2011-2012

HOUSE ELECTIONS

MINUTES

NORTH CAROLINA GENERAL ASSEMBLY

ELECTIONS COMMITTEE
2011 - 2012 SESSION

Rep. David Lewis
Chair

Rep. Justin Burr
Vice-Chair

Rep. William Current
Vice chair

Rep. Bert Jones
Vice chair

Rep. Jonathan Jordan
Vice chair

Rep. Martha Alexander

Rep. John Blust

Rep. Larry Brown

Rep. Rayne Brown

Rep. Angela Bryant

Rep. Tricia Cotham

Rep. Jimmy Dixon

Rep. John Faircloth

Rep. Susan Fisher

Rep. Elmer Floyd

Rep. Charles Graham

Rep. Pricey Harrison

Rep. Frank Iler

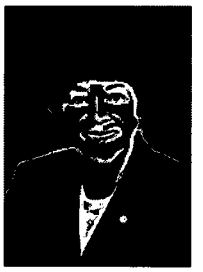
Rep. Carolyn Justice

Rep. Richard Killian

NORTH CAROLINA GENERAL ASSEMBLY

ELECTIONS COMMITTEE
2011 - 2012 SESSION

Rep. Grier Martin


Rep. Marian McLawhorn

Rep. Mickey Michaux

Rep. Grey Mills

Rep. Annie Mobley

Rep. Tim Moore

Rep. Deborah Ross

Rep. Efton Sager

Rep. Paul Stam

Rep. Edgar Starnes

Rep. Edith Warren

Rep. Jennifer Weiss

HOUSE COMMITTEE ON ELECTIONS
2011 - 2012

MEMBER		ASSISTANT	PHONE	OFFICE	SEAT
Lewis, David	Chair	Grace Rogers Committee Assistant	715-3015	534	20
Burr, Justin	Vice-Chair	Dina Long	733-5908	538	40
Current, William	Vice-Chair	Wendy Miller	733-5809	418B	42
Jones, Bert	Vice-Chair	Brenda Olls	733-5779	306A1	100
Jordan, Jonathan	Vice-Chair	Carlton Huffman	733-7727	418C	79
Alexander, Martha		Ann Faust	733-5807	1213	33
Blust, John		Betty Childress	733-5781	1229	25
Brown, Larry		Delores Ledford	733-5607	303	26
Brown, Rayne		Lynn Taylor	715-0873	638	73
Bryant, Angela		Karon Hardy	733-5878	542	101
Cotham, Tricia		Rosa Kelley	715-0706	403	105
Dixon, Jimmy		Dan McPhail	715-3021	1002	67
Faircloth, John		Becky Bauerband	733-5877	306A3	75
Fisher, Susan		Cindy Garrison	715-2013	504	82
Floyd, Elmer		Latasha McPhaul	733-5959	1311	114
Graham, Charles		Linda Laton	715-0875	1315	115
Harrison, Pricey		Sue Osborne	733-5771	1218	118
Iler, Frank		Carla Farmer	301-1450	632	61
Justice, Carolyn		Vivian Sherrell	715-9664	420	16
Killian, Richard		Jan Copeland	733-5886	2219	39

Martin, Grier	Sylvia Hammons	733-5758	1219	104
McLawhorn, Marian	Susan Burleson	733-5757	1217	59
Michaux, Mickey	Anita Wilder	715-2528	1220	11
Mills, Grey	Wanda Benson	733-5741	2221	50
Mobley, Annie	Veronica Green	733-5780	501	108
Moore, Tim	Nancy Garriss	733-4838	1326	8
Ross, Deborah	Marie Penven	733-5773	1023	96
Sager, Efton	Shirley Winstead	733-5755	416B	51
Stam, Paul	Christin Danchi	733-2962	2301	54
Starnes, Edgar	Pattie Fleming	733-5931	419A	5
Warren, Edith	Ruth Fish	715-3023	1323	35
Weiss, Jennifer	Cindy Douglas	715-3010	1109	103

HOUSE COMMITTEE ON ELECTIONS STAFF

STAFF		PHONE
Erika Churchill	Research	733-2578
Kara McCraw	Research	733-2578
Denise Huntley Adams	Research	733-2578
Grace Rogers	Committee Assist.	715-3015

NORTH CAROLINA GENERAL ASSEMBLY
Legislative Services Office

George R. Hall, Legislative Services Officer

Research Division
300 N. Salisbury Street, Suite 545
Raleigh, NC 27603-5925
Tel. 919-733-2578 Fax 919-715-5460

O. Walker Reagan
Director

February 4, 2011

The Honorable David R. Lewis, Chair
Committee on Election Law
North Carolina House of Representatives
300 North Salisbury Street, Room 534
Raleigh, NC 27603-5925

Dear Representative Lewis:

I have asked Ms. Erika Churchill, Ms. Kara McCraw, and Ms. Denise Huntley Adams, with the Research Division, to serve as staff/counsel to the House Committee on Election Law, which you chair. They will attend the meetings of the Committee when it convenes on Wednesdays at 1:00 p.m. In accordance with the Committee's directions as expressed through the Chair, they will aid in analyzing proposed legislation and drafting amendments and committee substitutes. They will staff several other committees, as well.

I have asked Ms. Erika Churchill to serve as the coordinating staff person (point person) for the committee staff's efforts. I would ask that you and your committee clerk consider Ms. Churchill as your initial contact for staffing needs and questions for the committee. The role of the coordinating staff will be to serve as the primary contact for the committee chairs and committee clerks to use in arranging committee meetings and identifying bills to be considered. Coordinating staff also will coordinate the assignment of bills among the committee staff. Most of the members of the Research Division have been asked to assume this role for one or more committees this session. If you are unable to reach Ms. Churchill at any time, you should feel free to contact any of the other committee staff for assistance.

My best wishes to you and the Committee in its work. If I can be of any service to you or the Committee, please contact me.

Yours truly,

O. Walker Reagan

O. Walker Reagan
Director of Research

OWR/lba
cc: Hon. Thom Tillis, Speaker
Hon. Philip Berger, President Pro Tempore
Mr. George Hall
Ms. Erika Churchill
Ms. Kara McCraw
Ms. Denise Huntley Adams
Mr. Brian Peck
Ms. Becky Cook

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Election Committee Meeting

February 16, 2011

Attachment 1:	**Committee Meeting Notice**
Attachment 2:	**Minutes**
Attachment 3:	**Handout from Committee Staff**
Attachment 4:	**Handout from NC State Board of Elections**
Attachment 5:	**Visitor Registration Sheet**

ATTACHMENT 1

Grace Rogers (Rep. Lewis)

From: Grace Rogers (Rep. Lewis)
Sent: Thursday, February 10, 2011 11:47 AM
To: Rep. David Lewis
Subject: <NCGA> House Elections Committee Meeting Notice for Wed, 02-16-2011 at 1:00 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, February 16, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS: Informational Meeting Only

The following bills will be considered:

NONE

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11 AM** o'clock on **February 10, 2011.**

Principal Clerk
Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

ATTACHMENT 2

Minutes

Committee on Elections

Wednesday, February 16, 2011

The House Committee on Elections met on Wednesday, February 16, 2011, in room 643 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Burr, Current, Jones and Jordan Co-Chairs, Representatives Alexander, Blust, L. Brown, R. Brown, Bryant, Cotham, Dixon, Faircloth, Fisher, Floyd, Graham, Iler, Justice, Killian, Martin, McLawhorn, Michaux, Mills, Mobley, Moore, Ross, Sager, Stam, Starnes, Warren, Weiss. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw, Denise Huntley Adams and Mark Bondo. The Chair called the meeting to order at 1:00 PM and recognized the pages and sergeant at arms.

Each member in attendance introduced themselves and stated which district they represented.

Erika Churchill, Staff presented The Basics – Public Financing of Campaigns in North Carolina.

Mark Bondo, Staff presented Funding Detail of the Campaign Funding in North Carolina.

Gary Bartlett, North Carolina State Board of Elections presented the Provisional Voting Administrative Procedures.

Denise Huntley Adams, Staff presented Voter Identification Requirements.

As the time for adjournment, per House Rules, was 1:45 PM, there was not time to take public comments. The Chair invited all guests who came to express opposition to voter identification to raise their hands. Approximately 75 people raised their hands.

The Committee Chair adjourned the meeting at 1:45 PM.

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Respectfully submitted,

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

Hi Senator Erika Churchill

ATTACHMENT 3

The Basics – Public Financing of Campaigns in North Carolina

February 9, 2011
R. Erika Churchill

- Which candidates have the option of public financing?
  1. Certain Council of State offices
     - Auditor
     - Superintendent of Public Instruction
     - Commissioner of Insurance
  2. Certain judicial offices
     - Supreme Court justices
     - Court of Appeals justices
- How does it work?
  1. The candidate must file a declaration of intent with the State Board of Elections BEFORE collecting any qualifying contributions. The declaration of intent has to be filed before or during the "qualifying period," which is September 1 of the year before the election until the day of the primary.
  2. After filing the declaration of intent, the candidate must collect qualifying contributions from a certain number of registered voters during the qualifying period:
     - For Council of State candidates, it is contributions from at least 750 registered voters, with each contribution in an amount between $10 and $200. The total amount collected must be at least 25 times the filing fee for the office. The filing fee for office is 1% of the annual salary.
     - For the judicial candidates, it is contributions from at least 350 registered voters, with each contribution in an amount between $10 and $500. The total amount collected must be between 30 times the filing fee and 60 times the filing fee. The filing fee for office is 1% of the annual salary.
  3. The State Board of Elections "certifies" that the candidate has filed a declaration of intent, collected the appropriate contributions, filed a notice of candidacy. Once certified, the candidate is entitled to receive distributions from the public financing fund.
  4. Distributions from the public financing fund:
     - Uncontested Primary or General Election – No funds are distributed.
     - Initial Distribution – Funds in the following amounts are distributed within 5 business days of certification by the State Board for a candidate in a **contested** general election:
       - Council of State: The average amount of campaign-related expenditures made by all candidates who won the 3 previous general elections, but not less than $300,000.
       - Judicial: For the Supreme Court, 175 times the filing fee. For the Court of Appeals, 125 times the filing fee.
     - Matching Funds – Matching funds are triggered when a report or reports show that "funds in opposition to a certified candidate or in support of an opponent to that candidate" are spent, and are available only in a contested election.
       - Limit on Matching Funds for Contested Primary
         - Council of State: 200 times the filing fee for the office
         - Judicial: 120 times the filing fee for the office
       - Limit on Matching Funds for Contested General Election
         - Council of State: Twice the average amount of campaign-related expenditures made by all candidates who won the 3 previous general elections, but not less than $600,000.
         - Judicial: For the Supreme Court – 350 times the filing fee. For the Court of Appeals – 250 times the filing fee.

Voter Guide – The State Board of Elections is required to publish a voter guide as to the functions of the office, the laws concerning the election of that office, the public financing fund, voter registration, and information about all candidates running for that office. The money for the publication and mailing of the voter guide is to be taken from the public financing fund.

Funding Detail of the Ca[redacted] Funding in North Carolina

NC Public Campaign Fund		Designation		Attorney Membership Fee	Total
2011	$	887,275.0	YTD	$ 675,732	$ 1,563,007
2010	$	1,124,882.0	Actual	$ 1,104,148	$ 2,229,030
2009	$	1,259,255.0	Actual	$ 1,143,190	$ 2,402,445
2008	$	1,325,199.0	Actual	$ 1,038,310	$ 2,363,509

Cash Balance	**$**	**4,957,782**

Certified Expenditures (FY 2011) for NC Public Campaign Fund

NC Voter Guide (163-278.69)	$	905,862
Personnel Services	$	54,844
Operating Transfer (Internal Service)	$	49,325
Total	**$**	**1,010,031**

Cash Balance	**$**	**211**

Voter Owned Elections Fund		Appropriation		Total
2011	$	-	YTD	$ -
2010	$	-	Actual	$ -
2009	$	1,000,000	Actual	$ 1,000,000
2008	$	3,580,000	Actual	$ 3,580,000

Cash Balance	**$**	**428,136**

YTD is Calendar Year End (Dec. 31, 2010)

Mark Bondo
General Government/Capital
February 9, 2011

Mark Bondo - Staff 2/16/11

Attachment 3

ATTACHMENT 3

Voter Identification Requirements

8 States Require Photo ID to Vote	19 States Require ID to Vote		
Florida	Alabama	Kentucky	Tennessee
Georgia	Alaska	Missouri	Texas
Hawaii	Arizona	Montana	Utah
Idaho	Arkansas	North Dakota	Virginia
Indiana	Colorado	Ohio	Washington
Louisiana	Connecticut	Oklahoma	
Michigan	Delaware	South Carolina	
South Dakota			

Common Characteristics in Photo ID to Vote Statutes

Drivers licenses fit state criteria in all 8 states.

State statutes permits the use of the following:

- **Other government issued photo IDs** – 5 states (FL, GA, ID, IN, SD)
  - Examples: passports, US military IDs, tribal IDs, special state ID cards
- **Student ID card** – 3 states (FL, ID, SD)
- **Other photo ID** – 4 states (FL, HI, LA, MI)
  - Florida accepts photo IDs issued by retirement centers and neighborhood associations.
  - Hawaii law states that ID must be presented when requested, but does not specify type.
  - Louisiana accepts generally recognized photo ID that includes a picture and signature.
  - Michigan accepts generally recognized picture ID cards.

Common Characteristics in ID to Vote Statutes

Photo IDs fit criteria or are explicitly permitted in all 19 states.

State statutes permits the use of the following:

- **Non-photo government issued document**: 15 states (AL, AK, AZ, AR, CO, CT, KY, MO, MT, ND, OH, TN, TX, UT, VA)
  - Examples: birth certificates, licenses, permits,registrations, court documents, property tax statements, Social Security card, or Medicare/Medicaid card
- **HAVA Documents**: 10 states (AL, AK, AR, CO, MO, MT, OH, TX, UT, WA)
  - Examples: utility bill, bank statement, government check, or paycheck.
- **Voter Registration Cards:** 10 states (AK, AZ, MT, OK, SC, TN, VA, WA)
- **Non-governmental documents:** 12 states (AL, AR, AZ, CO, CT, KY, MO, MT, TN, TX, UT, VA)
  - Examples: Student IDs, Credit cards, Employer IDs

What if Voter Has No ID?

- All states provide for voting by **provisional ballot.**
  - Affidavit of identity or oath required before voting provisionally. – 14 states (CT, ID, IN, KY, LA, MI, MO, ND, OH, OK, SD, TN, TX,VA)
- Some states allow **other proof of identity.**
  - Personal vouching by another person: 5 states (AL, AK, KY, MO, ND)
  - Recitation of personal information (such as birth date): 4 States (HI, LA, ND, OH)

Source: NCSL Voter Identification Requirements, State Statutes

Voter Identification Litigation

United States Supreme Court Litigation

Crawford v. Marion County Election Board (2008) (Indiana) – In 2008, the United States Supreme Court upheld Indiana's voter identification law in Crawford v. Marion County Election Board. The Supreme Court, in a 6-3 decision, held that the Indiana voter identification law was facially constitutional.

Indiana requires voters to present government issued photo identification at primary and general elections. Exceptions to the requirement included absentee voters (restricted to certain groups in Indiana) and individuals living and voting in nursing homes. The Indiana law also allows a provisional ballot to be cast by indigent voters and those with religious objections to being photographed, but requires those voters to complete an affidavit before the circuit court clerk within 10 days following the election. Photo identification for voting is available at no cost to the voter in Indiana.

The lead opinion identified the photo identification requirement as a reasonable, nondiscriminatory restriction on voting, and applied a balancing test, weighing the burden on the right to vote against the interests put forth by the State to justify the burden imposed by the requirement.

Indiana argued the state's interest in deterring and detecting voter fraud, in safeguarding voter confidence, and in improving and modernizing election procedures as justification. The Supreme Court found these sufficient against the burden imposed on voters in part because the law provided for free identification and allowed voting by provisional ballot, and concluded that the law imposed only a limited burden on voters' rights.

Other Litigation

State	Case	Outcome
Arizona	Gonzalez v. Arizona/Navajo Nation v. Brewer (federal)	2010 - 9th Circuit upheld AZ on grounds that burden imposed by requirement of photo ID is outweighed by AZ legitimate interest in assessing eligibility and qualifications of voters.
Georgia	Common Cause v. Billups (federal)	2009 - 11th Circuit upheld GA law requiring voter ID on grounds that burden imposed by requirement of photo ID is outweighed by GA interest in safeguarding elections. U.S. Supreme Court denied a petition for review.
	Lake v. Perdue (state)	2007 – GA Supreme Court dismissed case challenging voter ID law on state constitution grounds for lack of standing.
Michigan	In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71 (state)	2007 – MI Supreme Court issued advisory opinion, requested by House of Rep., that the requirement that voters either present photo identification or sign an affidavit averring that the voter lacks photo identification before voting was constitutional under balancing test of state interest and burden on voters.
Missouri	Jackson County v. Missouri (state)	2006 – MO Supreme Court struck down voter ID on state constitutional grounds after applying strict scrutiny analysis and concluding requirements to obtain photo ID were heavy and substantial burden on right to vote.
Ohio	NEOCH v. Blackwell (federal)	2006 – Parties entered into consent order for 2006 election. Following 2006 election, UD District Court for Southern Dist. of Ohio dismissed voter ID challenge for lack of standing in 2008.

National Council of State Legislatures

Voter Identification Requirements

Updated Nov. 22, 2010

First-Time Voters

The federal Help America Vote Act mandates that all states require identification from first-time voters who registered to vote by mail and did not provide verification of their identification with their mail-in voter registration.

Blanket Voter ID

Twenty-seven states have broader voter identification requirements than what HAVA mandates (note, however that the newly passed requirement in Oklahoma does not take effect until July 1, 2011). In these states, all voters are asked to show identification prior to voting. Eight* of these states specify that voters must show a *photo* ID; the other nineteen states accept additional forms of identification that do not necessarily include a photo (Table 1). In no state is a voter who cannot produce identification turned away from the polls—all states have some sort of recourse for voters without identification to cast a vote. However, in Georgia and Indiana, voters without ID vote a provisional ballot, and must return to election officials within a few days and show a photo ID in order for their ballots to be counted. For specifics on what forms of identification are acceptable and the options available to voters who cannot present identification, see Table 2.

State Requirements for Voter ID

Table 1: State Requirements for Voter Identification

States that Request or Require *Photo* ID	States that Require ID (Photo not Required)	
Florida	Alabama	North Dakota
Georgia	Alaska	Ohio
Hawaii	Arizona	Oklahoma*
Idaho	Arkansas	South Carolina
Indiana	Colorado	Tennessee
Louisiana	Connecticut	Texas
Michigan	Delaware	Utah
South Dakota	Kentucky	Virginia
	Missouri	Washington
	Montana	

* The Oklahoma law takes effect July 1, 2011. There are some who prefer to call Oklahoma a *photo* voter ID state, because most voters will show a photo ID before voting. However, Oklahoma law also permits a voter registration card issued by the appropriate county elections board to serve as proof of identity in lieu of photo ID.

Recent Legislative Action

Voter ID has been a hot topic in state legislatures over the past decade. Since 2001, more than 700 bills have been introduced in a total of 46 states. A dozen states have passed major legislation during this period, and those bills are summarized in the timeline below.

- 2003: New voter ID laws were passed in Alabama, Colorado, Montana, North Dakota and South Dakota
- 2005: New voter ID laws were passed in Indiana, New Mexico and Washington; Georgia tightened an existing voter ID law to require photo ID
- 2006: New voter ID law passed in Ohio; Georgia passed a law providing for the issuance of voter ID cards at no cost to registered voters who do not have a driver's license or state-issued ID card; Missouri tightened an existing voter ID law to require photo ID
- 2008: New Mexico relaxed an existing voter ID law, and now allows a voter to satisfy the ID requirement by stating his/her name, address as registered, and year of birth
- 2009: New voter ID law passed in Utah
- 2010: New voter ID law passed in Idaho; Oklahoma voters approved a voter ID proposal placed on the ballot by the Legislature

Recent Litigation

Arizona: On October 20, 2006, the U.S. Supreme Court vacated an October 6, 2006 9th Circuit Court of Appeals decision that suspended Arizona's requirements pending further litigation. The ID law was in effect for Arizona's 2006 election, and remained in effect in 2008.

Georgia: On October 27, 2006, the 11th U.S. Circuit Court of Appeals upheld an injunction barring Georgia from enforcing its photo ID law. The injunction was issued a week earlier by a U.S. District Court judge. Georgia's voter ID requirement was reinstated by a federal judge in mid-2007.

Indiana: Photo ID law was upheld by 7th Circuit U.S. Court of Appeals on January 4, 2007. The U.S. Supreme Court upheld the ruling on appeal in April 2008.

Michigan: The Michigan Supreme Court ruled July 18, 2007 that a voter ID law originally passed in 1996 (but never implemented due to a ruling by the state's Attorney General) is constitutional and enforceable.

Missouri: On October 16, 2006, the Missouri State Supreme Court struck down the state's photo ID requirement. ID is still required to vote, but the list of acceptable forms of ID is much broader and includes some forms without a photo.

Ohio: On November 1, 2006, the secretary of state issued an order suspending the requirement that voters present photo ID at the polls for the November 2006 election. The order did not apply to future elections, and voter ID requirements were in effect for 2008.

Details of Voter Identification Requirements

Table 2: Details of Voter Identification Requirements

State	Requirement	Acceptable Forms of ID	Voters Without ID
Alabama §17-11A-1	Each elector shall provide identification to an appropriate election official prior to voting.	Government-issued photo ID Employee ID card with photo Alabama college/university ID with photo Utility bill, bank statement, government check or paycheck ID card issued by any state or the U.S. government U.S. passport Alabama hunting license Alabama fishing license Alabama gun permit FAA-issued pilot's license U.S. military ID Birth certificate (certified copy) Social security card Naturalization document Court record of adoption Court record of name change Medicaid or Medicare card Electronic benefits transfer card Government documents showing name and address of voter	Vote a challenged or provisional ballot or vote, if s/he is identified by two poll workers as an eligible a voter on the poll list, and both poll workers sign the voting sign-in register by the voter's name.

Alaska §15.15.225	Before being allowed to vote, each voter shall exhibit to an election official one form of identification.	Official voter registration card Driver's license Birth certificate Passport Hunting or fishing license Current utility bill, bank statement, paycheck, government check or other government document with the voter's name and address	An election official may waive the identification requirement if the election official knows the identity of the voter. A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot.
Arizona §16-579A	Every qualified elector shall present one form of identification that bears the name, address and photograph of the elector or two different forms of identification that bear the name and address of the elector.	Valid Arizona driver's license Valid Arizona non-driver identification Tribal enrollment card or other form of tribal identification Valid U.S. federal, state or local government issued identification Utility bill dated within 90 days of the election Bank or credit union statement dated within 90 days of the election Valid Arizona vehicle registration Indian census card Property tax statement Vehicle insurance card Recorder's Certificate	An elector who does not provide the required identification shall receive a provisional ballot. Provisional ballots are counted only if the elector provides identification to the county recorder by 5pm on the fifth business day after a general election that includes an election for federal office, or by 5pm on the third business day after any other election.

Arkansas §7-5-305(a)(8)	Election officials shall request the voter to provide identification	Driver's license Government-issued photo ID Voter card Social security card Birth certificate U.S. passport Employee ID card Student ID card Arkansas hunting license U.S. military ID card Copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter	If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.
Colorado §1-1-104(19.5) and 1-7-110	Any eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104 (19.5).	Colorado driver's license CO Dept. of Revenue ID card U.S. passport Employee ID card with photo issued by the U.S. government, CO state government, or political subdivision of CO Pilot's license U.S. military ID with photo A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector Medicare or Medicaid card Certified copy of birth certificate Certified documentation of naturalization	An eligible elector who is unable to produce identification may cast a provisional ballot. Elector must mail a photocopy of identification to county clerk in order to have provisional ballot counted. (*this paragraph added following a Feb. 2006 conversation with an election official; NCSL staff unable to verify this in CO statutes or rules*)

Connecticut §9-261	Each elector shall present identification	Social Security card Other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph	Elector shall, on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist.
Delaware Tit. 15, §4937	A voter, upon entering the room where an election is being held, shall announce his or her name and address and provide proof of identity	Photo ID Utility bill Paycheck Any government document with voter's name and address	In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.
Florida §101.043	The clerk or inspector shall require each elector, upon entering the polling place, to present a current and valid picture identification as provided in s. 97.0535(3)(a). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required.	Florida driver's license Florida ID card issued by the Dept. of Highway Safety and Motor Vehicles U.S. passport Employee badge or identification Buyer's club identification Debit or credit card Military identification Student identification Retirement center identification Neighborhood association ID Entertainment identification Public assistance identification	If the elector fails to furnish the required identification, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot by determining whether the elector is entitled to vote at the precinct where the ballot was cast and that the elector had not already cast a ballot in the election.
Georgia §21-2-417	Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place.	Georgia driver's license, even if expired ID card issued by the state of Georgia or the federal government Free voter ID card issued by the state or county U.S. passport Valid employee ID card containing a photograph from any branch, department, agency, or entity of the U.S.	If you show up to vote and you do not have one of the acceptable forms of photo identification, you can still vote a provisional ballot. You will have up to two days after the election to present appropriate photo identification at your county registrar's office in order for your provisional ballot to be counted.

		Government, Georgia, or any county, municipality, board, authority or other entity of this state Valid U.S. military identification card Valid tribal photo ID	
Hawaii §11-136	Every person shall provide identification if so requested by a precinct official.	Pollworkers request photo ID with a signature. Acceptable types of ID are not specified by law.	If the voter has no identification, the voter will be asked to recite his/her date of birth and residence address to corroborate the information provided in the poll book.
Idaho §34-1106(2), 34-1113, 34-1114	Each elector shall show a valid photo identification or personal identification affidavit.	Idaho driver's license Idaho ID card Passport ID card, including a photo, issued by an agency of the U.S. government Tribal ID card, including a photograph Student ID card, including a photograph, issued by a high school or accredited institution of higher education within the state of Idaho	A voter may complete an affidavit in lieu of the personal identification. The affidavit shall be on a form prescribed by the secretary of state and shall require the voter to provide the voter's name and address. The voter shall sign the affidavit. Any person who knowingly provides false, erroneous or inaccurate information on such affidavit shall be guilty of a felony.
Indiana §3-5-2-40.5, 3-10-1-7.2 and 3-11-8-25	A voter who desires to vote an official ballot at an election shall provide proof of identification	Specific forms of ID are not listed. ID must be issued by the state of Indiana or the U.S. government and must show the name and photo of the individual.	Voters who are unable or decline to produce proof of identification may vote a provisional ballot. The ballot is counted only if (1) the voter returns to the election board by noon on the Monday after the election and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of id, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason.

Kentucky §117.227	Election officers shall confirm the identity of each voter by personal acquaintance or by a document.	Driver's license Social Security card Credit card	When the officers of an election disagree as to the qualifications of a voter or if his right to vote is disputed by a challenger, the voter shall sign a written oath as to his qualifications before he is permitted to vote.
Louisiana §18:562	Each applicant shall identify himself, in the presence and view of the bystanders, and present identification to the commissioners.	Louisiana driver's license Louisiana special ID card Other generally recognized picture identification	If the applicant does not have identification, s/he shall sign an affidavit to that effect before the commissioners, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:565.
Michigan §168.523	Each voter must show a photo ID or sign an affidavit attesting that he or she is not in possession of photo identification.	Michigan driver's license Michigan personal identification card A voter who does not possess either of the above may show any of the following, as long as they are current: Driver's license or personal identification card issued by another state Federal or state government-issued photo ID U.S. passport Military ID with photo Student ID with photo -- from a high school or accredited institution of higher education Tribal ID with photo	An individual who does not possess, or did not bring to the polls, photo ID, may sign an affidavit and vote a regular ballot.

Missouri §115-427	Before receiving a ballot, voters shall establish their identify and eligibility to vote at the polling place by presenting a form of personal identification.	Identification issued by the federal government, state of Missouri, an agency of the state, or a local election authority; Identification issued by Missouri institution of higher education, including a univeristy, college, vocational and technical school; A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter; Driver's license or state identification card issued by another state.	If an individual does not possess any of these forms of identification, s/he may still cast a ballot if two supervising election judges, one from each major political party, attest they know the person.
Montana §13-13-114	Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification the elector shall present one of several specified documents showing the elector's name and current address.	Driver's license School district or postsecondary education photo identification Tribal photo identification Current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address	If the identification presented is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot.
North Dakota §16.1-05-07	Before delivering a ballot to an individual, the poll clerks shall request the individual to show identification.	An official form of identification issued by the state An official form of identification issued by a tribal government	If an individual offering to vote does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged if the individual provides to the election board the individual's date of birth and if a

		A form of identification prescribed by the secretary of state	member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. Otherwise, the individual may vote as a challenged voter by executing an affidavit that the challenged individual is a legally qualified elector of the precinct.
Ohio §3503.16(B)(1)(a) and 3505.18(A)(1)	All voters must provide to election officials at the polling place on the day of an election proof of the voter's identity. Also applies to voters requesting and voting an absentee ballot.	Current and valid photo identification, defined as a document that shows the individual's name and current address, includes a photograph, includes an expiration date that has not passed, and was issued by the U.S. government or the state of Ohio Current utility bill Current bank statement Current government check, paycheck or other government document	A voter who has but declines to provide identification may cast a provisional ballot upon providing a social security number or the last four digits of a social security number. A voter who has neither identification nor a social security number may execute an affidavit to that effect and vote a provisional ballot. A voter who declines to sign the affidavit may still vote a provisional ballot.
Oklahoma 26 O.S. 2001, §7-114 *Takes effect July 1, 2011*	Each person appearing to vote shall provide proof of identity.	"Proof of identity" shall mean a document that satisfies the following: Shows a name that substantially conforms to the name in the precinct registry Shows a photograph Includes an expiration date that is after the date of the election Was issued by the United States, state of Oklahoma, or a federally recognized Indian tribe or nation A voter registration card issued by the appropriate county elections board may serve as proof of identity without meeting all of the above requirements.	A person who declines or is unable to produce proof of identity may sign a statement under oath swearing or affirming that the person is the person identified on the precinct registry and cast a provisional ballot.

South Carolina §7-13-710	When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles, if he is not licensed to drive, or the written notification of registration.	Voter registration certificate South Carolina driver's license South Carolina Dept. of Motor Vehicles photo ID card	Voters without ID may be permitted to vote a provisional ballot. This varies from county to county. Whether the provisional ballot is counted is at the discretion of the county commissioners at the provisional ballot hearing.
South Dakota §12-18-6.1 and 6.2	When a voter is requesting a ballot, the voter shall present a valid form of personal identification.	South Dakota driver's license or nondriver identification card U.S. passport Photo ID issued by an agency of the U.S. government Tribal ID card, including a photo Student ID card, including a photo, issued by an accredited South Dakota school	If a voter is not able to present a form of personal identification as required, the voter may complete an affidavit in lieu of the personal identification. The affidavit shall require the voter to provide his or her name and address. The voter shall sign the affidavit under penalty of perjury.
Tennessee §2-7-112	A voter must sign an application for a ballot. The voter's signature and information on the signature list is compared with other evidence of identification supplied by the voter.	Voter registration certificate Tennessee driver's license Social Security card Credit card bearing voter's signature Other document bearing voter's signature	If a voter is unable to present any evidence of identification, the voter shall be required to execute an affidavit of identity on a form provided by the county election commission.
Texas Election Code §63.001 et seq.	On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.	Voter registration certificate Driver's license Department of Public Safety ID card A form of ID containing the person's photo that establishes the person's identity A birth certificate or other document confirming birth	A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession and the voter presents other proof of identification. A voter

		that is admissible in a court of law and establishes the person's identity U.S. citizenship papers A U.S. passport Official mail addressed to the person, by name, from a governmental entity A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the person's name and address Any other form of ID prescribed by the secretary of state	who does not present a voter registration certificate and cannot present other identification may vote a provisional ballot. A voter who does not present a voter registration certificate and whose name is not on the list of registered voters may vote a provisional ballot.
Utah §20A-1-102(76), 20A-3-104	A voter shall present valid voter identification to one of the poll workers.	Current valid UT driver's license Current valid identification card issued by the state or federal government UT concealed weapon permit U.S. passport Current valid U.S. military ID card Bureau of Indian Affairs card Tribal treat card Tribal ID card OR Two forms of ID that bear the name of the voter and provide evidence that the voter resides in the precinct	The voter may cast a provisional ballot as provided by §20A-3-105.5

Virginia §24.2-643(B)	The officer shall ask the voter to present any one of the specified forms of identification.	Virginia voter registration card Social Security card Virginia driver's license Any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States Employee identification card containing a photograph	If a voter is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter who he claims to be.
Washington §29A.44.205	Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll book.	Valid photo identification, such as a driver's license or state identification card, student identification card, or tribal identification card A voter identification issued by a county elections officer, or A copy of a current utility bill, bank statement, paycheck, or government check or other government document	Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot.

Retrieved on February 16, 2011:

http://www.ncsl.org/LegislaturesElections/ElectionsCampaigns/VoterIDStateRequirements/tabid/16602/Default.aspx?tabid=16602

Mr. Bartlett

ATTACHMENT 4 -111

North Carolina State Board of Elections

Provisional Voting Administrative Procedures

Issued by the Administration Division of the North Carolina State Board of Elections

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Part A: Introduction

Voting is very straightforward for most voters. When they come to the polling place, they will accurately state the required information—name, residence address, and party affiliation (for a primary)--and that information will appear on the poll book properly listed. They are immediately permitted to vote.

But it is not that straightforward every time. Occasionally the voter does not appear in the poll book at all. Years ago, that voter was simply out of luck and could not vote. Precinct officials would try to find the information, of course, but if they could not, the voter was turned away and his or her vote was lost.

Today, we no longer simply turn people away. Precinct officials still try, as they did in years past, to find the voter's information. Perhaps it was listed in a way that made it momentarily difficult to recognize. But if the precinct officials cannot find the proper information to enable the voter to vote immediately, they will provide the voter with the opportunity to mark a provisional ballot.

A provisional ballot differs from a regular ballot in several significant ways

1. The voter fills out a Provisional Ballot Envelope at the same time s/he marks the ballot. The envelope includes an application to register to vote. The voter puts the provisional ballot in the Provisional Ballot Envelope, seals it, and returns the entire package to the precinct officials.
2. Precinct officials keep provisional ballots in a separate, secure storage place, not mixed with regular ballots.
3. Precinct officials do not count provisional ballots. Instead, they take them to the county board office on election night.
4. Between election day and canvass, the county board of elections determines whether the provisional voter was in fact entitled to vote, and, if so, counts the votes in all races for which the provisional voter was eligible.
5. If the county board cannot determine that the provisional voter was eligible to vote, it will not count the ballot at all.
6. The provisional voter is entitled to know whether the provisional ballot was counted, and, if not, why not.

These Provisional Voting Administrative Procedures spell out the obligations of the county board of elections, precinct officials, and voters at each step of the provisional ballot process.

Part B: Who May Vote a Provisional Ballot?

Precinct officials should not turn away a voter who wishes to vote a provisional ballot. A voter may request a provisional ballot for any reason. If a voter requests a provisional ballot, s/he should be given one. In this sense, then, the answer to the question "Who may vote a provisional ballot?" is "Anyone."

Of course, the real question at issue is "Whose provisional ballot will be counted in the election vote total?" The short answer to that question is, "The provisional ballot of every eligible voter will be counted in all races for which the voter was entitled to vote."

That is the subject of Part C.

Part C: Whose Provisional Ballots Will Count?

There are eight categories of provisional voters whose provisional ballots may count in the election vote totals:

1. Voters who moved to a new precinct within the county more than 30 days ago and did not report that move to the county board ("unreported move voters").

A voter is still eligible to vote in person at her/his old precinct polling place for 30 days after moving. After 30 days, however, that eligibility expires, and the voter should have reported her/his move to the county board. If s/he did, s/he would then be eligible to vote in her/his new precinct. But if s/he did not, s/he may appear at her/his old precinct and get a precinct transfer to her/his new precinct, or s/he may vote a provisional ballot.

S/he may vote the provisional ballot in her/his new precinct. S/he will be eligible there, for all races, and her/his provisional ballot will be counted for all races.

Or s/he may vote the provisional ballot in her/his old precinct. S/he will be eligible there, but not necessarily for all races. S/he will be eligible only for those races in which s/he would also be eligible if s/he were properly at her/his new precinct.

2. Voters who are registered but do not appear on the precinct records ("unrecorded voters").

A voter may in good faith believe that s/he is registered and that the fault lies with the elections records. Perhaps s/he filled out a registration application at a Division of Motor Vehicles office and the paperwork simply has not yet come through. Perhaps an error was in fact made and the registration record was misplaced at the county board office.

In any event, if it can be determined after the voting and before the canvass that the voter did in fact properly register and should have appeared in the precinct records, s/he is an eligible voter and her/his provisional ballot will be counted.

3. Voters who were previously removed as part of list maintenance or "purge" but claim continuous residence and right to vote ("previously removed voters").

County boards of elections regularly attempt to update their voter registration records by deleting the names of individuals who have moved away or died or otherwise become ineligible. A voter who does not appear on the registration records as an active voter may have been removed as part of such a previous list maintenance action.

If the voter has in fact maintained continuous residence, so that the removal was in error, s/he is an eligible voter and the provisional vote will be counted.

4. Voters who may be assigned to the wrong election district in a particular race ("jurisdictional dispute voters").

A voter may be in the proper precinct but may believe that s/he has been assigned to the wrong electoral district in a particular race. For instance, s/he may be offered the ballot to vote in the County Commissioner District One race but believe that her/his residence is in fact in County Commissioner District Two.

In that case, the voter may vote a provisional ballot and the vote will count in the District Two race if it is determined that the voter is in fact eligible to vote in District Two.

5. Voters who are in a precinct other than the precinct of residence who wish to vote in that precinct nonetheless ("out of precinct voters").

A properly registered, eligible voter of the county may vote a provisional ballot at any precinct in the county. Her/his vote will count in all races in which s/he would have been eligible to vote if s/he voted at her/his correct precinct, but not in other races.

A person who is a resident of another county or another state will, of course, not be eligible to vote in any North Carolina race. If an ineligible voter casts a provisional ballot, it will not be counted in any race, including races for federal offices.

6. Voters whose party affiliation has been incorrectly assigned in an administrative error ("incorrect party voters").

A properly registered voter may believe that, in a primary election, the registration records erroneously show him as affiliated in the wrong political party. S/he may vote a provisional ballot of the other party, but her/his vote will count only if it can be determined that the records were in fact erroneous. S/he may not vote a provisional ballot for more than one party.

7. Voters who appear after 7:30 p.m. and vote by virtue of a court or State Board order keeping the polls open ("extended hours voters").

The polls close at 7:30 p.m. Voters in line at that time may vote, even if they in fact cast their vote after 7:30. But voters who arrive after 7:30 are too late and are not allowed to vote.

Occasionally, however, a court or the State Board may order that one or more polls be kept open after 7:30. In that case, all voters arriving after 7:30 will be permitted to vote, but they must vote by provisional ballot. If it is later lawfully determined that the extended hours were proper, the provisional votes will be counted.

See Part H, Special Circumstance One.

8. Voters required to show ID who do not show ID ("ID not provided voters").

The great majority of voters are not required to show identification at the polls. A small minority of voters are, however, required to show ID in an election in which a federal office is on the ballot. They are generally voters who registered by mail, have not previously voted, and who did not provide required identification when registering by mail. The registration books will indicate if a person is required to show ID.

If such a voter does not present ID at the polls, s/he may vote a provisional ballot, and her/his provisional ballot will count if s/he later provides, in a timely fashion, proper ID to the county board.

Part D: Obligations of the County Board of Elections Before Election Day

The county board of elections has six principal obligations regarding provisional ballots before the election even begins. Most of these it can delegate to the county director of elections to carry out.

Pre-Election Day Obligation One: Learn and Apply the Law

The first obligation of members of county boards of elections, county directors of elections and elections staff is to learn and apply the law. The chief statute is a North Carolina statute found at N.C.G.S. 163-166.11. The full text of that statute is in Appendix A of these Provisional Voter Administrative Procedures. Here, in layman's language, is what that law says:

> If an individual seeking to vote says that s/he is a registered voter of the county but he does not appear in the poll book, the precinct officials must offer the voter the opportunity to cast a provisional ballot. Once the voter has filled out an affirmation, s/he may mark a provisional ballot. The precinct officials must inform the voter how s/he can learn whether her/his provisional ballot was counted. The precinct officials secure the provisional ballots and transfer them to the county board. The county board verifies the voter's eligibility, and counts the ballot in all races for which s/he was eligible. The State Board of Elections has the authority to adopt guidelines to carry out this statute.

That is the gist of the state statute on provisional voting. It has been adopted by the North Carolina General Assembly to assure that eligible voters are able to cast their votes and not be turned away at the polls, and to comply with federal law. The two relevant federal statutes are Section 8(e) of the National Voter Registration Act, 42 USC §1973gg-6(e), (found in Appendix B) and Section 302 of the Help America Vote Act, 42 USC § 15482, (found in Appendix C).

The statutory provisions are to be carried out through these Provisional Voter Administrative Procedures, adopted by the State Board of Elections under the authority of the state law.

Pre-Election Day Obligation Two: Develop Local Instructions for Precinct Officials

The second obligation of the county board, the county director and staff is to develop local instructions for precinct officials at the polls. If a precinct official cannot find a voter's information in the poll book, exactly what is the precinct official to do? Is the precinct official to make a call? To whom? Or send an email? Or take the matter to the precinct chief judge? These local instructions should be fully in place and clearly spelled out for the precinct officials.

Pre-Election Day Obligation Three: Train Precinct Officials and Other Elections Workers

Once the county board members and directors of elections have become familiar with the statutes and these Provisional Voter Administrative Procedures and local instructions, it is their obligation to fully train all precinct officials and county board employees who will be involved in handling provisional ballots.

Pre-Election Day Obligation Four: Name a Provisional Voting Coordinator for Each Precinct

The county board must name (or it may delegate to the director the responsibility to name) one precinct official at each precinct as the Provisional Voting Coordinator. The Provisional Voting Coordinator will be in charge of all provisional voting instructions on election day, and may also be designated as the Precinct Transfer Assistant.

Pre-Election Day Obligation Five: Provide the Required Provisional Voting Materials

It is the obligation of the county board to insure that each precinct has a proper supply of these materials:

1. a secure container into which precinct officials may place provisional ballots and envelopes to be later transported to the county board office for verification and counting
2. a Provisional Poll Book for recording the provisional voter's information
3. Provisional Ballot Envelopes for the voter to fill out
4. Provisional Ballot Instruction Sheets for the voter to follow
5. Provisional ballot PIN labels printed through SEIMS to be attached to the Provisional Poll Book, the Provisional Ballot Envelope, and the Provisional Ballot Instruction Sheet
6. Voter Calling Instruction Sheets instructing the voter how to learn whether his provisional vote was counted

Pre-Election Day Obligation Six: Develop Local Procedures for Verifying and Counting Provisional Ballots

Between the election and canvass day, the county board determines which provisional ballots are to be counted, and for what races. Procedures should be finalized well before that time for making these determinations.

These procedures must specify the following:

1. How Provisional Ballot Envelopes will be received on election night and stored securely
2. Whether and to what extent authority will be delegated to directors and employees to make initial determinations regarding a provisional voter's eligibility
3. How Provisional Ballot Envelopes will be opened and the ballots counted when a provisional voter's eligibility is confirmed.

Those obligations are laid out in Part G below.

Part E: Duties of Precinct Officials at the Precinct

In almost every case, the voter comes to the polls expecting to be able to vote in the regular manner. The voter may learn from a precinct official that s/he does not appear on the poll book and must vote a provisional ballot. This is, of course, not the news the voter wants. Delivering the news is not a pleasant task for the precinct official, but it is a necessary one.

Precinct Duty One: Try to Find the Voter's Information at the Precinct

The first duty of the precinct official is to try to find the voter's registration information among the records available at the precinct. Is it listed under a slightly different spelling? Is there a supplemental set of records that can be checked? Has the voter had a name change?

If the voter's information cannot be quickly found through this kind of effort, the precinct official must proceed to Precinct Duty Two.

Precinct Duty Two: Follow Local Instructions for Contacting the County Office

The second duty kicks in if the effort to find the voter's registration information among the precinct records fails. The second duty is to contact the county board office to try to find the registration information.

This duty falls to the Provisional Voting Coordinator.

Exactly how this duty is to be carried out will vary from county to county. The county board of elections has the obligation to develop local instructions for the Provisional Voting Coordinator to follow. Most typically, the instructions will follow this pattern:

1. The precinct official gives the information to the Provisional Voting Coordinator
2. The Provisional Voting Coordinator calls the county board office by telephone at a specified number or contacts the board office by email at a specified email address
3. The Provisional Voting Coordinator provides the board office the relevant information and waits for the office to try to find the voter's information from the central registration records
4. If the county board office is able to verify that the voter is eligible to vote in the county, the voter is permitted to vote a regular ballot
5. If the county board office is not able to verify the voter's eligibility to vote in the county, the voter is permitted to vote a provisional ballot.

Precinct Duty Three: Inform the Voter of the Opportunity to Vote by Provisional Ballot

If the county board office is not able to verify the voter's eligibility to vote in the county, the next duty of the Provisional Voting Coordinator is to inform the voter that s/he may vote by provisional ballot.

At this step, the voter must be told:

1. That voter registration information cannot be verified at the moment
2. The voter may vote by provisional ballot
3. If the voter chooses to vote by provisional ballot, the county board of elections will continue to attempt to verify the voter's registration information between election day and the official tallying of the votes
4. If the county board is able to verify the voter's information, her/his votes will be counted for all eligible races
5. If the county board is not able to verify the voter's information, the ballot will not be counted
6. The voter will be able to find out whether the ballot was counted
7. The voter will be asked to give up-to-date registration information
8. In the case of missing identification information, the date by which the voter must supply the information in order for the ballot to be counted

Precinct Duty Four: Prepare the Provisional Voting Items for the Voter

For every provisional voter, the Provisional Voting Coordinator or other precinct official must complete the following steps:

1. Enter the name of the voter in the Provisional Poll Book (For "extended hours voters," see Part H, Special Circumstance One, p. 22, of these Provisional Voting Administrative Procedures)
2. Affix one provisional ballot PIN label (SEIMS produces three for each voter) to the Provisional Poll Book beside the name of the voter
3. Affix the second provisional ballot PIN label to the Provisional Ballot Envelope
4. Affix the third provisional ballot PIN label to the Provisional Ballot Instruction Sheet

Precinct Duty Five: Give the Voter the Provisional Voting Items

If the voter is voting a provisional ballot, the Provisional Voting Coordinator or other precinct official offers the prepared provisional voting items to the voter. Follow these steps:

1. Tell the voter that the information on the Provisional Envelope is collected for two purposes. First, it permits the county board to update the voter's registration information so that it will be correct for future elections. Second, it will act as an application to vote at this election by provisional ballot
2. Tell the voter that s/he may use the Voter Calling Instruction Sheet to find out whether her/his provisional ballot was counted and if not, why not
3. Hand to the voter
   - the Provisional Ballot Instruction Sheet
   - the Provisional Ballot Envelope w/ the voter registration/update form attached
   - the ballot(s)
   - the Voter Calling Instruction Sheet
4. Tell the voter that s/he may ask for assistance filling out the Provisional Envelope
5. Instruct the voter to mark her/his ballot, insert the ballot into the Provisional Envelope, seal the envelope, and return the entire package to the Provisional Voting Coordinator or other designated precinct official
6. Direct the voter to the voting booth

The voter is entitled to the same assistance in marking his ballot that a voter voting a regular ballot is entitled to.

Precinct Duty Six: Check the Provisional Ballot Envelope

In the voter's presence, check to be sure that

1. The voter has filled in all fields in the Provisional Ballot Envelope, including the category for voting provisionally
2. The Provisional Ballot Envelope is properly sealed
3. The voter registration/update form is still attached to the envelope. If it has become separated, securely reattach it, along with any other documentation the precinct official may have collected from the voter
4. If a primary election, indicate on the envelope the party voted
5. Check to see that the Provisional Pollbook Number is on envelope
6. Be sure the envelope is **signed**.

Precinct Duty Seven: Place the Provisional Ballot Items in the Secure Container

Under no circumstances shall precinct officials open the sealed Provisional Ballot Envelope. The precinct officials place all the provisional ballot items in the secure container provided by the county board and leave them there. Keep them separate and apart from all other ballots.

See Part H, Special Circumstance One, on p. 22 of these Provisional Voting Administrative Procedures for special handling of the provisional ballot items of extended hours voters.

Precinct Duty Eight: Seal and Transport the Ballot Container

All the close of the elections, the Provisional Voting Coordinator or other precinct official must take the following steps:

1. Reconcile the number of Provisional Ballot Envelopes
    a. Count the number of sealed, unused and spoiled provisional ballots and envelopes
    b. Make sure the number of sealed envelopes equals the number of entries on the Provisional Poll Book
    c. Include the number of sealed provisional envelopes on the ballot reconciliation form
2. Place all the Provisional Ballot Envelopes (and any attached documents) in a container and seal it. If the envelopes are already in a container, seal the container.
3. Have the Chief Judge, both Judges and the Provisional Voting Coordinator (if different) sign the seal
4. Have the Chief Judge, both Judges and the Provisional Voting Coordinator (if different) sign the Provisional Poll Book
5. Transport the provisional voting materials according to the regular "chain of custody" form that includes the signatures and times in which all ballots and materials are in the custody of each official
6. Make sure the provisional ballot materials are verified and signed for by a board of elections representative upon delivery

Precinct officials must be available for canvass or election protests.

Part F: Obligations of the Provisional Voter

The individual who is offered the opportunity to vote a provisional ballot has four obligations.

Provisional Voter Obligation One: Be Cooperative

The first obligation of the provisional voter is to be civil and to cooperate with elections officials. A sufficiently disruptive voter will be asked to leave and may be subject to arrest.

Provisional Voter Obligation Two: Complete the Provisional Ballot Envelope

The provisional voter will be given a Provisional Envelope with information to be filled out. The information on the Provisional Envelope is collected for two purposes. First, it permits the county board to update the voter's registration information so that it will be correct for future elections. Second, it will act as an application to vote at this election by provisional ballot.

Provisional Voter Obligation Three: Seal the Ballot in the Provisional Ballot Envelope

The Provisional Voting Coordinator or other precinct official will give the provisional voter a ballot and a Provisional Ballot Instruction Sheet. It is the obligation of the voter to follow the instructions, to mark his ballot, and then to seal the ballot inside the Provisional Ballot Envelope. It will not be opened again until the voter's eligibility is determined by the county board of elections.

Provisional Voter Obligation Four: Return the Provisional Voting Materials

The provisional voter must return to the Provisional Voting Coordinator or other designated precinct official the Provisional Ballot Envelope containing the ballot, along with the Provisional Ballot Instruction Sheet and any other documentation provided to him, except the Voter Calling Instruction Sheet, which the voter retains.

Provisional Voter Obligation Five: Retain the Voter Calling Instruction Sheet

The provisional voter may follow the directions on the Voter Calling Instruction Sheet to find out whether his provisional ballot was counted, and, if not, the reason it was not. The instructions will tell the voter that the information will be available one day after the board certifies the results of the election.

The information will be available on the State Board of Elections web site or by toll free telephone call to a special number at the State Board. The voter will be required to provide his name and PIN number to receive the information by web or by telephone. The information can also be obtained in person at the offices of the county or state boards of elections.

Part G: Obligations of the County Board of Elections After the Voting

Once the polls close, the second stage of county board of elections obligations begins. This stage consists of determining which provisional ballots are to be counted, and in which races.

Post-Voting Obligation One: Safeguard Provisional Ballots

The first obligation of the county board is to follow its own instructions for receiving and securing Provisional Ballot Envelopes on election night.

Post-Voting Obligation Two: Determine the Eligibility of Each Provisional Voter

The county board has the obligation with respect to each provisional voter to make an individualized determination of that voter's eligibility to vote in the election, applying the following principles:

1. Only registered voters of the county are eligible
2. If a voter is registered in the county but for any reason did not appear on the records at the precinct in which s/he has resided for more than 30 days, s/he is an eligible voter and her/his ballot should be counted
3. If a voter is a registered voter of the county but for any reason cast a provisional ballot at a precinct other than the precinct for which her/his residence would qualify her/him to vote, s/he is an eligible voter. Only count votes for those races in which s/he would have been eligible to vote had s/he in fact voted at her/his resident precinct
4. If a voter is a registered voter of the county and is updating information through the provisional process, but failed to check either the citizenship box or the age box on the envelope, then her/his ballot should be counted.
5. If it cannot be determined from an audit of voter records that the voter was in fact a registered voter, s/he is ineligible
6. Determination is based solely on documentation provided to the county board office.
7. All material questions as to eligibility must be resolved by the county board of elections.

For unrecorded voters, at a minimum check

reject queue in SEIMS
file of registrations received after the voter registration deadline
declinations from state agencies
DMV files using form provided by the State Board of Elections

For unreported move voters, at a minimum check

that the voter did not vote at the old precinct or by absentee

For previously removed voters, at a minimum check

cancellations from state agencies
reject queue in SEIMS
possible previous names

For jurisdictional dispute voters, at a minimum check

that the voter did not vote at another precinct
that the person is properly registered

For ID required voters who vote mail in absentee ballot

check all of the above and note that appropriate ID must be provided before canvass

Post-Voting Obligation Three: Delegate Functions

The board may delegate to the director and employees (in accordance with the board's own procedures) responsibility for making determinations regarding voter eligibility. If the board makes this delegation, it must instruct the director and employees to reserve for determination by the board itself all cases in which any material question as to eligibility exists.

Post-Voting Obligation Four: If Necessary, Correct the "Category" and "Disposition" on the Provisional Ballot Envelope in the Part Designated for Official Use

Once the determination as to eligibility has been made, that determination must be marked on the Provisional Ballot Envelope and the category for the provisional vote must be noted. The provisional voter himself will already have chosen a category. If that entry must be corrected, make the correction in the gray area reserved for office use.

Post-Voting Obligation Five: Segregate the Ineligible Provisional Ballot Envelopes

For provisional voters who are found to be ineligible, leave the Provisional Ballot Envelopes sealed. **Do not open them.**

Store all the sealed Provisional Ballot Envelopes of all ineligible voters together in a secure place.

Post-Voting Obligation Six: Open the Eligible Provisional Ballot Envelopes

For provisional voters who are found to be eligible, follow this procedure:

1. Unseal the Provisional Ballot Envelopes
2. Remove the ballots
3. If this is a primary election be sure that the ballot is the party marked on the envelope
4. Store all the Provisional Ballot Envelopes of all eligible voters together in a secure place
5. Collect the ballots for counting.

Post-Voting Obligation Seven: Count the Ballots

After all provisional ballots have been considered, count the collected ballots of the eligible provisional voters, applying these instructions:

1. Add the total provisional votes to the abstract below the total absentee votes and precinct transfer votes (in Election Night Reporting)
2. Do not add provisional votes to the individual precinct totals
3. Count only the races in which the provisional voter was eligible to vote.
4. Secure the ballots and store according to local procedures

Post-Voting Obligation Eight: Enter the Information in SEIMS

To make it possible for voters to learn whether their provisional ballot was counted, provisional ballot determinations must be entered into the Provisional Ballot module of SEIMS. The ideal time to enter this data is during the research process, as the determinations are made.

Post-Voting Obligation Nine: Preserve the Records

Retain the Provisional Ballot Envelopes and all materials attached to the envelopes for the same period of time that other elections materials are retained for that election.

Tear off the voter registration/update form from the envelope. Secure the ballots.

Part H: Special Circumstances

Special Circumstance One: Segregate Ballots of Extended Hours Voters

The polls close at 7:30 p.m. Voters in line at that time may vote, even if they in fact cast their vote after 7:30. But voters who arrive after 7:30 are too late and are not allowed to vote.

Occasionally, however, a court or the State Board may order that one or more polls be kept open after 7:30. In that case, all voters arriving after 7:30 will be permitted to vote, but they must vote only by provisional ballot. If it is later lawfully determined that the extended hours were proper, the provisional votes will be counted.

All provisional voting documents of extended hours voters must be kept separate from documents of other provisional voters.

At the precinct, precinct officials must:

1. maintain a separate section of the Provisional Poll Book for recording extended hours voter information
2. enter extended hours voter information in the separate section of the Provisional Poll Book
3. be certain that the returned Provisional Ballot Envelopes for extended hours provisional voters accurately indicate that extended hours voting is the reason that the voter voted a provisional ballot. Once the precinct official is certain that the Provisional Ballot Envelope is properly marked in this way, then the envelope may be deposited in the secure container with the other Provisional Ballot Envelopes

At the county board office after the election, county board officials must:

1. identify all Provisional Ballot Envelopes marked for extended hours voting and keep them separate
2. open the Provisional Ballot Envelopes and count the ballots only if the order allowing extended voting remains valid at the time of canvass.

Special Circumstance Two: Provisional Voters in Second Primary

If a voter voted by provisional ballot in the first primary and was determined to be an eligible voter, then that voter is eligible to vote in the second primary in all races for which s/he was found to be eligible in the first primary.

The county board of elections must prepare lists of eligible voters by precinct and provide each precinct with its list. If the voter appears at the precinct in the second primary and the voter's name is not on the voter registration list but is on that precinct's list of eligible provisional voters, her/his name is to be added to the voter registration list and s/he is allowed to vote a regular (not a provisional) ballot.

Special Circumstance Three: ID-Required Voter Voting by Absentee

As noted above on page 9, a small minority of voters are required to show ID. They are certain voters who registered by mail and have not previously voted when a federal office was on the ballot. It can happen that such an ID-required voter may vote by mail-in absentee ballot and fail to provide the required ID. In that case, the mailed-in absentee ballot becomes a provisional ballot. The following steps must be taken

1. record the voter's information in the Provisional Poll Book
2. complete a Provisional Ballot Envelope using the information provided on the absentee ballot materials
3. attach PIN labels to the Provisional Poll Book, the Provisional Ballot Envelope, and a Voter Instruction Sheet
4. place the absentee envelope containing the absentee ballot in the Provisional Ballot Envelope and seal it
5. store the Provisional Ballot Envelope in the appropriate secure provisional ballot storage container
6. mail the Voter Instruction Sheet to the voter.

Appendix A

§ 163-166.11. Provisional voting requirements.

If an individual seeking to vote claims to be a registered voter in a jurisdiction as provided in G.S. 163.82.1 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 as provided in G.S. 163.82.1 in which the individual seeks to vote and is eligible to vote in that election.

(2a) A voter who has moved within the county more than 30 days before election day but has not reported the move to the board of elections shall not be required on that account to vote a provisional ballot at the one-stop site, as long as the one-stop site has available all the information necessary to determine whether a voter is registered to vote in the county and which ballot the voter is eligible to vote based on the voter's proper residence address. The voter with that kind of unreported move shall be allowed to vote the same kind of absentee ballot as other one-stop voters as provided in G.S. 163-227.2(e2).

(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.

(2003-226, s.15; amended by S.L. 2005-02, s.4, effective March 2, 2005; S.L. 2005-428, s. 6(b) added subsection (2a), effective September 22, 2005)

Appendix B
Sec 8(e) of NVRA 42 USC 1973gg-6e

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.-
(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.
(2) (A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant-

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii) (I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.
(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

Appendix C
Title 42 Chapter 146 Subchapter III Part A §15482.
Provisional voting and voting information requirements

(a) Provisional voting requirements

If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—

(A) a registered voter in the jurisdiction in which the individual desires to vote; and

(B) eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.

(5)

(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. States described in section 1973gg–2 (b) of this title may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

(b) Voting information requirements

(1) Public posting on election day
The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.
(2) Voting information defined
In this section, the term "voting information" means—
(A) a sample version of the ballot that will be used for that election;
(B) information regarding the date of the election and the hours during which polling places will be open;
(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;
(D) instructions for mail-in registrants and first-time voters under section 15483 (b) of this title;
(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and
(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.
(c) Voters who vote after the polls close
Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a) of this section. Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.
(d) Effective date for provisional voting and voting information
Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2004.

Provisional Voting Registration / Update Form

Must be completed by all Provisional Voters

Read First

Are you a citizen of the United States of America?
☐ YES ☐ NO

Will you be at least 18 years of age on or before election day?
☐ YES ☐ NO

If you checked "NO" in response to either of these questions, do not complete this form.

CANCEL PREVIOUS REGISTRATION

LAST NAME

FIRST NAME

STREET

CITY

COUNTY | STATE | ZIP

OFFICE USE ONLY

VRN_____

Filing No. _____

LAST NAME	FIRST NAME	MIDDLE / MAIDEN NAME	SUFFIX

ADDRESS WHERE YOU NOW LIVE (Number and Street / Road / Dorm)	APT / LOT	CITY	COUNTY	STATE	NC ZIP CODE
				NC	

ADDRESS WHERE YOU RECEIVE YOUR MAIL, IF DIFFERENT FROM ABOVE (Include Zip Code)	PREVIOUS NAME

PREVIOUS ADDRESS, IF YOU MOVED WITHIN THE SAME COUNTY	APT / LOT	CITY	STATE	NC ZIP CODE
			NC	

DATE OF BIRTH	BIRTH PLACE (State)	GENDER	TELEPHONE NUMBER (Optional)
		☐ Male ☐ Female	( )

Ethnicity *(Any Race)*
☐ Hispanic / Latino
☐ Not Hispanic / Latino

☐ Democratic
☐ Republican
☐ Libertarian
☐ Unaffiliated
☐ Other Qualified Party

You must register with a party to vote in that party's primary unless that party allows unaffiliated voters to vote in its primary. If you indicate a political party that is not qualified or indicate no choice, you will be listed as "Unaffiliated".

Race
☐ African American / Black
☐ American Indian / Alaska Native
☐ Asian ☐ White
☐ Multiracial ☐ Other

ID Number
If you have a NC driver's license, check box and print the number where indicated below.
☐ License No. _____

If you have no NC driver's license, check box and print your Social Security No. where indicated below.
☐ SSN (Last 4 Digits) _____

If you have no NC driver's license or Social Security No., check below.
☐ I have no NC driver's license or SSN.

I Attest, Under Penalty of Perjury, that:

1. I shall have have been a resident of North Carolina, this county, precinct, or other election district for 30 days before the next election in which I intend to vote.
2. I am at least 18 years old, or will be at the time of the next general election, as indicated above.
3. I am a United States citizen, as indicated above.
4. I am not registered to vote, nor will I vote in any other county or state after submission of this voter registration form. I am canceling any voter registration that I may have elsewhere.
5. I have not been convicted of a felony or if I have been convicted of a felony, my rights of citizenship have been restored. *Citizenship and voting rights are automatically restored upon completion of the sentence. No special document is needed.*

I HAVE READ AND UNDERSTAND THE CONTENTS OF THIS FORM.

Warning:
If you sign this card and know it to be false, you can be convicted of a Class I felony.

Signature **Date**

▲ Do Not Detach ▲ ▲ Do Not Detach ▲

Place ballot in pocket on reverse side, and follow sealing instructions.

DO NOT DETACH FLAP! This portion above will be removed at the Board of Elections Office.

▼ Do Not Detach ▼ ▼ Do Not Detach ▼

Provisional Pollbook No. _____

ALAMANCE COUNTY PROVISIONAL BALLOT ENVELOPE

Precinct _____

THE VOTER MUST COMPLETE THIS FORM AND THE ATTACHED VOTER REGISTRATION/UPDATE FORM PRIOR TO VOTING. ALL PROVISIONAL BALLOT ENVELOPES MUST BE SEQUENTIALLY NUMBERED.

I, *(please print your full name)*_____ do hereby affirm that:

☐ 1. I am currently registered to vote in the above-mentioned county in North Carolina, and that I have not moved out of the county since the date of my original registration. I have not voted in this election in _____ precinct where I am currently registered and hereby request that I be permitted to vote in this election in my new precinct.

☐ 2(A). On or about the _____ day of _____, 20___, I completed a voter registration application at _____ (*please indicate the office at which you completed the voter registration application - for example, Driver's License Office, etc.**) in the above mentioned county in North Carolina, and that I should be entitled to vote today. Driver's License No. _____ Date of Issuance _____
**The information regarding the office where you registered to vote will be used only to determine your eligibility to vote in this election. This information will remain confidential.*

☐ 2(B). On or about the _____ day of _____, 20 _____, I completed and mailed to the Board of Elections in the above-mentioned county, a voter registration application, and that I should be entitled to vote today.

☐ 3. I have previously registered to vote in the above-mentioned county in North Carolina; that I have not resided outside the above-mentioned county since completing that registration; that I have not registered to vote in any other county or state since completing that voter registration; and that I should be entitled to vote today.

☐ 4. To the best of my knowledge, information and belief, my current residence is within the following voting district(s): _____ _____ and that I should be entitled to vote in that district's election today.

☐ 5. (Other reason)_____

Signature of Voter **Date**

VOTER SEALS BALLOT IN ENVELOPE **DO NOT PLACE BALLOTS IN TABULATOR**

Precinct (verified in street book) Ballot Style Issued Signature of Precinct Official

For Office Use Only

Attach PIN Label Here

☐ No Record of Registration ☐ ID Not Provided
☐ Check DMV Records ☐ Unreported Move
☐ Previously Removed ☐ Jurisdiction Dispute
☐ Incorrect Precinct ☐ Voted During Extended Hours

Party Voted (*Partisan Primary*)
☐ Democratic ☐ Unafilliated
☐ Libertarian ☐ Other Qualified Party
☐ Republican

☐ Not Registered ☐ Application Rejected
☐ Removed ☐ Registration After Deadline
☐ ID Not Provided ☐ Voted Out of Precinct
☐ Extended Hours Order Invalidated
☐ Other: ☐ VRN: _____

☐ Precinct Verified:_____
☐ Ballot Style Verified:_____
☐ DMV Verified:_____
☐ Comments: _____

☐ Approved ☐ Not Approved Initials
☐ Partially Counted

[County Name] County Board of Elections
[Insert county board address here]
[phone] ▪ [fax] ▪ [email address]

Provisional Voter Instructions
(How to Check the Status of Your Provisional Vote)

Your provisional ballot application will be thoroughly researched to determine if you are eligible to vote in this county. Once the County Board of Elections meets formally, a determination will be made if your provisional can be approved. If the County Board of Elections determines that you are an eligible voter in the county, your ballot will be counted for all contests in which you are eligible to vote. By law, individuals who vote a provisional ballot have the right to learn if their ballot was counted. If it was not counted, the County Board of Elections will tell you the reason why it was not counted.

You may check the status of your provisional application and ballot on or after [enter date] using one of the following methods:

CALL:	**1-866-522-4723** (During normal business hours)
ONLINE:	**www.ncsbe.gov** Select "Check Your Provisional Vote"
EMAIL:	**ncvrs@sboe.state.nc.us** **pv,county,lastname,firstname,PIN** (type text in subject line; do not use spaces) *Ex.: pv,alamance,doe,john,0321212*
TEXT:	**Text to 919-413-5633** **pv,county,lastname,firstname,PIN** (do not use spaces) *Ex.: pv,alamance,doe,john,0321212*

You will be asked for the following:

- Your Full Name
- Your Date of Birth
- Your Personal Identification Number (PIN)

↓ Your PIN. ↓

Place Label Here

Protect your PIN!

The PIN is your key to this information. If you lose your PIN, you must visit the County Board of Elections ***in person*** to determine if your ballot was counted.

If you are voting provisionally because you did not **show required identification** at the Registration Table, your ballot cannot be counted until the County Board of Elections receives acceptable proof of identification, such as:

- Copy of current and valid photo identification, or
- Copy of current utility bill, bank statement, government check, paycheck, hunting/fishing license, vehicle registration, or other government document that shows your name and address.

You may mail, fax or hand deliver your proof of identification to the *[County Name]* County Board of Elections office. **It must be received no later than 5:00 p.m. on the day before the county canvass.**

CUMBERLAND COUNTY PROVISIONAL POLL BOOK

ELECTION: 11/2/2010 - 11/02/2010 GENERAL

PRECINCT: AH49 - ARRAN HILLS

POLLBOOK NO.	VOTER NAME/ADDRESS	BALLOT STYLE	PIN NUMBER
AH49-181			ATTACH BARCODE LABEL HERE
AH49-182			ATTACH BARCODE LABEL HERE
AH49-183			ATTACH BARCODE LABEL HERE
AH49-184			ATTACH BARCODE LABEL HERE
AH49-185			ATTACH BARCODE LABEL HERE

GENERAL ELECTION PROVISIONAL BALLOT SUMMARY
2004 - 2010

	Total Provisional	Fully Counted	Partially Counted	Total Counted	Percent Counted	Rejected
2004 General	77,469	42,348	8,022	50,370	65.10%	27,099
2006 General	22,491	----	----	16,760	74.52%	6,059
2008 General	53,976	22,188	4,319	26,507	49.11%	27,469
2010 General	26,257	12,083	3,611	15,694	59.77%	10,563

Wake County Board of Elections AND State Board of Elections
Precedents for Determining Provisional Ballot Vote Count

SITUATION	VOTE COUNT	LAW OR PRECEDENT
DULY REGISTERED		
Unreported move, Incorrect Precinct, or Name Overlooked in Poll Book		
Voter received correct ballot style.	**APPROVE**	§163-166.11
Voter received incorrect ballot style.	**PARTIALLY APPROVE**	§163-166.11
Moved from County or State		
Voter registered in Wake County but provides an address on the provisional envelope that is outside the county.	**NOT APPROVE**	WCBOE 11/2006
REMOVED		
Moved from County or State		
BOE received evidence that he/she registered to vote in another county or state.	**NOT APPROVE**	WCBOE 11/2004
BOE received confirmation mailing returned by voter indicating he/she moved from the county or state.	**NOT APPROVE**	WCBOE 11/2004
Old Purge Law or Two Federal General Elections in Inactive Status		
Voter provided an updated or corrected address on the provisional envelope, marked the box affirming he/she had not moved to or registered to vote in another county or state, & NC voter search shows no registration in another county.	**APPROVE**	WCBOE 11/2006
Voter provided an updated or corrected address on the provisional envelope & did not mark the box affirming he/she had not moved to or registered to vote in another county or state.	**NOT APPROVE**	WCBOE 11/2006
Voter provided the same address as when removed & did not mark the box affirming he/she had not moved to or registered to vote in another county or state.	**NOT APPROVE**	WCBOE 11/2006
Felony Conviction		
Voter has not re-registered to vote since removal.	**NOT APPROVE**	WCBOE 11/2004
Voter provides evidence that the felony conviction was later reduced to a lesser conviction.	**APPROVE**	WCBOE 11/2006
No Record of Removal Reason		
No image is attached to the removal record on file & voter is not registered to vote in another county.	**APPROVE**	WCBOE 10/2005
No image is attached to the removal record on file & voter is registered to vote in another county.	**NOT APPROVE**	WCBOE 11/2006
DENIED		
Voter provided an updated address on the provisional envelope & marked the box affirming he/she had not moved to or registered to vote in another county or state.	**APPROVE**	WCBOE 11/2004
Voter provided the same address on the provisional envelope as when removed.	**NOT APPROVE**	WCBOE 11/2006

NO RECORD		
No Evidence of Registration		
BOE can find no proof that the voter attempted to register to vote in Wake County.	**NOT APPROVE**	WCBOE 11/2004
DMV Records Searches		
Voter marked the box on the provisional envelope stating he/she registered to vote and DMV & DMV returns evidence of registration.	**APPROVE**	WCBOE 11/2004
Voter marked the box on the provisional envelope stating he/she registered to vote and DMV & DMV returns no evidence of registration.	**NOT APPROVE**	WCBOE 11/2004
Voter marked the box on the provisional envelope stating he/she registered to vote and DMV & DMV has not responded to request for evidence by the time the Board meets to consider provisional ballots.	**HOLD UNTIL CANVASS**	WCBOE 11/2004
Turned 18 after Deadline		
Voter turned 18 years of age after the registration deadline and before Election Day in a municipal election (voter was not eligible to register while 17 years old).	**APPROVE**	SBOE 11/2007
Registered after Deadline		
BOE confirms that registration was received after registration deadline.	**NOT APPROVE**	WCBOE 11/2004
Military Voters & UOCAVA Issues		
Voter states on provisional envelope that he/she is a member of the United States military.	**APPROVE**	WCBOE 11/2004
Voter states he/she lives overseas and planned to cast a federal ballot at the American Embassy but was called to the US on an emergency.	**NOT APPROVE**	WCBOE 11/2004
Voter states he/she lives overseas and was evacuated due to a documented hurricane prior to receiving a federal ballot.	**PARTIALLY APPROVE**	WCBOE 11/2004
INCOMPLETE OR INCORRECT INFORMATION ON PROVISIONAL ENVELOPE		
No Address Information Provided		
Registration/Update section of provisional envelope is blank, and voter is not a precinct official working in a precinct other than his/her own.	**NOT APPROVE**	WCBOE 10/2005
Registration/Update section of provisional envelope is blank, and voter is a precinct official working in a precinct other than his/her own.	**APPROVE**	WCBOE 10/2007
Address Issues		
Voter failed to provide a residence address on the provisional envelope.	**NOT APPROVE**	WCBOE 10/2005
Voter provided an address that is invalid or non-residential & attempts to resolve the issue by phone were unsuccessful.	**NOT APPROVE**	WCBOE 11/2004
Voter is confirmed to have transposed his/her current and previous addresses on the provisional envelope.	**APPROVE**	WCBOE 11/2006
Signature Issues		
Voter's signature on Registration/Update section of provisional envelope does not match signature on provisional ballot section of envelope.	**NOT APPROVE**	WCBOE 11/2004

Voter failed to sign one of the two sections of the provisional envelope if the voter is duly registered & signature provided matches voter's signature or handwriting on file.	**APPROVE**	WCBOE 10/2005
Voter failed to sign both sections of the provisional envelope if the voter is duly registered & handwriting provided matches voter's signature or handwriting on file.	**APPROVE**	WCBOE 10/2005
Voter failed to sign both sections of the provisional envelope if the voter is duly registered, there is no handwriting on file, but the voter provides a signature to the BOE prior to Canvass.	**APPROVE**	WCBOE 10/2005
Voter is in Inactive status, provided an updated address on the provisional envelope, failed to sign the Registration/Update section of the envelope, but did sign the provisional ballot section.	**APPROVE**	WCBOE 11/2006
ID REQUIRED VOTERS		
Voter was required to show ID but did not do so prior to Canvass.	**NOT APPROVE**	WCBOE 11/2004
Voter was required to show ID but did not do so because the precinct official did not know the voter was ID Required (voter was an unreported move and, therefore, was not in the precinct's Poll Book).	**NOT APPROVE**	WCBOE 10/2005
VOTING TWICE		
Voter cast a provisional ballot and a ballot that was placed in the ballot scanner on Election Day.	**NOT APPROVE**	WCBOE 11/2004
Voter cast a provisional ballot and a ballot that was placed in the ballot scanner at a One-Stop voting site.	**NOT APPROVE**	WCBOE 11/2004
Voter cast a provisional ballot by request after placing a ballot in the ballot scanner without realizing there were races on the back of the ballot.	**NOT APPROVE**	WCBOE 11/2006
[redacted]oter cast a provisional ballot by request after placing a ballot in the ballot scanner without marking it.	**NOT APPROVE**	WCBOE 11/2004
Voter cast a provisional ballot by request after abandoning his/her ballot in a voting booth, a precinct official placed the ballot in the ballot scanner, & the voter returned asking to vote for only races not marked on the original ballot.	**NOT APPROVE**	WCBOE 11/2004
CITIZENSHIP REQUIREMENTS		
Voter passed the citizenship test but has not yet taken the citizenship oath.	**NOT APPROVE**	WCBOE 11/2004
Voter became a naturalized citizen after the registration deadline and provided proof of the naturalization date to the BOE prior to Canvass.	**APPROVE**	WCBOE 11/2006
VOTER'S REGISTRATION IS IN REJECT STATUS IN VOTER VIEW		
Failure to Check Citizenship Box		
Voter answered "Yes" to the citizenship question on the provisional envelope Registration/Update section.	**APPROVE**	§163-82.4(e)
Voter failed to answer the citizenship question on the provisional envelope Registration/Update section & attempts to resolve the issue by phone were unsuccessful.	**NOT APPROVE**	WCBOE 11/2006

Other Missing or Invalid Information		
Voter provided an invalid ID number on the original voter registration form, listed the same invalid number on the Registration/Update section of the provisional envelope, & attempts to resolve the issue by phone were unsuccessful.	**NOT APPROVE**	WCBOE 11/2006
Voter provided a date of birth that made the voter less than 18 years of age, the voter listed the current year as the year of birth on the Registration/Update section of the provisional envelope, & attempts to resolve the issue by phone were unsuccessful.	**NOT APPROVE**	WCBOE 11/2004
Voter's original voter registration form was incomplete or invalid for any reason & the voter corrected the information on the Registration/Update section of the provisional envelope.	**APPROVE**	§163-82.4(e)
ELECTION OFFICIAL MISTAKES		
An election official makes a mistake that would result in the voter's provisional ballot not being approved.	**APPROVE**	§163-182.2(a)(4)

[County Name] County Board of Elections
[Insert county board address here]
[phone] ▪ [fax] ▪ [email address]

Provisional Voter Instructions
(How to Check the Status of Your Provisional Vote)

Your provisional ballot application will be thoroughly researched to determine if you are eligible to vote in this county. Once the County Board of Elections meets formally, a determination will be made if your provisional can be approved. If the County Board of Elections determines that you are an eligible voter in the county, your ballot will be counted for all contests in which you are eligible to vote. By law, individuals who vote a provisional ballot have the right to learn if their ballot was counted. If it was not counted, the County Board of Elections will tell you the reason why it was not counted.

You may check the status of your provisional application and ballot on or after [enter date] using one of the following methods:

CALL:	**1-866-522-4723** (During normal business hours)
ONLINE:	**www.ncsbe.gov** Select "Check Your Provisional Vote"
EMAIL:	**ncvrs@sboe.state.nc.us** **pv,county,lastname,firstname,PIN** (type text in subject line; do not use spaces) *Ex.: pv,alamance,doe,john,0321212*
TEXT:	**Text to 919-413-5633** **pv,county,lastname,firstname,PIN** (do not use spaces) *Ex.: pv,alamance,doe,john,0321212*

You will be asked for the following:

- Your Full Name
- Your Date of Birth
- Your Personal Identification Number (PIN)

↓ Your PIN ↓

Place Label Here

Protect your PIN!

The PIN is your key to this information. If you lose your PIN, you must visit the County Board of Elections ***in person*** to determine if your ballot was counted.

If you are voting provisionally because you did not **show required identification** at the Registration Table, your ballot cannot be counted until the County Board of Elections receives acceptable proof of identification, such as:

- Copy of current and valid photo identification, or
- Copy of current utility bill, bank statement, government check, paycheck, hunting/fishing license, vehicle registration, or other government document that shows your name and address.

You may mail, fax or hand deliver your proof of identification to the *[County Name]* County Board of Elections office. **It must be received no later than 5:00 p.m. on the day before the county canvass.**

PROVISIONAL RECONCILIATION CHECKLIST

A. Opening the Provisional Ballot Bag

Make a stack of all materials that are not a voted provisional envelope or completed poll book page. This may include voided envelopes, white and yellow ATV forms, and unused supplies.

B. Reconciling Envelopes and Poll Book Pages

1. Sort the Poll Book pages and envelopes by Poll Book number.

2. Feel each envelope to confirm it contains a ballot. If an envelope is empty, put the envelope in the *Problems* box. Record it on the Provisional Research Log.

3. If the Registration/Update section of the envelope is blank or missing information, **ignore it**.

4. Compare each envelope to its entry on the Poll Book pages.

   ☐ **Write the Poll Book # on envelope if missing, incomplete, or illegible.**

   ☐ **Confirm voter's Name matches.**
   - Write the voter's name on the bottom section of the envelope, if missing.

   ☐ **Confirm the precinct written at top of the envelope is the precinct where the ballot was cast.**
   - Write the correct precinct number if it is wrong or missing.

   ☐ **Confirm PIN # on barcode labels match.**

   ☐ **Confirm Ballot Style Issued matches.**
   - If missing, use ballot key to determine the style and write it on the *Ballot Style Issued* line of the envelope.
   - If ballot key lists more than one possible ballot style for a precinct, open envelope in another person's presence to determine style, and immediately reseal it. Write the style number on envelope and mark your initials next to the style number.

   ☐ **Do not copy information** from the envelope **onto the Poll Book page** if missing.

   ☐ **Do not circle places on envelope** where information is missing.

5. If you have a problem with an envelope that you are unable to resolve, attach a note explaining the problem and place the envelope in the *Board Review* box. Record it on the Provisional Research Log.

C. Bundling Envelopes for Data Entry and Research

1. Complete Section A. of the Provisional Research Log.
2. Staple the log to the top of the Poll Book pages, wrap the pages around the envelopes, secure with a rubber band, and place them in the *Ready to be Entered* box.
3. Write the total number of envelopes on the Provisional Ballots Cast spreadsheet.
   DO THIS STEP **LAST** – AFTER YOU HAVE CHECKED ALL ENVELOPES.

SAMPLE

PROVISIONAL RESEARCH LOG

Precinct # _____ **Election Date:** 11/2/2010

A. Completed by audit staff, stapled to Poll Book pages, then wrapped around the envelopes.

Reconciliation Staff Initials _____

_____ # envelopes attached & placed in *Ready to be Entered* box

_____ # envelopes placed in *Board Review* box

Poll Book #s _____

B. Completed after data entry. Keep form with envelopes at all times.

Data Entry Staff Initials _____

☐ **envelopes = entered**

_____ # envelopes data-entered & attached (ready for research)

_____ # envelopes data-entered but removed due to issues Supervisor Initials _____

Geocode Poll Book #s _____

Other Poll Book #s _____ (include real jurisdiction disputes)

C. Kept by provisional manager after research.

Research Staff Initials _____

_____ # envelopes removed due to issues Supervisor Initials _____

Poll Book #s _____

☐ Vote counts reconciled?

☐ VRNs linked for all approved voters?

Guide to Provisional Ballot Envelope Data Entry

Getting Started

A provisional manager (Eva or Nicole) will issue sets of envelopes to staff members in the designated secure area. Envelopes have already been reconciled and checked for errors. After completing the data entry, return the envelopes to a provisional ballot manager, and you will be issued another set of envelopes.

You will receive the following items from the provisional manager:

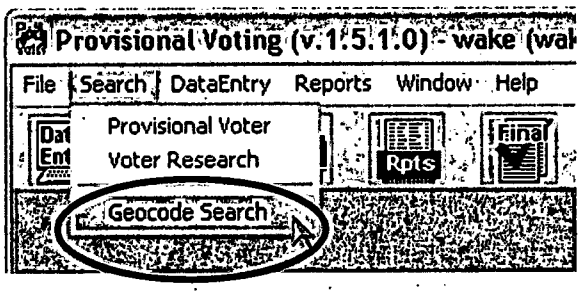
1. Set of provisional envelopes with Poll Book pages and Research Log attached
2. Red Pen – use the pen whenever making marks on an envelope
3. This manual

Refer to this manual at all times when processing provisionals. If you have any questions, don't guess and don't ask the person sitting next to you. Ask a provisional manager.

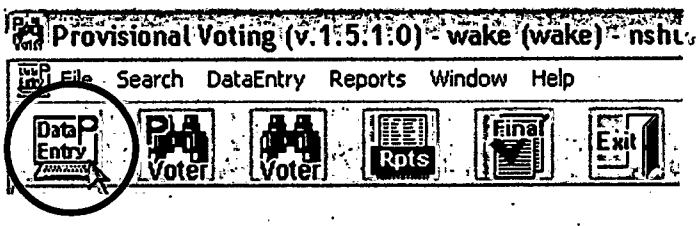
Accessing the Provisional Application of SEIMS

1. Click on the Provisional Voting icon on your computer desktop to launch the Provisional Application.
2. Enter your user name and password. Click the *Login* icon.
3. For Part 1 of the process, click *Search* then *Geocode Search* on the toolbar.
4. For Part 2 of the process, click the *Data Entry* icon at the upper left corner of your screen.

PART 1



PART 2



PART 1 – VERIFY PRECINCT AND BALLOT STYLE

Instructions: Use the *Geocode Search* screen and follow the steps on the next two pages for all envelopes in the stack. To access the Geocode Search screen, click *Search*, then *Geocode Search*.

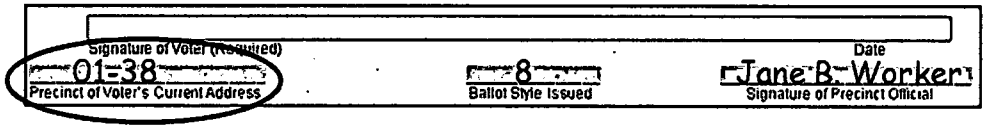
1. Verify the PRECINCT OF THE VOTER'S ADDRESS.

- **Select the current election date from the drop-down menu.**

- **Type the voter's address from the envelope, then click *Search*. Click on the + symbol to view the precinct of the address.**
  - Type only the house number and street name.
  - **If you are unable to find the voter's address, notify a Provisional Manager.**
  - **If you are unable to read the writing on the envelope, refer to the pink Poll Book pages.**

- **Write the correct precinct number in the *For Office Use Only* box of the envelope on the** Precinct Verified line and check the box.

- **Verify that the precinct number written at the bottom left of the provisional envelope matches the precinct number you see on the computer screen.**
  - If wrong, cross through it and write the voter's correct precinct number.
  - If blank, write the voter's correct precinct number.



2. Determine whether the voter voted IN THE CORRECT PRECINCT.

- **Look at the top of the envelope to determine the precinct where the voter cast the ballot.**

- **Does the precinct number on the envelope match the precinct number on the screen?**

Yes. Precinct voted **IS** the precinct on the screen. Write "**SAME**" on the line.
No. Precinct voted is **NOT** the precinct on the screen. Write "**DIFF**" on the line.

	SAMPLES	
☑ Precinct Verified: **12-02 Same**		☑ Precinct Verified: **16-04 Diff**
☐ Ballot Style Verified: _____		☐ Ballot Style Verified: _____
☐ DMV Verified: _____		☐ DMV Verified: _____

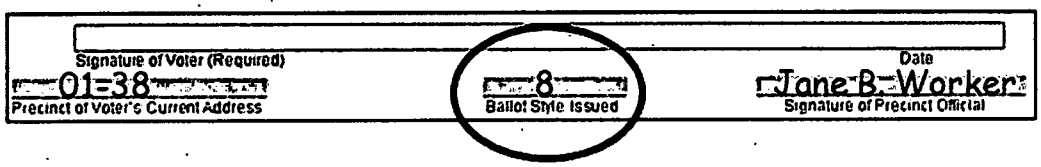
3. Determine the VOTER'S CORRECT BALLOT STYLE.

- Look again at the computer screen to determine the voter's correct ballot style.

- Write the ballot style in the *For Office Use Only* box on the Ballot Style Verified line of the envelope and check the box.

4. Determine whether the voter received the CORRECT BALLOT STYLE.

- Look at the *Ballot Style Issued* written at the bottom of the provisional envelope.



- **Does the ballot style on the envelope match the ballot style on the screen?**

Yes. Ballot style voted **IS** the ballot style on the screen. Write "**SAME**" on the line.
No. Ballot style voted is **NOT** the ballot style on the screen. Write "**DIFF**" on the line.

	SAMPLES	
☑ Precinct Verified: **12-02 Same**		☑ Precinct Verified: **16-04 Diff**
☑ Ballot Style Verified: **27 Diff**		☑ Ballot Style Verified: **5 Same**
☐ DMV Verified:		☐ DMV Verified:
☐ Comments:		☐ Comments:
☐ Approved ☐ Not Approved ☐ Partially Counted		☐ Approved ☐ Not Approved ☐ Partially Counted

---

Repeat steps 1- 4 above for all envelopes in the stack.
Then move to Part 2 on the next page.

PART 2 – PROVISIONAL VOTER DATA ENTRY

Instructions: Beginning with the first envelope in the stack, type the voter's information into the fields listed below. Use the TAB key to move from field to field. Refer to the Provisional Poll Book pages if you are unable to read information on the envelope. If a field is not listed on this page, SKIP IT.

<table>
<tr><td>Election</td><td>Select the current election from the drop-down box.</td></tr>
<tr><td>Date Voted</td><td>Copy and paste election date from the previous field.</td></tr>
<tr><td>PIN</td><td>Scan the barcode label on the envelope. NEVER type the PIN number.</td></tr>
<tr><td>Poll Book Number</td><td>Type the provisional poll book number.
For poll book numbers 1 through 9, do not add a preceding zero.
Good: 01-11-8 Bad: 01-11-08</td></tr>
<tr><td>Ballot Style Issued</td><td>Select the ballot style issued to the voter.</td></tr>
<tr><td>Provisional Voting Reason</td><td>Use the chart below to select the appropriate reason on both the screen and envelope. When in doubt, select "No Record of Registration."
<table>
<tr><th>Box checked on Envelope</th><th>Provisional Voting Reason on Screen</th><th>For Office Use Only
Box on Envelope</th></tr>
<tr><td>1</td><td>Unreported Move</td><td>Unreported Move</td></tr>
<tr><td>2A or 2B</td><td>No Record of Registration</td><td>No Record of Registration
(if 2A & DMV also mark Check DMV Records)</td></tr>
<tr><td>3</td><td>Previously Removed</td><td>Previously Removed</td></tr>
<tr><td>4</td><td>Jurisdiction Dispute</td><td>Jurisdiction Dispute</td></tr>
<tr><td rowspan="3">5</td><td>Incorrect Precinct</td><td>Incorrect Precinct</td></tr>
<tr><td>Incorrect Party</td><td>Incorrect Party</td></tr>
<tr><td>ID not Provided</td><td>ID not Provided</td></tr>
</table></td></tr>
<tr><td>Precinct Voted & VTD</td><td>If you typed the Poll Book number correctly, then the precinct voted and VTD will automatically appear. If the VTD field does not appear, notify a Provisional Manager.</td></tr>
<tr><td>Party</td><td>Select the party the voter checked on Registration/Update section of the envelope.
If blank or if voter checked Other Qualified Party, select unaffiliated.</td></tr>
<tr><td>Party Voted</td><td>In a Primary, choose the party of the ballot voted by looking at the ballot style received.</td></tr>
<tr><td>Name, Address & Date of Birth</td><td>Type voter's last name, first name, and date of birth.
DO NOT type middle names or suffixes.
If DOB is not provided or is invalid, type 01/01/1900.
Type the voter's address, including unit numbers. If you tab to the zip code field and type the zip code, the city and state will auto-complete.</td></tr>
<tr><td>US Citizen</td><td>Check the box ONLY IF the voter answered YES to the citizenship question.</td></tr>
<tr><td>Appl Signed</td><td>Check the box ONLY IF the voter signed the Registration/Update section of the envelope.</td></tr>
<tr><td>ID Provided</td><td>NEVER check the box.</td></tr>
<tr><td>Vote Count</td><td>Make sure Pending is selected by default.</td></tr>
</table>

Click SAVE.

Repeat the steps above for all envelopes in the stack. When you complete a stack, place the Poll Book pages around the envelopes and secure with a rubber band. Return the stack of envelopes to a Provisional Manager. Your work will be checked for accuracy.

Guide to Provisional Ballot Envelope Research

Getting Started

A provisional manager (Eva or Nicole) will issue sets of envelopes bundled by precinct to each staff member doing research. The envelopes have already been audited and checked for errors, and the initial data entry is complete.

After completing the research on all envelopes from that precinct, return the envelopes to a provisional ballot manager, and you will be issued another set of envelopes.

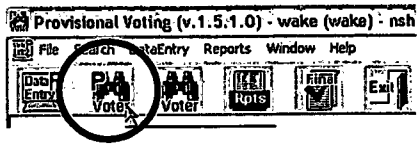
You will receive the following items from the provisional manager:

- Set of provisional envelopes with Poll Book pages and Research Log attached
- Red Pen – use the pen whenever making marks on an envelope
- This manual

Refer to this manual at all times when processing provisionals. If you have any questions, don't guess and don't ask the person sitting next to you. Ask a provisional manager.

Accessing the Provisional Application

1. Click on the Provisional Voting icon on your computer desktop to launch the Provisional Application.
2. Enter your user name and password. Click the *Login* icon.
3. Click on the *P Voter* icon at the upper left corner of your screen to launch the Provisional Voter Search screen.



Open a Voter's Record

1. **Select the current election date**, then search for a voter's record by scanning the barcode on the **PIN label** or entering the **Poll Book Number** in the appropriate field.
2. Click ***Search***, and the voter's record will appear in the results box.
3. Highlight the voter's record and click ***Open***.
4. Click on the ***Research Voter*** icon. A window will appear listing all potential matches for the voter in the voter registration database.

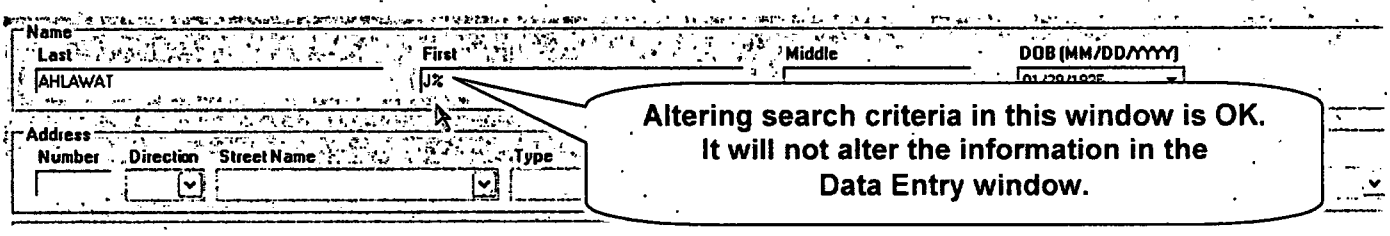
5. Look at the search results list:

☒ **No results or no match?** Follow the instructions on **page 2**.

☑ **Match found?** Follow the instructions on **page 3**.

☒ If the search results **show no records** or **do not list a match** for the voter you are researching:

- **Remove some information from the search window.**
  Search results are based on the exact name and date of birth entered in the Data Entry window. Removing some information may help you find the voter's record. Try:
  - Last Name and Date of Birth only
  - Last Name and first letter of First Name followed by a %
  - Last Name only



- **If changing the search criteria helps you to find the voter's record, move to page 3.**

- **STOP if you are still unable to find a record for the voter.**

1. Click **Close**. Close
2. Confirm the **Vote Count** box is marked **PENDING**, then click **Save**. Save
3. Write "No Record" in the right margin of the provisional envelope using your red pen.

If you are an experienced BOE staff member who is confident in your ability to determine for sure that a voter is not registered, you may:

1. Check to see if voter wrote on envelope that he/she registered at the DMV. If so, save record as **PENDING** and mark the **CHECK DMV RECORDS** box on the envelope. If not DMV, move to Step 2.
2. Select the Vote Count **NOT APPROVED** on the screen.
3. Select the Vote Count Reason **NOT REGISTERED** on the screen.
4. Click **Save** on the screen.
5. Mark the **NOT REGISTERED** and **NOT APPROVED** boxes in the *For Office Use Only* section of the envelope.
6. Mark your initials on the *For Office Use Only* section of the envelope.

☑ If the search results **list a record that matches** the name and date of birth of the voter you are researching:

How many records match the voter's information in the search results?

If only one record is listed, refer to the table below.

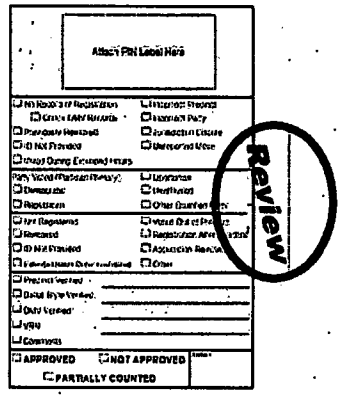
SOURCE TABLE	STATUS	DEFINITION	NEXT STEP
REVIEW	any	Voter is in Review Queue in Voter Scan.	Go to Page 4 →
INCOMPLETE	any	Voter is in I-Queue in Voter Scan.	Go to Page 4 →
VOTER_REG	D	Voter is Denied.	Go to Page 4 →
VOTER_REG	S	Voter is a Temporary Registrant.	Go to Page 5 →
VOTER_REG	R	Voter is Removed.	Go to Page 5 →
VOTER_REG	I	Voter is Inactive.	Go to Page 6 →
VOTER_REG	A	Voter is Active.	

If two or more records are listed, refer to the table below.

Record A	Record B	Which one to choose	Next Step
It doesn't matter which record is first in the results list.			
A	R	A	Go to Page 6 →
A	D	A	
A	Review (in Source Table)	A	
I	R	I	
I	D	I	
I	Review (in Source Table)	I	
any other combination notify a Provisional Manager			

REVIEW in Source Table

1. Write the word **REVIEW** in the margin to the right of the *For Office Use Only* section of the envelope.
2. Close the search results screen.
3. Select the Vote Count **NOT APPROVED** on the screen.
    - Select the Vote Count Reason **REGISTRATION AFTER DEADLINE** on the screen.
4. Mark the **REGISTRATION AFTER DEADLINE** and **NOT APPROVED** boxes in the *For Office Use Only* section of the envelope.
5. Mark your initials on the *For Office Use Only* section of the envelope.
6. Click **SAVE** on the screen.



INCOMPLETE in Source Table

1. Write the word **INCOMPLETE** in the margin to the right of the *For Office Use Only* section of the envelope.
2. Close the search results screen.
3. Leave the Vote Count **PENDING** and click **CLOSE** on the screen.

DENIED (Status Value D)

1. Write the word **DENIED** in the margin to the right of the *For Office Use Only* section of the envelope.
2. Close the search results screen.
3. Leave the Vote Count **PENDING** and click **CLOSE** on the screen.

TEMPORARY REGISTRANT (Status Value S)

1. Write the word **TEMPORARY** in the margin to the right of the *For Office Use Only* section of the envelope.

2. Link the voter's record.
   - Select the voter's record by clicking on the gray column to the left of the row.
   - A ▶ will appear in the gray block and the row you selected will be highlighted.
   - Click **LINK VOTER**. The search results window will close returning you to the data entry screen.

3. Leave the Vote Count **PENDING** and click **CLOSE** on the screen.

REMOVED (Status Value R)

1. Write the word **REMOVED** in the margin to the right of the *For Office Use Only* section of the envelope.

2. Close the search results screen.

3. Leave the Vote Count **PENDING** and click **CLOSE** on the screen.

ACTIVE OR INACTIVE (Status Value A or I)

1. **Write the word ACTIVE or INACTIVE in the margin to the right of the *For Office Use Only* section of the envelope.**

2. **Link the voter's record.**
   - Select the voter's record by clicking on the gray column to the left of the row.
   - A ▶ will appear in the gray block and the row you selected will be highlighted.
   - Click **LINK VOTER**. The search results window will close returning you to the data entry screen.

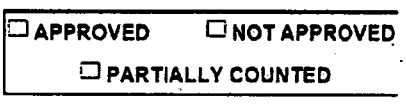
3. **Read the notes on the envelope to determine why the person voted provisionally.**

Party Dispute	In Primary elections only, consult a Provisional Manager for instructions on how to research a party dispute. If not a Primary, continue to Step 4.
Jurisdiction Dispute	Mark the Jurisdiction Dispute box on the *For Office Use Only* section of the envelope. Leave the Vote Count **PENDING** and click **CLOSE** on the screen.
Unusual Situation	Leave the Vote Count **PENDING** and click **CLOSE** on the screen. Immediately give the envelope to a Provisional Manager.
All Other Reasons	Continue to Step 4.

4. **Look at the Ballot Style Verified line on the *For Office Use Only* section of the envelope.**
   - If Ballot Style Verified is **SAME**, select the Vote Count **APPROVED**.
   - If Ballot Style Verified is **DIFFERENT**, select the Vote Count **PARTIAL**.
     - Select the Vote Count Reason **VOTING OUT OF PRECINCT** on the screen.
   - If Ballot Style Verified is **NOT IN COUNTY**, select the Vote Count **NOT APPROVED**.
     - Select the Vote Count Reason **OTHER** on the screen.
     - Click on the Comment box and type "Address not in Wake County."
     - Click **OK** to save the comment.

Precinct Verified	Ballot Style Verified	Vote Count
SAME	SAME	APPROVED
SAME	DIFFERENT	PARTIAL
DIFFERENT	SAME	APPROVED
DIFFERENT	DIFFERENT	PARTIAL

5. **Mark the appropriate vote count box in the *For Office Use Only* section of the envelope.**



6. **Look at the Precinct Verified line on the *For Office Use Only* section of the envelope.**
   - If Precinct Verified is **DIFFERENT**, mark the **VOTED OUT OF PRECINCT** box in the *For Office Use Only* section of the envelope.

7. Mark your initials on the *For Office Use Only* section of the envelope.

8. Click **SAVE** on the screen.

Finalizing the Vote Counts

The Provisional Managers will sort envelopes into boxes after they have been researched and returned. Envelopes in the boxes listed below must be researched further. The researcher for each box is listed below. The Provisional Managers will announce when it is time for the people listed below to switch to secondary research.

Box	Researcher*	Duties
No Record (pending)	Eva	▪ Check all voters in Voter View and Voter Scan. ▪ Check SBOE intranet site for out-of-county registrations: **http://www.app.sboe.state.nc.us:2703/webapps/voter_search/** ▪ Change Vote Counts in SEIMS & on envelopes.
DMV	Eva	▪ Fax DMV research requests to the SBOE. ▪ Process results and change Vote Counts in SEIMS & on envelopes.
Incomplete	Nicole	▪ Resolve Incomplete problems. ▪ Change Vote Counts in SEIMS & on envelopes as applicable.
Removed **Denied**	Nicole	▪ Research removal and denial reasons in Voter View. ▪ Refer to Board Precedents chart to determine vote count. ▪ Make sure necessary documentation is attached to envelope. ▪ Change Vote Counts in SEIMS & on envelopes.
Partial	_____	▪ Check ballot cast against correct ballot to determine whether ballot cast can be partially counted & if so attach appropriate yellow sample ballot. ▪ Write voter's precinct number on each yellow sample ballot. ▪ Prepare tally sheet for the Board meeting. ▪ Do the same for any of the Board Review ballots that would be partial counts if approved. ▪ Change Vote Counts in SEIMS & on envelopes as applicable.

***In large elections, the named researcher will train an assistant(s) to assist in Level Two research.**

After Final Research:

1. The vote count for every ballot must be saved as Approved, Not Approved, or Partial (unless it has to go before the Board for review).

