary	7th day after primary – 5-11-04	9th day after primary – 5-13-04
10.(e)	Canvass Day for Municipal Partisan Primary and Second Primary	3rd day after primary – 9-30-05 3rd day after 2nd primary – 10-21-05	7th day after primary – 10-4-05 7th day after 2nd primary – 10-25-05
10.(f)	Demand Deadline for Municipal Partisan Second Primary	Monday after canvass – 10-3-05	Thursday after canvass – 10-6-05
10.(g)	Canvass and Demand Deadline for Municipal Nonpartisan Runoff	Canvass 3rd day after election – 10-14-05 Demand Mon. after canvass – 10-17-05	Canvass 7th day after election – 10-18-05 Demand Thurs. after canvass – 10-20-05
10.(h)	Canvass for Municipal Nonpartisan Primary	3rd day after primary – 10-14-05	7th day after primary – 10-18-05
10.(i)	Municipal Abstract Due to SBOE	5th day after election – 11-13-05	9th day after election – 11-17-05
10.(j)	Canvass for Nonpartisan Judicial Primary	3rd day after primary – 5-7-04	7th day after primary – 5-11-04
10.(k)	Issuance of Certificate	County: 5th day after canvass Multi-county: 5th day after canvass	County: 6th day after canvass Multi-county: 6th day after canvass

Section 11 -- **Correction to One-Stop Statute.** In 2001 the General Assembly voted to remove the excuse requirement from all absentee voting – one-stop and mail. However, through a drafting oversight in 2001, some language was inadvertently left in the statute that leaves the appearance that excuses are still required for one-stop voting. This section removes that nonconforming language, making clear that no excuse is required for a person to vote one-stop, as the General Assembly intended and as statute was enforced in the 2002 election. **Added by Senate – error was discovered after House passed its bills.**

VISITOR REGISTRATION SHEET

Election Law and Campaign Finance Reform

June 18, 2003

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Gary A. Bartlett	SBE
John Phelps	NCLM
John Lynn	SBE
Amy Dobson	NC Statewater
Mary F. Forester	Concerned Women for America - NC
Alison Whalley	Concerned Women for America - NC
Bonnie Dougherty	Concerned Women for America
Mary Williams	Concerned Women for America
Cathy Knight	Concerned Women for America
Elsie Smoluk	Concerned Women for America
Maudie von Ehrenkrook	Concerned Women for America

VISITOR REGISTRATION SHEET

Election Law and Campaign Finance Reform

June 18, 2003

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Kathryn Queen

Wake Co Bd of Elections

Bob Hall

Democracy North Carolina

Reggie Mathis

Democracy - North Carolina

Jennifer Frye

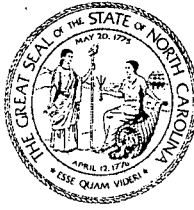
Democracy North Carolina

VERONICA JOICE

DEMOCRACY NORTH CAROLINA

Chase Foster

Democracy NC



HOUSE SELECT COMMITTEE ON ELECTION LAW AND CAMPAIGN FINANCE REFORM

AGENDA

June 17, 2004
Room 1228, Legislative Building

Representative Paul Stam, Co-Chair
Representative Mickey Michaux, Co-Chair

For Discussion Only

SB 760 – Local Campaign Finance Options

Anita Wilder (Rep. Michaux)

From: Jana Stam (Rep. Stam)
Sent: Wednesday, June 16, 2004 9:41 AM
Subject: Election Law and Campaign Finance Reform Notice

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2003-2004 SESSION**

You are hereby notified that the Committee on **ELECTION LAW AND CAMPAIGN FINANCE REFORM** will meet as follows:

DAY & DATE: Thursday, June 17, 2004

TIME: 9:00 am

LOCATION: 1228

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

For Discussion Only

SB 760- Local Campaign Finance Options

Respectfully,
Representatives Michaux and Stam
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **10:00am** on **June 16, 2004**.

____ Principal Clerk
____ Reading Clerk - House Chamber

Jana Stam (Committee Assistant)

ATTENDANCE

Election Law and Campaign Finance Reform

(Name of Committee)

[illegible]

MINUTES
HOUSE COMMITTEE ON ELECTION LAW AND CAMPAIGN FINANCE
REFORM

June 17, 2004

The House Committee on Election Law and Campaign Finance Reform met on Thursday, June 17, 2004, in Room 1228 of the Legislative Building at 9:00 AM. The following members were present: Co-Chairman Mickey Michaux, Co-Chairman Paul Stam, Vice-Chairman Hugh Holliman, Representatives Blust, Bonner, Daughtry, Kiser, Fisher, Parmon, Rayfield, Ross and Wood. Bill Gilkerson and Erica Churchill, Staff Counselors were in attendance. A Visitor Registration list is attached and made a part of these minutes.