2. **Verify the number of envelopes of each vote count matches the number of records of that vote count in the Provisional Application.**

3. Place envelopes in the appropriate boxes:

Box	Vote Count	Description
Approved	Approved	Approved ballots
Not Approved	Not Approved	Not approved ballots
Partial	Partial	Wrong ballot voted with at least one eligible race
Board Review	Pending	Situations that require review by the Board

Preparing Provisional Ballots for Board Review

All staff members working on provisionals will assist in preparing the provisional ballots for the Board meeting. Cherie will decide before each election whether this will be done in advance of the Board meeting or at the Board meeting.

Approved Provisionals

1. Open envelope and remove the ballot.
2. Confirm that the ballot style matches the number written on the *Ballot Style Issued* line of the envelope.
3. **Confirm that the precinct number written at the top of the ballot is the same as the number written on the *Precinct Verified line* of the envelope in the *For Office Use Only* section.**
4. Lay the ballot flat and place the envelope back in the ***Approved*** box.

Partial Count Provisionals

1. Open envelope and remove the ballot.
2. Confirm that **Ballot Style Verified** written on the provisional envelope is the same ballot style as the yellow sample ballot paper clipped to the envelope.
3. Keep each envelope, ballot, and yellow sample ballot paper-clipped together, and place them in the ***Partial*** box.
4. Prepare tally sheet for the Board meeting.

Not Approved Provisionals

1. Do not open the envelopes.
2. Separate the Not Approved provisional envelopes into categories in the *Not Approved* box:
   - Removed
   - Registered after deadline
   - Party dispute denied
   - Denied
   - ID not provided
   - No record
   - Other

Board Review

1. Do not open the envelopes.
2. Keep all of the envelopes (with attached documentation) in the ***Board Review*** box.

Board Meeting & Finalizing the Results

The Board meets to review provisionals on the day prior to Canvass. After the Board votes on the ballots, follow these procedures:

Approved Provisionals

1. Run ballots through the ballot scanner.
2. Note the total number of Approved Provisionals and make sure it matches the count on the ballot scanner.

Partial Count Provisionals

1. The Board will open each envelope, remove the voted ballot, and mark the PIN number, Precinct number, and voter's choices in eligible races on the attached yellow sample ballot.
2. Place the voted ballot back in the envelope.
3. Transfer the vote counts from the sample ballots to the tally sheet.

Not Approved Provisionals

1. Keep the envelopes sealed and separate from all other envelopes and ballots.

Board Review Provisionals

1. Mark the Board's Vote Count decision on the envelope and make a note of the Vote Count so that it can be changed in the Provisional Application.
2. If the Board approves ballot, open the envelope and confirm that the correct precinct number is written on the ballot. If Partial, the Board must add the votes to the tally sheet.
3. Run the approved ballots through the ballot scanner.

After the Board rules on provisionals that require Board review, change all *Pending* Vote Counts in the Provisional Application to reflect the Board's decision.

Detaching Voter Updates and Packing Up

The Voter Registration/Update sections of ALL provisional envelopes must be detached for scanning and review in Voter Scan. Give the updates and any forms from the provisional reconciliation that contained voter updates (ATVs, yellow ATVs, voter cards, etc.) to someone on the voter registration team.

The Provisional Manager is responsible for packing up all envelopes (keeping them separated by vote count), Provisional Poll Book pages, spoiled provisional documents, and DMV research reports. All boxes are given to Dane for storage.

Introduced by Rep. Bert Jones 2/16/11

Sergeant of Arms for Elections Committee Meeting February 16, 2011

Bob Rossi
Ken Kirby
Doug Harris
Larry Elliott
Wayne Davis (NEW)

Pages:

David Joyner of Wayne Co. Sponsored by Rep. Sager

Tanner Barnett of Mecklenburg Co. Sponsored by Rep. Brawley

ATTACHMENT 5

VISITOR REGISTRATION SHEET

Elections — 2-16-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ricardo Dew	Democracy NC
Shaunee Morgan	Democracy NC
Daniel Fubrun	NCLM
Chris Biggs	NCMS
Paula A. Wolf	Paulatics

VISITOR REGISTRATION SHEET

Elections — 2-16-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mary Klenz	League of Women Voters Char-Meck
Marc Burris	SBoE
Vennia Degrafferaid	SBOE
Johnnie McLean	"
Gary Bartlett	"
Elaine Cousins	Wake Co. Board of Elections
Linda Doss Havel	Sec, Wake Co. Bd of Elections & Legislative Liaison, NC Elections Bd Assn.
Sandra Johnson	1206 Brooks Avenue Individual Raleigh, NC 27607
DAVE MOLINARO	7115 CHARTWELL LANE Charlotte 28212
Erin Cheever	Homeless Helping Homeless 945 N College St, Charlotte, NC 28205
Osman Mohammed	945 N college St Charl. NC 28206

VISITOR REGISTRATION SHEET

Election — 2-16-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Allison Riggs	Southern Coalition for Social Justice - Durham
Martha Brock	Examiner.com / Media
Damon Circosta	Center For Voter
Will Polk	Office of Gov.
Ashley Foxx	Democracy NC
Linda Sutton	Democracy N. C. Durham
Jake Bellu-Goad	Democracy, NC
Avery Book	Democracy NC
Gerry Henderson	Homeless Helping Homeless Charlotte
LAtrium J. Blanton	Homeless Helping Homeless Charlotte
Dollon WASHINGTON	(HHH) Charlotte N.C

VISITOR REGISTRATION SHEET

Elections — 2/16/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
TED Frazer	Retired Citizen Durham
Diane ROBERTSON	405 WATERSIDE Dr., Carrboro, NC 27510
Henry M Lancaster	LCA
Lori Kroll	~~BC~~GA
Rob Schofield	NC Policy Watch
Adam SOTAK	Dem-NC
Amy Whitted	NCMS
Mitchell Brown	North Carolina A&T State University

VISITOR REGISTRATION SHEET

Elections — 2-16-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Melissa Price	NCUCE
Brian Irving	Free the Vote
Art Wilson	Citizen
Janice Wilson	Wake Republican Party Vice Chair
Monica Mulverton	Governor's Office
Andrew Mekelski	Visitor
Lecia Edwards	Visitor
Nicholas Mills	Visitor
Shawnette Richardson	North Carolina Fair Share — 3824 Barrett Dr # 312 Ral 27609
James Neuber	Winston Salem N.C.
Constance Hall	1140 Apple Street W.S, N.C.

VISITOR REGISTRATION SHEET

Elections — 2-16-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bobby Ray Wilson bobbyrayw1bm44@yahoo.com	H.U.M.A.N. Inc. 2324 Slater Avenue Democracy N.C. Winston-Salem, NC 27101
Willette Carter Classy240ZX@yahoo.com	Democracy NC W.S.NC.
Kenneth L. Fisher	Democracy Winston-Salem N
John N. Dalton	Democracy NC 311 Forest Rd Raleigh, NC
JOAN HALGREN	1008 SENORA DR APEX, NC 27502-8930
Melvin J. Montes JEFF MANLEY	4814 Mandavilla Way APEX NC 27539 A. Philip Randolph Institute NCDP 220 HILLSBOROUGH ST RALEIGH, NC 27603
Bill Wilson	AARP
Kane Miller	Democracy NC volunteer
Greg Jackson	Democracy NC Volunteer Raleigh NC
Darryl Miller	UDE SOSMyNC.org Hickory NC

Election Committee Meeting

February 23, 2011

Attachment 1:	**Committee Meeting Notice**
Attachment 2:	**Minutes**
Attachment 3:	**Handout from Committee Staff**
Attachment 4:	**Handout from NC State Board of Elections**
Attachment 5:	**Visitor Registration Sheet**

ATTACHMENT 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, February 23, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS: Informational ONLY

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **2 PM** o'clock on **February 17, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

ATTACHMENT 2

Minutes

Committee on Elections

Wednesday, February 23, 2011

The House Committee on Elections met on Wednesday, February 23, 2011, in room 643 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representatives Burr, Current, Jones and Jordan Co-Chairs, Representatives Alexander, Blust, L. Brown, R. Brown, Bryant, Cotham, Dixon, Fisher, Floyd, Graham, Iler, Justice, Killian, Martin, Michaux, Mills, Mobley, Moore, Ross, Sager, Stam, Starnes, Weiss. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw and Denise Huntley Adams. The Chair called the meeting to order at 1:07 PM and recognized the pages and sergeant at arms.

The first order of business was to hear from the following speakers:

Kara McCraw, Staff presented Voter Identification Requirements with Voter Registration Card – distribution of blank form used in all counties.

Gary Bartlett and Brooks Jones presented Drop-Off Analysis by category of office, 2008 and 2010 General Elections.

The next order of business was HB 32 Electoral Freedom Act of 2011. Representative David Lewis, Chair assigned a sub committee to study the bill and bring back their findings to the full committee. The meeting date is Tuesday, March 1, 2011 at 3:30 PM in Room 643 or if Session runs late the meeting will be held 5 minutes after session adjourns. The Chair assigned the following members: Representative Lewis, Jones, Mills, Justice, Ross, Graham and Floyd.

The Committee adjourned at 1:44PM .

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Respectfully submitted,

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

[redacted]

ATTACHMENT 3

Voter Identification Requirements

8 States Require Photo ID to Vote	19 States Require ID to Vote		
Florida	Alabama	Kentucky	Tennessee
Georgia	Alaska	Missouri	Texas
Hawaii	Arizona	Montana	Utah
Idaho	Arkansas	North Dakota	Virginia
Indiana	Colorado	Ohio	Washington
Louisiana	Connecticut	Oklahoma	
Michigan	Delaware	South Carolina	
South Dakota			

Common Characteristics in Photo ID to Vote Statutes

Drivers licenses fit state criteria in all 8 states.

State statutes permits the use of the following:

- **Other government issued photo IDs** – 5 states (FL, GA, ID, IN, SD)
  - Examples: passports, US military IDs, tribal IDs, special state ID cards
- **Student ID card** – 3 states (FL, ID, SD)
- **Other photo ID** – 4 states (FL, HI, LA, MI)
  - Florida accepts photo IDs issued by retirement centers and neighborhood associations.
  - Hawaii law states that ID must be presented when requested, but does not specify type.
  - Louisiana accepts generally recognized photo ID that includes a picture and signature.
  - Michigan accepts generally recognized picture ID cards.

Common Characteristics in ID to Vote Statutes

Photo IDs fit criteria or are explicitly permitted in all 19 states.

State statutes permits the use of the following:

- **Non-photo government issued document**: 15 states (AL, AK, AZ, AR, CO, CT, KY, MO, MT, ND, OH, TN, TX, UT, VA)
  - Examples: birth certificates, licenses, permits,registrations, court documents, property tax statements, Social Security card, or Medicare/Medicaid card
- **HAVA Documents**: 10 states (AL, AK, AR, CO, MO, MT, OH, TX, UT, WA)
  - Examples: utility bill, bank statement, government check, or paycheck.
- **Voter Registration Cards:** 8 states (AK, AZ, MT, OK, SC, TN, VA, WA)
- **Non-governmental documents:** 12 states (AL, AR, AZ, CO, CT, KY, MO, MT, TN, TX, UT, VA)
  - Examples: Student IDs, Credit cards, Employer IDs

What if Voter Has No ID?

- All states provide for voting by **provisional ballot.**
  - Affidavit of identity or oath required before voting provisionally. – 14 states (CT, ID, IN, KY, LA, MO, MT, ND, OH, OK, SD, TN, TX,VA)
- Some states allow **other proof of identity.**
  - Personal vouching by another person: 5 states (AL, AK, KY, MO, ND)
  - Recitation of personal information (such as birth date): 4 States (HI, LA, ND, OH)

Source: NCSL Voter Identification Requirements, State Statutes

Voter Identification Litigation

Litigation challenging voter identification laws has occurred in six states. Following is a summary of the 2008 US Supreme Court decision on voter identification and a table of other decisions.

Crawford v. Marion County Election Board (2008) – In 2008, the United States Supreme Court upheld Indiana's voter identification law in Crawford v. Marion County Election Board. The Supreme Court, in a 6-3 decision, held that the Indiana voter identification law was facially constitutional. Indiana requires voters to present government issued photo identification at primary and general elections. Exceptions to the requirement included absentee voters (restricted to certain groups in Indiana) and individuals living and voting in nursing homes. The Indiana law also allows a provisional ballot to be cast by indigent voters and those with religious objections to being photographed, but requires those voters to complete an affidavit before the circuit court clerk within 10 days following the election. Photo identification for voting is available at no cost to the voter in Indiana.

The lead opinion identified the photo identification requirement as a reasonable, nondiscriminatory restriction on voting, and applied a balancing test, weighing the burden on the right to vote against the interests put forth by the State to justify the burden imposed by the requirement.

Indiana argued the state's interest in deterring and detecting voter fraud, in safeguarding voter confidence, and in improving and modernizing election procedures as justification. The Supreme Court found these sufficient against the burden imposed on voters in part because the law provided for free identification and allowed voting by provisional ballot, and concluded that the law imposed only a limited burden on voters' rights.

Other Litigation		
State	**Case**	**Outcome**
Arizona	Gonzalez v. Arizona/Navajo Nation v. Brewer (federal)	2010 - 9th Circuit upheld AZ on grounds that burden imposed by requirement of photo ID is outweighed by AZ legitimate interest in assessing eligibility and qualifications of voters.
Georgia	Common Cause v. Billups (federal)	2009 - 11th Circuit upheld GA law requiring voter ID on grounds that burden imposed by requirement of photo ID is outweighed by GA interest in safeguarding elections. U.S. Supreme Court denied a petition for review.
	Lake v. Perdue (state)	2007 – GA Supreme Court dismissed case challenging voter ID law on state constitution grounds for lack of standing.
Indiana	League of Women Voters of Indiana v. Rokita (state)	2010 – IN Supreme Court upheld as facially constitutional voter ID law challenged on state constitution grounds.
Michigan	In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71 (state)	2007 – MI Supreme Court issued advisory opinion, requested by House of Rep., that the requirement that voters either present photo identification or sign an affidavit averring that the voter lacks photo identification before voting was constitutional under balancing test of state interest and burden on voters.
Missouri	Jackson County v. Missouri (state)	2006 – MO Supreme Court struck down voter ID on state constitutional grounds after applying strict scrutiny analysis and concluding requirements to obtain photo ID were heavy and substantial burden on right to vote.
Ohio	NEOCH v. Blackwell (federal)	2006 – Parties entered into consent order for 2006 election. Following 2006 election, UD District Court for Southern Dist. of Ohio dismissed voter ID challenge for lack of standing in 2008.

National Council of State Legislatures

Voter Identification Requirements

Updated Nov. 22, 2010

First-Time Voters

The federal Help America Vote Act mandates that all states require identification from first-time voters who registered to vote by mail and did not provide verification of their identification with their mail-in voter registration.

Blanket Voter ID

Twenty-seven states have broader voter identification requirements than what HAVA mandates (note, however that the newly passed requirement in Oklahoma does not take effect until July 1, 2011). In these states, all voters are asked to show identification prior to voting. Eight* of these states specify that voters must show a *photo* ID; the other nineteen states accept additional forms of identification that do not necessarily include a photo (Table 1). In no state is a voter who cannot produce identification turned away from the polls—all states have some sort of recourse for voters without identification to cast a vote. However, in Georgia and Indiana, voters without ID vote a provisional ballot, and must return to election officials within a few days and show a photo ID in order for their ballots to be counted. For specifics on what forms of identification are acceptable and the options available to voters who cannot present identification, see Table 2.

State Requirements for Voter ID

Table 1: State Requirements for Voter Identification

States that Request or Require *Photo* ID	States that Require ID (Photo not Required)	
Florida	Alabama	North Dakota
Georgia	Alaska	Ohio
Hawaii	Arizona	Oklahoma*
Idaho	Arkansas	South Carolina
Indiana	Colorado	Tennessee
Louisiana	Connecticut	Texas
Michigan	Delaware	Utah
South Dakota	Kentucky	Virginia
	Missouri	Washington
	Montana	

* The Oklahoma law takes effect July 1, 2011. There are some who prefer to call Oklahoma a *photo* voter ID state, because most voters will show a photo ID before voting. However, Oklahoma law also permits a voter registration card issued by the appropriate county elections board to serve as proof of identity in lieu of photo ID.

Recent Legislative Action

Voter ID has been a hot topic in state legislatures over the past decade. Since 2001, more than 700 bills have been introduced in a total of 46 states. A dozen states have passed major legislation during this period, and those bills are summarized in the timeline below.

- 2003: New voter ID laws were passed in Alabama, Colorado, Montana, North Dakota and South Dakota
- 2005: New voter ID laws were passed in Indiana, New Mexico and Washington; Georgia tightened an existing voter ID law to require photo ID
- 2006: New voter ID law passed in Ohio; Georgia passed a law providing for the issuance of voter ID cards at no cost to registered voters who do not have a driver's license or state-issued ID card; Missouri tightened an existing voter ID law to require photo ID
- 2008: New Mexico relaxed an existing voter ID law, and now allows a voter to satisfy the ID requirement by stating his/her name, address as registered, and year of birth
- 2009: New voter ID law passed in Utah
- 2010: New voter ID law passed in Idaho; Oklahoma voters approved a voter ID proposal placed on the ballot by the Legislature

Recent Litigation

Arizona: On October 20, 2006, the U.S. Supreme Court vacated an October 6, 2006 9th Circuit Court of Appeals decision that suspended Arizona's requirements pending further litigation. The ID law was in effect for Arizona's 2006 election, and remained in effect in 2008.
Georgia: On October 27, 2006, the 11th U.S. Circuit Court of Appeals upheld an injunction barring Georgia from enforcing its photo ID law. The injunction was issued a week earlier by a U.S. District Court judge. Georgia's voter ID requirement was reinstated by a federal judge in mid-2007.
Indiana: Photo ID law was upheld by 7th Circuit U.S. Court of Appeals on January 4, 2007. The U.S. Supreme Court upheld the ruling on appeal in April 2008.
Michigan: The Michigan Supreme Court ruled July 18, 2007 that a voter ID law originally passed in 1996 (but never implemented due to a ruling by the state's Attorney General) is constitutional and enforceable.
Missouri: On October 16, 2006, the Missouri State Supreme Court struck down the state's photo ID requirement. ID is still required to vote, but the list of acceptable forms of ID is much broader and includes some forms without a photo.
Ohio: On November 1, 2006, the secretary of state issued an order suspending the requirement that voters present photo ID at the polls for the November 2006 election. The order did not apply to future elections, and voter ID requirements were in effect for 2008.

Details of Voter Identification Requirements

Table 2: Details of Voter Identification Requirements

State	Requirement	Acceptable Forms of ID	Voters Without ID
Alabama §17-11A-1	Each elector shall provide identification to an appropriate election official prior to voting.	Government-issued photo ID Employee ID card with photo Alabama college/university ID with photo Utility bill, bank statement, government check or paycheck ID card issued by any state or the U.S. government U.S. passport Alabama hunting license Alabama fishing license Alabama gun permit FAA-issued pilot's license U.S. military ID Birth certificate (certified copy) Social security card Naturalization document Court record of adoption Court record of name change Medicaid or Medicare card Electronic benefits transfer card Government documents showing name and address of voter	Vote a challenged or provisional ballot or vote, if s/he is identified by two poll workers as an eligible a voter on the poll list, and both poll workers sign the voting sign-in register by the voter's name.

Alaska §15.15.225	Before being allowed to vote, each voter shall exhibit to an election official one form of identification.	Official voter registration card Driver's license Birth certificate Passport Hunting or fishing license Current utility bill, bank statement, paycheck, government check or other government document with the voter's name and address	An election official may waive the identification requirement if the election official knows the identity of the voter. A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot.
Arizona §16-579A	Every qualified elector shall present one form of identification that bears the name, address and photograph of the elector or two different forms of identification that bear the name and address of the elector.	Valid Arizona driver's license Valid Arizona non-driver identification Tribal enrollment card or other form of tribal identification Valid U.S. federal, state or local government issued identification Utility bill dated within 90 days of the election Bank or credit union statement dated within 90 days of the election Valid Arizona vehicle registration Indian census card Property tax statement Vehicle insurance card Recorder's Certificate	An elector who does not provide the required identification shall receive a provisional ballot. Provisional ballots are counted only if the elector provides identification to the county recorder by 5pm on the fifth business day after a general election that includes an election for federal office, or by 5pm on the third business day after any other election.

Arkansas §7-5-305(a)(8)	Election officials shall request the voter to provide identification	Driver's license Government-issued photo ID Voter card Social security card Birth certificate U.S. passport Employee ID card Student ID card Arkansas hunting license U.S. military ID card Copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter	If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.
Colorado §1-1-104(19.5) and 1-7-110	Any eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104 (19.5).	Colorado driver's license CO Dept. of Revenue ID card U.S. passport Employee ID card with photo issued by the U.S. government, CO state government, or political subdivision of CO Pilot's license U.S. military ID with photo A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector Medicare or Medicaid card Certified copy of birth certificate Certified documentation of naturalization	An eligible elector who is unable to produce identification may cast a provisional ballot. Elector must mail a photocopy of identification to county clerk in order to have provisional ballot counted. (*this paragraph added following a Feb. 2006 conversation with an election official; NCSL staff unable to verify this in CO statutes or rules*)

Connecticut §9-261	Each elector shall present identification	Social Security card Other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph	Elector shall, on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist.
Delaware Tit. 15, §4937	A voter, upon entering the room where an election is being held, shall announce his or her name and address and provide proof of identity	Photo ID Utility bill Paycheck Any government document with voter's name and address	In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.
Florida §101.043	The clerk or inspector shall require each elector, upon entering the polling place, to present a current and valid picture identification as provided in s. 97.0535(3)(a). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required.	Florida driver's license Florida ID card issued by the Dept. of Highway Safety and Motor Vehicles U.S. passport Employee badge or identification Buyer's club identification Debit or credit card Military identification Student identification Retirement center identification Neighborhood association ID Entertainment identification Public assistance identification	If the elector fails to furnish the required identification, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot by determining whether the elector is entitled to vote at the precinct where the ballot was cast and that the elector had not already cast a ballot in the election.
Georgia §21-2-417	Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place.	Georgia driver's license, even if expired ID card issued by the state of Georgia or the federal government Free voter ID card issued by the state or county U.S. passport Valid employee ID card containing a photograph from any branch, department, agency, or entity of the U.S.	If you show up to vote and you do not have one of the acceptable forms of photo identification, you can still vote a provisional ballot. You will have up to two days after the election to present appropriate photo identification at your county registrar's office in order for your provisional ballot to be counted.

		Government, Georgia, or any county, municipality, board, authority or other entity of this state Valid U.S. military identification card Valid tribal photo ID	
Hawaii §11-136	Every person shall provide identification if so requested by a precinct official.	Pollworkers request photo ID with a signature. Acceptable types of ID are not specified by law.	If the voter has no identification, the voter will be asked to recite his/her date of birth and residence address to corroborate the information provided in the poll book.
Idaho §34-1106(2), 34-1113, 34-1114	Each elector shall show a valid photo identification or personal identification affidavit.	Idaho driver's license Idaho ID card Passport ID card, including a photo, issued by an agency of the U.S. government Tribal ID card, including a photograph Student ID card, including a photograph, issued by a high school or accredited institution of higher education within the state of Idaho	A voter may complete an affidavit in lieu of the personal identification. The affidavit shall be on a form prescribed by the secretary of state and shall require the voter to provide the voter's name and address. The voter shall sign the affidavit. Any person who knowingly provides false, erroneous or inaccurate information on such affidavit shall be guilty of a felony.
Indiana §3-5-2-40.5, 3-10-1-7.2 and 3-11-8-25	A voter who desires to vote an official ballot at an election shall provide proof of identification	Specific forms of ID are not listed. ID must be issued by the state of Indiana or the U.S. government and must show the name and photo of the individual.	Voters who are unable or decline to produce proof of identification may vote a provisional ballot. The ballot is counted only if (1) the voter returns to the election board by noon on the Monday after the election and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of id, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason.

Kentucky §117.227	Election officers shall confirm the identity of each voter by personal acquaintance or by a document.	Driver's license Social Security card Credit card	When the officers of an election disagree as to the qualifications of a voter or if his right to vote is disputed by a challenger, the voter shall sign a written oath as to his qualifications before he is permitted to vote.
Louisiana §18:562	Each applicant shall identify himself, in the presence and view of the bystanders, and present identification to the commissioners.	Louisiana driver's license Louisiana special ID card Other generally recognized picture identification	If the applicant does not have identification, s/he shall sign an affidavit to that effect before the commissioners, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:565.
Michigan §168.523	Each voter must show a photo ID or sign an affidavit attesting that he or she is not in possession of photo identification.	Michigan driver's license Michigan personal identification card A voter who does not possess either of the above may show any of the following, as long as they are current: Driver's license or personal identification card issued by another state Federal or state government-issued photo ID U.S. passport Military ID with photo Student ID with photo -- from a high school or accredited institution of higher education Tribal ID with photo	An individual who does not possess, or did not bring to the polls, photo ID, may sign an affidavit and vote a regular ballot.

Missouri §115-427	Before receiving a ballot, voters shall establish their identify and eligibility to vote at the polling place by presenting a form of personal identification.	Identification issued by the federal government, state of Missouri, an agency of the state, or a local election authority; Identification issued by Missouri institution of higher education, including a univeristy, college, vocational and technical school; A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter; Driver's license or state identification card issued by another state.	If an individual does not possess any of these forms of identification, s/he may still cast a ballot if two supervising election judges, one from each major political party, attest they know the person.
Montana §13-13-114	Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification the elector shall present one of several specified documents showing the elector's name and current address.	Driver's license School district or postsecondary education photo identification Tribal photo identification Current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address	If the identification presented is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot.
North Dakota §16.1-05-07	Before delivering a ballot to an individual, the poll clerks shall request the individual to show identification.	An official form of identification issued by the state An official form of identification issued by a tribal government	If an individual offering to vote does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged if the individual provides to the election board the individual's date of birth and if a

		A form of identification prescribed by the secretary of state	member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. Otherwise, the individual may vote as a challenged voter by executing an affidavit that the challenged individual is a legally qualified elector of the precinct.
Ohio §3503.16(B)(1)(a) and 3505.18(A)(1)	All voters must provide to election officials at the polling place on the day of an election proof of the voter's identity. Also applies to voters requesting and voting an absentee ballot.	Current and valid photo identification, defined as a document that shows the individual's name and current address, includes a photograph, includes an expiration date that has not passed, and was issued by the U.S. government or the state of Ohio Current utility bill Current bank statement Current government check, paycheck or other government document	A voter who has but declines to provide identification may cast a provisional ballot upon providing a social security number or the last four digits of a social security number. A voter who has neither identification nor a social security number may execute an affidavit to that effect and vote a provisional ballot. A voter who declines to sign the affidavit may still vote a provisional ballot.
Oklahoma 26 O.S. 2001, §7-114 *Takes effect July 1, 2011*	Each person appearing to vote shall provide proof of identity.	"Proof of identity" shall mean a document that satisfies the following: Shows a name that substantially conforms to the name in the precinct registry Shows a photograph Includes an expiration date that is after the date of the election Was issued by the United States, state of Oklahoma, or a federally recognized Indian tribe or nation A voter registration card issued by the appropriate county elections board may serve as proof of identity without meeting all of the above requirements.	A person who declines or is unable to produce proof of identity may sign a statement under oath swearing or affirming that the person is the person identified on the precinct registry and cast a provisional ballot.

South Carolina §7-13-710	When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles, if he is not licensed to drive, or the written notification of registration.	Voter registration certificate South Carolina driver's license South Carolina Dept. of Motor Vehicles photo ID card	Voters without ID may be permitted to vote a provisional ballot. This varies from county to county. Whether the provisional ballot is counted is at the discretion of the county commissioners at the provisional ballot hearing.
South Dakota §12-18-6.1 and 6.2	When a voter is requesting a ballot, the voter shall present a valid form of personal identification.	South Dakota driver's license or nondriver identification card U.S. passport Photo ID issued by an agency of the U.S. government Tribal ID card, including a photo Student ID card, including a photo, issued by an accredited South Dakota school	If a voter is not able to present a form of personal identification as required, the voter may complete an affidavit in lieu of the personal identification. The affidavit shall require the voter to provide his or her name and address. The voter shall sign the affidavit under penalty of perjury.
Tennessee §2-7-112	A voter must sign an application for a ballot. The voter's signature and information on the signature list is compared with other evidence of identification supplied by the voter.	Voter registration certificate Tennessee driver's license Social Security card Credit card bearing voter's signature Other document bearing voter's signature	If a voter is unable to present any evidence of identification, the voter shall be required to execute an affidavit of identity on a form provided by the county election commission.
Texas Election Code §63.001 et seq.	On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.	Voter registration certificate Driver's license Department of Public Safety ID card A form of ID containing the person's photo that establishes the person's identity A birth certificate or other document confirming birth	A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession and the voter presents other proof of identification. A voter

		that is admissible in a court of law and establishes the person's identity U.S. citizenship papers A U.S. passport Official mail addressed to the person, by name, from a governmental entity A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the person's name and address Any other form of ID prescribed by the secretary of state	who does not present a voter registration certificate and cannot present other identification may vote a provisional ballot. A voter who does not present a voter registration certificate and whose name is not on the list of registered voters may vote a provisional ballot.
Utah §20A-1-102(76), 20A-3-104	A voter shall present valid voter identification to one of the poll workers.	Current valid UT driver's license Current valid identification card issued by the state or federal government UT concealed weapon permit U.S. passport Current valid U.S. military ID card Bureau of Indian Affairs card Tribal treat card Tribal ID card OR Two forms of ID that bear the name of the voter and provide evidence that the voter resides in the precinct	The voter may cast a provisional ballot as provided by §20A-3-105.5

Virginia §24.2-643(B)	The officer shall ask the voter to present any one of the specified forms of identification.	Virginia voter registration card Social Security card Virginia driver's license Any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States Employee identification card containing a photograph	If a voter is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter who he claims to be.
Washington §29A.44.205	Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll book.	Valid photo identification, such as a driver's license or state identification card, student identification card, or tribal identification card A voter identification issued by a county elections officer, or A copy of a current utility bill, bank statement, paycheck, or government check or other government document	Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot.

Retrieved on February 16, 2011:

http://www.ncsl.org/LegislaturesElections/ElectionsCampaigns/VoterIDStateRequirements/tabid/16602/Default.aspx?tabid=16602

Director of Elections
[COUNTY] COUNTY BOARD OF ELECTIONS
[ADDRESS]
[CITY, STATE, ZIP]

RETURN SERVICE REQUESTED

OFFICIAL ELECTION MAIL

VOTER NAME
[ADDRESS]
[CITY, STATE, ZIP]

Reg. Date
Issue Date
Party
Gender
Voter Signature
Precinct
Voter Reg. No.
NCID:
Election Districts
Polling Place

VCARD 2011

Voter Registration Card

If changes are necessary, complete, sign, and return this form to your County Board of Elections.

Name
Street Address
City/State/Zip
Move Date
Mailing Address (If different)
City/State/Zip
Birth Date
Gender
Party
Phone
Other Contact Information
Signature (Required)
Date

Director of Elections
[COUNTY] COUNTY BOARD OF ELECTIONS
[ADDRESS]
[CITY, STATE, ZIP]

RETURN SERVICE REQUESTED

OFFICIAL ELECTION MAIL

VOTER NAME
[ADDRESS]
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Mailing Address (If different)
City/State/Zip
Birth Date
Gender
Party
Phone
Other Contact Information
Signature (Required)
Date

ATTACHMENT 4

Drop-Off Analysis by category of office
2008 General Election

Drop-Off %	Office Category	Minimum		Maximum
0.99%	PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES			
49.83%	STRAIGHT PARTY			
1.88%	US SENATE			
3.18%	US HOUSE OF REPRESENTATIVES	2.39%	DISTRICT 11	3.96%
1.95%	GOVERNOR			
5.95%	COUNCIL OF STATE	4.13%	LIEUTENANT GOVERNOR	6.77%
14.51%	NC STATE SENATE	2.67%	DISTRICT 46	31.67%
15.26%	NC HOUSE OF REPRESENTATIVES	2.78%	DISTRICT 85	35.49%
25.04%	DISTRICT ATTORNEY	17.69%	DISTRICT 19D	29.97%
28.96%	SUPREME COURT ASSOCIATE JUSTICE			
34.58%	COURT OF APPEALS JUDGE	31.75%	McCullough Seat	44.64%
41.55%	SUPERIOR COURT JUDGE	12.91%	DISTRICT 8B	58.60%
43.71%	DISTRICT COURT JUDGE	11.48%	DISTRICT 6A - McCoy Seat	55.16%

Jerry Bartlett Affidavit #2

Drop-Off Analysis by category of office
2010 General Election

Drop-Off %	Office Category	Minimum		Maximum
56.64%	STRAIGHT PARTY			
1.49%	US SENATE			
1.40%	US HOUSE OF REPRESENTATIVES	0.70%	DISTRICT 4	2.36%
7.79%	NC STATE SENATE	1.26%	DISTRICT 9	30.72%
10.31%	NC HOUSE OF REPRESENTATIVES	1.13%	DISTRICT 51	32.19%
27.23%	DISTRICT ATTORNEY	1.72%	DISTRICT 11	46.81%
25.46%	SUPREME COURT ASSOCIATE JUSTICE			
35.11%	COURT OF APPEALS JUDGE	27.73%	Calabria Seat	47.98%
42.19%	SUPERIOR COURT JUDGE	18.56%	DISTRICT 5C	57.00%
41.76%	DISTRICT COURT JUDGE	8.29%	DISTRICT 6B - Kwasikpui Seat	56.70%
8.87%	CONSTITUTIONAL AMENDMENT			

ATTACHMENT 5

VISITOR REGISTRATION SHEET

elections — **Name of Committee**

Feb 23 2011 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Annaliese Dolph	DRNC
Francis DeLuca	Civitas
Dallas Woodhouse	AFP
Jack Holeman	Informa Inc.
Will Pulley	Gov Office.
Damon Circosta	NC Voter Ed
Michelle Frazier	MFFS
Scott Saylor	NCRR
Mac Black	NCAI
Joel Tate	NCAI

VISITOR REGISTRATION SHEET

Elections — Feb 23, 2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bob Phillips	Common Cause N.C.
Melissa Price	NCVCE
Allison Riggs	SCSJ
Martha Adkins	citizen
Chris Anderson	
Gwendolyn Daniel-Hamm	NCSBE
Veronica Degraffenreid	NCSBE
Johnnie McLean	"
Gary O. Bartlett	"
Elaine Crumbley	Wake Co. BOE
Bob Hall	Democracy NC

VISITOR REGISTRATION SHEET

Elections — 2/23/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Apryl, Joe & Shelby Major	Constituents #34 District, 6610 Brookhollow Dr., Raleigh, NC 27615
Art Wilson	Constituent HD37
Brian Irving	Free the Vote NC
Chief Barefoot	Rep. Starnes

Election Committee Meeting

March 9, 2011

Attachment 1:	Committee Notice
Attachment 2:	Minutes
Attachment 3:	HB 21 – Committee Report, bill summary, PCS
Attachment 4:	HB 32 – Bill summary, PCS
Attachment 5:	Handout on Votes Cast
Attachment 6:	Visitor Registration Sheet

ATTACHMENT 1

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, March 9, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS: HB 64 Restore Partisan Judicial Elections will NOT be considered.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 21	County Administration of Municipal Elections.	Representative Crawford, Jr.
HB 32	Electoral Freedom Act of 2011.	Representative LaRoque Representative Bradley, Jr. Representative Luebke Representative Farmer-Butterfield

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **3 PM** o'clock on **March 03, 2011.**

Principal Clerk
Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

See corrected notice

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, March 9, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 21	County Administration of Municipal Elections.	Representative Crawford, Jr.
HB 64	Restore Partisan Judicial Elections.	Representative Sager Representative Dixon Representative Cleveland Representative Jones, Jr.

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **2 PM** o'clock on **March 03, 2011.**

☐ Principal Clerk
☑ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

North Carolina General Assembly
Pending House Committee on
Elections

Date: 03/03/2011
Time: 14:42
Page: 001 of 001
Leg. Day: H-022/S-022

2011-2012 Biennium

Bill	Introducer	Short Title		Date	Latest Action
H 21	Crawford, Jr.	COUNTY ADMINISTRATION OF MUNICIPAL ELECTIONS.	H	02-28-2011	Re-ref Com On Elections
H 32	LaRoque	ELECTORAL FREEDOM ACT OF 2011.	H	02-03-2011	Ref To Com On Elections
H 64=	Sager	RESTORE PARTISAN JUDICIAL ELECTIONS.	H	02-10-2011	Ref To Com On Elections
H 112	Dollar	REALIGN WAKE SUPERIOR COURT DISTRICTS.	H	02-17-2011	Ref To Com On Elections
H 114	Setzer	ASSISTANCE TO VOTERS IN FAMILY CARE HOMES.	H	02-17-2011	Ref To Com On Elections
H 125	Sager	OPTIONAL VOTE CENTERS FOR SECOND PRIMARY.	H	02-21-2011	Ref To Com On Elections
H 139	Stam	LIMIT CONTRIBUTIONS BY STATE VENDORS.	H	02-21-2011	Ref to the Com on Elections, if favorable, Judiciary

'$' indicates the bill is an appropriations bill.
A bold line indicates the bill is an appropriations bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

ATTACHMENT 2

Minutes

Committee on Elections

Wednesday, March 9, 2011

The House Committee on ELECTIONS met on Wednesday, March 9, 2011, in Room 643 of the Legislative Office Building. Representative David Lewis, Chair, presided. The following House members were present: Representative(s) Burr, Current, Jones and Jordan Co-Chairs, Representative(s) Alexander, Blust, L. Brown, R. Brown, Bryant, Cotham, Dixon, Faircloth, Fisher, Floyd, Graham, Iler, Justice, Killian, Martin, McLawhorn, Michaux, Mills, Mobley, Moore, Ross, Sager, Stam, Starnes, Weiss.

A Visitor Registration Sheet is attached and made part of these Minutes. The following Staff members were present: Erika Churchill, Kara McCraw and Denise Huntley Adams . The Chair also recognized the Pages and Sergeant at Arms.

The first order of business was HB 21 COUNTY ADMINISTRATION of MUNICIPAL ELECTIONS. Representative Crawford, the bill sponsor, was recognized to explain the bill.

A proposed committee substitute for HB 21 was brought before the committee. A motion was made by Representative McLawhorn for adoption of the PCS for the purpose of discussion. Motion carried.

After a brief explanation of the bill, Representative Crawford welcomed questions from the committee. Following discussion by committee members, the Floor was then opened by the Chair to visitors wishing to speak on the bill.

Representative McLawhorn made a motion for a favorable report of the proposed committee substitute, unfavorable to the original bill. Chairman Lewis called for a voice vote and the motion carried.

Second order of business was HB 32 ELECTORAL FREEDOM ACT of 2011. Representative LaRoque, a bill sponsor, was recognized to speak on the bill. The Chair announced that no vote would be taken on this bill today. Following a brief explanation of the bill, Representative LaRoque welcomed questions from the committee.

Gary Bartlett, Director of the North Carolina State Board of Elections, was recognized and stated that he would prepare a memo on the bill and e/mail it to the Chair.

The meeting was adjourned at 1:50 PM

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Respectfully submitted,

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

ATTACHMENT 3

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for
HB 21 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ADMINISTRATION OF NONPARTISAN MUNICIPAL ELECTIONS BY COUNTY BOARDS OF ELECTIONS SINCE GENERAL ABOLITION OF MUNICIPAL BOARDS OF ELECTIONS IN 2001.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 21
PROPOSED COMMITTEE SUBSTITUTE H21-PCS80070-ST-4

Short Title: County Administration of Municipal Elections. (Public)

Sponsors:

Referred to:

February 2, 2011

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE ADMINISTRATION OF NONPARTISAN MUNICIPAL ELECTIONS BY COUNTY BOARDS OF ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-280 is repealed.

SECTION 2. G.S. 163-280.1 is repealed.

SECTION 3. G.S. 163-281 is repealed.

SECTION 4. G.S. 163-284 reads as rewritten:

"**§ 163-284. Mandatory administration by county boards of elections.**

~~(a) No later than 30 days after January 1, 1973, every municipality which conducts its elections on a partisan basis, and every special district shall deliver its registration books to the county board of elections which shall, forthwith, assume the responsibility for administration of the registration and election process in such municipalities and special districts. The county boards of elections shall have authority to compare the registration books of such municipalities and special districts with the county registration books. Any person found to be registered for municipal or special district elections but not registered on the county registration records shall be required to register with the county board of elections in order to maintain his municipal or special district registration. The county board of elections shall forthwith notify any such person by mail to the address appearing on the municipal or special district registration records that he must reregister. The county board of elections shall have authority to require maps or definitive outlines of the boundaries constituting such municipality or special district and shall be immediately advised of any change or relocation of such boundaries.~~

(b) The registration of voters and the conduct of all elections in municipalities and special districts ~~covered under this section~~ shall be under the authority of the county board of elections. Any contested election or allegations of irregularities shall be made to the county board of elections and appeals from such rulings may be made to the State Board of Elections under existing statutory provisions and rules or regulations adopted by the State Board of Elections.

Each municipality and special district shall reimburse the county board of elections for the actual cost involved in the administration required under ~~(a) and (b) of~~ this section."

SECTION 5. G.S. 163-285 is repealed.

SECTION 6. G.S. 163-286(b) is repealed.

SECTION 7. G.S. 163-287 reads as rewritten:

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

Any ~~city, whether its elections are conducted by the county board of elections or the municipal board of elections,~~municipality or any special district shall have authority to call special elections as permitted by law. Prior to calling a special election, the city council or the governing body of the special district shall adopt a resolution specifying the details of the election, and forthwith deliver the resolution to the appropriate board of elections. The resolution shall call on the board of elections to conduct the election described in the resolution and shall state the date on which the special election is to be conducted. The special election may be held at the same time as any other State, county or municipal primary, election or special election or referendum, but may not otherwise be held within the period of time beginning 30 days before and ending 30 days after the date of any other primary, election, special election or referendum held for that city or special district.

Legal notice of the special election shall be published no less than 45 days prior to the special election. The ~~appropriate~~ board of elections shall be responsible for publishing the legal notice. The notice shall state the date and time of the special election, the issue to be submitted to the voters, and the precincts in which the election will be held. This paragraph shall not apply to bond elections."

SECTION 8. G.S. 163-288 reads as rewritten:

"**§ 163-288. Registration for city elections; county and municipal boards of elections.**

~~Regardless of whether the municipal election is conducted by the county board of elections or by a municipal board of elections, the~~The registration record of the county board of elections shall be the official registration record for voters to vote in all elections, city, district, county, State or national."

SECTION 9. G.S. 163-288.1(a) reads as rewritten:

"(a) Whenever any new city or special district is incorporated or whenever an existing city or district annexes any territory, the city or special district shall cause a map of the corporate or district limits to be prepared from the boundary descriptions in the act, charter or other document creating the city or district or authorizing or implementing the annexation. The map shall be delivered to the county ~~or municipal~~ board of elections conducting the elections for the city or special district. The board of elections shall then activate for city or district elections each voter eligible to vote in the city or district who is registered to vote in the county to the extent that residence addresses shown on the county registration certificates can be identified as within the limits of the city or special district. Each voter whose registration is thus activated for city or special district elections shall be so notified by mail. The cost of preparing the map of the newly incorporated city or special district or of the newly annexed area, and of activating voters eligible to vote therein, shall be paid by the city or special district. In lieu of the procedures set forth in this section, the county board of elections may use either of the methods of registration of voters set out in G.S. 163-288.2 when activating voters pursuant to the incorporation of a new city or election of city officials or both under authority of an act of the General Assembly or when activating voters after an annexation of new territory by a city or special district under Chapter 160A, Article 4A, or other general or local law."

SECTION 10. G.S. 163-289(c) is repealed.

SECTION 11. G.S. 115C-507 reads as rewritten:

"**§ 115C-507. Rules governing elections.**

All elections under this Chapter shall be held and conducted by the appropriate county ~~or municipal~~ board of elections.

If the purpose of the election is to enlarge a city administrative unit, the notice of election shall include the following: a statement of the purpose of the election; a legal description of the area within which the election is to be held; and a statement that if a majority of those who shall vote in the area proposed to be consolidated with the city administrative unit shall vote in

favor of such enlargement such area shall be consolidated with the city administrative unit, effective July 1 next following such election, and there shall thereafter be levied in such area so consolidated with the city administrative unit the same school taxes as shall be levied in the other portions of the city administrative unit, including any tax levy to provide for the payment of school bonds theretofore issued by or for such city administrative unit or for all or some part of the school area annexed to such city administrative unit, unless payment of such bonds has otherwise been provided for.

The notice of the election shall be given as provided in G.S. 163-33(8) and in addition include a legal description of the area within which the election is to be held, and, if any additional tax is proposed to be levied, the maximum rate of tax to be levied which shall not exceed the maximum prescribed by this Article, and the purpose of the tax.

No new registration of voters is required, but the board of elections, in its discretion, may use either Method A or Method B set forth in G.S. 163-288.2 in activating the voters in the territory.

The ballot in such election shall contain the words "FOR local tax and AGAINST local tax" except when the election is held under subsection (c) of G.S. 115C-501, in which case the ballots shall contain the words "FOR enlargement of the _____City Administrative Unit and school tax of the same rate," and "AGAINST enlargement of the _____City Administrative Unit and school tax of the same rate."

The elections shall be held in accordance with the applicable provisions of Chapter 163 and the expense of the election shall be paid by the board of education of the administrative unit in which the election is held, provided that when territory is proposed to be added to a city administrative unit, that unit shall bear the expense.

No election held under this Article shall be open to question except in an action or proceeding commenced within 30 days after the board of elections has certified the results."

SECTION 12. G.S. 120-30.9F reads as rewritten:

"**§ 120-30.9F. Municipalities; municipal attorney.**

The municipal attorney of any municipality covered by the Voting Rights Act of 1965 shall submit to the Attorney General of the United States within 30 days:

(1) Of the time they become laws, any local acts of the General Assembly; and

(2) Of adoption actions of the municipal governing body or ~~municipal~~ board of elections or any other municipal agency which constitutes a "change affecting voting" under Section 5 of the Voting Rights Act of 1965 in that municipality; provided that, if required or allowed by regulations or practices of the United States Department of Justice, a municipal attorney may delay submission of any annexation ordinance or group of ordinances until all previously submitted annexation ordinances have been precleared or otherwise received final disposition."

SECTION 13. G.S. 128-1.1(d) reads as rewritten:

"(d) The term "elective office," as used herein, shall mean any office filled by election by the people when the election is conducted by a county ~~or municipal~~ board of elections under the supervision of the State Board of Elections."

SECTION 14. G.S. 162A-35 reads as rewritten:

"**§ 162A-35. Procedure for inclusion of additional political subdivision or unincorporated area; notice and hearing; elections; actions questioning validity of elections.**

If, at any time subsequent to the creation of a district, there shall be filed with the district board a resolution of the governing body of a political subdivision, or a petition, signed by not less than fifteen per centum (15%) of the voters resident within an unincorporated area, requesting inclusion in the district of such political subdivision or unincorporated area, and if the district board shall favor the inclusion in the district of such political subdivision or unincorporated area, the district board shall notify the board of commissioners and the board of

commissioners, through its chairman, shall thereupon request that a representative of the Department of Environment and Natural Resources hold a joint public hearing with the board of commissioners concerning the inclusion of such political subdivision or unincorporated area in the district. The Secretary of Environment and Natural Resources and the chairman of the board of commissioners shall name a time and place within the district at which the public hearing shall be held. The chairman of the board of commissioners shall give prior notice of such hearing by posting a notice at the courthouse door of the county and also by publication in a newspaper circulating in the district and in any such political subdivision or unincorporated area at least once a week for four successive weeks, the first publication to be at least 30 days prior to such hearing. In the event all matters pertaining to the inclusion of such political subdivision or unincorporated area cannot be included at such hearing, such hearing may be continued to a time and place within the district determined by the board of commissioners with the concurrence of the representative of the Department of Environment and Natural Resources.

If, after such hearing, the Commission for Public Health and the board of commissioners shall determine that the preservation and promotion of the public health and welfare require that such political subdivision or unincorporated area be included in the district, the Commission for Public Health shall adopt a resolution to that effect, defining the boundaries of the district including such political subdivision or unincorporated area which has filed a resolution or petition as provided for in this section, and declaring such political subdivision or unincorporated area to be included in the district, subject to the approval, as to the inclusion of such political subdivision, of a majority of the qualified voters of such political subdivision, or as to the inclusion of such unincorporated area, of a majority of the qualified voters of such unincorporated area, voting at an election thereon to be called and held in such political subdivision or unincorporated area. When an election is required to be held within both a political subdivision and an unincorporated area, a separate election shall be called and held for the unincorporated area and a separate election shall be called and held for the political subdivision. Such separate elections, although independent one from the other, shall be called and held within each political subdivision and within the unincorporated area simultaneously on the same date.

If, at or prior to such public hearing, there shall be filed with the district board a petition signed by not less than fifteen percent (15%) of the registered voters of the district requesting an election to be held on the question of including the political subdivision or unincorporated area in the district, the district board shall certify the petition and if found adequate, shall request the county board of elections to hold the election in the district. The election in the district may be held at the same time as the election in the political subdivision or unincorporated area seeking to become a part of the district.

The county board of elections shall give notice of the elections as required in G.S. 163-33(8) and shall conduct the ~~election in the unincorporated area and within the political subdivision unless there is a municipal board of elections which conducts the elections for the municipality.~~election.

The cost of the election in the district shall be paid by the district board and the cost of the municipal election by the municipality. The county shall pay the cost of an election in the unincorporated area. The governing body of the political subdivision shall file an accurate description of its boundaries, and those persons signing the petition for an unincorporated area shall file an accurate description of its boundaries with the board of elections at the time the petition is filed with the district board.

The elections shall be held and conducted in accordance with the applicable provisions of Articles 23 and 24 of Chapter 163 of the General Statutes.

The ballot shall contain the words:

"FOR inclusion in the ____ Metropolitan Water District of ____ County that area known as ____."

"AGAINST inclusion in the ____ Metropolitan Water District of ____ County that area known as ____."

If a majority of the votes cast in a political subdivision or unincorporated areas proposed to be included are in favor of inclusion, and a majority of the votes cast in the district favor inclusion, then from and after the date of the certification of the results such area or areas shall be a part of the district and subject to the debts of the district.

The results of the elections shall be certified to the district board.

If no election is required to be held in the district, then a favorable vote for inclusion in the political subdivision or unincorporated area shall be deemed to include such area or political subdivision as a part of the district and they shall be subject to the debts of the district.

No right of action or defense founded upon the invalidity of any such election shall be asserted, or open to question in any court upon any grounds unless the action or proceeding is commenced within 30 days after the results have been certified by the board of elections."

SECTION 15. G.S. 163-22 reads as rewritten:

"**§ 163-22. Powers and duties of State Board of Elections.**

(a) The State Board of Elections shall have general supervision over the primaries and elections in the State, and it shall have authority to make such reasonable rules and regulations with respect to the conduct of primaries and elections as it may deem advisable so long as they do not conflict with any provisions of this Chapter.

(b) From time to time, the Board shall publish and furnish to the county ~~and municipal~~ boards of elections and other election officials a sufficient number of indexed copies of all election laws and Board rules and regulations then in force. It shall also publish, issue, and distribute to the electorate such materials explanatory of primary and election laws and procedures as the Board shall deem necessary.

(c) The State Board of Elections shall appoint, in the manner provided by law, all members of the county boards of elections and advise them ~~and municipal elections board members~~ as to the proper methods of conducting primaries and elections. The Board shall require such reports from the county ~~and municipal~~ boards and election officers as are provided by law, or as are deemed necessary by the Board, and shall compel observance of the requirements of the election laws by county ~~and municipal~~ boards of elections and other election officers. In performing these duties, the Board shall have the right to hear and act on complaints arising by petition or otherwise, on the failure or neglect of a county ~~or municipal~~ board of elections to comply with any part of the election laws imposing duties upon such a board. The State Board of Elections shall have power to remove from office any member of a county ~~or municipal~~ board of elections for incompetency, neglect or failure to perform duties, fraud, or for any other satisfactory cause. Before exercising this power, the State Board shall notify the county ~~or municipal~~ board member affected and give ~~him~~ that member an opportunity to be heard. When any county board member shall be removed by the State Board of Elections, the vacancy occurring shall be filled by the State Board of Elections. ~~When any municipal board member shall be removed by the State Board of Elections, the vacancy occurring shall be filled by the city council of the city appointing members of that board.~~

...

(f) The State Board of Elections shall prepare, print, distribute to the county ~~and municipal~~ boards of elections all ballots for use in any primary or election held in the State which the law provides shall be printed and furnished by the State to the counties. The Board shall instruct the county boards of elections as to the printing of county and local ballots.

...."

SECTION 16. G.S. 163-25 reads as rewritten:

"**§ 163-25. Authority of State Board to assist in litigation.**

The State Board of Elections shall possess authority to assist any county ~~or municipal~~ board of elections in any matter in which litigation is contemplated or has been initiated, provided, the county ~~or municipal~~ board of elections in such county petitions, by majority resolution, for such assistance from the State Board of Elections and, provided further, that the State Board of Elections determines, in its sole discretion by majority vote, to assist in any such matter. It is further stipulated that the State Board of Elections shall not be authorized under this provision to enter into any litigation in assistance to counties, except in those instances where the uniform administration of Chapter 163 of the General Statutes of North Carolina has been, or would be threatened.

The Attorney General shall provide the State Board of Elections with legal assistance in execution of its authority under this section or, in ~~his~~ the Attorney General's discretion, recommend that private counsel be employed.

If the Attorney General recommends employment of private counsel, the State Board may employ counsel with the approval of the Governor."

SECTION 17. G.S. 163-38 reads as rewritten:

"**§ 163-38. Applicability of Article.**

This Article applies to members and employees of the State Board of Elections and of each county ~~and municipal~~ board of elections. With regard to prohibitions in this Article concerning candidates, referenda, and committees, the prohibitions do not apply if the candidate or referendum will not be on the ballot in an area within the jurisdiction of the board, or if the political committee or referendum committee is not involved with an election or referendum that will be on the ballot in an area within the jurisdiction of the board."

SECTION 18. G.S. 163-40 reads as rewritten:

"**§ 163-40. Violation may be ground for removal.**

A violation of this Article may be a ground to remove a State Board of Elections member under G.S. ~~143B-16,~~ 143B-16 or a county board of elections member under ~~G.S. 163-22(c), or a municipal board of elections member under G.S. 163-280(i).~~ G.S. 163-22(c). A violation of this Article may be a ground for dismissal of an employee of the State Board of Elections or of a county board of elections. No criminal penalty shall be imposed for a violation of this Article."

SECTION 19. G.S. 163-42 reads as rewritten:

"**§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of office.**

(a) 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).

(b) 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 qualifications other than residence to be precinct officials in the precinct. In making its appointments, the county board shall assure, wherever possible, that no precinct has precinct officials all of whom are registered with the same party. In no instance shall the county board appoint nonresidents of the precinct to a majority of the positions as precinct assistant in a precinct.

(c) In addition, a county board of elections by unanimous vote of all of its members may appoint any registered voter in the county as emergency election-day assistant, as long as that voter is otherwise qualified to be a precinct official. The State Board of Elections shall determine for each election the number of emergency election-day assistants each county may have, based on population, expected turnout, and complexity of election duties. The county board by unanimous vote of all of its members may assign emergency election-day assistants on the day of the election to any precinct in the county where the number of precinct officials is insufficient because of an emergency occurring within 48 hours of the opening of the polls that prevents an appointed precinct official from serving. A person appointed to serve as emergency election-day assistant shall be trained and paid like other precinct assistants in accordance with G.S. 163-46. A county board of elections shall apportion the appointments as emergency election-day assistant among registrants of each political party so as to make possible the staffing of each precinct with officials of more than one party, and the county board shall make assignments so that no precinct has precinct officials all of whom are registered with the same party.

(d) Before entering upon the duties of the office, each assistant shall take the oath prescribed in G.S. 163-41(a) to be administered by the chief judge of the precinct for which the assistant is appointed. Assistants serve for the particular primary or election for which they are appointed, unless the county board of elections appoints them for a term to expire on the date appointments are to be made pursuant to G.S. 163-41."

SECTION 20. G.S. 163-278.6(1) reads as rewritten:

"(1) The term "board" means the State Board of Elections with respect to all candidates for State, legislative, and judicial offices and the county ~~or municipal~~ board of elections with respect to all candidates for county and municipal offices. The term means the State Board of Elections with respect to all statewide referenda and the county ~~or municipal~~ board of elections conducting all local referenda."

SECTION 21. G.S. 163-298 reads as rewritten:

"**§ 163-298. Municipal primaries and elections.**

The phrases "county board of elections," and "chairman of the board of elections" as used in this Article, with respect to all municipal primaries and elections, shall mean the ~~municipal board of elections and its chairman in those cities and towns which conduct their own elections, and the~~ county board of elections and its chairman in ~~those~~ all ~~cities and towns whose elections are conducted by the county board of elections.~~ municipalities. The words "general election," as used in this Article, shall include regular municipal elections, runoff elections, and nonpartisan primaries, except where specific provision is made for municipal elections and nonpartisan primaries."

SECTION 22. G.S. 163-299(g) reads as rewritten:

"(g) The county ~~or municipal~~ board of elections shall, in addition to the requirements contained in G.S. 163-182.5 canvass the results in a nonpartisan municipal primary, election or runoff election, and in a special district election, the number of legal votes cast in each precinct for each candidate, the name of each person voted for, and the total number of votes cast in the municipality or special district for each person for each different office."

SECTION 23. G.S. 163-300 reads as rewritten:

"**§ 163-300. Disposition of duplicate abstracts in municipal elections.**

Within nine days after a primary or election is held in any municipality, the chairman of the county ~~or municipal~~ board of elections shall mail to the chairman of the State Board of Elections, the duplicate abstract prepared in accordance with G.S. 163-182.6. One copy shall be retained by the county ~~or municipal~~ board of elections as a permanent record and one copy shall be filed with the city clerk."

SECTION 24. G.S. 163-301 reads as rewritten:

"**§ 163-301. Chairman of election board to furnish certificate of elections.**

Not earlier than five days nor later than 10 days after the results of any municipal election have been officially determined and published in accordance with G.S. 163-182.5, the chairman of the county ~~or municipal~~ board of elections shall issue certificates of election, under the hand and seal of the chairman, to all municipal and special district officers. In issuing such certificates of election the chairman shall be restricted by the provisions of G.S. 163-182.14."

SECTION 25. G.S. 163-304 reads as rewritten:

"**§ 163-304. State Board of Elections to have jurisdiction over municipal elections and election officials, and to advise; emergency and ongoing administration by county board.**

(a) Authority and Duty of State Board. – The State Board of Elections shall have the same authority over municipal elections and election officials as it has over county and State elections and election officials. The State Board of Elections shall advise and assist cities, towns, incorporated villages and special districts, ~~municipal boards of elections,~~ their members and legal officers on the conduct and administration of their elections and registration procedure.

~~The municipal council shall provide written notification to the State Board of Elections of the appointment of each member of its municipal board of elections within five days after the appointment. The municipal board of elections and the municipal council shall provide such other information about the municipal board of elections as the State Board may require. Members of the municipal board of elections and municipal elections officials shall participate in training provided by the State Board pursuant to G.S. 163-82.24. The State Board shall provide the same training, materials, and assistance to municipal boards of elections that it provides to county boards of elections.~~

The county ~~and municipal~~ boards of elections shall be governed by the same rules for settling controversies with respect to counting ballots or certification of the returns of the vote in any municipal or special district election as are in effect for settling such controversies in county and State elections.

~~(b) Emergency Administration if Municipal Board Is Not Appointed. – If a municipal council in a municipality that has elected pursuant to G.S. 163-285 to conduct its own elections has not appointed a municipal board of elections and reported the appointments to the Executive Director by June 1 in the year in which the municipal election is to occur, the Executive Director shall notify the municipal council that, unless a municipal board of elections is appointed and the Executive Director notified of its appointment by June 15 of that year, the county board of elections shall be ordered to conduct that municipality's elections that year on an emergency basis. If the municipal council does not so appoint and so notify by June 15, the Executive Director shall order the county board of elections to conduct the municipality's elections that year on an emergency basis.~~

~~(c) Emergency Administration Due to Serious Violations. – If a municipal council or municipal board of elections has committed violations of the applicable portions of this Chapter prior to a municipal election and those violations are of such magnitude as to give rise to reasonable doubt as to the ability of the municipal board of elections to conduct that election with competence and fairness, the Executive Director of the State Board, with the approval of at least four members of the State Board, may order the county board of elections to conduct~~

~~the remainder of that election on an emergency basis. Before an order is made under this subsection, the municipal council and municipal board of elections shall be given an opportunity to be heard by the State Board.~~

~~(d) Permanent County Administration. The State Board of Elections may designate the county board of elections as the permanent agency to conduct a municipality's elections if all the following conditions are met:~~

~~(1) In more than one election conducted by that municipality either (i) the municipality's elections have been administered on an emergency basis pursuant to subsection (b) or (c) of this section or (ii) a new election has been ordered because of irregularities in the municipality's administration of the election.~~

~~(2) The State Board finds that the interest of the residents of the municipality in fair and competent administration of elections requires that the municipality not conduct its own elections.~~

~~(3) The municipal council and municipal board of elections are given an opportunity to be heard before the State Board.~~

~~(4) The State Board by a vote of at least four of its members designates the county board of elections as the permanent agency to conduct that municipality's elections.~~

~~The municipal council may not elect to conduct its own elections under G.S. 163-285 if the State Board has designated the county board of elections under this subsection as the permanent agency to conduct the municipality's elections.~~

~~(e) Reimbursement. If the county board of elections administers a municipality's elections pursuant to subsection (b), (c), or (d) of this section, the municipality shall reimburse the county board of elections in the manner set forth in G.S. 163-285.~~"

SECTION 26. This act is effective when it becomes law.

ATTACHMENT 3

HOUSE PCS 21:
County Administration of Municipal Elections

2011-2012 General Assembly

Committee:	House Elections	**Date:**	March 8, 2011
Introduced by:	Rep. Crawford	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to First Edition H21-CSST-4		

SUMMARY: The proposed committee substitute for House Bill 21 would require the county board of elections to register voters and conduct all elections in municipalities and special districts by repealing the statutes related to municipal boards of election.

CURRENT LAW: Partisan municipal boards of elections were generally abolished in the 1970's, transferring the responsibility for conducting the election to the county board of elections. Municipalities with non-partisan elections could conduct their own elections, or request the county board of elections to conduct the election. The statutes reflect that the county board of elections was to assume responsibility for administration of registration of voters and conduct of elections from municipalities with partisan elections.

In 2001, the municipal boards authorized to conduct elections was further restricted to 4 specifically named municipalities: Morganton, Old Fort, Granite Falls, and Rhodhiss. The statutes are silent as to requiring a county board to assume responsibility for administration of registration of voters and conduct of elections from municipalities with non-partisan elections in one statute, G.S. 163-284, but require it in another, G.S. 163-285(a).

At this time, no municipalities appoint municipal boards of election to conduct municipal elections. All primaries and elections are conducted by county boards of election.

BILL ANALYSIS: The proposed committee substitute would repeal the statutes providing for the appointment and operation of municipal boards of election (Sections 1-10) and make conforming changes throughout the statutes to remove references to municipal boards of election (Sections 11-25).

EFFECTIVE DATE: Effective when it becomes law.

H21-SMST-7(CSST-4) v2

ATTACHMENT 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 21
PROPOSED COMMITTEE SUBSTITUTE H21-CSST-4 [v.2]

3/8/2011 2:41:26 PM

Short Title: County Administration of Municipal Elections. (Public)

Sponsors:

Referred to:

February 2, 2011

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE ADMINISTRATION OF NONPARTISAN MUNICIPAL ELECTIONS BY COUNTY BOARDS OF ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-280 is repealed.

SECTION 2. G.S. 163-280.1 is repealed.

SECTION 3. G.S. 163-281 is repealed.

SECTION 4. G.S. 163-284 reads as rewritten:

"**§ 163-284. Mandatory administration by county boards of elections.**

~~(a) No later than 30 days after January 1, 1973, every municipality which conducts its elections on a partisan basis, and every special district shall deliver its registration books to the county board of elections which shall, forthwith, assume the responsibility for administration of the registration and election process in such municipalities and special districts. The county boards of elections shall have authority to compare the registration books of such municipalities and special districts with the county registration books. Any person found to be registered for municipal or special district elections but not registered on the county registration records shall be required to register with the county board of elections in order to maintain his municipal or special district registration. The county board of elections shall forthwith notify any such person by mail to the address appearing on the municipal or special district registration records that he must reregister. The county board of elections shall have authority to require maps or definitive outlines of the boundaries constituting such municipality or special district and shall be immediately advised of any change or relocation of such boundaries.~~

(b) The registration of voters and the conduct of all elections in municipalities and special districts ~~covered under this section~~ shall be under the authority of the county board of elections. Any contested election or allegations of irregularities shall be made to the county board of elections and appeals from such rulings may be made to the State Board of Elections under existing statutory provisions and rules or regulations adopted by the State Board of Elections.

Each municipality and special district shall reimburse the county board of elections for the actual cost involved in the administration required under ~~(a) and (b) of~~ this section."

SECTION 5. G.S. 163-285 is repealed.

SECTION 6. G.S. 163-286(b) is repealed.

SECTION 7. G.S. 163-287 reads as rewritten:

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

Any ~~city, whether its elections are conducted by the county board of elections or the municipal board of elections,~~municipality or any special district shall have authority to call special elections as permitted by law. Prior to calling a special election, the city council or the governing body of the special district shall adopt a resolution specifying the details of the election, and forthwith deliver the resolution to the appropriate board of elections. The resolution shall call on the board of elections to conduct the election described in the resolution and shall state the date on which the special election is to be conducted. The special election may be held at the same time as any other State, county or municipal primary, election or special election or referendum, but may not otherwise be held within the period of time beginning 30 days before and ending 30 days after the date of any other primary, election, special election or referendum held for that city or special district.

Legal notice of the special election shall be published no less than 45 days prior to the special election. The ~~appropriate~~ board of elections shall be responsible for publishing the legal notice. The notice shall state the date and time of the special election, the issue to be submitted to the voters, and the precincts in which the election will be held. This paragraph shall not apply to bond elections."

SECTION 8. G.S. 163-288 reads as rewritten:

"**§ 163-288. Registration for city elections; county and municipal boards of elections.**

~~Regardless of whether the municipal election is conducted by the county board of elections or by a municipal board of elections, the~~The registration record of the county board of elections shall be the official registration record for voters to vote in all elections, city, district, county, State or national."

SECTION 9. G.S. 163-288.1(a) reads as rewritten:

"(a) Whenever any new city or special district is incorporated or whenever an existing city or district annexes any territory, the city or special district shall cause a map of the corporate or district limits to be prepared from the boundary descriptions in the act, charter or other document creating the city or district or authorizing or implementing the annexation. The map shall be delivered to the county ~~or municipal~~ board of elections conducting the elections for the city or special district. The board of elections shall then activate for city or district elections each voter eligible to vote in the city or district who is registered to vote in the county to the extent that residence addresses shown on the county registration certificates can be identified as within the limits of the city or special district. Each voter whose registration is thus activated for city or special district elections shall be so notified by mail. The cost of preparing the map of the newly incorporated city or special district or of the newly annexed area, and of activating voters eligible to vote therein, shall be paid by the city or special district. In lieu of the procedures set forth in this section, the county board of elections may use either of the methods of registration of voters set out in G.S. 163-288.2 when activating voters pursuant to the incorporation of a new city or election of city officials or both under authority of an act of the General Assembly or when activating voters after an annexation of new territory by a city or special district under Chapter 160A, Article 4A, or other general or local law."

SECTION 10. G.S. 163-289(c) is repealed.

SECTION 11. G.S. 115C-507 reads as rewritten:

"**§ 115C-507. Rules governing elections.**

All elections under this Chapter shall be held and conducted by the appropriate county ~~or municipal~~ board of elections.

If the purpose of the election is to enlarge a city administrative unit, the notice of election shall include the following: a statement of the purpose of the election; a legal description of the area within which the election is to be held; and a statement that if a majority of those who shall vote in the area proposed to be consolidated with the city administrative unit shall vote in

favor of such enlargement such area shall be consolidated with the city administrative unit, effective July 1 next following such election, and there shall thereafter be levied in such area so consolidated with the city administrative unit the same school taxes as shall be levied in the other portions of the city administrative unit, including any tax levy to provide for the payment of school bonds theretofore issued by or for such city administrative unit or for all or some part of the school area annexed to such city administrative unit, unless payment of such bonds has otherwise been provided for.

The notice of the election shall be given as provided in G.S. 163-33(8) and in addition include a legal description of the area within which the election is to be held, and, if any additional tax is proposed to be levied, the maximum rate of tax to be levied which shall not exceed the maximum prescribed by this Article, and the purpose of the tax.

No new registration of voters is required, but the board of elections, in its discretion, may use either Method A or Method B set forth in G.S. 163-288.2 in activating the voters in the territory.

The ballot in such election shall contain the words "FOR local tax and AGAINST local tax" except when the election is held under subsection (c) of G.S. 115C-501, in which case the ballots shall contain the words "FOR enlargement of the _____City Administrative Unit and school tax of the same rate," and "AGAINST enlargement of the _____City Administrative Unit and school tax of the same rate."

The elections shall be held in accordance with the applicable provisions of Chapter 163 and the expense of the election shall be paid by the board of education of the administrative unit in which the election is held, provided that when territory is proposed to be added to a city administrative unit, that unit shall bear the expense.

No election held under this Article shall be open to question except in an action or proceeding commenced within 30 days after the board of elections has certified the results."

SECTION 12. G.S. 120-30.9F reads as rewritten:

"**§ 120-30.9F. Municipalities; municipal attorney.**

The municipal attorney of any municipality covered by the Voting Rights Act of 1965 shall submit to the Attorney General of the United States within 30 days:

(1) Of the time they become laws, any local acts of the General Assembly; and

(2) Of adoption actions of the municipal governing body or ~~municipal~~ board of elections or any other municipal agency which constitutes a "change affecting voting" under Section 5 of the Voting Rights Act of 1965 in that municipality; provided that, if required or allowed by regulations or practices of the United States Department of Justice, a municipal attorney may delay submission of any annexation ordinance or group of ordinances until all previously submitted annexation ordinances have been precleared or otherwise received final disposition."

SECTION 13. G.S. 128-1.1(d) reads as rewritten:

"(d) The term "elective office," as used herein, shall mean any office filled by election by the people when the election is conducted by a county ~~or municipal~~ board of elections under the supervision of the State Board of Elections."

SECTION 14. G.S. 162A-35 reads as rewritten:

"**§ 162A-35. Procedure for inclusion of additional political subdivision or unincorporated area; notice and hearing; elections; actions questioning validity of elections.**

If, at any time subsequent to the creation of a district, there shall be filed with the district board a resolution of the governing body of a political subdivision, or a petition, signed by not less than fifteen per centum (15%) of the voters resident within an unincorporated area, requesting inclusion in the district of such political subdivision or unincorporated area, and if the district board shall favor the inclusion in the district of such political subdivision or unincorporated area, the district board shall notify the board of commissioners and the board of

commissioners, through its chairman, shall thereupon request that a representative of the Department of Environment and Natural Resources hold a joint public hearing with the board of commissioners concerning the inclusion of such political subdivision or unincorporated area in the district. The Secretary of Environment and Natural Resources and the chairman of the board of commissioners shall name a time and place within the district at which the public hearing shall be held. The chairman of the board of commissioners shall give prior notice of such hearing by posting a notice at the courthouse door of the county and also by publication in a newspaper circulating in the district and in any such political subdivision or unincorporated area at least once a week for four successive weeks, the first publication to be at least 30 days prior to such hearing. In the event all matters pertaining to the inclusion of such political subdivision or unincorporated area cannot be included at such hearing, such hearing may be continued to a time and place within the district determined by the board of commissioners with the concurrence of the representative of the Department of Environment and Natural Resources.

If, after such hearing, the Commission for Public Health and the board of commissioners shall determine that the preservation and promotion of the public health and welfare require that such political subdivision or unincorporated area be included in the district, the Commission for Public Health shall adopt a resolution to that effect, defining the boundaries of the district including such political subdivision or unincorporated area which has filed a resolution or petition as provided for in this section, and declaring such political subdivision or unincorporated area to be included in the district, subject to the approval, as to the inclusion of such political subdivision, of a majority of the qualified voters of such political subdivision, or as to the inclusion of such unincorporated area, of a majority of the qualified voters of such unincorporated area, voting at an election thereon to be called and held in such political subdivision or unincorporated area. When an election is required to be held within both a political subdivision and an unincorporated area, a separate election shall be called and held for the unincorporated area and a separate election shall be called and held for the political subdivision. Such separate elections, although independent one from the other, shall be called and held within each political subdivision and within the unincorporated area simultaneously on the same date.

If, at or prior to such public hearing, there shall be filed with the district board a petition signed by not less than fifteen percent (15%) of the registered voters of the district requesting an election to be held on the question of including the political subdivision or unincorporated area in the district, the district board shall certify the petition and if found adequate, shall request the county board of elections to hold the election in the district. The election in the district may be held at the same time as the election in the political subdivision or unincorporated area seeking to become a part of the district.

The county board of elections shall give notice of the elections as required in G.S. 163-33(8) and shall conduct the ~~election in the unincorporated area and within the political subdivision unless there is a municipal board of elections which conducts the elections for the municipality.~~election.

The cost of the election in the district shall be paid by the district board and the cost of the municipal election by the municipality. The county shall pay the cost of an election in the unincorporated area. The governing body of the political subdivision shall file an accurate description of its boundaries, and those persons signing the petition for an unincorporated area shall file an accurate description of its boundaries with the board of elections at the time the petition is filed with the district board.

The elections shall be held and conducted in accordance with the applicable provisions of Articles 23 and 24 of Chapter 163 of the General Statutes.

The ballot shall contain the words:

"FOR inclusion in the ____ Metropolitan Water District of ____ County that area known as ____."

"AGAINST inclusion in the ____ Metropolitan Water District of ____ County that area known as ____."

If a majority of the votes cast in a political subdivision or unincorporated areas proposed to be included are in favor of inclusion, and a majority of the votes cast in the district favor inclusion, then from and after the date of the certification of the results such area or areas shall be a part of the district and subject to the debts of the district.

The results of the elections shall be certified to the district board.

If no election is required to be held in the district, then a favorable vote for inclusion in the political subdivision or unincorporated area shall be deemed to include such area or political subdivision as a part of the district and they shall be subject to the debts of the district.

No right of action or defense founded upon the invalidity of any such election shall be asserted, or open to question in any court upon any grounds unless the action or proceeding is commenced within 30 days after the results have been certified by the board of elections."

SECTION 15. G.S. 163-22 reads as rewritten:

"**§ 163-22. Powers and duties of State Board of Elections.**

(a) The State Board of Elections shall have general supervision over the primaries and elections in the State, and it shall have authority to make such reasonable rules and regulations with respect to the conduct of primaries and elections as it may deem advisable so long as they do not conflict with any provisions of this Chapter.

(b) From time to time, the Board shall publish and furnish to the county ~~and municipal~~ boards of elections and other election officials a sufficient number of indexed copies of all election laws and Board rules and regulations then in force. It shall also publish, issue, and distribute to the electorate such materials explanatory of primary and election laws and procedures as the Board shall deem necessary.

(c) The State Board of Elections shall appoint, in the manner provided by law, all members of the county boards of elections and advise them ~~and municipal elections board members~~ as to the proper methods of conducting primaries and elections. The Board shall require such reports from the county ~~and municipal~~ boards and election officers as are provided by law, or as are deemed necessary by the Board, and shall compel observance of the requirements of the election laws by county ~~and municipal~~ boards of elections and other election officers. In performing these duties, the Board shall have the right to hear and act on complaints arising by petition or otherwise, on the failure or neglect of a county ~~or municipal~~ board of elections to comply with any part of the election laws imposing duties upon such a board. The State Board of Elections shall have power to remove from office any member of a county ~~or municipal~~ board of elections for incompetency, neglect or failure to perform duties, fraud, or for any other satisfactory cause. Before exercising this power, the State Board shall notify the county ~~or municipal~~ board member affected and give ~~him~~ that member an opportunity to be heard. When any county board member shall be removed by the State Board of Elections, the vacancy occurring shall be filled by the State Board of Elections. ~~When any municipal board member shall be removed by the State Board of Elections, the vacancy occurring shall be filled by the city council of the city appointing members of that board.~~

...

(f) The State Board of Elections shall prepare, print, distribute to the county ~~and municipal~~ boards of elections all ballots for use in any primary or election held in the State which the law provides shall be printed and furnished by the State to the counties. The Board shall instruct the county boards of elections as to the printing of county and local ballots.

..."

SECTION 16. G.S. 163-25 reads as rewritten:

"**§ 163-25. Authority of State Board to assist in litigation.**

The State Board of Elections shall possess authority to assist any county ~~or municipal~~ board of elections in any matter in which litigation is contemplated or has been initiated, provided, the county ~~or municipal~~ board of elections in such county petitions, by majority resolution, for such assistance from the State Board of Elections and, provided further, that the State Board of Elections determines, in its sole discretion by majority vote, to assist in any such matter. It is further stipulated that the State Board of Elections shall not be authorized under this provision to enter into any litigation in assistance to counties, except in those instances where the uniform administration of Chapter 163 of the General Statutes of North Carolina has been, or would be threatened.

The Attorney General shall provide the State Board of Elections with legal assistance in execution of its authority under this section or, in ~~his~~ the Attorney General's discretion, recommend that private counsel be employed.

If the Attorney General recommends employment of private counsel, the State Board may employ counsel with the approval of the Governor."

SECTION 17. G.S. 163-38 reads as rewritten:

"**§ 163-38. Applicability of Article.**

This Article applies to members and employees of the State Board of Elections and of each county ~~and municipal~~ board of elections. With regard to prohibitions in this Article concerning candidates, referenda, and committees, the prohibitions do not apply if the candidate or referendum will not be on the ballot in an area within the jurisdiction of the board, or if the political committee or referendum committee is not involved with an election or referendum that will be on the ballot in an area within the jurisdiction of the board."

SECTION 18. G.S. 163-40 reads as rewritten:

"**§ 163-40. Violation may be ground for removal.**

A violation of this Article may be a ground to remove a State Board of Elections member under G.S. 143B-16, or a county board of elections member under ~~G.S. 163-22(c), or a municipal board of elections member under G.S. 163-280(i).~~G.S. 163-22(c). A violation of this Article may be a ground for dismissal of an employee of the State Board of Elections or of a county board of elections. No criminal penalty shall be imposed for a violation of this Article."

SECTION 19. G.S. 163-42 reads as rewritten:

"**§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of office.**

(a) 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).

(b) 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 qualifications other than residence to be precinct officials in the precinct. In making its appointments, the county board shall assure, wherever possible, that no precinct has precinct officials all of whom are registered with the same party. In no instance shall the county board appoint nonresidents of the precinct to a majority of the positions as precinct assistant in a precinct.

(c) In addition, a county board of elections by unanimous vote of all of its members may appoint any registered voter in the county as emergency election-day assistant, as long as that voter is otherwise qualified to be a precinct official. The State Board of Elections shall determine for each election the number of emergency election-day assistants each county may have, based on population, expected turnout, and complexity of election duties. The county board by unanimous vote of all of its members may assign emergency election-day assistants on the day of the election to any precinct in the county where the number of precinct officials is insufficient because of an emergency occurring within 48 hours of the opening of the polls that prevents an appointed precinct official from serving. A person appointed to serve as emergency election-day assistant shall be trained and paid like other precinct assistants in accordance with G.S. 163-46. A county board of elections shall apportion the appointments as emergency election-day assistant among registrants of each political party so as to make possible the staffing of each precinct with officials of more than one party, and the county board shall make assignments so that no precinct has precinct officials all of whom are registered with the same party.

(d) Before entering upon the duties of the office, each assistant shall take the oath prescribed in G.S. 163-41(a) to be administered by the chief judge of the precinct for which the assistant is appointed. Assistants serve for the particular primary or election for which they are appointed, unless the county board of elections appoints them for a term to expire on the date appointments are to be made pursuant to G.S. 163-41."

SECTION 20. G.S. 163-278.6(1) reads as rewritten:

"(1) The term "board" means the State Board of Elections with respect to all candidates for State, legislative, and judicial offices and the county ~~or municipal~~ board of elections with respect to all candidates for county and municipal offices. The term means the State Board of Elections with respect to all statewide referenda and the county ~~or municipal~~ board of elections conducting all local referenda."

SECTION 21. G.S. 163-298 reads as rewritten:

"**§ 163-298. Municipal primaries and elections.**

The phrases "county board of elections," and "chairman of the board of elections" as used in this Article, with respect to all municipal primaries and elections, shall mean the ~~municipal board of elections and its chairman in those cities and towns which conduct their own elections, and the~~ county board of elections and its chairman in ~~those~~ all ~~cities and towns whose elections are conducted by the county board of elections.~~ municipalities. The words "general election," as used in this Article, shall include regular municipal elections, runoff elections, and nonpartisan primaries, except where specific provision is made for municipal elections and nonpartisan primaries."

SECTION 22. G.S. 163-299(g) reads as rewritten:

"(g) The county ~~or municipal~~ board of elections shall, in addition to the requirements contained in G.S. 163-182.5 canvass the results in a nonpartisan municipal primary, election or runoff election, and in a special district election, the number of legal votes cast in each precinct

for each candidate, the name of each person voted for, and the total number of votes cast in the municipality or special district for each person for each different office."

SECTION 23. G.S. 163-300 reads as rewritten:

"**§ 163-300. Disposition of duplicate abstracts in municipal elections.**

Within nine days after a primary or election is held in any municipality, the chairman of the county ~~or municipal~~ board of elections shall mail to the chairman of the State Board of Elections, the duplicate abstract prepared in accordance with G.S. 163-182.6. One copy shall be retained by the county ~~or municipal~~ board of elections as a permanent record and one copy shall be filed with the city clerk."

SECTION 24. G.S. 163-301 reads as rewritten:

"**§ 163-301. Chairman of election board to furnish certificate of elections.**

Not earlier than five days nor later than 10 days after the results of any municipal election have been officially determined and published in accordance with G.S. 163-182.5, the chairman of the county ~~or municipal~~ board of elections shall issue certificates of election, under the hand and seal of the chairman, to all municipal and special district officers. In issuing such certificates of election the chairman shall be restricted by the provisions of G.S. 163-182.14."

SECTION 25. G.S. 163-304 reads as rewritten:

"**§ 163-304. State Board of Elections to have jurisdiction over municipal elections and election officials, and to advise; emergency and ongoing administration by county board.**

(a) Authority and Duty of State Board. – The State Board of Elections shall have the same authority over municipal elections and election officials as it has over county and State elections and election officials. The State Board of Elections shall advise and assist cities, towns, incorporated villages and special districts, ~~municipal boards of elections,~~ their members and legal officers on the conduct and administration of their elections and registration procedure.

~~The municipal council shall provide written notification to the State Board of Elections of the appointment of each member of its municipal board of elections within five days after the appointment. The municipal board of elections and the municipal council shall provide such other information about the municipal board of elections as the State Board may require. Members of the municipal board of elections and municipal elections officials shall participate in training provided by the State Board pursuant to G.S. 163-82.24. The State Board shall provide the same training, materials, and assistance to municipal boards of elections that it provides to county boards of elections.~~

The county ~~and municipal~~ boards of elections shall be governed by the same rules for settling controversies with respect to counting ballots or certification of the returns of the vote in any municipal or special district election as are in effect for settling such controversies in county and State elections.

~~(b) Emergency Administration if Municipal Board Is Not Appointed. – If a municipal council in a municipality that has elected pursuant to G.S. 163-285 to conduct its own elections has not appointed a municipal board of elections and reported the appointments to the Executive Director by June 1 in the year in which the municipal election is to occur, the Executive Director shall notify the municipal council that, unless a municipal board of elections is appointed and the Executive Director notified of its appointment by June 15 of that year, the county board of elections shall be ordered to conduct that municipality's elections that year on an emergency basis. If the municipal council does not so appoint and so notify by June 15, the Executive Director shall order the county board of elections to conduct the municipality's elections that year on an emergency basis.~~

~~(c) Emergency Administration Due to Serious Violations. – If a municipal council or municipal board of elections has committed violations of the applicable portions of this Chapter prior to a municipal election and those violations are of such magnitude as to give rise to~~

~~reasonable doubt as to the ability of the municipal board of elections to conduct that election with competence and fairness, the Executive Director of the State Board, with the approval of at least four members of the State Board, may order the county board of elections to conduct the remainder of that election on an emergency basis. Before an order is made under this subsection, the municipal council and municipal board of elections shall be given an opportunity to be heard by the State Board.~~

~~(d) Permanent County Administration. — The State Board of Elections may designate the county board of elections as the permanent agency to conduct a municipality's elections if all the following conditions are met:~~

~~(1) In more than one election conducted by that municipality either (i) the municipality's elections have been administered on an emergency basis pursuant to subsection (b) or (c) of this section or (ii) a new election has been ordered because of irregularities in the municipality's administration of the election.~~

~~(2) The State Board finds that the interest of the residents of the municipality in fair and competent administration of elections requires that the municipality not conduct its own elections.~~

~~(3) The municipal council and municipal board of elections are given an opportunity to be heard before the State Board.~~

~~(4) The State Board by a vote of at least four of its members designates the county board of elections as the permanent agency to conduct that municipality's elections.~~

~~The municipal council may not elect to conduct its own elections under G.S. 163-285 if the State Board has designated the county board of elections under this subsection as the permanent agency to conduct the municipality's elections.~~

~~(e) Reimbursement. — If the county board of elections administers a municipality's elections pursuant to subsection (b), (c), or (d) of this section, the municipality shall reimburse the county board of elections in the manner set forth in G.S. 163-285.~~"

SECTION 26. This act is effective when it becomes law.

ATTACHMENT 4

HOUSE PCS 32:
Electoral Freedom Act of 2011

2011-2012 General Assembly

Committee:	House Elections	**Date:**	March 9, 2011
Introduced by:	Reps. LaRoque, Bradley, Luebke, Farmer-Butterfield	**Prepared by:**	R. Erika Churchill and Kara McCraw, Committee Counsels
Analysis of:	PCS to First Edition H32-CSST-5		

SUMMARY: The PCS for HB 32 would:

- ***Lower threshold to qualify and maintain political party status in North Carolina from 2% to .025% for both votes in preceding elections to maintain party status and petitions to qualify for recognition of new parties.***
- ***Allow political parties with less than 10% registered voters to opt out of primaries and nominate by convention. Political parties with less than 10% registered voters would not be eligible for second primaries.***
- ***Require political parties with less than 10% of registered voters and other political parties who elect to do so to declare a winner in a primary based on receipt of the highest number of votes rather than a substantial plurality of the votes.***
- ***Lower the threshold for unaffiliated candidates for petitions from 2% of most recent Governor's race to .025% of most recent Governor or Presidential race for statewide office, and from 4% to .05% of registered voters in that district for all other offices.***

CURRENT LAW:

Political parties: Under G.S. 163-96 a group of voters is recognized as a political party if either:

1) That group received 2% of the vote for Governor or President in the most recent election.

2) That group has filed a petition with the State Board to form a new party with signatures from qualified and registered voters equal to 2% of the vote for Governor or President in the most recent election. Petitions must be submitted to the State Board of Election prior to noon on June 1 preceding the next general State election.

G.S. 163-98 provides for general election participation of a newly qualified political party but requires the party's candidates to be selected by nominating convention for the first general election after the new party's qualification.

Statutory benefits of political parties: Political parties receive certain access and privileges, including:

G.S. 163-99 - Allows political parties access to schools and public building for political meetings.

G.S. 105-159.1 – Allows taxpayers to designate which political party may use $3 tax check off in North Carolina Political Parties Financing Fund.

G.S. 163-41- Permits party chair to recommend precinct officials.

G.S. 163-82.13 - Provides free copy of statewide computerized voter registration file to political party.

G.S. 163-156.5 – Places political party nominees prior to unaffiliated candidates on general ballot.

Primary Determination: G.S. 163-111 requires that primary elections be determined by a substantial plurality, which requires a candidate receive more than 40% of the vote. If no candidate receives a substantial plurality, a second primary may be requested.

Unaffiliated Candidates

G.S. 163-122 permits qualified voters to have their name printed on the general election ballot by filing a petition with the appropriate board of elections by noon on the last Friday in July before the general election.

- *For Statewide office:* Petition must have signature of qualified voters equal to 2% of the vote for Governor in the most recent election, and must be signed by 200 voters from 4 Congressional districts.
- *For district office:* Petition must have signature of qualified voters of the district equal to 4% of the total number of registered voters in that district.

- *For county office or single county legislative district:* Petition must have signature of qualified voters of the county equal to 4% of the total number of registered voters in that county.
- *For partisan municipal office*: Petition must have signature of qualified voters of the municipality equal to 4% of the total number of registered voters in that municipality (petition is due by noon on Friday before 7th Saturday before the election).

Individuals appearing on the primary ballot for the same office are not eligible as unaffiliated candidates for that office.

BILL ANALYSIS: See attached comparison chart for side by side comparison of requirements.

Section 1: Requires that, to be recognized as a political party, a group must either:

1) Receive ¼ of 1% of the vote for that group's candidate in the previous election for Governor, President, or Council of State for a full term of office, whichever amount is less.

2) File a petition with the State Board of Elections signed by ¼ of 1% of the registered voters in the State by noon on 3rd Friday in July prior to general election.

Section 2: Repeals current requirements for petitions of unaffiliated candidates.

Section 3: Allows new political parties with less than 10% of registered voters to elect to not be subject to Primary Act.

- Party must notify State Board it is opting out by July 1 of an odd-numbered year.
- Remains effective unless party opts to become subject to Primary Act effective the next even-numbered year after July 1 of that notification.
- Parties who opt to not be subject to the Primary Act must select candidates by convention and notify the State Board of candidates by July 1 prior to the general election.
- Parties opting out remain subject to portions of the Primary Act related to withdrawal of nominees, filling vacancies after convention, and nominations when vacancies in office occur.

Section 4: Parties with less than 10% registered voters are not eligible to hold second primaries.

Section 5: Parties with less than 10% registered voters and larger parties who elect to be covered may determine primary nominations based on candidate who receives highest number of votes (rather than a substantial plurality).

Section 6: Requires voters seeking to be placed on the ballot as an unaffiliated candidate to file a petition with the appropriate board of elections by noon on the 3rd Friday in July prior to the general election.

Section 7: Petitions must contain the following number of signatures of registered voters:

- President, Governor, US Senator, Council of State or other Statewide office: ¼ of 1% of vote for most recent election for Governor or President, with at least 200 signatures from 3 Congressional districts.
- All other offices: ½ of 1% of total vote cast in district in last election.

Section 8: Candidates who meet petition requirements must be printed on the general election ballot. Individuals on the primary ballot for the same office are not eligible to be on the general ballot as an unaffiliated candidate.

Section 9: Requires unaffiliated candidates in municipal elections to follow general requirements for unaffiliated candidates in G.S. 163-122 and lowers petitions signature requirement from 4% to ½ of 1% of of total vote cast in district in last election.

EFFECTIVE DATE: The bill would become effective as to all primaries and elections held on or after the date it becomes law, but would apply to partisan municipal elections held in 2011 only if the act receives preclearance under Section of the Voting Rights Act prior to July 1, 2011.

BACKGROUND: The 2% threshold vote requirement to retain political party status in North Carolina was challenged in Libertarian Party v. State of North Carolina, 688 S.E.2d 700 (2009). The NC Court of Appeals held that that requirement did not violate the North Carolina Constitution. The case has been appealed to the NC Supreme Court, but has not yet been heard.

H32-SMST-8(CSST-5) v3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 32
PROPOSED COMMITTEE SUBSTITUTE H32-CSST-5 [v.3]

3/8/2011 8:31:33 PM

Short Title: Electoral Freedom Act of 2011. (Public)

Sponsors:

Referred to:

February 3, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATUTORY REQUIREMENT FOR A POLITICAL PARTY TO MAINTAIN BALLOT ELIGIBILITY; TO PROVIDE THAT THE RESULTS OF PRIMARIES OF POLITICAL PARTIES WITH LESS THAN TEN PERCENT OF THE REGISTERED VOTERS ARE DETERMINED BY A PLURALITY UNLESS THE PARTY CHOOSES TO NOMINATE BY CONVENTION; TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY; AND TO REDUCE THE NUMBER OF SIGNATURES REQUIRED FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY.

The General Assembly of North Carolina enacts:

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

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

(1) Any group of voters which, at the last preceding general State election, polled for its candidate for Governor, for any other member of the Council of State for a full term of office, or for presidential electors, at least ~~two percent (2%)~~one quarter of one percent (.0025%) of the entire vote cast in the State for ~~Governor~~ Governor, for any other member of the Council of State or for presidential ~~electors; or~~electors, whichever is less.

(2) Any group of voters ~~which shall~~who have filed with the State Board of Elections ~~petitions~~a petition for the formulation of a new political party which ~~are~~ is signed by at least one quarter of one percent (.0025%) of the registered and qualified voters in this ~~State equal in number to two percent (2%) of the total number of voters who voted in the most recent general election for Governor.~~ State. ~~Also~~ Of the signers, ~~the petition must be signed by~~ at least 200 must be registered voters from each of ~~four~~ three congressional districts in North Carolina. To be effective, the petitioners must file ~~their petitions~~the petition with the State Board of Elections before 12:00 noon on the ~~first day of June~~ third Friday in July preceding the day on which is to be held the first general State election in which the new political party desires to participate. The State Board of Elections shall forthwith determine the sufficiency of ~~petitions~~ any petition for the formulation of a

new political party filed with it and shall immediately communicate its determination to the State chairman of the proposed new political party."

SECTION 2. G.S. 163-122(a) is repealed.

SECTION 3. G.S. 163-98 reads as rewritten:

"**§163-98. ~~General election participation~~ Participation by ~~new political party~~certain political parties.**

(a) 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 upon paying a filing fee equal to that provided for candidates for the office in G.S. 163-107 or upon complying with the alternative available to candidates for the office in G.S. 163-107.1.

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~~ presiding officer 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 in the ensuing general election. Any candidate nominated by a new party shall be affiliated with the party at the time of certification to the State Board of Elections. The requirement of affiliation with the party will be met if the candidate submits at or before the time of certification as a candidate an application to change party affiliation to that party. 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.

(b) A political party with less than ten percent (10%) of the registered voters in this State is not subject to the Primary Act, Article 10 of this Chapter (other than as provided by subsection (d) of this section), if, after approval of its State convention or State executive committee, it notifies the State Board of its action before July 1 of an odd-numbered year. The exemption shall remain in effect unless revoked by the State convention or State executive committee, and such revocation shall become effective beginning in the next even-numbered year after July 1 of the year the political party notifies the State Board.

(c) A political party electing under subsection (b) of this section to be exempt from Article 10 of this Chapter 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 presiding officer of the convention shall certify to the State Board the names of persons chosen in the convention as the new party's candidates in the ensuing general election. Any candidate nominated shall be affiliated with the party at the time of certification to the State Board. The requirement of affiliation with the party will be met if the candidate submits at or before the time of certification as a candidate an application to change party affiliation to that party. The State Board shall print names thus certified on the appropriate ballots as the nominees of the party. The State Board shall send to each county board of elections the list of any party candidates so that the county board can add those names to the appropriate ballot.

(d) Political parties exempt from Article 10 of this Chapter shall nonetheless be subject to G.S. 163-113 (withdrawal of nominee), 163-114 (filling vacancy in nomination after convention), and 163-115 (nominations when vacancies in office occur)."

SECTION 4. G.S. 163-111 is amended by adding a new subsection to read:

"(g) No Second Primaries for Political Parties With Less Than Ten Percent of Registered Voters. – This section does not apply to political parties with less than ten percent (10%) of the registered voters in the State."

SECTION 5. Article 10 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-111.1 Determination of primary results for political parties.

(a) This section applies only to political parties as defined by G.S. 163-98(b) that, as of January 1 of the year that the primary election is to be held, have less than ten percent (10%) of the registered voters in the State.

(b) Nominations in primary elections shall be determined as follows:

(1) When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared the nominee.

(2) When more persons are seeking nomination to two or more offices (constituting a group) than there are offices to be filled, those candidates receiving the highest numbers of votes, equal in number to the number of offices to be filled, shall be declared the nominees.

(c) When more than one person is seeking election to a single office, and two or more candidates receiving the highest number of votes each receive the same number of votes, the proper party executive committee shall, from among those candidates receiving the same number of votes, select the party nominee in accordance with G.S. 163-114.

(d) When more persons are seeking nomination to two or more offices (constituting a group) than there are offices to be filled, and two or more candidates receiving the lowest number of votes necessary for nomination each receive the same number of votes, the proper party executive committee shall, from among those candidates receiving the same number of votes, select the party nominee in accordance with G.S. 163-114.

(e) This section prevails over any local act."

SECTION 6. G.S. 163-122 is amended by adding a new subsection to read:

"(a1) When and Where to File. – Any qualified voter who seeks to have his name printed on the general election ballot as an unaffiliated candidate shall:

(1) File written petitions with the State Board of Elections supporting the voter's candidacy for any statewide or district office comprised of more than one county. These petitions must be filed with the State Board of Elections on or before 12:00 noon on the third Friday in July preceding the general election. 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 signatures were obtained. Provided the petitions are timely submitted, the chairman shall examine the names on the petition and place a check mark on the petition by the name of each signer who is qualified and registered to vote in the signer's county and shall attach to the petition a signed certificate. Said certificates shall state that the signatures on the petition have been checked against the registration records and shall indicate the number of signers to be qualified and registered to vote in the signer's county. The chairman shall return each petition, together with the certificate required in this section, to the person who presented it for checking. Verification by the chairman of the county board of elections shall be completed within two weeks from the date such petitions are presented.

(2) File written petitions with the appropriate county board of elections supporting the voter's candidacy for any district office containing one or less than one county, county office, partisan municipal office, or any other office compromised of one or less than one county. These petitions must be filed with the county board of elections on or before 12:00 noon on the third Friday in July preceding the general election. Provided the petitions are timely submitted, the chairman shall examine, or cause to be examined, the

names on the petition, and the procedure for certification shall be the same as specified in subdivision (1) above."

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

"(a2) Number of Signatures Required. – Candidates seeking election to a partisan office as an unaffiliated candidate shall obtain no less than the following number of signatures for the office sought:

(1) For President of the United States as provided in G.S. 163-209, United States Senator, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, Commissioner of Insurance, and any other statewide office: At least one quarter of one percent (.0025%) of the entire vote cast in the State for Governor or presidential electors, with at least 200 signatures from three congressional districts.

(2) For all other offices: At least one half of one percent (.005%) of the total vote cast in that district in the last election."

SECTION 8. G.S. 163-122 is amended by adding a new subsection to read:

"(a3) Unaffiliated Candidates to Be Printed on the General Election Ballot and Primary Election Losing Candidates Provision. – Upon compliance with the provisions of G.S. 163-122(a1) and (a2), the board of elections with which the petitions have been timely filed shall cause the unaffiliated candidate's name to be printed on the general election ballots in accordance with Article 14A of this Chapter.

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

SECTION 9. G.S. 163-296 reads as rewritten:

"**§ 163-296. Nomination by petition.**

In cities conducting partisan elections, any qualified voter who seeks to have his name printed on the regular municipal election ballot as an unaffiliated candidate ~~may~~ shall do so in the manner provided in ~~G.S. 163-122, except that the petitions and affidavits shall be filed not later than 12:00 noon on the Friday preceding the seventh Saturday before the election, and the petitions shall be signed by a number of qualified voters of the municipality equal to at least four percent (4%) of the whole number of voters qualified to vote in the municipal election according to the voter registration records of the State Board of Elections as of January 1 of the year in which the general municipal election is held.~~ G.S. 163-122. ~~A~~ As provided in G.S. 163-122(a3), a person whose name appeared on the ballot in a primary election is not eligible to have his name placed on the regular municipal election ballot as an unaffiliated candidate for the same office in that year. ~~The Board of Elections shall examine and verify the signatures on the petition, and shall certify only the names of signers who are found to be qualified registered voters in the municipality. Provided that in the case where a qualified voter seeks to have his name printed on the regular municipal election ballot as an unaffiliated candidate for election from an election district within the municipality, the petition shall be signed by four percent (4%) of the voters qualified to vote for that office.~~"

SECTION 10. This act is effective with respect to all primaries and elections held on or after the date this act becomes law, except that it shall apply to partisan municipal elections held in 2011 only if it has received preclearance under Section 5 of the Voting Rights Act of 1965 prior to July 1, 2011.

	Votes Cast		2%	1%	0.0075	0.0050	0.0025
Number of Registered Voters - 3/2011	**6,103,460**		122,069	61,035	45,776	30,517	15,259
2 Election Results							
Total Ballots Cast	**2,700,383**		54,008	27,004	20,253	13,502	6,751
US Senate	2,660,079		53,202	26,601	19,951	13,300	6,650
US House District 1	174,161		3,483	1,742	1,306	871	435
US House District 2	189,774		3,795	1,898	1,423	949	474
US House District 3	199,304		3,986	1,993	1,495	997	498
US House District 4	271,832		5,437	2,718	2,039	1,359	680
US House District 5	213,287		4,266	2,133	1,600	1,066	533
US House District 6	207,759		4,155	2,078	1,558	1,039	519
US House District 7	212,285		4,246	2,123	1,592	1,061	531
US House District 8	167,442		3,349	1,674	1,256	837	419
US House District 9	230,240		4,605	2,302	1,727	1,151	576
US House District 10	183,785		3,676	1,838	1,378	919	459
US House District 11	241,471		4,829	2,415	1,811	1,207	604
US House District 12	162,007		3,240	1,620	1,215	1,046	405
US House District 13	209,202		4,184	2,092	1,569	1,046	523
Number of Registered Voters - 2008	**6,226,204**		124,524	62,262	46,697	31,131	15,566
2008 Election Results							
Total Ballots Cast	4,353,739		87,075	43,537	32,653	21,769	10,884
President	4,310,789		86,216	43,108	32,331	21,554	10,777
Governor	4,268,941		85,379	42,689	32,017	21,345	10,672
Lt. Governor	4,174,144		83,483	41,741	31,306	20,871	10,435
Attorney General	4,153,940		83,079	41,539	31,155	20,770	10,385
State Auditor	4,060,471		81,209	40,605	30,454	20,302	10,151
Commissioner of Agriculture	4,092,887		81,858	40,929	30,697	20,464	10,232
Commissioner of Insurance	4,085,197		81,704	40,852	30,639	20,426	10,213
Commissioner of Labor	4,080,537		81,611	40,805	30,604	20,403	10,201
Secretary of State	4,079,831		81,597	40,798	30,599	20,399	10,200
Superintendent of Public Instruction	4,059,009		81,180	40,590	30,443	20,295	10,148
State Treasurer	4,065,389		81,308	40,654	30,490	20,327	10,163
US Senate	4,271,970		85,439	42,720	32,040	21,360	10,680
US House District 1	274,271		5,485	2,743	2,057	1,371	686
US House District 2	298,430		5,969	2,984	2,238	1,492	746
US House District 3	306,050		6,121	3,061	2,295	1,530	765
US House District 4	419,698		8,394	4,197	3,148	2,098	1,049
US House District 5	326,923		6,538	3,269	2,452	1,635	817
US House District 6	329,891		6,598	3,299	2,474	1,649	825
US House District 7	312,855		6,257	3,129	2,346	1,564	782
US House District 8	283,819		5,676	2,838	2,129	1,419	710
US House District 9	386,483		7,730	3,865	2,899	1,932	966
US House District 10	298,473		5,969	2,985	2,239	1,492	746
US House District 11	340,716		6,814	3,407	2,555	1,704	852
US House District 12	301,722		6,034	3,017	2,263	1,509	754
US House District 13	335,762		6,715	3,358	2,518	1,679	839

ATTACHMENT 6

VISITOR REGISTRATION SHEET

Election Committee — **Name of Committee**

3/9/11 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Brian Irving	Free the Vote
Gary Bartlett	SBE
Johnnie McLean	"
Veronica DeGraffenreid	"
Cherie Poucher	Wake Co. BOE
Daniel Baum	Troutman Sanders
Andrew Meehan	Capstat
Zane Stilwell	GA
Barbara Hoot	NCRTL
Sarah Preston	ACLU-NC
Damon Circosta	NC Voter Ed

VISITOR REGISTRATION SHEET

Election Committee — 03-09-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Barbara Howe	Libertaria Party of NC
C.A "Chick" Adams	Republican - Harnett Cty
Lloyd Hedgepeth	Republican - Harnett Co.
Lachelle Pulliam	Rep. Wainwright
Kasie moore	Rep. Cotham
Lindsey moore	Rep. Weiss
Kay Emanuel	Legislative Reporting Services
Rev. Mark Creech	CAL
Mark Bibbs	Bibbs Law Office
Art Wilson	Wake Republican Pty
Charles Gallagher	

VISITOR REGISTRATION SHEET

Election Committee — 3/9/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Adam Mitchell	Tharrington Smith
Mary Edwards	Citizen
Barbara Carlson	BSCBE
Kevin Leonard	NCACC
Bob Phillips	Common Cause NC
Kelli Kulma	NCLM
Gloriesreneq Stackhouse	NAACP Robeson Co.
Bill Hall	Democracy NC

Election Committee Meeting

March 15, 2011

Attachment 1:	**Committee Notices**
Attachment 2:	**Minutes**
Attachment 3:	**HB 351 original bill, bill summary**
Attachment 4:	**Order of Public Speakers & speeches from public attending the meeting**
Attachment 5:	**Visitor Registration Sheet**

Attachment 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Tuesday, March 15, 2011
TIME: **2:00 – 6:00 PM**
LOCATION: 643 LOB

The House Elections Committee is holding a committee meeting to garner public input regarding requiring photo ID to vote. Comments will be considered prior to the introduction of a bill.

There are limited numbers of speaker slots and comments will be subjected to a three minute time limit. Public comments will be taken from 2:00 to 4:00 PM. To sign up to speak please visit: http://www.ncleg.net/Applications/RTS/HCE.aspx

If you are unable to attend and want to submit comments please visit: http://www.ncleg.net/Applications/RFC/?id=6

Audio of the meeting will be broadcast live. Please visit the Audio webpage at http://www.ncleg.net and click on Room 643 to listen to the committee meeting.

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **March 10, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 1

Corrected Notice Added HB 351

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Tuesday, March 15, 2011
TIME: **2:00 – 6:00 PM**
LOCATION: **643 LOB**
COMMENTS: **Added HB 351**

The House Elections Committee is holding a committee meeting to garner public input regarding requiring photo ID to vote.

There are limited numbers of speaker slots and comments will be subjected to a three minute time limit. Public comments will be taken from 2:00 to 4:00 PM. To sign up to speak please visit: http://www.ncleg.net/Applications/RTS/HCE.aspx

Audio of the meeting will be broadcast live. Please visit the Audio webpage at http://www.ncleg.net and click on Room 643 to listen to the committee meeting.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 351	Restore Confidence in Government.	Representative Lewis Representative Moore Representative Killian

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:00 PM o'clock on **March 15, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 2

Minutes

Committee on Elections

Tuesday, March 15, 2011

The House Committee on Elections met on Tuesday, March 15, 2011, in room 643 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Burr, Current, Jones and Jordan Co-Chairs, Representatives Alexander, Blust, L. Brown, R. Brown, Bryant, Cotham, Dixon, Faircloth, Fisher, Floyd, Graham, Harrison, Iler, Justice, Killian, Martin, McLawhorn, Michaux, Mills, Mobley, T. Moore, Ross, Sager, Stam, Starnes, Warren, Weiss. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw, Denise Huntley Adams and Gerry Cohen from Bill Drafting. The Chair called the meeting to order at 1:12 PM and recognized the sergeant at arms.

The first order of business was HB 351 Restore Confidence in Government. The Chair asked the staff to read the Bill.

The Chair introduced Dr. Andrew Taylor to speak on the bill. The Chair then invited individuals who pre-registered on the NCGA committee web site to talk on the bill with a 3 minute time limit. They were invited to speak in the order that they registered. Everyone that registered and attended was able to speak. The Chair received printed material from some of the registered speakers The Chair also acknowledged that the committee was in receipt of comments from the NCGA website from individuals who could not attend the meeting. The NCGA website comment deadline was 9:00 AM March 15, 2011.

The Chair at 4:03 PM recessed the meeting until 4:15PM The Chair reconvened the meeting at 4:26 PM.

The Chair stated that only Section 1 of the bill would be discussed at the meeting. The bill was explained by staff member Kara McCraw. Members of the committee received a Summary of HB 351 and a copy of HB 351 . Representatives T. Moore and Killian, the bill sponsors, were recognized to speak on the bill. The Chair announced that there would be no vote taken at this meeting. The Chair open the floor for discussion from committee members and any House member in attendance.

The meeting was adjourned at 6:03 PM

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

GENERAL ASSEMBLY OF NORT
SESSION 2011

HOUSE BILL 351

Short Title:	Restore Confidence in Government.	(Public)
Sponsors:	Representatives Lewis, T. Moore, and Killian (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Elections.	

March 15, 2011

A BILL TO BE ENTITLED

AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY (1) REQUIRING THAT VOTERS PROVIDE PHOTO IDENTIFICATION BEFORE VOTING; (2) REQUIRING CANDIDATES AND TREASURERS TO TAKE IMMEDIATE ACTION TO CORRECT CAMPAIGN FINANCE VIOLATIONS AND REQUIRING LIABILITY OF CANDIDATES FOR CIVIL PENALTIES FOR CAMPAIGN FINANCE VIOLATIONS OF CANDIDATE CAMPAIGN COMMITTEES; (3) LIMITING THE CHAIR OF THE STATE BOARD OF ELECTIONS TO TWO TWO-YEAR TERMS IN THAT OFFICE; (4) PROHIBITING PIECE-WORK PAYMENT FOR VOTER REGISTRATION DRIVES; (5) PREVENTING CONFLICT OF INTEREST AND ITS APPEARANCE INVOLVING POLITICAL CONTRIBUTIONS BY STATE CONTRACTORS; AND (6) ALLOWING VOTERS MORE FLEXIBILITY IN APPLYING FOR ABSENTEE BALLOTS.

The General Assembly of North Carolina enacts:

Part 1. Voter Photo Identification.

SECTION 1.1. G.S. 163-166.12 reads as rewritten:

"**§ 163-166.12.** ~~**Requirements for certain voters who register by mail.**~~**Photo ID requirements.**

(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,~~ Every individual seeking to vote in person shall present a valid photo identification to a local election official at a voting place before voting ~~there~~ there. ~~one of the following:~~

~~(1) 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.~~

(a1) As used in this section, a valid photo identification means one of the following, but only if it contains a photograph of the registered voter:

(1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license.

(2) A special identification card for nonoperators issued under G.S. 20-37.7.

(3) A valid identification card issued by a branch, department, agency, or entity of this State, any other state, or the United States authorized by law to issue personal identification.

(4) A valid United States passport.

(5) A valid employee identification card issued by any branch, department, agency, or entity of the United States government, this State, or any county, municipality, board, authority, or other entity of this State.

(6) A valid United States military identification card.

(7) A valid tribal identification card.

(8) A valid North Carolina voter identification card issued under G.S. 163-166.13.

(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.

(b1) The county board of elections shall note the type of identification proof submitted by the voter under the provisions of subsection (a) or (b) of this section and may dispose of the tendered copy of identification proof submitted under subsection (b) of this section as soon as the type of proof is noted in the voter registration records.

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

(c) The Right to Vote Provisionally. – If an individual is required under subsection (a), (b), or (b2) 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~~ Subsection (b) of 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. If any individual's number does not match, the individual shall provide identification as required in subsection (b2) of this section in the first election in which the individual votes.

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

"**§ 163-166.13. Voter identification card.**

(a) Each county board of elections shall accept applications for and issue North Carolina voter identification cards to registered North Carolina voters that shall under State law be valid only for purposes of voter identification under this Chapter and available only to registered voters of this State. No fee shall be charged or collected for the application for or issuance of a North Carolina voter identification card.

(b) No person shall be eligible for a North Carolina voter identification card if such person has a valid unexpired drivers license or a special identification card for nonoperators issued under G.S. 20-37.7.

(c) The North Carolina voter identification card shall be captioned "NORTH CAROLINA VOTER IDENTIFICATION CARD" and shall contain a prominent statement that under North Carolina law it is valid only as identification for voting purposes. The North Carolina voter identification card shall be laminated, shall contain a digital color photograph of the applicant, and shall include the following information:

(1) Full legal name.

(2) Address of residence.

(3) Birth date.

(4) Date identification card was issued.

(5) Sex.

(6) Height.

(7) ~~Weight~~.

(8) Eye color.

(9) County where the identification card was issued.

(10) Such other information or identification as required by rule of the State Board of Elections.

(d) The application for a North Carolina voter identification card shall elicit the information required under subsection (c) of this section and such other information as may be required by rule of the State Board of Elections. The application shall be signed by the applicant.

(e) The county board of elections shall require presentation and verification of the following information before issuing a North Carolina voter identification card to a person:

(1) A photo identity document, except that a nonphoto identity document is acceptable if it includes the person's name;

(2) Evidence that the person is registered to vote in this state; and

(3) Documentation showing the person's name and residence address.

(f) A North Carolina voter identification card shall remain valid so long as a person resides at the same address and remains qualified to vote. It shall be the duty of a person who moves his or her residence within the State to surrender his or her card to the county board of elections of the county of his or her new residence; and such person may after such surrender

apply for and receive a new card if such person is otherwise eligible under this section. It shall be the duty of a person who moves his or her residence outside this State or who ceases to be qualified to vote to surrender his or her card to the county board of elections by which it was issued.

(g) The State Board of Elections shall provide each county board of elections issuing North Carolina voter identification cards with the necessary equipment, forms, supplies, and training for the production of the North Carolina voter identification cards and shall maintain such equipment.

(h) The State Board of Elections shall adopt policies for the administration of this section and, without limiting the generality of the foregoing, such policies may further define or prescribe the types of documentation required under subsection (e) of this section."

SECTION 1.3. G.S. 163-82.6A(b) reads as rewritten:

"(b) Both Attestation and Proof of Residence Required. – To vote under this section, a voter must present a valid photo identification as defined by G.S. 163-166.12(a1). This requirement is separate from the requirement to provide proof of residence under subdivision (2) of this subsection. If an individual does not present the required identification, that individual may vote a provisional official ballot. To register ~~and vote~~ under this section, the person shall do both of the following:

(1) Complete a voter registration form as prescribed in G.S. 163-82.4, including the attestation requirement of G.S. 163-82.4(b) that the person meets each eligibility requirement. Such attestation is signed under penalty of a Class I felony under G.S. 163-275(13); and

(2) Provide proof of residence by presenting any of the following valid documents that show the person's current name and current residence address: a North Carolina drivers license, a photo identification from a government agency, or any of the documents listed in ~~G.S. 163-166.12(a)(2).~~ G.S. 163-166.12(b)(2). The State Board of Elections may designate additional documents or methods that suffice and shall prescribe procedures for establishing proof of residence."

SECTION 1.4. G.S. 163-166.7(a) reads as rewritten:

"(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence ~~address.~~ address and present valid photo identification in accordance with G.S. 163-166.12. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting."

SECTION 1.5. G.S. 163-227.2(b) reads as rewritten:

"(b) Not earlier than the third Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in subsection (g) of this section. A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the ~~board.~~ board and present valid photo

identification in accordance with G.S. 163-166.12. If an individual does not present the required identification, that individual may vote a provisional official ballot. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person."

SECTION 1.6. Article 15A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-182.1A. Counting of provisional official ballots cast because of failure to provide valid photo identification at the polls.**

(a) A voter who cast a provisional official ballot wholly or partly as a result of the voter's inability or declination to provide proof of identification may personally appear at an office of the county board of elections not later than the date of the conclusion of the election canvass for that county to seek counting of the provisional official ballot as provided in subsection (b) or (c) of this section.

(b) Unless the vote is disqualified for some other reason provided by law, the county board of elections shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened and counted in accordance with this Chapter if the voter both:

(1) Provides valid photo identification to the county board of elections; and

(2) Executes an affidavit, in the form prescribed by the State Board of Elections affirming under the penalties of perjury that the voter is the same individual who:

a. Personally appeared to vote on the day of election or at an early voting site; and

b. Cast the provisional ballot on that day.

(c) Unless the vote is disqualified for some other reason provided by law, the county board of elections shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened and counted in accordance with this Chapter if the voter executes an affidavit before the county board of elections, in the form prescribed by the State Board of Elections, affirming under the penalties of perjury that:

(1) The voter is the same individual who:

a. Personally appeared to vote on the day of election or at an early voting site; and

b. Cast the provisional ballot on that day; and

(2) The voter has a sincerely held religious objection to being photographed.

(d) If the county board of elections determines that a voter described in subsection (b) or (c) of this section has also cast a provisional official ballot for a cause other than the voter's inability or declination to provide valid photo identification, the board shall both:

(1) Note on the envelope containing the provisional official ballot that the voter has complied with the proof of valid photo identification requirement; and

(2) Proceed to determine any other reasons for which the ballot was cast provisionally before ruling on the validity of the voter's provisional ballot."

SECTION 1.7. G.S. 163-87 reads as rewritten:

"**§ 163-87. Challenges allowed on day of primary or election.**

On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the precinct may exercise the right of challenge, and when he does so may enter the voting enclosure to make the challenge, but he shall retire therefrom as soon as the challenge is heard.

On the day of a primary or election, any other registered voter of the precinct may challenge a person for one or more of the following reasons:

(1) One or more of the reasons listed in G.S. 163-85(c).
(2) That the person has already voted in that primary or election.
(3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.
(4) If the challenge is made with respect to voting in a partisan primary, that the person is a registered voter of another political party.
(5) The voter does not present proof of identification as required by G.S. 163-166.12.

The chief judge, judge, observer, or assistant appointed under ~~G.S. 163-41 or 163-42~~ G.S. 163-41, 163-42, or 163-45 may enter challenges under this section against voters in the precinct for which appointed regardless of the place of residence of the chief judge, judge, observer, or assistant.

If a person is challenged under this subsection, and the challenge is sustained under G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if the transfer is made. A person who has transferred his registration under G.S. 163-82.15(e) may be challenged at the precinct to which the registration is being transferred."

SECTION 1.8. G.S. 20-37.7(d) reads as rewritten:

"(d) Expiration and Fee. – A special identification card issued to a person for the first time under this section expires when a drivers license issued on the same day to that person would expire. A special identification card renewed under this section expires when a drivers license renewed by the card holder on the same day would expire.

The fee for a special identification card is the same as the fee set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card issued to a resident of this State who (i) is legally blind, (ii) is at least 70 years old, (iii) is eligible to vote in this State but does not have a valid photo identification acceptable under G.S. 163-166.12(a1), (iv) is homeless, or (v) ~~who~~ has been issued a drivers license but the drivers license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental disability or disease. To obtain a special identification card without paying a fee, a homeless person must present a letter to the Division from the director of a facility that provides care or shelter to homeless persons verifying that the person is homeless."

SECTION 1.9. Education and Publicity Requirements. – The public shall be educated about the photo identification to vote requirements of this act as follows:

(1) As counties use their regular processes to notify voters of assignments and reassignments to districts for election to the United States House of Representatives, State Senate, State House of Representatives, or local office, by including information about the provisions of this act.
(2) As counties send new voter registration cards to voters as a result of new registration, changes of address or other reasons, by including information about the provisions of this act.
(3) Counties that maintain a board of elections Web site shall include information about the provisions of this act.
(4) Notices of elections published by county boards of elections under G.S. 163-22(8) for the May 2012 primary and 2012 general election shall include a brief statement that photo identification is required to vote.

(5) The State Board of Elections shall include on its Web site information about the provisions of this act.

(6) Counties shall post at the polls and at early voting sites beginning with the May 2012 primary elections information about the provisions of this act.

(7) The State Board of Education shall include in the Judicial Voter Guide described in G.S. 163-278.69 information about the provisions of this act and shall also include the information in the Voter Guide under G.S. 163-278.99E if it is published separately.

(8) The State Board of Elections and the county boards of elections shall take reasonable steps to provide public service announcements about the provisions of this act through print, radio, television, online, and social media. The sum of six hundred thousand dollars ($600,000) is appropriated from the General Fund for the 2011-2012 fiscal year to a special reserve to carry out the provisions of this subdivision and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act. Those funds shall be made available as follows:

a. One hundred thousand dollars ($100,000) to the State Board of Elections.

b. One hundred thousand dollars ($100,000) in an equal share to each county board of elections.

c. Two hundred thousand dollars ($200,000) to county boards of elections in proportion to the number of registered voters in the county.

d. Two hundred thousand dollars ($200,000) to county boards of elections in counties covered by section 5 of the Voting Rights Act of 1965, in proportion to the number of registered voters in the county.

SECTION 1.10.(a) Funds under Title I and Title II of the Help America Vote Act may be used for the purpose of Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act.

SECTION 1.10.(b) Funds under the Election Assistance for Individuals with Disabilities (EAID) provisions of the Help America Vote Act may be used for the purpose of Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act to persons eligible for assistance under EAID.

SECTION 1.10.(c) Unexpended funds in the North Carolina Voter-Owned Elections Fund may be for the purpose of Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act.

SECTION 1.10.(d) Funds from the surcharge on attorney membership fees under G.S. 84-34 may be used for the purpose of Section 1.9 of this act as it relates to judicial elections.

SECTION 1.11.(a) Sections 1.1 through 1.7 of this act are effective:

(1) In counties not subject to Section 5 of the Voting Rights Act of 1965 beginning with the statewide primary in 2012.

(2) In any county covered by Section 5 of the Voting Rights Act of 1965, beginning with the later of the statewide primary in 2012 or the date this act is precleared or approved under Section 5 of the Voting Rights Act of 1965.

SECTION 1.11.(b) Sections 1.8, 1.9, and 1.10 of this act become effective July 1, 2011. This Part is effective when it becomes law.

Part 2. Candidate and Treasurer Duty and Liability.

SECTION 2.1. Article 22A of Chapter 163 of the General Statutes is amended by adding two new sections to read:

"§ 163-278.11A. Duty of candidate to correct violation.

Upon actual notice of a violation under this Article which may result in a criminal penalty under G.S. 163-278.27 or a civil penalty under G.S. 163-278.34 to a candidate or candidate campaign committee, a candidate shall take immediate action to correct the violation. As used in this section, the term "candidate campaign committee" means the same as in G.S. 163-278.38Z(3).

"§ 163-278.11B. Duty of treasurer to correct violation.

Upon actual notice of a violation under this Article which may result in a criminal penalty under G.S. 163-278.27 or a civil penalty under G.S. 163-278.34 to a candidate or candidate campaign committee, a treasurer shall take immediate action to correct the violation. If the actual notice of a violation is received by a former treasurer, that former treasurer shall immediately report the violation to the State Board of Elections. As used in this section, the term "candidate campaign committee" means the same as in G.S. 163-278.38Z(3)."

SECTION 2.2. G.S. 163-278.34 is amended by adding a new subsection to read:

"(d1) A candidate shall be jointly and severally liable for a civil penalty assessed by the State Board against a candidate campaign committee if the candidate had actual notice of the violation for which the penalty is assessed at the time the violation occurred and the candidate failed to correct the violation as required by G.S. 163-278.11A. As used in this subsection, the term "candidate campaign committee" means the same as in G.S. 163-278.38Z(3)."

SECTION 2.3. This Part becomes effective January 1, 2012, and applies to civil penalties assessed for any violation occurring on or after that date.

Part 3. State Board of Elections Chair Term Limit.

SECTION 3.1. G.S. 163-19 reads as rewritten:

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

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

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

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

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

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

(c) After taking the prescribed oath, the Board shall organize by electing one of its members chairman and another secretary. The term of office of the chairman is two years and begins on May 1 of each odd-numbered year. In the case of a vacancy, a new chairman shall be elected to serve the remainder of the unexpired term. No person may be elected as chairman for more than two terms. For the purpose of this subsection, cumulative service as chair for more than two years prior to May 1, 2009, shall be considered as one term.

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

SECTION 3.2. The State Board of Elections shall next elect a chairman for a two-year term beginning May 1, 2011.

SECTION 3.3. This Part is effective when it becomes law.

Part 4. Prohibit Piece-Work Payment for Voter Registration.

SECTION 4.1. Article 7A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-82.25A. Piece payment in voter registration drives prohibited.**

No person who employs or contracts with another person to register voters or assist or encourage voters to fill out voter registration forms shall pay that person per voter registration application completed. No person shall accept payment on that basis. A violation of this section is a Class 2 misdemeanor."

SECTION 4.2. G.S. 163-274 is amended by adding a new subdivision to read:

"(14) For any person to pay or accept payment per voter registration application completed in violation of G.S. 163-82.25A."

SECTION 4.3. This Part becomes effective with respect to voter registration applications completed on or after January 1, 2012.

Part 5. No Pay-to-Play.

SECTION 5.1. Article 3 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 163-278.13D. Prohibition on contributions by entity affiliated with a vendor.**

(a) Definitions. – The following definitions apply in this section:

(1) Contribution. – As defined in G.S. 163-278.6(6). A contribution is made during the term of a contract if it is dated or pledged on or after the first day of the term of the contract, but not later than the last day of the term of the contract, if it is delivered on or after the first day of the term of the contract, but not later than the last day of the term of the contract, or if the entity affiliated with the vendor pledges during the term of the contract to deliver the contribution after the last day of the term of the contract. However, a contribution will not be deemed to be made if (i) the vendor or entity affiliated with the vendor discovers the contribution within two months of the date of such contribution; (ii) such contribution exceeds one thousand dollars ($1,000); and (iii) the vendor or entity affiliated with the vendor obtains a return of the contribution within 60 calendar days of the date of discovery of the contribution. A contribution is accepted during the term of a contract if the relevant political campaign receives the contribution on or after the first day of the term of the contract, but not later than the last day of the term of the contract and does not return the contribution within 10 days,

or the relevant political campaign agrees on or after the first day of the term of the contract to receive the contribution after the last day of the term of the contract.

(2) Entity affiliated with a vendor. – An officer, director, member, or manager of the vendor, if the vendor is an incorporated business or a limited liability company, a partner or general manager if the vendor is an unincorporated business entity, or any political committee of which the vendor is the parent entity as provided in G.S. 163-278.19. Director of a vendor means any director of the vendor whether or not receiving compensation. An advisory director is not a director of a vendor if the advisory director (i) is not elected by the vendor's shareholders and the vendor is a company or bank; (ii) is not authorized to vote on matters before the Board of Directors; and (iii) provides solely general policy advice to the Board of Directors.

(3) Office with authority to award contract. – Any of the principal offices or departments listed in G.S. 143A-11. Notwithstanding any other provision of law or delegation of authority and for the purposes of subsection (b) of this section, the head of the principal office or department shall be deemed to award all contracts for that principal office or department and for any other offices, agencies, or commissions administratively housed within that principal office or department.

(4) Relevant political campaign. – A candidate for the office with authority to award the contract, the officer holding the office with authority to award the contract, or a political committee controlled by a candidate for or officer holding the office with authority to award the contract.

(b) Prohibition. – No entity affiliated with a vendor that has entered into a contract for supplies, materials, equipment, other tangible personal property, or services in excess of twenty-five thousand dollars ($25,000) with any of the principal offices or departments listed in G.S. 143A-11 and subject to the provisions of Article 3 of Chapter 143 of the General Statutes shall make during the term of the contract a contribution to a relevant political campaign. No relevant political campaign shall knowingly accept a contribution during the term of the contract from an entity affiliated with a vendor that has entered into a contract for supplies, materials, equipment, other tangible personal property, or services in excess of twenty-five thousand dollars ($25,000) with any of the principal offices or departments listed in G.S. 143A-11 and subject to the provisions of Article 3 of Chapter 143 of the General Statutes. This subsection does not apply if the contributions by all entities affiliated with the vendor to the relevant political campaign during the term of the contract do not exceed one thousand dollars ($1,000). The State Board of Elections shall adopt any procedures for reporting it deems necessary for the enforcement of this subsection.

(c) Penalty. – A violation of this section is a Class 2 misdemeanor."

SECTION 5.2. This Part becomes effective January 1, 2012, and applies to contributions made on or after that date.

Part 6. Absentee Ballot Request Flexibility.

SECTION 6.1. G.S. 163-230.2 reads as rewritten:

"**§ 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."

SECTION 6.2. This Part becomes effective with respect to primaries and elections conducted on or after January 1, 2012.

Handout 1

ATTACHMENT 3

HOUSE BILL 351:
Restore Confidence in Government

2011-2012 General Assembly

Committee:	House Elections	**Date:**	March 15, 2011
Introduced by:	Reps. Lewis, T. Moore, Killian	**Prepared by:**	Kara McCraw and Erika Churchill, Committee Counsels
Analysis of:	First Edition		

SUMMARY: HB 351 would 1) require voters to show photo identification prior to voting, 2) require immediate correction of campaign finance violations by candidates and treasurers, 3) make candidates joint and severally liable for civil penalties for campaign finance violations assessed the candidate's campaign committee, 4) limit the chair of the State Board of Elections to terms of 2 years and no more than 2 terms , 5) prohibit piece-work payment for voter registration drives, 6) prevent conflict of interest and its appearance involving political contributions by state contractors, and 7) make requests for absentee ballots signed by the requestor valid, and eliminate requirements that the request be made personally in writing by the voter or on a form generated by the county board.

Bill Analysis

Part 1: Voter Photo Identification

Current Law:

G.S. 163-166.12 requires individuals who register to vote by mail after January 1, 2003 who have not previously voted in an election with a federal ballot item to show one of the following forms of identification prior to voting:

- A current and valid photo ID.
- A copy of one of the following documents that shows the name and address of the voter: current utility bill, bank statement, government check, paycheck, or other government document.

An individual is exempted from showing identification if they included as part of their registration either one of the forms of ID listed above, or their driver's license number or the last four digits of their social security number, either of which provide a match to an existing State identification record.

The statute also provides exceptions from the ID requirement as provided under federal law, such as overseas and military voters entitled to vote by absentee ballot and voters entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act.

Bill Analysis:

Part 1 of HB 351 would amend G.S. 163-166.12 to require all voters to present a valid photo ID when voting in-person.

Valid Photo ID (Section 1.1): The following IDs which contain photographs would be accepted:

- NC drivers' license.
- Special NC ID card for nonoperators.
- ID card issued by a State branch, department, agency, or entity, any other State, of the US government if authorized by law to issue personal identification.
- US passport.
- Employer ID card issued by a branch, department, agency, or entity of the US government, NC, or any county, municipality, board, authority, or other entity of NC.
- US military ID card.
- Tribal ID card.
- NC Voter ID card.

Mail-in Absentee Voting: Photo IDs would not be required for mail-in absentee voting. The previous ID requirements of G.S. 163-166.12 for first-time voters who register by mail would still apply to mail-in absentee voting.

Voter Identification Cards (Section 1.2): County boards of elections would be authorized to issue voter identification cards at no cost to the voter to individuals registered to vote who did not have a valid drivers' license or special ID card for nonoperators. The cards could only be used for voting and would require certain information about the person be printed on the card, including a photograph of the voter. A voter would be required to present a photo identity document or a nonphoto identity document that includes the person's name, evidence of the person's voter registration, and documentation of name and address. The card would remain valid as long as the person resided at the same address and remained qualified to vote. The voter would be responsible for surrendering the card to the county board of elections if the voter changes residence or ceases to be qualified to vote. The State Board would provide supplies and equipment to county boards of elections and adopt policies for administration.

One-Stop Voting and Registration (Section 1.3):

HB 351 would also require the voter to show one of the valid photo ID required by G.S. 163-166.12, and would require the person vote a provisional ballot if the document was not shown.

Election Day voting (Section 1.4): HB 351 would require a voter to present valid photo ID required by G.S. 163-166.12 prior to voting.

Early Voting (Section 1.5): HB 351 would require a voter to present valid photo ID required by G.S. 163-166.12 prior to voting, and would require the person vote a provisional ballot if the document was not shown.

Provisional Ballots (Section 1.6): HB 351 would require voters casting provisional ballots as a result of failure to show valid ID to appear in person at the county board of election no later than the conclusion of the election canvass to seek counting of the provisional ballot in one of two ways:

1. Provide photo ID and execute an affidavit that the person voted on the relevant day and cast a provisional ballot.
2. Execute an affidavit that the voter has a sincerely held religious objection to being photographed and that the person voted on the relevant day and cast a provisional ballot.

Unless the vote is disqualified for some other legal reason, the board must count the ballot.

Voter challenges (Section 1.7): HB 351 would add to the list of reasons for voter challenges that a voter does not provide required proof of ID. It would also allow observers assigned to that precinct to enter challenges.

Special ID Cards for nonoperators (Section 1.8): HB 351 would permit individuals eligible to vote in NC who do not have valid photo ID required for voting to be issued a special ID card without a fee.

Publicity Requirements and Funds (Sections 1.9-1.10): HB 351 would require voters be educated about the photo ID requirements through regular mailings, State and county board of election websites, notices of elections, posting at polling sites, and the Judicial Voters Guide. $600,000 would be appropriated for FY 2011-2012 to carry out the publicity requirements. Funding for publicity and to provide for issuance of ID cards could also come from:

- Title I and II Help America Vote Act (HAVA) funds
- Election Assistance for Individuals with Disabilities (EAID)
- Unexpended funds in the NC Voter Owned Elections Fund
- Funds from the surcharge on attorney membership fees as related to judicial elections.

Effective Date (Section 1.11): For counties not subject to Section 5 of the Voting Rights Act the voter ID requirements would apply beginning with the statewide primary in 2012. For counties subject to Section 5 of the Voting Rights Act the voter ID requirements would apply beginning with the later of the statewide primary in 2012 or when the act is precleared. The remainder of Part 1 would become effective July 1, 2011.

Part 2: Candidate and Treasurer Duty and Liability

Duty to Correct Violations (Section 2.1): HB 351 would require a candidate or treasurer to take immediate action to correct campaign finance violations that could result in a criminal or civil penalty upon actual violations. Former treasurers would be required to report violations to the State Board of Elections.

Candidate Liability (Section 2.2): HB 351 would make a candidate jointly and severally liable for any civil penalties assessed for campaign finance violations against the candidate's campaign committee.

Effective Date (Section 2.3): Part 2 would become effective January 1, 2012 and apply to civil penalties assessed for any violation occurring on or after that date.

Part 3: State Board of Elections Chair Term Limit

Current Law: The State Board of Election consists of 5 members serving four year terms. Members are appointed by the Governor. No more than 3 of the Board members may be form the same political party. The Board elects one of its members chair. Currently, there are no term limits on Board membership or terms as chair.

Bill Analysis (Sections 3.1 and 3.2): HB 351 would limit the term of office as chair to 2 years, beginning May 1 of odd-numbered years, and limit service as chair to 2 terms. Service prior to May 1, 2009 would be considered as 1 term for purposes of the bill. The State Board of Elections would be required to elect a chair for a two-year term beginning May 1, 2011.

Effective Date (Section 3.3): Part 3 would become effective when it becomes law.

Part 4: Prohibit Piece Payment for Voter Registration

Current Law: G.S. 163-82.6(a1)(2) makes it a Class 2 misdemeanor to sell or attempt to sell a completed voter registration form or condition its delivery upon payment.

Bill Analysis (Sections 4.1 and 4.2): HB 351 makes it a Class 2 misdemeanor for a person who employs or contracts with another person to register voters or encourage or assist voters to fill out voter registration forms to pay that person by the completed voter registration application. It also makes it a Class 2 misdemeanor for a person to accept payment based on the number of complete voter applications.

Effective Date (Section 4.3): Part 4 would become effective with respect to voter registration applications completed on or after January 1, 2012.

Part 5: No Pay-To-Play

Current Law:

Limitations on campaign contributions: A candidate may not accept and a contributor may not give more than four thousand dollars ($4,000) per candidate per election. If there is a primary for the office of the candidate and a general election, the candidate may receive four thousand dollars ($4,000) through the day of the primary and four thousand dollars ($4,000) from the day after the primary through the general election per contributor. A candidate, the candidate's spouse, parents, brothers and sisters may contribute unlimited amounts to the candidate and are not subject to the limitations. Any National, State, district or county executive committee of any political party (recognized under G.S. 163-96) is exempt from the contribution limitations as well.

Prohibitions on campaign contributions: It is unlawful for any corporation, business entity, labor union, professional association, or insurance company to directly or indirectly contribute to a candidate. Political committees not registered with North Carolina are also prohibited from contributing. A registered political committee, other than those exempt political party committees, may contribute four thousand dollars ($4,000) per election to candidate committees. No lobbyist may make a contribution at any time to a member of the General Assembly or Council of State or a candidate that has been elected or appointed to the General Assembly or Council of State.

State Purchase and Contract: Article 3 of Chapter 143 requires that all contracts in excess of certain "benchmarks" for the purchase of supplies, materials, equipment, other tangible personal property and service contracts must be handled by the Office of Purchase and Contract in the Department of Administration. Contracts

under the specified benchmark may be handled by the specific department. Most departments have a $10,000 benchmark, but the Secretary of the Department of Administration has the authority to increase the benchmark to $25,000 under certain circumstances. The following are some of the State agency contracts that are not subject to Article 3: information technology (Article 3D, Chpt. 147), consultant services (Article 3C, Chpt. 143); architectural, engineering and surveying services (Article 3D, Chpt 143); building contracts (Article 8, Chpt 143); acquisition of real property (Article 6, Chpt. 146) and disposition of real property (Article 7, Chpt. 146).

Bill Analysis (Section 5.1): Part 5 would prohibit an "entity affiliated with a vendor" that has entered into a contract for goods, materials, supplies, or services over $25,000 with any of the offices or departments headed by a member of the Council of State from making during the term of the contract a contribution to a relevant political campaign. It also would provide that the relevant political campaign cannot **accept contributions** from those individuals during the term of the contract. The prohibition would **not** apply if the contributions from all the entities affiliated with a vendor did not total more than $1,000 during the term of the contract. A violation of the prohibition would be a Class 2 misdemeanor. The State Board of Elections must adopt procedures it deems necessary to enforce this subsection.

The following terms would be defined.

"Contribution." - Contribution as defined in G.S. 163-278.6 means a advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever, made to, or in coordination with, a candidate, and any contract, agreement, or other obligation to make a contribution. Contributions are made during the term of the contract if dated or pledged on or after the 1st day but no later than the last day of the term of the contract, or if the entity affiliated with the vendor pledges to deliver the contribution after the term of the contract while the contract is ongoing.

Contributions are not deemed made under the following conditions:

1. The vendor or affiliated entity discovers the contribution within 2 months of the date of the contribution.
2. The contribution exceeds $1,000.
3. The vendor or affiliated entity obtains a return of the contribution within 60 calendar days of date of the discovery.

Contributions are accepted during the term of the contract if the relevant political campaign received the contribution on or after the 1st day and not later than the last day of the term of the contract and does not return the contribution within 10 days, or if the political campaign agrees on or after the first day of the term of the contract to receive the contributions after the last day of the term of the contract.

"Entity affiliated with a vendor." – An officer, director, member or manager of the vendor if the vendor is an incorporated business or a limited liability company, a partner or general manager if the vendor is an unincorporated business entity or any political committee of which the vendor is the parent entity as provided in G.S. 163-278.19. Director of a vendor means any director of the vendor whether or not receiving compensation. An advisory director is not a director of a vendor if the advisory director: (i) is not elected by the vendor's shareholders and the vendor is a company or bank; (ii) is not authorized to vote on matters before the Board of Directors; and (iii) provides solely general policy advice to the Board of Directors.

"Office with authority to award contract." –

(1) Office of the Governor.
(2) Office of the Lieutenant Governor.
(3) Department of the Secretary of State.
(4) Department of State Auditor.
(5) Department of State Treasurer.
(6) Department of Public Instruction.
(7) Department of Justice.
(8) Department of Agriculture and Consumer Services.
(9) Department of Labor.
(10) Department of Insurance.

"Relevant political campaign." – A candidate for the office with authority to award the contract, the officer holding the office with authority to award the contract, or a political committee controlled by a candidate for or officer holding the office with authority to award the contract.

Effective Date (Section 5.2): Part 5 would become effective January 1, 2012 and applies to contributions made on or after that date.

Part 6: Absentee Ballot Request Flexibility

Current Law: G.S. 163-230.2 requires that a written request for an absentee ballot must be either 1) written entirely by the requestor personally, or 2) on a form generated by the county board of elections and signed by the requestor. A request form may only be issued to the voter seeking an absentee ballot or the voter's near relative or verifiable legal guardian. The requestor may receive assistance in writing from an individual of the requestor's choice if the requestor is unable to complete the request due to disability or illiteracy.

Bill Analysis (Section 6.1): HB 351 would require that a written request for an absentee ballot be signed by the requestor. It would eliminate the requirement the request be personally written entirely by the requestor or made on a form generated by the county board of elections.

Effective Date (Section 6.2): Part 6 would become effective for primaries and elections conducted on or after January 1, 2012.

H351-SMTC-4(e1) v1

ATTACHMENT 4

oppose

Dr Andrew Tappan

House Elections Committee Meeting (3/1

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Dr Walker Barbee submitted 15 amendments

Lawsuit

Jerry Moran

Recommendation to Chair will provide info.

17,000 signatures to support I.D.

written version Bob Jackson

documento

oppose Wendi Hicks

Jack Preston

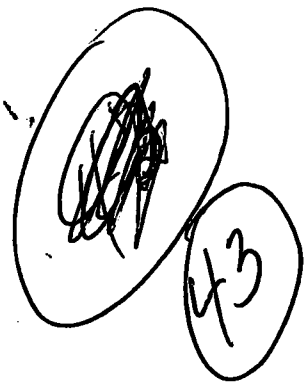
Matt Tiffany Donna Worrell

3/11/2011 11:34:39 AM

over

Kathleen Buclat ✓

Dr. Martha Carmichael ✓



Voter ID

House Elections Committee Meeting (3/1

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yielded to? Norton

yielded to: Bob Jackson

announced by:
yielded to: Mr Harrison

yield: Dara Preston
Emil Burke

yield - College Student
yielded to: Donna Yow

Kathleen Ballance
Martha Chamnical
Brad Lowman
Greg (NOT transparency)

3/11/2011 11:34:39 AM

disinfranchised

only Section 1. today

Whole Subject 1.1 – 1.10

House Elections Committee Meeting (3/15/2011)

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Walter Rogers
Kathleen Baylo Bouch
or Agatha Carmichael

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Sarah	Preston	aclulegis@nc.rr.com	ACLU-NC
Laura	Long	laura-long@nc.rr.com	Triangle Conservatives Unite!

Brad Thompson

Greg Flynn — Comment Section

ATTACHMENT 4

My name is Donna Williams. I have lived in Wake County for 24 years.

I want to thank you all for giving me an opportunity to share my thoughts regarding requiring a photo ID to vote.

There are many activities that require a photo ID. You have to show a photo ID to borrow a book from the Wake County public library, go to the Doctor's office, go to the Emergency Room , receive social service benifits, board a train or a plane, write a check, cash a check, use a credit card, take the SAT test, make a return or exchange at Best Buy and the latest…12 days ago in Winston Salem, it is the law that one cannot panhandle without a permit AND a PHOTO ID.

I believe that voting in our State and our Country is MUCH more important than ANY of the activities that I just mentioned.

I also believe that there IS much fraudulent voting taking place in our State. Requiring a Photo ID would stop the majority of this. Voting is the basis for our form of democracy. We MUST ensure that voting is honest. I have recently read polls where 84% or higher of Americans are for Photo ID to ensure honest elections.

I have also read that one of the arguments against this is the cost…well, I would GLADLY contribute. It costs $10.00 to get a photo ID at DMV. I will give $10.00…and I am willing to bet that the majority of the 84% of North Carolinians that want photo ID would also give $10.00 so that we can have confidence that voting in our state is FAIR and LEGAL.

I have also heard people state that voting is a right, and that they are concerned that some may lose their right to vote. Well, I agree – voting IS A RIGHT – and I want MY RIGHT TO VOTE…to be PROTECTED. If illegal voting is happening, then every honest voter is being hurt.

If our elections are NOT fair and legal, then we are in the same mess as 3rd world countries.

The US Supreme Court has ruled that requiring a picture ID does NOT place an undue burden on an individual, and I could not agree more. Why, when we often need an ID to cash a check, receive social services of any kind, borrow a book from the library, or panhandle in Winston Salem, would we not require one when we vote?

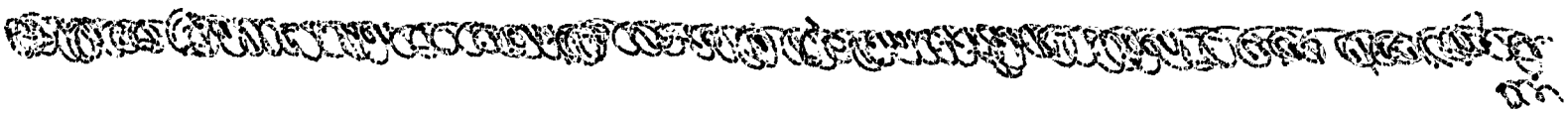
The opportunity to vote is our most precious freedom and any dilution of that vote, for any reason, is of great concern to me.

I am asking you all to vote YES and require the citizens of NC to show a photo ID to vote, beginning with our elections this year.

Thank you very much.

Donna Williams, 1100 Watermark Ct. Raleigh, NC 27609

Home phone – 919-872-0026



Acceptable Identification

Students must have photo ID on SAT® test day

Students taking the SAT must present an **acceptable form of photo identification** in order to be admitted to the test center. IDs will also be checked during the test. Identification must:

- Be current
- Include a recognizable photo
- Bear the student's name in English
- Match the name shown on the student's Admission Ticket

What is acceptable identification?

Acceptable identification includes:

- Driver's license
- State-issued ID
- School identification card
- Valid passport
- Student ID Form (that your school can prepare)
- Talent Identification Program ID/Authorization to Test Form (grades 7 and 8 only); photo not required

Preparing a Student ID Form

A counselor or student can prepare an Student ID Form for 2010-11 (.pdf/266K). *Requires Adobe Reader (latest version recommended).* This form must include a recognizable photo, and the school or notary seal must overlap the photo. If prepared by the school, the form should be printed on school letterhead. A student should sign the ID form in the presence of a counselor or principal or notary public. The student will also be asked to sign the ID form again at the test center. This form must be dated and is good for only one year.

Unacceptable identification

If a student does not bring acceptable ID to the test center, that student will not be permitted to test. Examples of unacceptable identification include:

- Social security card
- Credit card (including one with a photo)
- Parent's driver's license
- Birth certificate
- Expired passport
- Yearbook
- Written physical description of the student (without photo), even if written on school stationery and signed by a counselor or principal

Admittance to the test center does not mean that the identification presented is valid or that scores are reported. All reported cases of questionable identification are subject to review and appropriate action.

Home-schooled students

Home-schooled students who do not have acceptable photo ID should download and print the form, and take it to their authorized Homeschool Association or a notary public to have it signed and sealed.

Students testing in India, Ghana, Nepal, Nigeria, and Pakistan

HELP TOPICS

Payment & Pricing
Shipping & Store Pickup
Returns & Refunds
Viewing & Changing Orders
Installation & Delivery
Product Support & Repairs
Using My Account
Reward Zone® Program
Legal & Privacy Policies

Self Service
Check Order Status
View Order History
Forgot Your Password?
Find a Store
Manage Your Credit Card
Check Repair Status

Best Buy Store Exchange & Return Policy

Best Buy Store Exchange & Return Policy

To exchange or return an item purchased in one of our stores, bring the item to any Best Buy store. Please follow these guidelines:

Exchange and Return Period

Exchange or return your item anytime from the original purchase date within the timeframe below:

- 14 days for computers, monitors, projectors, camcorders, digital cameras, iPads, tablets and radar detectors
- 30 days for all other products
- 45 days for all products for Reward Zone Program Premier Silver members*

*If you are returning a mobile phone or device with a plan, Best Buy is not responsible for carrier charges incurred after the carrier's 30-day cancellation period.

Non-Returnable Items

Some items cannot be returned, including:

- Labor, delivery and/or installation services
- Pre-paid cards such as music, photo, video or phone cards
- Digital content (e.g. music downloads from Napster)
- Pitch In™ Card contributions
- Consumable items such as food, drink and batteries
- Items that are damaged or abused
- Items that are missing accessories, such as remote controls, cords and cables
- Etched or otherwise personalized items
- Opened computer software, movies, music and video games can be exchanged for the identical item but cannot be returned for a refund

Original Receipt and Valid Photo ID

Bring the original receipt as well as your valid photo ID for all exchanges, returns, price matches and warranty repair services. Best Buy accepts the following forms of photo identification:

- U.S., Canadian or Mexican driver's license
- U.S. state ID
- Canadian province ID
- U.S. military ID
- Passport

We electronically secure your information solely for the purpose of returns management, in accordance with state and federal laws regarding consumer privacy.

Restocking Fee

There is a 25% restocking fee for special order products.

dealsplus

Deals Coupons

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examiner.com offers Best Buy All returns and exchange Need Photo ID Required for News.

at examiner.com Examiner Coupons

Best Buy is tightening its grip once again on its return and exchange policy immediately following the end of the holiday returns (last day was January 31, 2011). Effective as of February 1, 2011, all Best Buy stores nationwide (including New York City) now have a new sign displayed at the customer service counter regarding their new return and exchange policy. Although the return or exchange timeframe remains the same (normally 30 days for many items), there is new requirement: photo ID for all returns and exchanges with or without receipt. Additionally, all returns and exchanges will be tracked on an individual level by scanning or manually inputting and storing the unique photo ID information. Prior to this change in their return and exchange policy, there was no requirement for a photo ID as long as you had your receipt. Even receiptless returns rarely ever required photo ID and Best Buy only asked for your contact information to input into their system.

Continue reading on Examiner.com: Is the new Best Buy return and exchange policy a sign of more financial woes? - New York DVD | Examiner.com http://www.examiner.com/dvd-in-new-york/is-the-new-best-buy-returns-and-exchanges-policy-a-sign-of-more-financial-woes#ixzz1DHuACL00

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Feb 07, 2011

4
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Sale at L.L.Bean | SAVE up to 70% | WINTER... SALE (19 plusses)

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Rush of Color Assorted Tulip Bouquet - VASE... $19.99 (4 plusses)

news-record.com

Winston-Salem's panhandling rules take effect

- Article
- Comments (2)

Thursday, March 3, 2011
(Updated 11:41 am)

By WINSTON-SALEM JOURNAL

WINSTON-SALEM (MCT) — Police have started issuing warnings for violators of the city's expanded panhandling ordinance.

The City Council approved changes to the ordinance in December that bars panhandlers in the medians and requires them to have a permit.

The law went into effect Tuesday. The change does not affect charities or people who sell newspapers in the medians.

Winston-Salem Police Chief Scott Cunningham said Wednesday that five people have applied for permits.

The permits are free and are good for a year but require a criminal-background check. Permits can be denied if the applicant has been previously convicted for violating the city's panhandling ordinance at least twice in the past two years or has two or more convictions for felony assault, communicating threats or illegal use of weapons.

Implementation of the law had been delayed as officials worked out the process of doing the background checks for permit applications.

Cunningham said the change in the ordinance will likely make panhandling here safer but won't eliminate the practice.

Cunningham and Lori Sykes, the city attorney who handles public safety issues, said the city has received reports of panhandlers shouting at people in cars, one case in which a panhandler reached into a car and another in which a pedestrian was followed after turning down for a request for money.

Cunningham said anyone panhandling will be required to have a photo ID in addition to a permit. Panhandlers will be required to show the permit to law-enforcement officers if asked but are not required to show it to the general public.

Cunningham said the background checks can take from three to five business days to complete. Because of the newness of the law and the time it takes to process the background checks, almost anyone panhandling for the next few days won't be in compliance with the ordinance.

No one had been granted a permit as of Wednesday, Cunningham said.

Cunningham said violators will first be issued a warning but subsequently could be charged with a misdemeanor.

The criminal-background check would also identify applicants who have outstanding warrants against them, Cunningham said.

He also said he doesn't know the total number of people who panhandle on Winston-Salem streets but guesses it's about 100.

TheTimesNews.com

Panhandlers in Winston-Salem need permits to beg

The Associated Press
2011-03-04 08:26:05

WINSTON-SALEM — A new law requires panhandlers in Winston-Salem to apply for permits if they want to beg in public places.

The Winston-Salem Journal reports five applications have been submitted since the law went into effect Tuesday. Officials say each application takes a few days to complete.

Panhandlers also are being required to possess a photo ID and stay out of highway medians.

The new ordinance does not apply to charities.

Panhandling permits are free but require a criminal background check. Permits will be denied to anyone who has violated the ordinance more than once in the past two years or who has two or more convictions for assault, communicating threats or illegal use of weapons.

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Reed firm
Dr. Barber
Minutes 3/15/11

FIFTEENTH AMENDMENT

RIGHT OF CITIZENS TO VOTE

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RIGHT OF CITIZENS TO VOTE

FIFTEENTH AMENDMENT

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

ABOLITION OF SUFFRAGE QUALIFICATIONS ON BASIS OF RACE

Adoption and Judicial Enforcement

Adoption.—The final decision of Congress not to include anything relating to the right to vote in the Fourteenth Amendment, aside from the provisions of § 2,[1] left the issue of Negro suffrage solely with the States, and Northern States were generally as loath as Southern to grant the ballot to African Americans, both the newly-freed and those who had never been slaves.[2] But in the second session of the 39th Congress, the right to vote was extended to African Americans by statute in the District of Columbia and the territories, and the seceded States as a condition of readmission had to guarantee Negro suffrage.[3] Following the election of President Grant, the "lame duck" third session of the Fortieth Congress sent the proposed Fifteenth Amendment to the States for ratification. The struggle was intense because Congress was divided into roughly three factions: those who opposed any federal constitutional guarantee of Negro suffrage, those who wanted to go beyond a limited guarantee and enact universal male suffrage, including abolition of all educational and property-holding tests, and those who wanted or who were willing to settle for an amendment merely

[1] *See* discussion under "Apportionment of Representation," supra. Of course, the equal protection clause has been extensively utilized by the Court to protect the right to vote. *See* "Fundamental Interests: The Political Process," supra.

[2] W. GILLETTE, THE RIGHT TO VOTE: POLITICS AND THE PASSAGE OF THE FIFTEENTH AMENDMENT 25–28 (1965).

[3] Id. at 29–31; ch. 6, 14 Stat. 375 (1866) (District of Columbia); ch. 15, 14 Stat. 379 (1867) (territories); ch. 36, 14 Stat. 391 (1867) (admission of Nebraska to statehood upon condition of guaranteeing against racial qualifications in voting); ch. 153, 14 Stat. 428 (1867) (First Reconstruction Act).

proscribing racial qualifications in determining who could vote under any other standards the States wished to have.[4] The latter group ultimately prevailed.

The Judicial View of the Amendment.—In its initial appraisals of this Amendment, the Supreme Court appeared disposed to emphasize only its purely negative aspects. "The Fifteenth Amendment," it announced, did "not confer the right . . . [to vote] upon any one," but merely "invested the citizens of the United States with a new constitutional right which is . . . exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude."[5] But in subsequent cases, the Court, conceding "that this article" has originally been construed as giving "no affirmative right to the colored man to vote" and as having been "designed primarily to prevent discrimination against him," professed to be able "to see that under some circumstances it may operate as the immediate source of a right to vote. In all cases where the former slave-holding States had not removed from their Constitutions the words 'white man' as a qualification for voting, this provision did, in effect, confer on him the right to vote, because . . . it annulled the discriminating word white, and this left him in the enjoyment of the same right as white persons. And such would be the effect of any future constitutional provision of a State which would give the right of voting exclusively to white people. . . ."[6]

Although "the immediate concern of the Amendment was to guarantee to the emancipated slaves the right to vote," the Amendment "is cast in fundamental terms" that transcend that immediate objective, and "grants protection to all persons, not just members of a particular race."[7] Moreover, the Court has construed "race" broadly to comprehend classifications based on ancestry as well as those based on race.[8] "Ancestry can be a proxy for race," the Court explained recently, finding such a proxy in Hawaii's limitation of the right to vote in a statewide election for an office responsible for

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[4] Gillette, supra, at 46–78. The congressional debate is conveniently collected in 1 B. SCHWARTZ, STATUTORY HISTORY OF THE UNITED STATES—CIVIL RIGHTS 372 (1971).

[5] United States v. Reese, 92 U.S. 214, 217–18 (1876); United States v. Cruikshank, 92 U.S. 542, 566 (1876).

[6] Ex parte Yarbrough, 110 U.S. 651, 665 (1884); Guinn v. United States, 238 U.S. 347, 363 (1915). A state constitutional provision limiting the right of suffrage to whites was automatically nullified by ratification of the Fifteenth Amendment. Neal v. Delaware, 103 U.S. 370 (1881).

[7] Rice v. Cayetano, 528 U.S. 495, 512 (2000).

[8] Guinn v. United States, 238 U.S. 347 (1915) (invalidating Oklahoma exception to literacy requirement for any "lineal descendants" of persons entitled to vote in 1866).

administering a trust for the benefit of persons who can trace their ancestry to Hawaiian inhabitants of 1778.[9]

Grandfather Clauses.—Until quite recently, the history of the Fifteenth Amendment has been largely a record of belated judicial condemnation of various state efforts to disenfranchise African Americans either overtly through statutory enactment or covertly through inequitable administration of electoral laws and toleration of discriminatory membership practices of political parties. Of several devices which have been voided, one of the first to be held unconstitutional was the "grandfather clause." Beginning in 1895, several States enacted temporary laws whereby persons who had been voters, or descendants of those who had been voters, on January 1, 1867, could be registered notwithstanding their inability to meet any literacy requirement. Unable because of the date to avail themselves of the exemption, African Americans were disabled to vote on grounds of illiteracy or through discriminatory administration of literacy tests, while illiterate whites were permited to register without taking any tests. With the achievement of the intended result, most States permitted their laws to lapse, but Oklahoma's grandfather clause had been enacted as a permanent amendment to the state constitution. A unanimous Court condemned the device as recreating and perpetuating "the very conditions which the [Fifteenth] Amendment was intended to destroy."[10]

The Court did not experience any difficulty in voiding a subsequent Oklahoma statute of 1916 which provided that all persons, except those who voted in 1914, who were qualified to vote in 1916 but who failed to register between April 30 and May 11, 1916, with some exceptions for sick and absent persons who were given an additional brief period to register, should be perpetually disenfranchised. The Fifteenth Amendment, Justice Frankfurter declared for the Court, nullified "sophisticated as well as simple-minded modes of discrimination. It hits onerous procedural requirements which effectively handicap exercise of the franchise by the colored race although the abstract right to vote may remain unrestricted as to race."[11] The impermissible effect of the statute, said the Court, was automatically to continue as permanent voters, without their being obliged to register again, all white persons who were on registration lists in 1914 by virtue of the previously invalidated grandfather clause, whereas African Americans, prevented

[9] Rice v. Cayetano, 528 U.S. 495, 514 (2000).
[10] Guinn v. United States, 238 U.S. 347 (1915).
[11] Lane v. Wilson, 307 U.S. 268, 275 (1939).

from registering by that clause, had been afforded only a 20-day registration opportunity to avoid permanent disenfranchisement.

The White Primary.—Indecision was displayed by the Court, however, when it was called upon to deal with the exclusion of African Americans from participation in primary elections. Prior to its becoming convinced that primary contests were in fact elections to which federal constitutional guarantees applied,[12] the Court had relied upon the equal protection clause to strike down the Texas White Primary Law[13] and a subsequent Texas statute which contributed to a like exclusion by limiting voting in primary elections to members of state political parties as determined by the central committees thereof.[14] When exclusion of African Americans was thereafter perpetuated by political parties not acting in obedience to any statutory command, this discrimination was for a time viewed as not constituting state action and therefore as not prohibited by either the Fourteenth or the Fifteenth Amendments.[15] This holding was reversed nine years later when the Court declared that where the selection of candidates for public office is entrusted by statute to political parties, a political party in making its selection at a primary election is a state agency, and hence it may not under the Fifteenth Amendment exclude African Americans from such elections.[16] An effort by South Carolina to escape the effects of this ruling by repealing all statutory provisions regulating primary elections and political organizations conducting them was nullified by a lower federal court with no doctrinal difficulty,[17] but the Supreme Court, although nearly unanimous on the result, was unable to come to a majority agreement with regard to the exclusion of African Americans by the Jaybird Association, a county-wide organization which, independently of state laws and the use of state election machinery or funds, nearly monopolized access to Democratic nomination for local offices. The exclusionary policy was held unconstitutional but there was no opinion of the Court.[18]

Literacy Tests.—At an early date the Court held that literacy tests which are drafted so as to apply alike to all applicants for the voting franchise would be deemed to be fair on their face and in the absence of proof of discriminatory enforcement could not be

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[12] United States v. Classic, 313 U.S. 299 (1941); Smith v. Allwright, 321 U.S. 649 (1944).

[13] Nixon v. Herndon, 273 U.S. 536 (1927).

[14] Nixon v. Condon, 286 U.S. 73 (1932).

[15] Grovey v. Townsend, 295 U.S. 45 (1935).

[16] Smith v. Allwright, 321 U.S. 649 (1944).

[17] Rice v. Elmore, 165 F.2d 387 (4th Cir. 1947), cert. denied, 333 U.S. 875 (1948); *see also* Baskin v. Brown, 174 F.2d 391 (4th Cir. 1949).

[18] Terry v. Adams, 345 U.S. 461 (1953). For analysis of the opinions, *see* "State Action," supra.

said to deny equal protection.[19] But an Alabama constitutional amendment the legislative history of which disclosed that both its object and its intended administration were to disenfranchise African Americans was condemned as violative of the Fifteenth Amendment.[20]

Racial Gerrymandering.—The Court's series of decisions interpreting the equal protection clause as requiring the apportionment and districting of state legislatures solely on a population basis[21] had its beginning in *Gomillion v. Lightfoot*,[22] in which the Court found a Fifteenth Amendment violation in the redrawing of a municipal boundary line into a 28-sided figure which excluded from the city all but four or five of 400 African Americans but no whites, and which thereby continued white domination of municipal elections. Subsequent decisions, particularly concerning the validity of multi-member districting and alleged dilution of minority voting power, were decided under the equal protection clause,[23] and in *City of Mobile v. Bolden*,[24] in the course of a considerably divided decision with respect to the requirement of discriminatory motivation in Fifteenth Amendment cases,[25] a plurality of the Court sought to restrict the Fifteenth Amendment to cases in which there is official denial or abridgment of the right to register and vote, and to exclude indirect dilution claims.[26] Congressional amendment of § 2 of the Voting Rights Act may obviate the further development of constitutional jurisprudence in this area, however.[27]

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[19] Williams v. Mississippi, 170 U.S. 213 (1898); *Cf.* Lassiter v. Northampton County Bd. of Elections, 360 U.S. 45 (1960).

[20] Davis v. Schnell, 81 F. Supp. 872 (M.D. Ala. 1949), aff'd 336 U.S. 933 (1949).

[21] *See* "Apportionment and Districting," supra.

[22] 364 U.S. 339 (1960). *See also* Wright v. Rockefeller, 376 U.S. 52 (1964).

[23] *E.g.*, Whitcomb v. Chavis, 403 U.S. 124 (1971); White v. Regester, 412 U.S. 755 (1973).

[24] 446 U.S. 55 (1980).

[25] On the issue of motivation versus impact under the equal protection clause, *see* discussion of "Testing Facially Neutral Classifications Which Impact on Minorities" in the Fourteenth Amendment, supra. On the plurality's view, *see* 446 U.S. at 61-65. Justice White appears clearly to agree that purposeful discrimination is a necessary component of equal protection clause violation, and may have agreed as well that the same requirement applies under the Fifteenth Amendment. Id. at 94–103. Only Justice Marshall unambiguously adhered to the view that discriminatory effect is sufficient. Id. at 125. *See also* Beer v. United States, 425 U.S. 130, 146–49 & nn.3–5 (1976) (dissenting).

[26] 446 U.S. at 65. At least three Justices disagreed with this view and would apply the Fifteenth Amendment to vote dilution claims. Id. at 84 n.3 (Justice Stevens concurring), 102 (Justice White dissenting), 125–35 (Justice Marshall dissenting). The issue was reserved in Rogers v. Lodge, 458 U.S. 613, 619 n.6 (1982).

[27] *See* Voting Rights Act Amendments of 1982, Pub. L. 97–205, 96 Stat. 131, amending 42 U.S.C. § 1973. The Supreme Court interpreted the 1982 amendments to section 2 in Thornburg v. Gingles, 478 U.S. 30 (1986), determining that Congress

Congressional Enforcement

Although the Fifteenth Amendment is "self-executing,"[28] the Court early emphasized that the right granted to be free from racial discrimination "should be kept free and pure by congressional enactment whenever that is necessary."[29] Following ratification of the Fifteenth Amendment in 1870, Congress passed the Enforcement Act of 1870,[30] which had started out as a bill to prohibit state officers from restricting suffrage on racial grounds and providing criminal penalties and ended up as a comprehensive measure aimed as well at private action designed to interfere with the rights guaranteed under the Fourteenth and Fifteenth Amendments. Insofar as this legislation reached private action, it was largely nullified by the Supreme Court and the provisions aimed at official action proved ineffectual and much of it was later repealed.[31] More recent legislation has been much more far-reaching in this respect and has been sustained.

State Action.—Like § 1 of the Fourteenth, § 1 of the Fifteenth Amendment prohibits official denial of the rights therein guaranteed, giving rise to the "state action" doctrine.[32] Nevertheless, the Supreme Court in two early cases seemed to be of the opinion that Congress could protect the rights against private deprivation, on the theory that Congress impliedly had power to protect the enjoyment of every right conferred by the Constitution against depriva-

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had effectively overruled the *City of Mobile* intent standard in returning to a "totality of the circumstances" results test.

[28] Guinn v. United States, 238 U.S. 347, 362–63 (1915).

[29] Ex parte Yarbrough, 110 U.S. 651, 665 (1884).

[30] 16 Stat. 140. Debate on the Act is collected in 1 B. SCHWARTZ, STATUTORY HISTORY OF THE UNITED STATES—CIVIL RIGHTS 454 (1971). *See also* The Enforcement Act of 1871, ch. 99, 16 Stat. 433.

[31] Ch. 25, 28 Stat 36 (1894); ch. 321, 35 Stat. 1153 (1909). *See* R. CARR, FEDERAL PROTECTION OF CIVIL RIGHTS: QUEST FOR A SWORD 35–55 (1947), for a brief history of the enactment and repeal of the statutes. The surviving statutes of this period are 18 U.S.C. §§ 241–42, and 42 U.S.C. §§ 1971(a), 1983, and 1985(3).

[32] *See* "State Action," under the Fourteenth Amendment, supra. "The State ... must mean not private citizens but those clothed with the authority and influence which official position affords. The application of the prohibition of the Fifteenth Amendment to 'any State' is translated by legal jargon to read 'State Action.' This phrase gives rise to a false direction in that it implies some impressive machinery or deliberative conduct normally associated with what orators call a sovereign state. The vital requirement is State responsibility—that somewhere, somehow, to some extent, there be an infusion of conduct by officials, panoplied with State power, into any scheme by which colored citizens are denied voting rights merely because they are colored." Terry v. Adams, 345 U.S. 461, 473 (1953) (Justice Frankfurter concurring).

tion from any source.[33] But in *James v. Bowman*[34] the Court held that legislation based on the Fifteenth Amendment which attempted to prohibit private as well as official interference with the right to vote on racial grounds was unconstitutional, and that interpretation was not questioned until 1941.[35] But the Court's interpretation of the "state action" requirement in cases brought under § 1 of the Fifteenth Amendment narrowed the requirement there and opened the possibility, when these decisions are considered with cases decided under the Fourteenth Amendment, that Congress is not limited to legislation directed to official discrimination.[36]

Thus, in *Smith v. Allwright*,[37] the exclusion of African Americans from political parties without the compulsion or sanction of state law was nonetheless held to violate the Fifteenth Amendment because political parties were so regulated otherwise as to be in effect agents of the State and thus subject to the Fifteenth Amendment; additionally, in one passage the Court suggested that the failure of the State to prevent the racial exclusion might be the act implicating the Amendment.[38] Then, in *Terry v. Adams*,[39] the political organization was not regulated by the State at all and selected its candidates for the Democratic primary election by its own processes; all eligible white voters in the jurisdiction were members of the organization but African Americans were excluded. Nevertheless, the Court held that this exclusion violated the Fifteenth Amendment, although no rationale was agreed upon by a majority of the Justices. Four of them thought the case simply indistinguish-

[33] The idea was fully spelled out in Justice Bradley's opinion on circuit in United States v. Cruikshank, 25 Fed. Cas. 707, 712, 713 (No. 14,897) (C.C.D. La. 1874). The Supreme Court's decision in United States v. Cruikshank, 92 U.S. 542, 555–56 (1876), and United States v. Reese, 92 U.S. 214, 217–18 (1876), may be read to support the contention. Ex parte Yarbrough, 110 U.S. 651 (1884), involved a federal election and the assertion of congressional power to reach private interference with the right to vote in federal elections, but the Court went further to broadly state the power of Congress to protect the citizen in the exercise of rights conferred by the Constitution, among which was the right to be free from discrimination in voting protected by the Fifteenth Amendment. Id. at 665–66.

[34] 190 U.S. 127 (1903), holding unconstitutional Rev. Stat. § 5507, which was § 5 of the Enforcement Act of 1870, ch. 114, 16 Stat. 140.

[35] *E.g.*, United States v. Classic, 313 U.S. 299, 315 (1941); United States v. Williams, 341 U.S. 70, 77 (1951).

[36] *See* "Congressional Definition of Fourteenth Amendment Rights," supra.

[37] 321 U.S. 649 (1944).

[38] "The United States is a constitutional democracy. Its organic law grants to all citizens a right to participate in the choice of elected officials without restrictions by any State because of race. This grant to the people of the opportunity for choice is not to be nullified by a State through casting its electoral process in a form which permits a private organization to practice racial discrimination in the election. Constitutional rights would be of little value if they could be thus indirectly denied." 321 U.S. at 664.

[39] 345 U.S. 461 (1953).

able from *Smith v. Allwright* and thus did not deal with the central issue.[40] Justice Frankfurter thought the participation of local elected officials in the processes of the organization was sufficient to implicate state action.[41] Three Justices thought that when a purportedly private organization is permitted by the State to assume the functions normally performed by an agency of the State, then that association is subject to federal constitutional restrictions,[42] but this opinion also, in citing selected passages of *Yarbrough* and *Reese* and Justice Bradley's circuit opinion in *Cruikshank*, appeared to be suggesting that the state action requirement is not indispensable.[43] The 1957 Civil Rights Act[44] included a provision prohibiting private action with intent to intimidate or coerce persons in respect of voting in federal elections and authorized the Attorney General to seek injunctive relief against such private actions regardless of the character of the election. The 1965 Voting Rights Act[45] went further and prohibited and penalized private actions to intimidate voters in federal, state, or local elections. The Supreme Court has yet to consider the constitutionality of these sections.

Federal Remedial Legislation.—The history of federal remedial legislation is of modern vintage.[46] The 1957 Civil Rights Act[47] authorized the Attorney General of the United States to seek injunctive relief to prevent interference with the voting rights of citizens. The 1960 Civil Rights Act[48] expanded on this authorization by permitting the Attorney General to seek a court finding of "pat-

[40] 345 U.S. at 477 (Justices Clark, Reed, and Jackson, and Chief Justice Vinson).

[41] 345 U.S. at 470.

[42] 345 U.S. at 462, 468–69, 470 (Justices Black, Douglas, and Burton).

[43] 345 U.S. at 466-68. Justice Minton understood Justice Black's opinion to do away with the state action requirement. Id. at 485 (dissenting).

[44] 71 Stat. 637, 42 U.S.C. §§ 1971(b), 1971(c). In a suit to enjoin state officials from violating 42 U.S.C. § 1971(a), derived from Rev. Stat. 2004, applying to all elections, the defendants challenged the constitutionality of the law because it applied to private action as well as state. The Court held that inasmuch as the statute could constitutionally be applied to the defendants it would not hear their contention that as applied to others it would be void. United States v. Raines, 362 U.S. 17 (1960), disapproving the approach of United States v. Reese, 92 U.S. 214 (1876).

[45] Pub. L. No. 89–110, §§ 11–12, 79 Stat. 443, 42 U.S.C. §§ 1973i, 1973j.

[46] The 1871 Act, ch. 99, 16 Stat. 433, provided for a detailed federal supervision of the electoral process, from registration to the certification of returns. It was repealed in 1894. ch. 25, 28 Stat. 36. In Giles v. Harris, 189 U.S. 475 (1903), the Court, in an opinion by Justice Holmes, refused to order the registration of 6,000 African Americans who alleged that they were being wrongly denied the franchise, the Court observing that no judicial order would do them any good in the absence of judicial supervision of the actual voting, which it was not prepared to do, and suggesting that the petitioners apply to Congress or the President for relief.

[47] Pub. L. No. 85–315, 71 Stat. 634. *See* United States v. Raines, 362 U.S. 17 (1960); United States v. Alabama, 192 F. Supp. 677 (M.D. Ala. 1961), aff'd, 304 F.2d 583 (5th Cir.), aff'd, 371 U.S. 37 (1962).

[48] Pub. L. No. 86–449, 74 Stat. 86.

tern or practice" of discrimination in any particular jurisdiction and authorizing upon the entering of such a finding the registration of all qualified persons in the jurisdiction of the race discriminated against by court-appointed referees. This authorization moved the vindication of voting rights beyond a case-by-case process. Further amendments were added in 1964.[49] Finally, in the Voting Rights Act of 1965[50] Congress went substantially beyond what it had done before. It provided that if the Attorney General determined that any State or political subdivision maintained on November 1, 1964, any "test or device"[51] and that less than 50 per cent of the voting age population in that jurisdiction was registered on November 1, 1964, or voted in the 1964 presidential election, such tests or devices were to be suspended for five years and no person should be denied the right to vote on the basis of such a test or device. A State could reinstitute such a test or device within the prescribed period only by establishing in a three-judge court in the District of Columbia that the test or device did not have a discriminatory intent or effect and the covered jurisdiction could only change its election laws in that period by obtaining the approval of the Attorney General or a three-judge court in the District of Columbia. The Act also provided for the appointment of federal examiners who could register persons meeting nondiscriminatory state qualifications who then must be permitted to vote.

These laws the Supreme Court upheld and expansively applied. In *United States v. Mississippi*,[52] the Court held that the Attorney General was properly authorized to sue for preventive relief to protect the right of citizens to vote, that the State could be sued,

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[49] Pub. L. No. 88–352, 78 Stat. 241.

[50] Pub. L. No. 89–110, 79 Stat. 437, 42 U.S.C. § 1973 et seq.

[51] The phrase "test or device" was defined as any requirement for (1) demonstrating the ability to read, write, understand, or interpret any matter, (2) demonstrating any educational achievement or knowledge, (3) demonstrating good moral character, (4) proving qualifications by vouching of registered voters. Aimed primarily at literacy tests, South Carolina v. Katzenbach, 383 U.S. 301, 333–34 (1966), the Act was considerably broadened through the Court's interpretation of § 5, 42 U.S.C. § 1973c, which require the approval either of the Attorney General or a three-judge court in the District of Columbia before a State could put into effect any new voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting, to include such changes as apportionment and districting, adoption of at-large instead of district elections, candidate qualification regulations, provisions for assistance of illiterate voters, movement of polling places, adoption of appointive instead of elective positions, annexations, and public employer restrictions upon employees running for elective office. Allen v. State Bd. of Elections, 393 U.S. 544 (1969); Perkins v. Matthews, 400 U.S. 379 (1971); Georgia v. United States, 411 U.S. 526 (1973); Dougherty County Bd. of Educ. v. White, 439 U.S. 32 (1978). *See also* United States v. Board of Comm'rs of Sheffield, 435 U.S. 110 (1978) (pre-coverage provisions apply to all entities having power over any aspect of voting, not just "political subdivisions" as defined in Act).

[52] 380 U.S. 128 (1965).

and that various election officers were defendants and the suit could not be defeated by the resignation of various officers. A lower federal court's judgment voiding an "interpretation test," which required an applicant to interpret a section of the state or federal constitution to the satisfaction of the voting registrar was approved in *Louisiana v. United States.*[53] The test was bad because it vested vast discretion in the registrars to determine qualifications while imposing no definite and objective standards for administration of the tests, a system which the evidence showed had been administered so as to disqualify African Americans and qualify whites. The Court also affirmed the lower court's decree invalidating imposition of a new objective test for new voters unless the State required all present voters to reregister so that all voters were tested by the same standards.

But it was in upholding the constitutionality of the 1965 Act that the Court sketched in the outlines of a broad power in Congress to enforce the Fifteenth Amendment.[54] While § 1 authorized the courts to strike down state statutes and procedures which denied the vote on the basis of race, the Court held, § 2 authorized Congress to go beyond proscribing certain discriminatory statutes and practices to "enforcing" the guarantee by any rational means at its disposal. The standard was the same as that employed under the "necessary and proper" clause supporting other congressional legislation. Congress was therefore justified in deciding that certain areas of the Nation were the primary locations of voting discrimination and in directing its remedial legislation to those areas. Congress chose a rational formula based on the existence of voting tests which could be used to discriminate and based on low registration or voting rates demonstrating the likelihood that the tests had been so used; it could properly suspend for a period all literacy tests in the affected areas upon findings that they had been administered discriminatorily and that illiterate whites had been registered while both literate and illiterate African Americans had not been; it could require the States to seek federal permission to reinstitute old tests or to institute new ones; and it could provide for federal examiners to register qualified voters. The nearly unanimous decision affords Congress a vast amount of discretion to enact measures designed to enforce the Amendment through broad affirmative prescriptions rather than through proscriptions of specific

[53] 380 U.S. 145 (1965). *See also* United States v. Thomas, 362 U.S. 58 (1960); United States v. Alabama, 362 U.S. 602 (1960); Alabama v. United States, 371 U.S. 37 (1962).

[54] South Carolina v. Katzenbach, 383 U.S. 301 (1966).

practices.[55] Subsequent decisions confirm the reach of this power. In one case, the Court held that evidence of discrimination in the educational opportunities available to black children in the county as compared to that available to white children during the period in which most of the adults who were now potential voters were in school precluded a North Carolina county from reinstituting a literacy test because of the past educational discrimination.[56] And when Congress in 1970[57] suspended for a five-year period literacy tests throughout the Nation, the Court unanimously sustained the action as a valid measure to enforce the Fifteenth Amendment.[58]

Moreover, in *City of Rome v. United States*,[59] the Court read even more broadly the scope of Congress' remedial powers under § 2 of the Fifteenth Amendment, paralleling the similar reasoning under § 5 of the Fourteenth. The jurisdiction sought to escape from coverage of the Voting Rights Act by showing that it had not utilized any discriminatory practices within the prescribed period. The lower court had found that the City had engaged in practices without any discriminatory motive, but that its practices had had a discriminatory impact. The City thus argued that, inasmuch as the Fifteenth Amendment reached only purposeful discrimination, the Act's proscription of effect as well as purpose went beyond Congress' power. The Court held, however, that even if discriminatory intent was a prerequisite to finding a violation of § 1 of the Fifteenth Amendment by the courts,[60] Congress had the authority to go beyond that and proscribe electoral devices that had the effect of discriminating. The section, like § 5 of the Fourteenth Amendment, was in effect a "necessary and proper clause" enabling Congress to enact enforcement legislation which was rationally related to the end sought and which was not prohibited by it but was consistent with the letter and spirit of the Constitution, even though the actual practice outlawed or restricted would not be judicially found to violate the Fifteenth Amendment. In so acting, Congress could prohibit state action that perpetuated the effect of past discrimination, or that, because of the existence of past purposeful discrimination, raised a risk of purposeful discrimination that might not lend itself to judicial invalidation. "It is clear, then, that under § 2 of the Fifteenth Amendment Congress may prohibit practices

[55] Justice Black dissented from that portion of the decision which upheld the requirement that before a State could change its voting laws it must seek approval of the Attorney General or a federal court. 383 U.S. at 355.

[56] Gaston County v. United States, 395 U.S. 285 (1969).

[57] 84 Stat. 315, 42 U.S.C. § 1973aa.

[58] Oregon v. Mitchell, 400 U.S. 112, 131–34, 144–47, 216–17, 231–36, 282–84 (1970).

[59] 446 U.S. 156 (1980).

[60] *Cf.* City of Mobile v. Bolden, 446 U.S. 55 (1980).

that in and of themselves do not violate § 1 of the Amendment, so long as the prohibitions attacking racial discrimination in voting are 'appropriate,' as that term is defined in *McCulloch v. Maryland* and *Ex parte Virginia* . . . . Congress could rationally have concluded that, because electoral changes by jurisdictions with a demonstrable history of intentional racial discrimination in voting create the risk of purposeful discrimination, it was proper to prohibit changes that have a discriminatory impact."[61]

City of Rome is highly significant for the validity of congressional additions to the Voting Rights Act. In 1975 and 1982, the Act was extended and revised to increase its effectiveness,[62] and the 1982 Amendments were addressed to revitalizing § 2 of the Act, which, unlike §§ 4 and 5, which remain limited to a number of jurisdictions, applies nationwide.[63] As enacted in 1965, § 2 largely tracked the language of the Fifteenth Amendment itself. In *City of Mobile v. Bolden*,[64] a majority of the Court agreed that the Fifteenth Amendment and § 2 of the Act were coextensive, but the Justices did not agree on the meaning thus to be ascribed to the

[61] City of Rome v. United States, 446 U.S. 156, 177 (1980). Justices Powell, Rehnquist, and Stewart dissented. Id. at 193, 206. In Lopez v. Monterey County, 525 U.S. 266 (1999), the Court reiterated its prior holdings that Congress may exercise its enforcement power based on discriminatory effects, and without any finding of discriminatory intent.

[62] The 1975 amendments, Pub. L. 94–73, 89 Stat. 400, extended the Act for seven years, expanded it to include those areas having minorities distinguished by their language, i.e., "persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage," § 207, 42 U.S.C. § 1973 1(c)(3), in which certain statistical tests are met and requiring election materials be provided in the language(s) of the group(s), and enlarged to require bilingual elections if more than five percent of the voting age citizens of a political subdivision are members of a single language minority group whose illiteracy rate is higher than the national rate. The 1982 amendments, Pub. L. 97–205, 96 Stat. 131, in addition to the § 2 revision, alter after August 5, 1984, the provisions by which a covered jurisdiction may take itself from under the Act by proving to the special court in the District of Columbia that it has complied with the Act for the previous ten years and that it has taken positive steps both to encourage minority political participation and to remove structural barriers to minority electoral influence. Moreover, the amendments change the result in Beer v. United States, 425 U.S. 130 (1976), in which the Court had held that a covered jurisdiction was precluded from altering a voting practice only if the change would lead to a retrogression in the position of racial minorities; even if the change was only a little ameliorative of existing discrimination, the jurisdiction could implement it. The 1982 amendments provide that the change may not be approved if it would "perpetuate voting discrimination," in effect applying the new § 2 results test to preclearance procedures. S. Rep. No. 417, 97th Congress, 2d Sess. 12 (1982); H.R. Rep. No. 227, 97th Congress, 1st Sess. 28 (1981).

[63] Private parties may bring suit to challenge electoral practices under § 2. It provided, before the 1982 amendments, that "[n]o voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color."

[64] 446 U.S. 55 (1980). *See* id. at 60–61 (Justices Stewart, Powell, Rehnquist, and Chief Justice Burger), and id. at 105 n.2 (Justice Marshall dissenting).

statute. A plurality did believe that because the constitutional provision reached only purposeful discrimination, § 2 was similarly limited. It was one major purpose of Congress in 1982 to set aside this possible interpretation and provide that any electoral practice "which results in a denial or abridgement" of the right to vote on account of race or color will violate the Act.[65] The subsequent Court adoption, or re-adoption, of the standards by which it can be determined when a practice denies or abridges the right to vote, though couched in terms of proving intent or motivation, may well bring the constitutional and statutory standards into such close agreement that the constitutional question will not arise.[66]

[65] In § 3 of the 1982 amendments, § 2 of the Act was amended by the insertion of the quoted phrase and the addition of a section setting out a nonexclusive list of factors making up a totality of circumstances test by which a violation of § 2 would be determined. 96 Stat. 134, amending 42 U.S. § 1973. Without any discussion of the Fifteenth Amendment, the Court in Thornburg v. Gingles, 478 U.S. 30 (1986), interpreted and applied the "totality of the circumstances" test in the context of multimember districting.

[66] *See* Rogers v. Lodge, 458 U.S. 613 (1982).

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Voting Rights Act

An act to enforce the fifteenth amendment to the Constitution of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act of 1965."

SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: Provided, That the court need not authorize the appointment of examiners if any incidents of denial or abridgement of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce

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the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color: Provided, That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: Provided, That no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere

in the territory of such plaintiff. An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 percentum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 percentum of such persons voted in the presidential election of November 1964.

A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is

no reasonable probability of their recurrence in the future.

(e)
(1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.
(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that, in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: Provided, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an

objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

SEC. 6. Whenever (a) a court has authorized the appointment of examiners pursuant to the provisions of section 3(a), or (b) unless a declaratory judgment has been rendered under section 4(a), the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that, in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: Provided, That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions.

Examiners and hearing officers shall have the power to administer oaths.

SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.

(b) Any person whom the examiner finds, in accordance with instructions received under section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and, in any event, not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): Provided, That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

Sec. 8. Whenever an examiner is serving under this Act in any political subdivision, the Civil Service Commission may assign, at the request of the Attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Such persons so assigned shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court. SEC. 9.

(a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States

with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the applicant or the challenger or on its own motion the Civil Service Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

SEC. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

(b) In the exercise of the powers of Congress under section 5 of the fourteenth amendment and section 2 of the fifteenth amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(d) During the pendency of such actions, and thereafter if the courts, notwithstanding this action by the Congress, should declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listing by an examiner, shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner or to the appropriate State or local official at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

SEC. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both: Provided, however, That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SEC. 12. (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10 or shall violate section 11(a) or (b), shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than $5,000, or imprisoned not more than five years, or both

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3 4, 5, 7, 10, or 11(a) or (b) shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10,

11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law

SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 percentum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that

persons will be deprived of or denied the right to vote on account of race or color in such subdivision, and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section, and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable. SEC. 14.

(a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C.1995).

(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 9 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

(c)
(1) The terms "vote" or "voting" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.
(2) The term "political subdivision" shall mean any county or parish, except that, where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(d) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States: Provided, That no writ of subpoena shall issue for witnesses without the District of Columbia at a

greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

SEC. 15. Section 2004 of the Revised Statutes (42 U.S.C.1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

(a) Delete the word "Federal" wherever it appears in subsections (a) and (c);

(b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.

SEC. 16. The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such officials shall, jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting against citizens serving in the Armed Forces of the United States.

SEC. 17. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

SEC. 18. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act

SEC 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

This Act was approved on August 6, 1965.

Joyce Cotten
Minutes 3/15/11

Comments on House Bill H351

Chairman Lewis,

Thank you committee, for the opportunity for me to speak to you today on behalf of House Bill, H351. I come to you today with many years of experience—I have served 16 years on my local Board of Elections and have been involved in the voting process for 40 years. All I am asking for is the opportunity to have fair and impartial elections.

There has been much said in the last few days for and against Voter ID but the real truth is that we need to "clean up" our voting process. There are simply too many loop holes for voter fraud, and Voter ID is just one of the important steps that the legislature can do to improve the fairness of our election process and restore confidence in our election system.

During my tenure on the Board of Elections, I witnessed time after time the loop holes that are in place for control of the election process by one party. It is time for this to stop! Based on the news of irregularities by highly elected officials in North Carolina that has taken place in the past two years, these the loop holes need to STOP. Let's just be honest and fair about the election process.

Since this issue has been brought to the public eye, we now hear from our State Board of Elections the history of voting fraud cases in 2008:

235 voting felonies
30 cases of double voting
23 cases of noncitizens voting
5 cases of absentee voting fraud
16 cases of fraudulent registration forms

Based on the low number of cases as compared to the voter turnout, I suggest to you that our election officials are not looking for or reporting fraudulent cases. It is being left up to the citizens of this state to report such suspected irregularities and that simply does not happen. The average citizen simply does not think it worthwhile to report suspected cases. During my tenure on the Board of Elections, and as a minority member of the Board, I never had the support to look into suspected cases.

I suggest to you that this is just the tip of the iceberg. The only time that an election is scanned closely for irregularities is when there is a close election. I was recently involved in a close race where nine major irregularities were cited. I say to you, "let's clean up the voting process and restore confidence in our election process and we start with Voter ID."

Those that are opposed to Voter ID say we can't afford to implement Voter ID. I say to you, we can't afford not to implement a voter ID system. Can we really put a price tag on a fair and impartial election? My answer to that question is, NO, we can implement a system that is NOT cost prohibited.

I do NOT buy the argument that we will disenfranchise voters either. In fact, I find the rhetoric of the opponents to voter ID very misleading. Voters in the 2010 North Carolina election clearly sent a message, "we want better government in North Carolina." Voter ID will NOT solve all the challenges of the voting process in NC but it is a start. Photo Voter ID is a simply way to help prevent voter fraud. I urge you to start the process of "fair and impartial elections" by implementing House Bill 351.

Thank you for your time. Joyce Cotten

Annaliese Dodgh
Memo 3/15/11

DISABILITY RIGHTS
NORTH CAROLINA
Champions for Equality and Justice

March 15, 2011 Comments to House Election Law Committee Regarding People with Disabilities and Voter ID Requirements

Any Legislation Considered Must Not Further Marginalize Voters with Disabilities

Currently, individuals with disabilities face many barriers to the polls. Examples include being wrongfully turned away from the polls because an individual with a disability does not "appear" to be eligible to vote, not being able to access the polling site because it is not accessible, and not being able to cast a private and independent ballot. These barriers are reflected in statistics which highlight that individuals with disabilities vote at a rate that is **10 to 15 percent below the rate of the general population**. Voter ID legislation will further marginalize individuals with disabilities:

- A voter id bill may make it impossible for an individual who lives in a nursing home, state or county run institution, community-based residential facility or other private institution to vote. Many individuals in institutions do not have access to ID and important documents.
- Compared to the general population, the burden is significantly higher for people with disabilities to acquire photo identification. People struggling with maintaining their physical health and/or mental health, living on low incomes and who already have a difficult time meeting their daily needs, will find it difficult to prioritize obtaining the identification in order to vote. Many individuals with disabilities:
    a. do not currently have a drivers' license or photo identification card,
    b. do not receive bills and other documentation required under current election law to verify their residence, and/or
    c. may move often or are homeless and do not have the required documentation to verify their residence.
- No ID is really "free." Even if the state offers one, the voter must still present other documents in order to get the "free" ID. Voters without their birth certificates handy will have to go through the time-consuming and expensive process to get a certified copy.
- Transportation is also a barrier to many people with disabilities, so making a visit to the nearest Division of Motor Vehicle (DMV) office can be an insurmountable problem to get photo identification, especially if the office is many miles from their residence. This is especially a problem for individuals living in rural areas. In addition, many DMV offices are not equipped to meet the access needs of people with disabilities, which could make it difficult or impossible to obtain the necessary photo ID to vote.

Carolina's Protection and Advocacy System
2626 Glenwood Avenue
Suite 550
Raleigh, NC 27608
919-856-2195
877-235-4210
888-268-5535 TTY
919-856-2244 fax
www.disabilityrightsnc.org

Any Election Reform Effort Should Bear In Mind The Impact On Eligible Voters With Disabilities. Please Consider The Following Ways To Minimize The Negative Impacts Of A Photo ID Law On Voters With Disabilities.

- Include an exemption for eligible voters living in nursing home, state or county run institution, community-based residential facility or other private institution to vote. We also recommend there be an exemption for voters who are indefinitely confined to their homes due to illness or disability and who don't have valid and current identification.
- Because many people with disabilities don't drive and often don't have traditional forms of identification, we recommend that the proposed bill allow a voter to complete an affidavit in lieu of personal identification. Other states using such an affidavit process mandate that any person who knowingly provides false, erroneous or inaccurate information on the affidavit shall be guilty of a felony.
- We recommend that the proposed legislation allow voters who do not bring proper voter identification to cast a provisional ballot, and then allow a reasonable time in which to provide any necessary information.
- Allow voters with a valid ID to prove a new address with accompanying documentation to change registration or vote at an Early Voting site.
- We recommend that the forms of identification allowable under the new proposed legislation be broad and include, at the very least,: North Carolina issued drivers license or photo identification card (even if expired), tribal identification card, Medicaid or Medicare card, paycheck, U.S. Passport, U.S. military ID, college/university ID, Social Security Card, Government document showing the name and address of voter, birth certificate, employee identification card, certified documentation of naturalization.
- The cost of obtaining the proper identification card may be prohibitive to voters with disabilities who have low or fixed incomes. We recommend that voters be allowed to obtain the card fre of charge. A special identification card is not available without fee to all people with disabiliti The fee is only waived for: 1) residents who are legally blind, 2) at least 70 years old, 3) homeless (with a letter from the director of a facility that provides care or shelter to homeless persons verifying that the person is homeless), or 4) who has been issued a drivers license that has been cancelled as a result of a physical or mental disability or disease.
- Allow the ID requirement to be waived if the poll worker can corroborate the voter's identity.

As the Protection and Advocacy System for the State of North Carolina, We Are a Resource to Combat Voter Fraud

Disability Rights North Carolina provides Protection and Advocacy for Voting Accessibility. We receive funds under the Help America Vote Act specifically allocated to remove any barrier, physical or otherwise which prevent people with disabilities from exercising their right to vote. We cannot litigate with this funding but we can monitor, investigate and advocate. During the 2008 election, we monitored poll site accessibility in all 100 NC counties. In 2010, we were in 39 counties. We also provide training and advice to local board of elections.

Questions? Please contact Annaliese Dolph, Annaliese.dolph@disabilityrightsnc.org or (919) 357-8914

Minutes 3/15/11

the Institute for Southern Studies

MEDIA RELEASE

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REPORT: N.C. VOTER ID LAW COULD COST STATE $20 MILLION OR MORE

Analysis from other states finds that GOP's proposed voter ID measure would likely cost N.C. taxpayers tens of millions over next three years, exacerbating budget shortfall

DURHAM, N.C. – A bill North Carolina Republicans plan to introduce that would require voters to produce a photo ID card at the polls could cost the state more than $20 million dollars over three years, just as leaders struggle to close a $3.7 billion budget shortfall, a new report finds.

Drawing on data from other states, the Facing South/Institute for Southern Studies analysis concludes that **a full-scale voter ID program could easily cost North Carolina taxpayers $18 to $25 million over three years,** just slightly more than the estimated price tag for a similar program in Missouri.

"Even in good times, voter ID laws were suspect given the miniscule number of voter impersonation cases and the unnecessary barriers they pose to many voters," said Chris Kromm, director of the non-profit Institute and author of the analysis.

"Now, with North Carolina poised to eliminate 18,000 teaching jobs due to the budget crisis, such an expensive bill would seem nearly impossible to justify," Kromm said.

Basic costs that come with implementing a state voter ID bill include:

- **VOTER EDUCATION:** State officials agree that voter ID laws require aggressive publicity efforts to inform voters and ensure they aren't turned away at the polls. In 2010, **Missouri estimated it would cost $16.9 million** over three years for TV announcements and other outreach to the state's 4 million voters; **it could cost North Carolina $14 million or more over three years to inform its 6 million voters.**

- **WHO PAYS FOR I.D.?** With studies showing that seven to 11 percent of citizens don't have a photo ID, demands on DMV offices for ID cards will go up — and so will expenses if North Carolina issues free cards to avoid costly lawsuits which argue the costs of an ID card amount to a poll tax. In 2009, **Wisconsin projected a total $2.4 million cost** for ID cards; **Missouri estimated $3.4 million.**

- **IMPLEMENTING VOTER ID:** Voter ID laws add dozens of new costs for state and local officials, from updating forms and websites to hiring and training staff to inspect IDs and handle provisional ballots on Election Day. In 2009, **Maryland estimated it could cost one county over $95,000 each election** just for precinct judges. With agencies strapped for cash, **the N.C. legislature would likely need to set aside millions of dollars each year** to help cover these new administrative expenses.

What's more, the cost estimates from other states likely don't reflect the full costs of voter ID programs. Facing South/Institute examined the fiscal notes, or cost estimates that accompany proposed bills, for voter ID measures in half a dozen states, and found **lawmakers routinely failed to include at least one basic expense needed to implement a voter ID law in their cost estimates,** such as voter education, added administrative expenses and hiring and training new poll workers.

In other cases, lawmakers acknowledged the added costs, but merely stated they would be "absorbed" by existing agencies — an unlikely scenario today, given the pressures to slash budgets at every level of government.

"For years, states have low-balled the costs of voter ID laws and pushed much of the burden onto local government," Kromm said. "That might have worked before, but in today's economic environment, as local lawmakers are forced to cut key services and eliminate core staff, they're unlikely to put up with such budgetary sleights of hand."

The analysis also observes that cutting corners to get around the costs of voter ID programs usually just ends up creating more problems — and can ultimately lead to more costs in the long-run.

"There's no such thing as a cheap voter ID law, you have to pay one way or another," said Kromm. "For example, if you don't spend the millions of dollars needed to inform and educate voters about the law, you'll end up paying for it by hiring more poll workers to count more provisional ballots and handle longer lines of confused voters."

"Bottom line, these laws are big and costly, and there's no way around that," Kromm said.

Please see the following chart for a list of likely costs needed to carry at a voter ID bill in North Carolina.

For more information and background, visit: www.southernstudies.org

HOW MUCH WOULD A VOTER ID LAW COST NORTH CAROLINA?

Every place is different, but the experiences of other states offer clues to the likely cost of a voter ID bill for North Carolina taxpayers. The following projections come from fiscal notes, or cost estimates, prepared by state officials. A Facing South/Institute for Southern Studies analysis of fiscal notes for voter ID laws nationally found that most neglected to report key expenses or stated these costs could be "absorbed" by existing agencies -- an unlikely scenario today, with deep budget cuts at all level of government.

STATE EXPENSE	WHY IT'S NEEDED	3-YEAR ESTIMATES OTHER STATES	3-YEAR ESTIMATE NORTH CAROLINA
EDUCATING VOTERS	TV ads, mailings, other outreach to inform current and new voters; to avoid confusion and people being turned away at the polls	High End - **Missouri: $16.9 million** ($1.37/voter/year) Low End - **Texas: $6 million** (15 cents/voter/year)	**$13 - 15.8 million** (80 cents/voter/year)
ID CARDS	ID materials/equipment; increased demand at DMV ID stations; cost of issuing ID cards to avoid law becoming "poll tax" on those without ID	High End - **Missouri: $3.4 million** (28 cents/voter/year) Mid-Level - **Wisconsin: $2.3 million** (22 cents/voter/year) Low End - **South Carolina: $675,000*** (3 cents/voter/year)	**$2.5 - $4.7 million** (20 cents/voter/year)
ADMINISTRATIVE/ IMPLEMENTATION COSTS	Hiring/training more precinct judges and poll staff to handle IDs and provisional ballots; printing provisional ballots; updating forms/procedures and training staff; other expenses	**POLL STAFF: Montgomery County, Maryland: $285,000** (16 cents/voter/year); **Minnesota: $1.4 million** (15 cents/voter/year) ***plus*** **EXTRA BALLOTS: South Carolina: $480,000** (2 cents/voter/year) ***plus*** **SYSTEMS/TRAINING: Wisconsin: $138,000** (4 cents/voter) ***plus other expenses***	**$3.5 - $5.5 million** (25 cents/voter/year)
TOTAL COST			**$18.5 - $25.2 million for three years**

** Estimate for cameras and ID equipment ONLY; South Carolina's estimates did not include other costs associated with IDs*

Source: Fiscal notes for Maryland, Minnesota, Missouri, South Carolina, Texas and Wisconsin legislatures
Chart: Institute for Southern Studies, February 2011 (www.southernstudies.org)

DesMoinesRegister

Iowa county elections officials oppose bill to require photo ID to vote

Feb 14, 2011 | by Jennifer Jacobs

A proposed requirement that Iowans show a photo identification in order to vote would be expensive, would pinch voter turnout — and is unnecessary, several county election officials said Monday.

"We already have a very secure elections process. It doesn't seem to make good sense in tough economic times to increase the costs and make it more difficult to vote," said Tom Slockett, Johnson County's 34-year elections chief. "It could be a chilling factor to people who aren't real motivated to vote anyway."

The Des Moines Register learned Monday that the state association of auditors, which is comprised of 60 percent Republican election chiefs and 40 percent Democrats, has decided to register in opposition to the bill the Republican-controlled Iowa House passed late last month.

That's a blow to a proposal favored by the state's newly-elected elections chief, Republican Matt Schultz, and the new governor, Republican Terry Branstad.

The bill, House File 95, would require all voters who cast a ballot in person to show a photo ID issued by the federal or state government. Otherwise, they could cast a provisional ballot that doesn't go in the hopper with authentic votes. Voters would then have until the Monday after the election to show up at their county election office to either present a valid ID or sign an affidavit stating they're indigent or that they have a religious objection to having their photograph taken.

And if Iowans mail in an absentee ballot, they would have to include a photocopy of a photo ID, the bill says.

A total of 67,674 eligible Iowa voters, or 2.9 percent, don't have a state ID that could be shown at a polling place, the Register found.

That's based on the latest census figures, which show Iowa has 2,318,362 residents of voting age, and on state transportation records, which show 2,250,688 Iowans have either a state-issued driver's license or non-driver's ID.

The proposed bill would require the state to give people free certified birth certificates and a free non-driver's identification card. That alone would cost the state about $345,000 a year, according to the non-partisan Legislative Services Agency.

But Jones County's elections chief, Republican Janine Sulzner, said she worries the bill would discourage voting unless the state paid for a widespread public education campaign to ensure Iowans understood the new rules.

Such a campaign cost Indiana $600,000 last year and has cost $2.2 million since the law was passed in 2005, Sulzner said.

Iowa would need to commit to an ongoing effort to reach out to poor, elderly and disabled Iowans, as well as college students, several election officials said.

The bill passed the Iowa House on Jan. 27 without a single Democrat voting "yes." It has yet to advance in the Democrat-controlled Iowa Senate. A Senate version sponsored by 18 Republicans hasn't progressed, either.

"No one has showed me the necessity so far of where we're having a problem," said Sen. Dick Dearden, D-Des Moines, who is studying both the House and Senate versions of the proposal.

Schultz, who has been Iowa's secretary of state for about a month, argued Monday that a voter-ID law would prevent fraud, prevent possible discrimination by poll workers, and maybe increase turnout.

"They (opponents) keep asking, 'Prove that there's voter fraud,'" he said Monday.

Schultz said the problem is that Iowa's lists of registered voters, with the history of the years they voted, are public record if someone asks for it. And the lists are ripe for abuse, he said.

Iowa has 19,607 voters who haven't cast a ballot since 1998, but remain on the voter rolls because a non-forwarding postcard sent to their home didn't bounce back. An imposter could vote for one of the inactive voters, he said. Just a handful of phony voters would be enough to change the outcome of some elections, Schultz said, pointing to an Iowa Senate race decided by a dozen votes last fall.

Current law simply requires voters to state their name and address and provide a signature. A precinct official may ask for an ID if there's some suspicion about the voter's identity, but that rarely happens, county elections officials said. Separately, anyone who registers the day of the election must show a valid ID.

County election officials said Monday they've never heard of anyone masquerading as another voter.

Schultz responded: "Just because somebody hasn't been prosecuted doesn't mean it doesn't happen."

Iowa's voter-ID law should mimic Indiana's because it has already survived a court challenge, Schultz said. An appellate judge said Indiana's 2005 law was an attempt to curb turnout by those likely to vote for Democrats. But the U.S. Supreme Court in 2008 with a 6-3 vote upheld the law, saying the state's interest in preventing fraud outweighed the slight burden of showing an ID.

Schultz also argued that voter turnout would increase. He based that on Indiana statistics that show voter turnout the year after the law took effect was 40 percent, then 62 percent in 2008 and 41 percent in 2010.

On Monday, Branstad told reporters he supports the House voter-ID bill.

"I think it makes sense," he said. "We require photo IDs for just about everything. We require an ID to get a beer. We require an ID to get on an airplane."

The Iowa State Association of County Auditors took a vote Friday on House File 95 and none were in favor of it, while 45 were against it and 15 wanted to register as neutral, said Slockett, a Democrat.

Clinton County's elections head, Democrat Eric Van Lancker was one of seven Iowa auditors that visited Indiana and Florida to research their voter-ID laws.