Co-Chairman Michaux called the meeting to order. Representative Susan Fisher was introduced at this time as the replacement for Representative Martin Nesbitt. Our pages for the day were Sarah Ann Hill from Gates County, Amanda Pressley from Jackson County, Christen Holcombe from Wake County, Lauren Bollinger from Mecklenburg County, Lauren Ross from Mecklenburg County and David Epps from Wake County. Our Sergeant At Arms for the day were Thomas Wilder, James Worth, James Womack and Leslie Oakley.

Co-Chairman Michaux called the meeting for discussion only of Senate Bill 760.

Representative Joe Hackney who stood in for Senator Gulley, was recognized to explain SB 760, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT GRANTS FROM UNIFORM PROGRAMS FOR PUBLIC CAMPAIGN FINANCING DO NOT CONSTITUTE "CONTRIBUTIONS" AND ARE NOT SUBJECT TO RESTRICTIONS ON CONTRIBUTIONS; TO CLARIFY THAT GOVERNMENTS IN CITIES AND COUNTIES OF A CERTAIN SIZE ARE AUTHORIZED TO CONDUCT THOSE PROGRAMS; AND TO REQUIRE A REVIEW OF LOCAL PUBLIC CAMPAIGN FINANCING PROGRAMS. Upon motion made by Representative Bonner to accept the Proposed Committee Substitute, the Committee passed the motion.

After much discussion and hearing from several visitors which included Paul Williams, Friends of Governor's Home Builders Assoc.; Chris Haggerty, N. C. Center for Voter Education; Bob Hill, Democracy for North Carolina; Bruce Thompson, Town of Cary and Michael Crouse, an attorney who represented Cary in the past regarding this issue.

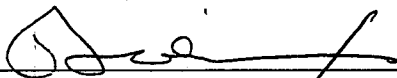
There being no further business, Co-Chairman Michaux adjourned the meeting at 9:47 AM.

ELECTION LAW AND CAMPAIGN FINANCE REFORM

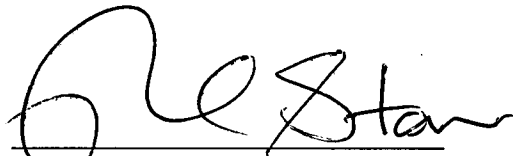
June 17, 2004

Page 2

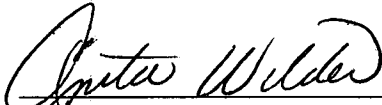
Respectfully submitted,



Representative Mickey Michaux, Jr.
Co-Chairman (Presiding)



Representative Paul Stam
Co-Chairman



Anita Wilder
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

3

SENATE BILL 760
Judiciary I Committee Substitute Adopted 6/4/03
Judiciary I Committee Substitute #2 Adopted 7/15/03

Short Title: Local Campaign Finance Options.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED
AN ACT TO CLARIFY THAT GRANTS FROM UNIFORM PROGRAMS FOR
PUBLIC CAMPAIGN FINANCING DO NOT CONSTITUTE
"CONTRIBUTIONS" AND ARE NOT SUBJECT TO RESTRICTIONS ON
CONTRIBUTIONS; TO CLARIFY THAT GOVERNMENTS IN CITIES AND
COUNTIES OF A CERTAIN SIZE ARE AUTHORIZED TO CONDUCT THOSE
PROGRAMS; AND TO REQUIRE A REVIEW OF LOCAL PUBLIC CAMPAIGN
FINANCING PROGRAMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.6(6) reads as rewritten:

"(6) The terms 'contribute' or 'contribution' mean any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever, to a candidate to support or oppose the nomination or election of one or more clearly identified candidates, to a political committee, to a political party, or to a referendum committee, whether or not made in an election year, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution. These terms include, without limitation, such contributions as labor or personal services, postage, publication of campaign literature or materials, in-kind transfers, loans or use of any supplies, office machinery, vehicles, aircraft, office space, or similar or related services, goods, or personal or real property. These terms also include, without limitation, the proceeds of sale of services, campaign literature and materials, wearing apparel, tickets or admission prices to campaign events such as rallies or dinners, and the proceeds of sale of any campaign-related services or goods. Notwithstanding the foregoing meanings of 'contribution,' the word shall not be construed to include services

provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate, political committee, or referendum committee. The term 'contribution' does not include an 'independent expenditure.' The term 'contribution' does not include a grant from a governmental entity under a uniform program of grants to the campaigns of candidates for elective office within the jurisdiction of that governmental entity if: (i) the grants are available as a source of campaign financing for candidates for office who demonstrate public support and voluntarily accept strict fund-raising and spending limits in accordance with a set of criteria drawn by the government, (ii) the criteria are drawn to further the public purpose of free elections and do not discriminate for or against any candidate on the basis of race, creed, position on issues, status of incumbency or nonincumbency, or party affiliation, (iii) the grants are restricted to use for campaign purposes, and (iv) unspent grants are required to be returned to that governmental entity. Grants pursuant to such a program are not subject to the contribution limitations of G.S. 163-278.13 and the prohibitions on corporate contributions of G.S. 163-278.15 or G.S. 163-278.19, but shall be reported as if they were contributions in all campaign reports required by law to be filed by the campaigns receiving the grants."