"They still tell stories about people leaving the polls and not voting, or with a provisional ballot, they never go in and finish final step," Van Lancker said. "Showing an ID might elevate the security of elections, but at what cost? How many voters will walk away because they don't have that ID or they don't want to take the time to cast that provision ballot?"

He added: "I don't know if the pros outweigh the cons. I'm not convinced."

Schultz said he'd prefer some changes to the bill House Republicans drafted. Voters should have a transition period, he said. Schultz said he'd like Iowans to begin showing IDs at city, school board and primary elections but not be turned away for not having one until the general election in fall 2012.

That's because "I could get on radio and TV all day long and there'll be people who don't get the message," he said.

Lynda West

My name is Lynn West, and I am from Washington County. Perhaps you have heard of us. ~~While most counties and states are looking forward to the 2012 elections~~, Washington County is still trying to resolve the 2010 sheriff's race with a new election scheduled for May 24.

This new election and the financial burden it places on a rural, low wealth, Tier One county like Washington Could possibly have been prevented by the use of photo identification cards. ~~I know the opponents of this bill say requiring photo identification cards will cost too much, but so do new elections. Also, the North~~ Carolina General Statute 20-37.7 already provides fro a free photo ID card to the legally blind, those over 70 years old, the homeless, or those who have a driver's license cancelled.

Dead people, or zombies as the News and Observer called them, voted in Washington County last year. What about illegal aliens, did they vote also? Photo ID cards would certainly prevent these unfair and unfortunate situations in the future and keep my vote from being minimized or discounted.

~~Many provisional ballots were cast~~ in the November election and ultimately not counted. Photo identification requirements would have prevented many of the technicalities that triggered these provisional ballots. For the provisional ballots not counted, the rights of these voters were violated. ~~Had photo ID been required, perhaps things would have been different.~~

Lynda West

~~I realize I represent only one side of the issue~~. The opponents of this bill say that the elderly and the college students will be disenfranchised by photo ID requirements. ~~But, were not~~ the voters in Washington County were disenfranchised by NOT requiring photo identification to vote and allowing the dead to vote? ~~Many citizens in Washington County are so disillusioned that they may NEVER vote again!~~

To all the people who say there is no problem with voter fraud in North Carolina, and there are many, I say Come on down to Washington County and let me show you around. Lost ballots, ~~blind voters denied assistance~~, judges forging voter signatures of curb side voters, ~~poll workers telling voters they have to vote a traight ticket~~, military voters not receiving requested absentee ballots, issues with the mentally challenged, and on, and on, and on. I believe requiring photo identification to vote is a step in the right direction is preventing voter fraud.

And finally, I am a proud American and voting is my most cherished right of citizenship. ~~But, for too long~~ the need for voter photo identification has met with a blind eye and a deaf ear. ~~I ask you, the leaders of this great state,~~ to protect my vote and require photo identification at the polls.

State gives free ID

North Carolina General Statutes

Chapter 20: Motor Vehicles.

Article 2 - Uniform Driver's License Act.

Article 2B.

Special Identification Cards for Nonoperators.

§ 20-37.7. Special identification card.

(a) Eligibility. – A person who is a resident of this State is eligible for a special identification card.

(b) Application. – To obtain a special identification card from the Division, a person must complete the application form used to obtain a drivers license.

(c) Format. – A special identification card shall be similar in size, shape, and design to a drivers license, but shall clearly state that it does not entitle the person to whom it is issued to operate a motor vehicle. A special identification card issued to an applicant must have the same background color that a drivers license issued to the applicant would have.

(d) Expiration and Fee. – A special identification card issued to a person for the first time under this section expires when a drivers license issued on the same day to that person would expire. A special identification card renewed under this section expires when a drivers license renewed by the card holder on the same day would expire.

The fee for a special identification card is the same as the fee set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card issued to a resident of this State who is legally blind, is at least 70 years old, is homeless, or who has been issued a drivers license but the drivers license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental disability or disease. To obtain a special identification card without paying a fee, a homeless person must present a letter to the Division from the director of a facility that provides care or shelter to homeless persons verifying that the person is homeless.

Minutes 3/15/11

Allison Riggs
Southern Coalition for Social Justice
Voting Rights Attorney
March 15, 2011

Written Testimony Submitted in Voter Photo Identification Bill Public Hearing

Good afternoon. My name is Allison Riggs and I am a voting rights attorney with the Southern Coalition for Social Justice in Durham, North Carolina. I have worked on a variety of voting rights issues, including voter identification laws. I am here today to explain why we believe that the proposed North Carolina voter photo identification bill is retrogressive for minority voters in the state and why the Department of Justice should object to it under Section 5 of the Voting Rights Act.

Photo identification requirements disproportionately burden people of color. Photo identification laws have a disproportionate impact on persons of color on several levels. First, a host of empirical research indicates that African Americans and other minority citizens are significantly less likely to possess government-issued photo identification than white citizens. A Wisconsin study indicated that African Americans possess a driver's license at half the rate of whites, and that among 18-24 year olds, a mere 22% of African American men have a driver's license.[1] In a 2007 Indiana study, researchers found that there was an 11.5% gap between African American and white voters who had valid photo identification.[2] Even more troubling, under strict enforcement of voter identification requirements, African Americans were 33% more likely than whites to be turned away from the polls for lack of identification.[3] In North Carolina, African Americans make up 21.5% of all active registered voters, but comprise 31.9% of active registered voters without a current, valid North Carolina photo identification.[4] These numbers are incontrovertible evidence of the disproportionate burden that photo identification requirements currently place on voters of color on a national level and will introduce on a state level.

Secondly, minority voters are overrepresented in the lowest socioeconomic classes and have a higher rate of poverty than do white voters, making it more difficult, if not impossible in many circumstances, for voters of color to obtain photo identification or secure the documentation necessary to obtain free government identification. In states where "free" state

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[1] Project Vote, *Restrictive Voter Identification Requirements*, Policy Brief No: 8, 3, available at http://www.projectvote.org/images/publications/Policy%20Briefs/Project_Vote_Policy_Brief_8_Voter_ID.pdf

[2] Matt Barreto, Stephen Nuno, and Gabriel Sanchez, *The Disproportionate Impact of Photo Identification Requirements on the Indiana Electorate*, paper presented at the APSA 2008 Annual Meeting, Boston, Mass., Aug. 28, 2008, available at: http://www.allacademic.com/meta/p279822_index.html

[3] *Id.*

[4] Democracy North Carolina, *Who Doesn't Have a Photo ID?*, available at http://www.democracy-nc.org/index.php

identification cards have been offered to indigent voters, those voters still must present some identification in order to obtain one of these free cards—often, voters must present a birth certificate or passport. In 2005, a certified copy of a birth certificate could cost from $10.00 to $45.00, depending on the state, and a passport cost $85.00.[5] A new passport today costs $165.00.[6] A Center of Budget and Policy Priorities study showed that low-income, African Americans, those without high school diplomas, the elderly, and rural residents were much more likely to not have a passport or birth certificate.[7] Even if an indigent voter has the necessary documentation to receive a free identification, they must bear the cost of traveling to a location where those identification cards will be issued. Thus, these groups, including African American voters, will be disproportionately burdened by the costs of obtaining the documents necessary to get "free" government identification.

Finally, we live in an increasingly mobile society, and voter photo identification laws place an added burden on voters who move frequently and who may not have current information on their driver's licenses.[8] From 2007 to 2008, almost 35.2 million—over 1 in 8—United States residents moved.[9] Almost two-thirds of those movers (64%) stayed within the same county.[10] National studies show that African Americans and Latinos are the most likely to move. Between 2007 and 2008, 15% of African Americans over the age of 16 reported changing addresses. That number was the same for Latinos. Only 10% of whites reported moving in that year.[11] Moreover, the home foreclosure crisis has displaced a large number of residents and will create problems with those people being able to present photo identification with an accurate address. Subprime loans and home foreclosures are concentrated in low-income, minority communities.[12] In North Carolina, the number of home foreclosures skyrocketed 127% from 2007 to 2008.[13] Taken together, these disproportionate burdens create a retrogressive situation for minority voters and thus violate the Voting Rights Act.

The Voting Rights Act of 1965 was designed to enforce the 15th Amendment. Section 5 of the Voting Rights Act is an important piece of federal legislation that prevents states from enacting legislation that will prevent African American and other minority groups from participating equally in the voting process. Section 5 requires certain parts of the country,

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[5] *Restrictive Voter Identification Requirements, supra* note 1, at 3.
[6] Passport Fees, available at http://travel.state.gov/passport/fees/fees_837.html (last accessed 3/15/2011).
[7] *Restrictive Voter Identification Requirements, supra* note 1, at 3.
[8] It also burdens those who may have updated their driver's license but are have lived in their new residence less than 30 days and must, under North Carolina law, vote in their old precinct. With their updated driver's license, they would not be allowed to do so. N.C. Gen. Stat. § 163-55(a).
[9] Scott Novakowski, *Democracy in a Mobile America*, DEMOS (July 24, 2009), http://www.demos.org/publication.cfm?currentpublicationID=AD5C9B8D-3FF4-6C82-5D8506DD969F37AE
[10] *Id.*
[11] *Id.*
[12] *Id.*
[13] *Home Foreclosures Skyrocket in North Carolina—Up 127% from 2007*, WRAL (August 14, 2008), available at http://www.wral.com/business/story/3378371/

known as covered jurisdictions, to obtain federal approval, known as preclearance, from the U.S. Department of Justice or from the federal District Court for the District of Columbia, before any change to a voting procedure may take effect. Forty out of North Carolina's 100 counties are covered by Section 5. When it submits a change for preclearance, the state of North Carolina bears the burden of proving that the proposed change "does not have the purpose or effect of denying or abridging a citizen's right to vote on account of race, color, or language minority status."[14]

The standard applied by the Justice Department or the D.C. Court in deciding whether or not to preclear a change to a voting procedure is known as the non-retrogression standard. If the Justice Department does not preclear a change—that is, it interposes an objection to the change—it does so because it has found that the change violates Section 5 of the Voting Rights Act. Section 5 prohibits changes to voting practices that are either discriminatory in purpose or discriminatory in effect. A change will not be precleared if (1) it is intended to dilute or weaken the strength of minority voters or (2) it has the effect of diminishing the ability of minority voters to participate in the political process. If a legislative body knowingly passes that a change will be retrogressive, that body may be opening itself up to an objection under the first "intent" prong of Section 5. A change has the effect of diminishing the minority voters' ability to participate in the political process if it makes worse the position of minority voters—hence the source of the term retrogression. Changes that disproportionately burden voters of color are retrogressive, and Section 5 makes clear that covered jurisdictions may not put minority voters in a worse position than they currently are.

In a Section 5 analysis, the reviewing authority also considers whether the state could have achieved its stated purpose without creating retrogression for minority voters. Retrogression may be unavoidable in certain scenarios such as redistricting or annexation, when population growth creates no other option. Retrogression will not be considered unavoidable when it results merely because the enacting jurisdiction refuses to consider an alternative that is not retrogressive. North Carolina must prove to the reviewing federal authority that it could not address its concerns over voter fraud without creating retrogression. This will be problematic because, first, there is no evidence of voter fraud in North Carolina that would justify a bill this stringent. Secondly, there are a multitude of identification requirements that the state could adopt that would be less restrictive and retrogressive than a law modeled after the Georgia voter photo identification law. A law that provided a fail-safe—that is, made accommodations for voters who do not bring photo identification to the polls—ensuring that registered voters are able to cast a vote that counts would certainly be less retrogressive, as would a law that offered a greater number of acceptable forms of identification than merely a government-issued

[14] Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, Pub. L. No. 109-246, §5, 120 Stat. 577.

identification.[15] Offering an affidavit option only if a voter makes a separate trip to the local board of election is not the same as an option for the voter to sign an affidavit at the polls. The more extreme a change proposed, the more likely that a less retrogressive alternative exists.

Just because a voter photo identification bill was precleared in Georgia in 2005 does not mean that such a bill would be precleared in North Carolina in 2011. In 2005, the Georgia state legislature passed House Bill 244, which amended the state's voter identification requirement by eliminating 12 forms of previously acceptable identification.[16] Under the new law, only photo identification issued by a state or the federal government would suffice as proof of identity, and the ability of voters to sign an affidavit if they could not provide acceptable photo identification was eliminated.[17] The proposed North Carolina bill appears to be modeled closely after the Georgia bill, with a few exceptions. On August 25, 2005, the Department of Justice issued a 51-page recommendation memorandum which found that the Georgia voter identification requirements were retrogressive.[18] The Justice Department found the bill to be retrogressive for several reasons. First, the Department found that African Americans have disproportionately fewer driver's licenses and lack access to vehicles at much greater rate than do whites.[19] Their research also indicated that African Americans were less likely to have passports or other forms of acceptable photo identification when compared to whites.[20] The Department noted that the socioeconomic status of a disproportionate number of African Americans hampered their ability to obtain even free photo identification.[21] Finally, the Justice Department found that the legislature did not conduct any analysis or present any data addressing these racial disparities in access to photo identification. At the end of the analysis, the Department concluded that the totality of the evidence supported a conclusion that African Americans would be disparately impacted, and Georgia did not meet its burden of proving the change was not retrogressive.[22]

While the career analysts and attorneys at the Department of Justice found that the Georgia photo identification requirements were retrogressive, a political decision was made by administration officials that the law should be precleared.[23] This was a political decision made under a different administration, and not supported by the legal analysis performed by the Department officials who have spent a career doing those kinds of analyses. A different

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[15] Wendy Weiser, Justin Levitt, Catherine Weiss, and Spencer Overton, *Response to the Report of the 2005 Commission on Federal Election Reform*, 2005, available at www.brennancenter.org

[16] *Section 5 Recommendation Memorandum: August 25, 2005* (hereinafter, *DOJ Memo*), 3, available at http://www.washingtonpost.com/wp-dyn/content/custom/2005/11/16/CU2005111601869.html

[17] *Id.* at 4.

[18] *Id.* at 31.

[19] *Id.*

[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] Dan Eggen, *Criticism of Voting Law Was Overruled*, WASHINGTON POST, Nov. 17, 2005, at http://www.washingtonpost.com/wp-dyn/content/article/2005/11/16/AR2005111602504.html

administration is in charge of the Justice Department now, and there is no reason to assume that a similar result will occur when the Department considers North Carolina's proposed change.

As a final note, this committee should consider the negative effect that this bill will have on the redistricting process. In North Carolina, Section 2 and Section 5 of the Voting Rights Act compel the drawing of certain majority-minority districts—districts where minority voters are able to elect their candidate of choice. Drawing districts that perform—that do elect candidates of choice—requires taking into consideration voter registration and turnout rates. A photo identification requirement as stringent as the one under consideration now will undoubtedly depress voter turnout rates, and it will have a disproportionate affect on African American turnout. However, we will not know the exact effect on turnout before the bulk of redistricting in the state is completed. As such, we will be drawing districts compelled by the Voting Rights Act without knowing if they will actually satisfy those federal requirements.

This committee, and the General Assembly as whole, should not operate under the assumption that because a similar Georgia bill was precleared by the Justice Department in 2005 that the proposed bill will be precleared for North Carolina in 2011. The proposed North Carolina voter identification requirements will have a disproportionate and retrogressive impact on African American and other minority voters across the state, and is thus prohibited by Section 5 of the Voting Rights Act.

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AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

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To Our Guilford County Elected Officials,

I am writing to discuss the voter ID bill that is trying to be passed in the General Assembly. As college students we would like to know why is the voter ID bill at all necessary? The voter ID initiative will cost millions of dollars to implement. That money is spent better in other places such as education. The Voter ID initiative will add yet another barrier to the voting process, and the Voter Id bill will directly affect college students and as well as several other demographics. Having to show an ID is not necessary, because out of the 4.3 million votes cast in the 2008 election one of the biggest turnouts so far, there were only 18 cases of voter fraud. If voter fraud hasn't been a problem in North Carolina thus far why make it a problem now and use money that could be put towards funding a child's future, and helping them to further their education. If this Voter ID initiative is passed college students would have to update their voter ID every year for the duration of their matriculation if they move around, causing unneeded hassle. When doing voter registration work, it was hard enough to get students to bring their regular IDs for one-stop voting. Not to mention, just getting them to vote in the first place. Why add another barrier to the electoral process?

How are we expected to make a change and become a successful individual if we are unable to voice my opinion because of an unneeded hindrance such as the Voter ID bill? Why is this bill being made such a high priority? We have bigger things to worry about such as the plight of our educational system. Please allow us as students to get involved in the electoral process, and to let our voices be heard.

Please stand with us as we strive to secure OUR future.

Sincerely yours,

Precious J. Bradley
Danisha Turner
Idilah S. Muhammad
Jacqandra Shaw
Shakira Redd
Monique Hairston
Leland C Bagley
Jamell Garner

NC A. Philip Randolph Inst
Mary Montford
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Raleigh, N.C. 27605
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Officially blacks have had the right to vote since Feb 3, 1870 with the 15th amendment. But, upon the failure of reconstruction southern states found legal loop holes that permitted them to disenfranchise African America voters once again.

Today there is another concern as there always has been by African Americans this concern is about the purposed mandatory photo Id for Voters. I oppose this due to the fact it is history repeating its' self.

Some of you may have heard stories your grandparents or maybe even your parents told how African Americans were disenfranchised. Example; in 1876 North Carolina became the first state to enact a poll tax. A fee paid by voters' before they could vote. Now these fees were so high that most poor people were unable to pay. So therefore they could not vote.

Less not forget the literacy test requiring a voter to demonstrate a certain level of learning proficiency before they could vote.

We have come too far to turn back the hands of time.

I say to you arm yourself with your voice, a good pair of walking shoes or whatever and let your fellow, friends, family, neighbors, church members and all that we will not stand still and allow our voting rights be restricted again. No more suppressive election procedures in North Carolina.

Did not speak
but attended meeting

Minutes
3/15/11

Voter ID Hearing Comments: March 15, 2011

My name is Scott Taylor. I live in Garner, NC.

I would like to thank the members of the committee today for their time. I understand that this is a very busy time and I am happy to see you value comments from North Carolina voters, like myself.

I think that everyone in this room can agree that the right to vote is at the very heart of our democracy and, in my opinion, a far more patriotic expression than any Fourth of July Parade or the choice of pin one wears on their lapel. This right is an heirloom handed down to us from our founding fathers. It is all of ours, equally. While I would not want someone to vote more than once, or as someone they are not, I also worry that citizens who wish to vote will be denied that basic right.

In our nation's past, the right to vote has been infringed upon by laws that required literacy tests and poll taxes. In their wisdom, the United States Supreme Court found these measures to be unconstitutional. While a photo ID requirement may be considered constitutional, I feel that this is at best a misguided attempt to solve a problem that does not exist or, at worst, a cyclical attempt to suppress the vote of groups that may oppose you in elections to come.

I was struck by a column in last Sunday's News and Observer detailing the debate of this very issue. The article pointed out that out of 4.2 million ballots cast in 2008; only 58 cases of voter fraud were found at the polls that year in North Carolina. That is an occurrence rate of less than .0014%; hardly an epidemic.

Please keep in mind that acquiring a photo identification requires a fee in North Carolina. $10 may not seem like a lot to you or I, but imagine an elderly voter who is not able to drive, or a disabled voter who not only cannot drive, but is living on meager means and would hardly be able to afford the transportation to a DMV location, much less the fee to pay for the ID. The conundrum is clear. Keep the fee and you have a poll tax, which is unconstitutional. Give the IDs out for free, and you add to a state budget that is stretched thin already.

Photo IDs will not thwart would-be fraudulent voters anyway. All one must do is to vote via absentee ballot where no photo id is possible. Any step you take to fill this loop-hole could be used in place of requiring photo IDs at the polling place as well.

My over-riding concern is as a parent. I have two sons who have autism spectrum disorders. No. They are not of voting age yet, but before the decade is out, one will be and the other is just two years behind. They may have neurological

disorders, but they are still intelligent and still have a right to cast a ballot every bit as much and anyone in this room.

The evidence has shown that we do not have a problem with people voting as someone that they are not or more than one time. Pass this law and the State of North Carolina will prevent thousands if not millions of its own citizens from exercising their right to vote. Now that would be a crime.

Minutes 3/15/11

NCFIRE

North Carolinians For Immigration Reform and Enforcement

The North Carolina Document Fraud Project

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February 2011 - Hickory, Catawba County, NC - ***Horacio Ramirez Caballero,* 34, *Juvenal Ramirez Caballero,* 32, *Ismael Cristino-Caballero,* 25, *Edwin Sandoval,* 20, *Oscar Caballero Cruz,* 26 - (ILLEGAL ALIEN Mexicans)** were arrested and charged with **FORGERY, MANUFACTURING DRIVER'S LICENSES, PROSTITUTION.**
http://www2.hickoryrecord.com/news/2011/feb/22/fake-id-lab-busted-ar-804811

January 2011 - Cary, Wake County, NC – ***Fernando Nery Perez-Salim,* 27** – Charged with producing and selling **FRADULENT NORTH CAROLINA DRIVER'S LICENSES, SOCIAL SECURITY CARDS, GREEN CARDS and TRAFFICKING IN STOLEN IDENTITIES.**
http://www.newsobserver.com/2011/02/04/968604/man-charged-with-manufacturing.html

January 2011 - Washington, Beaufort County, NC – ***Oscar Gonzalez,* 40 *and Alberto Salazar*a, 21** – Charged with producing and selling **FAKE ID CARDS, RESIDENT ALIEN CARDS, DRIVER'S LICENSES, and TRAFFICKING STOLEN IDENTITIES.**
http://www.witn.com/beaufortcounty/headlines/Two_Men_Accused_In_Fake_ID_Scheme_114720134.html

January 2011 – Grand Rapids, MI – ***Eddie Castilla-Lugo,* 37, *Israel Aremendariz-Becerra,* 41, *Jose Reyes-Gonzalez,* 34, *and Eduardo Lopez-Sosa*** and ***Miguel Merlos-Gonzalez,* 32 (Mexico)** – Charged with producing and selling **PERMANENT RESIDENT CARDS (green cards), SOCIAL SECURITY CARDS, and DRIVER'S LICENSES...NORTH CAROLINA.**
http://www.mlive.com/news/grand-rapids/index.ssf/2011/01/five_convicted_in_federal_prob.html

December 2010 – Richmond, VA – 25 of 30 charged, arrested. ***Israel Cruz Milan***, ringleader from Raleigh. Government charged **FALSE DOCUMENTS WERE MADE in NORTH CAROLINA also.**
http://www2.timesdispatch.com/news/2010/dec/18/tdmain01-thirty-charged-in-fake-document-ring-ar-723885/

October 2010 – Hamptonville, Yadkin County, NC – Billy Frank Christian, 35 – Charged with **MANUFACTURING FRADULENT NC ID CARDS and INTERNATIONAL MEXICAN DRIVER'S LICENSES.**
http://www.yadkinripple.com/view/full_story/9714820/article-Undercover-officers-bust-fake-ID-operation?instance=home_news_lead

October 2010 – Salisbury, Rowan County, NC - ***Silvia Olivarez Adame,* 43** – Charged with **NOTARY FRAUD and FORGING VEHICLE TITLES.**

http://www.salisburypost.com/Crime/100210-cops-dmv-charges-woman-qcd

July 2010 – Winston-Salem, Forsyth County, NC - ***Juan Manuel Gonzalez-Sosa,* 28, *Pedro Gonzalez-Matias,* 51, *Jacaranda Gonzalez-Sosa,* 24, *and Pedro Gonzalez-Sosa,* 21 (Mexican citizens)** – Charged with producing and selling **FALSE DOCUMENTS, IMMIGRATION, SOCIAL SECURITY, and NC DRIVER'S LICENSES.**
http://www.ice.gov/news/releases/1007/100712winstonsalem.htm

November 2010 – Charlotte, Mecklenburg County, NC - ***Jose Jeremias Marquez,* 36, (Illegal Alien)** - DMV charged him with **TWO FELONY COUNTS OF TRAFFICKING IN STOLEN IDENTIFICATION CARDS, ONE FELONY COUNT OF SELLING FRAUDULENT N.C. DRIVER'S LICENSES, and FOUR MISDEMEANOR CHARGES OF MANUFACTURING ID CARDS AND DRIVER'S LICENSES.**
http://www.gastongazette.com/news/fake-41164-ids-aren.html

November 2010 - Beaufort County, NC - **DOCUMENT LAB BUST.**
http://www.heraldsun.com/view/full_story/4927643/article-Counterfeit-ID-operations-becoming-more-common

November 2009 – Madison, NC - ***Juan Ruiz Hernandez, 32*** – Charged with producing and selling **FRADULENT PERMANENT RESIDENT CARDS and SOCIAL SECURITY DOCUMENTS.**
http://www.ice.gov/news/releases/0911/091117greensboro.htm

November 2009 – Dobson, NC – ***Adin Avila-Herrarte,* 43 (El Salvador)** – Charged with producing and selling **FRADULENT IMMIGRATION, SOCIAL SECURITY, and NC DMV DOCUMENTS.**
http://www.ice.gov/news/releases/0911/091110charlotte.htm

September 2009 – West Salem, Forsyth County, NC – ***Zoyla Bustos-Per*ez, 28, (Illegal Alien)** – Charged with **MISAPPLICATION OF GOV'T PROPERTY, OBTAINING STATE VEHICLE TITLES BY FALSE PRETENSE, ACCESSING STATE GOV'T COMPUTERS TO DEFRAUD NC.**
http://www.news-record.com/content/2009/09/02/article/dmv_closes_winston_salem_office_worker_arrested

September 2009 - Gastonia, NC - ***Claudia Morales Rodriguez,* 29, *Alfredo Lopez Hernandez,* 29, *Juan Alberto Goddy Vasquez,* 37 (Illegal Aliens)** - Charged with **ATTEMPTING TO BRIBE A STATE DRIVER LICENSE EXAMINER TO OBTAIN A LICENSE.**
Inyocountysheriff.com/what-do-u-think-of-these-lastest-arrests-the-amount-of-fruad-involved-illegals-try-to-bribe-dmv
and
http://www.gastongazette.com/news/fake-41164-ids-aren.html

August 2009 – Sampson County, NC - ***Luis Omar Rivera*, 31, Jose Wilfredo Rivera, 27, *Olegario Cegovia Gomez*, 36** – DMV charged with **ASSORTED DOCUMENT MANUFACTURING CHARGES.**
http://www.gastongazette.com/news/fake-41164-ids-aren.html

July 2009 – Forest City, Rutherford County, North Carolina - ***Mario Ziranda*, 35,** and ***Elvis Sanchez*, 28 (Illegal Alien)** – Charged with **COMMON LAW FORGERY, MANUFACTURING N.C. DRIVER'S LICENSES, FELONY TRAFFICKING OF IDENTIFICATION DOCUMENTS, POSSESSION AND DELVIERY OF COCAINE AND MISUSE OF RECORDS.**
http://www.gastongazette.com/news/fake-41164-ids-aren.html

Updated 1 March 2011

Minutes 3/15/11 North Carolina AFT

OPERATION: STOP VOTER ID PETITION

Having to obtain voter identification will impose voter restrictions and put up obstacles for voters. This Voter ID bill disenfranchises many groups such as students and the elderly. It disenfranchises students by making it difficult to vote for state representatives if you are an out-of-state and/or out-of-county student. In addition to this bill impacting students, it will also disproportionately affect minorities and the elderly. With these barriers being built, there is also the tenet that the bill costs an estimated $20 Million dollars, money that can go to alleviating the cuts in the educational system. The main purpose of the Voter ID bill is to reduce the chance of voting fraud; however voter fraud is very uncommon in the state of North Carolina. As students, as citizens, as people of North Carolina we must fight this Voter ID bill.

By signing this petition you are agreeing and giving consent that you are against, "not for" the Voter ID bill

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Brandyn Washington
Jacquan Mangum
Jasmine Clements
Chad J. Caldwell
Jordan Knight
Keon Hopkins
Patrick Brown
Nikki Wilson
JaVonte Davis
Janice Diggs
Shatara Scott
Alexis N. Cantor
Desmond Sellers
JaNisa Brame
Morgan Harris
Ashley
Dara Byrd
Danielle Mettler
Jasmin Jones
Jimmy Edwards
Brandon Ross
Brandon Hall
Willie McKoy III
Tra'Vaye Bennett

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Justine Riddick

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OPERATION: STOP VOTER ID PETITION

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Devin McAllister	

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Having to obtain voter identification will impose voter restrictions and put up obstacles for voters. This Voter ID bill disenfranchises many groups such as students and the elderly. It disenfranchises students by making it difficult to vote for state representatives if you are an out-of-state and/or out-of-county student. In addition to this bill impacting students, it will also disproportionately affect minorities and the elderly. With these barriers being built, there is also the tenet that the bill costs an estimated $20 Million dollars, money that can go to alleviating the cuts in the educational system. The main purpose of the Voter ID bill is to reduce the chance of voting fraud; however voter fraud is very uncommon in the state of North Carolina. As students, as citizens, as people of North Carolina we must fight this Voter ID bill.

By signing this petition you are agreeing and giving consent that you are against, "not for" the Voter ID bill

Niaya Hampton	nnhampto@ncat.edu
Shante McNeill	smmcneil@ncat.edu
Jessica Slade	jrslade2@ncat.edu
Keely White	kawhite@ncat.edu
Imani Gray	irgray@ncat.edu
LaTrice Burgess	lmburges@ncat.edu
Brianna Carter	blcarter@Ncat.edu
Agape Lucas	aelucas@ncat.edu
Aleah Rosario	amosari@ncat.edu
Cassa Dewberry	cmdewber@ncat.edu
Shay'Lah Garcia	Tadiamon@ncat
Tandra Diamond	maryah15@msn.com
Ty'launie Whichard	tkwhich@ncat.edu
Brittny Cameron	bjcamero@ncat.edu
Blake Strozier	bdstroz.@ncat.edu
Trevor Thornton	tmthornt@ncat.edu
Jorge Valero	Blackmegaman1255@yahoo.com

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Deonte L. Clayton	dlclaylo@ncat.edu
Corey Starks	C.Starks25@yahoo.com
Darell Cameron	dmcamero@ncat.edu
Angel Faire	ajeaire@ncat.edu
Sashana Williams	sswilli3@ncat.edu
Shayvonna Johnson	Shaycollegeemail@yahoo.com
Charnele McLean	emmcleen@ncat.edu
Shakya Mercer	simercer@ncat.edu
Michelle Peele	mmpeele@ncat.edu
Amanda Howell	aHowell@ncat.edu
LaPoshia Canty	lmanty@ncat.edu
Deedra Joyner	dsjoyner@ncat.edu
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M. L. Lyle	mlnelson2@ncat.edu
Naeisa Bares	nsmuhamma@ncat.edu
Tiara Bailey	tdbailey@ncat.edu
Demerius Ballard	dlclayton92@yahoo.com

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[illegible]	Krpoll@ncat.edu
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Phillip Powell	[illegible]
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Byrand Tillett	dtillett@ncat.edu
TS Jones	TSJones@hotmail.com
Jontai Harris	Jdharri2@ncat.edu
Lamont Patterson	TePatter@Ncat.edu
John Fleming	JPFlemin@Ncat.edu
Tom Vang	tvang@ncat.edu

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Jon Meacham	jrmeacha@ncat.edu
Dante Downing	dldowning@ncat.edu
Carmichael Bailey	cjbailey@ncat.edu
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Andrew Johnston	Cm Johnst @ Ncat.edu
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David Jordan	dnjorde16ncat.edu
Michael Sansbury	msansbu@ncat.edu
Tyler Hamrick	TJHamrick92@yahoo.com
Jared Long	jllong@ncat.edu
Zynee Dacson	tndacson@ncat.edu
Rakeim Jefferson	rkjeffer@ncat.edu
Jason Cameron	jacamero@ncat.edu

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Jazmyne Cosby	jtcosby@ncat.edu
Mandy Anders	Mcanders@ncat.edu
Kaylee Cammarata	Kdcarrow@ncat.edu
Kelby Hicks	kelby.hicks@yahoo.com
Brittany Jones	brittanyrjones1989@yahoo.com
Brittani Harris	bsharris@ncat.edu
Courtland McKibbon	Cjmckibb@ncat.edu
Marissa Johnson	mtjohnso@ncat.edu
Benina Walton	bawalton@ncat.edu
Jandel Spates	gspates@ncat.edu
Clarissa Rankin	

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Adrianne Bostic	adbostic@ncat.edu
Kevin Oxendine	kdoxendi@ncat.edu
Maurice Townsend	mdtownse@ncat.edu
Martin Blan	mrblan@ncat.edu
Mulan [illegible]	[illegible]
Kiara White	kiwhite@ncat.edu
Ashley Larkins	aslarkin@ncat.edu
Nydya Rouse	[illegible]
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Kenneth Burrs	Kjburrs@ncat.edu
Gregory A Lott Jr	gregorylottjr@ncat.edu
Rinaldo Finsley	rjfinsle@ncat.edu
Chad McClelland	cemcclel@ncat.edu
Kashae Singleton	kjsingle@ncat.edu
Malcolm Miller	mlmille2@ncat.edu
Tony Reiss	sareiss4@ncat.edu
Kandra Marshall	Kdmarsha@ncat.edu

Committee Sergeants at Arms

NAME OF COMMITTEE ELECTIONS (PUBLIC HEARING)

DATE: MAR. 15, 2011 Room: 643

House Sgt-At Arms:

1. Name: FRED HINES
2. Name: BILLY JONES
3. Name: YOUNG BAE
4. Name: ABIGAIL BLACKWELL
5. Name: MARTHA PARRISH

Senate Sgt-At Arms:

1. Name: _____
2. Name: _____
3. Name: _____
4. Name: _____
5. Name: _____

HOUSE PAGES

NAME OF COMMITTEE ELECTIONS (PUB. HEARING) DATE 03-16-11

1. Name: _____

   County: _____

   Sponsor: _____

2. Name: _____

   County: _____

   Sponsor: _____

3. Name: _____

   County: _____

   Sponsor: _____

4. Name: _____

   County: _____

   Sponsor: _____

5. Name: _____

   County: _____

   Sponsor: _____

NO PAGES

ATTACHMENT 5

VISITOR REGISTRATION SHEET

Election Committee — **Name of Committee**

March 15, 2011 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rosemary Lawrence	1616 Patton Avenue Charlotte, NC 28216 US Citizen
Beatrice A. Cox	12006 Lavershire Ct. Charlotte, NC 28262
Rasheedah Hasan	6605 Rose Pt Lane Charlotte NC 28216
Patricia Barnes	2133 Sunset Blvd Charlotte, NC 28269
Blanche Penn	2207 Century Oaks Lane Charlotte, N.C. 28262
LELAND BAPTIST	1482 Rankin Mill rd Greensboro NC 27401
Kevin Smith	873 Foxfire Road Aberdeen, NC 28315
James Heim	250 Hollybrook Farm Ln Vass NC 28394
Anne B. Wilson	community activist — Democrat opposing voter ID Winston-Salem, NC
Sara B. Skinner	Concerned citizen Winston Salem, NC
Kathleen Shifflette	Apex, NC.

VISITOR REGISTRATION SHEET

Election Committee — March 15, 2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lunelle Durham	3547 Edsel place Charlotte N.C. 28205
Lester Bussey	673 Stoney Kirk Dr Fayetteville, NC 28314
	637 Seabrook Rd Fayetteville, N.C. 28301
DeBose, Theodore A,	Cumberland County Sr. Democrats
Hyman, Martin R,	4029 Bamburgh Lane Apex, NC 27539
Robert M. Hyman	4029 Bamburgh Lane Apex, NC 27539
Lois H. Greene	100 Gentry St. Williamston, NC 27892
Ivanetta White	105 Peel St Williamston, NC 27892
Lois L. BORRESEN	2214 DUNGIVEN CT GARNER, NC 27529
Cathryn Lamb	2209 Dungiven Ct Garner NC 27529
CRAIG OLIVER	107 MADRID CT. GARNER NC 27529
Scott Taylor	156 Gusseff Dr. Garner NC 27529

VISITOR REGISTRATION SHEET

Election Committee — 3/15/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Wanda Webb Schrader	Citizen 116 Skylark Way, Raleigh, NC 27615
Allison Riggs	Southern Coalition for Social Justice
Melissa Price	NCVCE
Chris Kromm	INSTITUTE FOR SOUTHERN STUDIES DURHAM, NC
Rebecca Loper	Citizen 1097 Connally Lane, Raleigh 27614
AUSTIN GILMORE	UNC-CH STUDENT 204 PRESTON OAKS LN CARY, NC
Christine Abernathy	UNC-CH STUDENT 3001 ~~Ethan~~ Telford pl. Charlotte, NC 28205
EARL GROVER	1521 POINTE LN. WILMINGTON 28411
Shaunee Morgan	Democracy NC
Sarah Bosley	Citizen 107 Oxpens Road Cary NC 27513
PHILLIP T. COOPER	BUSINESS OWNER CITIZEN 3209 PURLAND DRIVE Raleigh 27603

VISITOR REGISTRATION SHEET

Election Committee — **Name of Committee**

3/15/11 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chris Anderson	
Vonda Frantz	119 Potluck Farm Rd. Rougemont 27572
Linda Suggs	2612 Buckspring Ct. Ral. NC
Jennifer Grover	
Faith Mann	
Brandon Andrews	
VIKKI M S ANDREWS	
Joanne Denham	3547 Edsel pl Charlotte, NC 28205
Ann Newman, RN	League of Women Voters - Charlotte
Mary Klenz	League of Women Voters, Char-Meck
Loretta Martin	NC Democratic Party

VISITOR REGISTRATION SHEET

Election Committee — 3/15/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bobby Caples	self
Melanie Caples	Self
Kim Hammett	self
Tamara Wright-Maharay	Unifour OneStop Collaborative
Thomas F Thornton	self
JUDIE BURKE	LWVNC
Robert Dawkins	Democracy NC
Alex Miller	KLG
William Pritchard	Self
Perry Woods	NC coalition for Verified Voting
Ophelia Marcus-Taylor	—

VISITOR REGISTRATION SHEET

Election Committee — **Name of Committee**

3/15/11 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joseph Taylor	Retired 31 Hagwood Rd. Tabor, NC 27597
Don McNeill	P.O. Box 185 OAK ISLAND, N.C. 28465
Jim Somers	1608 E. Gault Dr Oak Island NC 28465
Mandy Cadagan	2102 Rhodes Ave Wilmington NC 28405
Ted Seawell	206 Lawton Circle Wilmington, NC 28412
William T. Murray	1115 N Sixth Ave Wilmington
Beatrice Macera	1022 Stone Bridge Lane Leland NC 28451
Russell A. Macera	1022 Stone Bridge Ln Leland NC 28451
Jack Dillon	Self Employed 5200 Old Myrtle Grove Rd Wilmington NC 28409
Paige Freeman	Self employed Wilmington NC 28401
Carol Frederick	self-employed Wilmington, NC 28405

VISITOR REGISTRATION SHEET

Election Committee — 3/15/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
LARRY Herwig	Beaufort Tea Party Patriots
Harvey Watts Jr.	Washington County NC
Becki Gray	97.7
Karen Duquette	Civitas
Russell Capps	Former House Member
Kevin Rogers	Action NC
JeffMixon	AFP
Steven Waters	Raleigh
Doug Miller	SOSMYNC.ORG
Ann M. Young	Raleigh A. Philip Randolph Inst.
MARY K. MONTFORD	NC A. Philip Randolph Inst.

VISITOR REGISTRATION SHEET

Election Committee — 3/15/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joanne Wittenborn	Retired 3809 Waldenbrook Rd. Greensboro NC 27407
Linda Hamay	Retired 3816 Buncombe DRive, Greensboro, NC 27407
Brenda T Formo	4116 O' Briant Pl, Greensboro, NC 27410 Col, US Army Ret
Betsey H. Gravitte	Retired Realtor 3603 Cherry Hill Dr. Greensboro NC 27410
Gerald McGarvey	Insurance Agent PO Box 7061 High Point, NC 27264
BEVERLY LUNG	LIABILITY ADJUSTER 7004 DISCOVERY LN WALKERTOWN NC 27051.
Melissa Moore Carraway	Resource Counselor - Womens' Resource Center 1806 Alamance Church Road Greensboro, NC 27406
Kathryn Cline	Retired - Full Time VOLUNTEER 5108 Southwind Rd. Greensboro, NC 27455
JON FREBAUGH	GREENVIEW CONSTRUCTION 5718 GREENVIEW DR GREENSBORO NC 27409
James Johnson	NCFIRE - North Carolinian FOR Immigration Reform and Enforcement Wade, NC. 28395
ANTHONY BRUNO	FTTF FUQUAY - VARINA

VISITOR REGISTRATION SHEET

Election Committee — 3/15/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tony McGhee	The Tony McGhee show. Wil, NC
Syd Bowman	5528 Satellite Village Ct Wilmington NC
Marlynn Burns	NC 12th U.S. Congressional Republican Party
John Bell	AFP Greensboro NC
Pat McCoy	Action NC 5500 Executive Ctr Dr Suite 224 Charlotte NC 28212
Adam Barrett	John Locke Foundation
Scott Tiner	Cary, NC
Sondra North	113 Northern Blvd. Blackbyrd LLC. Wilmington, N.C. 28401
Betty Kluttz	706 Paisley Ct. Wilmington, NC 28409
Ashley Jones	Biofuels Cary NC
Ramona Callaway	Biofuels Center of NC

VISITOR REGISTRATION SHEET

Name of Committee: _____ Date: 3/15/11

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Valerie Arendt	Citizen 309 Canon Gate Dr, Cary, NC 27518
Virginia Tally	Citizen - 2200 Atkins Dr. Raleigh, N.C. 27610
Courtney Scott	Shaw University Citizen - 118 E. South St, Raleigh 27601
Richey Peterson	Citizen - 309 Wolf Den Lane, Raleigh 27606
Stephanie Bright	citizen - 3A Calvary Drive, Raleigh 27603
SANDRA Johnson	Citizen - 1206 Brooks Ave, Raleigh, NC 27607
JAMES A. MESSINA	CITIZEN - 109 STERLING RIDGE WAY CARY, NC 27519
Pam Williamson	P'O'd Taxpayer - 375 Old 421 S Boone, NC 28607
Kathleen Baldy	LWV NC President Asheville, NC 28801

VISITOR REGISTRATION SHEET

Election Committee — 3/15/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Melvin F. Montford	North Carolina A. Philip Randolph Institute 1408 Hillsborough St, Raleigh, NC 27605
Walter Rogers Jr.	NC. Blackleadership Caucus
Vancine Sturdivant	8th District Black Leadership Caucus / Anson Co. Democratic Chair

VISITOR REGISTRATION SHEET

Election Committee

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chris Telesca	Self
Joyce McCloy	NC Coalition for Verified Voting 212 EVERGREEN DR. W-S, NC 27104
James H Newberr	self
Constance Hall	Self
L. Gail Sutton	self
Kathleen Milby	Self
Matt Twiford	Self
Martha Carmichael	self
Diane Roberson	self
Damon Circosta	NC Voter Ed
Sarah Preston	ACLU-NC

VISITOR REGISTRATION SHEET

Election Committee

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kristi Colby	Community 2200 Atkins Dr., Ral., 27610
JOHN SHAW	
Thad Lee	
Dale Lee	
Brian Pettway	North Carolina A&T State University
Precious Bradley	North Carolina A&T State University
Nathan Kemp	North Carolina A&T State university
Alexis Sutton	North Carolina A&T State University
Michele Delgado	North Carolina A&T State University
Arlene Goodman	Community 20108 Scott Chapel Hill 27517
Bernard Goodman	" "

VISITOR REGISTRATION SHEET

Election Committee

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jon Anders	4156 Coventry Ct. Southport, NC 28461 AFP
Kristine Godeaux	Southern Wake Republican Club
Dale Cooke	Southern Wake GOP
Donna Williams	1100 Watermark Ct. Raleigh, NC 27609
Pat Graham	391 Burley Dairy rd. Pikeville NC. 27863 AFP
Ann Sullivan	103 Wildwood Drive Goldsboro NC 27530 AFP
Joyce Kracwiec	7030 Interlaken Dr. Kernersville, N.C 27284
E.A. Timm	708 Summit St Walnut Cove, NC 27052
Don Wendelken	3406 Windswept Dr. Summerfield, NC 27358
Margaret Eileen Allen	4108 Rollsby Ct Apex, NC 27539
Annaliese Dolph	DR NC

VISITOR REGISTRATION SHEET

Election Committee

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lindsey Jane	
Maria Ayala	
Veronica Degraffenried	SBOE
	NCAE
Johnnie McLean	State Board of Elections
Gary O. Bartlett	" " " "
Ramona D. Simm	Private entity: Walnut Cove, Stokes County, NC
Roberto Perea	citizen - NC resident
Maureen Kurtz	nc resident, us citizen

VISITOR REGISTRATION SHEET

Election Committee

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Edith Braxton	Southern Rep. Club
Joan Herre Erwin	Concerned Wake County Citizen
Cathy Sanders	Concerned !!
Shawnette Richardson	NC Fair Share #312 3824 Barrett Dr. Raleigh
John Gilbert	311 Forest Rd, Raleigh 27605
Maxine Kindley	Unfound Voter & NC Greensboro NC

VISITOR REGISTRATION SHEET

Election Committee

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
BRUCE MITCHELL	CITIZEN 1013 S DUKE ST DURHAM NC 27707
L. V. TAYLOR	CARY, N.C.
John Scott	102 Trafalgar Land Cary, NC 27513 Private citizen

VISITOR REGISTRATION SHEET

Election Committee — 3/15/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
William D. Walton	American 2 Colt Ct. Pinehurst NC.
Carol Whaddon	50 Lake Foxtail Dr. SW Pinehurst, NC
Jack Stevens	50 Lake PT DR " " 28374
Cynthia Ball	North Carolina Social Justice Project Raleigh NC
Brad Thompson	The Alliance of Black Elected Officials
Lynn B. King	501 E. Whitaker Mill Rd 207-A- Raleigh, N-C 27608
Bettye Diddiard	(Moore Tax Citizens) 7 Chesfield Pl. Pinehurst NC 28374
Jackie Wilson	home Moore Tax Citizens 126 Pine Lake Drive, Whispering Pines 28327
Art Wilson	Wake GOP
Dawn Howell	Feet To The Fire
Louis Stannard	Feet to the Fire

VISITOR REGISTRATION SHEET

Election Committee

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kathryn Lawler	BCRWPRESIDENT@GMAIL.COM Brunswick County Republican Women
Carol Hamilton	487 Lockwood Folly Rd SE Bolivia, NC 28422 Brunswick Co Republican
Isabelle Myers	329 Pine Grove Dr Wilm. NC Rep. AFP WM
Lois Dixon	404 Marsh Oaks Dr. Wilmington, NC 28411 - AFP
Jane Coleman	4749 Wedgefield Dr. Wilmington N.C. 28409 AFP
OLIVER SCHREIBER	121 SPARTAN Rd. AFB WILM, NC 28405
Susie Rathbun	741 Eden Dr. Southport, NC BCRW
Sandy Lewis	406 Yarmouth Rd Raleigh NC 27608-1030
Anne M. Hayes	225 Adams Circle, Pinehurst, NC Moore Tea Citizens, Moore Republican Women
[illegible]	115 Steeplechase Way, Southern Pines NC
William P. Cochrane, Jr.	115 Steeplechase Way Southern Pines, NC 28387

VISITOR REGISTRATION SHEET

Election Committee

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Demetrius Jones	Forsyth County Young Democrats
Zoe Fawcett	Salem College
Yelda Rea	Gitrec Charlotte, NC
Linda Dianne Johnson	Charlotte, NC
Jake Geller-Good	NCSU Student Chapel Hill, NC
Rollan Washington	Charlotte NC.
David Kolbrenner	Chatham Co Election Judge

Election Committee Meeting

March 23, 2011

Attachment 1:	**Committee Notices**
Attachment 2:	**Minutes**
Attachment 3:	**HB 351 original bill, bill summary**
Attachment 4:	**Handouts from Staff**
Attachment 5:	**Visitor Registration Sheet**

Attachment 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, March 23, 2011
TIME: 1:00 pm
LOCATION: 643 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 351	Restore Confidence in Government.	Representative Lewis Representative Moore Representative Killian

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10 AM** o'clock on **March 16, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 1

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, March 23, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS: The purpose of the meeting will be to discuss HB 351 beginning with Sections 2 through 6 and returning to Section 1 if time permits.

The Chair will not be accepting any motions on the Bill. The Committee will take no votes on the reporting of the Bill.

The following bill will be discussed.

BILL NO.	SHORT TITLE	SPONSOR
HB 351	Restore Confidence in Government.	Representative Lewis Representative Moore Representative Killian

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **March 22, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

ATTACHMENT 2

Minutes

Committee on Elections

Wednesday, March 23, 2011

The House Committee on Elections met on Wednesday, March 23, 2011, in room 643 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Burr, Current, Jones and Jordan Co-Chairs, Representatives Blust, L. Brown, R. Brown, Bryant, Cotham, Dixon, Faircloth, Fisher, Floyd, Graham, Harrison, Iler, Justice, Killian, Martin, McLawhorn, Michaux, Mills, Mobley, T. Moore, Ross, Sager, Stam, Starnes, Warren, Weiss. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw, Denise Huntley Adams and Gerry Cohen from Bill Drafting. The Chair called the meeting to order at 1:07 PM and recognized the sergeant at arms and Pages.

The first order of business was HB 351 Restore Confidence in Government. The Chair announced that no vote would be taken today at this meeting. He also stated that amendments would be accepted. The Chair stated that a PCS was being prepared.

Staff handed out the printed material that answered the questions from the last meeting. Staff also gave committee members Summary for HB 351 dated March 23, 2011

The Chair recognized Representatives T. Moore and Killian, the bill sponsors, to speak on the bill. The Chair then opened the meeting for discussion by the committee members.

The Chair recognized Gary Bartlett and Johnnie McLean, with the State Board of Elections, to speak on the bill.

The meeting was adjourned at 1:47 PM.

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

ATTACHMENT 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 351

Short Title:	Restore Confidence in Government.	(Public)
Sponsors:	Representatives Lewis, T. Moore, and Killian (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Elections.	

March 15, 2011

A BILL TO BE ENTITLED

AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY (1) REQUIRING THAT VOTERS PROVIDE PHOTO IDENTIFICATION BEFORE VOTING; (2) REQUIRING CANDIDATES AND TREASURERS TO TAKE IMMEDIATE ACTION TO CORRECT CAMPAIGN FINANCE VIOLATIONS AND REQUIRING LIABILITY OF CANDIDATES FOR CIVIL PENALTIES FOR CAMPAIGN FINANCE VIOLATIONS OF CANDIDATE CAMPAIGN COMMITTEES; (3) LIMITING THE CHAIR OF THE STATE BOARD OF ELECTIONS TO TWO TWO-YEAR TERMS IN THAT OFFICE; (4) PROHIBITING PIECE-WORK PAYMENT FOR VOTER REGISTRATION DRIVES; (5) PREVENTING CONFLICT OF INTEREST AND ITS APPEARANCE INVOLVING POLITICAL CONTRIBUTIONS BY STATE CONTRACTORS; AND (6) ALLOWING VOTERS MORE FLEXIBILITY IN APPLYING FOR ABSENTEE BALLOTS.

The General Assembly of North Carolina enacts:

Part 1. Voter Photo Identification.

SECTION 1.1. G.S. 163-166.12 reads as rewritten:

"**§ 163-166.12. ~~Requirements for certain voters who register by mail.~~Photo ID requirements.**

(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,~~ Every individual seeking to vote in person shall present a valid photo identification to a local election official at a voting place before voting ~~there~~ there. ~~one of the following:~~

~~(1) 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.~~

(a1) As used in this section, a valid photo identification means one of the following, but only if it contains a photograph of the registered voter:

(1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license.

(2) A special identification card for nonoperators issued under G.S. 20-37.7.

(3) A valid identification card issued by a branch, department, agency, or entity of this State, any other state, or the United States authorized by law to issue personal identification.

(4) A valid United States passport.

(5) A valid employee identification card issued by any branch, department, agency, or entity of the United States government, this State, or any county, municipality, board, authority, or other entity of this State.

(6) A valid United States military identification card.

(7) A valid tribal identification card.

(8) A valid North Carolina voter identification card issued under G.S. 163-166.13.

(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.

(b1) The county board of elections shall note the type of identification proof submitted by the voter under the provisions of subsection (a) or (b) of this section and may dispose of the tendered copy of identification proof submitted under subsection (b) of this section as soon as the type of proof is noted in the voter registration records.

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

(c) The Right to Vote Provisionally. – If an individual is required under subsection (a), (b), or (b2) 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~~ Subsection (b) of 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. If any individual's number does not match, the individual shall provide identification as required in subsection (b2) of this section in the first election in which the individual votes.

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

"**§ 163-166.13. Voter identification card.**

(a) Each county board of elections shall accept applications for and issue North Carolina voter identification cards to registered North Carolina voters that shall under State law be valid only for purposes of voter identification under this Chapter and available only to registered voters of this State. No fee shall be charged or collected for the application for or issuance of a North Carolina voter identification card.

(b) No person shall be eligible for a North Carolina voter identification card if such person has a valid unexpired drivers license or a special identification card for nonoperators issued under G.S. 20-37.7.

(c) The North Carolina voter identification card shall be captioned "NORTH CAROLINA VOTER IDENTIFICATION CARD" and shall contain a prominent statement that under North Carolina law it is valid only as identification for voting purposes. The North Carolina voter identification card shall be laminated, shall contain a digital color photograph of the applicant, and shall include the following information:

(1) Full legal name.

(2) Address of residence.

(3) Birth date.

(4) Date identification card was issued.

(5) Sex.

(6) Height.

(7) Weight.

(8) Eye color.

(9) County where the identification card was issued.

(10) Such other information or identification as required by rule of the State Board of Elections.

(d) The application for a North Carolina voter identification card shall elicit the information required under subsection (c) of this section and such other information as may be required by rule of the State Board of Elections. The application shall be signed by the applicant.

(e) The county board of elections shall require presentation and verification of the following information before issuing a North Carolina voter identification card to a person:

(1) A photo identity document, except that a nonphoto identity document is acceptable if it includes the person's name;

(2) Evidence that the person is registered to vote in this state; and

(3) Documentation showing the person's name and residence address.

(f) A North Carolina voter identification card shall remain valid so long as a person resides at the same address and remains qualified to vote. It shall be the duty of a person who moves his or her residence within the State to surrender his or her card to the county board of elections of the county of his or her new residence; and such person may after such surrender

apply for and receive a new card if such person is otherwise eligible under this section. It shall be the duty of a person who moves his or her residence outside this State or who ceases to be qualified to vote to surrender his or her card to the county board of elections by which it was issued.

(g) The State Board of Elections shall provide each county board of elections issuing North Carolina voter identification cards with the necessary equipment, forms, supplies, and training for the production of the North Carolina voter identification cards and shall maintain such equipment.

(h) The State Board of Elections shall adopt policies for the administration of this section and, without limiting the generality of the foregoing, such policies may further define or prescribe the types of documentation required under subsection (e) of this section."

SECTION 1.3. G.S. 163-82.6A(b) reads as rewritten:

"(b) Both Attestation and Proof of Residence Required. – To vote under this section, a voter must present a valid photo identification as defined by G.S. 163-166.12(a1). This requirement is separate from the requirement to provide proof of residence under subdivision (2) of this subsection. If an individual does not present the required identification, that individual may vote a provisional official ballot. To register ~~and vote~~ under this section, the person shall do both of the following:

(1) Complete a voter registration form as prescribed in G.S. 163-82.4, including the attestation requirement of G.S. 163-82.4(b) that the person meets each eligibility requirement. Such attestation is signed under penalty of a Class I felony under G.S. 163-275(13); and

(2) Provide proof of residence by presenting any of the following valid documents that show the person's current name and current residence address: a North Carolina drivers license, a photo identification from a government agency, or any of the documents listed in ~~G.S. 163-166.12(a)(2).~~ G.S. 163-166.12(b)(2). The State Board of Elections may designate additional documents or methods that suffice and shall prescribe procedures for establishing proof of residence."

SECTION 1.4. G.S. 163-166.7(a) reads as rewritten:

"(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence ~~address.~~ address and present valid photo identification in accordance with G.S. 163-166.12. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting."

SECTION 1.5. G.S. 163-227.2(b) reads as rewritten:

"(b) Not earlier than the third Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in subsection (g) of this section. A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the ~~board.~~ board and present valid photo

identification in accordance with G.S. 163-166.12. If an individual does not present the required identification, that individual may vote a provisional official ballot. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person."

SECTION 1.6. Article 15A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-182.1A. Counting of provisional official ballots cast because of failure to provide valid photo identification at the polls.**

(a) A voter who cast a provisional official ballot wholly or partly as a result of the voter's inability or declination to provide proof of identification may personally appear at an office of the county board of elections not later than the date of the conclusion of the election canvass for that county to seek counting of the provisional official ballot as provided in subsection (b) or (c) of this section.

(b) Unless the vote is disqualified for some other reason provided by law, the county board of elections shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened and counted in accordance with this Chapter if the voter both:

(1) Provides valid photo identification to the county board of elections; and

(2) Executes an affidavit, in the form prescribed by the State Board of Elections affirming under the penalties of perjury that the voter is the same individual who:

a. Personally appeared to vote on the day of election or at an early voting site; and

b. Cast the provisional ballot on that day.

(c) Unless the vote is disqualified for some other reason provided by law, the county board of elections shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened and counted in accordance with this Chapter if the voter executes an affidavit before the county board of elections, in the form prescribed by the State Board of Elections, affirming under the penalties of perjury that:

(1) The voter is the same individual who:

a. Personally appeared to vote on the day of election or at an early voting site; and

b. Cast the provisional ballot on that day; and

(2) The voter has a sincerely held religious objection to being photographed.

(d) If the county board of elections determines that a voter described in subsection (b) or (c) of this section has also cast a provisional official ballot for a cause other than the voter's inability or declination to provide valid photo identification, the board shall both:

(1) Note on the envelope containing the provisional official ballot that the voter has complied with the proof of valid photo identification requirement; and

(2) Proceed to determine any other reasons for which the ballot was cast provisionally before ruling on the validity of the voter's provisional ballot."

SECTION 1.7. G.S. 163-87 reads as rewritten:

"**§ 163-87. Challenges allowed on day of primary or election.**

On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the precinct may exercise the right of challenge, and when he does so may enter the voting enclosure to make the challenge, but he shall retire therefrom as soon as the challenge is heard.

On the day of a primary or election, any other registered voter of the precinct may challenge a person for one or more of the following reasons:

(1) One or more of the reasons listed in G.S. 163-85(c).

(2) That the person has already voted in that primary or election.

(3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.

(4) If the challenge is made with respect to voting in a partisan primary, that the person is a registered voter of another political party.

(5) The voter does not present proof of identification as required by G.S. 163-166.12.

The chief judge, judge, observer, or assistant appointed under ~~G.S. 163-41 or 163-42~~ G.S. 163-41, 163-42, or 163-45 may enter challenges under this section against voters in the precinct for which appointed regardless of the place of residence of the chief judge, judge, observer, or assistant.

If a person is challenged under this subsection, and the challenge is sustained under G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if the transfer is made. A person who has transferred his registration under G.S. 163-82.15(e) may be challenged at the precinct to which the registration is being transferred."

SECTION 1.8. G.S. 20-37.7(d) reads as rewritten:

"(d) Expiration and Fee. – A special identification card issued to a person for the first time under this section expires when a drivers license issued on the same day to that person would expire. A special identification card renewed under this section expires when a drivers license renewed by the card holder on the same day would expire.

The fee for a special identification card is the same as the fee set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card issued to a resident of this State who (i) is legally blind, (ii) is at least 70 years old, (iii) is eligible to vote in this State but does not have a valid photo identification acceptable under G.S. 163-166.12(a1), (iv) is homeless, or (v) ~~who~~ has been issued a drivers license but the drivers license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental disability or disease. To obtain a special identification card without paying a fee, a homeless person must present a letter to the Division from the director of a facility that provides care or shelter to homeless persons verifying that the person is homeless."

SECTION 1.9. Education and Publicity Requirements. – The public shall be educated about the photo identification to vote requirements of this act as follows:

(1) As counties use their regular processes to notify voters of assignments and reassignments to districts for election to the United States House of Representatives, State Senate, State House of Representatives, or local office, by including information about the provisions of this act.

(2) As counties send new voter registration cards to voters as a result of new registration, changes of address or other reasons, by including information about the provisions of this act.

(3) Counties that maintain a board of elections Web site shall include information about the provisions of this act.

(4) Notices of elections published by county boards of elections under G.S. 163-22(8) for the May 2012 primary and 2012 general election shall include a brief statement that photo identification is required to vote.

(5) The State Board of Elections shall include on its Web site information about the provisions of this act.

(6) Counties shall post at the polls and at early voting sites beginning with the May 2012 primary elections information about the provisions of this act.

(7) The State Board of Education shall include in the Judicial Voter Guide described in G.S. 163-278.69 information about the provisions of this act and shall also include the information in the Voter Guide under G.S. 163-278.99E if it is published separately.

(8) The State Board of Elections and the county boards of elections shall take reasonable steps to provide public service announcements about the provisions of this act through print, radio, television, online, and social media. The sum of six hundred thousand dollars ($600,000) is appropriated from the General Fund for the 2011-2012 fiscal year to a special reserve to carry out the provisions of this subdivision and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act. Those funds shall be made available as follows:

a. One hundred thousand dollars ($100,000) to the State Board of Elections.

b. One hundred thousand dollars ($100,000) in an equal share to each county board of elections.

c. Two hundred thousand dollars ($200,000) to county boards of elections in proportion to the number of registered voters in the county.

d. Two hundred thousand dollars ($200,000) to county boards of elections in counties covered by section 5 of the Voting Rights Act of 1965, in proportion to the number of registered voters in the county.

SECTION 1.10.(a) Funds under Title I and Title II of the Help America Vote Act may be used for the purpose of Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act.

SECTION 1.10.(b) Funds under the Election Assistance for Individuals with Disabilities (EAID) provisions of the Help America Vote Act may be used for the purpose of Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act to persons eligible for assistance under EAID.

SECTION 1.10.(c) Unexpended funds in the North Carolina Voter-Owned Elections Fund may be for the purpose of Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act.

SECTION 1.10.(d) Funds from the surcharge on attorney membership fees under G.S. 84-34 may be used for the purpose of Section 1.9 of this act as it relates to judicial elections.

SECTION 1.11.(a) Sections 1.1 through 1.7 of this act are effective:

(1) In counties not subject to Section 5 of the Voting Rights Act of 1965 beginning with the statewide primary in 2012.

(2) In any county covered by Section 5 of the Voting Rights Act of 1965, beginning with the later of the statewide primary in 2012 or the date this act is precleared or approved under Section 5 of the Voting Rights Act of 1965.

SECTION 1.11.(b) Sections 1.8, 1.9, and 1.10 of this act become effective July 1, 2011. This Part is effective when it becomes law.

Part 2. Candidate and Treasurer Duty and Liability.

SECTION 2.1. Article 22A of Chapter 163 of the General Statutes is amended by adding two new sections to read:

"§ 163-278.11A. Duty of candidate to correct violation.

Upon actual notice of a violation under this Article which may result in a criminal penalty under G.S. 163-278.27 or a civil penalty under G.S. 163-278.34 to a candidate or candidate campaign committee, a candidate shall take immediate action to correct the violation. As used in this section, the term "candidate campaign committee" means the same as in G.S. 163-278.38Z(3).

"§ 163-278.11B. Duty of treasurer to correct violation.

Upon actual notice of a violation under this Article which may result in a criminal penalty under G.S. 163-278.27 or a civil penalty under G.S. 163-278.34 to a candidate or candidate campaign committee, a treasurer shall take immediate action to correct the violation. If the actual notice of a violation is received by a former treasurer, that former treasurer shall immediately report the violation to the State Board of Elections. As used in this section, the term "candidate campaign committee" means the same as in G.S. 163-278.38Z(3)."

SECTION 2.2. G.S. 163-278.34 is amended by adding a new subsection to read:

"(d1) A candidate shall be jointly and severally liable for a civil penalty assessed by the State Board against a candidate campaign committee if the candidate had actual notice of the violation for which the penalty is assessed at the time the violation occurred and the candidate failed to correct the violation as required by G.S. 163-278.11A. As used in this subsection, the term "candidate campaign committee" means the same as in G.S. 163-278.38Z(3)."

SECTION 2.3. This Part becomes effective January 1, 2012, and applies to civil penalties assessed for any violation occurring on or after that date.

Part 3. State Board of Elections Chair Term Limit.

SECTION 3.1. G.S. 163-19 reads as rewritten:

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

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

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

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

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

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

(c) After taking the prescribed oath, the Board shall organize by electing one of its members chairman and another secretary. The term of office of the chairman is two years and begins on May 1 of each odd-numbered year. In the case of a vacancy, a new chairman shall be elected to serve the remainder of the unexpired term. No person may be elected as chairman for more than two terms. For the purpose of this subsection, cumulative service as chair for more than two years prior to May 1, 2009, shall be considered as one term.

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

SECTION 3.2. The State Board of Elections shall next elect a chairman for a two-year term beginning May 1, 2011.

SECTION 3.3. This Part is effective when it becomes law.

Part 4. Prohibit Piece-Work Payment for Voter Registration.

SECTION 4.1. Article 7A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-82.25A. Piece payment in voter registration drives prohibited.**

No person who employs or contracts with another person to register voters or assist or encourage voters to fill out voter registration forms shall pay that person per voter registration application completed. No person shall accept payment on that basis. A violation of this section is a Class 2 misdemeanor."

SECTION 4.2. G.S. 163-274 is amended by adding a new subdivision to read:

"(14) For any person to pay or accept payment per voter registration application completed in violation of G.S. 163-82.25A."

SECTION 4.3. This Part becomes effective with respect to voter registration applications completed on or after January 1, 2012.

Part 5. No Pay-to-Play.

SECTION 5.1. Article 3 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 163-278.13D. Prohibition on contributions by entity affiliated with a vendor.**

(a) Definitions. – The following definitions apply in this section:

(1) Contribution. – As defined in G.S. 163-278.6(6). A contribution is made during the term of a contract if it is dated or pledged on or after the first day of the term of the contract, but not later than the last day of the term of the contract, if it is delivered on or after the first day of the term of the contract, but not later than the last day of the term of the contract, or if the entity affiliated with the vendor pledges during the term of the contract to deliver the contribution after the last day of the term of the contract. However, a contribution will not be deemed to be made if (i) the vendor or entity affiliated with the vendor discovers the contribution within two months of the date of such contribution; (ii) such contribution exceeds one thousand dollars ($1,000); and (iii) the vendor or entity affiliated with the vendor obtains a return of the contribution within 60 calendar days of the date of discovery of the contribution. A contribution is accepted during the term of a contract if the relevant political campaign receives the contribution on or after the first day of the term of the contract, but not later than the last day of the term of the contract and does not return the contribution within 10 days,

or the relevant political campaign agrees on or after the first day of the term of the contract to receive the contribution after the last day of the term of the contract.

(2) Entity affiliated with a vendor. – An officer, director, member, or manager of the vendor, if the vendor is an incorporated business or a limited liability company, a partner or general manager if the vendor is an unincorporated business entity, or any political committee of which the vendor is the parent entity as provided in G.S. 163-278.19. Director of a vendor means any director of the vendor whether or not receiving compensation. An advisory director is not a director of a vendor if the advisory director (i) is not elected by the vendor's shareholders and the vendor is a company or bank; (ii) is not authorized to vote on matters before the Board of Directors; and (iii) provides solely general policy advice to the Board of Directors.

(3) Office with authority to award contract. – Any of the principal offices or departments listed in G.S. 143A-11. Notwithstanding any other provision of law or delegation of authority and for the purposes of subsection (b) of this section, the head of the principal office or department shall be deemed to award all contracts for that principal office or department and for any other offices, agencies, or commissions administratively housed within that principal office or department.

(4) Relevant political campaign. – A candidate for the office with authority to award the contract, the officer holding the office with authority to award the contract, or a political committee controlled by a candidate for or officer holding the office with authority to award the contract.

(b) Prohibition. – No entity affiliated with a vendor that has entered into a contract for supplies, materials, equipment, other tangible personal property, or services in excess of twenty-five thousand dollars ($25,000) with any of the principal offices or departments listed in G.S. 143A-11 and subject to the provisions of Article 3 of Chapter 143 of the General Statutes shall make during the term of the contract a contribution to a relevant political campaign. No relevant political campaign shall knowingly accept a contribution during the term of the contract from an entity affiliated with a vendor that has entered into a contract for supplies, materials, equipment, other tangible personal property, or services in excess of twenty-five thousand dollars ($25,000) with any of the principal offices or departments listed in G.S. 143A-11 and subject to the provisions of Article 3 of Chapter 143 of the General Statutes. This subsection does not apply if the contributions by all entities affiliated with the vendor to the relevant political campaign during the term of the contract do not exceed one thousand dollars ($1,000). The State Board of Elections shall adopt any procedures for reporting it deems necessary for the enforcement of this subsection.

(c) Penalty. – A violation of this section is a Class 2 misdemeanor."

SECTION 5.2. This Part becomes effective January 1, 2012, and applies to contributions made on or after that date.

Part 6. Absentee Ballot Request Flexibility.

SECTION 6.1. G.S. 163-230.2 reads as rewritten:

"**§ 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."

SECTION 6.2. This Part becomes effective with respect to primaries and elections conducted on or after January 1, 2012.

ATTACHMENT 3

HOUSE BILL 351:
Restore Confidence in Government

2011-2012 General Assembly

Committee:	House Elections	**Date:**	March 23, 2011
Introduced by:	Reps. Lewis, T. Moore, Killian	**Prepared by:**	Kara McCraw and Erika Churchill, Committee Counsels
Analysis of:	First Edition		

SUMMARY: HB 351 would:

1) require voters to show photo identification prior to voting,

2) require immediate correction of campaign finance violations by candidates and treasurers,

3) make candidates joint and severally liable for civil penalties for campaign finance violations assessed the candidate's campaign committee,

4) limit the chair of the State Board of Elections to terms of 2 years and no more than 2 terms,

5) prohibit piece-work payment for voter registration drives,

6) prevent conflict of interest and its appearance involving political contributions by state contractors, and

7) make requests for absentee ballots signed by the requestor valid, and eliminate requirements that the request be made personally in writing by the voter or on a form generated by the county board.

Bill Analysis

Part 1: Voter Photo Identification

Current Law:

G.S. 163-166.12 requires individuals who register to vote by mail after January 1, 2003 who have not previously voted in an election with a federal ballot item to show one of the following forms of identification prior to voting:

- A current and valid photo ID.
- A copy of one of the following documents that shows the name and address of the voter: current utility bill, bank statement, government check, paycheck, or other government document.

An individual is exempted from showing identification if they included as part of their registration either one of the forms of ID listed above, or their driver's license number or the last four digits of their social security number, either of which provide a match to an existing State identification record.

The statute also provides exceptions from the ID requirement as provided under federal law, such as overseas and military voters entitled to vote by absentee ballot and voters entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act.

Bill Analysis:

Part 1 of HB 351 would amend G.S. 163-166.12 to require all voters to present a valid photo ID when voting in-person.

Valid Photo ID (Section 1.1): The following IDs which contain photographs would be accepted:

- NC drivers' license.
- Special NC ID card for nonoperators.
- ID card issued by a State branch, department, agency, or entity, any other State, of the US government if authorized by law to issue personal identification.
- US passport.

- Employer ID card issued by a branch, department, agency, or entity of the US government, NC, or any county, municipality, board, authority, or other entity of NC.
- US military ID card.
- Tribal ID card.
- NC Voter ID card.

Mail-in Absentee Voting: Photo IDs would not be required for mail-in absentee voting. The previous ID requirements of G.S. 163-166.12 for first-time voters who register by mail would still apply to mail-in absentee voting.

Voter Identification Cards (Section 1.2): County boards of elections would be authorized to issue voter identification cards at no cost to the voter to individuals registered to vote who did not have a valid drivers' license or special ID card for nonoperators. The cards could only be used for voting and would require certain information about the person be printed on the card, including a photograph of the voter. A voter would be required to present a photo identity document or a nonphoto identity document that includes the person's name, evidence of the person's voter registration, and documentation of name and address. The card would remain valid as long as the person resided at the same address and remained qualified to vote. The voter would be responsible for surrendering the card to the county board of elections if the voter changes residence or ceases to be qualified to vote. The State Board would provide supplies and equipment to county boards of elections and adopt policies for administration.

One-Stop Voting and Registration (Section 1.3):

HB 351 would also require the voter to show one of the valid photo ID required by G.S. 163-166.12, and would require the person vote a provisional ballot if the document was not shown.

Election Day voting (Section 1.4): HB 351 would require a voter to present valid photo ID required by G.S. 163-166.12 prior to voting.

Early Voting (Section 1.5): HB 351 would require a voter to present valid photo ID required by G.S. 163-166.12 prior to voting, and would require the person vote a provisional ballot if the document was not shown.

Provisional Ballots (Section 1.6): HB 351 would require voters casting provisional ballots as a result of failure to show valid ID to appear in person at the county board of election no later than the conclusion of the election canvass to seek counting of the provisional ballot in one of two ways:

1. Provide photo ID and execute an affidavit that the person voted on the relevant day and cast a provisional ballot.
2. Execute an affidavit that the voter has a sincerely held religious objection to being photographed and that the person voted on the relevant day and cast a provisional ballot.

Unless the vote is disqualified for some other legal reason, the board must count the ballot.

Voter challenges (Section 1.7): HB 351 would add to the list of reasons for voter challenges that a voter does not provide required proof of ID. It would also allow observers assigned to that precinct to enter challenges.

Special ID Cards for nonoperators (Section 1.8): HB 351 would permit individuals eligible to vote in NC who do not have valid photo ID required for voting to be issued a special ID card without a fee.

Publicity Requirements and Funds (Sections 1.9-1.10): HB 351 would require voters be educated about the photo ID requirements through regular mailings, State and county board of election websites, notices of elections, posting at polling sites, and the Judicial Voters Guide. $600,000 would be appropriated for FY 2011-2012 to carry out the publicity requirements. Funding for publicity and to provide for issuance of ID cards could also come from:

- Title I and II Help America Vote Act (HAVA) funds
- Election Assistance for Individuals with Disabilities (EAID)

- Unexpended funds in the NC Voter Owned Elections Fund
- Funds from the surcharge on attorney membership fees as related to judicial elections.

Effective Date (Section 1.11): For counties not subject to Section 5 of the Voting Rights Act the voter ID requirements would apply beginning with the statewide primary in 2012. For counties subject to Section 5 of the Voting Rights Act the voter ID requirements would apply beginning with the later of the statewide primary in 2012 or when the act is precleared. The remainder of Part 1 would become effective July 1, 2011.

Part 2: Candidate and Treasurer Duty and Liability

Duty to Correct Violations (Section 2.1): HB 351 would require a candidate or treasurer to take immediate action to correct campaign finance violations that could result in a criminal or civil penalty upon actual violations. Former treasurers would be required to report violations to the State Board of Elections.

Candidate Liability (Section 2.2): HB 351 would make a candidate jointly and severally liable for any civil penalties assessed for campaign finance violations against the candidate's campaign committee.

Effective Date (Section 2.3): Part 2 would become effective January 1, 2012 and apply to civil penalties assessed for any violation occurring on or after that date.

Part 3: State Board of Elections Chair Term Limit

Current Law: The State Board of Election consists of 5 members serving four year terms. Members are appointed by the Governor. No more than 3 of the Board members may be form the same political party. The Board elects one of its members chair. Currently, there are no term limits on Board membership or terms as chair.

Bill Analysis (Sections 3.1 and 3.2): HB 351 would limit the term of office as chair to 2 years, beginning May 1 of odd-numbered years, and limit service as chair to 2 terms. Service prior to May 1, 2009 would be considered as 1 term for purposes of the bill. The State Board of Elections would be required to elect a chair for a two-year term beginning May 1, 2011.

Effective Date (Section 3.3): Part 3 would become effective when it becomes law.

Part 4: Prohibit Piece Payment for Voter Registration

Current Law: G.S. 163-82.6(a1)(2) makes it a Class 2 misdemeanor to sell or attempt to sell a completed voter registration form or condition its delivery upon payment.

Bill Analysis (Sections 4.1 and 4.2): HB 351 makes it a Class 2 misdemeanor for a person who employs or contracts with another person to register voters or encourage or assist voters to fill out voter registration forms to pay that person by the completed voter registration application. It also makes it a Class 2 misdemeanor for a person to accept payment based on the number of complete voter applications.

Effective Date (Section 4.3): Part 4 would become effective with respect to voter registration applications completed on or after January 1, 2012.

Part 5: No Pay-To-Play

Current Law:

Limitations on campaign contributions: A candidate may not accept and a contributor may not give more than four thousand dollars ($4,000) per candidate per election. If there is a primary for the office of the candidate and a general election, the candidate may receive four thousand dollars ($4,000) through the day of the primary and four thousand dollars ($4,000) from the day after the primary through the general election per contributor. A

candidate, the candidate's spouse, parents, brothers and sisters may contribute unlimited amounts to the candidate and are not subject to the limitations. Any National, State, district or county executive committee of any political party (recognized under G.S. 163-96) is exempt from the contribution limitations as well.

Prohibitions on campaign contributions: It is unlawful for any corporation, business entity, labor union, professional association, or insurance company to directly or indirectly contribute to a candidate. Political committees not registered with North Carolina are also prohibited from contributing. A registered political committee, other than those exempt political party committees, may contribute four thousand dollars ($4,000) per election to candidate committees. No lobbyist may make a contribution at any time to a member of the General Assembly or Council of State or a candidate that has been elected or appointed to the General Assembly or Council of State.

State Purchase and Contract: Article 3 of Chapter 143 requires that all contracts in excess of certain "benchmarks" for the purchase of supplies, materials, equipment, other tangible personal property and service contracts must be handled by the Office of Purchase and Contract in the Department of Administration. Contracts under the specified benchmark may be handled by the specific department. Most departments have a $10,000 benchmark, but the Secretary of the Department of Administration has the authority to increase the benchmark to $25,000 under certain circumstances. The following are some of the State agency contracts that are not subject to Article 3: information technology (Article 3D, Chpt. 147), consultant services (Article 3C, Chpt. 143); architectural, engineering and surveying services (Article 3D, Chpt 143); building contracts (Article 8, Chpt 143); acquisition of real property (Article 6, Chpt. 146) and disposition of real property (Article 7, Chpt. 146).

Bill Analysis (Section 5.1): Part 5 would prohibit an "entity affiliated with a vendor" that has entered into a contract for goods, materials, supplies, or services over $25,000 with any of the offices or departments headed by a member of the Council of State from making during the term of the contract a contribution to a relevant political campaign. It also would provide that the relevant political campaign cannot **accept contributions** from those individuals during the term of the contract. The prohibition would **not** apply if the contributions from all the entities affiliated with a vendor did not total more than $1,000 during the term of the contract. A violation of the prohibition would be a Class 2 misdemeanor. The State Board of Elections must adopt procedures it deems necessary to enforce this subsection.

The following terms would be defined.

"Contribution." - Contribution as defined in G.S. 163-278.6 means a advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever, made to, or in coordination with, a candidate, and any contract, agreement, or other obligation to make a contribution. Contributions are made during the term of the contract if dated or pledged on or after the 1st day but no later than the last day of the term of the contract, or if the entity affiliated with the vendor pledges to deliver the contribution after the term of the contract while the contract is ongoing.

Contributions are not deemed made under the following conditions:

1. The vendor or affiliated entity discovers the contribution within 2 months of the date of the contribution.
2. The contribution exceeds $1,000.
3. The vendor or affiliated entity obtains a return of the contribution within 60 calendar days of date of the discovery.

Contributions are accepted during the term of the contract if the relevant political campaign received the contribution on or after the 1st day and not later than the last day of the term of the contract and does not return the contribution within 10 days, or if the political campaign agrees on or after the first day of the term of the contract to receive the contributions after the last day of the term of the contract.

"Entity affiliated with a vendor." – An officer, director, member or manager of the vendor if the vendor is an incorporated business or a limited liability company, a partner or general manager if the vendor is an unincorporated business entity or any political committee of which the vendor is the parent entity as provided in G.S. 163-278.19. Director of a vendor means any director of the vendor whether or not receiving compensation. An advisory director is not a director of a vendor if the advisory director: (i) is not elected by the vendor's shareholders and the vendor is a company or bank; (ii) is not authorized to vote on matters before the Board of Directors; and (iii) provides solely general policy advice to the Board of Directors.

"Office with authority to award contract." –

(1) Office of the Governor.
(2) Office of the Lieutenant Governor.
(3) Department of the Secretary of State.
(4) Department of State Auditor.
(5) Department of State Treasurer.
(6) Department of Public Instruction.
(7) Department of Justice.
(8) Department of Agriculture and Consumer Services.
(9) Department of Labor.
(10) Department of Insurance.

"Relevant political campaign." – A candidate for the office with authority to award the contract, the officer holding the office with authority to award the contract, or a political committee controlled by a candidate for or officer holding the office with authority to award the contract.

Effective Date (Section 5.2): Part 5 would become effective January 1, 2012 and applies to contributions made on or after that date.

Part 6: Absentee Ballot Request Flexibility

Current Law: G.S. 163-230.2 requires that a written request for an absentee ballot must be either 1) written entirely by the requestor personally, or 2) on a form generated by the county board of elections and signed by the requestor. A request form may only be issued to the voter seeking an absentee ballot or the voter's near relative or verifiable legal guardian. The requestor may receive assistance in writing from an individual of the requestor's choice if the requestor is unable to complete the request due to disability or illiteracy.

Bill Analysis (Section 6.1): HB 351 would require that a written request for an absentee ballot be signed by the requestor. It would eliminate the requirement the request be personally written entirely by the requestor or made on a form generated by the county board of elections.

Effective Date (Section 6.2): Part 6 would become effective for primaries and elections conducted on or after January 1, 2012.

H351-SMTC-6(e1) v2

	ID Requirements	Requirements for Free ID	Provisional Balloting	Exceptions to Photo ID	Mail-in Absentee Ballots	Cases and Section 5 Preclearance
Louisiana	Requires voter to present one of the following IDs, or sign an affidavit and provide additionally requested information: • LA driver's license • LA special identification card • Other generally recognized picture identification containing the applicant's name and signature.	Louisiana waives fee for special identification cards for any person who does not have a Louisiana driver's license, upon presentation of the person's voter registration card or certificate. Applications for ID cards require the following information: • Full name. • Current mailing address. • Current residential address • Date of birth • Sex, height, weight, eye and hair color. • Social security number. • Signature. • 1 primary and 2 secondary documents of identification or 2 primary documents of identification from list of acceptable documents determined by department.	Statute does not provide for provisional balloting based on lack of photo ID – see exception to photo ID requirement.	Voter who is unable to provide personal identification may complete an affidavit on a form prescribed by the Secretary of State and provide further information such as the applicant's current registration certificate, provide the applicant's date of birth, or provide other information stated in the precinct register as requested by the commissioners. A voter allowed to vote without ID is subject to challenge.	Mail-in absentee ballots are not required to include photo identification.	**Cases:** None identified. **Section 5:** The entire state of Louisiana is a Section 5 jurisdiction. ATTACHMENT 4
Michigan	Requires voter to present one of the following IDs, or sign an affidavit: • MI state ID card • MI operator or chauffer's license • Other generally recognized picture ID card	Statute does not provide for free photo IDs for voters.	Statute does not provide for provisional balloting based on lack of photo ID – see exception to photo ID requirement.	Voter who is unable to provide personal identification may complete an affidavit to that effect and is then permitted to vote a regular ballot. The voter is subject to challenge.	Mail-in absentee ballots are not required to include photo identification.	**Cases:** None identified. **Section 5:** Michigan has 2 counties which contain Section 5 jurisdictions. The Michigan photo voter ID law received preclearance in 2007.
South Dakota	Requires voter to present valid form of ID or an affidavit in lieu of personal identification. Valid ID is one of the following: • SD driver's license • SD nondriver ID card • US passport • US photo identification card • Tribal photo ID card • Current photo student ID card issued by a high school or accredited institution of higher education located within SD. The member of the precinct board must determine based on the personal identification that the voter is the person listed on the voter registration list. The member may also consider other forms of identification, personal knowledge, and the person's explanation to match the voter's name.	Statute does not provide for free photo IDs for voters.	Voter is entitled to vote a provisional ballot if identify cannot be proven to satisfaction of member of precinct board, or if the voter is challenged on the basis of identity by a member or poll watcher.	Voter who is unable to provide personal identification may complete an affidavit which includes the voter's name and address.	Mail-in absentee ballots are not required to include photo identification.	**Cases:** None identified. **Section 5:** South Dakota has 2 counties which contain Section 5 jurisdictions. The South Dakota Secretary of State's Office was not able to confirm when preclearance was received, but believes it was in 2004 after the law's enactment.
HB 451	Would require voter present one of the following valid photo IDs: • NC drivers' license or NC nonoperators ID card. • ID card issued by a State branch, dept., agency, or entity, any other State, or the US government, if authorized by law to issue personal ID. • US passport. • Employer ID card issued by a branch, dept., agency, or entity of the US government, NC, or any county, municipality, board, authority, or other entity of NC. • US military ID card. • Tribal ID card. •NC Voter ID card.	County boards of elections would issue no fee voter ID cards to individuals registered to vote with no valid drivers' license or special nonoperators ID card. • Card could only be used for voting. • Would require certain information about the voter and photo be printed on the card. • Voter would be required to present a photo identity document or a nonphoto identity document with person's name, evidence of voter registration, and documentation of name and address. • Card remains valid while person resides at same address and remains qualified to vote.	If no valid ID, voter could vote a provisional ballot. • For ballot to count, voter must appear in person within 10 days at county board of elections and either: 1. Provide photo ID and execute an affidavit that the person voted the provisional ballot. 2. Execute an affidavit that the voter has a sincerely held religious objection to being photographed and the person voted the provisional ballot.	None identified in statute.	Mail-in absentee ballots would not be required to include photo identification.	**Section 5:** North Carolina has 40 counties that are covered Section 5 jurisdictions.

Attachment 2

Photo ID Voter Identification Laws

	ID Requirements	Requirements for Free ID	Provisional Balloting	Exceptions to Photo ID	Mail-in Absentee Ballots	Cases and Section 5 Preclearance
Florida	Requires picture ID that is current and valid. Includes: • FL driver's license or ID card issued by FL DMV • US passport • Debit or credit card • Military ID • Student ID • Retirement center ID • Neighborhood association ID • Public assistance ID If photo ID has no signature, additional ID with signature is required. Voter signature in precinct register must be compared with ID signature.	Statute does not provide for free photo IDs for voters.	If no ID, voter may vote a provisional ballot. If a provisional ballot is voted solely due to lack of ID or signature, voters are not required to provide additional evidence of eligibility.	None identified in statute.	Mail-in absentee ballots are not required to include photo identification (except as needed to comply with HAVA for first time voters).	**Cases:** None identified. **Section 5:** FL has 5 counties covered by Section 5. The latest amendment to the FL Voter ID law received preclearance in 2008.
Georgia	Requires that form of ID must be valid. Includes: •GA driver's license •GA voter ID card •Other valid ID card issued by state of GA, other US state, or United States – must include photo •US passport •Employee card with photo issued by State of GA, US government, or local government in GA •US Military ID (w/photo) •Tribal ID (w/photo)	Cty Bd of Registrar must provide 1 location per county to issue no fee voter ID cards. •Card may only be used for voting. •No card may be issued to holder of a valid unexpired driver's license or personal ID card. •Card must have photo, name, address, birth date, issue, date, sex, height, weight, eye color, and issuing county. •Required documentation includes: -photo ID or nonphoto ID showing name and date of birth, -documentation of date of birth, -evidence of voter registration, and residence documentation Card remains valid while residing at same address and remaining qualified to vote	If no ID: • Voter must swear to identity, and is then allowed to vote a provisional ballot. • Provisional ballot is counted if registrar is able to confirm a current and valid photo ID within three days of election.	First time voters registering by mail who did not provide required HAVA documentation may present either a valid photo ID or an approved HAVA document (current utility bill, bank statement, government check, paycheck, or other government document showing name and address) as identification.	Mail-in absentee ballot are not required to include photo identification (except as needed to comply with HAVA for first time voters).	**11th Circuit – Common Cause v. Billups (2009)** •Upheld GA Voter ID law requiring voter ID but making free ID available on grounds that burden imposed by requirement of photo ID is outweighed by GA interest in safeguarding elections. **GA Supreme Court – Perdue v. Lake (2007)** •Case challenging voter ID law on state constitution grounds dismissed for lack of standing. **GA Supreme Court – Democratic Party of Georgia v. Perdue (2011)** •Upheld GA law challenged on state constitution grounds of unauthorized voting qualification and violation of equal protection clause – Court grounds that burden imposed by requirement of photo ID is outweighed by GA interest in safeguarding elections. **Section 5:** The entire state of GA is covered by Section 5. The GA Voter ID law received preclearance in April 2006.
Hawaii	Requires that voter must present valid identification to the official in charge of the pollbook. Valid identification is not defined in statute.	Statute does not provide for free photo IDs for voters.	If no ID, voter may vote a provisional ballot. Counted if the county clerk determines eligible to vote in precinct where provisional ballot was cast.	None identified in statute.	Mail-in absentee ballots are not required to include photo identification.	**Cases:** None identified. **Section 5:** Not a Section 5 jurisdiction.
Idaho	Requires voter show a valid photo ID or complete a personal identification affidavit. Valid photo ID is one of the following: •Idaho driver's license or ID card issued by Idaho transportation department. •Tribal ID •Current student ID issued by high school or accredited institution of higher education in Idaho	Statute does not provide for free photo IDs for voters.	Statute does not provide for provisional balloting based on lack of photo ID – see exception to photo ID requirement.	Voter who is unable to provide personal identification may complete an affidavit on a form prescribed by the Secretary of State which state's the voters name and address.	Mail-in absentee ballots are not required to include photo identification.	**Cases:** None identified. **Section 5:** Not a Section 5 jurisdiction.
Indiana	Must include: •Name (matches voter record) •Photograph •Expiration date (must be current or expired after most recent election) Must be issued by: • State of Indiana • United States	Bureau of Motor Vehicles must issue no fee ID card for individual who: •Has no IN driver's license, and •Will be at least 18 at next election •Application requires following information: -Full legal name -Date of birth -Gender, height, weight, hair color, eye color -Principal address and mailing address -Either: -A valid SS number; or -verification of applicant's ineligibility to be issued a SS number, and identity and lawful status.	If no ID, refuse to show ID, or ID invalid: • Voter executes a challenged voter affidavit and may receive a provisional ballot • For ballot to count, voter must appear before circuit court clerk/county election board w/in 10 days and execute an affidavit that they cast the provisional ballot and either show ID or Affirm they are indigent or have religious objections to photos	Voters residing in state licensed care facilities are not required to show ID.	Mail-in absentee voters are not subject to ID requirements.	**Cases: SCOTUS – Crawford v. Marion County Election Board (2008)** •Upheld IN voter ID law under facial challenge (6-3) •Lead opinion applied balancing test - found IN law imposed limited burden on voter rights when compared to identified state interests of deterring voter fraud, safeguarding voter confidence, and improving election procedures. **Indiana Supreme Court – League of Women Voters v. Rokita (2010)** •Upheld IN law (4-1) •Challenged on state constitution grounds of adding additional requirement for voting and violation of privileges and immunities clause. Court found to law to be a regulation, rather than an additional substantive requirement, and found system to be uniform. **Section 5:** Indiana is not a Section 5 jurisdiction.

ATTACHMENT 4

Appointment of Precinct Officials v. Observers		
	Precinct Officials (G.S.163-41)	Observers (G.S. 163-45)
Appointing Authority	County board of elections. • County political party chairs may recommend voters in each precinct. County board must take recommendations received no later than 5 days before appointment. • If insufficient party recommendations, county board may select registered voter in precinct for office by unanimous vote. • If position cannot be filled by registered voter in the precinct, county board may appoint a registered voter from another precinct. • Whenever possible, no precinct may have a chief judge and judges all registered with the same party.	Each political party may designate 2 observers at each voting place for each primary in which the party is participating and each general election. Unaffiliated candidates on the ballot may also appoint observers.
Qualifications for Appointment	Registered voter, resident of county, of good repute, able to read and write. May not be an elected official, a candidate for nomination or election, hold office in a political party or organization, or be a manager or treasurer for a candidate or political party.	Must be a registered voter of the county for which appointed and must have good moral character. May not be a candidate on the ballot.
Term of Office	2 years	Not specified

ATTACHMENT 4

NC STATE BOARD O[illegible] ELECTION TURNOUT

-- 1) Election date: 11/02/2010

election_date	voting_method	v_count
11/2/2010	ABS-1STOP	905,458
11/2/2010	ABS-MAIL	55,890
11/2/2010	ABSENTEE	1
11/2/2010	CURBSIDE	6,492
11/2/2010	ELIG-NV	1
11/2/2010	IN-PERSON	1,709,295
11/2/2010	PROV	15,684
11/2/2010	TRANSFER	6,853
Total:		2,699,674

-- 2) Election date: 11/04/2008

election_date	voting_method	v_count
11/4/2008	ABS-1STOP	2,417,832
11/4/2008	ABS-MAIL	228,133
11/4/2008	ABSENTEE	68
11/4/2008	CURBSIDE	7,215
11/4/2008	IN-PERSON	1,669,069
11/4/2008	LEGACY	1
11/4/2008	PROV	26,522
11/4/2008	TRANSFER	6,140
Total:		4,354,980

-- 3) Election date: 11/07/2006

election_date	voting_method	v_count
11/7/2006	ABS-1STOP	387,362
11/7/2006	ABS-MAIL	35,593
11/7/2006	CURBSIDE	3,910
11/7/2006	IN-PERSON	1,571,603
11/7/2006	PROV	16,760
11/7/2006	TRANSFER	9,415
Total:		2,024,643

-- 4) Election date: 11/02/2004

election_date	voting_method	v_count
11/2/2004	ABS-1STOP	984,298
11/2/2004	ABS-MAIL	122,984
11/2/2004	CURBSIDE	5,521
11/2/2004	IN-PERSON	2,407,804
11/2/2004	LEGACY	87
11/2/2004	PROV	50,370
11/2/2004	TRANSFER	7,269
Total:		3,578,333

-- 5) Election date: 11/05/2002

election_date	voting_method	v_count
11/5/2002	ABS-1STOP	175,543
11/5/2002	ABS-MAIL	528
11/5/2002	ABSENTEE	48,691
11/5/2002	CURBSIDE	1,805
11/5/2002	IN-PERSON	2,028,184
11/5/2002	LEGACY	26,593
11/5/2002	PROV	13,319
11/5/2002	TRANSFER	8,930
Total:		2,303,593

-- 6) Election date: 11/07/2000

election_date	voting_method	v_count
11/7/2000	ABS-1STOP	393,152
11/7/2000	ABS-MAIL	
11/7/2000	ABS-NV	13
11/7/2000	ABSENTEE	76,200
11/7/2000	CURBSIDE	248
11/7/2000	ELIG-NV	1
11/7/2000	IN-PERSON	1,527,955
11/7/2000	LEGACY	1,146,611
11/7/2000	PROV	14,650
11/7/2000	TRANSFER	5,875
Total:		3,164,705

COMPARISON OF ABSENTEE VOTING OVER THE PAST TEN YEARS

	2000	2002	2004	2006	2008	2010
Mail Absentee	76,213	49,219	122,984	35,593	228,133	55,890
One-stop Absentee	393,152	175,543	984,298	387,362	2,417,832	905,458
In-person	2,674,566	2,054,777	2,407,804	1,571,603	1,669,069	1,709,295
Total Turnout	3,164,705	2,303,593	3,578,333	2,024,643	4,354,980	2,699,674

North Carolina General Election UOCAVA Ballots

	2008 General		2010 General		2008 vs. 2010 % Change
Total Issued	19,109	% of Total	12,727	% of Total	33.4% decrease
Returned	13,508	70.7%	2,725	21.4%	79.8% decrease
Undeliverable	485	2.5%	1860	14.6%	283.5% increase
Not Returned	4,935	25.8%	7,691	60.4%	55.8% increase

COMPARISON OF PROVISIONAL VOTING DURING PAST TWO GENERAL ELECTIONS

	Total Provisionals	Fully Counted	Partially Counted	Rejected
2008 General	53,976	22,188	4,319	27,469
2010 General	26,257	12,083	3,611	10,563

YEARLY COMPARISON OF NEW VOTER REGISTRATIONS BY SOURCE

Source	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
DMV	26317	96068	145895	146008	164677	196513	216356	269323	257163	175103	176276
ALL SOURCES	87741	163529	233234	189474	493789	246954	311127	356237	1022820	240268	306648
% of DMV To Total	30%	59%	63%	77%	33%	80%	70%	76%	25%	73%	57%

NVRA AGENCY-BASED REGISTRATION BY YEAR

Source	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Public Assistance	11257	2314	3278	3520	8067	16494	5890	20973	27011	21532	20,930
Disability Services	114	621	896	624	832	327	568	1568	1300	786	558
ESC	296	2376	2448	1871	1969	968	692	599	1892	482	357
Total	11667	5311	6622	6015	10868	17789	7150	23140	30203	22800	21845

SAME-DAY REGISTRATION STATISTICS

	New Registrations	Changes
2008 General	21,410	28,561
2010 General	103,535	253,024

On Wednesday, February 2, 2011, the North Carolina Department of Motor Vehicles provided the State Board of Elections data records of 7,468,811 DMV customers (those holding valid driver licenses or state-issued identification cards). The State Board of Elections compared the DMV records to the 6,104,976 voters who were currently registered to vote in this state as of this date. In analyzing the statewide voter registration database, we were able to confirm the following:

- Exact match of 4,309,118 voters with the DMV data based on the voters' name and driver license number.
- Exact match of 192,794 voter registration records with the DMV records based on the voters' name and social security number.
- Exact match of 597,483 voter registration records with the DMV records based on the voters' name and birth date.
- There are 1,005,581 voter records that the State Board of Elections is not able to confirm an exact match with the DMV records or there is no known record of a DMV-issued ID either in the voter registration database or in the DMV database.

Total Registered Voters	6,104,976
DMV & SBE Name and Driver License Match	-4,309,118
DMV & SBE Name and SSN Match	-192,794
DMV & SBE Name and Birth Date Match	-597,483
	1,005,581
Potential Matches (Name Variant)	-114,417
	891,164
DMV Non-match – DMV Info on Voter Record	-334,651
No record of a DMV DL or ID	**556,513**

No DMV ID by Age Group

age	Count
Age 18 - 25	57169
Age 26 - 40	135431
Age 41 - 65	193755
Age Over 66	169954

No DMV ID by Party

party_cd	Count
DEM	314188
LIB	562
REP	136788
UNA	104784

No DMV ID by Gener

sex	Count
FEMALE	349423
MALE	198105
UNK	8794

No DMV ID by Race

race_desc	Count
AMERICAN INDIAN or ALASKA NATIVE	6980
ASIAN	4714
BLACK or AFRICAN AMERICAN	173752
OTHER	11640
TWO or MORE RACES	4124
UNDESIGNATED	17801
WHITE	337311

YEARLY COMPARISON OF VERIFICATION AND CONFIRMATION MAILINGS

Year	Verification Mailings Sent[1]	Verifications Undeliverable	Verifications Returned by Voters	Confirmation Mailings Sent	Confirmations Undeliverable	Confirmations Returned by Voters
2004	1,515,649	100,256	27,451	148,621	41,355	10,769
2005	1,148,747	259,576	27,847	249,165	157,772	11,532
2006	730,140	74,974	19,212	73,932	36,880	7,537
2007	999,069	176,363	15,812	174,373	100,024	6,955
2008	1,869,018	137,424	38,415	107,607	54,842	8,542
2009	1,258,310	338,982	15,940	342,605	229,151	13,223
2010	681,179	104,569	14,328	94,926	37,519	8,608
2011[2]	915,233			123,753		

REMOVALS DURING TWO-YEAR ELECTION PERIODS

	Felony Conviction	Deceased	Duplicate	Moved Out of Jurisdiction	Biennial No-Contact Mailings	Other[3]
2007-2008	17,732	86,207	22,190	343,157	163,496	13,192
2009-2010	20,857	97,026	25,683	206,168	240,062	2,850

[1] These totals include 1st and 2nd verification mailings, no contact mailings, and other administrative mailings.
[2] Totals are as of January 31, 2011. Verification mailings include the biennial no-contact mailings sent to voters whom the counties have had no contact for a period spanning two federal election cycles.
[3] Other would include voter challenges, requests from the voter, expiration of temporary registrations of UOCAVA voters, and other administration reasons.

Types of Voter Fraud

Voter fraud may take various forms: double voting; impersonation; voting when ineligible (non- U.S. citizen or currently serving an active felony sentence) voter registration issues or matters related to absentee voting. The State Board of Elections, to the greatest extent permitted by resources, investigates all allegations of voter fraud. Most allegations prove to be unfounded, lack criminal intent, or cannot be substantiated; however, we refer matters to the appropriate district attorney's office for their consideration. Below are explanations of the most common types of voter fraud that have been seen in the past:

1. **Voting** – A person commits voting fraud if he or she:
   a. votes more than one time in the same election (double voting)
   b. votes when still serving a felony sentence
   c. votes when not qualified because he or she is not a U.S. citizen
   d. accepts payment for voting or offers payment to someone to vote
   e. votes in the name of another person
   f. provides assistance to someone when ineligible to provide that assistance
   g. improperly requests or falsely obtains, votes or provides assistance to another in casting an absentee ballot.
2. **Voter Registration** – A person commits voter registration fraud if he or she:
   a. signs a voter registration form and provides false information on the form
   b. signs a voter registration form in the name of another
   c. fails to deliver a person's completed voter registration form to an election official or fails to deliver the forms timely
3. **Misrepresentation of election law** – It is unlawful for a person or entity to provide false information to others that would dissuade, deter or in some way impede another from properly or timely registering to vote or voting.

Number of Case Referred to District Attorney Office by Year

Voter Fraud Type	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Voting - Double			6		3		2		4	26	14
Voting - Felons			12		37	7	2	1	6	229[4]	
Non-citizen voter registration/voting	1	2		13	1	1	5		23		
Voting - Absentee Fraud				28						5	7
Voting - Vote Buying/Selling				5				16			
Voting - Impersonation					1				1[5]		
Voting - Illegal voter assistance					1						
Misrepresentation of election law					1						
Voter Registration - Fraudulent forms					3		4	1	16		
Voter Registration - Residency							2			1	
Voter Registration - Failure to deliver					1						

[4] The majority of the referrals in 2009 concluded investigations from the 2008 General Election.
[5] Involved voting for a recently deceased relative.

ATTACHMENT 4

NORTH CAROLINA COUNTY STATISTICS REPORT

Bert Database Current As Of Mar. 22, 2011

Birth Date >= '01/01/1992'
Birth Date <= '12/31/1992'
Registration Date >= '01/01/2010'
Registration Date <= '12/31/2010'
Status Code in (A,D,I,R,S)

Total Voters = **45,859**

GROUPING	Total Voters	Dem	Rep	Una	Lib	Black	White	Amer. Indian	Asian	Multi Race	Other	Undesig
Status : ACTIVE	44,547	15,092	12,190	16,786	479	12,417	27,931	467	578	533	1,709	912
Status : DENIED	690	268	140	280	2	301	292	11	5	4	35	42
Status : INACTIVE	168	79	32	56	1	74	78	2	1	4	4	5
Status : REMOVED	439	198	85	153	3	186	213	4	5	5	9	17
Status : TEMPORARY	15	3	4	8	0	1	6	0	0	1	0	7
Total	45,859	15,640	12,451	17,283	485	12,979	28,520	484	589	547	1,757	983

Female	Male	Undesig	Hispanic	lispanic/Latino	Undesig
22,253	21,679	615	1,588	34,168	8,791
334	332	24	32	485	173
89	75	4	4	122	42
209	216	14	14	321	104
4	10	1	0	3	12
22,889	22,312	658	1,638	35,099	9,122

Committee Sergeants at Arms

NAME OF COMMITTEE Elections

DATE: 3-23-11 Room: 4K3

House Sgt-At Arms:

1. Name: Billy Jones
2. Name: Bill McRae
3. Name: Martha Parrish
4. Name: Doug Harris
5. Name: Ken Kirby

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

HOUSE PAGES

NAME OF COMMITTEE _____ DATE _____

1. Name: Samantha Enochs

County: Iredell

Sponsor: Grey Mills

2. Name: Elise Karsten

County: Wake

Sponsor: Martin

3. Name: Carter Phillips

County: Wake

Sponsor: Stam

4. Name: _____

County: _____

Sponsor: _____

5. Name: _____

County: _____

Sponsor: _____

[redacted]

ATTACHMENT 5

VISITOR REGISTRATION SHEET

Election Committee
Name of Committee

3/23/11
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Crystal Dowd	Bladen Committee College
Maryan Edds	City
Annaliese Dalon	DRNC
Shanique Monroe	Bladen Community College
Bridgette Hester	Bladen Community Colleye
Sabrina Dixon	Bladen Community College
LaTisha Harvey	Bladen Community College
Cody Mercer	Bladen Community College
Chris Watson	Bladen Community College
Brandon Meadows	SGA Bladen Community Colleye
Jaclyn Herring	Bladen Community College

VISITOR REGISTRATION SHEET

Election Committee — 3/23/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
RON WOODARD	NC LISTEN
Forrest Gillian	Governor's Office
Chris Anderson	
Susan Myrick	Civitas Inst.
Jeff Mason	AFP
Bill Gadden	NC Citizen
Judy Gladden	NC Citizen
DAN Crawford	NCLCV
DAN Conrad	NCCN
Michael Smith	Bladen Community College
Peggy Jones	Bladen Community College

VISITOR REGISTRATION SHEET

Election Committee — 3/23/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JOAN HALGREN	APEX, NC
Rick Brand	Chair, Vance Democratic Party, Henderson, NC
Eldred Loftin	Raleigh, NC
Nicole Fisher	John Locke Foundation
Scott Laster	NCHRC
Julia Adams	The arc of NC
Jennifer Mahan	ASNC
Carl Olsen	OSP
Cody Jetton	NC Appraisal Institute
Mel Black	NC Appraisal Institute
Benji Flannagan	NC Appraisal Institute

VISITOR REGISTRATION SHEET

Election Committee — 3/23/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Allison Riggs	Southern Coalition for Social Justice
Melissa Price	NCVCE
Jake Gellar-Goad	NCSU Student
Perry Woods	NCCVV
Greg Flynn	gregflynn.org
Chris Telesca	Wake Verified Voting
Sarah Preston	ACLU-NC
Paige Johnson	PPCNC
Alison Kiser	PPCNC
Melissa Reed	PPHS
Amy McConkey	NC Bev Assn

VISITOR REGISTRATION SHEET

Election Committee — 3/23/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
William Shen	AbiPAC
Daniel Ambrum	NCLM
Daniel Baum	Troutman Sanders
Will Polk	NC Office of Gov.
Damon Circosta	NC Vote Ed
J Pinsky	hcc/gr
C. Poucher	Wake Co. BOE
Gary Bartlett	SBOE
Jessica Degraffenreid	SBOE
Johnnie Mclean	SBOE
Bob Phillips	Common Cause NC

VISITOR REGISTRATION SHEET

Election Committee — 3/23/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kevin Rogers	Action NC
Penny Hufft	School of Gov.
Allen Rowe	N.C. Center for Voter Education
Wayne King	
David Heinen	NC Center for Nonprofits
Heather Barnett	Williams Mullen
Sandy Sands	Williams Mullen
BH Hall	Democracy NC
[illegible]	NCICU
Diane ROBERTSON	Citizen Orange County

Cancelled Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, March 30, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS: The committee will be considering a Proposed Committee Substitute for HB 351

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 351	Restore Confidence in Government.	Representative Lewis Representative Moore Representative Killian

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11 AM** o'clock on **March 30, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

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LOCATION: 643 LOB
COMMENTS: The committee will be considering a Proposed Committee Substitute for HB 351

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 351	Restore Confidence in Government.	Representative Lewis Representative Moore Representative Killian

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **March 29, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 351
PROPOSED SENATE COMMITTEE SUBSTITUTE H351-CSLB-19 [v.2]

3/29/2011 4:32:55 PM

Short Title: Restore Confidence in Government. (Public)

Sponsors:

Referred to:

March 15, 2011

A BILL TO BE ENTITLED

AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY (1) REQUIRING THAT VOTERS PROVIDE DOCUMENTARY IDENTIFICATION BEFORE VOTING, WITH AN EXCEPTION FOR A PERSON WITH A DISABILITY; AND (2) ALLOWING VOTERS MORE FLEXIBILITY IN APPLYING FOR ABSENTEE BALLOTS.

The General Assembly of North Carolina enacts:

Part 1. Voter Photo Identification.

SECTION 1.1. G.S. 163-166.12 reads as rewritten:

"**§ 163-166.12. ~~Requirements for certain voters who register by mail.~~Documentary ID requirements.**

(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~~ Every individual seeking to vote in person shall confirm that individual's registration by presenting valid documentary identification to a local election official at a voting place before voting ~~there one of the fololowing~~ there. As used in this section, valid documentary identification means one of the following, but for subdivisions (1) through (8) only if it contains a photograph of the registered voter:

~~(1) A current and valid photo identification.~~

(1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license.

(2) A special identification card for nonoperators issued under G.S. 20-37.7.

(3) A valid identification card issued by a branch, department, agency, or entity of this State, any other state, or the United States authorized by law to issue personal identification.

(4) A valid United States passport.

(5) A valid employee identification card issued by any branch, department, agency, or entity of the United States government, this State, or any county, municipality, board, authority, or other entity of this State.

(6) A valid United States military identification card.

(7) A valid tribal identification card.

(8) A voter registration card for that voter issued by that county board of elections under G.S. 163-82.8, with signature verification as provided by G.S. 163-166.7(a) or G.S. 163-227.2(b).

~~(2)~~(9) 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.~~document, with signature verification as provided by G.S. 163-166.7(a) or G.S. 163-227.2(b).

(a1) Identification Requirement for a Voter with a Disability. – Notwithstanding subsection (a) of this section, if a voter with a disability does not present documentary evidence as required by subsection (a)(1) through (7) of this section, or provides documentary evidence under subsection (a)(8) or (9) but is unable to sign, that person shall still be permitted to vote as provided by this subsection. To satisfy the requirement of this subsection, a person who is at least 18 years of age accompanying the voter shall execute an affidavit, in the form prescribed by the State Board of Elections, affirming under the penalties of perjury that the voter is the same individual as is registered to vote, and to the best of the affiants knowledge either does not have the required documentary identification or is unable to sign to meet the signature verification requirement. As used in this subsection, a "voter with a disability" is a registered voter who, to the satisfaction of the election official who personally sees the voter, on account of the condition of the voter either is unlikely to have any of the documentary evidence or is likely unable to be able to make a signature to meet the signature verification requirement. Such voter shall vote a ballot is if that voter met the documentary identification requirement.

(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.

(b1) The county board of elections shall note the type of identification proof submitted by the voter under the provisions of subsection (a) or (b) of this section and may dispose of the tendered copy of identification proof submitted under subsection (b) of this section as soon as the type of proof is noted in the voter registration records.

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

(c) The Right to Vote Provisionally. – If an individual is required under subsection (a), (b), or (b2) 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~~ Subsection (b) of 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. If any individual's number does not match, the individual shall provide identification as required in subsection (b2) of this section in the first election in which the individual votes.
(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 1.2. G.S. 163-82.8 reads as rewritten:

"**§ 163-82.8. Voter registration cards.**

(a) Authority to Issue Card. – ~~With the approval of the board of county commissioners, the~~ Each county board of elections ~~may~~ shall issue to each voter in the county a voter registration ~~card, or may issue cards to all voters registered after January 1, 1995.~~card. A county shall replace a voter's card upon request. Replacement cards shall be provided free of charge but may be mailed only to the voter's address on record.

(b) Content and Format of Card. – At a minimum, the voter registration card shall:
(1) List the voter's name, address, and voting place;
(2) Contain the address and telephone number of the county board of elections, along with blanks to report a change of address within the county, change of name, and change of party affiliation; and
(3) Be wallet size.

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

(c) Ways County Board and Registrant May Use Card. – ~~If the county board of elections issues voter registration cards, the~~ The county board may use that card as a notice of tentative approval of the voter's application pursuant to G.S. 163-82.7(c), provided that the mailing contains the statements and information required in that subsection. The county board may also satisfy the requirements of G.S. 163-82.15(b), 163-82.16(b), or 163-82.17(b) by sending the registrant a replacement of the voter registration card to verify change of address, change of name, or change of party affiliation. A registrant may use the card to report a change of address, change of name, or change of party affiliation, satisfying G.S. 163-82.15, 163-82.16, or 163-82.17.

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

(e) Display of ~~Card May Not Be Required to Vote.~~ Card. – No county board of elections may require that a voter registration card be displayed in order to ~~vote.~~ vote, but it may be used as documentary identification as provided by G.S. 163-166.12."

SECTION 1.3. G.S. 163-82.6A(b) reads as rewritten:

"(b) Both Attestation and Proof of Residence Required. – To vote under this section, a voter must, except as provided for in G.S. 163-166.12(a)(1), present valid documentary identification as defined by G.S. 163-166.12(a)(1) through (7). This requirement is separate from the requirement to provide proof of residence under subdivision (2) of this subsection. If an individual does not present the required identification, that individual may vote a provisional official ballot. To register ~~and vote~~ under this section, the person shall do both of the following:

(1) Complete a voter registration form as prescribed in G.S. 163-82.4, including the attestation requirement of G.S. 163-82.4(b) that the person meets each eligibility requirement. Such attestation is signed under penalty of a Class I felony under G.S. 163-275(13); and

(2) Provide proof of residence by presenting any of the following valid documents that show the person's current name and current residence address: a North Carolina drivers license, a photo identification from a government agency, or any of the documents listed in ~~G.S. 163-166.12(a)(2).~~ G.S. 163-166.12(b)(2). The State Board of Elections may designate additional documents or methods that suffice and shall prescribe procedures for establishing proof of residence."

SECTION 1.4. G.S. 163-166.7 reads as rewritten:

§ 163-166.7. Voting procedures.

(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence ~~address.~~ address and presenting valid documentary identification in accordance with G.S. 163-166.12, except if the evidence presented is the voter registration card under G.S. 163-166.12(a)(9) or documentary evidence under G.S. 163-166.12(a)(10) the signature of the voter provided at the polling place under subdivision (c)(10) of this section shall be compared by two election officials with the signature on record under subsection (c)(8) of this section. As used in this subsection, "election official" means a chief judge, judge, assistant or emergency election-day assistant appointed under G.S. 163-42, or student election assistant under G.S. 163-42.1. If the two officials agree that the signatures match, the evidence under G.S. 163-166.12(a)(8) or (9) is acceptable. If one or both officials do not find that the signatures match, the voter may vote a provisional official ballot. When a voter is allowed to vote a ballot with identification under G.S. 163-166.12(a)(8) or (9) that is found acceptable, the voter shall vote a retrievable ballot. If an individual does not present the required identification, that individual may vote a provisional official ballot. In the alternative, a voter with a disability may vote as provided by G.S. 163-166.12(a)(1) and may vote a regular ballot if otherwise entitled to do so. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting.

(b) Distribution of Official Ballots. – If the voter is found to be duly registered and has not been successfully challenged, the official assigned to distribute the official ballots shall hand the voter the official ballot that voter is entitled to vote, or that voter shall be directed to the voting equipment that contains the official ballot. No voter in a primary shall be permitted to vote in more than one party's primary. The precinct officials shall provide the voter with any information the voter requests to enable that voter to vote as that voter desires.

(c) The State Board of Elections shall promulgate rules for the process of voting. Those rules shall emphasize the appearance as well as the reality of dignity, good order, impartiality,

and the convenience and privacy of the voter. Those rules, at a minimum, shall include procedures to ensure that all the following occur:

(1) The voting system remains secure throughout the period voting is being conducted.

(2) Only properly voted official ballots or paper records of individual voted ballots are introduced into the voting system.

(3) Except as provided by G.S. 163-166.9, no official ballots leave the voting enclosure during the time voting is being conducted there. The rules shall also provide that during that time no one shall remove from the voting enclosure any paper record or copy of an individually voted ballot or of any other device or item whose removal from the voting enclosure could permit compromise of the integrity of either the machine count or the paper record.

(4) All improperly voted official ballots or paper records of individual voted ballots are returned to the precinct officials and marked as spoiled.

(5) Voters leave the voting place promptly after voting.

(6) Voters not clearly eligible to vote in the precinct but who seek to vote there are given proper assistance in voting a provisional official ballot or guidance to another voting place where they are eligible to vote.

(7) Information gleaned through the voting process that would be helpful to the accurate maintenance of the voter registration records is recorded and delivered to the county board of elections.

(8) The registration records are kept secure. The State Board of Elections shall permit the use of electronic registration records in the voting place in lieu of or in addition to a paper pollbook or other registration record. If the original registration card is not used at the voting place, the records at the voting place shall include a printed or electronic image of the signature of the voter. The printed or electronic image is not a public record.

(9) Party observers are given access as provided by G.S. 163-45 to current information about which voters have voted.

(10) The voter, before voting, shall sign that voter's name on the pollbook, other voting record, or voter authorization document. If the voter is unable to sign, a precinct official shall enter the person's name on the same document before the voter votes."

SECTION 1.5. G.S. 163-227.2(b) reads as rewritten:

"(b) Not earlier than the third Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in subsection (g) of this section. A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the ~~board.~~ board and present valid documentary identification in accordance with G.S. 163-166.12, except if the evidence presented is the voter registration card under G.S. 163-166.12(a)(8) or documentary evidence under G.S. 163-166.12(a)(9) the signature of the voter provided at the polling place under subdivision (c)(10) of this section shall be compared by two election officials with the signature on record under subsection (c)(8) of this section. As used in this subsection, "election official" means the director of elections, board member, board employee, chief judge, judge, assistant or emergency election-day assistant appointed under G.S. 163-42, or student election assistant under G.S. 163-42.1. If the two officials agree that the signatures match, the evidence under G.S. 163-166.12(a)(8) or (9) is acceptable. If one or both officials do not find that the signatures match, the voter may vote a provisional official ballot. If an individual does not

present the required identification, that individual may vote a provisional official ballot. The identification requirements apply both for voting in the board office or other alternate or additional location provided under this section. In the alternative, a voter with a disability may vote as provided by G.S. 163-166.12(a)(1). In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person."

SECTION 1.6. Article 15A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-182.1A. Counting of provisional official ballots cast because of failure to provide valid documentary identification at the polls.**

(a) A voter who cast a provisional official ballot wholly or partly as a result of the voter's inability or declination to provide proof of identification may personally appear at an office of the county board of elections not later than the date of the conclusion of the election canvass for that county to seek counting of the provisional official ballot as provided in subsection (b), (c), or (d) of this section.

(b) Unless the vote is disqualified for some other reason provided by law, the county board of elections shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened and counted in accordance with this Chapter if the voter both:

(1) Provides valid documentary identification to the county board of elections; and

(2) Executes an affidavit, in the form prescribed by the State Board of Elections affirming under the penalties of perjury that the voter is the same individual who:

a. Personally appeared to vote on the day of election or at an early voting site; and

b. Cast the provisional ballot on that day.

(c) Unless the vote is disqualified for some other reason provided by law, in the case of a voter who voted a provisional ballot because the documentary evidence was under G.S. 163-226.12(a)(8) or (9) but two election officials did not agree that the signature provided at the time of voting did match the signature on record, the county board of elections shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened and counted in accordance with this Chapter if the voter both:

(1) In the presence of the county director of elections or other employee of the board of elections makes a signature that the director or employee finds matches the signature on record; and

(2) Executes an affidavit, in the form prescribed by the State Board of Elections affirming under the penalties of perjury that the voter is the same individual who:

a. Personally appeared to vote on the day of election or at an early voting site; and

b. Cast the provisional ballot on that day.

(d) Unless the vote is disqualified for some other reason provided by law, the county board of elections shall find that the voter's provisional ballot is valid and direct that the

provisional ballot be opened and counted in accordance with this Chapter if the voter executes an affidavit before the county board of elections, in the form prescribed by the State Board of Elections, affirming under the penalties of perjury that:

(1) The voter is the same individual who:

a. Personally appeared to vote on the day of election or at an early voting site; and

b. Cast the provisional ballot on that day; and

(2) The voter has a sincerely held religious objection to being photographed.

(e) If the county board of elections determines that a voter described in subsection (b), (c), or (d) of this section has also cast a provisional official ballot for a cause other than the voter's inability or declination to provide valid photo identification, the board shall both:

(1) Note on the envelope containing the provisional official ballot that the voter has complied with the proof of valid photo identification requirement; and

(2) Proceed to determine any other reasons for which the ballot was cast provisionally before ruling on the validity of the voter's provisional ballot."

SECTION 1.7. G.S. 20-37.7(d) reads as rewritten:

"(d) Expiration and Fee. – A special identification card issued to a person for the first time under this section expires when a drivers license issued on the same day to that person would expire. A special identification card renewed under this section expires when a drivers license renewed by the card holder on the same day would expire.

The fee for a special identification card is the same as the fee set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card issued to a resident of this State who (i) is legally blind, (ii) is at least 70 years old, (iii) is eligible to vote in this State but does not have a valid photo identification acceptable under G.S. 163-166.12(a1), (iv) is homeless, or (v) ~~who~~ has been issued a drivers license but the drivers license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental disability or disease. To obtain a special identification card without paying a fee, a homeless person must present a letter to the Division from the director of a facility that provides care or shelter to homeless persons verifying that the person is homeless."

SECTION 1.8. Education and Publicity Requirements. – The public shall be educated about the photo identification to vote requirements of this act as follows:

(1) As counties use their regular processes to notify voters of assignments and reassignments to districts for election to the United States House of Representatives, State Senate, State House of Representatives, or local office, by including information about the provisions of this act.

(2) As counties send new voter registration cards to voters as a result of new registration, changes of address or other reasons, by including information about the provisions of this act.

(3) Counties that maintain a board of elections Web site shall include information about the provisions of this act.

(4) Notices of elections published by county boards of elections under G.S. 163-22(8) for the May 2012 primary and 2012 general election shall include a brief statement that photo identification is required to vote.

(5) The State Board of Elections shall include on its Web site information about the provisions of this act.

(6) Counties shall post at the polls and at early voting sites beginning with the May 2012 primary elections information about the provisions of this act.

(7) The State Board of Education shall include in the Judicial Voter Guide described in G.S. 163-278.69 information about the provisions of this act and shall also include the information in the Voter Guide under G.S. 163-278.99E if it is published separately.

(8) The State Board of Elections and the county boards of elections shall take reasonable steps to provide public service announcements about the provisions of this act through print, radio, television, online, and social media. The sum of six hundred thousand dollars ($600,000) is appropriated from the General Fund for the 2011-2012 fiscal year to a special reserve to carry out the provisions of this subdivision and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act. Those funds shall be made available as follows:

a. One hundred thousand dollars ($100,000) to the State Board of Elections.

b. One hundred thousand dollars ($100,000) in an equal share to each county board of elections.

c. Two hundred thousand dollars ($200,000) to county boards of elections in proportion to the number of registered voters in the county.

d. Two hundred thousand dollars ($200,000) to county boards of elections in counties covered by section 5 of the Voting Rights Act of 1965, in proportion to the number of registered voters in the county.

SECTION 1.9.(a) Funds under Title I and Title II of the Help America Vote Act may be used for the purpose of Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act.

SECTION 1.9.(b) Funds under the Election Assistance for Individuals with Disabilities (EAID) provisions of the Help America Vote Act may be used for the purpose of Section 1.8 of this act.

SECTION 1.9.(c) Unexpended funds in the North Carolina Voter-Owned Elections Fund may be for the purpose of Section 1.8 of this act.

SECTION 1.9.(d) Funds from the surcharge on attorney membership fees under G.S. 84-34 may be used for the purpose of Section 1.8 of this act as it relates to judicial elections.

SECTION 1.10. The requirement for documentation and identification provided in this Part is intended to confirm a voter's registration and ensure that registered voters are able to vote.

SECTION 1.11.(a) Sections 1.1 through 1.6 of this act are effective:

(1) In counties not subject to Section 5 of the Voting Rights Act of 1965 beginning with the statewide primary in 2012.

(2) In any county covered by Section 5 of the Voting Rights Act of 1965, beginning with the later of the statewide primary in 2012 or the date this act is precleared or approved under Section 5 of the Voting Rights Act of 1965.

SECTION 1.12.(b) Sections 1.7, 1.8, and 1.9 of this act become effective July 1, 2011. The remainder of this Part is effective when it becomes law.

Part 2. Absentee Ballot Request Flexibility.

SECTION 2.1. G.S. 163-230.2 reads as rewritten:

"**§ 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."

SECTION 2.2. This Part becomes effective with respect to primaries and elections conducted on or after January 1, 2012.

Election Committee Meeting

April 6, 2011

Attachment 1:	Committee Notice
Attachment 2:	Minutes
Attachment 3:	HB 351 committee report, bill summary, PCS
Attachment 4:	Legislative Fiscal Note
Attachment 5:	Roll Call Vote
Attachment 6:	Visitor Registration Sheet

Attachment 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, April 6, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS: PCS will be sent to committee members as soon as possible.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 351	Restore Confidence in Government.	Representative Lewis Representative Moore Representative Killian

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **April 04, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 2

Minutes

Committee on Elections

Wednesday, April 6, 2011

The House Committee on Elections met on Wednesday, April 6, 2011, in room 643 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Burr, Current, Jones and Jordan Co-Chairs, Representatives Alexander, Blust, L. Brown, R. Brown, Bryant, Cotham, Dixon, Faircloth, Fisher, Floyd, Graham, Harrison, Iler, Justice, Killian, Martin, McLawhorn, Michaux, Mills, Mobley, T. Moore, Ross, Sager, Stam, Starnes, Warren, Weiss. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw, and Denise Huntley Adams. The Chair called the meeting to order at 1:06 PM. Vice-Chair Rep. Jones recognized the sergeant at arms and pages for this meeting. He also recognized Heritage Middle School visiting Rep. Avila, which is a mentoring program through Kappa-Alpha-Psi Fraternity and the Helping Hands Mentoring Program.

The first order of business was HB 351 Restore Confidence in Government.

Rep. Stam moved that the PCS to be discussed. Erika Churchill explained the PCS. and the Bill summary Rep. Killian spoke for the need for the bill and then welcomed questions from the committee members.

A fiscal note was provided to the committee members

The Chair recessed at 1:45 PM until 10 minutes after session.

The committee reconvened at 4:15 PM. A representative from the Board of Elections answered questions from the committee members.

Rep. Stam made a motion that a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendations that the committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

Rep. Floyd asked that a roll call be taken. A roll call was taken with 18 in favor and 14 opposing The Chair adjourned the meeting at 5:20 PM.

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

ATTACHMENT 3

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for

HB 351 A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY (1) REQUIRING THAT VOTERS PROVIDE PHOTO IDENTIFICATION BEFORE VOTING; (2) REQUIRING CANDIDATES AND TREASURERS TO TAKE IMMEDIATE ACTION TO CORRECT CAMPAIGN FINANCE VIOLATIONS AND REQUIRING LIABILITY OF CANDIDATES FOR CIVIL PENALTIES FOR CAMPAIGN FINANCE VIOLATIONS OF CANDIDATE CAMPAIGN COMMITTEES; (3) LIMITING THE CHAIR OF THE STATE BOARD OF ELECTIONS TO TWO TWO-YEAR TERMS IN THAT OFFICE; (4) PROHIBITING PIECE-WORK PAYMENT FOR VOTER REGISTRATION DRIVES; (5) PREVENTING CONFLICT OF INTEREST AND ITS APPEARANCE INVOLVING POLITICAL CONTRIBUTIONS BY STATE CONTRACTORS; AND (6) ALLOWING VOTERS MORE FLEXIBILITY IN APPLYING FOR ABSENTEE BALLOTS.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

ATTACHMENT 3

HOUSE BILL 351:
Restore Confidence in Government

2011-2012 General Assembly

Committee:	House Elections	**Date:**	April 6, 2011
Introduced by:	Reps. Lewis, T. Moore, Killian	**Prepared by:**	Kara McCraw and Erika Churchill, Committee Counsels
Analysis of:	PCS to First Edition H351-CSST-10		

SUMMARY: ***The proposed committee substitute for HB 351 would require voters to show photo identification prior to voting, and make requests for absentee ballots signed by the requestor valid, eliminating additional requirements.***

CURRENT LAW AND BILL ANALYSIS:

Photo ID Requirements -- Current Law: G.S. 163-166.12 implements federal law by requiring individuals who register to vote by mail after January 1, 2003 who have not previously voted in an election with a federal ballot item to show one of the following forms of identification prior to voting:

- A current and valid photo ID.
- A copy of one of the following documents that shows the name and address of the voter: current utility bill, bank statement, government check, paycheck, or other government document.

An individual is exempted from showing identification if that individual included as part of the voter registration one of the forms of ID listed above, or their driver's license number or the last four digits of their social security number. The identification provided is then used to provide a match to an existing State identification record.

The statute also provides exceptions from the identification requirement as provided under federal law, such as overseas and military voters entitled to vote by absentee ballot and voters entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act.

Voting in Person (Section 1.1., 1.3, 1.4., 1.5) – All voters would be required to present a photo ID when voting in-person under the new section, G.S. 163-166.13. The following photo IDs would be accepted:

- NC drivers' license, including a learner's permit or provisional license.
- Special NC ID card for non-operators.
- ID card issued by a branch, department, agency, or entity of the State of NC, any other state, or the United States.
- US passport.
- Employer ID card issued by a branch, department, agency, or entity of the US government, State of NC, or any county, municipality, board, authority, or other entity of the State of NC.
- US military ID card.
- Tribal ID card.
- NC Voter ID card.

A voter with a disability may vote without showing photo ID if a person at least 18 years of age accompanying the voter executes an affidavit affirming under penalty of perjury that the voter with a disability is the same individual as is registered to vote, and to the best of the affiant's knowledge does not have a required photo ID.

Any individual not having one of the required photo IDs or not meeting the criteria for a voter with a disability would be allowed to vote a provisional ballot.

Voter Identification Cards (Section 1.2.) – County boards of elections would issue voter identification cards at no cost to registered voters of that county who do not have a valid unexpired drivers' license, learner's permit, provisional license, or special ID card for non-operators.

- The cards could only be used for voting purposes and would require certain information about the person be printed on the card, including a photograph of the voter.
- A voter would be required to present a photo identity document or a nonphoto identity document that includes the person's name, evidence of the person's voter registration, and documentation of name and address.
- The card would remain valid as long as the person resided at the same address and remained qualified to vote. A person who moved within the State may apply for a new voter ID card if otherwise eligible to vote.
- The State Board would provide supplies and equipment to county boards of elections and adopt policies for administration, including policies to define the types of documentation needed to be verified before issuing a voter ID card.

Counting of Provisional Ballots cast due to no proof of identification (Section 1.6) – Voters casting provisional ballots as a result of failure to show photo ID would be required to appear in person at the county board of election no later than the conclusion of the election canvass to seek counting of the provisional ballot in one of two ways:

1. Provide photo ID and execute an affidavit that the person voted on the relevant day and cast a provisional ballot.
2. Execute an affidavit that the voter has a sincerely held religious objection to being photographed and that the person voted on the relevant day and cast a provisional ballot.

Unless the vote is disqualified for some other legal reason, the board must count the ballot.

Voter challenges (Section 1.7) – Would add to the list of reasons for election day voter challenges that a voter does not provide required photo ID.

Special ID Cards for nonoperators (Section 1.8) – Would permit DMV to issue, to individuals registered to vote in NC without a photo ID required for voting, a special ID card without charging a fee after signing an unnotarized affidavit attesting to registration and lack of acceptable photo ID.

Publicity Requirements and Funds (Sections 1.9-1.10) – Would require voters be educated about the photo ID requirements through regular mailings, State and county board of election websites, notices of elections, posting at polling sites, the Judicial Voters Guide, and public service announcements. $600,000 would be appropriated for FY 2011-2012 to carry out the public service announcement requirements. Funding for publicity and to provide for issuance of ID cards could also come from:

- Title I and II Help America Vote Act (HAVA) funds
- Election Assistance for Individuals with Disabilities (EAID)
- Unexpended funds in the NC Voter Owned Elections Fund
- Funds from the surcharge on attorney membership fees as related to judicial elections.

Absentee Voting Requests – Current Law: G.S. 163-230.2 requires that a written request for an absentee ballot must be either 1) written entirely by the requestor personally, or 2) on a form generated by the county board of elections and signed by the requestor. A request form may only be issued to the voter seeking an absentee ballot or the voter's near relative or verifiable legal guardian. The requestor may receive assistance in writing from an individual of the requestor's choice if the requestor is unable to complete the request due to disability or illiteracy.

Section 2 Would eliminate the requirement that an absentee ballot request be personally written entirely by the requestor or made on a form generated by the county board of elections, and would instead require only that a written request for an absentee ballot be signed by the requestor.

EFFECTIVE DATE: Sections 1.8, 1.9, and 1.10 would become effective July 1, 2011. The remainder of the act would become effective when it becomes law, and applies to primaries and elections conducted on or after January 1, 2012. HB 351 may not be implemented until the session law has received "preclearance" approval under Section 5 of the Voting Rights of 1965.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 351
PROPOSED COMMITTEE SUBSTITUTE H351-CSST-10 [v.3]

4/5/2011 3:22:57 PM

Short Title: Restore Confidence in Government. (Public)

Sponsors:

Referred to:

March 15, 2011

A BILL TO BE ENTITLED

AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY REQUIRING THAT VOTERS PROVIDE PHOTO IDENTIFICATION BEFORE VOTING AND ALLOWING VOTERS MORE FLEXIBILITY IN APPLYING FOR ABSENTEE BALLOTS.

The General Assembly of North Carolina enacts:

SECTION 1.1. Article 14A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-166.13. Photo identification requirement for voting in person.**

(a) Every individual voting in person shall present a photo identification to a local election official at the voting place before voting in order to verify that voter's voter registration.

(b) Notwithstanding subsection (a) of this section, any voter with a disability who does not present photo identification shall be permitted to vote as provided in this subsection. To satisfy the requirement of this subsection, a person who is at least 18 years of age accompanying the voter with a disability shall execute an affidavit, in the form prescribed by the State Board, affirming under the penalties of perjury that the voter with a disability is the same individual as is registered to vote and, to the best of the affiant's knowledge, does not have the required photo identification. Upon the completion of the affidavit, the voter with a disability shall vote a ballot as if that voter with a disability met the photo identification requirement.

(c) As used in this section, "photo identification" means any of the following that contain a photograph of the registered voter:

(1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license.

(2) A special identification card for non-operators issued under G.S. 20-37.7.

(3) An identification card issued by a branch, department, agency, or entity of this State, any other state, or the United States.

(4) A United States passport.

(5) An employee identification card issued by any branch, department, agency, or entity of the United States government, this State, or any county, municipality, board, authority, or other entity of this State.

(6) A United States military identification card.

(7) A tribal identification card.

(8) A North Carolina voter identification card issued under G.S. 163-166.14."

SECTION 1.2. Article 14A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-166.14. Voter identification card.**

(a) Each county board of elections shall accept applications for and issue North Carolina voter identification cards to registered voters in that county. The voter identification card shall be valid only for purposes of voter identification and proof of voter registration under this Chapter and available only to registered voters of this State. No fee shall be charged or collected for the application for or issuance of a North Carolina voter identification card.

(b) No registered voter shall be eligible for a North Carolina voter identification card if that registered voter has a valid unexpired drivers license, learner's permit, provisional license, or a special identification card for nonoperators issued under G.S. 20-37.7.

(c) The North Carolina voter identification card shall be captioned "NORTH CAROLINA VOTER IDENTIFICATION CARD" and shall contain a prominent statement that under North Carolina law it is valid only as identification for voting purposes. The North Carolina voter identification card shall be laminated, shall contain a digital color photograph of the applicant, and shall include all of the following information:

(1) Full legal name.
(2) Address of residence.
(3) Birth date.
(4) Date identification card was issued.
(5) Sex.
(6) Eye color.
(7) County where the identification card was issued.
(8) Such other information or identification as required by rule of the State Board of Elections.

(d) The application for a North Carolina voter identification card shall elicit the information required under subsection (c) of this section and such other information as may be required by rule of the State Board of Elections. The application shall be signed by the applicant registered voter. The information collected by the county board of elections shall be subject to G.S. 163-82.10 and G.S. 163-82.10B.

(e) The county board of elections shall require, and shall verify, all of the following information before issuing a North Carolina voter identification card to a registered voter:

(1) A photo identity document, except that a nonphoto identity document is acceptable if it includes the registered voter's name.
(2) Evidence that the individual is registered to vote in this State.
(3) Documentation showing the registered voter's name and residence address.

(f) A North Carolina voter identification card shall remain valid so long as a person resides at the same address and remains qualified to vote. If a person moves his or her residence within the State, that person may apply for and receive a new card if such person is otherwise eligible under this section.

(g) The State Board of Elections shall provide each county board of elections issuing North Carolina voter identification cards with the necessary equipment, forms, supplies, and training for the production of the North Carolina voter identification cards and shall maintain such equipment.

(h) The State Board of Elections shall adopt policies for the administration of this section and, without limiting the generality of the foregoing, such policies may further define or prescribe the types of documentation required under subsection (e) of this section."

SECTION 1.3. G.S. 163-82.6A(b) reads as rewritten:

"(b) Both Attestation and Proof of Residence Required. – To vote under this section, a voter must present photo identification as required by G.S. 163-166.13. This requirement is separate from the requirement to provide proof of residence under subdivision (2) of this

subsection. If an individual does not present the required photo identification, that individual may vote a provisional official ballot. To register ~~and vote~~ under this section, the person shall do both of the following:

(1) Complete a voter registration form as prescribed in G.S. 163-82.4, including the attestation requirement of G.S. 163-82.4(b) that the person meets each eligibility requirement. Such attestation is signed under penalty of a Class I felony under G.S. 163-275(13); and

(2) Provide proof of residence by presenting any of the following valid documents that show the person's current name and current residence address: a North Carolina drivers license, a photo identification from a government agency, or any of the documents listed in G.S. 163-166.12(a)(2). The State Board of Elections may designate additional documents or methods that suffice and shall prescribe procedures for establishing proof of residence."

SECTION 1.4. G.S. 163-166.7(a) reads as rewritten:

"(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence ~~address.~~ address and presenting photo identification in accordance with G.S. 163-166.13. If an individual does not present the required identification, that individual may vote a provisional official ballot. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting."

SECTION 1.5. G.S. 163-227.2(b) reads as rewritten:

"(b) Not earlier than the third Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in subsection (g) of this section. A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the ~~board.~~ board and present photo identification in accordance with G.S. 163-166.13. If an individual does not present the required identification, that individual may vote a provisional official ballot. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person."

SECTION 1.6. Article 15A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-182.1A. Counting of provisional official ballots cast because of failure to provide valid photo identification at the polls.**

(a) A voter who cast a provisional official ballot wholly or partly as a result of the voter's inability or declination to provide proof of identification may personally appear at an office of the county board of elections not later than the date of the conclusion of the election canvass for that county to seek counting of the provisional official ballot as provided in subsection (b) or (c) of this section.

(b) Unless the vote is disqualified for some other reason provided by law, the county board of elections shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened and counted in accordance with this Chapter if the voter both:

(1) Provides valid photo identification to the county board of elections; and

(2) Executes an affidavit, in the form prescribed by the State Board of Elections affirming under the penalties of perjury that the voter is the same individual who:

a. Personally appeared to vote on the day of election or at an early voting site; and

b. Cast the provisional ballot on that day.

(c) Unless the vote is disqualified for some other reason provided by law, the county board of elections shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened and counted in accordance with this Chapter if the voter executes an affidavit before the county board of elections, in the form prescribed by the State Board of Elections, affirming under the penalties of perjury that:

(1) The voter is the same individual who:

a. Personally appeared to vote on the day of election or at an early voting site; and

b. Cast the provisional ballot on that day; and

(2) The voter has a sincerely held religious objection to being photographed.

(d) If the county board of elections determines that a voter described in subsection (b) or (c) of this section has also cast a provisional official ballot for a cause other than the voter's inability or declination to provide valid photo identification, the board shall both:

(1) Note on the envelope containing the provisional official ballot that the voter has complied with the proof of valid photo identification requirement; and

(2) Proceed to determine any other reasons for which the ballot was cast provisionally before ruling on the validity of the voter's provisional ballot."

SECTION 1.7. G.S. 163-87 reads as rewritten:

"**§ 163-87. Challenges allowed on day of primary or election.**

On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the precinct may exercise the right of challenge, and when ~~he~~ the voter does so may enter the voting enclosure to make the challenge, but ~~he~~ the voter shall retire therefrom as soon as the challenge is heard.

On the day of a primary or election, any other registered voter of the precinct may challenge a person for one or more of the following reasons:

(1) One or more of the reasons listed in G.S. 163-85(c).

(2) That the person has already voted in that primary or election.

(3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.

(4) If the challenge is made with respect to voting in a partisan primary, that the person is a registered voter of another political party.

(5) The voter does not present proof of identification as required by G.S. 163-166.13.

The chief judge, judge, or assistant appointed under G.S. 163-41 or 163-42 may enter challenges under this section against voters in the precinct for which appointed regardless of the place of residence of the chief judge, judge, or assistant.

If a person is challenged under this subsection, and the challenge is sustained under G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if the transfer is made. A person who has transferred his registration under G.S. 163-82.15(e) may be challenged at the precinct to which the registration is being transferred."

SECTION 1.8. G.S. 20-37.7(d) reads as rewritten:

"(d) Expiration and Fee. – A special identification card issued to a person for the first time under this section expires when a drivers license issued on the same day to that person would expire. A special identification card renewed under this section expires when a drivers license renewed by the card holder on the same day would expire.

The fee for a special identification card is the same as the fee set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card issued to a resident of this State who (i) is legally blind, (ii) is at least 70 years old, (iii) is registered to vote in this State but does not have photo identification acceptable under G.S. 163-166.13, (iv) is homeless, or (v) ~~who~~ has been issued a drivers license but the drivers license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental disability or disease. To obtain a special identification card without paying a fee, a homeless person must present a letter to the Division from the director of a facility that provides care or shelter to homeless persons verifying that the person is homeless. To obtain a special identification card without paying a fee, a registered voter shall sign an unnotarized affidavit stating the registered voter is registered and does not have other photo identification acceptable under G.S. 163-166.13."

SECTION 1.9. Education and Publicity Requirements. – The public shall be educated about the photo identification to vote requirements of this act as follows:

(1) As counties use their regular processes to notify voters of assignments and reassignments to districts for election to the United States House of Representatives, State Senate, State House of Representatives, or local office, by including information about the provisions of this act.

(2) As counties send new voter registration cards to voters as a result of new registration, changes of address or other reasons, by including information about the provisions of this act.

(3) Counties that maintain a board of elections Web site shall include information about the provisions of this act.

(4) Notices of elections published by county boards of elections under G.S. 163-22(8) for the 2012 primary and 2012 general election shall include a brief statement that photo identification is required to vote.

(5) The State Board of Elections shall include on its Web site information about the provisions of this act.

(6) Counties shall post at the polls and at early voting sites beginning with the 2012 primary elections information about the provisions of this act.

(7) The State Board of Elections shall include in the Judicial Voter Guide described in G.S. 163-278.69 information about the provisions of this act and shall also include the information in the Voter Guide under G.S. 163-278.99E if it is published separately.

(8) The State Board of Elections and the county boards of elections shall take reasonable steps to provide public service announcements about the provisions of this act through print, radio, television, online, and social media. The sum of six hundred thousand dollars ($600,000) is appropriated

from the General Fund for the 2011-2012 fiscal year to a special reserve to carry out the provisions of this subdivision and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act. Those funds shall be made available as follows:

a. One hundred thousand dollars ($100,000) to the State Board of Elections.

b. One hundred thousand dollars ($100,000) in an equal share to each county board of elections.

c. Two hundred thousand dollars ($200,000) to county boards of elections in proportion to the number of registered voters in the county.

d. Two hundred thousand dollars ($200,000) to county boards of elections in counties covered by section 5 of the Voting Rights Act of 1965, in proportion to the number of registered voters in the county.

SECTION 1.10.(a) Notwithstanding G.S. 163-82.28, funds under Title I and Title II of the Help America Vote Act may be used for the purpose of Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act.

SECTION 1.10.(b) Notwithstanding G.S. 163-82.28, funds under the Election Assistance for Individuals with Disabilities (EAID) provisions of the Help America Vote Act may be used for the purpose of Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.14 as enacted by this act to persons eligible for assistance under EAID.

SECTION 1.10.(c) Unexpended funds in the North Carolina Voter-Owned Elections Fund may be used for the purpose of Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.14 as enacted by this act.

SECTION 1.10.(d) Funds from the surcharge on attorney membership fees under G.S. 84-34 collected on or after July 1, 2011, may be used for the purpose of Section 1.9 of this act as it relates to judicial elections.

SECTION 2. G.S. 163-230.2 reads as rewritten:

"**§ 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."

SECTION 3. Sections 1.8, 1.9, and 1.10 of this act become effective July 1, 2011. Except as otherwise provided, this act is effective when it becomes law, and applies to primaries and elections conducted on or after January 1, 2012.

ATTACHMENT 4

GENERAL ASSEMBLY OF NORTH CAROLINA
Session 2011
Legislative Fiscal Note

BILL NUMBER: House Bill 351 (First Edition)

SHORT TITLE: Restore Confidence in Government.

SPONSOR(S): Representatives T. Moore, Lewis, and Killian

FISCAL IMPACT

Yes (X) **No ( )** **No Estimate Available ( )**

	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
REVENUES					
EXPENDITURES*					
General Fund					
State Board of Elections	$315,242	$64,743	$64,705	$64,378	$64,391
Special Reserve – County	$500,000				
Highway Fund					
DMV	$2,450,341	$311,784	$311,784	$311,784	$311,784
County					
County Board of Elections	Costs Cannot Be Determined: See Assumptions and Methodology				
County Jails	Costs Cannot Be Determined: See Assumptions and Methodology				
POSITIONS (cumulative):					

* The maximum amount of eligible voters are assumed to access the State Board of Elections and DMV services. Thus, totaling expenditures would not be accurate. See Assumptions and Methodology.

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: State Board of Elections, county board of elections, Division of Motor Vehicles.

EFFECTIVE DATE:

Section 1.1 through 1.7 are effective for the 2012 statewide primary if the county is not subject to Section 5 of the Voting Rights Act of 1965. For those counties subject to Section 5, these sections are effective for the 2012 statewide primary or when this is act is pre-cleared and approved under the Voting Rights Act.

Sections 1.8 through 1.10 are effective July 1, 2011.

Section 2 is effective January 1, 2012.

Section 3 is effective when the bill becomes law.

Section 4 is effective to completed voter registration applications on or after January 1, 2012.

Section 5 is effective January 1, 2012

Section 6 is effective for primaries and elections conducted on or after January 1, 2012.

BILL SUMMARY:

Section 1: G.S. 163-166.12 is amended to require every individual seeking to vote in person to present valid photo identification to a local election official before voting at the voting place. A provision requiring persons who registered by mail to present identification under certain circumstances is deleted. G.S. 163-166.12(a1) is added to define a valid photo identification as one of the following items, provided it contains a photograph of the registered voter: (1) a NC driver's license issued under G.S. Chapter 20; (2) a special identification card for non-operators issued under G.S. 20-37.7; (3) a valid identification card issued by any state or federal entity authorized to issue personal identification; (4) a valid U.S. passport; (5) a valid employee identification card issued by any state, local government, or federal entity; (6) a valid U.S. military identification card; (7) a valid tribal identification card; or (8) a valid NC voter identification card issued under proposed G.S. 163-166.13. Conforming changes are also made.

Section 1.2: G.S. 163-166.13 is added to require each county board of elections to accept applications for and issue North Carolina voter identification cards to registered State voters. The cards are valid only for voter identification purposes. County boards of elections are prohibited from charging or collecting any fee associated with the voter identification card. The NC voter identification card is available only to those persons that are without a valid unexpired driver's license or special identification card for non-operators. The card is required to be captioned "NORTH CAROLINA VOTER IDENTIFICATION CARD" and to contain a prominent statement that the card is valid only as identification for voting purposes. The card must be laminated, contain a digital color photograph of the applicant, and include the applicant's full legal name, address of residence, birth date, date of card issuance, sex, height, weight, eye color, county where card was issued, and any other information required by the State Board of Elections (SBE). The application for a NC voter identification card must elicit the information for inclusion on the card, and the applicant must sign the document. The county board of election is required to verify the following before issuing a voter identification card: (1) a photo identity document or a non-photo

identity document if it includes the person's name; (2) evidence that the person is registered to vote in NC; and (3) documentation of the person's name and residence address. Voters that are eligible for the identification card who move may receive a new card, free of charge. Voters are required to surrender identification cards upon moving. The State Board of Elections is required to provide each county with all necessary equipment, supplies, and training for the production of the voter identification cards and is responsible for their maintenance.

Section 1.3: G.S. 163-82.6A(b) is amended to require a voter to present valid photo identification, as defined, in order to register in person and then vote at one-stop voting sites. The photo identification requirement is separate from the requirement to provide proof of residence during in-person registration. A person may vote a provisional ballot if the person fails to present the required identification. Conforming changes are made to relevant General Statutes.

Section 1.4 and 1.5: Additional conforming changes are made to G.S. 163-166.7(a) (requiring a person to state current name and address and to present valid photo identification upon entering the voting site) and 163-227.2(b) (requiring a person to state current name and address and to present valid photo identification upon entering an early voting site).

Section 1.6: G.S. 163-182.1A is added to allow a voter who casts a provisional ballot as a result of the voter's inability or refusal to provide proof of identification to personally appear at the county board of elections office before the conclusion of the election canvass in that county in order to request the provisional ballot be counted. The county board of elections is required to count the provisional ballot, unless disqualified for some other reason, if the voter both: (1) provides valid photo identification and (2) executes an affidavit affirming, under penalty of perjury, that the individual personally appeared to vote and cast the provisional ballot on that date. Voters with a sincerely held religious objection to being photographed are required to submit an affidavit affirming the objection and may vote without photo identification. The county board of elections is required to note on the provisional ballot envelope that the voter has provided valid photo identification. The county board of elections is required to determine any other reason for the cast provisional ballot before ruling on the ballot's validity in a situation where the county board of elections determines that a voter cast a provisional ballot for a cause other than the voter's inability or declination to provide photo identification.

Section 1.7: G.S. 163-87 is amended to also allow any registered voter of the precinct to challenge a voter who does not present proof of identification. An observer appointed under G.S. 163-45 may also enter challenges against voters in the precinct regardless of the observer's place of residence.

Section 1.8: G.S. 20-37.7(d) is amended to clarify that the special identification card issued under the statute by the Division of Motor Vehicles does not include a fee if the state resident is eligible to vote in NC but does not have valid photo identification. Technical changes are also made.

Section 1.9: Provides for public education about the photo identification requirement by counties and the State Board of Elections, as indicated. Appropriates $600,000 from the General Fund for Fiscal Year 2011-12 to a special reserve to fund the public education campaign and the issuance of NC voter identification cards, allocated as follows: (1) $100,000 to the State Board of Elections;

(2) $100,000 allocated equally to each county board of elections; (3) $200,000 to county boards of election in proportion to the number of the county's registered voters; and (4) $200,000 to county boards of election in counties covered by Section 5 of the Voting Rights Act of 1965, in proportion to the number of the county's registered voters.

Sections 1.10(a), 1.10(b), 1.10(c), and 1.10(d): The act also allows the use of funds under Title I and Title II of the Help America Vote Act and unexpended funds in the NC Voter-Owned Elections Fund to fund the public education campaign and the issuance of NC voter identification cards. Remaining funds under the Election Assistance for Individuals with Disabilities provisions of the Help America Vote Act are also allowed to fund the public education campaign and the issuance of NC voter identification cards to eligible persons. Funds from the surcharge on attorney membership fees may also fund the judicial elections component of the public education campaign.

Sections 1.11(a) and 1.11(b): The above provisions of the act, requiring and relating to the new photo identification requirement, become effective in counties not subject to Section 5 of the Voting Rights Act of 1965 (requiring preclearance of election law changes in some counties) beginning with the 2012 statewide primary, and become effective in any county covered by Section 5 beginning with the later of the 2012 statewide primary or the date the act is precleared or approved under the Voting Rights Act of 1965.

Section 2.1: G.S. 163-278.11A (duty of candidate) and 163-278.11B (duty of treasurer) are added to require a candidate or treasurer to take immediate action to correct the violation, upon actual notice of a violation under Article 22A of G.S. Chapter 163 (regulating political campaign contributions and expenditures) which may result in a criminal or civil penalty to a candidate or candidate campaign committee.

Section 2.2 and 2.3: A new subsection (d1) is added to G.S. 163-278.34 to state that a candidate will be jointly and severally liable for a civil penalty assessed by the State Board of Elections against a candidate campaign committee if the candidate had actual notice of the violation at the time the violation occurred and failed to correct the violation. Section 2 becomes effective July 1, 2012 and civil penalties are assessed for any violation occurring on or after January 1, 2012.

Sections 3.1, 3.2, and 3.3: G.S. 163-19 is amended to provide that the term of office for the State Board of Elections chair is two years, beginning on May 1 of each odd-numbered year. In the case of a vacancy, a new chair is to be elected to serve the remainder of an unexpired term. Persons are prohibited from being elected as chair for more than two terms. Cumulative service as chair for more than two years prior to May 1, 2009, is considered one term. The State Board of Elections is to elect a new chair for a two-year term beginning May 1, 2011. This section is effective when it becomes law.

Sections 4.1, 4.2, and 4.3: G.S. 163-82.25A is added to prohibit any person who employs or contracts with another to register voters or assist voters with registration forms from paying that person per voter registration application completed. Persons are prohibited from accepting a payment for such services. A violation of this section is a Class 2 misdemeanor. Conforming

changes are made to G.S. 163-274. The section applies to voter registration applications completed on or after January 1, 2012.

Section 5.1 and 5.2: G.S. 163-278.13D is added to prohibit any entity affiliated with a vendor that has a contract in excess of $25,000 with any principal office or department listed under G.S. 143A-11 and subject to Article 3 of G.S. Chapter 143 (contract requirements) from making a contribution to a relevant political campaign during the contract's term. Campaigns are prohibited from knowingly accepting a contribution during the contract. The prohibition does not apply if contributions by all entities affiliated with the vendor to the relevant political campaign during the contract's term do not exceed $1,000. Entity affiliated with a vendor is defined as an officer, director, member, manager of the vendor, partner, general manager, or political committee which the vendor is the parent company. Relevant campaign is defined as candidate for an office with the authority to award a contract, officer holding the office, or political committee controlled the candidate or officer holding the office. The State Board of Elections is required to adopt reporting procedures necessary to enforce the law. A violation of this section is a Class 2 misdemeanor. This section applies to contributions made on or after January 1, 2012.

Sections 6.1 and 6.2: G.S 163-230.2 is amended stating that a written request for an absentee ballot is valid only if it is signed by the requester. All other conditions placed on the absentee ballot request are deleted. This section is effective with respect to primaries and elections conducted on or after January 1, 2012.

ASSUMPTIONS AND METHODOLOGY:

Using estimates provided from the State Board of Elections (SBE) and the Divisions of Motor Vehicles (DMV), an estimate of registered voters without a driver's license or special non-operator's identification has been obtained. The DMV issues drivers licenses under G.S. 20, Article 2 and issues special non-operator's identification cards under G.S. 20, Article 2b. In February, DMV compared information provided from the State Board of Elections regarding the registered voters in the State. DMV and State Board of Elections analyzed the data for matches on name, birth date, and Social Security number (SSN) records. The information is as follows:

Table 1: Potential Number of Voters without a DMV Issued Form of Identification

Total North Carolina Registered Voters	6,104,976
Less: DMV and SBE Name Matched Record	(4,309,118)
Less: DMV and SBE Name and SSN Match	(192,794)
Less: DMV and SBE Name and Birth Date Match	(597,483)
Less: Potential Matches[1]	(114,417)
Less: Non-Match Verified[2]	(5,627)

[1] There were voter records that potentially matched DMV information (over 99% match on birth date or driver license) but there is some variation in the name, date of birth, or driver's license numbers across the databases that prevent the SBE from confirming the exact match. Additional is research by DMV and SBE would be required to confirm an exact match.

[2] There were 334,651 voter records with a driver's license number or voter record that did not match any information in the data provided by DMV. DMV analyzed the data and determined that 5,627 of this number had a valid driver's license.

Total without a Valid Driver's License or Special Non-Operators Identification Card	885,537

No estimate is available regarding the number of voters without DMV-issued identification but who possess an alternative form of identification allowed under Section 1.1 of the bill. Thus, the figure presented in Table 1 should be considered a high estimate of potential registered voters who are eligible for a voter identification card. It is assumed that all eligible voters would obtain a voter identification card each year.

Furthermore, Section 1.2 of the bill allows for a free voter identification card or DMV-issued special non-operators card should they move. As individuals move into the State, they could be eligible for a voter identification card or special non-operators identification card. Thus, after FY 2012, an additional pool of voters would be eligible for either a NC voter identification card or DMV issued special non-operators identification card. Table 2 shows the number of new registrations and address changes for the past seven calendar years. Based on the population of current voters without a DMV-issued identification card, it is expected that approximately 14.51% of these new voters would not have recognized form of photo identification (885,537 divided by 6,104,976).[3] Using these figures, 120,380 voters may request a new form of voter identification after the initial amount of voters without a valid form of identification.

Table 2: Voters Requesting a New Registration or Change of Address

Year	Total Voters with a New or Address Changes	At 14.51% of Total
2004	913,007	132,433
2005	490,891	71,205
2006	594,112	86,177
2007	626,775	90,915
2008	1,971,218	285,928
2009	508,960	73,825
2010	704,424	102,178
Average	**829,912**	**120,380**

Under Section 1.2 and 1.8, voters without a form of photo identification allowed in Section 1.1 of the bill are allowed the option of obtaining a free State Board of Elections funded NC voter identification card or a free DMV-issued special non-operator's identification card. However, it is unknown at this time what option voters will choose. When reviewing the costs to the State Board of Elections and DMV, it is assumed that the maximum number of voters allowable uses each service. As such, each method is mutually exclusive and should not be totaled.

Section 1.2 (State Board of Elections: NC Voter Identification Card)

The State Board of Elections is required to provide each county board of elections with the equipment, supplies, training, and maintenance required to provide the NC voter identification

[3] The State Board of Elections assumed that 25 percent of such voters would require a new identification card. Fiscal Research did not concur with this figure. The State Board of Elections figure accounts for variations in the geographic location of voters without a photo identification and new college students.

card. The State Board of Elections provided a cost estimate from Alpha Card Systems. The cost information is provided below:

Table 3: Cost Information for NC Voter Identification Card

Item	Cost
Two Sided ID Card Printer for 100 Counties	$179,500
AlphaCard Enterprise ID Software Package for 100 Counties	$95,000
6 Panel Dye Film	$110.50 per 250 Cards
ID Cards	$39.95 per 500 Cards
Logitech Webcam for 100 Counties	$4,900
Cleaning Kit for 100 Counties	$2,175

Additionally, the State Board of Elections reports that additional software would have to be purchased for the Statewide Elections Information Management System (SEIMS) at $100,000. Additional costs to SEIMS would result from the additional information, such as photographs, required for the issuance of the NC voter identification card.

The total estimated cost of the NC voter identification card is presented below. Figures were inflated based on inflation guidelines in the 2011 Legislative Fiscal Note Manual. No additional costs for training were assumed. However, the quote provided by Alpha Card Systems included one hour of free training per system and free customer support.

Table 4: Total Cost for NC Voter Identification Card

	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Equipment	$186,575				
Software	$195,000				
Badge Cost	$462,162	$64,743	$64,705	$64,378	$64,391
Total	**$843,737**	**$64,743**	**$64,705**	**$64,378**	**$64,391**

The State Board of Elections finds that additional personnel may be required at county offices to issue identification cards. However, the additional costs cannot be determined at this time.

Section 1.8 (Division of Motor Vehicles: Special Non-Operators Identification Card)

Section 1.8 allows an eligible voter without valid photo identification to obtain a special non-operators identification card from the Division of Motor Vehicles (DMV) and waives the $10 fee set by G.S. 20-14. This analysis assumes that registered voters seeking DMV-issued identification are prompted by the photo identification requirement for voting, and therefore do not seek identification cards in lieu of regular ID issuance or license renewal. Accordingly, this analysis does not address potential foregone fee collections.

Vendor compensation for license/identification card production in FY 2011-12 is $2.12 per issued card, as defined by the Secure Driver License System contract. Additionally, DMV estimates per card postage and delivery costs of $.47 for the central issuance of cards. Since voter behavior and the potential use of alternate forms of identification are indeterminate at this time, the scenario included below represents the maximum per card production cost if all eligible voters without

photo identification seek DMV-issued identification. However, given the alternate authorized forms of identification, Fiscal Research does not expect DMV to incur costs at this level. Furthermore, Fiscal Research expects that existing central issuance and driver license field office staff will accommodate requisite identity and residency document verification. Because of the potential influx in identification card requests, longer wait times at DMV field offices and central issuance backlogs may be experienced.

Table 5: DMV Special Non-Operator's Identification Card Costs

	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Identification Card and Delivery	$2,293,541	$311,784	$311,784	$311,784	$311,784
IT Costs	$ 156,800				
SADLS: (890 hrs. @ $65/hr.; 870 hrs. @ $85/hr.)	*$131,800*				
NGDLS: (250 hrs. @ $100/hr.)	*$25,000*				
Total	**$2,450,341**	**$311,784**	**$311,784**	**$311,784**	**$311,784**

According to DMV, verification of whether a person holds a valid driver license or special identification card, as proposed by G.S. 163-166.13(b) for issuance of a NC voter identification card, will require development of a real-time interface between the State Board of Elections (SBOE) database and DMV's State Automated Driver License System (SADLS). DMV could not provide an estimated completion date for development of the interface for both the current application and the New Generation Driver License System (NGDLS) under implementation. Per the January 1, 2012 effective date, interfaces must be developed for each platform. Additionally, a "code freeze" may be imposed for NGDLS implementation, thereby restricting the number of changes that can be implemented. Consequently, integration of the SBOE interface into the NCGLS may extend beyond the January 2012 timeframe. DMV projects a total of 1760 hours of contractual labor for SADLS adjustments and 250 hours for NGDLS adjustments. Total contractual programming costs are estimated at $156,800, as shown in Table 5.

Sections 1.3-1.7:

Section 1.3 of the bill is not believed to add any additional cost as additional information is required to the existing process for voting and registering at the one-stop voting sites set out in G.S. 163-82.6A.

Fiscal Research does not believe that any additional costs will be associated with Sections 1.4 and 1.5 of the bill. Voters will be required to provide valid photo identification as well as provide the existing requirement of stating their name and residence per G.S. 163-166.7(a) and G.S. 163-227.2(b).

Section 1.6 of this bill adds an additional section to the General Statutes pertaining to the counting of provisional ballots. No estimate of costs associated with this section is available; however there may be additional time for the county board of elections as a result of reviewing the provisional ballots. However, county boards of elections are only compensated per meeting as stated in G.S.

ATTACHMENT 5

April 6, 2011

ROLL CALL VOTE

18 YES 14 NO = 32 (TOTAL)

HB# 351
SB# ____

HOUSE STANDING COMMITTEE ON Elections

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
✓		Lewis, David			
✓		Burr, Justin	✓		Moore, Tim
✓		Current, William		✓	Ross, Deborah
✓		Jones, Bert	✓		Sager, Efton
✓		Jordan, Jonathan	✓		Stam, Paul
	✓	Alexander, Martha	✓		Starnes, Edgar
✓		Blust, John		✓	Warren, Edith
✓		Brown, Larry		✓	Weiss, Jennifer
✓		Brown, Rayne			
	✓	Bryant, Angela			
	✓	Cotham, Tricia			
✓		Dixon, Jimmy			
✓		Faircloth, John			
	✓	Fisher, Susan			
	✓	Floyd, Elmer			
	✓	Graham, Charles			
	✓	Harrison, Pricey			
✓		Iler, Frank			
✓		Justice, Carolyn			
✓		Killian, Richard			
	✓	Martin, Grier			
	✓	McLawhorn, Marian			
	✓	Michaux, Mickey			
✓		Mills, Grey			
	✓	Mobley, Annie			

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Elections

DATE: 4/6/11 **Room:** 643

*Name: Jessica Williams
County: Robeson
Sponsor: Graham
*Name: Davis McKinney
County: Mitchell
Sponsor: Frye
*Name: Caroline Ricciarelli
County: Pitt
Sponsor: Mclawhorn
*Name: Ruzzy Lane
County: Chowan
Sponsor: Timothy L. Spear
*Name:
County:
Sponsor:

House Sgt-At Arms:

1. Name: BOB ROSS
2. Name: R. L. CARTER
3. Name:
4. Name: garland Shepherd
5. Name: Martha Gadson
6. Name: LARRY ELLIOTT

Attachment 6.1

VISITOR REGISTRATION SHEET

ELECTIONS — 04/06/2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Martin Akonnor	Helping hands commitee Heritage middle shood, wakeforest
Gershom Ejoni	Heritage middleschool
Ronnie Bivodis	Heritage middle school
Donnell LaMont Rochelle III	Heritage middle school
Brandon Sannoh	Heritage Middle School
Jamie Brown	Heritage Middle School
Keith Greene	Heritage Middle School
Gary O. Bartlett	SBE
Chris S. Cancher	Wake BOE
Johnnie McLean	SBE
Veronica Degraffenred	SBOE

VISITOR REGISTRATION SHEET

ELECTIONS — 04/06/2011

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Will Pulk	Gov office
Meerel Knajuric	" "
Emily Grimm	MWC
Chris Telesca	Wake Verified Voting
Damon Circosta	NC voter ED
PAUL Stock	NCBA
Matt Betts	Insider
Cameron Hanley	Electricities of NC
JGraham Cormier	UNC Law
Erin Stoddard	TSF
V. Lifchez	Harrell & Assoc

VISITOR REGISTRATION SHEET

Elections — 04-06-2004

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Judith Wegner	UNC Law School Chapel Hill, NC
Sabiann Mau	Fearrington GOP
Cleta Howell	Fearrington GOP
David Jackson Melanie Jackson	Fearrington Village GOP
Jan Baum	NC Voter (with ID)
Bob McNeill	NC Voter ID
JEANNE McNeill	Fearrington GOP
Bob Hall	Democracy NC
Mark Bibbs	Bibbs Law Office
Cathy Wright	Self
Tim KENT	NC Beer & Wine Wholesalers

VISITOR REGISTRATION SHEET

Elections — 4-6-2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Melissa Price	NCVCE
Heather Barnett	Williams Mullen
Gregory Griffin	Wake Co. public school
Joseph Lenter	Visitor
Vada Whitaker	Visitor
Ronald H Brown	Saint Augustine's College
Mary Reid	Citizen
Art Wilson	S.W Republican Clubs
Jan Wilson	Wake GOP
Matt Reck	Wake GOP
Allen Rowe	N.C Center for Voter Education

VISITOR REGISTRATION SHEET

ELECTIONS — 4-6-11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Carl Dean	OSP
Allison Fowler	NC Grange
Louis Stannard	FTTF
Donna Yowell	FTTF
Kevin Rogers	Action NC
DAVID Kallenbach	Election Judge, Chatham Co.
Chris Anderson	
Sarah Preston	ACLU-NC
Julia Adams	The Arc of NC
Johanna Reese	DMV
C O'Donnell	The Insider

VISITOR REGISTRATION SHEET

Election Committee — **Name of Committee**

4-6-11 — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	NC Voter (with ID)
[signature]	N/A
[signature]	KLG
[signature]	N/A
[signature]	[signature]
[signature]	SBE
Johanna Reese	DMV
[signature]	NCDOT

VISITOR REGISTRATION SHEET

ELECTIONS — 4-6-11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DAVID BARNES	PS
Amy McConkey	NC Beverage Assn
Mary Ann	Smith Anderson
[illegible]	[illegible]
Allison Riggs	Southern Coalition for Social Justice

Election Committee Meeting

April 13, 2011

Attachment 1:	**Committee Notices**
Attachment 2:	**Minutes**
Attachment 3:	**HB 125 original bill, bill summary, PCS**
Attachment 4:	**HB 346 original bill, PCS**
Attachment 5:	**Visitor Registration Sheet**

Attachment 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, April 13, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 125	Optional Vote Centers for Second Primary.	Representative Sager Representative Jordan Representative Stevens Representative Shepard
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 366	Special Election Dates.	Representative Warren Representative Cleveland Representative Brawley, Jr. Representative Bradley, Jr.

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11 AM** o'clock on **April 11, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 1

Corrected Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, April 13, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS: HB 366 has been removed

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 125	Optional Vote Centers for Second Primary.	Representative Sager Representative Jordan Representative Stevens Representative Shepard
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11 AM** o'clock on **April 13, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 2

Minutes

Committee on Elections

Wednesday, April 13, 2011

The House Committee on Elections met on Wednesday, April 13, 2011, in room 643 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Current, Jones and Jordan Co-Chairs, Representatives Alexander, Blust, L. Brown, R. Brown, Bryant, Cotham, Dixon, Faircloth, Fisher, Floyd, Graham, Harrison, Iler, Justice, Killian, Martin, Michaux, Mills, Mobley, T. Moore, Ross, Sager, Stam, Starnes, and Weiss. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff member was present: Erika Churchill. The Chair called the meeting to order at 1:05 PM.

The first order of business was HB 125 Optional Vote Centers for Second Primary. A proposed committee substitute for HB 125 was brought before the committee.. A motion was made by Rep. L. Brown for adoption of the PCS for the purpose of discussion. Motion carried.

Rep. Sager, the bill sponsor, was recognized to explain the bill. After a brief explanation of the bill Rep. Sager welcomed questions from the committee.

A sub-committee was appointed with the following members: Rep Lewis, Floyd, Jordan, Graham, Starnes, Mills and Michaux. Rep. Floyd submitted a handwritten amendment the sub-committee was to discuss the amendment.

Second order of business was HB 346 Political Committee Treasurer Training/Org. Report Req. A proposed committee substitute for HB 346 was brought before the committee. A motion was made by Rep. L. Brown for adoption of the PCS for the purpose of discussion. Motion carried.

Rep. Randleman, the bill sponsor, was recognized to explain the bill. After a brief explanation the Chair explained that staff did not have enough time before the meeting to be ready to discuss this bill and he pulled it from today's calendar. HB 346 will be on next week's calendar.

The meeting was adjourned at 1:26 PM.

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

ATTACHMENT 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 125

Short Title:	Optional Vote Centers for Second Primary.	(Public)
Sponsors:	Representatives Sager, Jordan, Stevens, and Shepard (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Elections.	

February 21, 2011

A BILL TO BE ENTITLED

AN ACT TO PERMIT COUNTIES TO HAVE FEWER THAN ALL PRECINCTS OPEN FOR A SECOND PRIMARY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-111 is amended by adding a new subsection to read:

"(e1) Option for Voting Centers During Second Primary. – A county board of elections may opt to file a plan with the State Board of Elections for approval to provide for a limited number of precincts to be opened during a potential second primary. If the plan is approved by the State Board prior to the date ballots are printed for that primary, the county board of elections may open fewer than all of the precincts for voting during a second primary as stated in the approved plan. The plan must comply with all of the following:

(1) The county board must approve and submit the plan to the State Board no later than 90 days prior to the primary.

(2) The plan must provide for at least two precincts and the county board of elections office to be open for voting during the second primary.

(3) The plan must not provide for more than the number of early absentee voting sites and the county board of elections office to be open for voting during the second primary.

(4) The plan must provide for education of the voters as to the voting places to be open during the second primary. The plan must include notice of the second primary sites in any legal notice required under this Chapter prior to a primary."

SECTION 2. This act becomes effective January 1, 2012, and applies to elections held on or after that date.

ATTACHMENT 3

HOUSE BILL 125:
Optional Vote Centers for Second Primary

2011-2012 General Assembly

Committee:	House Elections	**Date:**	April 13, 2011
Introduced by:	Reps. Sager, Jordan, Stevens, Shepard	**Prepared by:**	Kara McCraw Committee Counsel
Analysis of:	PCS to First Edition H125-CSTC-8		

SUMMARY: HB 125 would permit county boards of elections to have fewer than all precincts open for second primaries, if approved by the State Board of Elections.

The PCS for HB 125 makes technical changes to use the term "shall" rather than "must".

CURRENT LAW: G.S. 163-111 permits the holding of a second primary if no nominee in a first primary receives a substantial plurality of the vote. If a second primary is required, it must be held 7 weeks after the first primary. Other than certain requirements related to registration of voters, the second primary is held under the laws, rules, and regulations provided for the first primary.

BILL ANALYSIS: HB 125 would allow county boards of elections to file a plan with the State Board of Elections to open fewer than all of the precincts in the second primary. A plan would not be effective unless approved by the State Board prior to the printing of ballots for the first primary. Plans would have to comply with the following:

- Must be submitted to the State Board no later than 90 days before the primary.
- Must provide for at least 2 precincts and the county board of elections office to be open for voting in the second primary.
- Must not provide for more than the number of early absentee voting sites and the county board of elections office to be open for voting during the second primary.
- Must provide for voter education as to voting places to be open during the second primary, including notice of those sites in legal notices required prior to the primary.

EFFECTIVE DATE: HB 125 would become effecting January 1, 2012 and applies to elections held on or after that date. The act may not become effective until preclearance under Section 5 of the Voting Rights Act is received.

H125-SMTC-12(CSTC-8) v2

ATTACHMENT 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 125
PROPOSED COMMITTEE SUBSTITUTE H125-CSTC-8 [v.1]

4/11/2011 6:11:35 PM

Short Title: Optional Vote Centers for Second Primary. (Public)

Sponsors:

Referred to:

February 21, 2011

A BILL TO BE ENTITLED

AN ACT TO PERMIT COUNTIES TO HAVE FEWER THAN ALL PRECINCTS OPEN FOR A SECOND PRIMARY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-111 is amended by adding a new subsection to read:

"(e1) Option for Voting Centers During Second Primary. – A county board of elections may opt to file a plan with the State Board of Elections for approval to provide for a limited number of precincts to be opened during a potential second primary. If the plan is approved by the State Board prior to the date ballots are printed for the primary, the county board of elections may open fewer than all of the precincts for voting during a second primary as stated in the approved plan. The plan shall comply with all of the following:

(1) The county board shall approve and submit the plan to the State Board no later than 90 days prior to the primary.

(2) The plan shall provide for at least two precincts and the county board of elections office to be open for voting during the second primary.

(3) The plan shall not provide for more than the number of early absentee voting sites and the county board of elections office to be open for voting during the second primary.

(4) The plan shall provide for education of the voters as to the voting places to be open during the second primary. The plan shall include notice of the second primary sites in any legal notice required under this Chapter prior to a primary."

SECTION 2. This act becomes effective January 1, 2012, and applies to elections held on or after that date.

NORTH CAROLINA GENERAL AS[redacted]

ATTACHMENT 3

(Please type or use bal[redacted])

EDITION No. _____

H. B. No. 125 ✓ DATE 4/13/11

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Floyd
Sen.)

moves to amend the bill on page 1, lines 8-11

( ) WHICH CHANGES THE TITLE

by deleting "If the plan is approved by the State Board prior to the date ballots are printed for the primary, the county board of elections may open fewer than all of the precincts for voting during a second primary as stated in the approved plan." and substituting

"The county board of elections may open fewer than all of the precincts for voting during a second primary as stated in the plan approved by the State Board under this subsection prior to the date ballots are printed for the primary.".

SIGNED Eleanor Kinney

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

ATTACHMENT 4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 346

Short Title:	Pol. Comm. Treas. Training/Org. Rpt Req.	(Public)
Sponsors:	Representative Randleman (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Elections.	

March 15, 2011

A BILL TO BE ENTITLED

AN ACT RELATING TO POLITICAL ACTION COMMITTEE TREASURER TRAINING AND TO REQUIRE THE FILING OF AN ORGANIZATIONAL REPORT PRIOR TO BEING PLACED ON THE BALLOT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.7(f) reads as rewritten:

"(f) Every treasurer of a political committee shall participate in training as to the duties of the office as follows: (i) a treasurer of a political committee which files its organizational report prior to the start of the time for filing of notice of candidacy shall participate in training within three months of appointment and at least once every four years ~~thereafter.~~thereafter and (ii) a treasurer of a political committee which files its organizational report during or after the time for filing of notice of candidacy shall participate in training within 45 days of appointment and at least once every four years thereafter. The State Board of Elections shall provide the training as to the duties of the office in person, through regional seminars, and through interactive electronic means. The treasurer may designate an assistant treasurer to participate in the training, if one is named under subdivision (b)(8) of this section. The treasurer may choose to participate in training prior to each election in which the political committee is involved. All such training shall be free of charge to the treasurer and assistant treasurer."

SECTION 2. G.S. 163-278.9(a)(1) reads as rewritten:

"**§ 163-278.9. Statements filed with Board.**

(a) Except as provided in G.S. 163-278.10A, the treasurer of each candidate and of each political committee shall file with the Board under certification of the treasurer as true and correct to the best of the knowledge of that officer the following reports:

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

for the organizational report. Thereafter, the candidate's political committee shall be responsible for filing all reports required by law."

SECTION 3. 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. However, any candidate who has failed to file an organizational report as required by G.S. 163-278.9(a)(1) shall not be included on the ballot. 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. The State Board of Elections shall establish a review procedure that local boards of elections shall follow to ensure that candidates' names appear on the official ballot in accordance with this subdivision.

(4) Party designations in partisan ballot items.

(5) A means by which the voter may cast write-in votes, as provided in G.S. 163-123. No space for write-ins is required unless a write-in candidate has qualified under G.S. 163-123 or unless the ballot item is exempt from G.S. 163-123.

(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."

SECTION 4. This act becomes effective January 1, 2012, and applies with respect to elections held on or after that date.

ATTACHMENT 4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 346
PROPOSED COMMITTEE SUBSTITUTE H346-CSTB-4 [v.7]

4/13/2011 12:24:50 PM

Short Title: Pol. Comm. Treas. Training/Org. Rpt Req. (Public)

Sponsors:

Referred to:

March 15, 2011

A BILL TO BE ENTITLED

AN ACT RELATING TO POLITICAL COMMITTEE TREASURER TRAINING AND THE FILING OF ORGANIZATIONAL REPORTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.7(f) reads as rewritten:

"(f) Every treasurer of a political committee shall participate in training as to the duties of the office within three months of appointment and at least once every four years thereafter. Every treasurer of a candidate campaign committee as defined by G.S. 163-278.38Z that files its organizational report after the time for filing notice of a candidacy has opened for the election for which the candidate has filed shall participate in training as to the duties of the office within 45 days of appointment and at least once every four years thereafter. The State Board of Elections shall provide the training as to the duties of the office in person, through regional seminars, and through interactive electronic means. The treasurer may designate an assistant treasurer to participate in the training, if one is named under subdivision (b)(8) of this section. The treasurer may choose to participate in training prior to each election in which the political committee is involved. All such training shall be free of charge to the treasurer and assistant treasurer."

SECTION 2. G.S. 163-106 is amended by adding a new subsection to read:

"(j) When any candidate files a notice of candidacy with the State Board of Elections under subsection (c), the State Board of Elections shall issue a notification to the candidate stating the following:

(1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed with the Board no later than the tenth day following the day the candidate files notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first. If the organizational report is not filed within the required time frame the candidate responsible for filing shall pay to the State Board of Elections a civil late penalty of two hundred fifty dollars ($250.00) per day for each day the filing is late.

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

SECTION 3. G.S. 163-278.9(a)(1) reads as rewritten:

"(a) Except as provided in G.S. 163-278.10A, the treasurer of each candidate and of each political committee shall file with the Board under certification of the treasurer as true and correct to the best of the knowledge of that officer the following reports:

(1) Organizational Report. – The appointment of the treasurer as required by G.S. 163-278.7(a), the statement of organization required by G.S. 163-278.7(b), and a report of all contributions and expenditures not previously reported shall be filed with the Board no later than the tenth day following the day the candidate files notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first. Any candidate whose campaign is being conducted by a political committee which is handling all contributions and expenditures for his campaign shall file a statement with the Board stating such fact at the time required herein for the organizational report. Thereafter, the candidate's political committee shall be responsible for filing all reports required by law. If the organizational report is not filed within the required time frame the candidate responsible for filing shall pay to the State Board of Elections a civil late penalty of two hundred fifty dollars ($250.00) per day for each day the filing is late."

SECTION 4. This act becomes effective January 1, 2012, and applies with respect to elections held on or after that date.

ATTACHMENT 5

VISITOR REGISTRATION SHEET

Elections — 4/13/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Melissa Price	NCVCE
Johnnie McLean	SBE
Sherie Poucher	Wake Co. BOE
Peter Ellis	Speaker's Office
Ki Strach	SBE
John Lyon	AT+T
Chuck Greene	AT+T
Chris Telesca	Wake Verified Voting

VISITOR REGISTRATION SHEET

Elections — 4/13/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Penny Griffin	School of Gov.
Alison Fiber	PPCNC
Damon Circosta	NC Vote ED

Election Committee Meeting

April 20, 2011

Attachment 1:	**Committee Notice**
Attachment 2:	**Minutes**
Attachment 3:	**HB 139 committee report, original bill, bill summary, PCS**
Attachment 4:	**Roll Call Vote**
Attachment 5:	**Visitor Registration Sheet**

Attachment 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, April 20, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 514	Uniform Military and Overseas Voters Act.	Representative Martin Representative Killian Representative Lewis Representative Glazier
HB 576	Vacancy Special Election.	Representative Bradley, Jr.
HB 658	Change Early Voting Period.	Representative Jones, Jr. Representative Stam Representative Collins Representative Sager

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12 PM** o'clock on **April 14, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 1

Corrected Notice HB 139 Added

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, April 20, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS: HB 139 Added

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 139	Limit Contributions by State Vendors.	Representative Stam Representative Ross Representative Glazier Representative McGee
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 514	Uniform Military and Overseas Voters Act.	Representative Martin Representative Killian Representative Lewis Representative Glazier
HB 576	Vacancy Special Election.	Representative Bradley, Jr.
HB 658	Change Early Voting Period.	Representative Jones, Jr. Representative Stam Representative Collins Representative Sager

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **2 PM** o'clock on **April 19, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 1

Corrected Notice HB 366 added

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, April 20, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS: HB 366 added

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 139	Limit Contributions by State Vendors.	Representative Stam Representative Ross Representative Glazier Representative McGee
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 366	Special Election Dates.	Representative Warren Representative Cleveland Representative Brawley, Jr. Representative Bradley, Jr.
HB 514	Uniform Military and Overseas Voters Act.	Representative Martin Representative Killian Representative Lewis Representative Glazier
HB 576	Vacancy Special Election.	Representative Bradley, Jr.
HB 658	Change Early Voting Period.	Representative Jones, Jr. Representative Stam Representative Collins Representative Sager

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **2 PM** o'clock on **April 19, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 1

Corrected Notice HB 346 Removed

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, April 20, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS: HB 346 removed
The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 139	Limit Contributions by State Vendors.	Representative Stam Representative Ross Representative Glazier Representative McGee
HB 366	Special Election Dates.	Representative Warren Representative Cleveland Representative Brawley, Jr. Representative Bradley, Jr.
HB 514	Uniform Military and Overseas Voters Act.	Representative Martin Representative Killian Representative Lewis Representative Glazier
HB 576	Vacancy Special Election.	Representative Bradley, Jr.
HB 658	Change Early Voting Period.	Representative Jones, Jr. Representative Stam Representative Collins Representative Sager

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **8 AM** o'clock on **April 20, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 2

Minutes

Committee on Elections

Wednesday, April 20, 2011

The House Committee on Elections met on Wednesday, April 20, 2011, in room 643 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Current, Jones and Jordan Co-Chairs, Representatives Alexander, Blust, L. Brown, R. Brown, Bryant, Cotham, Dixon, Faircloth, Fisher, Floyd, Graham, Harrison, Iler, Killian, Martin, McLawhorn, Michaux, Mobley, Ross, Sager, Stam, Warren, Weiss. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw and Denise Huntley Adams. The Chair called the meeting to order at 1:09 PM and recognized the sergeant at arms and pages of the day.

The first order of business was HB 139 Limit Contributions by State Vendors. Rep. Cotham moved that the PCS and bill summary be brought before the committee. Representatives Stam, Ross, Glazier and McGee were recognized to present the bill. Erika Churchill explained the details of the bill.

Rep. Current sent forth an amendment . A roll call vote was taken on the request of Rep. Current. The roll count was: 6 yes and 19 no. The amendment failed.

Rep. Jones moved that the bill was favorable to committee substitute, unfavorable to the original bill and refer to Judiciary. All in favor.

The meeting was adjourned at 1:45 PM

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

Attachment 3

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for

HB 139 A BILL TO BE ENTITLED AN ACT TO LIMIT CAMPAIGN CONTRIBUTIONS BY INDIVIDUALS WHO DIRECTLY AND SUBSTANTIALLY BENEFIT FROM CONTRACTS WITH THE STATE TO CANDIDATE CAMPAIGN COMMITTEES OF CERTAIN STATEWIDE CANDIDATES.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on JUDICIARY.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

Attachment 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 139
PROPOSED COMMITTEE SUBSTITUTE H139-PCS50308-ST-18

Short Title: Limit Contributions by State Vendors. (Public)

Sponsors:

Referred to:

February 21, 2011

A BILL TO BE ENTITLED

AN ACT TO LIMIT CAMPAIGN CONTRIBUTIONS BY INDIVIDUALS WHO DIRECTLY AND SUBSTANTIALLY BENEFIT FROM CONTRACTS WITH THE STATE TO CANDIDATE CAMPAIGN COMMITTEES OF CERTAIN STATEWIDE CANDIDATES.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

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

d. Is a member of the board, commission, or other body that takes action on the contract, whether or not the individual actually participates in that action, unless the individual is prohibited from voting by a policy of the corporation or person and does not vote on the contract."

SECTION 2. This act becomes effective January 1, 2012, and applies to contributions made on or after that date.

Attach. 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

HOUSE BILL 139

Short Title:	Limit Contributions by State Vendors.	(Public)
Sponsors:	Representatives Stam, Ross, Glazier, and McGee (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Elections, if favorable, Judiciary.	

February 21, 2011

A BILL TO BE ENTITLED

AN ACT TO LIMIT CAMPAIGN CONTRIBUTIONS BY INDIVIDUALS WHO DIRECTLY AND SUBSTANTIALLY BENEFIT FROM CONTRACTS WITH THE STATE TO CANDIDATE CAMPAIGN COMMITTEES OF CERTAIN STATEWIDE CANDIDATES.

The General Assembly of North Carolina enacts:

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

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

(a) No vendor of this State may make a contribution greater than five hundred dollars ($500.00) per election to a candidate or candidate campaign committee as defined in G.S. 163-278.38Z for public servant as defined in G.S. 138A-3(30)a. and G.S. 120C-104.

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

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

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

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

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

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

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

d. Is a member of the board, commission, or other body that takes action on the contract, whether or not the individual actually participates in that action, unless the individual is prohibited from

voting by a policy of the corporation or person and does not vote on the contract."

SECTION 2. This act becomes effective January 1, 2012, and applies to contributions made on or after that date.

HOUSE BILL 139:
Limit Contributions by State Vendors

2011-2012 General Assembly

Committee:	House Elections, if favorable, Judiciary	**Date:**	April 19, 2011
Introduced by:	Reps. Stam, Ross, Glazier, McGee	**Prepared by:**	R. Erika Churchill
Analysis of:	PCS to First Edition H139-CSST-18		Committee Counsel

SUMMARY: ***The proposed committee substitute for House Bill 139 would limit the contribution a vendor could give to a candidate for council of state to $500 per election, if the council of state member has authority over that vendor's contract.***

CURRENT LAW:

Limitations on campaign contributions:

- Individuals. – A contributor may not give, and a candidate may not accept, more than four thousand dollars ($4,000) per election. Election means primary, second primary and general election. So, candidate with a second primary could potentially accept up to $12,000 for an election cycle from an individual. A candidate, the candidate's spouse, parents, brothers and sisters may contribute unlimited amounts to the candidate and are not subject to the limitations. G.S. 163-278.13(a) - (c)
- Political committees. –
  - Any national, State, district or county executive committee of any recognized political party is exempt from the contribution limitations. A registered political committee, other than those exempt political party committees, may contribute four thousand dollars ($4,000) per election to candidate committees. G.S. 163-278.13(e).
  - Federal political committees registered in North Carolina are permitted to contribute. G.S. 163-278.7A.
- Lobbyist Principals, lobbyists, and associated PACs. – While the General Assembly is in regular session, no lobbyist principal, lobbyist or PAC associated with a lobbyist principal may give a contribution to a member of the Council of State or General Assembly. G.S. 163-278.13B.

Prohibitions on campaign contributions:

- Business entities. – It is unlawful for any corporation, business entity, labor union, professional association, or insurance company to directly or indirectly contribute to a candidate. G.S. 163-278.15.
- Lobbyists. – No lobbyist may make a contribution at any time to a member of the General Assembly or Council of State or a candidate that has been elected or appointed to the General Assembly or Council of State. G.S. 163-278.16B.

Gifts from contractors:

- It is a Class 1 misdemeanor for any contractor, subcontractor, or supplier who has a contract with a governmental agency, or has performed under a contract with a governmental agency within the past year, or anticipates bidding on a contract with a governmental agency in the future to make gifts or to give favors to any officer or employee of a governmental agency who is charged with the duty of any of the following:
  - Preparing plans, specifications, or estimates for public contract.
  - Awarding or administering public contracts.
  - Inspecting or supervising construction. G.S. 133-32.

BILL ANALYSIS: The proposed committee substitute would limit a vendor of the State to a contribution of $500 per election to a candidate or candidate campaign committee of a member of the council of state that has authority over the contract with the vendor. An exception is made for a candidate for the council of state contributing to that candidate's own campaign.

A vendor is any one of the following:

- An individual with a contract greater than $25,000 with any Council of State office.
- An individual employed by a corporation or person with a contract greater than twenty-five 25,000 with any council of state office in any of the following capacities:
    - Will derive a direct financial benefit from the contract. Direct financial benefit exists only if the individual (i) has more than a 10% beneficial ownership in a party to the contract or (ii) acquires property under the contract.
    - Oversees the performance of the contract and has authority to make decisions regarding the contract or to interpret the contract.
    - Participates in the development of specifications or terms and in the preparation or award of the contract.
    - Is a member of the board, commission, or other body that takes action on the contract, whether or not the individual actually participates in that action, unless the individual is prohibited from voting by a policy of the corporation or person and does not vote on the contract.

The council of state consists of the following offices: Governor, Lt. Governor, Attorney General, Auditor, Commissioner of Agriculture, Commissioner of Insurance, Commissioner of Labor, Secretary of State, Superintendent of Public Instruction, and Treasurer.

EFFECTIVE DATE: January 1, 2012 and applies to contributions made on or after that date.

H139-SMST-25(CSST-18) v1

ATTACHMENT 3

GENERAL ASSEMBLY OF N(
SESSION 2011

H D

HOUSE BILL 139
PROPOSED COMMITTEE SUBSTITUTE H139-CSST-18 [v.2]

4/20/2011 11:47:15 AM

Short Title: Limit Contributions by State Vendors. (Public)

Sponsors:

Referred to:

February 21, 2011

A BILL TO BE ENTITLED

AN ACT TO LIMIT CAMPAIGN CONTRIBUTIONS BY INDIVIDUALS WHO DIRECTLY AND SUBSTANTIALLY BENEFIT FROM CONTRACTS WITH THE STATE TO CANDIDATE CAMPAIGN COMMITTEES OF CERTAIN STATEWIDE CANDIDATES.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

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

d. Is a member of the board, commission, or other body that takes action on the contract, whether or not the individual actually participates in that action, unless the individual is prohibited from voting by a policy of the corporation or person and does not vote on the contract."

SECTION 2. This act becomes effective January 1, 2012, and applies to contributions made on or after that date.

4-20-1

ATTACHMENT 4

ROLL CALL VOTE

10 YES 19 NO = 25 (TOTAL)

HB# 139
SB# ____

HOUSE STANDING COMMITTEE ON Elections

House Subcommittee on Elections

amendment to HB 139

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
___	___	Lewis, David			
✓	___	Burr, Justin	___	✓	Moore, Tim
✓	___	Current, William	___	✓	Ross, Deborah
___	✓	Jones, Bert	✓	___	Sager, Efton
___	✓	Jordan, Jonathan	___	✓	Stam, Paul
✓	✓	Alexander, Martha	___	✓	Starnes, Edgar
✓	___	Blust, John	___	✓	Warren, Edith
✓	___	Brown, Larry	___	✓	Weiss, Jennifer
✓	✓	Brown, Rayne	___	___	
___	✓	Bryant, Angela	___	___	
___	✓	Cotham, Tricia			
___	✓	Dixon, Jimmy	___	___	
___	✓	Faircloth, John	___	___	
___	✓	Fisher, Susan	___	___	
___	✓	Floyd, Elmer	___	___	
✓	✓	Graham, Charles			
✓	✓	Harrison, Pricey	___	___	
___	✓	Iler, Frank	___	___	
___	✓	Justice, Carolyn			
___	✓	Killian, Richard	___	___	
___	✓	Martin, Grier	___	___	
___	✓	McLawhorn, Marian	___	___	
___	✓	Michaux, Mickey			
___	___	Mills, Grey			
___	___	Mobley, Annie			

failed

ATTACHMENT 4

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 139

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

H139-AST-11 [v.1]

Page 1 of 1

Comm. Sub. [YES]
Amends Title [YES]
First Edition

Date 4-20 ,2011

Representative Current

moves to amend the bill on page 1, line 5 by rewriting that line to read:

"CANDIDATES; AND TO LIMIT THE ROLE OF POLITICAL PARTIES IN CAMPAIGN FUND-RAISING BY LIMITING CONTRIBUTIONS FROM POLITICAL PARTIES TO CANDIDATES AND CANDIDATE CAMPAIGN COMMITTEES.";

and on page 2, lines 6-7, by rewriting those lines to read:

"**SECTION 2.** G.S. 163-278.13(e) reads as rewritten:

"(e) Except as provided in subsections (e2), (e3), and (e4) of this section, and except for contributions to political party executive committees by candidates or candidate campaign committees and contributions by political party executive committees to candidates and candidate campaign committees, this section shall not apply to any national, State, district or county executive committee of any political party. For the purposes of this section only, the term "political party" means only those political parties officially recognized under G.S. 163-96. As used in this section, "candidate campaign committee" is as defined in G.S. 163-278.38Z(3)."

SECTION 3. This act becomes effective January 1, 2012, and applies to all contributions made or accepted on or after that date."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ TABLED _____

H139-AST-11-V-1

[redacted]

ATTACHMENT 5

VISITOR REGISTRATION SHEET

Election Committee — 4/20/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	[signature]
Grant Pendergraft	NC Sherriffs' Association
Andrew Cagle	NC Sherriffs' Assn.
Emily Grimm	MWC
Damon Circosta	NC Voter Ed
Kim Rossi	Wake Co BOE
Mike O'Hara	NC State Univ
Melissa Price	NCUCE
Victoria Price	ECU student
Gary Bartlett	SBE
Johnnie McLean	"

VISITOR REGISTRATION SHEET

Election Committee — 4/20/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sandra Woodland	375 Timberlands Dr. Louisburg, NC 27549
William Woodland	"
Monica Yelverton	Governor's Office
KEVIN BRUCH	DOD STATE LIAISON OFFICE
Chuck [illegible]	SEANC
Christy Agner	DOA
[illegible]	Benchmarks
Tara Fields	Benchmarks
Mitch Leonard	SEANC
Chester Lowder	NC Farm Bureau
Sarah Preston	ACLU-NC

VISITOR REGISTRATION SHEET

Election Committee — Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kristnach	SBE
Jennica Dougherty	SBE
Chris Anderson	
Leonard	NS
Tom Terry	NMRS
Dan Scoggin	TSS
Chris Telesca	Wake Verified Voting

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Elections Committee

DATE: 4/20/2017 **Room:** 643

*Name: Mark Parent
County: Guilford
Sponsor: John Faircloth
*Name: Sophia Potepalov
County: Wake
Sponsor: Paul Stam
*Name: Demery Moody
County: Cleveland
Sponsor: Kelly Alexander
*Name:
County:
Sponsor:
*Name:
County:
Sponsor:

House Sgt-At Arms:

1. Name: Bill MacRae
2. Name: Ken Kirby
3. Name: Earl Coker
4. Name: R.L. Carter
5. Name: Garland Shepherd
6. Name:

Election Committee Meeting

May 4, 2011

Attachment 1:	**Committee Notice**
Attachment 2:	**Minutes**
Attachment 3:	**Visitor Registration Sheet**

Attachment 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, May 4, 2011
TIME: 1:00 pm
LOCATION: 643 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 366	Special Election Dates.	Representative Warren Representative Cleveland Representative Brawley, Jr. Representative Bradley, Jr.
HB 514	Uniform Military and Overseas Voters Act.	Representative Martin Representative Killian Representative Lewis Representative Glazier
HB 658	Change Early Voting Period.	Representative Jones, Jr. Representative Stam Representative Collins Representative Sager

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12 PM** o'clock on **May 02, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 1

Cancelled Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, May 4, 2011
TIME: 1:00 pm
LOCATION: 643 LOB

BILL NO.	SHORT TITLE	SPONSOR
HB 366	Special Election Dates.	Representative Warren Representative Cleveland Representative Brawley, Jr. Representative Bradley, Jr.
HB 514	Uniform Military and Overseas Voters Act.	Representative Martin Representative Killian Representative Lewis Representative Glazier
HB 658	Change Early Voting Period.	Representative Jones, Jr. Representative Stam Representative Collins Representative Sager

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **May 04, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

12:45 - 1:00

Attachment 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, May 4, 2011
TIME: **12:45** pm
LOCATION: 643 LOB
COMMENTS: Representative Martin has arranged for a group from Washington DC with the Dept. of Defense Federal Voting Assistance Program to speak to our committee on HB 514. They have made a special trip to Raleigh TODAY for this meeting.

We will try to meet only for 15 minutes.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 514	Uniform Military and Overseas Voters Act.	Representative Martin Representative Killian Representative Lewis Representative Glazier

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **May 04, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 1

Corrected Notice ROOM CHANGE 415

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, May 4, 2011
TIME: **12:45 PM**

LOCATION Room 415

COMMENTS: Representative Martin has arranged for a group to come in from Washington DC with the Dept. of Defense Federal Voting Assistance Program to speak to our committee.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 514	Uniform Military and Overseas Voters Act.	Representative Martin Representative Killian Representative Lewis Representative Glazier

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10 AM** o'clock on **May 04, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 2

Minutes

Committee on Elections

Wednesday, May 4, 2011

The House Committee on Elections met on Wednesday, May 4, 2011, in room 415 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Current, Jones and Jordan Co-Chairs, Representatives L. Brown, R. Brown, Dixon, Graham, Harrison, Iler, Martin, McLawhorn, Mobley, Sager, Stam, A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw, and Denise Huntley Adams. The Chair called the meeting to order at 12:48 PM and recognized the sergeant at arms.

The first order of business was HB 415 Uniform Military and Overseas Voters Act. The Chair recognized Representative Martin to introduce his guest speaker J. Scott Wiedmann with Federal Voting Assistance Program, Washington, DC.

Guest Speaker, J. Scott Wiedmann gave a presentation on HB 514. The Chair announced that there would be no vote taken at this meeting. The Chair welcomed questions to Mr. Wiedmann from the members attending the committee meeting.

The meeting was adjourned at 1:08 PM.

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

[redacted]

ATTACHMENT 2

FVAP.GOV

FEDERAL VOTING ASSISTANCE PROGRAM

J. Scott Wiedmann – Principal Deputy Director
External Relations and Communications
Department of Defense 703-588-8113
Defense Human Resources Activity Toll-free 1-800-438-8683
1777 N. Kent Street, Suite 14003 FAX 703-696-1352
Rosslyn, VA 22209-2162 Email: scott.wiedmann@fvap.gov
Web Address: www.fvap.gov

[redacted]

ATTACHMENT 3

VISITOR REGISTRATION SHEET

Election Committee — 5/4/11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Damon Circosta	NC voter ed
Gary O. Bartlett	SBE
Johnnie McLean	SBE
Veronica Dye	SBE

VISITOR REGISTRATION SHEET

Election Committee — 5-4-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
B Trahan	Ric Killian

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Election

DATE: _____ **Room:** 415

*Name: Dara Fazelnia
County: Union
Sponsor: Craig Horn

*Name: Rona Fazelnia
County: Union
Sponsor: Craig Horn

*Name: William Nobles
County: Wayne
Sponsor: Cliff Bell

*Name: Rebekah Mackin
County: Wake
Sponsor: Rep. Stam

*Name: _____
County: _____
Sponsor: _____

House Sgt-At Arms:

1. Name: Wayne Davis
2. Name: _____
3. Name: Martha Tomeak
4. Name: _____
5. Name: _____
6. Name: _____

Election Committee Meeting

May 11,

2011

Attachment 1:	Committee Notice
Attachment 2:	Minutes
Attachment 3:	HB 366 committee report, original bill, bill summary, PCS
Attachment 4:	HB 514 committee report, original bill, bill summary, PCS
Attachment 5:	HB 514 Federal Requirement Certification
Attachment 6:	HB 658 committee report, bill summary
Attachment 7:	HB 658 Legislative Fiscal Note
Attachment 8:	Roll Call Vote
Attachment 9:	Handout from NC Center for Voter Education
Attachment 10:	Visitor Registration Sheet

Attachment 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, May 11, 2011
TIME: 1:00 pm
LOCATION: 643 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 366	Special Election Dates.	Representative Warren Representative Cleveland Representative Brawley, Jr. Representative Bradley, Jr.
HB 514	Uniform Military and Overseas Voters Act.	Representative Martin Representative Killian Representative Lewis Representative Glazier
HB 576	Vacancy Special Election.	Representative Bradley, Jr.
HB 658	Change Early Voting Period.	Representative Jones, Jr. Representative Stam Representative Collins Representative Sager

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12 PM** o'clock on **May 10, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 2

Minutes

Committee on Elections

Wednesday, May 11, 2011

The House Committee on Elections met on Wednesday, May 11, 2011 in room 643 of the Legislative Office Building. Representative Justin Burr,Co-Chair, presided over the meeting. The following House members were present: Representative Current, Jones and Jordan Co-Chairs, Representatives Alexander, Blust, L. Brown, R. Brown, Bryant, Cotham, Dixon, Faircloth, Fisher, Floyd, Graham, Harrison, Iler, Justice, Martin, McLawhorn, Michaux, Mills, Mobley, T. Moore, Ross, Sager, Stam, Starnes, Warren, Weiss. A Visitor Registration Sheet is attached (Attachment #1) and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw and Denise Huntley Adams. The Chair called the meeting to order at 1:07 PM and recognized the sergeant at arms and pages for the day.

The first order of business was HB 366 Special Election Dates. Rep. Starnes made a motion that the Proposed Committee Substitute (Attachment #2) and Bill Summary (Attachment #3) be brought before the committee. The Chair asked Rep. Warren to explain the bill. The floor was open for discussion. A motion was made by Rep. R. Brown for a favorable to the PCS and unfavorable to the original bill (Attachment #4). The motion passed.

The second order of business was HB 514 Uniform Military and Overseas Voters Act. Rep. Current made a motion that the Proposed Committee Substitute (Attachment #5) and Bill Summary (Attachment #6) be brought before the committee. A Federal Requirement Certification was made part of the minutes (Attachment #7). Representative Martin explained the bill. After discussion on the bill by the committee, Rep. Weiss made a motion favorable to the PCS and unfavorable to the original bill (Attachment 8). A technical correction will be made to the PCS on Page 7, Line 4 from a dash to a period. The motion passed.

The third order of business was HB 658 Change Early Voting Period. Representative Jones explained the bill. After discussion Rep. Jordan made a motion that a favorable report be made. Rep. Michaux requested a roll call vote Rep. Michaux's request for roll call vote was sustained. The clerk called the roll (attachment 9). Rep. Jordan's motion for a favorable report passed by a roll call vote, 16 yes 14 no. The committee report with a favorable report was filed (Attachment 10).

The meeting was adjourned at 1:45 PM.