SECTION 2. Article 21 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-499. Uniform, nondiscriminatory program of public financing of election campaigns.

A governing body of a county with a population exceeding 80,000 according to the most recent decennial federal census may appropriate funds for a uniform program of grants to the campaigns of candidates for county office in that county if: (i) the grants are available as a source of campaign financing for candidates for office who demonstrate public support and voluntarily accept strict fund-raising and spending limits in accordance with a set of criteria drawn by the county, (ii) the criteria are drawn to further the public purpose of free elections and do not discriminate for or against any candidate on the basis of race, creed, position on issues, status of incumbency or nonincumbency, or party affiliation, (iii) the grants are restricted to use for permissible campaign-related expenditures in accordance with guidelines published pursuant to G.S. 163-278.64(d)(5) or other guidelines published by the State Board of Elections, and (iv) unspent grants are required to be returned to the county.

A governing body of a city with a population exceeding 40,000 according to the most recent decennial federal census may appropriate funds for a uniform program of grants to the campaigns of candidates for city office in that city if: (i) the grants are available as a source of campaign financing for candidates for office who demonstrate public support and voluntarily accept strict fund-raising and spending limits in accordance with a set of criteria drawn by the city, (ii) the criteria are drawn to further the public purpose of free elections and do not discriminate for or against any candidate on the basis of race, creed, position on issues, status of incumbency or nonincumbency,

1 or party affiliation, (iii) the grants are restricted to use for permissible campaign-related
2 expenditures in accordance with guidelines published pursuant to G.S. 163-278.64(d)(5)
3 or other guidelines published by the State Board of Elections, and (iv) unspent grants
4 are required to be returned to the city.

5 Any county or city exercising authority under this section shall report its action to
6 the State Board of Elections and the county board of elections in any county in which it
7 has territory."

8 **SECTION 3. G.S. 153A-445 reads as rewritten:**

9 **"§ 153A-445. Miscellaneous powers found in Chapter 160A.**

10 (a) A county may take action under the following provisions of Chapter 160A:

11 (1) Chapter 160A, Article 20, Part 1. – Joint Exercise of Powers.

12 (2) Chapter 160A, Article 20, Part 2. – Regional Councils of
13 Governments.

14 (3) G.S. 160A-487. – Financial support for rescue squads.

15 (4) G.S. 160A-488. – Art galleries and museums.

16 (5) G.S. 160A-492. – Human relations programs.

17 (6) G.S. 160A-497. – Senior citizens programs.

18 (7) G.S. 160A-489. – Auditoriums, coliseums, and convention and civic
19 centers.

20 (8) G.S. 160A-498. – Railroad corridor preservation.

21 (9) G.S. 160A-499. – Uniform, nondiscriminatory program of public
22 financing of election campaigns.

23 (b) This section is for reference only, and the failure of any section of Chapter
24 160A to appear in this section does not affect the applicability of that section to
25 counties."

26 **SECTION 4.** No later than 18 months after this act becomes effective, the
27 State Board of Elections shall review a variety of public campaign financing programs
28 for local government elections in the United States, prepare a description of the basic
29 elements generally present, and compile a collection of reference materials for local
30 governments in North Carolina to use in designing their programs.

31 **SECTION 5.** This act is effective when it becomes law.

House Pages

1. Name: Sarah Ann Hill
County: Gates
Sponsor: Black
2. Name: Amanda Pressley
County: Jackson
Sponsor: Haire
3. Name: Christen Holcombe
County: Wake
Sponsor: Rep. Culpepper
4. Name: Lauren Bollinger
County: Mecklenburg
Sponsor: Speaker Black
5. Name: Lauren Ross
County: Mecklenburg
Sponsor: Speaker Black

6. David Epps
Wake
Speaker Morgan

Sgt-At-Arms

1. Name: THOMAS WILDER
2. Name: JAMES WORTH
3. Name: JAMES WOMACK
4. Name: LESLIE OAKLEY

VISITOR REGISTRATION SHEET

Election Law and Campaign Finance Reform

6/17/04

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

R. Paul Wilms	NCHBA
Bob Hall	Democracy North Carolina
MICHAEL CROWELL	LAWYER, RALEIGH
BRUCE THOMPSON	PARISER POS
Michael Houser	NCAE
Paul Meyer	NLAC
Johanna Henry	media
Chris Huggins	Center for Voter Education
Michelle Kucinski	NCPIRG
Shane Reese	NEVCE
Beth Messersmith	Democracy North Carolina
Kunal Choksi	Democracy NC
Sarah Carucci	Democracy North Carolina
Reese Wilg	Democracy North Carolina

NAME	FIRM OR AGENCY AND ADDRESS
John Phelps	NCLM
Pill Webb	NCGA Intern
Jay Robertson	AP
Bob Phillips	Common Cause NC
Elizabeth Self	NCGA Intern
Paul A. Gandy	ACLU
Joe Qate	Gov Office