Representative Justin Burr, Co-Chair

Grace Rogers, Committee Clerk

ATTACHMENT 3

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for

HB 366 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT EXCEPT IN THE CASE OF AN EMERGENCY COUNTY SPECIAL ELECTIONS MAY BE HELD ONLY ON THE DATE OF THE GENERAL ELECTION AND MUNICIPAL SPECIAL ELECTIONS MAY BE HELD ONLY ON THE DATE OF THE GENERAL ELECTION OR THE DATE OF THE MUNICIPAL GENERAL ELECTION.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 366
PROPOSED COMMITTEE SUBSTITUTE H366-PCS30330-ST-19

Short Title: Special Election Dates. (Public)

Sponsors:

Referred to:

March 16, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT SPECIAL ELECTIONS MAY BE HELD ONLY ON THE DATE OF THE GENERAL ELECTION OR THE MUNICIPAL GENERAL ELECTION, RESPECTIVELY, EXCEPT IN CASES OF A PUBLIC HEALTH OR SAFETY EMERGENCY; AND TO ALLOW THE BOARD OF COUNTY COMMISSIONERS TO CALL A SPECIAL ELECTION TO FILL A VACANCY IN ELECTIVE OFFICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-287, as amended by S.L. 2011-31, reads as rewritten:

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

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

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

(c) Subsection (a) of this section shall not apply to any special election related to the public health or safety, including filling a vacancy in the office of sheriff or a bond referendum for financing of health and sanitation systems, if the governing body adopts a resolution stating the need for the special election at a time different from any other State, county, or municipal general election.

(d) Subsection (a) of this section shall not apply to municipal incorporation or recall elections pursuant to local act of the General Assembly."

SECTION 2. Article 1 of Chapter 163 is amended by adding a new section to read:

"**§ 163-3. Special elections.**

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

SECTION 3. Article 2 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-14. Special election to fill a vacancy.**

(a) Notwithstanding G.S. 153A-27, 153A-27.1, 162-5, or any other provision of law, if a vacancy occurs in an elective office and the vacancy is to be filled by the appointment of a county board of commissioners, the board of county commissioners may instead call a special election to fill that office for the remainder of the term in the manner it directs.

(b) The special election shall be conducted by the county board of elections.

(c) All special elections conducted under this section shall comply with G.S. 163-287. The board of county commissioners shall appoint an individual to fill the vacancy in the interim before the special election."

SECTION 4. G.S. 18B-601(f) reads as rewritten:

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

SECTION 5. G.S. 63-80(c) reads as rewritten:

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

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

[ ] YES [ ] NO"

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

SECTION 6. G.S. 63-87 reads as rewritten:

"**§ 63-87. Bond elections.**

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

SECTION 7. G.S. 69-25.1 reads as rewritten:

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

Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area lying outside the corporate limits of any city or town, which area is described in the petition and designated as "_____ Fire District," the board of county
(Here insert name)
commissioners of the county shall call ~~an~~ a special election in said district for the purpose of submitting to the qualified voters therein the question of levying and collecting a special tax on all taxable property in said district, of not exceeding fifteen cents (15¢) on the one hundred dollars ($100.00) valuation of property, for the purpose of providing fire protection in said district. The county tax office shall be responsible for checking the freeholder status of those

individuals signing the petition and confirming the location of the property owned by those individuals. Unless specifically excluded by other law, the provisions of Chapter 163 of the General Statutes concerning petitions for referenda and special elections shall apply. If the voters reject the special tax under the first paragraph of this section, then no new election may be held under the first paragraph of this section within two years on the question of levying and collecting a special tax under the first paragraph of this section in that district, or in any proposed district which includes a majority of the land within the district in which the tax was rejected.

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

SECTION 8. G.S. 69-25.2 reads as rewritten:

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

The board of county commissioners, after consulting with the county board of elections, shall set a date for the special election in accordance with G.S. 163-287 by resolution adopted. The county board of elections shall hold and conduct the election in the district. The county board of elections shall advertise and conduct said election, in accordance with the provisions of this Article and with the procedures prescribed in Chapter 163 governing the conduct of special and general elections. No new registration of voters shall be required, but the deadline by which unregistered voters must register shall be contained in the legal advertisement to be published by the county board of elections. The cost of holding the election to establish a district shall be paid by the county, provided that if the district is established, then the county shall be reimbursed the cost of the election from the taxes levied within the district, but the cost of an election to increase the allowable tax under G.S. 69-25.1 or to abolish a fire district under G.S. 69-25.10 shall be paid from the funds of the district."

SECTION 9. G.S. 105-465 reads as rewritten:

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

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

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

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

local sales and use tax on items subject to State sales and use tax at the general State rate and on food".

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

SECTION 10. G.S. 105-473(a) reads as rewritten:

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

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

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

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

SECTION 11. G.S. 105-507.1(a) reads as rewritten:

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

SECTION 12. G.S. 105-509(b) reads as rewritten:

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

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

SECTION 13. G.S. 105-510(b) reads as rewritten:

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

SECTION 14. G.S. 105-511.2(a) reads as rewritten:

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

SECTION 15. G.S. 105-537(b) reads as rewritten:

"(b) Vote. – The board of county commissioners may direct the county board of elections to conduct an advisory referendum on the question of whether to levy a local sales and use tax in the county as provided in this Article. The election shall be held ~~on a date jointly~~

~~agreed upon by the board of county commissioners and the board of elections and shall be held~~ in accordance with the procedures of G.S. 163-287."

SECTION 16. G.S. 105-601(b) reads as rewritten:

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

SECTION 17. G.S. 106-343 reads as rewritten:

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

The several boards of county commissioners in the State are hereby expressly authorized and empowered to make such appropriations from the general funds of their county as will enable them to cooperate effectively with the state Department of Agriculture and Consumer Services and Federal Department of Agriculture in the eradication of tuberculosis in their respective counties: Provided, that if in 10 days after said appropriation is voted, one fifth of the qualified voters of the county petition the board of commissioners to submit the question of tuberculosis eradication or no tuberculosis eradication to the voters of the county, said commissioners shall submit such questions to said voters. Said election shall be held and conducted under ~~the rules and regulations provided for holding stock law elections in G.S. 68-16, 68-20 and 68-21.~~G.S. 163-287. If at any such election a majority of the votes cast shall be in favor of said tuberculosis eradication, the said board shall record the result of the election upon its minutes, and cooperative tuberculosis eradication shall be taken up with the state Department of Agriculture and Consumer Services and Federal Department of Agriculture. If, however, a majority of the votes cast shall be adverse, then said board shall make no appropriation."

SECTION 18. G.S. 115C-501(h) reads as rewritten:

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

SECTION 19. G.S. 115C-501 is amended by adding a new subsection to read:

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

SECTION 20. G.S. 115D-33(d) reads as rewritten:

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

SECTION 21. G.S. 115D-35(a) reads as rewritten:

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

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

(2) Proposed single-county administrative area: Formal requests shall be submitted by the board of education of any public school administrative unit within the county of the proposed administrative area or by petition of fifteen percent (15%) of the number of qualified voters of the county who voted in the last preceding election for Governor, to the board of commissioners of the county of the proposed administrative area, who ~~may~~ shall fix the time for such election by resolution on a date permitted by G.S. 163-287, which shall be entered in the minutes of the board."

SECTION 22. G.S. 130A-69 reads as rewritten:

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

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

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

...."

SECTION 23. G.S. 139-39 reads as rewritten:

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

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

SECTION 24. G.S. 147-69.6(f) reads as rewritten:

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

SECTION 25. G.S. 153A-60 reads as rewritten:

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

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

(1) Briefly but completely describe the proposed alterations;

(2) Prescribe the manner of transition from the existing structure to the altered structure;

(3) Define the electoral districts, if any, and apportion the members among the districts;

(4) Call a special referendum on the question of adoption of the alterations. The referendum shall be held and conducted by the county board of elections. The referendum may be held only on a date permitted by G.S. 163-287. ~~at the same time as any other state, county or municipal primary, election, special election or referendum, or on any date set by the board of county commissioners, provided, that such referendum shall not be held within the period of time beginning 60 days before and ending 60 days after any other primary, election, special election or referendum held in the county.~~

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

SECTION 26. G.S. 153A-405(a) reads as rewritten:

"(a) If authorized to do so by the concurrent resolutions that established it, a commission may call a referendum on its proposed plan of governmental consolidation. If authorized or directed in the concurrent resolutions, the ballot question may include the assumption of debt secured by a pledge of faith and credit language and may also include the assumption of the right to issue authorized but unissued faith and credit debt language as provided in subsection (b) of this section. The referendum ~~may be held on the same day as any other referendum or election in the county or counties involved, but may not otherwise be held during the period~~

~~beginning 30 days before and ending 30 days after the day of any other referendum or election to be conducted by the board or boards of elections conducting the referendum and already validly called or scheduled by law.~~shall be held in accordance with G.S. 163-287."

SECTION 27. G.S. 158-16 reads as rewritten:

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

The board of county commissioners in any county is authorized and empowered to call a special election to determine whether it be the will of the qualified voters of said county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed five cents (5¢) on each one hundred dollars ($100.00) valuation of property in said county, to be known as an "industrial development tax," the funds therefrom, if the levy be authorized by the voters of said county, to be used for the purpose of attracting new and diversified industries to said county, and for the encouragement of new business and industrial ventures by local as well as foreign capital, and for the purpose of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial plants in said county, and for the purpose of encouraging agricultural development in said county. Any special election shall be conducted in accordance with G.S. 163-287."

SECTION 28. G.S. 159-61(b) reads as rewritten:

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

SECTION 29. G.S. 160A-103 reads as rewritten:

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

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

SECTION 30. G.S. 160A-104 reads as rewritten:

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

The people may initiate a referendum on proposed charter amendments. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the city equal to at least ten percent (10%) of the whole number of voters who are registered to vote in city elections according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall set forth the proposed amendments by describing them briefly but completely and with reference to the pertinent provisions of G.S. 160A-101, but it need not contain the precise text of the charter amendments necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of charter amendments. Upon receipt of a valid initiative petition, the council shall call a special election on the question of adopting the charter amendments proposed therein, and shall give public notice thereof in accordance with G.S. 163-287. The date of the special election shall be fixed ~~at~~ on a date permitted by G.S. 163-287.~~not more than 120 nor fewer than 60 days after receipt of the petition.~~ If a majority of the votes cast in the special election shall be in favor of the proposed changes, the council shall adopt an ordinance amending the charter to put them into effect. Such an ordinance shall not be subject to a referendum petition. No initiative petition may be filed (i) between the time the council initiates proceedings under G.S. 160A-102 by publishing a notice of hearing on proposed charter amendments and the time proceeding under that section have been carried to a conclusion either through adoption or rejection of a proposed ordinance or lapse of time, nor (ii) within one year and six months following the effective date of an ordinance amending the city charter pursuant to this Article, nor (iii) within one year and six months following the date of any election on charter amendments that were defeated by the voters.

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

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

SECTION 31. G.S. 160A-583 reads as rewritten:

"**§ 160A-583. Funds.**

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

SECTION 32. 162A-68(d) reads as rewritten:

"(d) If, at or prior to such public hearing, there shall be filed with the district board a petition, signed by not less than ten per centum (10%) of the qualified voters residing in the district, requesting an election to be held therein on the question of including the political subdivision or unincorporated area, the district board shall certify a copy of such petition to the board or boards of commissioners, and the board or boards of commissioners shall request the county board or boards of elections to submit such question to the qualified voters within the district in accordance with G.S. 163-287 and the other applicable provisions of Chapter 163 of

the General Statutes; provided, that the election shall not be held unless the Environmental Management Commission has adopted a resolution approving the inclusion of the political subdivision or unincorporated area in the district.

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

SECTION 33. G.S. 162A-77.1 reads as rewritten:

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

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

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

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

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

(1) All property, real and personal and mixed, including accounts receivable, belonging to such district shall vest in, belong to, and be the property of, such city or town. All district boards are hereby authorized to take such actions and to execute such documents as will carry into effect the provisions and the intent of this section.

(2) All judgments, liens, rights of liens, and causes of action of any nature in favor of such district shall vest in and remain and inure to the benefit of such city or town.

(3) All taxes, assessments, sewer charges, and any other debts, charges or fees, owing to such district shall be owed to and collected by such city or town.

(4) All actions, suits and proceedings pending against, or having been instituted by, such district shall not be abated by this section or by the merger herein provided for, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if merger had not occurred, and such city or town shall be a party to all such actions, suits, and proceedings in the place and stead of the district and shall pay or cause to be paid any judgments rendered against the district in any such actions, suits, or proceedings. No new process need be served in any such action, suit, or proceeding.

(5) All obligations of the district, including outstanding indebtedness, shall be assumed by such city or town, and all such obligations and outstanding indebtedness shall constitute obligations and indebtedness of such city or town, and the full faith and credit of such city or town shall be deemed to be pledged for the punctual payment of the principal of and the interest on any general obligation bonds or bond anticipation notes of such district, and all the taxable property within such city or town, as well as that formerly

located within the district, shall be and remain subject to taxation for such payment.

(6) All ordinances, rules, regulations, and policies of such district shall continue in full force and effect until repealed or amended by the governing body of such city or town.

(7) Such district shall be abolished, and shall no longer be constituted a public body or a body politic and corporate, except for the purposes of carrying into effect the provisions and the intent of this section.

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

Any action or proceeding in any court to set aside a special election held under authority of this section or the result thereof, or to obtain any other relief upon the ground that such election or any proceeding or action taken with respect to the holding of such election is invalid, must be commenced within 30 days after the day of such special election. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the election or the result thereof shall be asserted, nor shall the validity of the election or of the result thereof be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period."

SECTION 34. This act is effective January 1, 2012, and applies to special elections held on or after that date.

ATTACHMENT 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 366

Short Title:	Special Election Dates.	(Public)
Sponsors:	Representatives H. Warren, Cleveland, Brawley, and Bradley (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Elections.	

March 16, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT EXCEPT IN THE CASE OF AN EMERGENCY COUNTY SPECIAL ELECTIONS MAY BE HELD ONLY ON THE DATE OF THE GENERAL ELECTION AND MUNICIPAL SPECIAL ELECTIONS MAY BE HELD ONLY ON THE DATE OF THE GENERAL ELECTION OR THE DATE OF THE MUNICIPAL GENERAL ELECTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-287 reads as rewritten:

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

Any city, whether its elections are conducted by the county board of elections or the municipal board of elections, or any special district shall have authority to call special elections as permitted by law. Prior to calling a special election, the city council or the governing body of the special district shall adopt a resolution specifying the details of the election, and forthwith deliver the resolution to the appropriate board of elections. The resolution shall call on the board of elections to conduct the election described in the resolution and shall state the date on which the special election is to be conducted. ~~The~~ Except in the case of a bond referendum where the Local Government Commission has found an emergency to the public health or safety, a special election for a city may only be held at the same time as the municipal general election or at the same time as a State general election. Except in the case of a bond referendum where the Local Government Commission has found an emergency to the public health or safety, a special election for a county or special district may be held only at the same time as a State general election. ~~any other State, county or municipal primary, election or special election or referendum, but may not otherwise be held within the period of time beginning 30 days before and ending 30 days after the date of any other primary, election, special election or referendum held for that city or special district.~~

Legal notice of the special election shall be published no less than 45 days prior to the special election. The appropriate board of elections shall be responsible for publishing the legal notice. The notice shall state the date and time of the special election, the issue to be submitted to the voters, and the precincts in which the election will be held. This paragraph shall not apply to bond elections."

SECTION 2. G.S. 18B-601(f) reads as rewritten:

"(f) Election Date. – The board of elections shall set the date for the alcoholic beverage election, which may not be sooner than 60 days nor later than 120 days from the date the request was received from the governing body or the petition was verified by the ~~board.~~ board,

except if the next date permitted under G.S. 163-287 is after the expiration of the 120 day period, the election shall be held then. ~~No~~ An alcoholic beverage election may be ~~held on the Tuesday next after the first Monday in November of an even numbered year.~~ held only on a date permitted by G.S. 163-287."

SECTION 3. G.S. 105-465 reads as rewritten:

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

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

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

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

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

SECTION 4. G.S. 105-473(a) reads as rewritten:

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

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

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

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

SECTION 5. G.S. 160A-103 reads as rewritten:

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

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

SECTION 6. G.S. 160A-104 reads as rewritten:

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

The people may initiate a referendum on proposed charter amendments. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the city equal to at least ten percent (10%) of the whole number of voters who are registered to vote in city elections according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall set forth the proposed amendments by describing them briefly but completely and with reference to the pertinent provisions of G.S. 160A-101, but it need not contain the precise text of the charter amendments necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of charter amendments. Upon receipt of a valid initiative petition, the council shall call a special election on the question of adopting the charter amendments proposed therein, and shall give public notice thereof in accordance with G.S. 163-287. The date of the special election shall be fixed ~~at~~ on a date permitted by G.S. 163-287; but not more than 120 nor fewer than 60 days after receipt of the ~~petition.~~ petition, except if the next date permitted under G.S. 163-287 is after the expiration of the 120-day period, the election shall be held then. If a majority of the votes cast in the special election shall be in favor of the proposed changes, the council shall adopt an ordinance amending the charter to put them into effect. Such an ordinance shall not be subject to a referendum petition. No initiative petition may be filed (i) between the time the council initiates proceedings under G.S. 160A-102 by publishing a notice of hearing on proposed charter amendments and the time proceeding under that section have been carried to a conclusion either through adoption or rejection of a proposed ordinance or lapse of time, nor (ii) within one year and six months following the effective date of an ordinance amending the city charter pursuant to this Article, nor (iii) within one year and six months following the date of any election on charter amendments that were defeated by the voters.

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

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

SECTION 7. G.S. 153A-60 reads as rewritten:

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

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

(1) Briefly but completely describe the proposed alterations;

(2) Prescribe the manner of transition from the existing structure to the altered structure;

(3) Define the electoral districts, if any, and apportion the members among the districts;

(4) Call a special referendum on the question of adoption of the alterations. The referendum shall be held and conducted by the county board of elections. The referendum may be held only on a date permitted by G.S. 163-287. ~~at the same time as any other state, county or municipal primary, election, special election or referendum, or on any date set by the board of county commissioners, provided, that such referendum shall not be held within the period of time beginning 60 days before and ending 60 days after any other primary, election, special election or referendum held in the county.~~

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

SECTION 8. G.S. 159-61(b) reads as rewritten:

"(b) The date of a bond referendum shall be fixed by the governing board, but shall not be more than one year after adoption of the bond ~~order.~~ order, except if the next date permitted under G.S. 163-287 is after the expiration of the one-year period, the election shall be held then. Except if the Local Government Commission finds that an emergency to the public health or safety necessitates an earlier date, the election may be held only on a date permitted by G.S. 163-287. ~~The~~ If the Local Government Commission finds that an emergency to the public health or safety necessitates an earlier date, the governing board may call a special referendum for the purpose of voting on a bond issue on any day, including the day of any regular or special election held for another purpose (unless the law under which the bond referendum or other election is held specifically prohibits submission of other questions at the same time). A special bond referendum may not be held within 30 days before or 10 days after a statewide primary, election, or referendum, or within 30 days before or 10 days after any other primary, election, or referendum to be held in the same unit holding the bond referendum and already validly called or scheduled by law at the time the bond referendum is called. The clerk shall mail or deliver a certified copy of the resolution calling a special bond referendum to the board of elections that is to conduct it within three days after the resolution is adopted, but failure to observe this requirement shall not in any manner affect the validity of the referendum or bonds issued pursuant thereto. Bond referenda shall be conducted by the board of elections conducting regular elections of the county, city, or special district. In fixing the date of a bond referendum, the governing board shall consult the board of elections in order that the referendum shall not unduly interfere with other elections already scheduled or in process. Several bond orders or other matters may be voted upon at the same referendum."

SECTION 9. This act is effective with respect to elections held on or after January 1, 2012.

HOUSE BILL 366: Special Election Dates

2011-2012 General Assembly

Committee:	House Elections	**Date:**	April 20, 2011
Introduced by:	Reps. H. Warren, Cleveland, Brawley, Bradley	**Prepared by:**	Erika Churchill and Kara McCraw, Committee Counsels
Analysis of:	PCS to First Edition H366-CSST-19		

SUMMARY: ***The proposed committee substitute for House Bill 366 requires, with certain exceptions, that special elections be held at the same time as other general elections, and permits boards of county commissioners to call special elections to fill vacancies the board is authorized to fill by appointment.***

The proposed committee substitute incorporates House Bill 576, Vacancy Special Elections, introduced by Rep. Bradley and currently in House Elections. See Section 3 of the PCS.

CURRENT LAW:

Time to Conduct Special Elections: G.S. 163-287 currently permits municipalities and special districts to call special elections, with the time to conduct the special election set by resolution of the governing board. The election may be conducted at the same time as another primary, election, special election, or referendum, but may not otherwise be held within the 30 days before or after those elections. Other individual statutes authorize certain special elections, and may, or may not, set a time for the special election in that statute.

Special Elections Under Current Law:

- G.S. 18B-601 – Alcoholic beverage elections. – May be held within 60-120 days after request from governing body or verification of petition – may not be held on same day as statewide general elections.
- G.S. 63-87 – Bond elections for special airport districts.
- G.S. 63-80 – Election to create special airport districts.
- G.S. 69.25.1 and G.S. 69-25.2 – Election to establish special tax for rural fire protection districts.
- G.S. 105-465 – Election to adopt county 1% sales and use tax. May not be held on same day or within 60 days of biennial election of county officers.
- G.S. 105-473 – Election to repeal county 1% sales and use tax. May not be held on same day or within 60 days of biennial election of county officers.
- G.S. 105-507.1 – Advisory referendum on ½% local sales and use tax for public transportation systems in Mecklenburg County.
- G.S. 105-509 and G.S. 105-510 - Advisory referendum on ½% local sales and use tax for public transportation systems for the Triangle Regional Public Transportation Authority and Triad Regional Transportation Authority, respectively. May only be held in even-numbered years on the same date at the statewide primary or general election, or in odd-numbered years on the Tuesday after the 1st Monday in November or a date in September or October authorized for a municipal primary or election if one municipality in the county is holding an election on that date.
- G.S. 105-511.2 - Advisory referendum on ¼ % local sales and use tax for other counties which operate public transportation systems. May only be held in even-numbered years on the same date at the statewide primary or general election, or in odd-numbered years on the Tuesday after the 1st Monday in November or a date in September or October authorized for a municipal primary or election if one municipality in the county is holding an election on that date.
- G.S. 105-537 – Advisory referendum on ¼% additional local sales and use tax for counties.
- G.S. 105-601 – Referendum for levy of county real property transfer tax.
- G.S. 106-343 – Referendum on animal tuberculosis eradication.
- G.S. 115C-501 – Elections on levying, increasing, or abolishing supplemental tax for school districts, enlarging city school administrative units, voting school bonds, and annexing or consolidating with adjoining school districts.

- G.S. 115D-33 – Election on special tax levies, authority for appropriation of nontax revenues, or bonds for local financial support of existing community colleges.
- G.S. 115D-35 - Election on special tax levies, authority for appropriation of nontax revenues, or bonds for the purpose for establishing a community college.
- G.S. 130A-69 - Special election on annexation of territory into sanitary district.
- G.S. 139-39 – Special election on levying of watershed improvement tax.
- G.S. 147-69.6 – Advisory referendum on disbursement of principal of Swain County Settlement Trust Fund for a particular purpose – may be on same day as another referendum or election, but not within 30 days before or after and other election already validly called or scheduled by law.
- G.S. 153A-60 – Referendum on adoption of alterations to structure of county board of commissioners – may be held at same time as any other primary, election, special election or referendum but not within 60 days before or after those elections.
- G.S. 153A-405 – Referendum on proposed plan of local government consolidation and debt assumption – may be held on same day as another referendum or election but not within 30 days before or after those election already called or scheduled by law.
- G.S. 158-16 – Special election on levy of county industrial development tax.
- G.S. 159-61 – Referendum on local government bond issue — may not be held within 30 days before or 10 days after another primary, election, or referendum already called or scheduled.
- G.S. 160A-103 – Referendum on ordinance amending city charter. – Must be conducted between 60 and 120 days after receipt of the petition requesting the referendum.
- G.S. 160A-104 – Referendum on proposed amendments to city charter - Must be conducted between 60 and 120 days after receipt of the initiative petition requesting the referendum.
- G.S. 160A-583 – Special election on levy of tax or bonds for support of a municipal transit authority.
- G.S. 162A-68 – Election on inclusion of political subdivision or unincorporated section into a metropolitan sewerage district.
- G.S. 162A-77.1 – Special election on merger of metropolitan sewerage district into the city or town in which the district is located.

BILL ANALYSIS:

Section 1: Would amend G.S. 163-287 to require a special election called by any county, municipality, or special district must be held only at the same time as a State, county, or municipal general election, with the following exceptions:

- Special elections related to the public health or safety, including filling a sheriff vacancy or a bond referendum for financing of health and sanitation systems, if the governing body adopts a resolution stating the need for the special election at a different time from the general election.
- Municipal incorporation or recall elections pursuant to local act of the General Assembly.

Section 2: Would require that special elections be conducted at the times required by G.S. 163-287.

Section 3: Would provide the board of county commissioners the authority to call a special election to fill a vacancy in an elective office which the county board has the authority to fill by appointment. The special election must comply with G.S. 163-287, and the board must appoint an individual to fill the vacancy in the interim before the special election. (Incorporated from House Bill 576)

Sections 4- 30 would make conforming changes to require that all special elections be conducted in accordance with G.S. 163-287.

EFFECTIVE DATE: The act is effective for elections occurring on or after January 1, 2011, but may not be implemented until the session law has received 'preclearance' approval under Section 5 of the Voting Rights of 1965 by the U.S. Department of Justice.

H366-SMTC-15(CSST-19) v9

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 366
PROPOSED COMMITTEE SUBSTITUTE H366-CSST-19 [v.10]

5/3/2011 8:16:03 PM

Short Title: Special Election Dates. (Public)

Sponsors:

Referred to:

March 16, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT SPECIAL ELECTIONS MAY BE HELD ONLY ON THE DATE OF THE GENERAL ELECTION OR THE MUNICIPAL GENERAL ELECTION, RESPECTIVELY, EXCEPT IN CASES OF A PUBLIC HEALTH OR SAFETY EMERGENCY; AND TO ALLOW THE BOARD OF COUNTY COMMISSIONERS TO CALL A SPECIAL ELECTION TO FILL A VACANCY IN ELECTIVE OFFICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-287, as amended by S.L. 2011-31, reads as rewritten:

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

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

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

(c) Subsection (a) of this section shall not apply to any special election related to the public health or safety, including filling a vacancy in the office of sheriff or a bond referendum for financing of health and sanitation systems, if the governing body adopts a resolution stating the need for the special election at a time different from any other State, county or municipal general election.

(d) Subsection (a) of this section shall not apply to municipal incorporation or recall elections pursuant to local act of the General Assembly."

SECTION 2. Article 1 of Chapter 163 is amended by adding a new section to read:

"**§ 163-3. Special elections.**

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

SECTION 3. Article 2 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-14. Special election to fill a vacancy.**

(a) Notwithstanding G.S. 153A-27, 153A-27.1, 162-5, or any other provision of law, if a vacancy occurs in an elective office and the vacancy is to be filled by the appointment of a county board of commissioners, the board of county commissioners may instead call a special election to fill that office for the remainder of the term in the manner it directs.

(b) The special election shall be conducted by the county board of elections.

(c) All special elections conducted under this section shall comply with G.S. 163-287. The board of county commissioners shall appoint an individual to fill the vacancy in the interim before the special election.

SECTION 4. G.S. 18B-601(f) reads as rewritten:

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

SECTION 5. G.S. 63-80(c) reads as rewritten:

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

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

[ ] YES [ ] NO"

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

SECTION 6. G.S. 63-87 reads as rewritten:

"**§ 63-87. Bond elections.**

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

SECTION 7. G.S. 69-25.1 reads as rewritten:

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

Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area lying outside the corporate limits of any city or town, which area is described in the petition and designated as "_____ Fire District," the board of
(Here insert name)
county commissioners of the county shall call ~~an~~ a special election in said district for the purpose of submitting to the qualified voters therein the question of levying and collecting a special tax on all taxable property in said district, of not exceeding fifteen cents (15¢) on the one hundred dollars ($100.00) valuation of property, for the purpose of providing fire protection in said district. The county tax office shall be responsible for checking the freeholder

status of those individuals signing the petition and confirming the location of the property owned by those individuals. Unless specifically excluded by other law, the provisions of Chapter 163 of the General Statutes concerning petitions for referenda and special elections shall apply. If the voters reject the special tax under the first paragraph of this section, then no new election may be held under the first paragraph of this section within two years on the question of levying and collecting a special tax under the first paragraph of this section in that district, or in any proposed district which includes a majority of the land within the district in which the tax was rejected.

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

SECTION 8. G.S. 69-25.2 reads as rewritten:

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

The board of county commissioners, after consulting with the county board of elections, shall set a date for the special election in accordance with G.S. 163-287 by resolution adopted. The county board of elections shall hold and conduct the election in the district. The county board of elections shall advertise and conduct said election, in accordance with the provisions of this Article and with the procedures prescribed in Chapter 163 governing the conduct of special and general elections. No new registration of voters shall be required, but the deadline by which unregistered voters must register shall be contained in the legal advertisement to be published by the county board of elections. The cost of holding the election to establish a district shall be paid by the county, provided that if the district is established, then the county shall be reimbursed the cost of the election from the taxes levied within the district, but the cost of an election to increase the allowable tax under G.S. 69-25.1 or to abolish a fire district under G.S. 69-25.10 shall be paid from the funds of the district."

SECTION 9. G.S. 105-465 reads as rewritten:

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

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

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

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

local sales and use tax on items subject to State sales and use tax at the general State rate and on food".

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

SECTION 10. G.S. 105-473(a) reads as rewritten:

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

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

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

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

SECTION 11. G.S. 105-507.1(a) reads as rewritten:

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

SECTION 12. G.S. 105-509(b) reads as rewritten:

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

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

SECTION 13. G.S. 105-510(b) reads as rewritten:

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

SECTION 14. G.S. 105-511.2(a) reads as rewritten:

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

SECTION 15. G.S. 105-537(b) reads as rewritten:

"(b) Vote. – The board of county commissioners may direct the county board of elections to conduct an advisory referendum on the question of whether to levy a local sales and use tax in the county as provided in this Article. The election shall be held ~~on a date jointly~~

~~agreed upon by the board of county commissioners and the board of elections and shall be~~ held in accordance with the procedures of G.S. 163-287."

SECTION 16. G.S. 105-601(b) reads as rewritten:

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

SECTION 17. G.S. 106-343 reads as rewritten:

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

The several boards of county commissioners in the State are hereby expressly authorized and empowered to make such appropriations from the general funds of their county as will enable them to cooperate effectively with the state Department of Agriculture and Consumer Services and Federal Department of Agriculture in the eradication of tuberculosis in their respective counties: Provided, that if in 10 days after said appropriation is voted, one fifth of the qualified voters of the county petition the board of commissioners to submit the question of tuberculosis eradication or no tuberculosis eradication to the voters of the county, said commissioners shall submit such questions to said voters. Said election shall be held and conducted under ~~the rules and regulations provided for holding stock law elections in G.S. 68-16, 68-20 and 68-21.~~ G.S. 163-287. If at any such election a majority of the votes cast shall be in favor of said tuberculosis eradication, the said board shall record the result of the election upon its minutes, and cooperative tuberculosis eradication shall be taken up with the state Department of Agriculture and Consumer Services and Federal Department of Agriculture. If, however, a majority of the votes cast shall be adverse, then said board shall make no appropriation."

SECTION 18. G.S. 115C-501(h) reads as rewritten:

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

SECTION 19. G.S. 115C-501 is amended by adding a new subsection to read:

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

SECTION 20. G.S. 115D-33(d) reads as rewritten:

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

SECTION 21. G.S. 115D-35(a) reads as rewritten:

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

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

(2) Proposed single-county administrative area: Formal requests shall be submitted by the board of education of any public school administrative unit within the county of the proposed administrative area or by petition of fifteen percent (15%) of the number of qualified voters of the county who voted in the last preceding election for Governor, to the board of commissioners of the county of the proposed administrative area, who ~~may~~ shall fix the time for such election by resolution on a date permitted by G.S. 163-287, which shall be entered in the minutes of the board."

SECTION 22. G.S. 130A-69(a) reads as rewritten:

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

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

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

..."

SECTION 23. G.S. 139-39 reads as rewritten:

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

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

SECTION 24. G.S. 147-69.6(f) reads as rewritten:

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

SECTION 25. G.S. 153A-60 reads as rewritten:

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

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

(1) Briefly but completely describe the proposed alterations;

(2) Prescribe the manner of transition from the existing structure to the altered structure;

(3) Define the electoral districts, if any, and apportion the members among the districts;

(4) Call a special referendum on the question of adoption of the alterations. The referendum shall be held and conducted by the county board of elections. The referendum may be held only on a date permitted by G.S. 163-287. ~~at the same time as any other state, county or municipal primary, election, special election or referendum, or on any date set by the board of county commissioners, provided, that such referendum shall not be held within the period of time beginning 60 days before and ending 60 days after any other primary, election, special election or referendum held in the county.~~

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

SECTION 26. G.S. 153A-405(a) reads as rewritten:

"(a) If authorized to do so by the concurrent resolutions that established it, a commission may call a referendum on its proposed plan of governmental consolidation. If authorized or directed in the concurrent resolutions, the ballot question may include the assumption of debt secured by a pledge of faith and credit language and may also include the assumption of the right to issue authorized but unissued faith and credit debt language as provided in subsection (b) of this section. The referendum ~~may be held on the same day as any other referendum or election in the county or counties involved, but may not otherwise be held during the period~~

~~beginning 30 days before and ending 30 days after the day of any other referendum or election to be conducted by the board or boards of elections conducting the referendum and already validly called or scheduled by law.~~shall be held in accordance with G.S. 163-287."

SECTION 27. G.S. 158-16 reads as rewritten:

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

The board of county commissioners in any county is authorized and empowered to call a special election to determine whether it be the will of the qualified voters of said county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed five cents (5¢) on each one hundred dollars ($100.00) valuation of property in said county, to be known as an "industrial development tax," the funds therefrom, if the levy be authorized by the voters of said county, to be used for the purpose of attracting new and diversified industries to said county, and for the encouragement of new business and industrial ventures by local as well as foreign capital, and for the purpose of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial plants in said county, and for the purpose of encouraging agricultural development in said county. Any special election shall be conducted in accordance with G.S. 163-287."

SECTION 28. G.S. 159-61(b) reads as rewritten:

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

SECTION 29. G.S. 160A-103 reads as rewritten:

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

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

SECTION 30. G.S. 160A-104 reads as rewritten:

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

The people may initiate a referendum on proposed charter amendments. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the city equal to at least ten percent (10%) of the whole number of voters who are registered to vote in city elections according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall set forth the proposed amendments by describing them briefly but completely and with reference to the pertinent provisions of G.S. 160A-101, but it need not contain the precise text of the charter amendments necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of charter amendments. Upon receipt of a valid initiative petition, the council shall call a special election on the question of adopting the charter amendments proposed therein, and shall give public notice thereof in accordance with G.S. 163-287. The date of the special election shall be fixed ~~at~~ on a date permitted by G.S. 163-287. ~~not more than 120 nor fewer than 60 days after receipt of the petition.~~ If a majority of the votes cast in the special election shall be in favor of the proposed changes, the council shall adopt an ordinance amending the charter to put them into effect. Such an ordinance shall not be subject to a referendum petition. No initiative petition may be filed (i) between the time the council initiates proceedings under G.S. 160A-102 by publishing a notice of hearing on proposed charter amendments and the time proceeding under that section have been carried to a conclusion either through adoption or rejection of a proposed ordinance or lapse of time, nor (ii) within one year and six months following the effective date of an ordinance amending the city charter pursuant to this Article, nor (iii) within one year and six months following the date of any election on charter amendments that were defeated by the voters.

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

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

SECTION 31. G.S. 160A-583 reads as rewritten:

"**§ 160A-583. Funds.**

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

SECTION 32. 162A-68(d) reads as rewritten:

"(d) If, at or prior to such public hearing, there shall be filed with the district board a petition, signed by not less than ten per centum (10%) of the qualified voters residing in the district, requesting an election to be held therein on the question of including the political subdivision or unincorporated area, the district board shall certify a copy of such petition to the board or boards of commissioners, and the board or boards of commissioners shall request the county board or boards of elections to submit such question to the qualified voters within the district in accordance with G.S. 163-287 and the other applicable provisions of Chapter 163 of

the General Statutes; provided, that the election shall not be held unless the Environmental Management Commission has adopted a resolution approving the inclusion of the political subdivision or unincorporated area in the district.

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

SECTION 33. G.S. 162A-77.1 reads as rewritten:

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

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

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

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

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

(1) All property, real and personal and mixed, including accounts receivable, belonging to such district shall vest in, belong to, and be the property of, such city or town. All district boards are hereby authorized to take such actions and to execute such documents as will carry into effect the provisions and the intent of this section.

(2) All judgments, liens, rights of liens, and causes of action of any nature in favor of such district shall vest in and remain and inure to the benefit of such city or town.

(3) All taxes, assessments, sewer charges, and any other debts, charges or fees, owing to such district shall be owed to and collected by such city or town.

(4) All actions, suits and proceedings pending against, or having been instituted by, such district shall not be abated by this section or by the merger herein provided for, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if merger had not occurred, and such city or town shall be a party to all such actions, suits, and proceedings in the place and stead of the district and shall pay or cause to be paid any judgments rendered against the district in any such actions, suits, or proceedings. No new process need be served in any such action, suit, or proceeding.

(5) All obligations of the district, including outstanding indebtedness, shall be assumed by such city or town, and all such obligations and outstanding indebtedness shall constitute obligations and indebtedness of such city or town, and the full faith and credit of such city or town shall be deemed to be pledged for the punctual payment of the principal of and the interest on any general obligation bonds or bond anticipation notes of such district, and all the taxable property within such city or town, as well as that formerly

located within the district, shall be and remain subject to taxation for such payment.

(6) All ordinances, rules, regulations, and policies of such district shall continue in full force and effect until repealed or amended by the governing body of such city or town.

(7) Such district shall be abolished, and shall no longer be constituted a public body or a body politic and corporate, except for the purposes of carrying into effect the provisions and the intent of this section.

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

Any action or proceeding in any court to set aside a special election held under authority of this section or the result thereof, or to obtain any other relief upon the ground that such election or any proceeding or action taken with respect to the holding of such election is invalid, must be commenced within 30 days after the day of such special election. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the election or the result thereof shall be asserted, nor shall the validity of the election or of the result thereof be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period."

SECTION 34. This act is effective January 1, 2012, and applies to special elections held on or after that date.

Attachment 4

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for
HB 514 A BILL TO BE ENTITLED AN ACT TO ADOPT PROVISIONS OF THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT PROMULGATED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAW, WHILE RETAINING EXISTING NORTH CAROLINA LAW MORE BENEFICIAL TO THOSE VOTERS.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

Minutes 5/11/11
Attachment 4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 514
PROPOSED COMMITTEE SUBSTITUTE H514-PCS50339-TC-7

Short Title: Uniform Military and Overseas Voters Act. (Public)

Sponsors:

Referred to:

March 30, 2011

A BILL TO BE ENTITLED

AN ACT TO ADOPT PROVISIONS OF THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT PROMULGATED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAW, WHILE RETAINING EXISTING NORTH CAROLINA LAW MORE BENEFICIAL TO THOSE VOTERS.

The General Assembly of North Carolina enacts:

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

"Article 21A.

"Uniform Military and Overseas Voters Act.

"**§ 163-258.1. Short title.**

This Article may be cited as the Uniform Military and Overseas Voters Act.

"**§ 163-258.2. Definitions.**

As used in this Article:

(1) "Covered voter" means any of the following:

a. A uniformed-service voter or an overseas voter who is registered to vote in this State.

b. A uniformed-service voter defined in subdivision (7) of this section whose voting residence is in this State and who otherwise satisfies this State's voter eligibility requirements.

c. An overseas voter who, before leaving the United States, was last eligible to vote in this State and, except for a State residency requirement, otherwise satisfies this State's voter eligibility requirements.

d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this State had the voter then been of voting age and, except for a State residency requirement, otherwise satisfies this State's voter eligibility requirements.

e. An overseas voter who was born outside the United States, is not described in sub-subdivision c. or d. of this subdivision, and, except for a State residency requirement, otherwise satisfies this State's voter eligibility requirements, if:

1. The last place where a parent or legal guardian of the voter was, or under this Article would have been, eligible to vote before leaving the United States is within this State; and
2. The voter has not previously registered to vote in any other state.

(2) "Dependent" means an individual recognized as a dependent by a uniformed service.

(3) "Military-overseas ballot" means any of the following:

a. A federal write-in absentee ballot described in the Uniformed and Overseas Citizens Absentee Voting Act, section 103, 42 U.S.C. § 1973ff-2.

b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this Article.

c. A ballot cast by a covered voter in accordance with this Article.

(4) "Overseas voter" means a United States citizen who is outside the United States.

(5) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(6) "Uniformed service" means any of the following:

a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States.

b. The Merchant Marine, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration of the United States.

c. The National Guard and state militia units.

(7) "Uniformed-service voter" means an individual who is qualified to vote and is one of the following:

a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty.

b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States.

c. A member of the National Guard or state militia unit who is on activated status.

d. A spouse or dependent of a member referred to in this subdivision.

(8) "United States," used in the territorial sense, means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

"**§ 163-258.3. Elections covered.**

The voting procedures in this Article apply to all of the following:

(1) A primary, general, or special election for federal or State office.

(2) A State ballot measure.

(3) A primary, general, special, or runoff election for local government office or a local ballot measure if absentee balloting is allowed under Article 20 of this Chapter.

"**§ 163-258.4. Role of State Board of Elections.**

(a) The State Board of Elections is the State official responsible for implementing this Article and the State's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff, et seq.

(b) The State Board of Elections shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots. The State Board of Elections may delegate the responsibility under this subsection only to the State office designated in compliance with the Uniformed and Overseas Citizens Absentee Voting Act, section 102(b)(1), 42 U.S.C. § 1973ff-1(b)(1).

(c) The State Board of Elections shall establish an electronic transmission system through which covered voters may apply for and receive voter registration materials, military-overseas ballots, and other information under this Article.

(d) The State Board of Elections shall develop standardized absentee-voting materials, including privacy and transmission envelopes and their electronic equivalents, authentication materials, and voting instructions, to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in this State, and, to the extent reasonably possible, shall do so in coordination with other states.

(e) The State Board of Elections shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot. The declaration shall be based on the declaration prescribed to accompany a federal write-in absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, section 103, 42 U.S.C. § 1973ff-2, as modified to be consistent with this Article. The State Board of Elections shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

"**§ 163-258.5. Overseas voter's registration address.**

In registering to vote, an overseas voter who is eligible to vote in this State shall use and shall be assigned to the precinct of the address of the last place of residence of the voter in this State, or, in the case of a voter described by G.S. 163-258.2(1)e., the address of the last place of residence in this State of the parent or legal guardian of the voter. If that address is no longer a recognized residential address, the voter shall be assigned an address for voting purposes.

"**§ 163-258.6. Methods of registering to vote.**

(a) In addition to any other approved method for registering to vote, a covered voter may use a federal postcard application, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, section 101(b)(2), 42 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent, to apply to register to vote.

(b) A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, section 103, 42 U.S.C. § 1973ff-2, to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot.

(c) The State Board of Elections shall ensure that the electronic transmission system described in G.S. 163-258.4(c) is capable of accepting both a federal postcard application and any other approved electronic registration application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to register to vote.

(d) A covered voter's registration to vote by any method authorized by this section may be received at any time prior to the primary or election, but no later than 5:00 P.M. on the day before the primary or election.

"**§ 163-258.7. Methods of applying for military-overseas ballot.**

(a) A covered voter who is registered to vote in this State may apply for a military-overseas ballot using either the regular application provided by Article 20 of this Chapter or the federal postcard application, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, section 101(b)(2), 42 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent.

(b) A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote under G.S. 163-258.6 and to apply for a military-overseas ballot.

(c) The State Board of Elections shall ensure that the electronic transmission system described in G.S. 163-258.4(c) is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.

(d) A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, section 103, 42 U.S.C. § 1973ff-2, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official no later than 5:00 P.M. on the day before the election.

(e) To receive the benefits of this Article, a covered voter shall inform the appropriate election official that the voter is a covered voter. Methods of informing the appropriate election official that a voter is a covered voter include any of the following:

(1) The use of a federal postcard application or federal write-in absentee ballot.

(2) The use of an overseas address on an approved voter registration application or ballot application.

(3) The inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

(f) This Article does not preclude a covered voter from voting an absentee ballot under Article 20 of this Chapter.

"**§ 163-258.8. Timeliness and scope of application for military-overseas ballot.**

An application for a military-overseas ballot is timely if received by the appropriate election official by 5:00 P.M. of the day before the election or primary. An application from a covered voter for a military-overseas ballot shall be considered a valid absentee ballot request for any election covered under G.S. 163-258.3 held during the calendar year in which the application was received.

"**§ 163-258.9. Transmission of unvoted ballots.**

(a) Not later than 60 days before the statewide general election in even-numbered years and not later than 50 days before any other election, the county board of elections shall transmit a ballot and balloting materials to all covered voters who by that date submit a valid military-overseas ballot application, except for a second primary. However, in the case of municipal elections, absentee ballots shall be made available no later than 30 days before an election. For a second primary which includes a candidate for federal office, the county board of elections shall transmit a ballot and balloting material to all covered voters who by that date submit a valid military-overseas ballot application no later than 45 days before the second primary. For a second primary which does not include a candidate for federal office, the transmission of the ballot and ballot materials shall be as soon as practicable, and shall be transmitted electronically no later than three business days and by mail no later than 15 days from the date the appropriate board of elections orders that the second primary be held pursuant to G.S. 163-111. If additional offices are added to the ballot to fill a vacancy occurring after the deadline provided by this subsection, those ballots shall be transmitted as soon as practicable.

(b) A covered voter who requests that a ballot and balloting materials be sent to the voter by electronic transmission may choose facsimile transmission or electronic mail delivery, or, if offered by the voter's jurisdiction, Internet delivery. The election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot and balloting materials to the voter using the means of transmission chosen by the voter.

(c) If a ballot application from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to voters, the official charged with distributing a ballot and balloting materials shall transmit them to the voter not later than two business days after the application arrives.

"**§ 163-258.10. Timely casting of ballot.**

To be valid, a military-overseas ballot shall either be received by the appropriate county board of elections no later than the close of the polls or the covered voter shall submit the ballot for mailing, electronic transmission, or other authorized means of delivery not later than 12:01 A.M., at the place where the voter completes the ballot, on the date of the election.

"**§ 163-258.11. Federal write-in absentee ballot.**

A covered voter may use the federal write-in absentee ballot, in accordance with the Uniformed and Overseas Citizens Absentee Voting Act, section 103, 42 U.S.C. § 1973ff-2, to vote for all offices and ballot measures in a covered election.

"**§ 163-258.12. Receipt of voted ballot.**

(a) A valid military-overseas ballot cast in accordance with G.S. 163-258.10 shall be counted if it is delivered to the address that the appropriate State or local election office has specified by the end of business on the business day before the canvass conducted by the county board of elections held pursuant to G.S. 163-182.5 to determine the final official results.

(b) If the ballot is timely received, it may not be rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.

"**§ 163-258.13. Declaration.**

Each military-overseas ballot shall include or be accompanied by a declaration signed by the voter declaring that a material misstatement of fact in completing the document may be grounds for a conviction of perjury under the laws of the United States or this State.

"**§ 163-258.14. Confirmation of receipt of application and voted ballot.**

The State Board of Elections, in coordination with local election officials, shall implement an electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet whether:

(1) The voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted; and

(2) The voter's military-overseas ballot has been received and the current status of the ballot.

"**§ 163-258.15. Use of voter's electronic mail address.**

(a) The county board of elections shall request an electronic-mail address from each covered voter who registers to vote after January 1, 2012. An electronic-mail address provided by a covered voter is not a public record under Chapter 132 of the General Statutes. The address may be used only for official communication with the voter about the voting process, including transmitting military-overseas ballots and election materials if the voter has requested electronic transmission, and verifying the voter's mailing address and physical location, as needed. The request for an electronic-mail address shall describe the purposes for which the electronic-mail address may be used and include a statement that any other use or disclosure of the electronic-mail address is prohibited.

(b) A covered voter who provides an electronic-mail address may request that the voter's application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the application or another shorter period the voter specifies, including for any runoff elections that occur as a result of such elections. An election official shall provide a military-overseas ballot to a voter who makes a request for each election to which the request is applicable. A covered voter entitled to receive a military-overseas ballot for a primary election under this subsection is also entitled to receive a military-overseas ballot for the general election.

"**§ 163-258.16. Publication of election notice.**

(a) Not later than 100 days before a regularly scheduled election to which this Article applies, and as soon as practicable in the case of an election or vacancy election not regularly scheduled, each county board of elections shall prepare an election notice for that jurisdiction to be used in conjunction with the federal write-in absentee ballot described in G.S. 163-258.11. For a second primary required by G.S 163-111, the county board of elections shall prepare, no later than the day following the date the appropriate board of elections orders that a second primary be held, an election notice for that jurisdiction to be used in conjunction with the federal write-in absentee ballot. The election notice shall contain a list of all of the ballot measures and federal, State, and local offices that as of that date the official expects to be on the ballot on the date of the election. The notice also shall contain specific instructions for how a voter is to indicate on the federal write-in absentee ballot the voter's choice for each office to be filled and for each ballot measure to be contested.

(b) A covered voter may request a copy of an election notice. The official charged with preparing the election notice shall send the notice to the voter by facsimile, electronic mail, or regular mail, as the voter requests.

(c) As soon as ballot styles are printed, the county board of elections shall update the notice with the certified candidates for each office and ballot measure questions and make the updated notice publicly available.

(d) A county board of elections that maintains an Internet Web site shall make updated versions of its election notices regularly available on the Web site.

"**§ 163-258.17. Prohibition of nonessential requirements.**

(a) If a voter's mistake or omission in the completion of a document under this Article does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonessential requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted under this Article. In any write-in ballot authorized by this Article or in any vote for a write-in candidate on a regular ballot, if the intention of the voter is discernable under this State's uniform definition of what constitutes a vote, as required by the Help America Vote Act, 42 U.S.C. § 15481(a)(6), an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be accepted as a valid vote.

(b) An authentication, other than the declaration specified in G.S. 163-278.13 or the declaration on the federal postcard application and federal write-in absentee ballot, is not required for execution of a document under this Article. The declaration and any information in the declaration may be compared against information on file to ascertain the validity of the document.

"**§ 163-258.18. Issuance of injunction or other equitable relief.**

A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, this Article on application by:

(1) A covered voter alleging a grievance under this Article; or

(2) An election official in this State.

"**§ 163-258.19. Uniformity of application and construction.**

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

"**§ 163-258.20. Relation to Electronic Signatures in Global and National Commerce Act.**

This Article modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001, et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. § 7003(b)."

SECTION 2. Article 21 of Chapter 163 of the General Statutes is repealed, except that G.S. 163-251, 253, 254, 255, 256, and 258 are recodified as G.S. 163-258.21 through G.S. 163-258.26, respectively, and as such read as rewritten:

"**§ ~~163-258-21.~~163-258.21 Certified list of approved ~~military-absentee~~military-overseas ballot applications; record of ballots received; disposition of list; list constitutes registration.**

(a) Preparation of List. – The ~~chairman~~ chair of the county board of elections shall prepare, or cause to be prepared, a list in quadruplicate of all ~~military-absentee~~military-overseas ballots returned to the county board of elections under this Article to be counted which have been approved by the county board of elections. At the end of the list the ~~chairman~~ chair shall execute the following certificate under oath:

"State of North Carolina
County of _____
I, _____, ~~Chairman~~ Chair of the _____ County Board of Elections, do hereby certify that the foregoing is a list of all executed ~~military-absentee~~military-overseas ballots to be voted in the election to be conducted on the _____ day of _____, _____, which have been approved by the County Board of Elections. I further certify that I have issued ballots to no other persons than those listed herein and further that I have not delivered ~~military-absentee~~military-overseas ballots to persons other than those listed herein; that this list constitutes the only precinct registration of ~~military-absentee~~covered voters whose names have not heretofore been entered on the regular registration of the appropriate precinct.
This the _____ day of _____, _____.

_____
(Signature of ~~Chairman~~ Chair of County Board of Elections)
Sworn to and subscribed before me this _____ day of _____, _____

_____
(Signature of Officer administering oath)

_____
(Title of officer)"

(b) Distribution of List. – No earlier than 3:00 P.M. on the day before the election and no later than 10:00 A.M. on election day, the ~~chairman~~ chair shall cause one copy of the list of executed ~~military-absentee~~military-overseas ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately deposited as first-class mail to the State Board of Elections. The ~~chairman~~ chair shall retain one copy in the board office for public inspection and ~~he~~ shall cause two copies of the appropriate precinct list to be delivered to the chief judge of each precinct in the county. The chief judge shall post one copy in the voting place and retain one copy until all challenges of absentee ballots have been heard by the county board of elections. Challenges shall be made as provided in G.S. 163-89.

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

(c) List Constitutes Registration. – The "List of Applicants for ~~Military Absentee~~Military-Overseas Ballots to Whom Ballots Have Been Issued" prescribed by this

section, when delivered to the chief judges of the various precincts, shall constitute the only precinct registration of the ~~military-absentee~~covered voters listed thereon whose names are not already entered in the registration records of the appropriate precinct. Chief judges shall not add the names of persons listed on the ~~military-absentee~~ covered voters list to the regular registration books of their precincts.

(d) Counting Ballots, Hearing Challenges. – The county board of elections shall count ~~military~~ military-overseas ballots as provided for civilian absentee ballots in G.S. 163-234, and shall hear challenges as provided in G.S. 163-89.

"§ 163-258.22. Article inapplicable to persons after change of status; reregistration not required.

~~Upon discharge from the armed forces of the United States or termination of any other status qualifying the voter to register and vote by absentee ballot~~An individual who no longer qualifies as a covered voter under the provisions of this ~~Article, the voter~~Article shall not be entitled subsequently to vote by ~~military absentee ballot,~~military-overseas ballot under this Article, but if the covered voter was registered under the provisions of this Article that voter's registration shall remain valid for the remainder of the calendar year that voter registered, and that voter shall be entitled to vote in any primary or election for the remainder of the calendar year without having to reregister. If requested by election officials, the voter shall present proof of military status at the time of registration. This section does not entitle a person to vote in North Carolina if that person has become disqualified because of change of permanent residence to another State or because of conviction of a felony.

"§ 163-258.23. Registration and voting on primary or election day.

Notwithstanding any other provisions of ~~Chapter 163 of the General Statutes,~~ this Chapter, an individual shall be permitted to register in person at any time the office of the board of elections or the voting place is open, including the day of a primary or election if that individual was absent on the day the registration records close for an election, but returns to that individual's county of residence in North Carolina thereafter, and if the absence is due to uniformed service as defined by G.S. 163-258.2. ~~an occupation or status of that individual listed below:~~

~~(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 individuals 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.~~

If an individual so absent on the day registration closes shall appear in person at the voting place on election day and is otherwise eligible to vote, that individual shall be entitled to register and vote at the voting place that day, regardless of whether the person's ~~occupation or status as outlined in subdivisions (1) through (5) of this section~~ uniformed service status has changed since the close of registration.

"§ 163-258.24. Absentee voting at office of board of elections.

Notwithstanding any other provisions of ~~Chapter 163 of the General Statutes,~~ this Chapter, any ~~person eligible to vote an absentee ballot pursuant to G.S. 163-245~~covered voter under this Article shall be permitted to vote an absentee ballot pursuant to G.S. 163-227.2 if the ~~person~~ covered voter has not already voted an absentee ballot which has been returned to the board of

elections, and if ~~he~~ the covered voter will not be in the county on the day of the primary or election.

In the event an absentee application or ballot has already been mailed to ~~such person~~the covered voter applying to vote pursuant to G.S. 163-227.2, the board of elections shall void the application and ballot unless the voted absentee ballot has been received by the board of elections. ~~Such person~~The covered voter shall be eligible to vote pursuant to G.S. 163-227.2 no later than 5:00 P.M. on the day next preceding the primary, second primary or election.

"§ 163-258.25. 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,~~ 163-278.23 and G.S. 163-278.24 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 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~~covered 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.

"§ 163-258.26. Emergency powers.

If an international, national, or local emergency or other situation arises that makes substantial compliance with this Article or the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, the State Board of Elections may prescribe, by emergency rule, such special procedures or requirements as may be necessary to facilitate absentee voting by those absent uniformed services voters or overseas voters directly affected who are eligible to vote in this State. The rule shall become effective when filed with the Codifier of Rules."

SECTION 3. G.S. 163-22(k) reads as rewritten:

"(k) Notwithstanding the provisions contained in Article 20 or Article ~~21~~ 21A of Chapter 163 the State Board of Elections shall be authorized, by resolution adopted prior to the printing of the primary ballots, to reduce the time by which absentee ballots are required to be printed and distributed for the primary election from 50 days to 45 days. This authority shall not be authorized for absentee ballots to be voted in the general election, except if the law requires ballots to be available for mailing 60 days before the general election, and they are not ready by that date, the State Board of Elections shall allow the counties to mail them out as soon as they are available."

SECTION 4. G.S. 163-111(e) reads as rewritten:

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

There shall be no registration of voters between the dates of the first and second primaries. Persons whose qualifications to register and vote mature after the day of the first primary and before the day of the second primary may register on the day of the second primary and, when thus registered, shall be entitled to vote in the second primary. The second primary is a continuation of the first primary and any voter who files a proper and timely written affirmation

of change of address within the county under the provisions of G.S. 163-82.15, in the first primary may vote in the second primary without having to refile that written affirmation if ~~he~~ the voter is otherwise qualified to vote in the second primary. Subject to this provision for registration, the second primary shall be held under the laws, rules, and regulations provided for the first primary."

SECTION 5. G.S. 163-231(b) reads as rewritten:

"(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed container-return envelope in which executed absentee ballots have been placed shall be transmitted to the county board of elections who issued them as follows: All ballots issued under the provisions of Articles 20 and ~~21~~ 21A of this Chapter shall be transmitted by mail or by commercial courier service, at the voter's expense, or delivered in person, or by the voter's near relative or verifiable legal guardian not later than 5:00 p.m. on the day before the statewide primary or general election or county bond election. Ballots issued under the provisions of Article 21A may also be electronically transmitted. If ballots are received later than that hour, they shall not be accepted unless (i) federal law so requires, (ii) if ballots issued under Article 20 of this Chapter are postmarked by the day of the statewide primary or general election or county bond election and are received by the county board of elections not later than three days after the election by 5:00 p.m., or (iii) if ballots issued under Article ~~21~~ 21A of this Chapter are received by the county board of elections not later than the end of business on the business day before the canvass conducted by the county board of elections held pursuant to G.S. 163-182.5. ~~three days after the election by 5:00 p.m.~~ Ballots issued under Article 20 of this Chapter not postmarked by the day of the election shall not be accepted by the county board of elections."

SECTION 6. G.S. 163-232.1(b) reads as rewritten:

"(b) The county board of elections shall prepare, or cause to be prepared, a list in at least triplicate, of all ~~military-absentee~~military-overseas ballots issued under Article ~~21~~ 21A of this Chapter and returned to the county board of elections to be counted, which have been approved by the county board of elections, have not been included on the certified list prepared pursuant to G.S. 163-232, and which have been received by the county board of elections not later than three days after the election by 5:00 p.m. The list shall be supplemented with new information each business day following the day of the election until the deadline for receipt of such absentee ballots. At the end of the list, the ~~chairman~~ chair shall execute the following certificate under oath:

"State of North Carolina

County of _____

I, _____, ~~chairman~~ chair of the _____ County Board of Elections, do hereby certify that the foregoing is a list of all executed ~~military-absentee~~military-overseas ballots to be voted in the election to be conducted on the ____ day of _____, _____, which have been approved by the county board of elections, and which have been postmarked by the day of the statewide primary or general election or county bond election and received by the county board of elections not later than three days after the election by 5:00 p.m. I further certify that I have issued ballots to no other persons than those listed herein and further that I have not delivered ~~military-absentee~~military-overseas ballots to persons other than those listed herein; that this list constitutes the only precinct registration of ~~military-absentee~~covered voters whose names have not heretofore been entered on the regular registration of the appropriate precinct.

This the _____ day of _____, _____

_____

(Signature of ~~chairman~~ chair of
county board of elections)

Sworn to and subscribed before me this _____ day of _____, ____.

Witness my hand and official seal.

(Signature of officer administering oath)

(Title of officer)".

SECTION 7. G.S. 163-234(2) reads as rewritten:

"(2) The county board of elections shall meet at 5:00 p.m. on election day in the board office or other public location in the county courthouse for the purpose of counting all absentee ballots except those which have been challenged before 5:00 p.m. on election day and those received pursuant to G.S. 163-231(b)(ii) or (iii). Any elector of the county shall be permitted to attend the meeting and allowed to observe the counting process, provided the elector shall not in any manner interfere with the election officials in the discharge of their duties.

Provided, that the county board of elections is authorized to begin counting absentee ballots issued under Article 21A of this Chapter between the hours of 9:00 A.M. and 5:00 P.M and to begin counting all absentee ballots between the hours of 2:00 p.m. and 5:00 p.m. upon the adoption of a resolution at least two weeks prior to the election wherein the hour and place of counting absentee ballots shall be stated. Such resolution also may provide for an additional meeting following the day of the election and prior to the day of canvass to count absentee ballots received pursuant to G.S. 163-231(b)(ii) or (iii) as provided in subdivision (10) of this section. A copy of the resolutions shall be published once a week for two weeks prior to the election, in a newspaper having general circulation in the county. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. The count shall be continuous until completed and the members shall not separate or leave the counting place except for unavoidable necessity, except that if the count has been completed prior to the time the polls close, it shall be suspended until that time pending receipt of any additional ballots. Nothing in this section shall prohibit a county board of elections from taking preparatory steps for the count earlier than the times specified in this section, as long as the preparatory steps do not reveal to any individual not engaged in the actual count election results before the times specified in this subdivision for the count to begin. By way of illustration and not limitation, a preparatory step for the count would be the entry of tally cards from direct record electronic voting units into a computer for processing. The board shall not announce the result of the count before 7:30 p.m."

SECTION 8. G.S. 163-239 reads as rewritten:

"**§ 163-239. Article ~~21~~ 21A relating to absentee voting by ~~servicemen and certain civilians~~ military and overseas voters not applicable.**

Except as otherwise provided therein, Article ~~21~~ 21A of this ~~Chapter, relating to absentee registration and voting by servicemen and certain civilians,~~ Chapter shall not apply to or modify the provisions of this Article."

SECTION 9. This act becomes effective January 1, 2012.

Attachment 4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 514

Short Title:	Uniform Military and Overseas Voters Act.	(Public)
Sponsors:	Representatives Martin, Killian, Lewis, and Glazier (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Homeland Security, Military, and Veterans Affairs, if favorable, Elections.	

March 30, 2011

A BILL TO BE ENTITLED

AN ACT TO ADOPT PROVISIONS OF THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT PROMULGATED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAW, WHILE RETAINING EXISTING NORTH CAROLINA LAW MORE BENEFICIAL TO THOSE VOTERS.

The General Assembly of North Carolina enacts:

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

"Article 21A.

"Uniform Military and Overseas Voters Act.

"**§ 163-258.1. Short title.**

This Article may be cited as the Uniform Military and Overseas Voters Act.

"**§ 163-258.2. Definitions.**

As used in this Article:

(1) "Covered voter" means:

a. A uniformed-service voter or an overseas voter who is registered to vote in this State;

b. A uniformed-service voter defined in subdivision (7) of this section whose voting residence is in this State and who otherwise satisfies this State's voter eligibility requirements;

c. An overseas voter who, before leaving the United States, was last eligible to vote in this State and, except for a state residency requirement, otherwise satisfies this State's voter eligibility requirements;

d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this State had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this State's voter eligibility requirements; or

e. An overseas voter who was born outside the United States, is not described in sub-subdivision c. or d. of this subdivision, and, except for a State residency requirement, otherwise satisfies this State's voter eligibility requirements, if:

1. The last place where a parent or legal guardian of the voter was, or under this Article would have been, eligible to vote before leaving the United States is within this State; and

2. The voter has not previously registered to vote in any other state.

(2) "Dependent" means an individual recognized as a dependent by a uniformed service.

(3) "Military-overseas ballot" means:

a. A federal write-in absentee ballot described in the Uniformed and Overseas Citizens Absentee Voting Act, Section 103, 42 U.S.C. § 1973ff-2;

b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this Article; or

c. A ballot cast by a covered voter in accordance with this Article.

(4) "Overseas voter" means a United States citizen who is outside the United States.

(5) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(6) "Uniformed service" means:

a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States;

b. The Merchant Marine, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; and

c. The National Guard and state militia units.

(7) "Uniformed-service voter" means an individual who is qualified to vote and is:

a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

c. A member of the National Guard or state militia unit who is on activated status; or

d. A spouse or dependent of a member referred to in this subdivision.

(8) "United States," used in the territorial sense, means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

"**§ 163-258.3. Elections covered.**

The voting procedures in this Article apply to:

(1) A primary, general, or special election for federal or State office;

(2) A State ballot measure; and

(3) A primary, general, special, or runoff election for local government office or a local ballot measure if absentee balloting is allowed under Article 20 of this Chapter.

"**§ 163-258.4. Role of State Board of Elections.**

(a) The State Board of Elections is the State official responsible for implementing this Article and the State's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff, et seq.

(b) The State Board of Elections shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots. The State Board of Elections may delegate the responsibility under

this subsection only to the State office designated in compliance with the Uniformed and Overseas Citizens Absentee Voting Act, Section 102(b)(1), 42 U.S.C. § 1973ff-1(b)(1).

(c) The State Board of Elections shall establish an electronic transmission system through which covered voters may apply for and receive voter registration materials, military-overseas ballots, and other information under this Article.

(d) The State Board of Elections shall develop standardized absentee-voting materials, including privacy and transmission envelopes and their electronic equivalents, authentication materials, and voting instructions, to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

(e) The State Board of Elections shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, Section 103, 42 U.S.C. § 1973ff-2, as modified to be consistent with this Article. The State Board of Elections shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

"**§ 163-258.5. Overseas voter's registration address.**

In registering to vote, an overseas voter who is eligible to vote in this State shall use and must be assigned to the precinct of the address of the last place of residence of the voter in this State, or, in the case of a voter described by G.S. 163-258.2(1)e, the address of the last place of residence in this State of the parent or legal guardian of the voter. If that address is no longer a recognized residential address, the voter must be assigned an address for voting purposes.

"**§ 163-258.6. Methods of registering to vote.**

(a) In addition to any other approved method for registering to vote, a covered voter may use a federal postcard application, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Section 101(b)(2), 42 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent, to apply to register to vote.

(b) A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Section 103, 42 U.S.C. § 1973ff-2, to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the deadline to register to vote provided by G.S. 163-82.6(c).

(c) The State Board of Elections shall ensure that the electronic transmission system described in G.S. 163-258.4(c) is capable of accepting both a federal postcard application and any other approved electronic registration application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to register to vote.

"**§ 163-258.7. Methods of applying for military-overseas ballot.**

(a) A covered voter who is registered to vote in this State may apply for a military-overseas ballot using either the regular application provided by Article 20 of this Chapter or the federal postcard application, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Section 101(b)(2), 42 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent.

(b) A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote under G.S. 163-258.7 and to apply for a military-overseas ballot.

(c) The State Board of Elections shall ensure that the electronic transmission system described in G.S. 163-258.4(c) is capable of accepting the submission of both a federal

postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.

(d) A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Section 103, 42 U.S.C. § 1973ff-2, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official by the deadline provided by G.S. 163-230.1(a).

(e) To receive the benefits of this Article, a covered voter must inform the appropriate election official that the voter is a covered voter. Methods of informing the appropriate election official that a voter is a covered voter include:

(1) The use of a federal postcard application or federal write-in absentee ballot;

(2) The use of an overseas address on an approved voter registration application or ballot application; and

(3) The inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

(f) This Article does not preclude a covered voter from voting an absentee ballot under Article 20 of this Chapter.

"**§ 163-258.8. Timeliness and scope of application for military-overseas ballot.**

An application for a military-overseas ballot is timely if received by the deadline provided by G.S. 163-230.1(a). An application for a military-overseas ballot for a primary election, whether or not timely, is effective as an application for a military-overseas ballot for the general election. An application for a military-overseas ballot for a primary is effective for the second primary election.

"**§ 163-258.9. Transmission of unvoted ballots.**

(a) Not later than 60 days before the statewide general election in even-numbered years and not later than 50 days before any other election, the county board of elections shall transmit a ballot and balloting materials to all covered voters who by that date submit a valid military-overseas ballot application, except that for a second primary the transmission shall be as soon as practicable. If additional offices are added to the ballot to fill a vacancy occurring after the deadline provided by this subsection, those ballots shall be transmitted as soon as practicable.

(b) A covered voter who requests that a ballot and balloting materials be sent to the voter by electronic transmission may choose facsimile transmission or electronic mail delivery, or, if offered by the voter's jurisdiction, Internet delivery. The election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot and balloting materials to the voter using the means of transmission chosen by the voter.

(c) If a ballot application from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to voters, the official charged with distributing a ballot and balloting materials shall transmit them to the voter not later than two business days after the application arrives.

"**§ 163-258.10. Timely casting of ballot.**

To be valid, a military-overseas ballot must be received by the appropriate county board of elections no later than 5:00 P.M. on the third day after the election.

"**§ 163-258.11. Federal write-in absentee ballot.**

A covered voter may use the federal write-in absentee ballot, in accordance with the Uniformed and Overseas Citizens Absentee Voting Act, Section 103, 42 U.S.C. § 1973ff-2, to vote for all offices and ballot measures in a covered election.

"**§ 163-258.12. Receipt of voted ballot.**

(a) A valid military-overseas ballot cast in accordance with G.S. 163-258.10 must be counted if it is delivered by the end of business on the business day before the latest deadline for completing the county canvass or other local tabulation used to determine the final official results to the address that the appropriate State or local election office has specified.

(b) If the ballot is timely received, it may not be rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.

"**§ 163-258.13. Declaration.**

Each military-overseas ballot must include or be accompanied by a declaration signed by the voter declaring that a material misstatement of fact in completing the document may be grounds for a conviction of perjury under the laws of the United States or this State.

"**§ 163-258.14. Confirmation of receipt of application and voted ballot.**

The State Board of Elections, in coordination with local election officials, shall implement an electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet whether:

(1) The voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted; and

(2) The voter's military-overseas ballot has been received and the current status of the ballot.

"**§ 163-258.15. Use of voter's electronic mail address.**

(a) The county board of elections shall request an electronic-mail address from each covered voter who registers to vote after January 1, 2012. An electronic-mail address provided by a covered voter is not a public record under Chapter 132 of the General Statutes. The address may be used only for official communication with the voter about the voting process, including transmitting military-overseas ballots and election materials if the voter has requested electronic transmission, and verifying the voter's mailing address and physical location, as needed. The request for an electronic-mail address must describe the purposes for which the electronic-mail address may be used and include a statement that any other use or disclosure of the electronic-mail address is prohibited.

(b) A covered voter who provides an electronic-mail address may request that the voter's application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the application or another shorter period the voter specifies [including for any runoff elections that occur as a result of such elections]. An election official shall provide a military-overseas ballot to a voter who makes a request for each election to which the request is applicable. A covered voter entitled to receive a military-overseas ballot for a primary election under this subsection is also entitled to receive a military-overseas ballot for the general election.

"**§ 163-258.16. Publication of election notice.**

(a) Not later than 100 days before a regularly scheduled election to which this Article applies, and as soon as practicable in the case of an election or vacancy election not regularly scheduled, each county board of elections shall prepare an election notice for that jurisdiction, to be used in conjunction with the federal write-in absentee ballot described in G.S. 163-258.11. The election notice must contain a list of all of the ballot measures and federal, State, and local offices that as of that date the official expects to be on the ballot on the date of the election. The notice also must contain specific instructions for how a voter is to indicate on the federal write-in absentee ballot the voter's choice for each office to be filled and for each ballot measure to be contested.

(b) A covered voter may request a copy of an election notice. The official charged with preparing the election notice shall send the notice to the voter by facsimile, electronic mail, or regular mail, as the voter requests.

(c) As soon as ballot styles are printed, the county board of elections shall update the notice with the certified candidates for each office and ballot measure questions and make the updated notice publicly available.

(d) A county board of elections that maintains an Internet Web site shall make updated versions of its election notices regularly available on the Web site.

"**§ 163-258.17. Prohibition of nonessential requirements.**

(a) If a voter's mistake or omission in the completion of a document under this Article does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonessential requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted under this Article. In any write-in ballot authorized by this Article or in any vote for a write-in candidate on a regular ballot, if the intention of the voter is discernable under this State's uniform definition of what constitutes a vote, as required by the Help America Vote Act, 42 U.S.C. § 15481(a)(6), an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be accepted as a valid vote.

(b) An authentication, other than the declaration specified in G.S. 163-278.13 or the declaration on the federal postcard application and federal write-in absentee ballot, is not required for execution of a document under this Article. The declaration and any information in the declaration may be compared against information on file to ascertain the validity of the document.

"**§ 163-258.18. Issuance of injunction of other equitable relief.**

A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, this Article on application by:

(1) A covered voter alleging a grievance under this Article; or

(2) An election official in this State.

"**§ 163-258.19. Uniformity of application and construction.**

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

"**§ 163-258.20. Relation to Electronic Signatures in Global and National Commerce Act.**

This Article modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001, et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b)."

SECTION 2. Article 21 of Chapter 163 of the General Statutes is repealed, except that G.S. 163-251, 253, 254, 255, 256, and 258 are recodified as G.S. 163-258.21 through G.S. 163-258.26 respectively, and as such read as rewritten:

"**§ 163-258-21. Certified list of approved military and overseas absentee ballot applications; record of ballots received; disposition of list; list constitutes registration.**

(a) Preparation of List. – The chairman of the county board of elections shall prepare, or cause to be prepared, a list in quadruplicate of all military and overseas absentee ballots returned to the county board of elections under this Article to be counted which have been approved by the county board of elections. At the end of the list the chairman shall execute the following certificate under oath:

"State of North Carolina
County of _____
I, _____, Chairman of the _____ County Board of Elections, do hereby certify that the foregoing is a list of all executed military and overseas absentee ballots to be voted in the election to be conducted on the _____ day of _____, _____, which have been approved by the County Board of Elections. I further certify that I

have issued ballots to no other persons than those listed herein and further that I have not delivered military or overseas absentee ballots to persons other than those listed herein; that this list constitutes the only precinct registration of military and overseas absentee voters whose names have not heretofore been entered on the regular registration of the appropriate precinct.

This the _____ day of _____, _____.

_____

(Signature of Chairman of County Board of Elections)

Sworn to and subscribed before me this _____ day of _____, _____

_____

(Signature of Officer administering oath)

_____

(Title of officer)"

(b) Distribution of List. – No earlier than 3:00 P.M. on the day before the election and no later than 10:00 A.M. on election day, the chairman shall cause one copy of the list of executed military absentee ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately deposited as first-class mail to the State Board of Elections. The chairman shall retain one copy in the board office for public inspection and he shall cause two copies of the appropriate precinct list to be delivered to the chief judge of each precinct in the county. The chief judge shall post one copy in the voting place and retain one copy until all challenges of absentee ballots have been heard by the county board of elections. Challenges shall be made as provided in G.S. 163-89.

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

(c) List Constitutes Registration. – The "List of Applicants for Military and Overseas Absentee Ballots to Whom Ballots Have Been Issued" prescribed by this section, when delivered to the chief judges of the various precincts, shall constitute the only precinct registration of the military and overseas absentee voters listed thereon whose names are not already entered in the registration records of the appropriate precinct. Chief judges shall not add the names of persons listed on the military absentee list to the regular registration books of their precincts.

(d) Counting Ballots, Hearing Challenges. – The county board of elections shall count military ballots as provided for civilian absentee ballots in G.S. 163-234, and shall hear challenges as provided in G.S. 163-89.

"**§ 163-258.22. Article inapplicable to persons after change of status; reregistration not required.**

Upon discharge from the armed forces of the United States or termination of any other status qualifying the voter to register and vote by absentee ballot under the provisions of this Article, the voter shall not be entitled subsequently to vote by ~~military absentee ballot,~~ absentee ballot under this Article, but if the voter was registered under the provisions of this Article that voter's registration shall remain valid for the remainder of the calendar year that voter registered, and that voter shall be entitled to vote in any primary or election for the remainder of the calendar year without having to reregister. If requested by election officials, the voter shall present proof of military status at the time of registration. This section does not

entitle a person to vote in North Carolina if that person has become disqualified because of change of permanent residence to another State or because of conviction of a felony.

"§ 163-258.23. Registration and voting on primary or election day.

Notwithstanding any other provisions of ~~Chapter 163 of the General Statutes,~~ this Chapter, an individual shall be permitted to register in person at any time the office of the board of elections or the voting place is open, including the day of a primary or election if that individual was absent on the day the registration records close for an election, but returns to that individual's county of residence in North Carolina thereafter, and if the absence is due to uniformed service as defined by G.S. 163-258.2. ~~an occupation or status of that individual listed below:~~

~~(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 individuals 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.~~

If an individual so absent on the day registration closes shall appear in person at the voting place on election day and is otherwise eligible to vote, that individual shall be entitled to register and vote at the voting place that day, regardless of whether the person's ~~occupation or status as outlined in subdivisions (1) through (5) of this section~~ uniformed service status has changed since the close of registration.

"§ 163-258.24. Absentee voting at office of board of elections.

Notwithstanding any other provisions of ~~Chapter 163 of the General Statutes,~~ this Chapter, any person eligible to vote an absentee ballot pursuant to ~~G.S. 163-245~~ this Article shall be permitted to vote an absentee ballot pursuant to G.S. 163-227.2 if the person has not already voted an absentee ballot which has been returned to the board of elections, and if he will not be in the county on the day of the primary or election.

In the event an absentee application or ballot has already been mailed to such person applying to vote pursuant to G.S. 163-227.2, the board of elections shall void the application and ballot unless the voted absentee ballot has been received by the board of elections. Such person shall be eligible to vote pursuant to G.S. 163-227.2 no later than 5:00 P.M. on the day next preceding the primary, second primary or election.

"§ 163-258.25. 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,~~ 163-278.23 and G.S. 163-278.24 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 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.

"**§ 163-258.26. Emergency powers.**

If an international, national, or local emergency or other situation arises that makes substantial compliance with this Article or the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, the State Board of Elections may prescribe, by emergency rule, such special procedures or requirements as may be necessary to facilitate absentee voting by those absent uniformed services voters or overseas voters directly affected who are eligible to vote in this State. The rule shall become effective when filed with the Codifier of Rules."

SECTION 3. G.S. 163-22(k) reads as rewritten:

"(k) Notwithstanding the provisions contained in Article 20 or Article ~~21~~ 21A of Chapter 163 the State Board of Elections shall be authorized, by resolution adopted prior to the printing of the primary ballots, to reduce the time by which absentee ballots are required to be printed and distributed for the primary election from 50 days to 45 days. This authority shall not be authorized for absentee ballots to be voted in the general election, except if the law requires ballots to be available for mailing 60 days before the general election, and they are not ready by that date, the State Board of Elections shall allow the counties to mail them out as soon as they are available."

SECTION 4. G.S. 163-231(b) reads as rewritten:

"(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed container-return envelope in which executed absentee ballots have been placed shall be transmitted to the county board of elections who issued them as follows: All ballots issued under the provisions of Articles 20 and ~~21~~ 21A of this Chapter shall be transmitted by mail or by commercial courier service, at the voter's expense, or delivered in person, or by the voter's near relative or verifiable legal guardian not later than 5:00 p.m. on the day before the statewide primary or general election or county bond election. If ballots are received later than that hour, they shall not be accepted unless (i) federal law so requires, (ii) if ballots issued under Article 20 of this Chapter are postmarked by the day of the statewide primary or general election or county bond election and are received by the county board of elections not later than three days after the election by 5:00 p.m., or (iii) if ballots issued under Article ~~21~~ 21A of this Chapter are received by the county board of elections not later than three days after the election by 5:00 p.m. Ballots issued under Article 20 of this Chapter not postmarked by the day of the election shall not be accepted by the county board of elections."

SECTION 5. G.S. 163-232.1(b) reads as rewritten:

"(b) The county board of elections shall prepare, or cause to be prepared, a list in at least triplicate, of all military and overseas absentee ballots issued under Article ~~21~~ 21A of this Chapter and returned to the county board of elections to be counted, which have been approved by the county board of elections, have not been included on the certified list prepared pursuant to G.S. 163-232, and which have been received by the county board of elections not later than three days after the election by 5:00 p.m. The list shall be supplemented with new information each business day following the day of the election until the deadline for receipt of such absentee ballots. At the end of the list, the chairman shall execute the following certificate under oath:

"State of North Carolina

County of _____

I, _____, chairman of the _____ County Board of Elections, do hereby certify that the foregoing is a list of all executed military absentee ballots to be voted in the election to be conducted on the ____ day of _____, _____, which have been approved by the county board of elections, and which have been postmarked by the day of the statewide primary or general election or county bond election and received by the county board of elections not later

than three days after the election by 5:00 p.m. I further certify that I have issued ballots to no other persons than those listed herein and further that I have not delivered military absentee ballots to persons other than those listed herein; that this list constitutes the only precinct registration of military absentee voters whose names have not heretofore been entered on the regular registration of the appropriate precinct.

This the _____ day of _____, _____

_____
(Signature of chairman of
county board of elections)

Sworn to and subscribed before me this _____ day of _____, ____.

Witness my hand and official seal.

_____
(Signature of officer
administering oath)

_____
(Title of officer)"

SECTION 6. G.S. 163-239 reads as rewritten:

"**§ 163-239. Article ~~21~~ 21A relating to absentee voting by ~~servicemen and certain civilians~~ military and overseas not applicable.**

Except as otherwise provided therein, Article ~~21~~ 21A of this ~~Chapter, relating to absentee registration and voting by servicemen and certain civilians,~~ Chapter shall not apply to or modify the provisions of this Article."

SECTION 7. This act becomes effective January 1, 2012.

Attachment 4

HOUSE BILL 514:
Uniform Military and Overseas Voters Act

2011-2012 General Assembly

Committee:	House Elections	**Date:**	May 11, 2011
Introduced by:	Reps. Martin, Killian, Lewis, Glazier	**Prepared by:**	Kara McCraw Committee Counsel
Analysis of:	PCS to First Edition H514-CSTC-7		

SUMMARY: HB 514 would repeal current law providing for military and overseas voting and would enact the Uniform Military and Overseas Voters Act (UMOVA) model act.

The PCS for HB 514 would make technical and conforming changes, and would make the following substantive changes:

- ***Revise deadline for receipt of voter registration and absentee ballot requests to 5:00pm on the day before election.***
- ***Require ballots for 2nd primaries which include candidates for federal office be transmitted no later than 45 days before the 2nd primary, and ballots for 2nd primaries which do not include a candidate for federal office be transmitted, beginning the day after it is established that a 2nd primary will occur, within 3 business days electronically, within 15 days by mail, and within 1 day for the election notice for federal write-in absentee ballots.***
- ***Require ballots for municipal elections be transmitted no later than 30 days before the election.***
- ***Clarify that a covered voter must either have their ballot received by a local election official or transmit the ballot by election day.***
- ***Require second primaries which include federal offices on the ballot be conducted ten weeks after the first primary.***
- ***Permit county boards of elections to begin counting ballots received from military and overseas voters as early as 9:00am on election day.***

CURRENT LAW: Article 21 of Chapter 163 provides for absentee voter registration and voting in primary and general elections for certain military personnel and families and civilians living overseas (military absentee voters), in compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). ***See comparison chart of current law and bill provisions on page 5.***

BILL ANALYSIS: HB 514 repeals Article 21 and creates a new Article 21A in Chapter 163, Uniform Military and Overseas Voters Act.

Key Definitions:

Covered voter: One of the following: .

1. Uniformed-service voter or overseas voter registered to vote in NC.
2. Uniformed-service voter whose voting residence is in NC and who otherwise satisfies NC's voter eligibility requirements.
3. Overseas voter who, before leaving the US, was last eligible to vote in NC and, except for NC's residency requirement, otherwise satisfies NC's voter eligibility requirements.
4. Overseas voter who, before leaving the US, would have been last eligible to vote in NC had the voter then been of voting age and, except for the NC residency requirement, otherwise satisfies NC's voter eligibility requirements.
5. Overseas voter born outside the US and not otherwise covered who, except for the NC residency requirement, otherwise satisfies NC's voter eligibility requirements, if 1) the last place where a parent

or legal guardian of the voter was, or would have been, eligible to vote before leaving the US is within NC and 2) the voter has not previously registered to vote in any other state.

Uniformed services voters: Individuals qualified to vote who are active duty U.S. uniformed services members, their spouses and their dependents.

- Uniformed services are the U.S. Army, Navy, Marine Corps, Air Force, and Coast Guard, as well as the Merchant Marine, commissioned corps of the Public Health Service, commissioned corps of the National Oceanic and Atmospheric Administration, National Guard, and state militia units.

Overseas voter: U. S. citizens outside the country.

Applicability: Would apply to primary, general, or special elections for federal or State office, State ballot measures, and local government elections and ballot measures if absentee balloting is allowed in those races.

State Board of Elections Responsibilities:

- Make available information to covered voters on voter registeration and casting military-overseas ballots.
- Establish an electronic transmission system for covered voters to apply and received registration materials, ballots, and other information.
- Develop standardized absentee-voting materials that, when possible, are coordinated with other states.
- Prescribe the form and content of a declaration for use by a covered voter as to identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas military ballot.
- Implement an electronic free-access system for a covered voter to determine by telephone, e-mail, or the Internet the receipt of registrations and ballot applications and receipt and status of ballots.

Overseas Voter Registration Address: An overseas voter's registration address is the address of the last residence of the voter in NC. For those born outside the US, it is the address of the last residence of the parent or legal guardian in NC. If the address is no longer recognized as a residential address, one must be assigned to the voter for voting purposes.

Methods of Registering to Vote: In addition to other approved methods, covered voters may use a federal postcard application or electronic equivalent to register. The covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register simultaneously with the submission of the write-in ballot. Registrations must be received no later than 5:00pm the day before the election.

Methods of Applying for Military-overseas Ballot: A covered voter may apply through the regular mail-in absentee ballot, the federal postcard application or electronic equivalent, may use the federal postcard application to simultaneously apply to register to vote and receive a military-overseas ballot, and may use the declaration accompanying a federal write-in absentee ballot as a simultaneous application for a military-overseas ballot. The covered voter must inform the appropriate election official of the voter's status as a covered voter through use of a federal postcard application or federal write-in ballot, use of an overseas address on an approved voter registration or ballot application, or inclusion of other information sufficient to identify the voter as a covered voter.

Timeliness of Application: Applications are timely if received by 5:00pm the day before the election. Received applications are considered valid requests for any covered election in that calendar year.

Transmission of unvoted ballots: County boards of elections must transmit ballots to covered voters, who have submitted a valid application by that date, no later than: 1) 60 days before a statewide general election, 2) 45 days before a 2nd primary that includes candidates for federal office, 3) 30 days before a municipal election, and 4) 50 days before any other election. If offices are added to a ballot after the deadline, the transmission must be as soon as practicable. For 2nd primaries which do not include a federal candidate, electronic transmission may be no later than 3 business days and no more than 15 days for mailed transmissions after it is established that the 2nd primary will occur. If a covered voter

requests electronic transmission, they may choose fax, e-mail, or, if offered, Internet delivery. For requests received after transmission of ballots begins, ballots must be distributed within 2 business days.

Timely Casting of Ballots: A military-overseas ballot must either be received by the county board of election by the close of polls or be submitted by the covered voter for transmission by 12:01a.m on election day to be valid.

Federal write-in absentee ballot: Covered voters may use the federal write-in absentee ballot to vote for all offices and ballot measures in a covered election.

Receipt of voted ballot: A valid military-overseas ballot timely cast must be counted if delivered by the end of business on the business day before the latest deadline for completing the county canvass.

Declaration: The covered voter must sign a declaration that a material misstatement of fact in completing a military-overseas ballot may be grounds for perjury under federal or State law.

Use of covered voter e-mail address: The county board of elections must request an e-mail address from covered voters who register after January 1, 2012. The e-mail address is not a public record, and may only be used for official communications about voting, and for verifying the voter's mailing address and physical location. Covered voters who provide e-mail addresses may make a standing request for electronic delivery of a ballot for all elections through December 31 of the year after the year in which the application was made, or for a shorter period specified by the voter.

Publication of electronic notice: At least 100 days before a regularly scheduled election, and as soon as practicable for elections not regularly scheduled, county boards of elections must prepare an election notice to be used in conjunction with the federal write-in absentee ballot. An election notice for a 2nd primary must be prepared the day after it is established that a 2nd primary will occur. The notice must contain a list of all ballot measures, federal, State, and local offices expected to be on the ballot, and instructions on how a voter is to indicate on the federal write-in absentee ballot the voter's choice.

Prohibition of nonessential requirements: The following do not invalidate a covered voter's document:

- A voter mistake or omission that does not prevent determination of whether the covered voter is eligible to vote.
- Failure to satisfy a nonessential requirement, such as using envelopes of a certain size.
- In write-in ballots, if the voter's intention is discernable, an abbreviation, misspelling, or other minor variation must be accepted as a valid vote.

Additional authentications, other than the required declarations, are not required for execution of a document. The required declaration may be compared against information on file to ascertain the validity of the document.

Issuance of Relief: A covered voter or election official may apply to the court to grant an injunction or other equitable relief appropriate to ensure substantial compliance with the Article.

Uniformity of Application and Construction: Consideration must be given to promoting uniformity of the law with respect to its subject matter among states that enact it.

Recodified Statutes:

HB 514 recodifies the following sections from the repealed Article 21, and makes conforming changes.

- G.S. 163-251 is recodified as G.S. 163-258.21 – Requires the county board of elections to prepare a certified list of returned military-overseas ballots distributed by election day.
- G.S. 163-253 is recodified as G.S. 163-258.22 – Provides that individuals who no longer qualify as covered voters are not entitled to subsequently vote by absentee ballot under the Article. The voter's registration will remain valid for the remainder of the calendar year and the voter may vote in any primary or election without having to reregister. Election officials may require proof of military status at the time of registration.

- G.S. 163-254 is recodified as G.S. 163-258.23 – If an individual was absent due to uniformed service on the day registration records for an election closed, that person may register in person at any time the board of elections is open, including the day of the election. The person may register and vote on election day even if their uniformed service status has changed after the close of registration.
- G.S. 163-255 is recodified as G.S. 163-258.24 – Covered persons are permitted to vote at an early-voting site if they have not already voted an absentee ballot that has been returned to the board of elections and the person will be out of the county on election day.
- G.S. 163-256 is recodified as G.S. 163-258.25 – Requires the State Board to adopt rules and regulations to permit covered persons to register and vote on election day and vote at an early voting site.
- G.S. 163-258 is recodified as G.S. 163-258.26 – Provides the State Board the authority to make emergency rules to facilitate absentee voting for covered voters when an international, national, or local emergency makes substantial compliance with the law impossible.

Section 4: Would amend current law requiring second primaries to be conducted seven weeks after the first primary to require a second primary which includes a federal office be conducted ten weeks after the first primary, to enable compliance with federal requirements of the Military and Overseas Voter Empowerment Act of 2009 (MOVE) Act. The MOVE Act requires absentee ballots be transmitted no later than 45 days prior to the election.

Section 7: Would permit county board of elections to begin counting military and overseas ballots at 9:00 am on election day. Under current law, county boards of elections may begin counting absentee ballots at 2:00 pm on election day.

Sections 3, 5, 6, and 8 of the bill make conforming changes.

EFFECTIVE DATE: HB 514 would become effective January 1, 2012. The act may not become effective until preclearance under Section 5 of the Voting Rights Act is received.

BACKGROUND: The Uniform Military and Overseas Voters Act (UMOVA) was approved by the Uniform Law Commission in 2010. The Uniform Law Commission states that the purpose of UMOVA is to simplify the process of absentee voting for United States military and overseas civilians by making the process more uniform, convenient, secure and efficient.

On May 11, 2011, Scott Wiedmann, Principal Deputy Director of External Relations and Communication addressed the House Elections Committee regarding the Federal Voting Assistance Program, and provided information about electronic resources located on that agency's website, which can be found at:

www.fvap.gov

H514-SMTC-14(CSTC-7) v9

mparison	Current Law – Article 21	HB 514
Who is a covered voter?	-Armed forces -Spouses of persons in the armed forces serving outside their county of residence -disabled war veterans in US govt hospitals -civilians attached to armed forces serving outside US -Members of the Peace Corps. -Anyone meeting federal definitions of "absent uniformed services voter" and "overseas voter".	- Uniformed-service voters, their spouses, and their dependents. -Overseas voters, including those born outside the US.
Elections Covered	Statewide primary or election and permitted in local elections if absentee balloting is allowed.	Statewide elections and local elections if absentee balloting is allowed.
Application for absentee ballot	- Federal Postcard Application Form - Application to Chairman of County Board of Elections	- Federal Postcard Application Form or electronic equivalent - Article 20 Absentee Ballot Application -Declaration for federal write-in absentee ballot
Scope of Application	Valid for all general, primary and runoff elections for Federal or State offices, and any county or municipal offices in which absentee ballots are allowed, for the calendar year in which the application was received.	- Valid for all covered elections for the calendar year in which the application was received. -Voters who provide email addresses may make a standing request for all elections through the end of the calendar year following the year the request is made.
terials	Regular official ballots and container return envelopes specifying that the person is a military or overseas absentee voter.	State Board must develop standardized absentee-voting materials, including declaration of voter's identity, eligibility, status, and timely and proper completion consistent with federal law.
Issuance of Ballots	County board of elections must enter application in register of military absentee ballots, determine the validity of the application, and if approved, prepare absentee ballot and container return envelope to mail to voter. Must transmit no later than 60 days before statewide general election and no later than 50 days before primaries or other elections. Must transmit no later than 30 days before municipal elections.	County board of elections must transmit no later than 60 days before statewide general election, 50 days before primaries or other elections, 30 days before municipal elections, and 45 days before a 2nd primary with federal candidates. For other 2nd primaries, must transmit as soon as practicable or electronically within 3 days of day board determines 2nd primary will occur. If additional offices are added after deadline, must transmit as soon as practicable. Voter selects means of transmission.
Witnesses	Voter must have witness at least 18 years of age sign the voter's certificate.	No witness required.
Non-mail transmission	Applicants may apply for registration and absentee ballots by e-mail, fax, or transmission of scanned documents. County boards of election may send and received applications and voted ballots by fax, e-mail, or transmission of a scanned document.	State Board must establish an electronic transmission system through which voters may apply and received voter materials and ballots. E-mail addresses are required of voters registering after 1/1/12, to be used only for voting communications.
ing of ıt	No requirement.	Must be received by county board or submitted for transmission by 12:01a.m. on election day.
Receipt of Ballots	Must be received by 5:00PM no later than 3 days after the election.	Must be received by 5:00PM no later than 3 days after the election.

Attachment 4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 514
PROPOSED COMMITTEE SUBSTITUTE H514-CSTC-7 [v.11]

5/4/2011 11:45:27 AM

Short Title: Uniform Military and Overseas Voters Act. (Public)

Sponsors:

Referred to:

March 30, 2011

A BILL TO BE ENTITLED

AN ACT TO ADOPT PROVISIONS OF THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT PROMULGATED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAW, WHILE RETAINING EXISTING NORTH CAROLINA LAW MORE BENEFICIAL TO THOSE VOTERS.

The General Assembly of North Carolina enacts:

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

"Article 21A.

"Uniform Military and Overseas Voters Act.

"**§ 163-258.1. Short title.**

This Article may be cited as the Uniform Military and Overseas Voters Act.

"**§ 163-258.2. Definitions.**

As used in this Article:

(1) "Covered voter" means any of the following:

a. A uniformed-service voter or an overseas voter who is registered to vote in this State.

b. A uniformed-service voter defined in subdivision (7) of this section whose voting residence is in this State and who otherwise satisfies this State's voter eligibility requirements.

c. An overseas voter who, before leaving the United States, was last eligible to vote in this State and, except for a state residency requirement, otherwise satisfies this State's voter eligibility requirements.

d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this State had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this State's voter eligibility requirements.

e. An overseas voter who was born outside the United States, is not described in sub-subdivision c. or d. of this subdivision, and, except for a State residency requirement, otherwise satisfies this State's voter eligibility requirements, if:

1. The last place where a parent or legal guardian of the voter was, or under this Article would have been, eligible to vote before leaving the United States is within this State; and
2. The voter has not previously registered to vote in any other state.

(2) "Dependent" means an individual recognized as a dependent by a uniformed service.

(3) "Military-overseas ballot" means any of the following:

a. A federal write-in absentee ballot described in the Uniformed and Overseas Citizens Absentee Voting Act, Section 103, 42 U.S.C. § 1973ff-2.

b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this Article.

c. A ballot cast by a covered voter in accordance with this Article.

(4) "Overseas voter" means a United States citizen who is outside the United States.

(5) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(6) "Uniformed service" means any of the following:

a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States.

b. The Merchant Marine, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration of the United States.

c. The National Guard and state militia units.

(7) "Uniformed-service voter" means an individual who is qualified to vote and is one of the following:

a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty.

b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States.

c. A member of the National Guard or state militia unit who is on activated status.

d. A spouse or dependent of a member referred to in this subdivision.

(8) "United States," used in the territorial sense, means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

"**§ 163-258.3. Elections covered.**

The voting procedures in this Article apply to all of the following:

(1) A primary, general, or special election for federal or State office.

(2) A State ballot measure.

(3) A primary, general, special, or runoff election for local government office or a local ballot measure if absentee balloting is allowed under Article 20 of this Chapter.

"**§ 163-258.4. Role of State Board of Elections.**

(a) The State Board of Elections is the State official responsible for implementing this Article and the State's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff, et seq.

(b) The State Board of Elections shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots. The State Board of Elections may delegate the responsibility under this subsection only to the State office designated in compliance with the Uniformed and Overseas Citizens Absentee Voting Act, Section 102(b)(1), 42 U.S.C. § 1973ff-1(b)(1).

(c) The State Board of Elections shall establish an electronic transmission system through which covered voters may apply for and receive voter registration materials, military-overseas ballots, and other information under this Article.

(d) The State Board of Elections shall develop standardized absentee-voting materials, including privacy and transmission envelopes and their electronic equivalents, authentication materials, and voting instructions, to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

(e) The State Board of Elections shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot. The declaration shall be based on the declaration prescribed to accompany a federal write-in absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, Section 103, 42 U.S.C. § 1973ff-2, as modified to be consistent with this Article. The State Board of Elections shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

"**§ 163-258.5. Overseas voter's registration address.**

In registering to vote, an overseas voter who is eligible to vote in this State shall use and shall be assigned to the precinct of the address of the last place of residence of the voter in this State, or, in the case of a voter described by G.S. 163-258.2(1)e., the address of the last place of residence in this State of the parent or legal guardian of the voter. If that address is no longer a recognized residential address, the voter shall be assigned an address for voting purposes.

"**§ 163-258.6. Methods of registering to vote.**

(a) In addition to any other approved method for registering to vote, a covered voter may use a federal postcard application, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Section 101(b)(2), 42 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent, to apply to register to vote.

(b) A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Section 103, 42 U.S.C. § 1973ff-2, to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot.

(c) The State Board of Elections shall ensure that the electronic transmission system described in G.S. 163-258.4(c) is capable of accepting both a federal postcard application and any other approved electronic registration application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to register to vote.

(d) A covered voter's registration to vote by any method authorized by this section may be received at any time prior to the primary or election, but no later than 5:00 P.M. on the day before the primary or election.

"**§ 163-258.7. Methods of applying for military-overseas ballot.**

(a) A covered voter who is registered to vote in this State may apply for a military-overseas ballot using either the regular application provided by Article 20 of this Chapter or the federal postcard application, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Section 101(b)(2), 42 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent.

(b) A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote under G.S. 163-258.6 and to apply for a military-overseas ballot.

(c) The State Board of Elections shall ensure that the electronic transmission system described in G.S. 163-258.4(c) is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.

(d) A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Section 103, 42 U.S.C. § 1973ff-2, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official no later than 5:00 P.M. on the day before the election.

(e) To receive the benefits of this Article, a covered voter shall inform the appropriate election official that the voter is a covered voter. Methods of informing the appropriate election official that a voter is a covered voter include any of the following:

(1) The use of a federal postcard application or federal write-in absentee ballot.

(2) The use of an overseas address on an approved voter registration application or ballot application.

(3) The inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

(f) This Article does not preclude a covered voter from voting an absentee ballot under Article 20 of this Chapter.

"**§ 163-258.8. Timeliness and scope of application for military-overseas ballot.**

An application for a military-overseas ballot is timely if received by the appropriate election official by 5:00 P.M. of the day before the election or primary. An application from a covered voter for a military overseas ballot shall be considered a valid absentee ballot request for any election covered under G.S. 163-258.3 held during the calendar year in which the application was received.

"**§ 163-258.9. Transmission of unvoted ballots.**

(a) Not later than 60 days before the statewide general election in even-numbered years and not later than 50 days before any other election, the county board of elections shall transmit a ballot and balloting materials to all covered voters who by that date submit a valid military-overseas ballot application, except for a second primary. However, in the case of municipal elections, absentee ballots shall be made available no later than 30 days before an election. For a second primary which includes a candidate for federal office, the county board of elections shall transmit a ballot and balloting material to all covered voters who by that date submit a valid military overseas ballot application no later than 45 days before the second primary. For a second primary which does not include a candidate for federal office, the transmission of the ballot and ballot materials shall be as soon as practicable, and shall be transmitted electronically no later than three business days and by mail no later than 15 days from the date the appropriate board of elections orders that the second primary be held pursuant to G.S. 163-111. If additional offices are added to the ballot to fill a vacancy occurring after the deadline provided by this subsection, those ballots shall be transmitted as soon as practicable.

(b) A covered voter who requests that a ballot and balloting materials be sent to the voter by electronic transmission may choose facsimile transmission or electronic mail delivery, or, if offered by the voter's jurisdiction, Internet delivery. The election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot and balloting materials to the voter using the means of transmission chosen by the voter.

(c) If a ballot application from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to voters, the official charged with distributing a ballot and balloting materials shall transmit them to the voter not later than two business days after the application arrives.

"**§ 163-258.10. Timely casting of ballot.**

To be valid, a military-overseas ballot shall either be received by the appropriate county board of elections no later than the close of the polls, or the covered voter shall submit the ballot for mailing, electronic transmission, or other authorized means of delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on the date of the election.

"**§ 163-258.11. Federal write-in absentee ballot.**

A covered voter may use the federal write-in absentee ballot, in accordance with the Uniformed and Overseas Citizens Absentee Voting Act, Section 103, 42 U.S.C. § 1973ff-2, to vote for all offices and ballot measures in a covered election.

"**§ 163-258.12. Receipt of voted ballot.**

(a) A valid military-overseas ballot cast in accordance with G.S. 163-258.10 shall be counted if it is delivered to the address that the appropriate State or local election office has specified by the end of business on the business day before the canvass conducted by the county board of elections held pursuant to G.S. 163-182.5 to determine the final official results.

(b) If the ballot is timely received, it may not be rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.

"**§ 163-258.13. Declaration.**

Each military-overseas ballot shall include or be accompanied by a declaration signed by the voter declaring that a material misstatement of fact in completing the document may be grounds for a conviction of perjury under the laws of the United States or this State.

"**§ 163-258.14. Confirmation of receipt of application and voted ballot.**

The State Board of Elections, in coordination with local election officials, shall implement an electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet whether:

(1) The voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted; and

(2) The voter's military-overseas ballot has been received and the current status of the ballot.

"**§ 163-258.15. Use of voter's electronic mail address.**

(a) The county board of elections shall request an electronic-mail address from each covered voter who registers to vote after January 1, 2012. An electronic-mail address provided by a covered voter is not a public record under Chapter 132 of the General Statutes. The address may be used only for official communication with the voter about the voting process, including transmitting military-overseas ballots and election materials if the voter has requested electronic transmission, and verifying the voter's mailing address and physical location, as needed. The request for an electronic-mail address shall describe the purposes for which the electronic-mail address may be used and include a statement that any other use or disclosure of the electronic-mail address is prohibited.

(b) A covered voter who provides an electronic-mail address may request that the voter's application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the application or another shorter period the voter specifies, including for any runoff elections that occur as a result of such elections. An election official shall provide a military-overseas ballot to a voter who makes a request for each election to which the request is applicable. A covered voter entitled to receive a military-overseas ballot for a primary election under this subsection is also entitled to receive a military-overseas ballot for the general election.

"**§ 163-258.16. Publication of election notice.**

(a) Not later than 100 days before a regularly scheduled election to which this Article applies, and as soon as practicable in the case of an election or vacancy election not regularly scheduled, each county board of elections shall prepare an election notice for that jurisdiction, to be used in conjunction with the federal write-in absentee ballot described in G.S. 163-258.11. For a second primary required by G.S 163-111, the county board of elections shall prepare, no later than the day following the date the appropriate board of elections orders that a second primary be held, an election notice for that jurisdiction to be used in conjunction with the federal write-in absentee ballot. The election notice shall contain a list of all of the ballot measures and federal, State, and local offices that as of that date the official expects to be on the ballot on the date of the election. The notice also shall contain specific instructions for how a voter is to indicate on the federal write-in absentee ballot the voter's choice for each office to be filled and for each ballot measure to be contested.

(b) A covered voter may request a copy of an election notice. The official charged with preparing the election notice shall send the notice to the voter by facsimile, electronic mail, or regular mail, as the voter requests.

(c) As soon as ballot styles are printed, the county board of elections shall update the notice with the certified candidates for each office and ballot measure questions and make the updated notice publicly available.

(d) A county board of elections that maintains an Internet Web site shall make updated versions of its election notices regularly available on the Web site.

"**§ 163-258.17. Prohibition of nonessential requirements.**

(a) If a voter's mistake or omission in the completion of a document under this Article does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonessential requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted under this Article. In any write-in ballot authorized by this Article or in any vote for a write-in candidate on a regular ballot, if the intention of the voter is discernable under this State's uniform definition of what constitutes a vote, as required by the Help America Vote Act, 42 U.S.C. § 15481(a)(6), an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be accepted as a valid vote.

(b) An authentication, other than the declaration specified in G.S. 163-278.13 or the declaration on the federal postcard application and federal write-in absentee ballot, is not required for execution of a document under this Article. The declaration and any information in the declaration may be compared against information on file to ascertain the validity of the document.

"**§ 163-258.18. Issuance of injunction or other equitable relief.**

A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, this Article on application by:

(1) A covered voter alleging a grievance under this Article; or

(2) An election official in this State.

"**§ 163-258.19. Uniformity of application and construction.**

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

"**§ 163-258.20. Relation to Electronic Signatures in Global and National Commerce Act.**

This Article modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001, et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b)."

SECTION 2. Article 21 of Chapter 163 of the General Statutes is repealed, except that G.S. 163-251, 253, 254, 255, 256, and 258 are recodified as G.S. 163-258.21 through G.S. 163-258.26 respectively, and as such read as rewritten:

"**§ 163-258-21. Certified list of approved ~~military-absentee~~military-overseas ballot applications; record of ballots received; disposition of list; list constitutes registration.**

(a) Preparation of List. – The ~~chairman~~ chair of the county board of elections shall prepare, or cause to be prepared, a list in quadruplicate of all ~~military-absentee~~military-overseas ballots returned to the county board of elections under this Article to be counted which have been approved by the county board of elections. At the end of the list the ~~chairman~~ chair shall execute the following certificate under oath:

"State of North Carolina
County of _____
I, _____, ~~Chairman~~ Chair of the _____ County Board of Elections, do hereby certify that the foregoing is a list of all executed ~~military-absentee~~military-overseas ballots to be voted in the election to be conducted on the _____ day of _____, _____, which have been approved by the County Board of Elections. I further certify that I have issued ballots to no other persons than those listed herein and further that I have not delivered ~~military-absentee~~military-overseas ballots to persons other than those listed herein; that this list constitutes the only precinct registration of ~~military-absentee~~covered voters whose names have not heretofore been entered on the regular registration of the appropriate precinct.
This the _____ day of _____, _____.

_____
(Signature of ~~Chairman~~ Chair of County Board of Elections)
Sworn to and subscribed before me this _____ day of _____, _____

_____
(Signature of Officer administering oath)

_____
(Title of officer)"

(b) Distribution of List. – No earlier than 3:00 P.M. on the day before the election and no later than 10:00 A.M. on election day, the ~~chairman~~ chair shall cause one copy of the list of executed ~~military-absentee~~military-overseas ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately deposited as first-class mail to the State Board of Elections. The ~~chairman~~ chair shall retain one copy in the board office for public inspection and ~~he~~ shall cause two copies of the appropriate precinct list to be delivered to the chief judge of each precinct in the county. The chief judge shall post one copy in the voting place and retain one copy until all challenges of absentee ballots have been heard by the county board of elections. Challenges shall be made as provided in G.S. 163-89.

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

(c) List Constitutes Registration. – The "List of Applicants for ~~Military Absentee~~Military-Overseas Ballots to Whom Ballots Have Been Issued" prescribed by this

section, when delivered to the chief judges of the various precincts, shall constitute the only precinct registration of the ~~military absentee~~covered voters listed thereon whose names are not already entered in the registration records of the appropriate precinct. Chief judges shall not add the names of persons listed on the ~~military absentee~~ covered voters list to the regular registration books of their precincts.

(d) Counting Ballots, Hearing Challenges. – The county board of elections shall count ~~military~~ military-overseas ballots as provided for civilian absentee ballots in G.S. 163-234, and shall hear challenges as provided in G.S. 163-89.

"§ 163-258.22. Article inapplicable to persons after change of status; reregistration not required.

~~Upon discharge from the armed forces of the United States or termination of any other status qualifying the voter to register and vote by absentee ballot~~An individual who no longer qualifies as a covered voter under the provisions of this ~~Article, the voter~~Article shall not be entitled subsequently to vote by ~~military absentee ballot,~~military-overseas ballot under this Article, but if the covered voter was registered under the provisions of this Article that voter's registration shall remain valid for the remainder of the calendar year that voter registered, and that voter shall be entitled to vote in any primary or election for the remainder of the calendar year without having to reregister. If requested by election officials, the voter shall present proof of military status at the time of registration. This section does not entitle a person to vote in North Carolina if that person has become disqualified because of change of permanent residence to another State or because of conviction of a felony.

"§ 163-258.23. Registration and voting on primary or election day.

Notwithstanding any other provisions of ~~Chapter 163 of the General Statutes,~~ this Chapter, an individual shall be permitted to register in person at any time the office of the board of elections or the voting place is open, including the day of a primary or election if that individual was absent on the day the registration records close for an election, but returns to that individual's county of residence in North Carolina thereafter, and if the absence is due to uniformed service as defined by G.S. 163-258.2. ~~an occupation or status of that individual listed below:~~

~~(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 individuals 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.~~

If an individual so absent on the day registration closes shall appear in person at the voting place on election day and is otherwise eligible to vote, that individual shall be entitled to register and vote at the voting place that day, regardless of whether the person's ~~occupation or status as outlined in subdivisions (1) through (5) of this section~~ uniformed service status has changed since the close of registration.

"§ 163-258.24. Absentee voting at office of board of elections.

Notwithstanding any other provisions of ~~Chapter 163 of the General Statutes,~~ this Chapter, any ~~person eligible to vote an absentee ballot pursuant to G.S. 163-245~~covered voter under this Article shall be permitted to vote an absentee ballot pursuant to G.S. 163-227.2 if the ~~person~~ covered voter has not already voted an absentee ballot which has been returned to the board of

elections, and if ~~he~~ the covered voter will not be in the county on the day of the primary or election.

In the event an absentee application or ballot has already been mailed to ~~such person~~the covered voter applying to vote pursuant to G.S. 163-227.2, the board of elections shall void the application and ballot unless the voted absentee ballot has been received by the board of elections. ~~Such person~~The covered voter shall be eligible to vote pursuant to G.S. 163-227.2 no later than 5:00 P.M. on the day next preceding the primary, second primary or election.

"**§ 163-258.25. 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,~~ 163-278.23 and G.S. 163-278.24 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 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~~covered 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.

"**§ 163-258.26. Emergency powers.**

If an international, national, or local emergency or other situation arises that makes substantial compliance with this Article or the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, the State Board of Elections may prescribe, by emergency rule, such special procedures or requirements as may be necessary to facilitate absentee voting by those absent uniformed services voters or overseas voters directly affected who are eligible to vote in this State. The rule shall become effective when filed with the Codifier of Rules."

SECTION 3. G.S. 163-22(k) reads as rewritten:

"(k) Notwithstanding the provisions contained in Article 20 or Article ~~21~~ 21A of Chapter 163 the State Board of Elections shall be authorized, by resolution adopted prior to the printing of the primary ballots, to reduce the time by which absentee ballots are required to be printed and distributed for the primary election from 50 days to 45 days. This authority shall not be authorized for absentee ballots to be voted in the general election, except if the law requires ballots to be available for mailing 60 days before the general election, and they are not ready by that date, the State Board of Elections shall allow the counties to mail them out as soon as they are available."

SECTION 4. G.S. 163-111(e) reads as rewritten:

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

There shall be no registration of voters between the dates of the first and second primaries. Persons whose qualifications to register and vote mature after the day of the first primary and before the day of the second primary may register on the day of the second primary and, when thus registered, shall be entitled to vote in the second primary. The second primary is a continuation of the first primary and any voter who files a proper and timely written affirmation

of change of address within the county under the provisions of G.S. 163-82.15, in the first primary may vote in the second primary without having to refile that written affirmation if ~~he~~ the voter is otherwise qualified to vote in the second primary. Subject to this provision for registration, the second primary shall be held under the laws, rules, and regulations provided for the first primary."

SECTION 5. G.S. 163-231(b) reads as rewritten:

"(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed container-return envelope in which executed absentee ballots have been placed shall be transmitted to the county board of elections who issued them as follows: All ballots issued under the provisions of Articles 20 and ~~21~~ 21A of this Chapter shall be transmitted by mail or by commercial courier service, at the voter's expense, or delivered in person, or by the voter's near relative or verifiable legal guardian not later than 5:00 p.m. on the day before the statewide primary or general election or county bond election. Ballots issued under the provisions of Article 21A may also be electronically transmitted. If ballots are received later than that hour, they shall not be accepted unless (i) federal law so requires, (ii) if ballots issued under Article 20 of this Chapter are postmarked by the day of the statewide primary or general election or county bond election and are received by the county board of elections not later than three days after the election by 5:00 p.m., or (iii) if ballots issued under Article ~~21~~ 21A of this Chapter are received by the county board of elections not later than the end of business on the business day before the canvass conducted by the county board of elections held pursuant to G.S. 163-182.5. ~~three days after the election by 5:00 p.m.~~ Ballots issued under Article 20 of this Chapter not postmarked by the day of the election shall not be accepted by the county board of elections."

SECTION 6. G.S. 163-232.1(b) reads as rewritten:

"(b) The county board of elections shall prepare, or cause to be prepared, a list in at least triplicate, of all ~~military-absentee~~military-overseas ballots issued under Article ~~21~~ 21A of this Chapter and returned to the county board of elections to be counted, which have been approved by the county board of elections, have not been included on the certified list prepared pursuant to G.S. 163-232, and which have been received by the county board of elections not later than three days after the election by 5:00 p.m. The list shall be supplemented with new information each business day following the day of the election until the deadline for receipt of such absentee ballots. At the end of the list, the ~~chairman~~ chair shall execute the following certificate under oath:

"State of North Carolina

County of _____

I, _____, ~~chairman~~ chair of the _____ County Board of Elections, do hereby certify that the foregoing is a list of all executed ~~military-absentee~~military-overseas ballots to be voted in the election to be conducted on the ____ day of _____, _____, which have been approved by the county board of elections, and which have been postmarked by the day of the statewide primary or general election or county bond election and received by the county board of elections not later than three days after the election by 5:00 p.m. I further certify that I have issued ballots to no other persons than those listed herein and further that I have not delivered ~~military-absentee~~military-overseas ballots to persons other than those listed herein; that this list constitutes the only precinct registration of ~~military-absentee~~covered voters whose names have not heretofore been entered on the regular registration of the appropriate precinct.

This the _____ day of _____, _____

_____

(Signature of ~~chairman~~ chair of
county board of elections)

Sworn to and subscribed before me this _____ day of _____, ____.

Witness my hand and official seal.

_____
(Signature of officer administering oath)

_____
(Title of officer)"

SECTION 7. G.S. 163-234(2) reads as rewritten:

"(2) The county board of elections shall meet at 5:00 p.m. on election day in the board office or other public location in the county courthouse for the purpose of counting all absentee ballots except those which have been challenged before 5:00 p.m. on election day and those received pursuant to G.S. 163-231(b)(ii) or (iii). Any elector of the county shall be permitted to attend the meeting and allowed to observe the counting process, provided the elector shall not in any manner interfere with the election officials in the discharge of their duties.

Provided, that the county board of elections is authorized to begin counting absentee ballots issued under Article 21A of this Chapter between the hours of 9:00 a.m. and 5:00 p.m and to begin counting all absentee ballots between the hours of 2:00 p.m. and 5:00 p.m. upon the adoption of a resolution at least two weeks prior to the election wherein the hour and place of counting absentee ballots shall be stated. Such resolution also may provide for an additional meeting following the day of the election and prior to the day of canvass to count absentee ballots received pursuant to G.S. 163-231(b)(ii) or (iii) as provided in subdivision (10) of this section. A copy of the resolutions shall be published once a week for two weeks prior to the election, in a newspaper having general circulation in the county. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. The count shall be continuous until completed and the members shall not separate or leave the counting place except for unavoidable necessity, except that if the count has been completed prior to the time the polls close, it shall be suspended until that time pending receipt of any additional ballots. Nothing in this section shall prohibit a county board of elections from taking preparatory steps for the count earlier than the times specified in this section, as long as the preparatory steps do not reveal to any individual not engaged in the actual count election results before the times specified in this subdivision for the count to begin. By way of illustration and not limitation, a preparatory step for the count would be the entry of tally cards from direct record electronic voting units into a computer for processing. The board shall not announce the result of the count before 7:30 p.m."

SECTION 8. G.S. 163-239 reads as rewritten:

"**§ 163-239. Article ~~21~~ 21A relating to absentee voting by ~~servicemen and certain civilians~~ military and overseas voters not applicable.**

Except as otherwise provided therein, Article ~~21~~ 21A of this ~~Chapter, relating to absentee registration and voting by servicemen and certain civilians,~~ Chapter shall not apply to or modify the provisions of this Article."

SECTION 9. This act becomes effective January 1, 2012.

ATTACHMENT 5

FEDERAL REQUIREMENT CERTIFICATION

Authorized by G.S. 120-36.8

Session 2011

House Bill 514

Uniform Military and Overseas Voters Act

Bill Primary Sponsor(s):	Reps. Martin, Killian, Lewis, Glazier	H514-CSTC-7
Relevant Federal Law:	*42 U.S.C. 1973ff-1(a)(8)*	
☒ Required by or Necessary for Compliance with Federal Law		☐ Exceeds Federal Law
☐ Federal Funds Conditioned upon Passage of Law		☐ Implements Federal Law

SUMMARY OF BILL PROVISIONS ALLEGEDLY REQUIRED BY FEDERAL LEGISLATION

42 U.S.C. 1973ff-1(a)(8) requires that states must transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter not later than 45 days before an election for federal office, if the request for the ballot is received at least 45 days before that election, unless the state has received a hardship waiver from the federal government.

COMPLIANCE CONSIDERATIONS

Section 4 of the PCS for HB 514 would amend current North Carolina law governing second primaries. Under G.S. 163-111(e) second primaries in North Carolina must be held seven weeks (49 days) following the first primary. An eligible candidate has 9 days following a first primary to request a second primary, leaving 40 days between the announcement of a second primary and the conduct of the primary – insufficient time to comply with the federal law requiring absentee ballots be mailed out 45 days in advance. Section 4 would amend G.S. 163-111(e) to allow ten weeks (70 days) between a first and second primary if a federal office would be included on the second primary ballot.

REVIEW AND APPROVAL

Prepared By: _____ **Date:** 5-3-11

Kara McCraw
House Elections - Committee Counsel

Approved By: _____ **Date:** 5-3-11

O. Walker Reagan
Director of Research

FEDERAL REQUIREMENT CERTIFICATION

Authorized by G.S. 120-36.8

Session 2011

House Bill 514

Uniform Military and Overseas Voters Act

Bill Primary Sponsor(s):	Reps. Martin, Killian, Lewis, Glazier	H514-CSTC-7
Relevant Federal Law:	*42 U.S.C. 1973ff-1(a)(8)*	
☒ Required by or Necessary for Compliance with Federal Law		☐ Exceeds Federal Law
☐ Federal Funds Conditioned upon Passage of Law		☐ Implements Federal Law

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COMPLIANCE CONSIDERATIONS

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REVIEW AND APPROVAL

Prepared By: _____ **Date:** 5-3-11

Kara McCraw
House Elections - Committee Counsel

Approved By: _____ **Date:** 5-3-11

O. Walker Reagan
Director of Research

Attachment 6

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for

HB 658 A BILL TO BE ENTITLED AN ACT TO CHANGE THE EARLY VOTING PERIOD.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

Attachment 6

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

HOUSE BILL 658

Short Title:	Change Early Voting Period.	(Public)
Sponsors:	Representatives Jones, Stam, Collins, and Sager (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Elections.	

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE EARLY VOTING PERIOD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-227.2(b) reads as rewritten:

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

...

(b) Not earlier than the ~~third~~ second Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in subsection (g) of this section. A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person.

...."

SECTION 2. This act applies with respect to elections held on or after January 1, 2012.

Attachment 6

HOUSE BILL 658:
Change Early Voting Period

2011-2012 General Assembly

Committee:	House Elections	**Date:**	May 11, 2011
Introduced by:	Reps. Jones, Stam, Collins, Sager	**Prepared by:**	Denise Adams Committee Staff
Analysis of:	First Edition		

SUMMARY: House Bill 658 changes the beginning date of the early voting period from the third Thursday before an election to the second Thursday before the election.

CURRENT LAW: Generally, early voting is a term used to describe in-person absentee voting at "one stop" voting sites. Currently, any qualified voter of the State may vote by absentee ballot in a statewide primary, general, or special election and any qualified voter of a county is authorized to vote by absentee ballot in any primary or election conducted by the county board of elections. Absentee voting may take place at a "one-stop" voting site run by a county board of elections, either at the county board's office or another site approved by the county board. Additionally, an individual who is qualified to register to vote may register in person and then vote at a one-stop voting site in the person's county of residence during the period for one-stop voting, provided valid documentation of the person's current name and residence are presented prior to registration.

Under current law, the period for early voting begins on the third Thursday before an election and runs through 1:00 p.m. on the last Saturday before an election at the office of the county board of elections. A county board of elections may extend the hours from 1:00 p.m. to 5:00 p.m. on the last Saturday before an election.

BILL ANALYSIS: House Bill 658 changes the beginning date of the early voting period from the third Thursday before an election to the second Thursday before the election.

EFFECTIVE DATE: House Bill 658 would become effective January 1, 2012 and applies to elections held on or after that date; however, the act may not become effective until preclearance under Section 5 of the Voting Rights Act is received.

H658-SMTB-18(e1) v3

Attachment 7

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

Legislative Fiscal Note

BILL NUMBER: House Bill 658 (First Edition)

SHORT TITLE: Change Early Voting Period.

SPONSOR(S): Representatives Stam, Sager, Collins, and Jones

FISCAL IMPACT

Yes (X) **No ( )** **No Estimate Available ( )**

	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
REVENUES					
EXPENDITURES					
Local Government: County Boards of Elections Costs Cannot Be Determined: See Assumptions and Methodology					
POSITIONS (cumulative):					

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: State Board of Elections, County Boards of Elections

EFFECTIVE DATE: Effective for elections held after January 1, 2012

BILL SUMMARY:

This Bill amends the "one-stop" voting procedure in G.S. 163-227.2 by reducing the time required for such sites to be open. A "one stop" site is where qualified North Carolina residents are allowed to both register and vote an absentee ballot at the same time prior to an election.

Under current law a voter taking advantage of the "one stop" voting procedure must appear in person at the office of the county board of elections in which absentee ballots are authorized no earlier than the third Thursday before an election. This bill would reduce the time period to no earlier than the second Thursday before an election.

The county boards of elections are responsible for maintaining at least one "one-stop" voting site described in G.S. 163-227.2 but may operate more sites per G.S. 163-227(g). County board of elections are required to operate a "one-stop" site five days a week during regular business hours

until 1:00pm on the Saturday prior to the election (G.S. 163-227.2(f)). Counties may provide for the "one-stop" site to be on evenings and weekends and up to 5:00 pm on the Saturday prior to an election.

This bill is effective for elections held on or after January 1, 2012.

ASSUMPTIONS AND METHODOLOGY:

County boards of elections are responsible for costs of providing at least one "one-stop" site and for providing the materials for voting and registration under general statute (G.S. 163-129, G.S. 163-33(6) and (7), and G.S. 163-227.2(e)). County boards of elections could potentially save $1,945 per voting site under this bill using the analysis described below. However, cost savings statewide cannot be determined at this time, as the number of "one-stop" sites that a county would elect to provide for the various elections could not be determined by the State Board of Elections. Given uncertainty in the total number of voting sites for all counties, this is not included in the summary table.

In the past, the State Board of Elections has used federal Help America Vote Act (HAVA) funds to provide grants to reimburse county board of elections to for the costs to provide "one-stop" voting sites. In order to obtain an estimated per site savings, this analysis only looked at those sites that requested HAVA funds and remained open the required amount of time. These 49 counties received funding for 124 sites for a total actual reimbursement of $602,876 or $4,862 per site.[1] Assuming that the counties started operating each site on the third Thursday before an election and closed the site at 1:00pm on the Saturday prior to the election, this would equate to 12.5 days that he site was open. The per day cost of running a site would be $389. This bill would reduce the number of required days by five, leaving 7.5 days available for voters to take advantage of the site. Applying the per day cost determined above, the cost for counties would be $2,917. This could equate to a county spending an average of $1,945 less per site.

According to the State Board of Elections, there are no additional costs or savings to the State Board of Elections as a result of this bill. Fiscal Research concurs with this estimate.

SOURCES OF DATA: State Board of Elections

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Mark Bondo

[1] In 2010, the State Board of Elections provided grants to 59 counties for 141 voting cities totaling $669,202 in actual reimbursements. Ten of the counties in this amount used funds to provide for additional hours and days not required in Statute, and were not included in the analysis.

APPROVED BY:

Lynn Muchmore
Interim Director
Fiscal Research Division

DATE: April 14, 2011

Signed Copy Located in the NCGA Principal Clerk's Offices

ONE-STOP, IN-PERSON ABSENTEE VOTER TURNOUT

CALENDAR LEGEND

ELECTION	DAY 1	DAY 2	DAY 3	DAY 4	DAY 5	DAY 6	DAY 7	DAY 8	DAY 9	DAY 10	DAY 11	DAY 12	DAY 13	DAY 14	DAY 15	DAY 16	DAY 17
	THURS		SAT	SUN	MON	TUES	WED	THURS	FRI			MON	TUES	WED		FRI	SAT
2010 PRIMARY	15-Apr	16-Apr	17-Apr	18-Apr	19-Apr	20-Apr	21-Apr	22-Apr	23-Apr	24-Apr	25-Apr	26-Apr	27-Apr	28-Apr	29-Apr	30-Apr	1-May
2008 PRIMARY	17-Apr	18-Apr	19-Apr	20-Apr	21-Apr	22-Apr	23-Apr	24-Apr	25-Apr	26-Apr	27-Apr	28-Apr	29-Apr	30-Apr	1-May	2-May	3-May
2010 GENERAL	14-Oct	15-Oct	16-Oct	17-Oct	18-Oct	19-Oct	20-Oct	21-Oct	22-Oct	23-Oct	24-Oct	25-Oct	26-Oct	27-Oct	28-Oct	29-Oct	30-Oct
2008 GENERAL	15-Oct	16-Oct	17-Oct	18-Oct	19-Oct	20-Oct	21-Oct	22-Oct	23-Oct	24-Oct	25-Oct	26-Oct	27-Oct	28-Oct	29-Oct	30-Oct	1-Nov

PEOPLE PRESENTING AT ONE-STOP SITES

ELECTION	DAY 1	DAY 2	DAY 3	DAY 4	DAY 5	DAY 6	DAY 7	DAY 8	DAY 9	DAY 10	DAY 11	DAY 12	DAY 13	DAY 14	DAY 15	DAY 16	DAY 17	TOTALS
	THURS		SAT	SUN	MON	TUES	WED	THURS	FRI			MON	TUES	WED		FRI	SAT	
2010 PRIMARY	10,516	8,797	930	43	9,268	9,071	8,551	8,908	10,389	2,473	199	12,181	14,030	16,237	17,977	25,631	16,609	171,810
2008 PRIMARY	15,645	14,896	2,458	0	15,049	16,846	18,180	19,771	22,742	11,272	3,089	37,534	45,635	48,886	58,176	82,017	62,091	474,287
2010 GENERAL	35,925	35,010	2,654	0	44,261	45,893	43,306	45,429	62,380	24,474	10,116	76,857	87,964	87,273	99,114	125,467	79,083	905,206
2008 GENERAL	116,636	113,161	36,916	14,155	139,581	141,613	140,629	149,928	161,703	91,594	22,925	196,251	198,361	208,474	223,516	245,047	210,082	2,410,572

NOTES

THESE NUMBERS DO NOT REPRESENT VOTES. The figures are the daily counts of citizens presenting at one-stop, in-person absentee voting sites across North Carolina during one-stop, in-person absentee voting.

Currently, the one-stop, in-person absentee voting period begins the third Thursday prior to the election date and ends the last Saturday before the election date.

Saturday voting is only required the last Saturday prior to the election, and the offering of Sunday voting is a choice of the local county boards of elections.

Prepared by the State Board of Elections
Apr. 25, 2011

Attachment 7

5-11-11 Attachment 8

ROLL CALL VOTE

16 YES 14 NO = 30 (TOTAL)

HB# 658
SB# ____

HOUSE STANDING COMMITTEE ON Elections

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
___	___	Lewis, David			
✓	___	Burr, Justin	___	✓	Moore, Tim
✓	___	Current, William	___	✓	Ross, Deborah
✓	___	Jones, Bert	___	✓	Sager, Efton
✓	___	Jordan, Jonathan	___	✓	Stam, Paul
___	✓	Alexander, Martha	___	___	Starnes, Edgar
✓	___	Blust, John	___	✓	Warren, Edith
✓	___	Brown, Larry	___	___	Weiss, Jennifer
___	✓	Brown, Rayne	___	___	
___	✓	Bryant, Angela	___	___	14
___	✓	Cotham, Tricia	15		
✓	___	Dixon, Jimmy	+	___	
✓	___	Faircloth, John	___	___	14
___	✓	Fisher, Susan	16	___	
___	✓	Floyd, Elmer	___	___	
___	✓	Graham, Charles			
✓	✓	Harrison, Pricey	___	___	
✓	___	Iler, Frank	___	___	
✓	___	Justice, Carolyn			
___	✓	Killian, Richard	___	___	
___	✓	Martin, Grier	___	___	
___	✓	McLawhorn, Marian	___	___	
✓	✓	Michaux, Mickey			
✓	✓	Mills, Grey			
___	✓	Mobley, Annie			

passed

Minutes
Attach. 9

North Carolina Center *for* Voter Education

www.ncvotered.com 3933 Arrow Drive, Suite 101 Raleigh, NC 27609 919-783-8811

My Name is Damon Circosta, Executive Director of The North Carolina Center for Voter Education

I am speaking today in opposition of HB 658. I hope you will reconsider this proposal.

We live in a frazzled age. North Carolinians live increasingly busy and hectic lives. While most of us value civic participation, voting often is not the first thing we think about when trying to piece together our various responsibilities to our families, employers and community.

Over the last several sessions, you have expanded the time and manner in which we can participate in self-government. You recognized that more opportunities to vote mean that we, the people, are more likely to engage.

In 2008, thanks in part to expansive early voting opportunities we saw nearly 70% of registered voters turn out. Many of us were ecstatic that more people were participating. In 2010 we saw roughly a third of voters use early voting. While those two elections had very different partisan outcomes, what they had in common was a renewed vigor in our political process. In each of those elections the victors were ones who could utilize expansive voting opportunities to get their supporters to the polls. This is what our democracy should be about and the more people who participate, the healthier our democracy is.

I understand that you are looking to save money wherever you can, but restricting the times where we, as citizens, can engage is not the way to do it. Voting is one of the precious few opportunities that we, as citizens, have to steer the outcome of our government. This bill will not affect any serious cost savings and by restricting our opportunity to participate you will fuel the very cynicism you came here to eradicate.

We have reached all time lows in citizen confidence in government; much of the cynicism comes from feeling like the process is rigged. By restricting, even by a few days, the opportunity to vote you are sending the message that our input is no longer needed. Given that so many North Carolinians already view state government with a jaundiced eye, this is exactly the wrong message to be sending.

I hope you will oppose this legislation and I thank you for your service and the opportunity to be heard.

a

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Elections

DATE: 5/11/11 **Room:** 643

*Name: Jared Rauscher
County: Wake Co.
Sponsor: Speaker Tillis

*Name: ROBERT PARKER
County: ORANGE
Sponsor: SPEAKER TILLIS

*Name:
County:
Sponsor:

*Name:
County:
Sponsor:

*Name:
County:
Sponsor:

House Sgt-At Arms:

1. Name: Todd Batchelor
2. Name: Martha Parrish
3. Name: Martha Gadison
4. Name: Billy Jones
5. Name: Garland Shepheard
6. Name:

Attachment 10

VISITOR REGISTRATION SHEET

Election Committee — 5-11-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Veronica Degraffenreid	SBOE
Gary Bartlett	SBE
Chris Telesca	Wake Verified Voting
Damon Circosta	NC Center for Voter Ed.
Cherie Poucher	Wake Co. BOE
Lakunia McLean	SBE,
Lachelle Pulliam	DMV Wainwright's Office

VISITOR REGISTRATION SHEET

Election Committee — 5-11-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Penny Burnette	School of Gov.
Matt Gray	NCOL
Annaliese Dolph	DRNC
Sage Boyd	Rep. Martin - intern

Election Committee Meeting

May 18, 2011

Attachment 1:	**Committee Notice**
Attachment 2:	**Minutes**
Attachment 3:	**HB 638 committee report, original bill, bill summary, PCS**
Attachment 4:	**HB 112 committee report, original bill, PCS,**
Attachment 5:	**Visitor Registration Sheet**

Attachment 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, May 18, 2011
TIME: 1:00 pm
LOCATION: 643 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 112	Realign Wake Superior Court Districts.	Representative Dollar Representative Stam Representative Avila Representative Murry
HB 638	Uniform Faithful Presidential Electors Act.	Representative Jordan Representative Stam

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11 AM** o'clock on **May 16, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 2

Minutes

Committee on Elections

Wednesday, May 18, 2011

The House Committee on Elections met on Wednesday, May 18, 2011, in room 643 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Burr, Current, Jones and Jordan Co-Chairs, Representatives Alexander, Blust, L. Brown, R. Brown, Bryant, Cotham, Dixon, Faircloth, Fisher, Floyd, Graham, Harrison, Iler, Justice, Martin, McLawhorn, Mobley, T. Moore, Ross, Sager, Stam, Starnes, Warren, Weiss. A Visitor Registration Sheet is attached and made part of these minutes. Staff members present were: Erika Churchill, Kara McCraw, and Denise Huntley Adams. The Chair called the meeting to order at 1:12 PM and recognized the sergeant at arms and pages for the day.

The first order of business was HB 638 Uniform Faithful Presidential Electors Act . Rep. Justice moved that the PCS and Summary for HB 638 be introduced to the committee. Rep. Jordan and Stam explained the Bill. Rep. Jordan recognized Susan Nichols, Special Deputy Attorney General State of NC to speak on the PCS for HB 638. Questions were taken from the committee on this bill. Rep. Justice moved with a favorable report as to the committee substitute bill, unfavorable as to the original bill. A verbal vote was taken and the bill passed unanimously.

Rep. Martin introduce special quests from the Republic of Moldova. He introduced Serghei Sirbu, Member of Parliament, Deputy Chair of the Legal, Appointments and Immunities Committee and Oleg Bodrug, MP, Liberal Party Parliamentary Faction Economy, Budget and Finance Committee.

The second order of business was HB 112 Realign Wake Superior Court Districts . The Chair called a recess for 4 minutes at 1:36 PM so that the committee could look at the PCS for HB 112 Realign Wake Superior Court Districts and H112-CSST-31 colored map. The meeting was called back to order at 1:40 PM. Rep. Iler moved that the PCS be brought before the committee for discussion. Rep. Dollar explained the bill. After discussion by the committee Rep. Stam moved that a favorable report as to the committee substitute bill, unfavorable as to the original bill. A verbal vote was taken and the bill passed unanimously.

The chair stated that the committee will meet on Wednesday, May 25, 2011 at 1:00 and will also meet after session on that day. The meeting was adjourned at 1:45 PM.

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

ATTACHMENT 3

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for

HB 638 A BILL TO BE ENTITLED AN ACT TO ADOPT THE UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

Attachment 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 638
PROPOSED COMMITTEE SUBSTITUTE H638-PCS11210-TC-20

Short Title: Uniform Faithful Presidential Electors Act. (Public)

Sponsors:

Referred to:

April 6, 2011

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 18 of Chapter 163 of the General Statutes is repealed.

SECTION 2. Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 18B.

"Faithful Presidential Electors Act.

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

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

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

"**§ 163-216.2. Pledge.**

Each elector nominee and alternate elector nominee of a political party shall execute the following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots

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

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

Upon receipt of the certifications prepared by the State Board of Elections and delivered in accordance with G.S. 163-182.15, the Secretary of State, under seal of the office, shall notify the Governor of the names of the persons elected to the office of elector for President and Vice President of the United States as stated in the abstracts of the State Board of Elections. Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the electors and instructing them to be present in the old Hall of the House of Representatives in the State Capitol in the City of Raleigh at 12:00 noon on the first Monday after the second Wednesday in December next after their election, at which time the electors shall meet and vote on behalf of the State for President and Vice President of the United States. If the old Hall of the House of Representatives in the State Capitol is unavailable, the Governor may specify another location within the City of Raleigh. The Governor shall cause this proclamation to be published on the Internet and in any daily newspaper published in the City of Raleigh and shall cause the proclamation to be distributed to representatives of the news media. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. The Secretary of State is responsible for making the actual arrangements for the meeting, preparing the agenda, and inviting guests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"**§ 163-216.6. Elector voting.**

(a) At the time designated for elector voting and after all vacant positions have been filled under G.S. 163-216.5, the Secretary of State shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector's presidential and vice presidential ballots with the elector's votes for the offices of President and Vice President, respectively, along with the elector's signature and the elector's legibly printed name.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(c) On Tuesday next after the first Monday in November in the year 1968, and every four years thereafter, or on such days as the Congress of the United States shall direct, an election shall be held in all of the election precincts of the State for the election of electors of President and Vice-President of the United States. The number of electors to be chosen shall be equal to the number of Senators and Representatives in Congress to which this State may be entitled. Presidential electors shall not be nominated by primary election; instead, they shall be nominated in a State convention of each political party as defined in G.S. 163-96 unless otherwise provided by the plan of organization of the political party; provided, that in the case of a candidate for President of the United States who has qualified to have his name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122, that candidate shall

nominate presidential electors. One presidential elector shall be nominated from each congressional district and two from the state-at-large, and in addition, the State convention of each party and the unaffiliated candidate shall each nominate ~~first and second alternate electors~~an elector and an alternate elector who shall serve if their slate is elected as provided by ~~G.S. 163-209~~G.S. 163-216.1 and if there is a vacancy as provided by ~~G.S. 163-210.~~G.S. 163-216.5."

SECTION 4. This act becomes effective January 1, 2012, and applies to presidential elections held on or after that date.

ATTACHMENT 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 638

Short Title:	Uniform Faithful Presidential Electors Act.	(Public)
Sponsors:	Representatives Jordan and Stam (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Elections.	

April 6, 2011

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 18 of Chapter 163 is repealed.

SECTION 2. Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 18B.

"Faithful Presidential Electors Act.

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

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

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

"**§ 163-216.2. Pledge.**

Each elector nominee and alternate elector nominee of a political party shall execute the following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots for President and Vice President for the nominees for those offices of the party that nominated

me." The executed pledges must accompany the submission of the corresponding names to the Secretary of State.

"**§ 163-216.3. Certification of electors.**

In submitting this State's certificate of ascertainment as required by 3 U.S.C. § 6, the Governor shall certify this State's electors and state in the certificate all of the following:

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

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

"**§ 163-216.4. Presiding officer; elector vacancy.**

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

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

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

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

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

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

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

(c) To qualify as a substitute elector under subsection (b) of this section, an individual who has not executed the pledge required under G.S. 163-216.3 shall execute the following pledge: "I agree to serve and to mark my ballots for President and Vice President consistent with the pledge of the individual to whose elector position I have succeeded."

"**§ 163-216.5. Elector voting.**

(a) At the time designated for elector voting and after all vacant positions have been filled under G.S. 163-216.4, the Secretary of State shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector's presidential and vice presidential ballots with the elector's votes for the offices of President and Vice President, respectively, along with the elector's signature and the elector's legibly printed name.

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

(c) An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under this Article vacates the office of elector, creating a vacant position to be filled under G.S. 163-216.4.

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

"**§ 163-216.6. Elector replacement; associated certificates.**

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

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

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

"**§ 163-216.7. Electors and dual office holding.**

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

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

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

SECTION 3. This act becomes effective January 1, 2012, and applies to presidential elections held on or after that date.

ATTACHMENT # 3

HOUSE BILL 638:
Uniform Faithful Presidential Electors Act

2011-2012 General Assembly

Committee:	House Elections	**Date:**	May 18, 2011
Introduced by:	Reps. Jordan, Stam	**Prepared by:**	Kara McCraw Committee Counsel
Analysis of:	PCS to First Edition H638-CSTC-20		

SUMMARY: ***House Bill 638 would repeal current North Carolina law relating to Presidential electors, and would adopt the Uniform Faithful Presidential Electors Act.***

The Proposed Committee Substitute would:

- ***Require electors for unaffiliated candidates to be subject to the designation and pledge requirement for party electors.***
- ***Recodify requirements in current law related to:***
- ***Proclamation of electors and setting the time and location for the meeting of the electors, with additional provisions to allow an alternate site selection if the State Capitol is unavailable, and requiring additional publication of the proclamation on the Internet and distribution to news media.***
- ***Requiring the Governor to transmit copies of the certificates of ascertainment.***
- ***Providing for appointment of electors when proclamations regarding who the electors will be have not been issued 6 days before the meeting of electors.***
- ***Make conforming changes.***

CURRENT LAW: Article 18 of Chapter 163 establishes the procedures for Presidential electors for the Electoral College as follows in Section 1.

Nomination of Electors: Political parties nominating candidates for President and Vice-President of the United States or unaffiliated candidates for those offices must submit the names of candidates for electors to the Secretary of State. Elector names are not placed on the ballot, but a vote for the candidate for President and Vice-President is a vote for the electors.

Proclamation of Electors: Once the race is certified by the State Board of Elections, the Secretary of State notifies the Governor of those elector's names. The Governor issues a proclamation, instructing electors to meet at the State Capitol on the first Monday after the second Wednesday in December to vote for the President and Vice-President. Notice must be given in the Raleigh daily newspapers.

Vacancies among Electors: An elector may resign up to 48 hours after receipt of the certificate of ascertainment from the Governor. If an elector is absent, ineligible, or resigns, the first and second alternates shall fill the first two vacancies. Any additional vacancies shall be filled by eligible citizens elected by the present electors.

Pay of Electors: Presidential electors are paid $44 per day and travel expenses of 17 cents per mile.

Penalty for Non-attendance and Faithless Electors: Presidential electors who fail to attend and vote for the candidates of the political party that nominated the elector must pay $500. In additional, refusal or failure to vote for the candidate of the political party that nominated the elector constitutes a resignation from the office of elector, the elector's vote is not recorded, and the remaining electors must fill the vacancy.

Appointment of Electors when no Proclamation is Made: If electors cannot be proclaimed six days before the meeting day on the first Monday after the second Wednesday in December, upon call of an extra session, the General Assembly may fill the positions. If the General Assembly fails to fill the positions before noon on the day before the day set for the electors meeting, the Governor shall appoint the elector. The General Assembly and Governor shall designate electors in accord with their best judgment on the will of the electorate. That decision is not subject to judicial review. If a proclamation is made prior to the meeting of electors, that proclamation controls over appointments of the General Assembly or Governor.

BILL ANALYSIS: The PCS for HB 638 would enact the Uniform Faithful Presidential Electors Act.

Designation of State electors (163-216.1): Requires political parties and unaffiliated candidates to submit 2 qualified individuals to the Secretary of State: an elector nominee and an alternate elector nominee. Existing law regarding placement of names of candidates for President and Vice-President on the ballot, rather than names of electors, is recodified.

Pledge (163-216.2): Each elector is required to execute a pledge that the elector will cast their ballot for the nominee of the party, or for the unaffiliated candidate, that nominated the elector.

Proclamation of Electors (163-216.3): Recodifies current law requiring the Governor to proclaim names of electors, and setting the time and location for the electors' meeting. Provides that the Governor may designate another meeting site if the State Capitol is unavailable. Requires the Governor to also publish the proclamation on the Internet and to make the proclamation available to the news media.

Certification of Electors (163-216.4): Recodifies requirements on sending of certificates of ascertainment. Requires that if a substitute elector must fill a vacancy, an amended certificate of ascertainment must be submitted.

Elector Vacancies (163-216.5): The Secretary of State presides at the elector meeting. If an elector is not present to vote, the position is declared vacant and is filled by the Secretary of State as follows:

1) If the alternate elector is present, by appointing the alternate elector to the position.
2) If the alternate elector is not present, by appointing an elector chosen by lot from the other alternate electors present and nominated by the same party.
3) If there are insufficient alternate electors to fill vacancies, by appointing an immediately available qualified individual chosen through nomination and plurality vote by remaining electors. If there is a tie, the elector must be chosen by lot from among the nominees.
4) If all elector positions are vacant, a single presidential elector is appointed, with remaining positions filled though nomination and election as provided in subdivision (3).

A substitute elector who has not executed the required pledge must pledge to mark ballots consistent with the pledge of the individual whose place the substitute elector fills.

Elector voting (163-216.6): When all vacancies are filled, electors must mark and sign their ballots and return them to the Secretary of State. The Secretary of State must examine and accept as cast all ballots consistent with the elector's pledge. Ballots not fully marked or marked in violation of the pledge may not be accepted. An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge vacates their office and a substitute elector must be appointed in the elector's place.

Elector replacement (163-216.7): If the final list of electors differs from the list previously included on the certificate of ascertainment, an amended certificate of ascertainment must be prepared. The Secretary of State must prepare a certificate of vote signed by the final list of electors.

Electors and dual office holding (163-216.8): Recodifies current law related to dual-office holding requirements for electors.

Appointment of Presidential Electors under certain circumstances (163-216.9): Recodifies current law providing for alternative appointment of electors if appointments of electors have not been made by 6 days before the elector's meeting.

Section 3 makes conforming changes.

EFFECTIVE DATE: HB 638 would become effective January 1, 2012 and apply to presidential elections held on or after that date, and must be precleared under Section 5 of the Voting Rights Act prior to becoming law.

BACKGROUND: The Uniform Faithful Presidential Electors Act was approved by the Uniform Law Commission in 2010. The Uniform Law Commission states that the Act provides a statutory remedy in the event a state presidential elector fails to vote in accordance with the voters of his or her state, through creating a state-administered pledge of faithfulness, with any attempt by an elector to submit a vote in violation of that pledge effectively constituting resignation from the office of elector. The Act provides a mechanism for filling a vacancy created for that reason or any other.

ATTACHMENT 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 638
PROPOSED COMMITTEE SUBSTITUTE H638-CSTC-20 [v.4]

5/18/2011 12:20:40 PM

Short Title: Uniform Faithful Presidential Electors Act. (Public)

Sponsors:

Referred to:

April 6, 2011

A BILL TO BE ENTITLED

AN ACT TO ADOPT THE UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 18 of Chapter 163 is repealed.

SECTION 2. Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 18B.

"Faithful Presidential Electors Act.

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

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

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

"**§ 163-216.2. Pledge.**

Each elector nominee and alternate elector nominee of a political party shall execute the following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots

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

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

Upon receipt of the certifications prepared by the State Board of Elections and delivered in accordance with G.S. 163-182.15, the Secretary of State, under seal of the office, shall notify the Governor of the names of the persons elected to the office of elector for President and Vice-President of the United States as stated in the abstracts of the State Board of Elections. Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the electors and instructing them to be present in the old Hall of the House of Representatives in the State Capitol in the City of Raleigh at noon on the first Monday after the second Wednesday in December next after their election, at which time the electors shall meet and vote on behalf of the State for President and Vice-President of the United States. If the old Hall of the House of Representatives in the State Capitol is unavailable, the Governor may specify another location within the City of Raleigh. The Governor shall cause this proclamation to be published on the Internet and in any daily newspaper published in the City of Raleigh, and shall cause the proclamation to be distributed to representatives of the news media. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. The Secretary of State is responsible for making the actual arrangements for the meeting, preparing the agenda, and inviting guests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"**§ 163-216.6. Elector voting.**

(a) At the time designated for elector voting and after all vacant positions have been filled under G.S. 163-216.5, the Secretary of State shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector's presidential and vice presidential ballots with the elector's votes for the offices of President and Vice President, respectively, along with the elector's signature and the elector's legibly printed name.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(c) On Tuesday next after the first Monday in November in the year 1968, and every four years thereafter, or on such days as the Congress of the United States shall direct, an election shall be held in all of the election precincts of the State for the election of electors of President and Vice-President of the United States. The number of electors to be chosen shall be equal to the number of Senators and Representatives in Congress to which this State may be entitled. Presidential electors shall not be nominated by primary election; instead, they shall be

nominated in a State convention of each political party as defined in G.S. 163-96 unless otherwise provided by the plan of organization of the political party; provided, that in the case of a candidate for President of the United States who has qualified to have his name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122, that candidate shall nominate presidential electors. One presidential elector shall be nominated from each congressional district and two from the state-at-large, and in addition, the State convention of each party and the unaffiliated candidate shall each nominate ~~first and second alternate electors~~an elector and an alternate elector who shall serve if their slate is elected as provided by ~~G.S. 163-209~~G.S. 163-216.1 and if there is a vacancy as provided by ~~G.S. 163-210.~~G.S. 163-216.5."

SECTION 4. This act becomes effective January 1, 2012, and applies to presidential elections held on or after that date.

Attachment 4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 112
PROPOSED COMMITTEE SUBSTITUTE H112-PCS80232-ST-31

Short Title: Realign Wake Superior Court Districts. (Public)

Sponsors:

Referred to:

February 17, 2011

A BILL TO BE ENTITLED

AN ACT TO REALIGN THE DISTRICTS FOR WAKE COUNTY SUPERIOR COURT JUDGE SEATS TO PROVIDE FOR SINGLE MEMBER DISTRICTS AND EQUAL REPRESENTATION IN THOSE DISTRICTS, WHICH ARE TO BE DETERMINED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover, part of Pender	1

		see subsection (b))	
	5C	(part of New Hanover, see subsection (b))	1
First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville, Vance, Warren	2
Third	9A	Person, Caswell	1
Third	10A	(part of Wake, see subsection (b))	~~2~~1
Third	10B	(part of Wake, see subsection (b))	~~2~~1
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Third	10E	(part of Wake, see subsection (b))	1
Third	10F	(part of Wake, see subsection (b))	1
Fourth	11A	Harnett, Lee	1
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland, see subsection (b))	1
Fourth	12B	(part of Cumberland, see subsection (b))	1
Fourth	12C	(part of Cumberland, see subsection (b))	2
Fourth	13A	Bladen, Columbus	1
Fourth	13B	Brunswick	1
Third	14A	(part of Durham, see subsection (b))	1
Third	14B	(part of Durham, see subsection (b))	3
Third	15A	Alamance	2
Third	15B	Orange, Chatham	2
Fourth	16A	Scotland, Hoke	1
Fourth	16B	Robeson	2
Fifth	17A	Rockingham	2
Fifth	17B	Stokes, Surry	2

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ATTACHMENT 4

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for

HB 112 A BILL TO BE ENTITLED AN ACT TO REALIGN THE DISTRICTS FOR WAKE COUNTY SUPERIOR COURT JUDGE SEATS TO PROVIDE FOR SINGLE MEMBER DISTRICTS AND EQUAL REPRESENTATION IN THOSE DISTRICTS, WHICH ARE TO BE DETERMINED.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

Attachment 4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 112
PROPOSED COMMITTEE SUBSTITUTE H112-PCS80232-ST-31

Short Title: Realign Wake Superior Court Districts. (Public)

Sponsors:

Referred to:

February 17, 2011

A BILL TO BE ENTITLED

AN ACT TO REALIGN THE DISTRICTS FOR WAKE COUNTY SUPERIOR COURT JUDGE SEATS TO PROVIDE FOR SINGLE MEMBER DISTRICTS AND EQUAL REPRESENTATION IN THOSE DISTRICTS, WHICH ARE TO BE DETERMINED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover, part of Pender	1

		see subsection (b))	
	5C	(part of New Hanover, see subsection (b))	1
First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville, Vance, Warren	2
Third	9A	Person, Caswell	1
Third	10A	(part of Wake, see subsection (b))	~~2~~1
Third	10B	(part of Wake, see subsection (b))	~~2~~1
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Third	10E	(part of Wake, see subsection (b))	1
Third	10F	(part of Wake, see subsection (b))	1
Fourth	11A	Harnett, Lee	1
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland, see subsection (b))	1
Fourth	12B	(part of Cumberland, see subsection (b))	1
Fourth	12C	(part of Cumberland, see subsection (b))	2
Fourth	13A	Bladen, Columbus	1
Fourth	13B	Brunswick	1
Third	14A	(part of Durham, see subsection (b))	1
Third	14B	(part of Durham, see subsection (b))	3
Third	15A	Alamance	2
Third	15B	Orange, Chatham	2
Fourth	16A	Scotland, Hoke	1
Fourth	16B	Robeson	2
Fifth	17A	Rockingham	2
Fifth	17B	Stokes, Surry	2

Fifth	18A	(part of Guilford, see subsection (b))	1
Fifth	18B	(part of Guilford, see subsection (b))	1
Fifth	18C	(part of Guilford, see subsection (b))	1
Fifth	18D	(part of Guilford, see subsection (b))	1
Fifth	18E	(part of Guilford, see subsection (b))	1
Sixth	19A	Cabarrus	1
Fifth	19B	Montgomery, Randolph	1
Sixth	19C	Rowan	1
Fifth	19D	Moore	1
Sixth	20A	Anson, Richmond, Stanley	2
Sixth	20B	Union	2
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	22A	Alexander, Iredell	2
Sixth	22B	Davidson, Davie	2
Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	2
Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	2
Seventh	26B	(part of Mecklenburg, see subsection (b))	3
Seventh	26C	(part of Mecklenburg, see subsection (b))	2
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2
Eighth	28	Buncombe	2
Eighth	29A	McDowell, Rutherford	1
Eighth	29B	Henderson, Polk, Transylvania	1
Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson"	

SECTION 2. G.S. 7A-41(b) reads as rewritten:

"(b) For superior court districts of less than a whole county, or with part of one county with part of another, the composition of the district and the number of judges is as follows:

(1) Superior Court District 7B consists of County Commissioner Districts 1, 2, and 3 of Wilson County, Blocks 127 and 128 of Census Tract 6 of Wilson County, and Townships 12 and 14 of Edgecombe County. It has one judge.

(2) Superior Court District 7C consists of the remainder of Edgecombe and Wilson Counties not in Judicial District 7B. It has one judge.

(3) Superior Court District 10A consists of Wake County ~~Precincts~~Precincts: VTD: 01-01, VTD: 01-02, VTD: 01-06, VTD: 01-07, VTD: 01-14, VTD: 01-16, VTD: 01-23, VTD: 01-29, VTD: 01-31, VTD: 01-32, VTD: 01-33, VTD: 01-41, VTD: 01-48, VTD: 01-49, VTD: 04-01, VTD: 04-02, VTD: 04-03, VTD: 04-04, VTD: 04-06, VTD: 04-07, VTD: 04-10, VTD: 04-11, VTD: 04-12, VTD: 04-13, VTD: 04-14, VTD: 04-15, VTD: 04-16, VTD: 04-19, VTD: 04-20, VTD: 04-21, VTD: 11-02, VTD: 18-01, VTD: 18-04, VTD: 18-06, VTD: 18-08. ~~01-12, 01-13, 01-14, 01-18, 01-19, 01-20, 01-22, 01-25, 01-26, 01-28, 01-34, 01-35, 01-40, 01-50, 17-03, and 17-07.~~ It has ~~two judges~~one judge.

(4) Superior Court District 10B consists of Wake County ~~Precincts~~Precincts: VTD: 01-12, VTD: 01-13, VTD: 01-18, VTD: 01-19, VTD: 01-20, VTD: 01-21, VTD: 01-22, VTD: 01-25, VTD: 01-26, VTD: 01-27, VTD: 01-34, VTD: 01-35, VTD: 01-38, VTD: 01-40, VTD: 01-46, VTD: 01-50, VTD: 13-01: Block(s) 1830527043000, 1830527043023, 1830527043024, 1830540181012, 1830540181013, 1830540181014, 1830540181015, 1830540181016, 1830540181017, 1830540181018, 1830540181027, 1830540181033, 1830540181034, 1830541041022, 1830541041023, 1830541041024, 1830541041025, 1830541041026, 1830541041028, 1830541041030, 1830541041031, 1830541041032, 1830541041033, 1830541041039, 1830541041040, 1830541041041, 1830541041042, 1830541041043, 1830541041044, 1830541041045, 1830541041046, 1830541041047, 1830541041048, 1830541041049, 1830541041050, 1830541042000, 1830541042002, 1830541042010, 1830541042023, 1830541042024, 1830541042025, 1830541042026, 1830541042027, 1830541042029, 1830541042030, 1830541043014, 1830541043015, 1830541043016, 1830541043017, 1830541043018, 1830541043019, 1830541043045; VTD: 13-05, VTD: 13-07, VTD: 16-02, VTD: 16-03, VTD: 16-06, VTD: 16-08, VTD: 17-06, VTD: 17-07, VTD: 17-08, VTD: 17-09, VTD: 17-10, VTD: 17-11. ~~01-01, 01-02, 01-03, 01-04, 01-05, 01-06, 01-07, 01-07A, 01-09, 01-10, 01-11, 01-16, 01-21, 01-23, 01-27, 01-29, 01-31, 01-32, 01-33, 01-36, 01-41, 01-48, 01-49, 03-00, 04-01, 04-02, 04-03, 04-04, 04-05, 04-06, 04-07, 04-08, 04-09, 04-10, 04-11, 04-12, 04-13, 04-14, 04-15, 04-16, 04-17, 04-18, 04-19, 04-20, 05-01, 05-02, 06-01, 06-02, 06-03, 07-01, 07-10, 11-01, 11-02, 12-01, 12-02, 12-03, 12-04, 12-05, 12-06, 18-01, 18-02, 18-03, 18-04, 18-05, 18-06, 18-07, 18-08, 20-01, 20-02, 20-03, 20-04, 20-05, 20-06, 20-07, 20-08, 20-09, and 20-10.~~ It has ~~two judges~~one judge.

(5) Superior Court District 10C consists of Wake County ~~Precincts~~Precincts: VTD: 02-01, VTD: 02-02, VTD: 02-03, VTD: 02-04, VTD: 02-05, VTD: 02-06, VTD: 07-02, VTD: 07-06, VTD: 07-07, VTD: 07-11, VTD: 07-12, VTD: 08-02, VTD: 08-03, VTD: 08-04, VTD: 08-05, VTD: 08-06, VTD: 08-07, VTD: 08-08, VTD: 08-09, VTD: 08-10, VTD:

08-11, VTD: 13-10, VTD: 13-11, VTD: 14-01, VTD: 14-02, VTD: 19-03, VTD: 19-04, VTD: 19-05, VTD: 19-06, VTD: 19-07, VTD: 19-09, VTD: 19-10, VTD: 19-11, VTD: 19-12. ~~02-01, 02-02, 02-03, 02-04, 02-05, 02-06, 07-02, 07-12, 08-01, 08-02, 08-03, 08-04, 08-05, 08-06, 08-07, 08-08, 09-01, 09-02, 09-03, 10-01, 10-02, 10-03, 10-04, 14-01, 14-02, 15-01, 15-02, 15-03, 15-04, 16-01, 16-02, 16-03, 16-04, 16-05, 16-06, 16-07, 19-01, 19-02, 19-03, 19-04, 19-05, 19-06, 19-07, and 19-08.~~It has one judge.

(6) Superior Court District 10D consists of Wake County ~~Precincts~~Precincts: VTD: 01-03, VTD: 01-04, VTD: 01-05, VTD: 01-09, VTD: 01-10, VTD: 01-11, VTD: 01-15, VTD: 01-17, VTD: 01-30, VTD: 01-36, VTD: 01-37, VTD: 01-39, VTD: 01-43, VTD: 01-45, VTD: 01-51, VTD: 04-05, VTD: 04-08, VTD: 04-09, VTD: 04-17, VTD: 04-18, VTD: 05-01, VTD: 05-03, VTD: 05-04, VTD: 05-05, VTD: 05-06, VTD: 07-01, VTD: 07-03, VTD: 07-04, VTD: 07-05, VTD: 07-09, VTD: 07-10, VTD: 07-13, VTD: 11-01, VTD: 20-02, VTD: 20-04, VTD: 20-10. ~~01-15, 01-17, 01-30, 01-37, 01-38, 01-39, 01-42, 01-43, 01-44, 01-45, 01-46, 01-47, 01-51, 07-03, 07-04, 07-05, 07-06, 07-07, 07-07A, 07-09, 07-11, 13-01, 13-02, 13-03, 13-04, 13-05, 17-01, 17-02, 17-04, 17-05, 17-06, and 17-08.~~It has one judge.

(6a) Superior Court District 10E consists of Wake County Precincts: VTD: 01-28, VTD: 01-42, VTD: 01-44, VTD: 01-47, VTD: 09-01, VTD: 09-02, VTD: 09-03, VTD: 10-01, VTD: 10-02, VTD: 10-03, VTD: 10-04, VTD: 13-01: Block(s) 1830541041000, 1830541041001, 1830541041002, 1830541041003, 1830541041004, 1830541041005, 1830541041006, 1830541041007, 1830541041008, 1830541041009, 1830541041010, 1830541041011, 1830541041012, 1830541041013, 1830541041014, 1830541041015, 1830541041016, 1830541041017, 1830541041018, 1830541041019, 1830541041020, 1830541041021, 1830541042028; VTD: 13-02, VTD: 13-06, VTD: 13-08, VTD: 13-09, VTD: 15-01, VTD: 15-03, VTD: 15-04, VTD: 16-01, VTD: 16-04, VTD: 16-05, VTD: 16-07, VTD: 16-09, VTD: 17-01, VTD: 17-02, VTD: 17-03, VTD: 17-04, VTD: 17-05, VTD: 19-16, VTD: 19-17. It has one judge.

(6b) Superior Court District 10F consists of Wake County Precincts: VTD: 03-00, VTD: 06-01, VTD: 06-04, VTD: 06-05, VTD: 06-06, VTD: 06-07, VTD: 12-01, VTD: 12-02, VTD: 12-04, VTD: 12-05, VTD: 12-06, VTD: 12-07, VTD: 12-08, VTD: 12-09, VTD: 15-02, VTD: 18-02, VTD: 18-03, VTD: 18-05, VTD: 18-07, VTD: 20-01, VTD: 20-03, VTD: 20-05, VTD: 20-06, VTD: 20-08, VTD: 20-09, VTD: 20-11, VTD: 20-12. It has one judge.

(7) Superior Court District 12A consists of that part of Cross Creek Precinct #18 north of Raeford Road, Montclair Precinct, that part of Precinct 71-1 not in Judicial District 12B, Precinct 71-2, Morganton #2 Precinct, Cottonade Precinct, Cumberland Precincts 1 and 2, and Brentwood Precinct. It has one judge.

(8) Superior Court District 12B consists of all of State House of Representatives District 17, except for Westarea Precinct, and it also includes that part of Cross Creek Precinct #15 east of Village Drive. It has one judge.

(9) Superior Court District 12C consists of the remainder of Cumberland County not in Superior Court Districts 12A or 12B. It has two judges.

(10) Superior Court District 14A consists of Durham Precincts 9, 11, 12, 13, 14, 15, 18, 34, 40, 41, and 42, and that part of Durham Precinct 39 east of North Carolina Highway #751. It has one judge.

(10a) Effective with the 2004 election, in addition to the boundaries provided for in this section, Superior Court District 14A also includes that portion of Durham Precinct 53 east of North Carolina Highway #751.

(11) Superior Court District 14B consists of the remainder of Durham County not in Superior Court District 14A. It has three judges.

(12) Superior Court District 18A consists of Fentress Precincts 1 and 2; Greensboro Precincts 4, 5, 6, 46, 52, 67, 68, 69, 70, 71, 72, 73, 74, and 75; North Clay Precinct; Pleasant Garden Precincts 1 and 2; and South Clay Precinct. It has one judge.

(13) Superior Court District 18B consists of High Point Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27; HP Precinct; Jamestown Precincts 1 and 5; North Deep River Precinct; and South Deep River Precinct. It has one judge.

(14) Superior Court District 18C consists of Center Grove Precincts 1, 2, and 3; Friendship Precincts 1, 2, 3, 4, and 5; Greensboro Precincts 17, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40A, 40B, 41, 42, 43, 64, 65, and 66; Jamestown Precincts 2, 3, and 4; Monroe Precinct 3; North Center Grove Precinct; Oak Ridge Precincts 1 and 2; Summerfield Precincts 1, 2, 3, and 4; and Stokesdale Precinct. It has one judge.

(15) Superior Court District 18D consists of Greensboro Precincts 1, 11, 12, 13, 14, 15, 16, 19, 35, 44, 45, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63; and Sumner Precincts 1, 2, 3, and 4. It has one judge.

(16) Superior Court District 18E consists of Gibsonville Precinct; Greene Precinct; Greensboro Precincts 2, 3, 7, 8, 9, 10, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; Jefferson Precincts 1, 2, 3, and 4; Monroe Precincts 1 and 2; North Madison Precinct; North Washington Precinct; Rock Creek Precincts 1 and 2; South Madison Precinct; and South Washington Precinct. It has one judge.

(17) Superior Court District 21A consists of Forsyth County Precincts 051, 052, 053, 054, 055, 071, 072, 073, 074, 075, 091, 092, 122, 123, 131, 132, 133, 701, 702, 703, 704, 705, 706, 707, 708, 709, 806, 807, and 808. It has one judge.

(18) Superior Court District 21B consists of Forsyth County Precincts 042, 043, 501, 502, 503, 504, 505, 506, 507, 601, 602, 603, 604, 605, 606, 607, 901, 902, 903, 904, 905, and 907. It has one judge.

(19) Superior Court District 21C consists of Forsyth County Precincts 011, 012, 013, 014, 015, 021, 031, 032, 033, 034, 061, 062, 063, 064, 065, 066, 067, 068, 101, 111, 112, 801, 802, 803, 804, 805, 809, 906, 908, and 909. It has one judge.

(20) Superior Court District 21D consists of Forsyth County Precincts 081, 082, 083, 201, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, 306, 401, 402, 403, 404, and 405. It has one judge.

(21) Superior Court District 26A consists of Charlotte Precincts 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, 31, 33, 39, 41, 42, 46, 52, 54, 55, 56, 58, 60, 77, 78, and 82, and Long Creek Precinct #2 of Mecklenburg County. It has two judges.

(22) Superior Court District 26B consists of Charlotte Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 20, 21, 28, 29, 30, 32, 34, 35, 36, 37, 38, 43, 44, 45, 47, 51,

61, 62, 63, 65, 66, 67, 68, 69, 71, 74, 83, 84, and 86, Crab Orchard Precincts 1 and 2, and Mallard Creek Precinct 1. It has two judges.

(23) Superior Court District 26C consists of the remainder of Mecklenburg County not in Superior Court Districts 26A or 26B. It has two judges.

(24), (25) Repealed by Session Laws 2003-284, s. 13.14.(b), effective July 1, 2003.

(26) Superior Court District 5A consists of the New Hanover County precincts of Cape Fear #1, Cape Fear #2, Harnett #1, Harnett #4, Harnett #6, Wilmington #1, Wilmington #2, Wilmington #3, Wilmington #4, Wilmington #6, Wilmington #7, Wilmington #8, Wilmington #9, Wilmington #10, Wilmington #15, Wilmington #19, and the part of Harnett #7 that consists of the part of Block Group 6 of 1990 Census Tract 0116.02 containing Blocks 601B, 602B, 603, 611, 612, 613, 614, 615, 616, 617, 618, 619; and the Pender County precincts of Canetuck, Caswell, Columbia, Grady, Upper Holly, and Upper Union. It has one judge.

(27) Superior Court District 5B consists of the New Hanover County precincts of Cape Fear #3, Harnett #2, Harnett #5, the part of Harnett #7 that is not in Superior Court District 5A, Harnett #8, Wrightsville Beach, Wilmington #11, Wilmington #12, Wilmington #13, Wilmington #22, Wilmington #24, and the part of Harnett #3 that consists of the part of Block Group 1 of 1990 Census Tract 0119.01 containing Blocks 102, 105, 106A, 106B, 107A, 107B, 107C, 107D, and 108, the part of Block Group 1 of 1990 Census Tract 0119.02 containing Blocks 103, 104, and 114, and the part of Block Group 1 of 1990 Census Tract 0120.01 containing Blocks 101A, 101B, 101C, 101D, 102A, 102B, 103, 104, 105A, 105B, 115A, and 115B; and the following precincts of Pender County: North Burgaw, South Burgaw, Middle Holly, Long Creek, Penderlea, Lower Union, Rocky Point, Lower Topsail, Upper Topsail, Scotts Hill, and Surf City. It has one judge.

(28) Superior Court District 5C consists of the part of New Hanover County that is not in Superior Court Districts 5A or 5B. It has one judge."

SECTION 3. G.S. 7A-41(c)(2a) reads as rewritten:

"(2a) For Wake County, ~~the precincts are as they were adopted by the Wake County Board of Elections and in effect as of January 1, 2001;~~the names and boundaries of voting tabulation districts and blocks specified in this section are as shown on the 2010 Census Redistricting TIGER/Line Shapefiles."

SECTION 4. The judgeships established for Wake County Superior Court, as created by Sections 1 and 2 of this act, shall be filled as follows, according to district:

(1) District 10A, by Michael R. Morgan whose term expires on December 31, 2012.

(2) District 10B, by Paul C. Ridgeway whose term expires on December 31, 2014.

(3) District 10C, by Paul G. Gessner whose term expires on December 31, 2014.

(4) District 10D, by Donald Stephens whose term expires on December 31, 2012.

(5) District 10E, by Abraham P. Jones whose term expires on December 31, 2012.

(6) District 10F, by Howard E. Manning, Jr., whose term expires December 31, 2016.

SECTION 5. This act becomes effective January 1, 2013, and applies to the 2012 election.

ATTACHMENT # 4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 112

Short Title:	Realign Wake Superior Court Districts.	(Public)
Sponsors:	Representatives Dollar, Stam, Avila, and Murry (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Elections.	

February 17, 2011

A BILL TO BE ENTITLED

AN ACT TO REALIGN THE DISTRICTS FOR WAKE COUNTY SUPERIOR COURT JUDGE SEATS TO PROVIDE FOR SINGLE MEMBER DISTRICTS AND EQUAL REPRESENTATION IN THOSE DISTRICTS, WHICH ARE TO BE DETERMINED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover, part of Pender see subsection (b))	1

	5C	(part of New Hanover, see subsection (b))	1
First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville, Vance, Warren	2
Third	9A	Person, Caswell	1
Third	10A	(part of Wake, see subsection (b))	~~2~~1
Third	10B	(part of Wake, see subsection (b))	~~2~~1
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Third	10E	(part of Wake, see subsection (b))	1
Third	10F	(part of Wake, see subsection (b))	1
Fourth	11A	Harnett, Lee	1
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland, see subsection (b))	1
Fourth	12B	(part of Cumberland, see subsection (b))	1
Fourth	12C	(part of Cumberland, see subsection (b))	2
Fourth	13A	Bladen, Columbus	1
Fourth	13B	Brunswick	1
Third	14A	(part of Durham, see subsection (b))	1
Third	14B	(part of Durham, see subsection (b))	3
Third	15A	Alamance	2
Third	15B	Orange, Chatham	2
Fourth	16A	Scotland, Hoke	1
Fourth	16B	Robeson	2
Fifth	17A	Rockingham	2
Fifth	17B	Stokes, Surry	2
Fifth	18A	(part of Guilford,	1

			see subsection (b))
Fifth	18B		(part of Guilford, see subsection (b)) 1
Fifth	18C		(part of Guilford, see subsection (b)) 1
Fifth	18D		(part of Guilford, see subsection (b)) 1
Fifth	18E		(part of Guilford, see subsection (b)) 1
Sixth	19A		Cabarrus 1
Fifth	19B		Montgomery, Randolph 1
Sixth	19C		Rowan 1
Fifth	19D		Moore 1
Sixth	20A		Anson, Richmond, Stanley 2
Sixth	20B		Union 2
Fifth	21A		(part of Forsyth, see subsection (b)) 1
Fifth	21B		(part of Forsyth, see subsection (b)) 1
Fifth	21C		(part of Forsyth, see subsection (b)) 1
Fifth	21D		(part of Forsyth, see subsection (b)) 1
Sixth	22A		Alexander, Iredell 2
Sixth	22B		Davidson, Davie 2
Fifth	23		Alleghany, Ashe, Wilkes, Yadkin 1
Eighth	24		Avery, Madison, Mitchell, Watauga, Yancey 2
Seventh	25A		Burke, Caldwell 2
Seventh	25B		Catawba 2
Seventh	26A		(part of Mecklenburg, see subsection (b)) 2
Seventh	26B		(part of Mecklenburg, see subsection (b)) 3
Seventh	26C		(part of Mecklenburg, see subsection (b)) 2
Seventh	27A		Gaston 2
Seventh	27B		Cleveland, Lincoln 2
Eighth	28		Buncombe 2
Eighth	29A		McDowell, Rutherford 1
Eighth	29B		Henderson, Polk, Transylvania 1
Eighth	30A		Cherokee, Clay, Graham, Macon, Swain 1
Eighth	30B		Haywood, Jackson"

SECTION 2. G.S. 7A-41(b) reads as rewritten:

"(b) For superior court districts of less than a whole county, or with part of one county with part of another, the composition of the district and the number of judges is as follows:

(1) Superior Court District 7B consists of County Commissioner Districts 1, 2 and 3 of Wilson County, Blocks 127 and 128 of Census Tract 6 of Wilson County, and Townships 12 and 14 of Edgecombe County. It has one judge.

(2) Superior Court District 7C consists of the remainder of Edgecombe and Wilson Counties not in Judicial District 7B. It has one judge.

(3) Superior Court District 10A consists of Wake County ~~Precincts~~Precincts: ~~01-12, 01-13, 01-14, 01-18, 01-19, 01-20, 01-22, 01-25, 01-26, 01-28, 01-34, 01-35, 01-40, 01-50, 17-03, and 17-07.~~ It has ~~two judges~~one judge.

(4) Superior Court District 10B consists of Wake County ~~Precincts~~Precincts: ~~01-01, 01-02, 01-03, 01-04, 01-05, 01-06, 01-07, 01-07A, 01-09, 01-10, 01-11, 01-16, 01-21, 01-23, 01-27, 01-29, 01-31, 01-32, 01-33, 01-36, 01-41, 01-48, 01-49, 03-00, 04-01, 04-02, 04-03, 04-04, 04-05, 04-06, 04-07, 04-08, 04-09, 04-10, 04-11, 04-12, 04-13, 04-14, 04-15, 04-16, 04-17, 04-18, 04-19, 04-20, 05-01, 05-02, 06-01, 06-02, 06-03, 07-01, 07-10, 11-01, 11-02, 12-01, 12-02, 12-03, 12-04, 12-05, 12-06, 18-01, 18-02, 18-03, 18-04, 18-05, 18-06, 18-07, 18-08, 20-01, 20-02, 20-03, 20-04, 20-05, 20-06, 20-07, 20-08, 20-09, and 20-10.~~ It has ~~two judges~~one judge.

(5) Superior Court District 10C consists of Wake County ~~Precincts~~Precincts: ~~02-01, 02-02, 02-03, 02-04, 02-05, 02-06, 07-02, 07-12, 08-01, 08-02, 08-03, 08-04, 08-05, 08-06, 08-07, 08-08, 09-01, 09-02, 09-03, 10-01, 10-02, 10-03, 10-04, 14-01, 14-02, 15-01, 15-02, 15-03, 15-04, 16-01, 16-02, 16-03, 16-04, 16-05, 16-06, 16-07, 19-01, 19-02, 19-03, 19-04, 19-05, 19-06, 19-07, and 19-08.~~ It has one judge.

(6) Superior Court District 10D consists of Wake County ~~Precincts~~Precincts: ~~01-15, 01-17, 01-30, 01-37, 01-38, 01-39, 01-42, 01-43, 01-44, 01-45, 01-46, 01-47, 01-51, 07-03, 07-04, 07-05, 07-06, 07-07, 07-07A, 07-09, 07-11, 13-01, 13-02, 13-03, 13-04, 13-05, 17-01, 17-02, 17-04, 17-05, 17-06, and 17-08.~~ It has one judge.

(6a) Superior Court District 10E consists of Wake County Precincts: It has one judge.

(6b) Superior Court District 10F consists of Wake County Precincts: It has one judge.

(7) Superior Court District 12A consists of that part of Cross Creek Precinct #18 north of Raeford Road, Montclair Precinct, that part of Precinct 71-1 not in Judicial District 12B, Precinct 71-2, Morganton #2 Precinct, Cottonade Precinct, Cumberland Precincts 1 and 2, and Brentwood Precinct. It has one judge.

(8) Superior Court District 12B consists of all of State House of Representatives District 17, except for Westarea Precinct, and it also includes that part of Cross Creek Precinct #15 east of Village Drive. It has one judge.

(9) Superior Court District 12C consists of the remainder of Cumberland County not in Superior Court Districts 12A or 12B. It has two judges.

(10) Superior Court District 14A consists of Durham Precincts 9, 11, 12, 13, 14, 15, 18, 34, 40, 41, and 42, and that part of Durham Precinct 39 east of North Carolina Highway #751. It has one judge.

(10a) Effective with the 2004 election, in addition to the boundaries provided for in this section, Superior Court District 14A also includes that portion of Durham Precinct 53 east of North Carolina Highway #751.

(11) Superior Court District 14B consists of the remainder of Durham County not in Superior Court District 14A. It has three judges.

(12) Superior Court District 18A consists of Fentress Precincts 1 and 2; Greensboro Precincts 4, 5, 6, 46, 52, 67, 68, 69, 70, 71, 72, 73, 74, and 75; North Clay Precinct; Pleasant Garden Precincts 1 and 2; and South Clay Precinct. It has one judge.

(13) Superior Court District 18B consists of High Point Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27; HP Precinct; Jamestown Precincts 1 and 5; North Deep River Precinct; and South Deep River Precinct. It has one judge.

(14) Superior Court District 18C consists of Center Grove Precincts 1, 2, and 3; Friendship Precincts 1, 2, 3, 4, and 5; Greensboro Precincts 17, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40A, 40B, 41, 42, 43, 64, 65, and 66; Jamestown Precincts 2, 3, and 4; Monroe Precinct 3; North Center Grove Precinct; Oak Ridge Precincts 1 and 2; Summerfield Precincts 1, 2, 3, and 4; and Stokesdale Precinct. It has one judge.

(15) Superior Court District 18D consists of Greensboro Precincts 1, 11, 12, 13, 14, 15, 16, 19, 35, 44, 45, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63; and Sumner Precincts 1, 2, 3, and 4. It has one judge.

(16) Superior Court District 18E consists of Gibsonville Precinct; Greene Precinct; Greensboro Precincts 2, 3, 7, 8, 9, 10, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; Jefferson Precincts 1, 2, 3, and 4; Monroe Precincts 1 and 2; North Madison Precinct; North Washington Precinct; Rock Creek Precincts 1 and 2; South Madison Precinct; and South Washington Precinct. It has one judge.

(17) Superior Court District 21A consists of Forsyth County Precincts 051, 052, 053, 054, 055, 071, 072, 073, 074, 075, 091, 092, 122, 123, 131, 132, 133, 701, 702, 703, 704, 705, 706, 707, 708, 709, 806, 807, and 808. It has one judge.

(18) Superior Court District 21B consists of Forsyth County Precincts 042, 043, 501, 502, 503, 504, 505, 506, 507, 601, 602, 603, 604, 605, 606, 607, 901, 902, 903, 904, 905, and 907. It has one judge.

(19) Superior Court District 21C consists of Forsyth County Precincts 011, 012, 013, 014, 015, 021, 031, 032, 033, 034, 061, 062, 063, 064, 065, 066, 067, 068, 101, 111, 112, 801, 802, 803, 804, 805, 809, 906, 908, and 909. It has one judge.

(20) Superior Court District 21D consists of Forsyth County Precincts 081, 082, 083, 201, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, 306, 401, 402, 403, 404, and 405. It has one judge.

(21) Superior Court District 26A consists of Charlotte Precincts 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, 31, 33, 39, 41, 42, 46, 52, 54, 55, 56, 58, 60, 77, 78, and 82, and Long Creek Precinct #2 of Mecklenburg County. It has two judges.

(22) Superior Court District 26B consists of Charlotte Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 20, 21, 28, 29, 30, 32, 34, 35, 36, 37, 38, 43, 44, 45, 47, 51, 61, 62, 63, 65, 66, 67, 68, 69, 71, 74, 83, 84, and 86, Crab Orchard Precincts 1 and 2, and Mallard Creek Precinct 1. It has two judges.

(23) Superior Court District 26C consists of the remainder of Mecklenburg County not in Superior Court Districts 26A or 26B. It has two judges.

(24), (25) Repealed by Session Laws 2003-284, s. 13.14.(b), effective July 1, 2003.

(26) Superior Court District 5A consists of the New Hanover County precincts of Cape Fear #1, Cape Fear #2, Harnett #1, Harnett #4, Harnett #6, Wilmington #1, Wilmington #2, Wilmington #3, Wilmington #4, Wilmington #6, Wilmington #7, Wilmington #8, Wilmington #9, Wilmington #10, Wilmington #15, Wilmington #19, and the part of Harnett #7 that consists of the part of Block Group 6 of 1990 Census Tract 0116.02 containing Blocks 601B, 602B, 603, 611, 612, 613, 614, 615, 616, 617, 618, 619; and the Pender County precincts of Canetuck, Caswell, Columbia, Grady, Upper Holly, and Upper Union. It has one judge.

(27) Superior Court District 5B consists of the New Hanover County precincts of Cape Fear #3, Harnett #2, Harnett #5, the part of Harnett #7 that is not in Superior Court District 5A, Harnett #8, Wrightsville Beach, Wilmington #11, Wilmington #12, Wilmington #13, Wilmington #22, Wilmington #24, and the part of Harnett #3 that consists of the part of Block Group 1 of 1990 Census Tract 0119.01 containing Blocks 102, 105, 106A, 106B, 107A, 107B, 107C, 107D, and 108, the part of Block Group 1 of 1990 Census Tract 0119.02 containing Blocks 103, 104, and 114, and the part of Block Group 1 of 1990 Census Tract 0120.01 containing Blocks 101A, 101B, 101C, 101D, 102A, 102B, 103, 104, 105A, 105B, 115A, and 115B; and the following precincts of Pender County: North Burgaw, South Burgaw, Middle Holly, Long Creek, Penderlea, Lower Union, Rocky Point, Lower Topsail, Upper Topsail, Scotts Hill, and Surf City. It has one judge.

(28) Superior Court District 5C consists of the part of New Hanover County that is not in Superior Court Districts 5A or 5B. It has one judge."

SECTION 3. This act becomes effective January 1, 2013, and applies to the 2012 election.

ATTACHMENT # 4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 112
PROPOSED COMMITTEE SUBSTITUTE H112-CSST-31 [v.5]

5/17/2011 6:09:55 PM

Short Title: Realign Wake Superior Court Districts. (Public)

Sponsors:

Referred to:

February 17, 2011

A BILL TO BE ENTITLED

AN ACT TO REALIGN THE DISTRICTS FOR WAKE COUNTY SUPERIOR COURT JUDGE SEATS TO PROVIDE FOR SINGLE MEMBER DISTRICTS AND EQUAL REPRESENTATION IN THOSE DISTRICTS, WHICH ARE TO BE DETERMINED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover, part of Pender	1

		see subsection (b))	
	5C	(part of New Hanover,	1
		see subsection (b))	
First	6A	Halifax	1
First	6B	Bertie, Hertford,	1
		Northampton	
First	7A	Nash	1
First	7B	(part of Wilson,	1
		part of Edgecombe,	
		see subsection (b))	
First	7C	(part of Wilson,	1
		part of Edgecombe,	
		see subsection (b))	
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville,	2
		Vance, Warren	
Third	9A	Person, Caswell	1
Third	10A	(part of Wake,	~~2~~1
		see subsection (b))	
Third	10B	(part of Wake,	~~2~~1
		see subsection (b))	
Third	10C	(part of Wake,	1
		see subsection (b))	
Third	10D	(part of Wake,	1
		see subsection (b))	
Third	10E	(part of Wake,	1
		see subsection (b))	
Third	10F	(part of Wake,	1
		see subsection (b))	
Fourth	11A	Harnett,	1
		Lee	
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland,	1
		see subsection (b))	
Fourth	12B	(part of Cumberland,	1
		see subsection (b))	
Fourth	12C	(part of Cumberland,	2
		see subsection (b))	
Fourth	13A	Bladen, Columbus	1
Fourth	13B	Brunswick	1
Third	14A	(part of Durham,	1
		see subsection (b))	
Third	14B	(part of Durham,	3
		see subsection (b))	
Third	15A	Alamance	2
Third	15B	Orange, Chatham	2
Fourth	16A	Scotland, Hoke	1
Fourth	16B	Robeson	2
Fifth	17A	Rockingham	2
Fifth	17B	Stokes, Surry	2

Fifth	18A	(part of Guilford, see subsection (b))	1
Fifth	18B	(part of Guilford, see subsection (b))	1
Fifth	18C	(part of Guilford, see subsection (b))	1
Fifth	18D	(part of Guilford, see subsection (b))	1
Fifth	18E	(part of Guilford, see subsection (b))	1
Sixth	19A	Cabarrus	1
Fifth	19B	Montgomery, Randolph	1
Sixth	19C	Rowan	1
Fifth	19D	Moore	1
Sixth	20A	Anson, Richmond, Stanley	2
Sixth	20B	Union	2
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	22A	Alexander, Iredell	2
Sixth	22B	Davidson, Davie	2
Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	2
Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	2
Seventh	26B	(part of Mecklenburg, see subsection (b))	3
Seventh	26C	(part of Mecklenburg, see subsection (b))	2
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2
Eighth	28	Buncombe	2
Eighth	29A	McDowell, Rutherford	1
Eighth	29B	Henderson, Polk, Transylvania	1
Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson"	

SECTION 2. G.S. 7A-41(b) reads as rewritten:

"(b) For superior court districts of less than a whole county, or with part of one county with part of another, the composition of the district and the number of judges is as follows:

(1) Superior Court District 7B consists of County Commissioner Districts 1, 2 and 3 of Wilson County, Blocks 127 and 128 of Census Tract 6 of Wilson County, and Townships 12 and 14 of Edgecombe County. It has one judge.

(2) Superior Court District 7C consists of the remainder of Edgecombe and Wilson Counties not in Judicial District 7B. It has one judge.

(3) Superior Court District 10A consists of Wake County ~~Precincts~~Precincts: VTD: 01-01, VTD: 01-02, VTD: 01-06, VTD: 01-07, VTD: 01-14, VTD: 01-16, VTD: 01-23, VTD: 01-29, VTD: 01-31, VTD: 01-32, VTD: 01-33, VTD: 01-41, VTD: 01-48, VTD: 01-49, VTD: 04-01, VTD: 04-02, VTD: 04-03, VTD: 04-04, VTD: 04-06, VTD: 04-07, VTD: 04-10, VTD: 04-11, VTD: 04-12, VTD: 04-13, VTD: 04-14, VTD: 04-15, VTD: 04-16, VTD: 04-19, VTD: 04-20, VTD: 04-21, VTD: 11-02, VTD: 18-01, VTD: 18-04, VTD: 18-06, VTD: 18-08. ~~01-12, 01-13, 01-14, 01-18, 01-19, 01-20, 01-22, 01-25, 01-26, 01-28, 01-34, 01-35, 01-40, 01-50, 17-03, and 17-07.~~ It has ~~two judges~~one judge.

(4) Superior Court District 10B consists of Wake County ~~Precincts~~Precincts: VTD: 01-12, VTD: 01-13, VTD: 01-18, VTD: 01-19, VTD: 01-20, VTD: 01-21, VTD: 01-22, VTD: 01-25, VTD: 01-26, VTD: 01-27, VTD: 01-34, VTD: 01-35, VTD: 01-38, VTD: 01-40, VTD: 01-46, VTD: 01-50, VTD: 13-01: Block(s) 1830527043000, 1830527043023, 1830527043024, 1830540181012, 1830540181013, 1830540181014, 1830540181015, 1830540181016, 1830540181017, 1830540181018, 1830540181027, 1830540181033, 1830540181034, 1830541041022, 1830541041023, 1830541041024, 1830541041025, 1830541041026, 1830541041028, 1830541041030, 1830541041031, 1830541041032, 1830541041033, 1830541041039, 1830541041040, 1830541041041, 1830541041042, 1830541041043, 1830541041044, 1830541041045, 1830541041046, 1830541041047, 1830541041048, 1830541041049, 1830541041050, 1830541042000, 1830541042002, 1830541042010, 1830541042023, 1830541042024, 1830541042025, 1830541042026, 1830541042027, 1830541042029, 1830541042030, 1830541043014, 1830541043015, 1830541043016, 1830541043017, 1830541043018, 1830541043019, 1830541043045; VTD: 13-05, VTD: 13-07, VTD: 16-02, VTD: 16-03, VTD: 16-06, VTD: 16-08, VTD: 17-06, VTD: 17-07, VTD: 17-08, VTD: 17-09, VTD: 17-10, VTD: 17-11. ~~01-01, 01-02, 01-03, 01-04, 01-05, 01-06, 01-07, 01-07A, 01-09, 01-10, 01-11, 01-16, 01-21, 01-23, 01-27, 01-29, 01-31, 01-32, 01-33, 01-36, 01-41, 01-48, 01-49, 03-00, 04-01, 04-02, 04-03, 04-04, 04-05, 04-06, 04-07, 04-08, 04-09, 04-10, 04-11, 04-12, 04-13, 04-14, 04-15, 04-16, 04-17, 04-18, 04-19, 04-20, 05-01, 05-02, 06-01, 06-02, 06-03, 07-01, 07-10, 11-01, 11-02, 12-01, 12-02, 12-03, 12-04, 12-05, 12-06, 18-01, 18-02, 18-03, 18-04, 18-05, 18-06, 18-07, 18-08, 20-01, 20-02, 20-03, 20-04, 20-05, 20-06, 20-07, 20-08, 20-09, and 20-10.~~ It has ~~two judges~~one judge.

(5) Superior Court District 10C consists of Wake County ~~Precincts~~Precincts: VTD: 02-01, VTD: 02-02, VTD: 02-03, VTD: 02-04, VTD: 02-05, VTD: 02-06, VTD: 07-02, VTD: 07-06, VTD: 07-07, VTD: 07-11, VTD: 07-12, VTD: 08-02, VTD: 08-03, VTD: 08-04, VTD: 08-05, VTD: 08-06, VTD: 08-07, VTD: 08-08, VTD: 08-09, VTD: 08-10, VTD:

08-11, VTD: 13-10, VTD: 13-11, VTD: 14-01, VTD: 14-02, VTD: 19-03, VTD: 19-04, VTD: 19-05, VTD: 19-06, VTD: 19-07, VTD: 19-09, VTD: 19-10, VTD: 19-11, VTD: 19-12. ~~02-01, 02-02, 02-03, 02-04, 02-05, 02-06, 07-02, 07-12, 08-01, 08-02, 08-03, 08-04, 08-05, 08-06, 08-07, 08-08, 09-01, 09-02, 09-03, 10-01, 10-02, 10-03, 10-04, 14-01, 14-02, 15-01, 15-02, 15-03, 15-04, 16-01, 16-02, 16-03, 16-04, 16-05, 16-06, 16-07, 19-01, 19-02, 19-03, 19-04, 19-05, 19-06, 19-07, and 19-08.~~It has one judge.

(6) Superior Court District 10D consists of Wake County ~~Precincts~~Precincts: VTD: 01-03, VTD: 01-04, VTD: 01-05, VTD: 01-09, VTD: 01-10, VTD: 01-11, VTD: 01-15, VTD: 01-17, VTD: 01-30, VTD: 01-36, VTD: 01-37, VTD: 01-39, VTD: 01-43, VTD: 01-45, VTD: 01-51, VTD: 04-05, VTD: 04-08, VTD: 04-09, VTD: 04-17, VTD: 04-18, VTD: 05-01, VTD: 05-03, VTD: 05-04, VTD: 05-05, VTD: 05-06, VTD: 07-01, VTD: 07-03, VTD: 07-04, VTD: 07-05, VTD: 07-09, VTD: 07-10, VTD: 07-13, VTD: 11-01, VTD: 20-02, VTD: 20-04, VTD: 20-10. ~~01-15, 01-17, 01-30, 01-37, 01-38, 01-39, 01-42, 01-43, 01-44, 01-45, 01-46, 01-47, 01-51, 07-03, 07-04, 07-05, 07-06, 07-07, 07-07A, 07-09, 07-11, 13-01, 13-02, 13-03, 13-04, 13-05, 17-01, 17-02, 17-04, 17-05, 17-06, and 17-08.~~It has one judge.

(6a) Superior Court District 10E consists of Wake County Precincts: VTD: 01-28, VTD: 01-42, VTD: 01-44, VTD: 01-47, VTD: 09-01, VTD: 09-02, VTD: 09-03, VTD: 10-01, VTD: 10-02, VTD: 10-03, VTD: 10-04, VTD: 13-01: Block(s) 1830541041000, 1830541041001, 1830541041002, 1830541041003, 1830541041004, 1830541041005, 1830541041006, 1830541041007, 1830541041008, 1830541041009, 1830541041010, 1830541041011, 1830541041012, 1830541041013, 1830541041014, 1830541041015, 1830541041016, 1830541041017, 1830541041018, 1830541041019, 1830541041020, 1830541041021, 1830541042028; VTD: 13-02, VTD: 13-06, VTD: 13-08, VTD: 13-09, VTD: 15-01, VTD: 15-03, VTD: 15-04, VTD: 16-01, VTD: 16-04, VTD: 16-05, VTD: 16-07, VTD: 16-09, VTD: 17-01, VTD: 17-02, VTD: 17-03, VTD: 17-04, VTD: 17-05, VTD: 19-16, VTD: 19-17. It has one judge.

(6b) Superior Court District 10F consists of Wake County Precincts: VTD: 03-00, VTD: 06-01, VTD: 06-04, VTD: 06-05, VTD: 06-06, VTD: 06-07, VTD: 12-01, VTD: 12-02, VTD: 12-04, VTD: 12-05, VTD: 12-06, VTD: 12-07, VTD: 12-08, VTD: 12-09, VTD: 15-02, VTD: 18-02, VTD: 18-03, VTD: 18-05, VTD: 18-07, VTD: 20-01, VTD: 20-03, VTD: 20-05, VTD: 20-06, VTD: 20-08, VTD: 20-09, VTD: 20-11, VTD: 20-12. It has one judge.

(7) Superior Court District 12A consists of that part of Cross Creek Precinct #18 north of Raeford Road, Montclair Precinct, that part of Precinct 71-1 not in Judicial District 12B, Precinct 71-2, Morganton #2 Precinct, Cottonade Precinct, Cumberland Precincts 1 and 2, and Brentwood Precinct. It has one judge.

(8) Superior Court District 12B consists of all of State House of Representatives District 17, except for Westarea Precinct, and it also includes that part of Cross Creek Precinct #15 east of Village Drive. It has one judge.

(9) Superior Court District 12C consists of the remainder of Cumberland County not in Superior Court Districts 12A or 12B. It has two judges.

(10) Superior Court District 14A consists of Durham Precincts 9, 11, 12, 13, 14, 15, 18, 34, 40, 41, and 42, and that part of Durham Precinct 39 east of North Carolina Highway #751. It has one judge.

(10a) Effective with the 2004 election, in addition to the boundaries provided for in this section, Superior Court District 14A also includes that portion of Durham Precinct 53 east of North Carolina Highway #751.

(11) Superior Court District 14B consists of the remainder of Durham County not in Superior Court District 14A. It has three judges.

(12) Superior Court District 18A consists of Fentress Precincts 1 and 2; Greensboro Precincts 4, 5, 6, 46, 52, 67, 68, 69, 70, 71, 72, 73, 74, and 75; North Clay Precinct; Pleasant Garden Precincts 1 and 2; and South Clay Precinct. It has one judge.

(13) Superior Court District 18B consists of High Point Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27; HP Precinct; Jamestown Precincts 1 and 5; North Deep River Precinct; and South Deep River Precinct. It has one judge.

(14) Superior Court District 18C consists of Center Grove Precincts 1, 2, and 3; Friendship Precincts 1, 2, 3, 4, and 5; Greensboro Precincts 17, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40A, 40B, 41, 42, 43, 64, 65, and 66; Jamestown Precincts 2, 3, and 4; Monroe Precinct 3; North Center Grove Precinct; Oak Ridge Precincts 1 and 2; Summerfield Precincts 1, 2, 3, and 4; and Stokesdale Precinct. It has one judge.

(15) Superior Court District 18D consists of Greensboro Precincts 1, 11, 12, 13, 14, 15, 16, 19, 35, 44, 45, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63; and Sumner Precincts 1, 2, 3, and 4. It has one judge.

(16) Superior Court District 18E consists of Gibsonville Precinct; Greene Precinct; Greensboro Precincts 2, 3, 7, 8, 9, 10, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; Jefferson Precincts 1, 2, 3, and 4; Monroe Precincts 1 and 2; North Madison Precinct; North Washington Precinct; Rock Creek Precincts 1 and 2; South Madison Precinct; and South Washington Precinct. It has one judge.

(17) Superior Court District 21A consists of Forsyth County Precincts 051, 052, 053, 054, 055, 071, 072, 073, 074, 075, 091, 092, 122, 123, 131, 132, 133, 701, 702, 703, 704, 705, 706, 707, 708, 709, 806, 807, and 808. It has one judge.

(18) Superior Court District 21B consists of Forsyth County Precincts 042, 043, 501, 502, 503, 504, 505, 506, 507, 601, 602, 603, 604, 605, 606, 607, 901, 902, 903, 904, 905, and 907. It has one judge.

(19) Superior Court District 21C consists of Forsyth County Precincts 011, 012, 013, 014, 015, 021, 031, 032, 033, 034, 061, 062, 063, 064, 065, 066, 067, 068, 101, 111, 112, 801, 802, 803, 804, 805, 809, 906, 908, and 909. It has one judge.

(20) Superior Court District 21D consists of Forsyth County Precincts 081, 082, 083, 201, 203, 204, 205, 206, 207, 301, 302, 303, 304, 305, 306, 401, 402, 403, 404, and 405. It has one judge.

(21) Superior Court District 26A consists of Charlotte Precincts 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, 31, 33, 39, 41, 42, 46, 52, 54, 55, 56, 58, 60, 77, 78, and 82, and Long Creek Precinct #2 of Mecklenburg County. It has two judges.

(22) Superior Court District 26B consists of Charlotte Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 20, 21, 28, 29, 30, 32, 34, 35, 36, 37, 38, 43, 44, 45, 47, 51,

61, 62, 63, 65, 66, 67, 68, 69, 71, 74, 83, 84, and 86, Crab Orchard Precincts 1 and 2, and Mallard Creek Precinct 1. It has two judges.

(23) Superior Court District 26C consists of the remainder of Mecklenburg County not in Superior Court Districts 26A or 26B. It has two judges.

(24), (25) Repealed by Session Laws 2003-284, s. 13.14.(b), effective July 1, 2003.

(26) Superior Court District 5A consists of the New Hanover County precincts of Cape Fear #1, Cape Fear #2, Harnett #1, Harnett #4, Harnett #6, Wilmington #1, Wilmington #2, Wilmington #3, Wilmington #4, Wilmington #6, Wilmington #7, Wilmington #8, Wilmington #9, Wilmington #10, Wilmington #15, Wilmington #19, and the part of Harnett #7 that consists of the part of Block Group 6 of 1990 Census Tract 0116.02 containing Blocks 601B, 602B, 603, 611, 612, 613, 614, 615, 616, 617, 618, 619; and the Pender County precincts of Canetuck, Caswell, Columbia, Grady, Upper Holly, and Upper Union. It has one judge.

(27) Superior Court District 5B consists of the New Hanover County precincts of Cape Fear #3, Harnett #2, Harnett #5, the part of Harnett #7 that is not in Superior Court District 5A, Harnett #8, Wrightsville Beach, Wilmington #11, Wilmington #12, Wilmington #13, Wilmington #22, Wilmington #24, and the part of Harnett #3 that consists of the part of Block Group 1 of 1990 Census Tract 0119.01 containing Blocks 102, 105, 106A, 106B, 107A, 107B, 107C, 107D, and 108, the part of Block Group 1 of 1990 Census Tract 0119.02 containing Blocks 103, 104, and 114, and the part of Block Group 1 of 1990 Census Tract 0120.01 containing Blocks 101A, 101B, 101C, 101D, 102A, 102B, 103, 104, 105A, 105B, 115A, and 115B; and the following precincts of Pender County: North Burgaw, South Burgaw, Middle Holly, Long Creek, Penderlea, Lower Union, Rocky Point, Lower Topsail, Upper Topsail, Scotts Hill, and Surf City. It has one judge.

(28) Superior Court District 5C consists of the part of New Hanover County that is not in Superior Court Districts 5A or 5B. It has one judge."

SECTION 3. G.S. 7A-41(c)(2a) reads as rewritten:

"(2a) For Wake County, ~~the precincts are as they were adopted by the Wake County Board of Elections and in effect as of January 1, 2001;~~the names and boundaries of voting tabulation districts and blocks specified in this section are as shown on the 2010 Census Redistricting TIGER/Line Shapefiles."

SECTION 4. The judgeships established for Wake County Superior Court, as created by Sections 1 and 2 of this act, shall be filled as follows, according to district:

(1) District 10A, by Michael R. Morgan whose term expires on December 31, 2012.

(2) District 10B, by Paul C. Ridgeway whose term expires on December 31, 2014.

(3) District 10C, by Paul G. Gessner whose term expires on December 31, 2014.

(4) District 10D, by Donald Stephens whose term expires on December 31, 2012.

(5) District 10E, by Abraham P. Jones whose term expires on December 31, 2012.

(6) District 10F, by Howard E. Manning, Jr., whose term expires December 31, 2016.

SECTION 5. This act becomes effective January 1, 2013, and applies to the 2012 election.

ATTACHMENT 4

H112-CSST-31

Produced by North Carolina General Assembly, Information Systems Division, May 18, 2011.

Ideal Versus Actual Populations Based on 2010 Census Results
Plan_OST_13

District	2010 Pop	Ideal Pop	Ideal +/-	% +/-
1	148,723	150,166	-1,443	-0.96%
2	154,854	150,166	4,688	3.12%
3	153,253	150,166	3,087	2.06%
4	144,022	150,166	-6,144	-4.09%
5	148,442	150,166	-1,724	-1.15%
6	151,699	150,166	1,533	1.02%

Total Population by Race																		Total Population by Ethnicity					
District	Total	White	% White	Black	% Black	NA	% NA	A/PI	% A/PI	Other	% Other	MR	% MR	MR Black	% MR Black	Total Black	Total % Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	% White Non Hisp
1	148,723	88,410	59.45%	42,901	28.85%	891	0.60%	3,823	2.57%	8,613	5.79%	4,085	2.75%	2,164	1.46%	45,065	30.30%	17,146	11.53%	131,577	88.47%	82,124	55.22%
2	154,854	125,884	81.29%	16,868	10.89%	445	0.29%	5,894	3.81%	2,525	1.63%	3,238	2.09%	1,360	0.88%	18,228	11.77%	7,786	5.03%	147,068	94.97%	121,438	78.42%
3	153,253	107,120	69.90%	17,998	11.74%	499	0.33%	20,010	13.06%	3,703	2.42%	3,923	2.56%	1,593	1.04%	19,591	12.78%	9,588	6.26%	143,665	93.74%	102,196	66.68%
4	144,022	47,244	32.80%	73,000	50.69%	1,032	0.72%	3,310	2.30%	15,258	10.59%	4,178	2.90%	2,561	1.78%	75,561	52.46%	27,779	19.29%	116,243	80.71%	38,033	26.41%
5	148,442	108,056	72.79%	19,577	13.19%	784	0.53%	10,120	6.82%	6,176	4.16%	3,729	2.51%	1,498	1.01%	21,075	14.20%	13,553	9.13%	134,889	90.87%	102,136	68.81%
6	151,699	120,832	79.65%	16,166	10.66%	852	0.56%	5,783	3.81%	4,653	3.07%	3,413	2.25%	1,392	0.92%	17,558	11.57%	12,070	7.96%	139,629	92.04%	114,609	75.55%
Totals:	**900,993**	**597,546**	**66.32%**	**186,510**	**20.70%**	**4,503**	**0.50%**	**48,940**	**5.43%**	**40,928**	**4.54%**	**22,566**	**2.50%**	**10,568**	**1.17%**	**197,078**	**21.87%**	**87,922**	**9.76%**	**813,071**	**90.24%**	**560,536**	**62.21%**

A=Asian NA=American Indian and Alaskan Native PI=Native Hawaiian and other Pacific Islander
MR=Multi-Race Hisp=Hispanic or Latino (of any race)

Voting Age Population by Race																		Total Population by Ethnicity					
District	Total	White	% White	Black	% Black	NA	% NA	A/PI	% A/PI	Other	% Other	MR	% MR	MR Black	% MR Black	Total Black	% Total Black	Hisp	% Hisp	Non Hisp	% Non Hisp	White Non Hisp	% White Non Hisp
1	108,667	68,432	62.97%	29,580	27.22%	586	0.54%	2,881	2.65%	5,301	4.88%	1,887	1.74%	839	0.77%	30,419	27.99%	10,362	9.54%	98,305	90.46%	64,525	59.38%
2	111,920	92,251	82.43%	12,049	10.77%	310	0.28%	4,271	3.82%	1,615	1.44%	1,424	1.27%	505	0.45%	12,554	11.22%	4,977	4.45%	106,943	95.55%	89,356	79.84%
3	114,505	82,808	72.32%	13,224	11.55%	340	0.30%	13,701	11.97%	2,520	2.20%	1,912	1.67%	722	0.63%	13,946	12.18%	6,430	5.62%	108,075	94.38%	79,448	69.38%
4	104,408	37,790	36.19%	51,797	49.61%	698	0.67%	2,504	2.40%	9,479	9.08%	2,140	2.05%	1,169	1.12%	52,966	50.73%	17,226	16.50%	87,182	83.50%	31,929	30.58%
5	121,844	91,566	75.15%	15,123	12.41%	554	0.45%	8,181	6.71%	4,108	3.37%	2,312	1.90%	816	0.67%	15,939	13.08%	9,138	7.50%	112,706	92.50%	87,459	71.78%
6	105,036	84,928	80.86%	11,423	10.88%	567	0.54%	3,976	3.79%	2,770	2.64%	1,372	1.31%	484	0.46%	11,907	11.34%	7,029	6.69%	98,007	93.31%	81,291	77.39%
Totals:	**666,380**	**457,775**	**68.70%**	**133,196**	**19.99%**	**3,055**	**0.46%**	**35,514**	**5.33%**	**25,793**	**3.87%**	**11,047**	**1.66%**	**4,535**	**0.68%**	**137,731**	**20.67%**	**55,162**	**8.28%**	**611,218**	**91.72%**	**434,008**	**65.13%**

A=Asian NA=American Indian and Alaskan Native PI=Native Hawaiian and other Pacific Islander
MR=Multi-Race Hisp=Hispanic or Latino (of any race)

		Registration by Party																Registration by Race Without Regard to Party			
			Racial %s among D's					Racial %s among R's					Racial %s among U's								
District	VR Total	% D	White % of D	Black % of D	NA % of D	Other % of D	% R	White % of R	Black % of R	NA % of R	Other % of R	% U	White % of U	Black % of U	NA % of U	Other % of U	% L	% White	% Black	% NA	% Other
1	93930	47.68%	43.53%	50.60%	0.28%	5.59%	29.12%	93.68%	2.58%	0.16%	3.58%	23.05%	72.69%	16.21%	0.32%	10.78%	0.15%	64.91%	28.62%	0.25%	6.22%
2	107927	32.69%	68.72%	24.46%	0.20%	6.62%	38.65%	95.65%	0.78%	0.13%	3.44%	28.46%	84.73%	5.37%	0.15%	9.75%	0.20%	83.73%	9.83%	0.16%	6.29%
3	99481	36.97%	67.42%	22.64%	0.30%	9.64%	31.37%	94.22%	1.00%	0.16%	4.62%	31.41%	77.50%	6.20%	0.22%	16.08%	0.25%	79.03%	10.64%	0.23%	10.10%
4	80273	65.44%	20.19%	73.88%	0.24%	5.69%	13.91%	85.11%	8.77%	0.27%	5.86%	20.49%	49.68%	34.17%	0.28%	15.87%	0.15%	35.33%	56.60%	0.25%	7.81%
5	95745	41.85%	68.32%	23.40%	0.28%	8.00%	26.80%	94.43%	1.14%	0.13%	4.30%	31.07%	79.04%	7.05%	0.25%	13.67%	0.29%	78.69%	12.31%	0.23%	8.77%
6	97804	32.35%	66.04%	27.18%	0.28%	6.50%	38.31%	96.01%	0.88%	0.13%	2.98%	29.12%	85.23%	5.09%	0.18%	9.51%	0.21%	83.16%	10.62%	0.19%	6.03%
Totals:	575,160	41.92%	52.85%	39.99%	0.26%	6.90%	30.35%	94.31%	1.69%	0.15%	3.85%	27.52%	77.03%	10.28%	0.22%	12.47%	0.21%	72.15%	20.11%	0.22%	7.52%

D=Democratic, R=Republican, U=Unaffiliated, L=Libertarian, NA= American Indian..
Voters who do not designate a race are omitted from this chart, so the percentages may not add up to 100%

	Voter Registration by Gender							Voter Registration by Age									Voter Registration by Ethnicity						
District	Total	Male	Male %	Female	Female %	Undes.		Total	18-25	18-25 %	26-40	26-40 %	41-65	41-65 %	66+	66+ %	Total	Hispanic	Hisp %	Non-Hisp	Non H %	Undesign.	Undes. %
1	93,969	42,319	45.04%	51,026	54.30%	624	0.66%	93,965	9,440	10.05%	28,679	30.52%	44,031	46.86%	11,815	12.57%	93,966	1798	1.91%	73498	78.22%	18670	19.87%
2	107,927	50,368	46.67%	56,904	52.72%	655	0.61%	107,927	10,326	9.57%	30,804	28.54%	54,099	50.13%	12,698	11.77%	107,927	1462	1.35%	89434	82.87%	17031	15.78%
3	99,481	45,982	46.22%	52,805	53.08%	694	0.70%	99,481	9,660	9.71%	33,604	33.78%	44,942	45.18%	11,275	11.33%	99,481	1621	1.63%	76758	77.16%	21102	21.21%
4	80,234	34,664	43.20%	44,666	55.67%	904	1.13%	80,238	11,204	13.96%	27,248	33.96%	32,451	40.45%	9,335	11.63%	80,237	1921	2.39%	54518	67.95%	23798	29.66%
5	95,745	45,602	47.63%	49,326	51.52%	817	0.85%	95,745	16,998	17.75%	29,801	31.13%	37,255	38.91%	11,691	12.21%	95,745	1635	1.71%	71750	74.94%	22360	23.35%
6	97,804	46,123	47.16%	51,212	52.36%	469	0.48%	97,804	8,892	9.09%	29,168	29.82%	49,496	50.61%	10,248	10.48%	97,804	1554	1.59%	78121	79.88%	18129	18.54%
Totals:	**575,160**	**265,058**	**46.08%**	**305,939**	**53.19%**	**4,163**	**0.72%**	**575,160**	**66,520**	**11.57%**	**179,304**	**31.17%**	**262,274**	**45.60%**	**67,062**	**11.66%**	**575,160**	**9,991**	**1.74%**	**444,079**	**77.21%**	**121,090**	**21.05%**

Please note that if a district splits VTDs, there may be differences in the totals reflected at the district level, due to the mechanics of the process by which VTD-level values are allocated down to the census block level.

	2004 Auditor Campbell-Merritt				2004 Governor Easley-Ballantine-Howe						2004 President Kerry-Bush-Badnarik-Cobb-Nader-Brown								2004 US Senate Bowles-Burr-Bailey-Rucker							
District	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Other	Other %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Other	Other %
1	18,447	50.22%	18,288	49.78%	21,405	56.40%	15,997	42.15%	549	1.45%	16,903	44.82%	20,676	54.82%	117	0.31%	17	0.05%	18,147	48.50%	18,806	50.26%	463	1.24%	0	0.00%
2	17,743	41.22%	25,306	58.78%	23,215	51.27%	21,432	47.33%	637	1.41%	17,047	37.66%	28,012	61.89%	169	0.37%	36	0.08%	18,189	40.74%	25,916	58.05%	538	1.21%	0	0.00%
3	20,175	49.38%	20,680	50.62%	24,980	57.99%	17,349	40.27%	751	1.74%	19,895	46.09%	23,026	53.35%	208	0.48%	33	0.08%	20,789	48.89%	21,123	49.68%	610	1.43%	0	0.00%
4	21,177	73.95%	7,461	26.05%	21,934	74.88%	6,885	23.50%	475	1.62%	20,024	69.08%	8,823	30.44%	118	0.41%	20	0.07%	20,700	71.71%	7,845	27.18%	323	1.12%	0	0.00%
5	22,919	54.21%	19,361	45.79%	27,048	60.56%	16,633	37.24%	981	2.20%	22,787	50.91%	21,602	48.26%	299	0.67%	72	0.16%	23,521	53.41%	19,734	44.81%	780	1.77%	0	0.00%
6	15,406	41.17%	22,013	58.83%	19,937	50.46%	18,962	48.00%	609	1.54%	14,521	36.83%	24,705	62.67%	170	0.43%	26	0.07%	15,522	39.90%	22,819	58.66%	558	1.43%	0	0.00%
Totals:	115,867	50.60%	113,109	49.40%	138,519	57.77%	97,258	40.56%	4,002	1.67%	111,177	46.46%	126,844	53.00%	1,081	0.45%	204	0.09%	116,868	49.44%	116,243	49.18%	3,272	1.38%	0	0.00%

	2008 A. G. Cooper-Crumley				2008 Comm. Ag Cobb-Troxler				2008 Comm. of Lab Bonnan-Berr				2008 Governor Perdue-McCory-Munger						2008 President Obama-McCain-Barr-Wrt. In						2008 US Senate Hagan-Dole						2008 Straight Party					
District	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Lib	Lib %	Dem	Dem %	Rep	Rep %	Other	Other %	Dem	Dem %	Rep	Rep %	Other	Other %	Dem	Dem %	Rep	Rep %	Lib.	Lib%
1	49,464	69.20%	22,019	30.80%	35,007	49.50%	35,718	50.50%	36,584	52.05%	33,697	47.95%	38,903	53.54%	31,538	43.40%	2,227	3.06%	41,058	56.11%	31,483	43.02%	633	0.87%	41,184	56.65%	29,523	40.61%	1,995	2.74%	23,218	62.24%	13,853	37.13%	234	0.63%
2	48,016	59.04%	33,315	40.96%	30,169	37.78%	49,686	62.22%	32,070	40.33%	47,443	59.67%	34,478	41.35%	45,641	54.74%	3,264	3.91%	39,804	47.29%	43,502	51.69%	861	1.02%	39,076	46.82%	41,932	50.24%	2,454	2.94%	17,526	45.82%	20,462	53.49%	264	0.69%
3	48,525	66.68%	24,243	33.32%	32,332	45.36%	38,954	54.64%	34,387	48.30%	36,804	51.70%	36,206	48.46%	35,451	47.45%	3,054	4.09%	42,450	56.17%	32,367	42.83%	762	1.01%	41,201	55.00%	31,440	41.97%	2,268	3.03%	19,096	56.79%	14,259	42.40%	271	0.81%
4	49,687	85.34%	8,535	14.66%	43,008	74.50%	14,722	25.50%	43,561	75.62%	14,045	24.38%	44,366	75.16%	13,165	22.30%	1,501	2.54%	47,328	79.42%	11,917	20.00%	348	0.58%	46,118	78.09%	11,669	19.76%	1,267	2.15%	32,265	85.97%	5,085	13.55%	180	0.48%
5	49,523	70.35%	20,876	29.65%	34,427	49.72%	34,813	50.28%	36,911	53.48%	32,113	46.52%	38,355	52.96%	30,649	42.32%	3,423	4.73%	44,683	60.87%	27,782	37.85%	937	1.28%	43,255	59.57%	26,850	36.98%	2,507	3.45%	21,209	63.19%	11,992	35.73%	361	1.08%
6	43,164	58.73%	30,333	41.27%	27,130	37.52%	45,186	62.48%	28,936	40.12%	43,188	59.88%	31,724	42.00%	40,800	54.01%	3,017	3.99%	35,568	46.60%	39,950	52.34%	812	1.06%	34,940	46.21%	38,014	50.27%	2,665	3.52%	16,002	46.38%	18,219	52.80%	283	0.82%
Totals:	288,379	67.43%	139,321	32.57%	202,073	47.98%	219,079	52.02%	212,449	50.61%	207,290	49.39%	224,032	51.18%	197,244	45.06%	16,486	3.77%	250,891	56.73%	187,001	42.28%	4,353	0.98%	245,774	56.07%	179,428	40.93%	13,156	3.00%	129,316	60.21%	83,870	39.05%	1,593	0.74%

	2010 Straight Party						2010 US Senate Marshall-Burr-Beitler-Write-In					
District	Dem	Dem %	Rep	Rep %	Lib.	Lib %	Dem	Dem %	Rep	Rep %	Other	Other %
1	13,398	55.06%	10,822	44.48%	112	0.46%	22,955	49.79%	22,158	48.06%	989	2.15%
2	9,905	38.28%	15,857	61.29%	111	0.43%	20,924	37.90%	32,901	59.59%	1,388	2.51%
3	10,758	48.80%	11,191	50.76%	98	0.44%	22,545	46.62%	24,568	50.81%	1,243	2.57%
4	17,963	82.00%	3,865	17.64%	78	0.36%	26,152	74.89%	8,229	23.57%	539	1.54%
5	10,710	55.05%	8,629	44.35%	116	0.60%	22,673	52.86%	18,998	44.29%	1,225	2.86%
6	9,135	38.78%	14,312	60.75%	111	0.47%	18,075	37.20%	29,278	60.25%	1,242	2.56%
Totals:	**71,869**	**52.39%**	**64,676**	**47.15%**	**626**	**0.46%**	**133,324**	**48.29%**	**136,132**	**49.31%**	**6,626**	**2.40%**

Attachment #5

VISITOR REGISTRATION SHEET

Election Committee — 5-18-11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Susan Nichols	Uniform Law Comm'n
Mike Munger	Duke University
Matthew Overby	Intern
Robert Jeffreys	R.A. Jeffreys Dist. Co. Raleigh
Frank Brown	RA Jeffreys, Dist
Warren Wooley	RA Jeffreys Dist
Kyle Ellenz	RA Jeffreys Dist
KEN LEWIS	RA Jeffreys DIST of Gowsboro
BILL STARNES	RA JEFFREYS DIST CO OF LUMBERTON
	NCSRA
	NCACC

VISITOR REGISTRATION SHEET

Elections — 5-18-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Eric Dixon	R A Jeffreys Dist. Co.
Clark Moore	Coastal Beverage
Leigh Jeffreys	R.A. Jeffreys Dist. - Greenville, N.C.

VISITOR REGISTRATION SHEET

Election Committee — 5-18-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gary O. Bartlett	SBE
Johnnie McLean	"
Cherie Poucher	Wake Co BOE
Chris Telesca	Wake Verified Voting
Darin Jackson	NCSA
Damon Circosta	NC Voter Ed.
Victoria Tatarenko	Open World Program
Oleg Bodrug	Parlament of Moldova
Serbu Serghei	member of the Parliament of Moldova
Simion Cucleș	translator
VAL DOLGANIUC	Translator

VISITOR REGISTRATION SHEET

Election Committee — 5-18-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mildred Spearman	NCAOC
Abe Jones	NC Superior Court (Wake Co)

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Elections

DATE: 5-18-11 **Room:** 643

*Name: Sarah Jennings
County: Beaufort
Sponsor: Bill Cook

*Name: Katie Tate
County: Beaufort
Sponsor: Bill Cook

Name: Katie Hovey
County: Pender
Sponsor: Caroline Justice

*Name: Trevor Jones
County: Duplin
Sponsor: Dixon

*Name: Courtney Beals
County: Surry
Sponsor: Stevens

House Sgt-At Arms:

Name: Martha Parrish
2. Name: Garland Shepheard
3. Name: Martha Gadison
4. Name: Billy Jones
5. Name: Todd Batchelor
6. Name:

Additional House Pages

-Olivia Clapp
Guilford
Marcus Brandon

-Chase Pilcher
Surry
Stevens

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, June 1, 2011
TIME: **AFTER SESSION** on Wednesday
LOCATION: 643 LOB
COMMENTS: **No meeting at 1:00 PM as previously announced.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 64	Restore Partisan Judicial Elections.	Representative Sager Representative Dixon Representative Cleveland Representative Jones, Jr.
HB 125	Optional Vote Centers for Second Primary.	Representative Sager Representative Jordan Representative Stevens Representative Shepard
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 452	Eliminate "Instant Runoff"/Public Financing.	Representative Starnes
HB 710	Bd. of Ethics, Lobbying, and Campaign Finance.	Representative Lewis

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12 PM** o'clock on **May 31, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Corrected Notice HB 32 added

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, June 1, 2011
TIME: **AFTER SESSION on Wednesday**
LOCATION: 643 LOB

BILL NO.	SHORT TITLE	SPONSOR
HB 32	Electoral Freedom Act of 2011.	Representative LaRoque Representative Bradley, Jr. Representative Luebke Representative Farmer-Butterfield
HB 64	Restore Partisan Judicial Elections.	Representative Sager Representative Dixon Representative Cleveland Representative Jones, Jr.
HB 125	Optional Vote Centers for Second Primary.	Representative Sager Representative Jordan Representative Stevens Representative Shepard
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 452	Eliminate "Instant Runoff"/Public Financing.	Representative Starnes
HB 710	Bd. of Ethics, Lobbying, and Campaign Finance.	Representative Lewis

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **2 PM** o'clock on **May 31, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

2nd Corrected Notice HB 824 added

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, June 1, 2011
TIME: **15 minutes** After Session on Wednesday
LOCATION: 643 LOB

BILL NO.	SHORT TITLE	SPONSOR
HB 32	Electoral Freedom Act of 2011.	Representative LaRoque Representative Bradley, Jr. Representative Luebke Representative Farmer-Butterfield
HB 64	Restore Partisan Judicial Elections.	Representative Sager Representative Dixon Representative Cleveland Representative Jones, Jr.
HB 125	Optional Vote Centers for Second Primary.	Representative Sager Representative Jordan Representative Stevens Representative Shepard
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 452	Eliminate "Instant Runoff"/Public Financing.	Representative Starnes
HB 710	Bd. of Ethics, Lobbying, and Campaign Finance.	Representative Lewis
HB 824	Nonpartisan Redistricting Process.	Representative Glazier Representative Lewis Representative Current, Sr. Representative Rapp

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **5 PM** o'clock on **May 31, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Cancelled Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, June 1, 2011
TIME: After Session on Wednesday
LOCATION: 643 LOB

BILL NO.	SHORT TITLE	SPONSOR
HB 32	Electoral Freedom Act of 2011.	Representative LaRoque Representative Bradley, Jr. Representative Luebke Representative Farmer-Butterfield
HB 64	Restore Partisan Judicial Elections.	Representative Sager Representative Dixon Representative Cleveland Representative Jones, Jr.
HB 125	Optional Vote Centers for Second Primary.	Representative Sager Representative Jordan Representative Stevens Representative Shepard
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 452	Eliminate "Instant Runoff"/Public Financing.	Representative Starnes
HB 710	Bd. of Ethics, Lobbying, and Campaign Finance.	Representative Lewis
HB 824	Nonpartisan Redistricting Process.	Representative Glazier Representative Lewis Representative Current, Sr. Representative Rapp

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **June 01, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Election Committee Meeting

June 3, 2011

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Attach. 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Friday, June 3, 2011
TIME: 10:00 AM - 12:00 Noon
LOCATION: 544 LOB (NOTE room change)
COMMENTS: 2 hour meeting

BILL NO.	SHORT TITLE	SPONSOR
HB 32	Electoral Freedom Act of 2011.	Representative LaRoque Representative Bradley, Jr. Representative Luebke Representative Farmer-Butterfield
HB 64	Restore Partisan Judicial Elections.	Representative Sager Representative Dixon Representative Cleveland Representative Jones, Jr.
HB 125	Optional Vote Centers for Second Primary.	Representative Sager Representative Jordan Representative Stevens Representative Shepard
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 452	Eliminate "Instant Runoff"/Public Financing.	Representative Starnes
HB 710	Bd. of Ethics, Lobbying, and Campaign Finance.	Representative Lewis
HB 824	Nonpartisan Redistricting Process.	Representative Glazier Representative Lewis Representative Current, Sr. Representative Rapp

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **4 PM** o'clock on **June 01, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 2

Minutes

Committee on Elections

Friday, June 3, 2011

The House Committee on Elections met on Friday, June 3, 2011, in room 544 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Current, Jones and Jordan Co-Chairs, Representatives Alexander, Blust, L. Brown, R. Brown, Bryant, Cotham, Dixon, Faircloth, Fisher, Floyd, Graham, Harrison, Iler, Justice, Killian, Martin, McLawhorn, Michaux, Mills, Mobley, T. Moore, Ross, Sager, Stam, Starnes, Warren, Weiss. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw, Denise Huntley Adams and Gerry Cohen from Bill Drafting. The Chair called the meeting to order at 10:08 AM and Rep. Jones recognized the sergeant at arms.

The Chair announced that the committee would here HB 32, HB 824, HB 346 and HB 452, in that order.

The first order of business was HB 32 Electoral Freedom Act of 2011. Rep. Current made a motion that the PCS and bill summary be presented to the committee. Representative LaRoque and Luebke spoke on the bill. Gary Bartlett, Executive Director of SBOE was asked to speak on the bill.

Rep. Stam moved that the committee be favorable to the PCS, which changes the title, unfavorable to the original bill. All in favor.

The next order of business was HB 824 An Act To Establish A Nonpartisan Redistricting Process. Rep. Cotham made a motion that a PCS be presented to the committee. Representative Glazier, Current and Rapp spoke on the bill.

Rep. Starnes brought forward an amendment . He then withdrew this amendment. Rep. Starnes brought forward a 2nd amendment . The 2nd amendment passed with all members in favor of. The amendment was adopted. Representative Stam and Michaux moved that the committee be favorable to the PCS unfavorable to the original bill. The PCS passed with Majority in favor of.

The next order of business was HB 452 Judicial Elections Changes. Rep. L. Brown made a motion that the PCS and bill summary be presented to the committee. Rep. Starnes spoke on the bill. Rep. Jones brought forth a technical amendment . With a majority vote the amendment was adopted.

Rep. Michaux brought forth an amendment . There was a roll call vote with 14 voting for the amendment and 15 against the amendment. The amendment failed.

Rep. Stam moves favorable to the PCS, which changes the title, unfavorable to the original bill. A division vote was asked for by Rep. Michaux. 16 yes and 14 no's, the motion passed.

The Chair announced that the Election Committee would try to meet Monday, June 6, 2011 at 5:00 PM

The meeting adjourned at 11:57 AM.

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

Attachment 3

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for

HB 32 A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTORY REQUIREMENT FOR A POLITICAL PARTY TO MAINTAIN BALLOT ELIGIBILITY; TO PROVIDE THAT THE RESULTS OF PRIMARIES OF POLITICAL PARTIES WITH LESS THAN TEN PERCENT OF THE REGISTERED VOTERS ARE DETERMINED BY A PLURALITY UNLESS THE PARTY CHOOSES TO NOMINATE BY CONVENTION; TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY; TO REDUCE THE NUMBER OF SIGNATURES REQUIRED FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY; AND TO ELIMINATE THE NEED FOR PETITIONS FOR WRITE-IN CANDIDACY.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

Attachment 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 32
PROPOSED COMMITTEE SUBSTITUTE H32-PCS70231-ST-5

Short Title: Electoral Freedom Act of 2011. (Public)

Sponsors:

Referred to:

February 3, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATUTORY REQUIREMENT FOR A POLITICAL PARTY TO MAINTAIN BALLOT ELIGIBILITY; TO PROVIDE THAT THE RESULTS OF PRIMARIES OF POLITICAL PARTIES WITH LESS THAN TEN PERCENT OF THE REGISTERED VOTERS ARE DETERMINED BY A PLURALITY UNLESS THE PARTY CHOOSES TO NOMINATE BY CONVENTION; TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY; AND TO REDUCE THE NUMBER OF SIGNATURES REQUIRED FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY.

The General Assembly of North Carolina enacts:

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

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

(1) Any group of voters which, at the last preceding general State election, polled for its candidate for Governor, for any other member of the Council of State for a full term of office, or for presidential electors, at least ~~two percent (2%)~~one-fourth of one percent (.25%) of the entire vote cast in the State for ~~Governor~~ Governor, for any other member of the Council of State, or for presidential ~~electors; or~~electors, whichever vote count is less.

(2) Any group of voters ~~which shall~~who have filed with the State Board of Elections ~~petitions~~a petition for the formulation of a new political party which ~~are~~ is signed by at least one-fourth of one percent (.25%) of the registered and qualified voters in this ~~State equal in number to two percent (2%) of the total number of voters who voted in the most recent general election for Governor.~~ State as of January 1 of the year of the petition. ~~Also~~ Of the signers, ~~the petition must be signed by~~ at least 200 must be registered voters from each of ~~four~~ three congressional districts in North Carolina. To be effective, the petitioners must file ~~their petitions~~the petition with the State Board of Elections before 12:00 noon on the first day of June preceding the day on which is to be held the first general State election in which the new political party desires to participate. The State Board of Elections shall forthwith determine the sufficiency of ~~petitions~~ any petition for the formulation of a new political party filed with it and shall immediately

communicate its determination to the State chairman of the proposed new political party."

SECTION 2. G.S. 163-98 reads as rewritten:

"**§ 163-98. ~~General election participation~~ Participation by ~~new political party~~certain political parties.**

(a) 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 upon paying a filing fee equal to that provided for candidates for the office in G.S. 163-107 or upon complying with the alternative available to candidates for the office in G.S. 163-107.1.

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~~ presiding officer 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 in the ensuing general election. Any candidate nominated by a new party shall be affiliated with the party at the time of certification to the State Board of Elections. The requirement of affiliation with the party will be met if the candidate submits at or before the time of certification as a candidate an application to change party affiliation to that party. 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.

(b) A political party with less than ten percent (10%) of the registered voters in this State is not subject to the Primary Act, Article 10 of this Chapter (other than as provided by subsection (d) of this section), if, after approval of its State convention or State executive committee, it notifies the State Board of its action before July 1 of an odd-numbered year. The exemption shall remain in effect unless revoked by the State convention or State executive committee, and such revocation shall become effective beginning in the next even-numbered year after July 1 of the year the political party notifies the State Board.

(c) A political party electing under subsection (b) of this section to be exempt from Article 10 of this Chapter 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 presiding officer of the convention shall certify to the State Board the names of persons chosen in the convention as the party's candidates in the ensuing general election. Any candidate nominated shall be affiliated with the party at the time of certification to the State Board. The requirement of affiliation with the party will be met if the candidate submits at or before the time of certification as a candidate an application to change party affiliation to that party. The State Board shall print names thus certified on the appropriate ballots as the nominees of the party. The State Board shall send to each county board of elections the list of any party candidates so that the county board can add those names to the appropriate ballot.

(d) Political parties exempt from Article 10 of this Chapter shall nonetheless be subject to G.S. 163-113 (withdrawal of nominee), 163-114 (filling vacancy in nomination after convention), and 163-115 (nominations when vacancies in office occur)."

SECTION 3. G.S. 163-111 is amended by adding a new subsection to read:

"(g) No Second Primaries for Political Parties With Less Than Ten Percent of Registered Voters. – This section does not apply to political parties with less than ten percent (10%) of the registered voters in the State."

SECTION 4. Article 10 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-111.1. Determination of primary results for political parties.**

(a) This section applies only to political parties that, as of January 1 of the year that the primary election is to be held, have less than ten percent (10%) of the registered voters in the State.

(b) Nominations in primary elections shall be determined as follows:

(1) When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared the nominee.

(2) When more persons are seeking nomination to two or more offices (constituting a group) than there are offices to be filled, those candidates receiving the highest numbers of votes, equal in number to the number of offices to be filled, shall be declared the nominees.

(c) When more than one person is seeking election to a single office, and two or more candidates receiving the highest number of votes each receive the same number of votes, the proper party executive committee shall, from among those candidates receiving the same number of votes, select the party nominee in accordance with G.S. 163-114.

(d) When more persons are seeking nomination to two or more offices (constituting a group) than there are offices to be filled, and two or more candidates receiving the lowest number of votes necessary for nomination each receive the same number of votes, the proper party executive committee shall, from among those candidates receiving the same number of votes, select the party nominee in accordance with G.S. 163-114.

(e) This section prevails over any local act."

SECTION 5. G.S. 163-122 reads as rewritten:

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

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

~~(2) If the office is a district office under the jurisdiction of the State Board of Elections under G.S. 163-182.4(b), file written petitions with the State Board of Elections supporting that voter's 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 district equal in number to four percent (4%) of the total number of registered voters in the district as reflected by the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held. Each petition shall be presented to the chairman of the board of elections of the county in which the signatures were obtained. The chairman shall examine the names on the petition and the procedure for certification and deadline for submission to the county board shall be the same as specified in (1) above.~~

~~(3) If the office is a county office or a single county legislative district, file written petitions with the chairman or director of the county board of elections supporting his candidacy for a specified county office. These petitions must be filed with the county 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 county equal in number to four percent (4%) of the total number of registered voters in the county as reflected by the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held, except if the office is for a district consisting of less than the entire county and only the voters in that district vote for that office, the petitions must be signed by qualified voters of the district equal in number to four percent (4%) of the total number of voters in the district according to the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held. Each petition shall be presented to the chairman or director of the county board of elections. The chairman shall examine, or cause to be examined, the names on the petition and the procedure for certification shall be the same as specified in (1) above.~~

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

~~Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the board of elections with which the petitions have been timely filed shall cause the unaffiliated candidate's name to be printed on the general election ballots in accordance with Article 14A of this Chapter.~~

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

(a1) When and Where to File. – Any qualified voter who seeks to have that voter's name printed on the general election ballot as an unaffiliated candidate shall:

(1) File written petitions with the State Board of Elections supporting the voter's candidacy for any statewide or district office comprised of more than one county. 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. 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 signatures were obtained. Provided the petitions are timely submitted, the chairman shall examine the names on the petition and place a check mark on the petition by the name of each signer who is qualified and registered to vote in the signer's county and shall attach to the petition a signed certificate. Said certificates shall state that the signatures on the petition have been checked against the registration records and shall indicate the number of signers to be qualified and registered to vote in the signer's county. The chairman shall return each petition, together with the certificate required in this section, to the person who presented it for checking. Verification by the chairman of the county board of elections shall be completed within two weeks from the date such petitions are presented.

(2) File written petitions with the appropriate county board of elections supporting the voter's candidacy for any district office containing one or less than one county, county office, partisan municipal office, or any other office comprised of one or less than one county. These petitions must be filed with the county board of elections on or before 12:00 noon on the last Friday in June preceding the general election. Provided the petitions are timely submitted, the chairman shall examine, or cause to be examined, the names on the petition, and the procedure for certification shall be the same as specified in subdivision (1) of this subsection.

(a2) Number of Signatures Required. – Candidates seeking election to a partisan office as an unaffiliated candidate shall obtain no less than the following number of signatures for the office sought:

(1) For President of the United States as provided in G.S. 163-209, United States Senator, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, Commissioner of Insurance, and any other statewide office: At least one-fourth of one percent (.25%) of the entire vote cast in the State for Governor or presidential electors, with at least 200 signatures from three congressional districts.

(2) For all other offices: At least one percent (1%) of the total number of registered voters eligible to vote for that office on January 1 of the year of the election.

(a3) Losing Candidate's Provision. – Upon compliance with the provisions of subsections (a1) and (a2) of this section, the board of elections with which the petitions have been timely filed shall cause the unaffiliated candidate's name to be printed on the general election ballots in accordance with Article 14A of this Chapter.

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

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

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

(d) When any person files a petition with a board of elections under this section, the board of elections shall, immediately upon receipt of the petition, inspect the registration

records of the county and cancel the petition of any person who does not meet the constitutional or statutory qualifications for the office, including residency.

The board shall give notice of cancellation to any person whose petition has been cancelled under this subsection by mail or by having the notice served on that person by the sheriff and to any other candidate filing for the same office. A person whose petition has been cancelled or another candidate for the same office affected by a substantiation under this subsection may request a hearing on the issue of constitutional or statutory qualifications for the office. If the person requests a hearing, the hearing shall be conducted in accordance with Article 11B of Chapter 163 of the General Statutes.

(e) Any candidate seeking to have that candidate's name printed on the general election ballot under this section shall pay a filing fee equal to that provided for candidates for the office in G.S. 163-107 or comply with the alternative available to candidates for the office in G.S. 163-107.1."

SECTION 6. G.S. 163-296 reads as rewritten:

"**§ 163-296. Nomination by petition.**

In cities conducting partisan elections, any qualified voter who seeks to have ~~his~~ that voter's name printed on the regular municipal election ballot as an unaffiliated candidate ~~may~~ shall do so in the manner provided in ~~G.S. 163-122, except that the petitions and affidavits shall be filed not later than 12:00 noon on the Friday preceding the seventh Saturday before the election, and the petitions shall be signed by a number of qualified voters of the municipality equal to at least four percent (4%) of the whole number of voters qualified to vote in the municipal election according to the voter registration records of the State Board of Elections as of January 1 of the year in which the general municipal election is held.~~ G.S. 163-122. ~~A person~~An individual whose name appeared on the ballot in a primary election is not eligible to have ~~his~~ that individual's name placed on the regular municipal election ballot as an unaffiliated candidate for the same office in that year. ~~The Board of Elections shall examine and verify the signatures on the petition, and shall certify only the names of signers who are found to be qualified registered voters in the municipality. Provided that in the case where a qualified voter seeks to have his name printed on the regular municipal election ballot as an unaffiliated candidate for election from an election district within the municipality, the petition shall be signed by four percent (4%) of the voters qualified to vote for that office.~~"

SECTION 7. This act becomes effective January 1, 2012, and applies to elections held on or after that date.

Attach. 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 32

Short Title:	Electoral Freedom Act of 2011.	(Public)
Sponsors:	Representatives LaRoque, Bradley, Luebke, and Farmer-Butterfield (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Elections.	

February 3, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATUTORY REQUIREMENT FOR A POLITICAL PARTY TO MAINTAIN BALLOT ELIGIBILITY; TO PROVIDE THAT THE RESULTS OF PRIMARIES OF POLITICAL PARTIES WITH LESS THAN TEN PERCENT OF THE REGISTERED VOTERS ARE DETERMINED BY A PLURALITY UNLESS THE PARTY CHOOSES TO NOMINATE BY CONVENTION; TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY; TO REDUCE THE NUMBER OF SIGNATURES REQUIRED FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY; AND TO ELIMINATE THE NEED FOR PETITIONS FOR WRITE-IN CANDIDACY.

The General Assembly of North Carolina enacts:

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

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

(1) Any group of voters which, at the last preceding general State election, polled for its candidate for Governor, for any other member of the Council of State for a full term, or for presidential electors, at least ~~two percent (2%) of the entire vote cast in the State for Governor or for presidential electors;~~ 10,000 votes; or

(2) Any group of voters which shall have filed with the State Board of Elections petitions for the formulation of a new political party which are signed by at least 10,000 registered and qualified voters in this ~~State equal in number to two percent (2%) of the total number of voters who voted in the most recent general election for Governor.~~ State. Also the petition must be signed by at least 200 registered voters from each of ~~four~~ three congressional districts in North Carolina. To be effective, the petitioners must file their petitions with the State Board of Elections before 12:00 noon on the ~~first day of June~~ third Friday in July preceding the day on which is to be held the first general State election in which the new political party desires to participate. The State Board of Elections shall forthwith determine the sufficiency of petitions filed with it and shall immediately communicate its determination to the State chairman of the proposed new political party."

SECTION 2. G.S. 163-122(a) is repealed.

SECTION 3. G.S. 163-98 reads as rewritten:

"**§ 163-98. ~~General election participation~~ Participation by ~~new political party~~certain political parties.**

(a) 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 upon paying a filing fee equal to that provided for candidates for the office in G.S. 163-107 or upon complying with the alternative available to candidates for the office in G.S. 163-107.1.

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~~ presiding officer 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 in the ensuing general election. Any candidate nominated by a new party shall be affiliated with the party at the time of certification to the State Board of Elections. The requirement of affiliation with the party will be met if the candidate submits at or before the time of certification as a candidate an application to change party affiliation to that party. 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.

(b) A political party with less than ten percent (10%) of the registered voters in this State is not subject to the Primary Act, Article 10 of this Chapter (other than as provided by subsection (d) of this section), if, after approval of its State convention or State executive committee, it notifies the State Board of Elections of its action before July 1 of an odd-numbered year. The exemption shall remain in effect unless revoked by the State convention or State executive committee, and such revocation shall become effective beginning in the next even-numbered year after July 1 of the year the political party notifies the State Board of Elections.

(c) If a political party has elected under subsection (b) of this section to be exempt from Article 10 of this Chapter, as provided by subsection (b) of this section, it 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 presiding officer 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 in the ensuing general election. Any candidate nominated shall be affiliated with the party at the time of certification to the State Board of Elections. The requirement of affiliation with the party will be met if the candidate submits at or before the time of certification as a candidate an application to change party affiliation to that party. The State Board of Elections shall print names thus certified on the appropriate ballots as the nominees of the party. The State Board of Elections shall send to each county board of elections the list of any party candidates so that the county board can add those names to the appropriate ballot.

(d) Political parties exempt from Article 10 of this Chapter shall nonetheless be subject to G.S. 163-113 (withdrawal of nominee), 163-114 (filling vacancy in nomination after convention), and 163-115 (nominations when vacancies in office occur)."

SECTION 4. G.S. 163-111 is amended by adding a new subsection to read:

"(g) No Second Primaries for Certain Political Parties Covered by This Article. – This section does not apply to political parties with less than ten percent (10%) of the registered voters in the State."

SECTION 5. Article 10 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-111.1 Determination of primary results for political parties.**

(a) This section applies only to political parties as defined by G.S. 163-98(b) that, as of January 1 of the year that the primary election is to be held, have less than ten percent (10%) of the registered voters in the State and to parties with a greater number of registered voters who have elected to be covered by this section under G.S. 163-111(g).

(b) Nominations in primary elections shall be determined as follows:

(1) When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared the nominee.

(2) When more persons are seeking nomination to two or more offices (constituting a group) than there are offices to be filled, those candidates receiving the highest numbers of votes, equal in number to the number of offices to be filled, shall be declared the nominees.

(c) When more than one person is seeking election to a single office, and two or more candidates receiving the highest number of votes each receive the same number of votes, the proper party executive committee shall, from among those candidates receiving the same number of votes, select the party nominee in accordance with G.S. 163-114.

(d) When more persons are seeking nomination to two or more offices (constituting a group) than there are offices to be filled, and two or more candidates receiving the lowest number of votes necessary for nomination each receive the same number of votes, the proper party executive committee shall, from among those candidates receiving the same number of votes, select the party nominee in accordance with G.S. 163-114.

(e) This section prevails over any local act."

SECTION 6. G.S. 163-122 is amended by adding a new subsection to read:

"(a1) When and Where to File. – Any qualified voter who seeks to have his name printed on the general election ballot as an unaffiliated candidate shall:

(1) File written petitions with the State Board of Elections supporting the voter's candidacy for any statewide or district office comprised of more than one county. These petitions must be filed with the State Board of Elections on or before 12:00 noon on the third Friday in July preceding the general election. 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 signatures were obtained. Provided the petitions are timely submitted, the chairman shall examine the names on the petition and place a check mark on the petition by the name of each signer who is qualified and registered to vote in the signer's county and shall attach to the petition a signed certificate. Said certificates shall state that the signatures on the petition have been checked against the registration records and shall indicate the number of signers to be qualified and registered to vote in the signer's county. The chairman shall return each petition, together with the certificate required in this section, to the person who presented it for checking. Verification by the chairman of the county board of elections shall be completed within two weeks from the date such petitions are presented.

(2) File written petitions with the appropriate county board of elections supporting the voter's candidacy for any district office containing one or less than one county, county office, partisan municipal office, or any other office compromised of one or less than one county. These petitions must be filed with the county board of elections on or before 12:00 noon on the third Friday in July preceding the general election. Provided the petitions are timely submitted, the chairman shall examine, or cause to be examined, the

names on the petition, and the procedure for certification shall be the same as specified in subdivision (1) above."

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

"(a2) Number of Signatures Required. – Candidates seeking election to a partisan office as an unaffiliated candidate shall obtain no less than the following number of signatures for the office sought:

(1) 10,000 signatures, with at least 200 signatures from three congressional districts: President of the United States as provided in G.S. 163-209, United States Senator, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, Commissioner of Insurance, and any other statewide office.

(2) 1,000 signatures: United States House of Representatives.

(3) 300 signatures: North Carolina State Senate.

(4) 150 signatures: North Carolina House of Representatives, any county office where there are more than 25,000 registered voters within the county as of the first day of January before the general election, and any partisan municipal office where there are more than 25,000 registered voters within the municipality as of the first day of January before the municipal election.

(5) 50 signatures: Any county office where there are 25,000 or fewer registered voters within the county as of the first day of January before the general election, any partisan municipal office where there are 25,000 or fewer registered voters within the municipality as of the first day of January before the municipal election, and any other partisan office not specified in subdivision (1), (2), (3), or (4) of this subsection as of the first day of January before the general election."

SECTION 8. G.S. 163-122 is amended by adding a new subsection to read:

"(a3) Unaffiliated Candidates to Be Printed on the General Election Ballot and Primary Election Losing Candidates Provision. – Upon compliance with the provisions of G.S. 163-122(a1) and (a2), the board of elections with which the petitions have been timely filed shall cause the unaffiliated candidate's name to be printed on the general election ballots in accordance with Article 14A of this Chapter.

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

SECTION 9. G.S. 163-296 reads as rewritten:

"**§ 163-296. Nomination by petition.**

In cities conducting partisan elections, any qualified voter who seeks to have his name printed on the regular municipal election ballot as an unaffiliated candidate ~~may~~ shall do so in the manner provided in ~~G.S. 163-122, except that the petitions and affidavits shall be filed not later than 12:00 noon on the Friday preceding the seventh Saturday before the election, and the petitions shall be signed by a number of qualified voters of the municipality equal to at least four percent (4%) of the whole number of voters qualified to vote in the municipal election according to the voter registration records of the State Board of Elections as of January 1 of the year in which the general municipal election is held.~~ G.S. 163-122. ~~A~~ As provided in G.S. 163-122(a3), a person whose name appeared on the ballot in a primary election is not eligible to have his name placed on the regular municipal election ballot as an unaffiliated candidate for the same office in that year. ~~The Board of Elections shall examine and verify the signatures on the petition, and shall certify only the names of signers who are found to be qualified registered voters in the municipality. Provided that in the case where a qualified voter seeks to have his name printed on the regular municipal election ballot as an unaffiliated~~

~~candidate for election from an election district within the municipality, the petition shall be signed by four percent (4%) of the voters qualified to vote for that office.~~"

SECTION 10. G.S. 163-123 reads as rewritten:

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

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

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

(1) Applicant's name,
(2) Applicant's residential address,
(3) Declaration of applicant's intent to be a write-in candidate,
(4) Title of the office sought,
(5) Date of the election,
(6) Date of the declaration,
(7) Applicant's signature.

(c) ~~Petitions for Write-In Candidacy.~~ Filing of Declaration of Intent. – An applicant for write-in candidacy shall:

(1) If the office is a statewide office, file ~~written petitions~~ a declaration of intent with the State Board of Elections supporting his candidacy for a specified office. ~~These petitions~~ The declaration of intent shall be filed on or before noon on the 90th day before the general election. ~~They shall be signed by 500 qualified voters of the State. 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 board of elections of the county in which the signatures were obtained. A petition presented to a county board of elections shall contain only names of voters registered in that county. Provided the petitions are timely submitted, the chairman of the county board of elections shall examine the names on the petition and place a check mark by the name of each signer who is qualified and registered to vote in his county. The chairman of the county board shall attach to the petition his signed certificate. On his certificate the chairman shall state that the signatures on the petition have been checked against the registration records and shall indicate the number of signers who are qualified and registered to vote in his county and eligible to vote for that office. The chairman shall return each petition, together with the certificate required in this section, to the person who presented it to him for checking. The chairman of the county board shall complete the verification within two weeks from the date the petition is presented.~~

(2) If the office is a district office under the jurisdiction of the State Board of Elections under G.S. 163-182.4(b), file ~~written petitions~~ a declaration of intent with the State Board of Elections supporting that applicant's candidacy for a specified office. ~~These petitions~~ The declaration of intent must be filed with the State Board of Elections on or before noon on the 90th day before the general election. ~~election and must be signed by 250 qualified voters. Before being filed with the State Board of Elections, each petition shall be presented to the board of elections of the county in which the signatures were obtained. A petition presented to a county board of elections shall~~

~~contain only names of voters registered in that county who are eligible to vote for that office. The chairman of the county board shall examine the names on the petition and the procedure for certification shall be the same as specified in subdivision (1).~~

(3) If the office is a county office, or is a school administrative unit office elected on a partisan basis, or is a legislative district consisting of a single county or a portion of a county, file ~~written petitions~~ a declaration of intent with the county board of elections supporting his candidacy for a specified office. ~~A petition presented to a county board of elections shall contain only names of voters registered in that county. These petitions~~ The declaration of intent must be filed on or before noon on the 90th day before the general election.~~election and must be signed by 100 qualified voters who are eligible to vote for the office, unless fewer than 5,000 persons are eligible to vote for the office as shown by the most recent records of the appropriate board of elections. If fewer than 5,000 persons are eligible to vote for the office, an applicant's petition must be signed by not less than one percent (1%) of those registered voters. Before being filed with the county board of elections, each petition shall be presented to the county board of elections for examination. The chairman of the county board of elections shall examine the names on the petition and the procedure for certification shall be the same as specified in subdivision (1).~~

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

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

(f) Counting and Recording of Votes. – If a qualified voter has complied with the provisions of subsections ~~(a), (b) and (c)~~ (a) and (b) of this section and is not excluded by subsection (e), the board of elections ~~with which petition has been filed~~ conducting the election shall count votes for ~~him~~ that voter according to the procedures set out in G.S. 163-182.1, and the appropriate board of elections shall record those votes on the official abstract. Write-in votes for names other than those of qualified write-in candidates shall not be counted for any purpose and shall not be recorded on the abstract.

(f1) When any person files a ~~petition~~ declaration of intent with a board of elections under this section, the board of elections shall, immediately upon receipt of the ~~petition,~~ declaration of intent, inspect the registration records of the county and cancel the ~~petition~~ declaration of intent of any person who does not meet the constitutional or statutory qualifications for the office, including residency.

The board shall give notice of cancellation to any person whose ~~petition~~ declaration of intent has been cancelled under this subsection by mail or by having the notice served on that person by the sheriff. A person whose ~~petition~~ declaration of intent has been cancelled or another candidate for the same office affected by a substantiation under this subsection may request a hearing on the issue of constitutional or statutory qualifications for the office. If the person requests a hearing, the hearing shall be conducted in accordance with Article 11B of Chapter 163 of the General Statutes.

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

SECTION 11. This act is effective with respect to all primaries and elections held on or after the date this act becomes law, except that it shall apply to partisan municipal elections held in 2011 only if it has received preclearance under Section 5 of the Voting Rights Act of 1965 prior to July 1, 2011.

HOUSE BILL 32:
Electoral Freedom Act of 2011

2011-2012 General Assembly

Committee:	House Elections	**Date:**	June 2, 2011
Introduced by:	Reps. LaRoque, Bradley, Luebke, Farmer-Butterfield	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	PCS to First Edition H32-CSST-5 v.7		

SUMMARY: The proposed committee substitute for House Bill 32 would:

- *Lower threshold to qualify and maintain political party status in North Carolina from 2% to ¼ of 1% for both votes in preceding elections to maintain party status and petitions to qualify for recognition of new parties.*
- *Allow political parties with less than 10% registered voters to opt out of primaries and nominate by convention. Political parties with less than 10% registered voters would not be eligible for second primaries.*
- *Require political parties with less than 10% of registered voters opting to participate in primaries under Article 10 of Chapter 163 to declare a winner in a primary based on receipt of the highest number of votes rather than a substantial plurality of the votes.*
- *Lower the threshold for unaffiliated candidates for petitions from 2% of most recent Governor's race to ¼ of 1 % of most recent Governor or Presidential race for statewide office, and from 4% to 1% of registered voters in that district for all other offices.*

[As introduced, this bill was identical to S225, as introduced by Sens. Brock, Kinnaird, which is currently in Rules and Operations of the Senate.]

CURRENT LAW:

Political parties: Under G.S. 163-96 a group of voters is recognized as a political party if either:

1) That group received 2% of the vote for Governor or President in the most recent election. OR
2) That group has filed a petition with the State Board to form a new party with signatures from qualified and registered voters equal to 2% of the vote for Governor or President in the most recent election. Petitions must be submitted to the State Board of Election prior to noon on June 1 preceding the next general State election.

G.S. 163-98 provides for general election participation of a newly qualified political party but requires the party's candidates to be selected by nominating convention for the first general election after the new party's qualification.

Statutory benefits of political parties: Political parties receive certain access and privileges, including:

- Allows political parties access to schools and public building for political meetings. *G.S. 163-99.*
- Allows taxpayers to designate which political party may use $3 tax check off in North Carolina Political Parties Financing Fund. *G.S. 105-159.1.*
- Permits party chair to recommend precinct officials. *G.S. 163-41.*
- Provides free copy of statewide computerized voter registration file to political party. *G.S. 163-82.13.*
- Places political party nominees prior to unaffiliated candidates on general ballot. *G.S. 163-156.5.*

Primary Determination: G.S. 163-111 requires that primary elections be determined by a substantial plurality, which requires a candidate receive more than 40% of the vote. If no candidate receives a substantial plurality, a second primary may be requested.

Unaffiliated Candidates

G.S. 163-122 permits qualified voters to have their name printed on the general election ballot by filing a petition with the appropriate board of elections by noon on the last Friday in July before the general election.

- *For Statewide office:* Petition must have signature of qualified voters equal to 2% of the vote for Governor in the most recent election, and must be signed by 200 voters from 4 Congressional districts.
- *For district office:* Petition must have signature of qualified voters of the district equal to 4% of the total number of registered voters in that district.
- *For county office or single county legislative district:* Petition must have signature of qualified voters of the county equal to 4% of the total number of registered voters in that county.
- *For partisan municipal office*: Petition must have signature of qualified voters of the municipality equal to 4% of the total number of registered voters in that municipality (petition is due by noon on Friday before 7th Saturday before the election).

Individuals appearing on the primary ballot for the same office are not eligible as unaffiliated candidates for that office.

BILL ANALYSIS:

Section 1: Requires that, to be recognized as a political party, a group must either:

1) Receive ¼ of 1 % of the vote for that group's candidate in the previous election for Governor, President, or Council of State for a full term of office, whichever amount is less.
2) File a petition with the State Board of Elections signed by ¼ of 1% of the registered voters in the State by noon on 3rd Friday in June prior to general election.

Section 2: Allows new political parties with less than 10% of registered voters to elect to not be subject to Primary Act.

- Party must notify State Board it is opting out by July 1 of an odd-numbered year.
- Remains effective unless party opts to become subject to Primary Act effective the next even-numbered year after July 1 of that notification.
- Parties who opt to not be subject to the Primary Act must select candidates by convention and notify the State Board of candidates by July 1 prior to the general election.
- Parties opting out remain subject to portions of the Primary Act related to withdrawal of nominees, filling vacancies after convention, and nominations when vacancies in office occur.

Section 3: Parties with less than 10% registered voters are not eligible to hold second primaries.

Section 4: Parties with less than 10% registered voters to determine primary nominations based on candidate who receives highest number of votes (rather than a substantial plurality) if that party does not opt out of Article 10 of Chapter 163, Primaries.

Section 5:

1. Requires voters seeking to be placed on the ballot as an unaffiliated candidate to file a petition with the appropriate board of elections by noon on the last Friday in July prior to the general election.
2. Petitions must contain the following number of signatures of registered voters:

- President, Governor, US Senator, Council of State or other Statewide office: ¼ % of vote for most recent election for Governor or President, with at least 200 signatures from 3 Congressional districts.
- All other offices: 1% of total vote cast in district in last election.

3. Candidates who meet petition requirements must be printed on the general election ballot.
4. Individuals on the primary ballot for the same office are not eligible to be on the general ballot as an unaffiliated candidate.

Section 6: Requires unaffiliated candidates in municipal elections to follow general requirements for unaffiliated candidates in G.S. 163-122 and lowers petitions signature requirement from 4% to 1% of of total vote cast in district in last election.

EFFECTIVE DATE: The bill would become effective as to all primaries and elections held on or after the date it becomes law, but would apply to partisan municipal elections held in 2011 only if the act receives preclearance under Section of the Voting Rights Act prior to July 1, 2011.

BACKGROUND: The 2% threshold vote requirement to retain political party status in North Carolina was challenged in Libertarian Party v. State of North Carolina, 688 S.E.2d 700 (2009). The NC Court of Appeals held that that requirement did not violate the North Carolina Constitution. The case has been appealed to the NC Supreme Court, but has not yet been heard.

H32-SMST-50(CSST-5 v7) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 32
PROPOSED COMMITTEE SUBSTITUTE H32-CSST-5 [v.7]

6/2/2011 7:13:10 PM

Short Title: Electoral Freedom Act of 2011. (Public)

Sponsors:

Referred to:

February 3, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATUTORY REQUIREMENT FOR A POLITICAL PARTY TO MAINTAIN BALLOT ELIGIBILITY; TO PROVIDE THAT THE RESULTS OF PRIMARIES OF POLITICAL PARTIES WITH LESS THAN TEN PERCENT OF THE REGISTERED VOTERS ARE DETERMINED BY A PLURALITY UNLESS THE PARTY CHOOSES TO NOMINATE BY CONVENTION; TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY; AND TO REDUCE THE NUMBER OF SIGNATURES REQUIRED FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY.

The General Assembly of North Carolina enacts:

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

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

(1) Any group of voters which, at the last preceding general State election, polled for its candidate for Governor, for any other member of the Council of State for a full term of office, or for presidential electors, at least ~~two percent (2%)~~one quarter of one percent (.0025%) of the entire vote cast in the State for ~~Governor~~ Governor, for any other member of the Council of State, or for presidential ~~electors; or~~electors, whichever vote count is less.

(2) Any group of voters ~~which shall~~who have filed with the State Board of Elections ~~petitions~~a petition for the formulation of a new political party which ~~are~~ is signed by at least one quarter of one percent (.0025%) of the registered and qualified voters in this ~~State equal in number to two percent (2%) of the total number of voters who voted in the most recent general election for Governor.~~ State as of January 1 of the year of the petition. ~~Also~~ Of the signers, ~~the petition must be signed by~~ at least 200 must be registered voters from each of ~~four~~ three congressional districts in North Carolina. To be effective, the petitioners must file ~~their petitions~~the petition with the State Board of Elections before 12:00 noon on the first day of June preceding the day on which is to be held the first general State election in which the new political party desires to participate. The State Board of Elections shall forthwith determine the sufficiency of ~~petitions~~ any petition for the formulation of a new political party filed with it and shall immediately

communicate its determination to the State chairman of the proposed new political party."

SECTION 2. G.S. 163-98 reads as rewritten:

"**§163-98. ~~General election participation~~ Participation by ~~new political party~~certain political parties.**

(a) 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 upon paying a filing fee equal to that provided for candidates for the office in G.S. 163-107 or upon complying with the alternative available to candidates for the office in G.S. 163-107.1.

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~~ presiding officer 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 in the ensuing general election. Any candidate nominated by a new party shall be affiliated with the party at the time of certification to the State Board of Elections. The requirement of affiliation with the party will be met if the candidate submits at or before the time of certification as a candidate an application to change party affiliation to that party. 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.

(b) A political party with less than ten percent (10%) of the registered voters in this State is not subject to the Primary Act, Article 10 of this Chapter (other than as provided by subsection (d) of this section), if, after approval of its State convention or State executive committee, it notifies the State Board of its action before July 1 of an odd-numbered year. The exemption shall remain in effect unless revoked by the State convention or State executive committee, and such revocation shall become effective beginning in the next even-numbered year after July 1 of the year the political party notifies the State Board.

(c) A political party electing under subsection (b) of this section to be exempt from Article 10 of this Chapter 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 presiding officer of the convention shall certify to the State Board the names of persons chosen in the convention as the party's candidates in the ensuing general election. Any candidate nominated shall be affiliated with the party at the time of certification to the State Board. The requirement of affiliation with the party will be met if the candidate submits at or before the time of certification as a candidate an application to change party affiliation to that party. The State Board shall print names thus certified on the appropriate ballots as the nominees of the party. The State Board shall send to each county board of elections the list of any party candidates so that the county board can add those names to the appropriate ballot.

(d) Political parties exempt from Article 10 of this Chapter shall nonetheless be subject to G.S. 163-113 (withdrawal of nominee), G.S. 163-114 (filling vacancy in nomination after convention), and G.S. 163-115 (nominations when vacancies in office occur)."

SECTION 3. G.S. 163-111 is amended by adding a new subsection to read:

"(g) No Second Primaries for Political Parties With Less Than Ten Percent of Registered Voters. – This section does not apply to political parties with less than ten percent (10%) of the registered voters in the State."

SECTION 4. Article 10 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-111.1 Determination of primary results for political parties.**

(a) This section applies only to political parties that, as of January 1 of the year that the primary election is to be held, have less than ten percent (10%) of the registered voters in the State.

(b) Nominations in primary elections shall be determined as follows:

(1) When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared the nominee.

(2) When more persons are seeking nomination to two or more offices (constituting a group) than there are offices to be filled, those candidates receiving the highest numbers of votes, equal in number to the number of offices to be filled, shall be declared the nominees.

(c) When more than one person is seeking election to a single office, and two or more candidates receiving the highest number of votes each receive the same number of votes, the proper party executive committee shall, from among those candidates receiving the same number of votes, select the party nominee in accordance with G.S. 163-114.

(d) When more persons are seeking nomination to two or more offices (constituting a group) than there are offices to be filled, and two or more candidates receiving the lowest number of votes necessary for nomination each receive the same number of votes, the proper party executive committee shall, from among those candidates receiving the same number of votes, select the party nominee in accordance with G.S. 163-114.

(e) This section prevails over any local act."

SECTION 5. G.S. 163-122 reads as rewritten:

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

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

~~(2) If the office is a district office under the jurisdiction of the State Board of Elections under G.S. 163-182.4(b), file written petitions with the State Board of Elections supporting that voter's 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 district equal in number to four percent (4%) of the total number of registered voters in the district as reflected by the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held. Each petition shall be presented to the chairman of the board of elections of the county in which the signatures were obtained. The chairman shall examine the names on the petition and the procedure for certification and deadline for submission to the county board shall be the same as specified in (1) above.~~

~~(3) If the office is a county office or a single county legislative district, file written petitions with the chairman or director of the county board of elections supporting his candidacy for a specified county office. These petitions must be filed with the county 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 county equal in number to four percent (4%) of the total number of registered voters in the county as reflected by the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held, except if the office is for a district consisting of less than the entire county and only the voters in that district vote for that office, the petitions must be signed by qualified voters of the district equal in number to four percent (4%) of the total number of voters in the district according to the voter registration records of the State Board of Elections as of January 1 of the year in which the general election is to be held. Each petition shall be presented to the chairman or director of the county board of elections. The chairman shall examine, or cause to be examined, the names on the petition and the procedure for certification shall be the same as specified in (1) above.~~

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

~~Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the board of elections with which the petitions have been timely filed shall cause the unaffiliated candidate's name to be printed on the general election ballots in accordance with Article 14A of this Chapter.~~

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

(a1) When and Where to File. – Any qualified voter who seeks to have that voter's name printed on the general election ballot as an unaffiliated candidate shall:

(1) File written petitions with the State Board of Elections supporting the voter's candidacy for any statewide or district office comprised of more than one county. 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. 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 signatures were obtained. Provided the petitions are timely submitted, the chairman shall examine the names on the petition and place a check mark on the petition by the name of each signer who is qualified and registered to vote in the signer's county and shall attach to the petition a signed certificate. Said certificates shall state that the signatures on the petition have been checked against the registration records and shall indicate the number of signers to be qualified and registered to vote in the signer's county. The chairman shall return each petition, together with the certificate required in this section, to the person who presented it for checking. Verification by the chairman of the county board of elections shall be completed within two weeks from the date such petitions are presented.

(2) File written petitions with the appropriate county board of elections supporting the voter's candidacy for any district office containing one or less than one county, county office, partisan municipal office, or any other office compromised of one or less than one county. These petitions must be filed with the county board of elections on or before 12:00 noon on the last Friday in June preceding the general election. Provided the petitions are timely submitted, the chairman shall examine, or cause to be examined, the names on the petition, and the procedure for certification shall be the same as specified in subdivision (1) above.

(a2) Number of Signatures Required. – Candidates seeking election to a partisan office as an unaffiliated candidate shall obtain no less than the following number of signatures for the office sought:

(1) For President of the United States as provided in G.S. 163-209, United States Senator, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, Commissioner of Insurance, and any other statewide office: At least one quarter of one percent (.0025%) of the entire vote cast in the State for Governor or presidential electors, with at least 200 signatures from three congressional districts.

(2) For all other offices: At least one percent (1%) of the total number of registered voters eligible to vote for that office on January 1 of the year of the election.

(a3) Losing Candidate's Provision. – Upon compliance with the provisions of (a1) and (a2) of this section, the board of elections with which the petitions have been timely filed shall cause the unaffiliated candidate's name to be printed on the general election ballots in accordance with Article 14A of this Chapter.

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

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

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

(d) When any person files a petition with a board of elections under this section, the board of elections shall, immediately upon receipt of the petition, inspect the registration

records of the county and cancel the petition of any person who does not meet the constitutional or statutory qualifications for the office, including residency.

The board shall give notice of cancellation to any person whose petition has been cancelled under this subsection by mail or by having the notice served on that person by the sheriff and to any other candidate filing for the same office. A person whose petition has been cancelled or another candidate for the same office affected by a substantiation under this subsection may request a hearing on the issue of constitutional or statutory qualifications for the office. If the person requests a hearing, the hearing shall be conducted in accordance with Article 11B of Chapter 163 of the General Statutes.

(e) Any candidate seeking to have that candidate's name printed on the general election ballot under this section shall pay a filing fee equal to that provided for candidates for the office in G.S. 163-107 or comply with the alternative available to candidates for the office in G.S. 163-107.1."

SECTION 6. G.S. 163-296 reads as rewritten:

"**§ 163-296. Nomination by petition.**

In cities conducting partisan elections, any qualified voter who seeks to have ~~his~~ that voter's name printed on the regular municipal election ballot as an unaffiliated candidate ~~may~~ shall do so in the manner provided in ~~G.S. 163-122, except that the petitions and affidavits shall be filed not later than 12:00 noon on the Friday preceding the seventh Saturday before the election, and the petitions shall be signed by a number of qualified voters of the municipality equal to at least four percent (4%) of the whole number of voters qualified to vote in the municipal election according to the voter registration records of the State Board of Elections as of January 1 of the year in which the general municipal election is held.~~ G.S. 163-122. ~~A person~~An individual whose name appeared on the ballot in a primary election is not eligible to have ~~his~~ that individual's name placed on the regular municipal election ballot as an unaffiliated candidate for the same office in that year. ~~The Board of Elections shall examine and verify the signatures on the petition, and shall certify only the names of signers who are found to be qualified registered voters in the municipality. Provided that in the case where a qualified voter seeks to have his name printed on the regular municipal election ballot as an unaffiliated candidate for election from an election district within the municipality, the petition shall be signed by four percent (4%) of the voters qualified to vote for that office.~~"

SECTION 7. This act is effective January 1, 2012, and applies to elections held on or after that date.

ATTACHMENT 4

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for

HB 824 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NONPARTISAN REDISTRICTING PROCESS.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

ATTACHMENT 4

GENERAL ASSEMBLY OF N

SESSION 2011

H D

HOUSE BILL 824
PROPOSED COMMITTEE SUBSTITUTE H824-PCS70233-TC-23

Short Title: Nonpartisan Redistricting Process. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NONPARTISAN REDISTRICTING PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 1B.

"Nonpartisan Redistricting Process.

"**§ 120-4.51. Definitions.**

As used in this Article, unless the context requires otherwise, the following definitions apply:

(1) Census Bureau. – The United States Bureau of the Census.

(2) Commission. – The Temporary Redistricting Advisory Commission established pursuant to this Article.

(3) Federal census. – The decennial census required by federal law to be conducted by the Census Bureau in every year ending in zero.

(4) Four selecting authorities. –

a. The President Pro Tempore of the Senate.

b. The minority leader of the Senate.

c. The Speaker of the House of Representatives.

d. The minority leader of the House of Representatives.

(5) Ideal population. – The number determined by dividing the number of members in a plan into the population of the State as reported in the federal census.

(6) Plan. – A plan for legislative and congressional reapportionment drawn up pursuant to the requirements of this Article.

(7) Political party office. – An office in the national or state organization of a political party.

(8) Public office. –

a. An elective State, local, or federal office.

b. An appointive State or federal office.

(9) Relative. – An individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law,

mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(10) VTD. – A voting tabulation district reported by the Census Bureau.

"**§ 120-4.52. Preparations for redistricting.**

(a) The Legislative Services Office shall acquire appropriate information, review and evaluate information, review and evaluate available facilities, and develop programs and procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each federal census. Funds shall be expended for the purchase or lease of equipment and materials only with prior approval of the Legislative Services Commission.

(b) By December 31 of each year ending in zero, the Legislative Services Office shall obtain from the Census Bureau information regarding geographic and political units in this State for which federal census population data has been gathered and will be tabulated. The Legislative Services Office shall use the data so obtained to:

(1) Prepare necessary descriptions of geographic and political units for which census data will be reported and which are suitable for use as components of legislative districts.

(2) Prepare maps of counties, cities, precincts, VTDs, and other geographic units within the State which may be used to illustrate the locations of legislative district boundaries proposed in plans drawn in accordance with this Article.

(c) As soon as possible after January 1 of each year ending in one, the Legislative Services Office shall obtain from the Census Bureau the population data needed for legislative districting which the Census Bureau is required to provide this State under P.L. 94-171 and shall use that data to assign a population figure to geographic and political units based upon that data. Upon completing that task, the Legislative Services Office shall begin the preparation of congressional and legislative districting plans as required by this Article.

(d) Upon each delivery by the Legislative Services Office to the General Assembly of a bill embodying a plan, pursuant to this Article, the Legislative Services Office shall at the earliest feasible time make available to the public the following information:

(1) Copies of the bill delivered by the Legislative Services Office to the General Assembly.

(2) Maps illustrating the plan.

(3) A summary of the standards prescribed by this Article for development of the plan.

(4) A statement of the population of each district included in the plan and the relative deviation of each district population from the ideal district population.

"**§ 120-4.53. Preparations for redistricting.**

(a) Not later than April 1 of each year ending in one, the Legislative Services Office shall deliver to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives and to the members of the Senate and the House of Representatives identical bills embodying a plan of legislative and congressional districting prepared in accordance with this Article. It is the intent of this Article that the bill shall be brought to a vote in either the Senate or the House of Representatives expeditiously, but not less than three legislative days after the report of the Temporary Redistricting Advisory Commission required by G.S. 120-4.56 is received and made available to the members of the General Assembly. The bill shall be voted in under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this Article that if the bill is approved on third reading by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule. If the bill embodying the plan submitted by the Legislative Services Office under this subsection fails to be approved on second or third

reading in either the Senate or the House of Representatives, the Principal Clerk of the Senate or the Principal Clerk of the House, as the case may be, shall at once, but in no event later than seven days after the date the bill failed to be approved, transmit to the Legislative Services Office information which the Senate or House may direct by resolution regarding reasons why the plan was not approved.

(b) If the population data for legislative districting which the Census Bureau is required to provide this State under P.L. 94-171 and, if used by the Legislative Services Office, the corresponding geographic referencing data file for that population data are not available to the Legislative Services Office on or before February 15 of the year ending in one, the April 1 date set forth in subsection (a) of this section shall be extended by a number of days equal to the number of days after February 15 of the year ending in one that the federal census population data and the geographic encoding and referencing data file for legislative districting become available.

(c) If the bill embodying the plan submitted by the Legislative Services Office under subsection (a) of this section fails to pass second or third reading in either house, the Legislative Services Office shall prepare a bill embodying a second plan of legislative and congressional districting. The bill shall be prepared in accordance with this section and, insofar as it is possible to do so within the requirements of G.S. 120-4.54, with the reasons cited by the Senate or House of Representatives by resolution for the failure to approve the plan. If a second plan is required under this subsection, the bill embodying it shall be delivered to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives and to the members of the Senate and the House of Representatives not later than 35 calendar days after the date of the vote by which the Senate or the House of Representatives fails to approve the bill submitted under subsection (a) of this section. If it is necessary to submit a bill under this subsection, the bill shall be brought to a vote not less than seven calendar days after the bill is submitted and made available to the members of the General Assembly, under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this Article that if the bill is approved on third reading by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule. If the bill embodying the plan submitted by the Legislative Services Office under this subsection fails to be approved on second or third reading in either the Senate or the House of Representatives, the Principal Clerk of the Senate or the Principal Clerk of the House, as the case may be, shall transmit to the Legislative Services Office in the same manner, as described in subsection (a) of this section, information which the Senate or House may direct by resolution regarding reasons why the plan was not approved.

(d) If the bill embodying the plan submitted by the Legislative Services Office under subsection (c) of this section fails to be enacted, the same procedure as prescribed by subsection (c) of this section shall be followed. If a third plan is required under this subsection, the bill embodying it shall be delivered to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives and to the members of the Senate and the House of Representatives not later than 35 calendar days after the date of the vote by which the Senate or the House of Representatives fails to approve the bill submitted under subsection (c) of this section. If it is necessary to submit a bill under this subsection, the bill shall be brought to a vote within the same time period after its delivery to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives as is prescribed for the bill submitted under subsection (c) of this section but shall be subject to amendment in the same manner as other bills.

(e) Prior to delivering any plan and the bill embodying that plan in accordance with this section, the Legislative Services Office shall provide to persons outside its staff only such information regarding the plan as may be required by policies agreed upon by the Temporary

Redistricting Advisory Commission. This subsection does not apply to population and geographic data furnished to the Legislative Services Office by the Census Bureau.

"**§ 120-4.54. Redistricting standards.**

(a) Legislative and congressional districts shall be established on the basis of population.

(b) Senatorial and representative districts, respectively, shall each have a population that is within five percent (5%) of the ideal population for that district.

(c) Congressional districts shall each have a population as nearly equal as practicable to the ideal population, but in all cases within one-tenth of a percent (0.1%) of the ideal population.

(d) Legislative and congressional districts shall be drawn in a manner that complies with requirements of federal and State law.

(e) To the extent consistent with other standards provided by this section, district boundaries in a plan shall coincide with the boundaries of political subdivisions of the State. In Senate and State House plans, the "whole county" requirements established by the North Carolina Constitution shall be complied with in a manner consistent with federal law. The number of counties and cities divided among more than one district shall be as small as possible, but in the case of cities located in more than one county, minimizing the division of counties prevails. The division of VTDs shall also be minimized consistent with the other standards of this section.

(f) Districts shall be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.

(g) Districts shall be reasonably compact in form, to the extent consistent with the standards established by this section. In general, reasonably compact districts are those which are square, rectangular, or hexagonal in shape, and not irregularly shaped, to the extent of natural or political boundaries or those of VTDs. If it is necessary to compare the relative compactness of two or more districts, or of two or more alternative districting plans, the tests prescribed by this subsection shall be used as follows:

(1) Length-width compactness. – The compactness of a district is greatest when the length of the district and the width of the district are equal. The measure of a district's compactness is the absolute value of the difference between the length and the width of the district. In general, the length-width compactness of a district is calculated by measuring the distance from the northernmost point or portion of the boundary of a district to the southernmost point or portion of the boundary of the same district and the distance from the westernmost point or portion of the boundary of the district to the easternmost point or portion of the boundary of the same district. The absolute values computed for individual districts under this subdivision may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the State or for a portion of the State.

(2) Perimeter compactness. – The compactness of a district is greatest when the distance needed to traverse the perimeter boundary of a district is as short as possible. The total perimeter distance computed for individual districts under this subdivision may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the State or for a portion of the State.

(h) No district shall be drawn for the purpose of favoring a political party, incumbent legislator, or member of Congress, or other person or group, or for the purpose of augmenting or diluting the voting strength of a language or racial minority group. In establishing districts, no use shall be made of any of the addresses or geographic locations of incumbents.

Except to the extent required by the North Carolina or United States Constitutions, the Voting Rights Act of 1965, and applicable court decisions, no use shall be made of:

(1) Political affiliations of registered voters.

(2) Previous election results.

(3) Demographic information, other than population head counts.

"**§ 120-4.55. Temporary Redistricting Advisory Commission.**

(a) Not later than February 15 of each year ending in one, a five member Temporary Redistricting Advisory Commission shall be established as provided by this section. The Commission's only functions shall be those prescribed by G.S. 120-4.56.

(b) Each of the four selecting authorities shall certify to the Chair of the State Board of Elections the authority's appointment of a person to serve on the Commission.

(c) Within 10 days after the four selecting authorities have certified their respective appointments, but in no event later than February 15 of the year ending in one, the four commission members so appointed shall select, by a vote of at least three members, and certify to the Chair of the State Board of Elections the fifth Commission member, who shall serve as chairperson.

(d) A vacancy on the Commission shall be filled by the initial selecting authority within 15 days after the vacancy occurs.

(e) Members of the Commission shall receive from funds appropriated to the General Assembly per diem, travel expenses, and reimbursement for other necessary expenses incurred in performing their duties as provided by G.S. 138-5 or G.S. 138-6 as applicable.

(f) No person shall be appointed to the Commission who:

(1) Is not a registered voter of this State at the time of selection.

(2) Holds public office or political party office.

(3) Is a relative of or is employed by a member of the General Assembly or of the United States House of Representatives or Senate, or is employed directly by the General Assembly or by the United States House of Representatives or Senate.

"**§ 120-4.56. Duties of Commission.**

The functions of the Commission shall be as follows:

(1) Answer a written request for direction made by the Legislative Services Office when in preparation of plans as required by this Article, the Legislative Services Office is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by G.S. 120-4.54 and requests direction from the Commission.

(2) Authorize by adoption of policies the release of information under G.S. 120-4.53(e).

(3) Upon the delivery by the Legislative Services Office to the General Assembly of a bill embodying an initial plan, as required by G.S. 120-4.53(a), the Commission shall:

a. As expeditiously as reasonably possible, schedule and conduct at least three public hearings, in different geographic regions of the State, on that plan.

b. Following the hearings, promptly prepare and submit to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives a report summarizing information and testimony received by the Commission in the course of the hearings. The Commission's report shall include any comments and conclusions which its members deem appropriate on the information and testimony received at the hearings or otherwise presented to the Commission. The report as to a plan shall be submitted no later than

14 calendar days after the date the bill embodying an initial plan is delivered to the General Assembly."

SECTION 2. This act becomes effective January 1, 2020, and applies beginning with the 2020 federal census.

ATTACHMENT 4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 824

Short Title:	Nonpartisan Redistricting Process.	(Public)
Sponsors:	Representatives Glazier, Lewis, Current, and Rapp (Primary Sponsors). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Elections.	

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NONPARTISAN REDISTRICTING PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 1B.

"Nonpartisan Redistricting Process.

"**§ 120-4.51. Definitions.**

As used in this Article, unless the context requires otherwise the following definitions apply:

(1) Census Bureau. – The United States Bureau of the Census.

(2) Commission. – The Temporary Redistricting Advisory Commission established pursuant to this Article.

(3) Federal census. – The decennial census required by federal law to be conducted by the Census Bureau in every year ending in zero.

(4) Four selecting authorities.
   a. The President Pro Tempore of the Senate.
   b. The minority leader of the Senate.
   c. The Speaker of the House of Representatives.
   d. The minority leader of the House of Representatives.

(5) Ideal population. – The number determined by dividing the number of members in a plan into the population of the State as reported in the federal census.

(6) Plan. – A plan for legislative and congressional reapportionment drawn up pursuant to the requirements of this Article.

(7) Political party office. – An office in the national or state organization of a political party.

(8) Public office. –
   a. An elective State, local, or federal office.
   b. An appointive State or federal office.

(9) Relative. – An individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,

stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(10) VTD. – A voting tabulation districts reported by the Census Bureau."

"**§ 120-4.52. Preparations for redistricting.**

(a) The Legislative Services Office shall acquire appropriate information, review and evaluate information, review and evaluate available facilities, and develop programs and procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each federal census. Funds shall be expended for the purchase or lease of equipment and materials only with prior approval of the Legislative Services Commission.

(b) By December 31 of each year ending in zero, the Legislative Services Office shall obtain from the Census Bureau information regarding geographic and political units in this State for which federal census population data has been gathered and will be tabulated. The Legislative Services Office shall use the data so obtained to:

(1) Prepare necessary descriptions of geographic and political units for which census data will be reported and which are suitable for use as components of legislative districts.

(2) Prepare maps of counties, cities, precincts, VTDs, and other geographic units within the State which may be used to illustrate the locations of legislative district boundaries proposed in plans drawn in accordance with this Article.

(c) As soon as possible after January 1 of each year ending in one, the Legislative Services Office shall obtain from the Census Bureau the population data needed for legislative districting which the Census Bureau is required to provide this State under P.L. 94-171 and shall use that data to assign a population figure to geographic and political units based upon that data. Upon completing that task, the Legislative Services Office shall begin the preparation of congressional and legislative districting plans as required by this Article.

(d) Upon each delivery by the Legislative Services Office to the General Assembly of a bill embodying a plan, pursuant to this Article, the Legislative Services Office shall at the earliest feasible time make available to the public the following information:

(1) Copies of the bill delivered by the Legislative Services Office to the General Assembly.

(2) Maps illustrating the plan.

(3) A summary of the standards prescribed by this Article for development of the plan.

(4) A statement of the population of each district included in the plan, and the relative deviation of each district population from the ideal district population.

"**§ 120-4.53. Preparations for redistricting.**

(a) Not later than April 1 of each year ending in one, the Legislative Services Office shall deliver to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives identical bills embodying a plan of legislative and congressional districting prepared in accordance with this Article. It is the intent of this Article that the bill shall be brought to a vote in either the Senate or the House of Representatives expeditiously, but not less than three legislative days after the report of the Temporary Redistricting Advisory Commission required by G.S. 120-4.56 is received and made available to the members of the General Assembly. The bill shall be voted in under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this Article that if the bill is approved on third reading by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule. If the bill embodying the plan submitted by the Legislative Services Office under this subsection fails to be approved on second or third reading in either the Senate or the House of Representatives, the Principal Clerk of the Senate or the Principal Clerk of the House, as the case may be, shall

at once, but in no event later than seven days after the date the bill failed to be approved, transmit to the Legislative Services Office information which the Senate or House may direct by resolution regarding reasons why the plan was not approved.

(b) If the population data for legislative districting which the Census Bureau is required to provide this State under P.L. 94-171 and, if used by the Legislative Services Office, the corresponding geographic referencing data file for that population data are not available to the Legislative Services Office on or before February 15 of the year ending in one, the April 1 date set forth in subsection (a) of this section shall be extended by a number of days equal to the number of days after February 15 of the year ending in one that the federal census population data and the geographic encoding and referencing data file for legislative districting become available.

(c) If the bill embodying the plan submitted by the Legislative Services Office under subsection (a) of this section fails to pass second or third reading in either house, the Legislative Services Office shall prepare a bill embodying a second plan of legislative and congressional districting. The bill shall be prepared in accordance with this section and, insofar as it is possible to do so within the requirements of G.S. 120-4.54, with the reasons cited by the Senate or House of Representatives by resolution for the failure to approve the plan. If a second plan is required under this subsection, the bill embodying it shall be delivered to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives not later than 35 calendar days after the date of the vote by which the Senate or the House of Representatives fails to approve the bill submitted under subsection (a) of this section. If it is necessary to submit a bill under this subsection, the bill shall be brought to a vote not less than seven calendar days after the bill is submitted and made available to the members of the General Assembly, under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this Article that if the bill is approved on third reading by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule. If the bill embodying the plan submitted by the Legislative Services Office under this subsection fails to be approved on second or third reading in either the Senate or the House of Representatives, the Principal Clerk of the Senate or the Principal Clerk of the House, as the case may be, shall transmit to the Legislative Services Office in the same manner as described in subsection (a) of this section, information which the Senate or House may direct by resolution regarding reasons why the plan was not approved.

(d) If the bill embodying the plan submitted by the Legislative Services Office under subsection (c) of this section fails to be enacted, the same procedure as prescribed by subsection (c) of this section shall be followed. If a third plan is required under this subsection, the bill embodying it shall be delivered to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives not later than 35 calendar days after the date of the vote by which the Senate or the House of Representatives fails to approve the bill submitted under subsection (b) of this section. If it is necessary to submit a bill under this subsection, the bill shall be brought to a vote within the same time period after its delivery to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives as is prescribed for the bill submitted under subsection (c) of this section, but shall be subject to amendment in the same manner as other bills.

(e) Prior to delivering any plan and the bill embodying that plan in accordance with this section, the Legislative Services Office shall provide to persons outside its staff only such information regarding the plan as may be required by policies agreed upon by the Temporary Redistricting Advisory Commission. This subsection does not apply to population and geographic data furnished to the Legislative Services Office by the Census Bureau."

"**§ 120-4.54. Redistricting standards.**

(a) Legislative and congressional districts shall be established on the basis of population.

(b) Senatorial and representative districts, respectively, shall each have a population that is within five percent (5%) of the ideal population for that district.

(c) Congressional districts shall each have a population as nearly equal as practicable to the ideal population, but in all cases within one-tenth of a percent (0.1%) of the ideal population.

(d) To the extent consistent with other standards provided by this section, district boundaries in a plan shall coincide with the boundaries of political subdivisions of the State. In Senate and State House plans, the "whole county" rule enunciated by the North Carolina Supreme Court shall be followed. The number of counties and cities divided among more than one district shall be as small as possible, but in the case of cities located in more than one county, minimizing the division of counties prevails. The division of VTDs shall also be minimized consistent with the other standards of this section.

(e) Districts shall be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.

(f) Districts shall be reasonably compact in form, to the extent consistent with the standards established by this section. In general, reasonably compact districts are those which are square, rectangular, or hexagonal in shape, and not irregularly shaped, to the extent of natural or political boundaries or those of VTDs. If it is necessary to compare the relative compactness of two or more districts, or of two or more alternative districting plans, the tests prescribed by this subsection shall be used as follows:

(1) Length-width compactness. – The compactness of a district is greatest when the length of the district and the width of the district are equal. The measure of a district's compactness is the absolute value of the difference between the length and the width of the district. In general, the length-width compactness of a district is calculated by measuring the distance from the northernmost point or portion of the boundary of a district to the southernmost point or portion of the boundary of the same district and the distance from the westernmost point or portion of the boundary of the district to the easternmost point or portion of the boundary of the same district. The absolute values computed for individual districts under this subdivision may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the State, or for a portion of the State.

(2) Perimeter compactness. – The compactness of a district is greatest when the distance needed to traverse the perimeter boundary of a district is as short as possible. The total perimeter distance computed for individual districts under this subdivision may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the State or for a portion of the State.

(h) No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group, or for the purpose of augmenting or diluting the voting strength of a language or racial minority group. In establishing districts, no use shall be made of any of the addresses or geographic locations of incumbents.

Except to the extent required by the North Carolina or United States Constitutions, the Voting Rights Act of 1965, and applicable court decisions, no use shall be made of:

(1) Political affiliations of registered voters.

(2) Previous election results.

(3) Demographic information, other than population head counts.

"**§ 120-4.55. Temporary Redistricting Advisory Commission.**

(a) Not later than February 15 of each year ending in one, a five member Temporary Redistricting Advisory Commission shall be established as provided by this section. The Commission's only functions shall be those prescribed by G.S. 120-4.56.

(b) Each of the four selecting authorities shall certify to the Chair of the State Board of Elections the authority's appointment of a person to serve on the Commission.

(c) Within 10 days after the four selecting authorities have certified their respective appointments, but in no event later than February 15 of the year ending in one, the four commission members so appointed shall select, by a vote of at least three members, and certify to the Chair of the State Board of Elections the fifth Commission member, who shall serve as chairperson.

(d) A vacancy on the Commission shall be filled by the initial selecting authority within 15 days after the vacancy occurs.

(e) Members of the Commission shall receive from funds appropriated to the General Assembly per diem, travel expenses, and reimbursement for other necessary expenses incurred in performing their duties as provided by G.S. 138-5 or G.S. 138-6 as applicable.

(f) No person shall be appointed to the Commission who:

(1) Is not a registered voter of this State at the time of selection.

(2) Holds public office or political party office.

(3) Is a relative of or is employed by a member of the General Assembly or of the United States House of Representatives or Senate, or is employed directly by the General Assembly or by the United States House of Representatives or Senate.

"**§ 120-4.56. Duties of Commission.**

The functions of the Commission shall be as follows:

(1) Answer a written request for direction made by the Legislative Services Office when in preparation of plans as required by this Article, the Legislative Services Office is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by G.S. 120-4.54 and requests direction from the Commission.

(2) Authorize by adoption of policies the release of information under G.S. 120-4.53(e).

(3) Upon the delivery by the Legislative Services Office to the General Assembly of a bill embodying an initial plan, as required by G.S. 120-4.53(a), the Commission shall:

a. As expeditiously as reasonably possible, schedule and conduct at least three public hearings, in different geographic regions of the State, on that plan.

b. Following the hearings, promptly prepare and submit to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives a report summarizing information and testimony received by the Commission in the course of the hearings. The Commission's report shall include any comments and conclusions which its members deem appropriate on the information and testimony received at the hearings, or otherwise presented to the Commission. The report as to a plan shall be submitted no later than 14 calendar days after the date the bill embodying an initial plan is delivered to the General Assembly."

SECTION 2. This act applies beginning with the 2020 federal census, but in the 2010 redistricting cycle, it applies as to State House of Representatives, State Senate, or United States House of Representatives districting if the plan is not final as of October 1, 2011, due to failure to receive approval under section 5 of the Voting Rights Act of 1965 or a holding by a

State or federal court that the plan is ineffective due to constitutional violation. In such case, the appointment of a Temporary Redistricting Advisory Commission shall take place by October 15, 2011, and the Legislative Services Office shall submit a plan under that Article no later than the three calendar days after convening of an Extra Session held for the purpose of adopting a new plan, and the other deadlines shall follow Article 1B of Chapter 120 of the General Statutes as adjusted to that date.

ATTACHMENT 4

HOUSE BILL 824:
Nonpartisan Redistricting Process

2011-2012 General Assembly

Committee:	House Elections	**Date:**	June 3, 2011
Introduced by:	Reps. Glazier, Lewis, Current, Rapp	**Prepared by:**	Kara McCraw Committee Counsel
Analysis of:	PCS to First Edition H824-CSTC-23		

SUMMARY: ***HB 824 would establish a nonpartisan redistricting process with maps drawn by the Legislative Services Office based on specific redistricting standard. The maps would then be considered and enacted by the General Assembly. HB 824 would also create a Temporary Redistricting Advisory Commission to provide direction to the Legislative Services Office and conduct public hearings on proposed plans.***

The Proposed Committee Substitute (PCS) for HB 824 would change the effective date to apply beginning with the 2020 census, add as a redistricting standard that plans be drawn to comply with federal and state law, clarify that for State legislative districts the "whole county" provision must be followed in a manner consistent with federal law, and make technical changes.

CURRENT LAW: Article 2, Sections 3 and 5 of the North Carolina Constitution require the General Assembly, at the first regular session convening after the return of every decennial census taken by Congress, to revise the districts for State Senate and State House, and to apportion Senators and Representatives among those districts subject to the following requirements:

- Senators and Representatives must represent, as nearly as may be, an equal number of inhabitants.
- Senate and House districts must consist of contiguous territory.
- No county should be divided in the formation of a Senate or House district.
- Once established, the Senate and House districts must remain unaltered until the return of the next decennial census.

The United States Constitution requires in Article I, Section 2, Clause 3, and in Amendment XIV that Representatives must be apportioned among the States every ten years.

BILL ANALYSIS: HB 824 would create a new Article in Chapter 120 to provide for a nonpartisan redistricting process.

Redistricting Process

- The Legislative Services Office (LSO) would be responsible for preparing for redistricting and receiving population data from the U.S. Census Bureau.
- A Temporary Redistricting Advisory Commission (TRAC) would be created to advise the LSO on areas in which no clear guidelines are available, to create policies for release of information about redistricting prior to release of a plan, and to conduct public hearings about redistricting plans that have been prepared by the LSO in at least three parts of the State and provide reports on those hearings to the General Assembly.
- Upon receipt of population data, the LSO would create a districting plan for the State House, State Senate and apportioned Congressional seats using specific redistricting standards. If population data is received by February 15th, the LSO must complete the plans by April 1st, otherwise completion of the plan is adjusted based on receipt of data.
- Upon completion of the plans, the LSO would deliver the plans and identical bills to the Principal Clerks of the House and Senate and make information about the plans and their development available to the public.
- Plan 1: The redistricting bill would be required to be voted on no later than 3 legislative days after the receipt of the TRAC report on the public hearings. No amendments other than corrective amendments would be permitted. If the bill failed to pass 2nd or 3rd reading in either chamber, the Principal Clerk of that chamber

would transmit to the LSO within 7 days information which the House or Senate may direct by resolution regarding reasons why the plan was not approved.

- Plan 2: If a first plan was not enacted, the LSO would resubmit a plan taking into account the reasons cited for failure to approve the plan, to the extent possible within the requirements of the redistricting standards. The bill would be resubmitted within 35 calendar days. No amendments other than corrective amendments would be permitted If the bill failed to pass 2nd or 3rd reading, the Principal Clerk of that chamber would transmit to the LSO within 7 days information which the House or Senate would direct by resolution regarding reasons why the plan was not approved.
- Plan 3: If a second plan was not enacted, the LSO would resubmit a plan taking into account the reasons cited for failure to approve the plan, to the extent possible within the requirements of the redistricting standards. The bill would be resubmitted within 35 calendar days. The bill would be subject to amendments in the same manner as other bills.

Redistricting Standards: The LSO would be required to follow the following standards in drawing redistricting plans:

- Districts must be based on population. Legislative districts must have a population within 5% of the ideal population. Congressional districts must have a population as nearly equal as practicable to the ideal, but at least with 1/10th of 1% of the ideal population.
- Districts must be drawn in a manner that complies with requirements of federal and state law.
- To the extent consistent with other standards, districts must coincide with political subdivision boundaries, and divisions of those boundaries must be minimized for counties, cities, and voting tabulation districts. For legislative districts, the whole county requirements of the NC Constitution must be complied with in a manner consistent with federal law.
- Districts must be composed of convenient contiguous territory.
- Districts must be reasonably compact. If tests of compactness are needed for comparison purposes, compactness should be measured using length-width compactness or perimeter compactness.
- Districts must not be drawn to favor a political party, incumbents, or other persons or groups, or to augment or dilute the voting strength of a language or racial minority group. The addresses or geographic locations of incumbents may not be used in drawing the plan.
- Except as required by the NC or US Constitutions, the 1965 Voting Rights Act, and applicable court decisions, the following may not be used: political affiliations of registered voters, previous election results, or demographic data, other than population head counts.

Temporary Redistricting Advisory Committee (TRAC)

Composition: 5 member Commission established in years ending in one. One member each is appointed by the following selecting authorities: the President Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives and the minority leader of the House. Appointments must be certified to the Chair of the State Board of Elections. The 4 members would then elect a 5th member by a vote of at least 3 members. The 5th member would serve as chair. Vacancies would be filled by the selecting authority. The following individuals would not be eligible to serve as members of the Commission:

- Not a registered voter in NC at time of selection.
- Holds an elective State, local, or federal office, or an appointive State of federal office, or holds office in the national or state organization of a political party.
- Is a relative of or employed by a member of the General Assembly or Congress, or employed directly by the General Assembly or Congress.

EFFECTIVE DATE: HB 824 would become effective January 1, 2020 and would apply beginning with the 2020 census.

H824-SMTC-28(CSTC-23) v4

ATTACHMENT 4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 824
PROPOSED COMMITTEE SUBSTITUTE H824-CSTC-23 [v.3]

6/1/2011 12:10:09 PM

Short Title: Nonpartisan Redistricting Process. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NONPARTISAN REDISTRICTING PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 1B.

"Nonpartisan Redistricting Process.

"**§ 120-4.51. Definitions.**

As used in this Article, unless the context requires otherwise, the following definitions apply:

(1) Census Bureau. – The United States Bureau of the Census.

(2) Commission. – The Temporary Redistricting Advisory Commission established pursuant to this Article.

(3) Federal census. – The decennial census required by federal law to be conducted by the Census Bureau in every year ending in zero.

(4) Four selecting authorities.

a. The President Pro Tempore of the Senate.

b. The minority leader of the Senate.

c. The Speaker of the House of Representatives.

d. The minority leader of the House of Representatives.

(5) Ideal population. – The number determined by dividing the number of members in a plan into the population of the State as reported in the federal census.

(6) Plan. – A plan for legislative and congressional reapportionment drawn up pursuant to the requirements of this Article.

(7) Political party office. – An office in the national or state organization of a political party.

(8) Public office. –

a. An elective State, local, or federal office.

b. An appointive State or federal office.

(9) Relative. – An individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law,

mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(10) VTD. – A voting tabulation district reported by the Census Bureau.

"**§ 120-4.52. Preparations for redistricting.**

(a) The Legislative Services Office shall acquire appropriate information, review and evaluate information, review and evaluate available facilities, and develop programs and procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each federal census. Funds shall be expended for the purchase or lease of equipment and materials only with prior approval of the Legislative Services Commission.

(b) By December 31 of each year ending in zero, the Legislative Services Office shall obtain from the Census Bureau information regarding geographic and political units in this State for which federal census population data has been gathered and will be tabulated. The Legislative Services Office shall use the data so obtained to:

(1) Prepare necessary descriptions of geographic and political units for which census data will be reported and which are suitable for use as components of legislative districts.

(2) Prepare maps of counties, cities, precincts, VTDs, and other geographic units within the State which may be used to illustrate the locations of legislative district boundaries proposed in plans drawn in accordance with this Article.

(c) As soon as possible after January 1 of each year ending in one, the Legislative Services Office shall obtain from the Census Bureau the population data needed for legislative districting which the Census Bureau is required to provide this State under P.L. 94-171 and shall use that data to assign a population figure to geographic and political units based upon that data. Upon completing that task, the Legislative Services Office shall begin the preparation of congressional and legislative districting plans as required by this Article.

(d) Upon each delivery by the Legislative Services Office to the General Assembly of a bill embodying a plan, pursuant to this Article, the Legislative Services Office shall at the earliest feasible time make available to the public the following information:

(1) Copies of the bill delivered by the Legislative Services Office to the General Assembly.

(2) Maps illustrating the plan.

(3) A summary of the standards prescribed by this Article for development of the plan.

(4) A statement of the population of each district included in the plan, and the relative deviation of each district population from the ideal district population.

"**§ 120-4.53. Preparations for redistricting.**

(a) Not later than April 1 of each year ending in one, the Legislative Services Office shall deliver to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives identical bills embodying a plan of legislative and congressional districting prepared in accordance with this Article. It is the intent of this Article that the bill shall be brought to a vote in either the Senate or the House of Representatives expeditiously, but not less than three legislative days after the report of the Temporary Redistricting Advisory Commission required by G.S. 120-4.56 is received and made available to the members of the General Assembly. The bill shall be voted in under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this Article that if the bill is approved on third reading by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule. If the bill embodying the plan submitted by the Legislative Services Office under this subsection fails

to be approved on second or third reading in either the Senate or the House of Representatives, the Principal Clerk of the Senate or the Principal Clerk of the House, as the case may be, shall at once, but in no event later than seven days after the date the bill failed to be approved, transmit to the Legislative Services Office information which the Senate or House may direct by resolution regarding reasons why the plan was not approved.

(b) If the population data for legislative districting which the Census Bureau is required to provide this State under P.L. 94-171 and, if used by the Legislative Services Office, the corresponding geographic referencing data file for that population data are not available to the Legislative Services Office on or before February 15 of the year ending in one, the April 1 date set forth in subsection (a) of this section shall be extended by a number of days equal to the number of days after February 15 of the year ending in one that the federal census population data and the geographic encoding and referencing data file for legislative districting become available.

(c) If the bill embodying the plan submitted by the Legislative Services Office under subsection (a) of this section fails to pass second or third reading in either house, the Legislative Services Office shall prepare a bill embodying a second plan of legislative and congressional districting. The bill shall be prepared in accordance with this section and, insofar as it is possible to do so within the requirements of G.S. 120-4.54, with the reasons cited by the Senate or House of Representatives by resolution for the failure to approve the plan. If a second plan is required under this subsection, the bill embodying it shall be delivered to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives not later than 35 calendar days after the date of the vote by which the Senate or the House of Representatives fails to approve the bill submitted under subsection (a) of this section. If it is necessary to submit a bill under this subsection, the bill shall be brought to a vote not less than seven calendar days after the bill is submitted and made available to the members of the General Assembly, under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this Article that if the bill is approved on third reading by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule. If the bill embodying the plan submitted by the Legislative Services Office under this subsection fails to be approved on second or third reading in either the Senate or the House of Representatives, the Principal Clerk of the Senate or the Principal Clerk of the House, as the case may be, shall transmit to the Legislative Services Office in the same manner as described in subsection (a) of this section, information which the Senate or House may direct by resolution regarding reasons why the plan was not approved.

(d) If the bill embodying the plan submitted by the Legislative Services Office under subsection (c) of this section fails to be enacted, the same procedure as prescribed by subsection (c) of this section shall be followed. If a third plan is required under this subsection, the bill embodying it shall be delivered to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives not later than 35 calendar days after the date of the vote by which the Senate or the House of Representatives fails to approve the bill submitted under subsection (c) of this section. If it is necessary to submit a bill under this subsection, the bill shall be brought to a vote within the same time period after its delivery to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives as is prescribed for the bill submitted under subsection (c) of this section, but shall be subject to amendment in the same manner as other bills.

(e) Prior to delivering any plan and the bill embodying that plan in accordance with this section, the Legislative Services Office shall provide to persons outside its staff only such information regarding the plan as may be required by policies agreed upon by the Temporary

Redistricting Advisory Commission. This subsection does not apply to population and geographic data furnished to the Legislative Services Office by the Census Bureau.

"**§ 120-4.54. Redistricting standards.**

(a) Legislative and congressional districts shall be established on the basis of population.

(b) Senatorial and representative districts, respectively, shall each have a population that is within five percent (5%) of the ideal population for that district.

(c) Congressional districts shall each have a population as nearly equal as practicable to the ideal population, but in all cases within one-tenth of a percent (0.1%) of the ideal population.

(d) Legislative and congressional districts shall be drawn in a manner that complies with requirements of federal and state law.

(e) To the extent consistent with other standards provided by this section, district boundaries in a plan shall coincide with the boundaries of political subdivisions of the State. In Senate and State House plans, the "whole county" requirements established by the North Carolina Constitution shall be complied with in a manner consistent with federal law. The number of counties and cities divided among more than one district shall be as small as possible, but in the case of cities located in more than one county, minimizing the division of counties prevails. The division of VTDs shall also be minimized consistent with the other standards of this section.

(f) Districts shall be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.

(g) Districts shall be reasonably compact in form, to the extent consistent with the standards established by this section. In general, reasonably compact districts are those which are square, rectangular, or hexagonal in shape, and not irregularly shaped, to the extent of natural or political boundaries or those of VTDs. If it is necessary to compare the relative compactness of two or more districts, or of two or more alternative districting plans, the tests prescribed by this subsection shall be used as follows:

(1) Length-width compactness. – The compactness of a district is greatest when the length of the district and the width of the district are equal. The measure of a district's compactness is the absolute value of the difference between the length and the width of the district. In general, the length-width compactness of a district is calculated by measuring the distance from the northernmost point or portion of the boundary of a district to the southernmost point or portion of the boundary of the same district and the distance from the westernmost point or portion of the boundary of the district to the easternmost point or portion of the boundary of the same district. The absolute values computed for individual districts under this subdivision may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the State, or for a portion of the State.

(2) Perimeter compactness. – The compactness of a district is greatest when the distance needed to traverse the perimeter boundary of a district is as short as possible. The total perimeter distance computed for individual districts under this subdivision may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the State or for a portion of the State.

(h) No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group, or for the purpose of augmenting or

diluting the voting strength of a language or racial minority group. In establishing districts, no use shall be made of any of the addresses or geographic locations of incumbents.

Except to the extent required by the North Carolina or United States Constitutions, the Voting Rights Act of 1965, and applicable court decisions, no use shall be made of:

(1) Political affiliations of registered voters.

(2) Previous election results.

(3) Demographic information, other than population head counts.

"**§ 120-4.55. Temporary Redistricting Advisory Commission.**

(a) Not later than February 15 of each year ending in one, a five member Temporary Redistricting Advisory Commission shall be established as provided by this section. The Commission's only functions shall be those prescribed by G.S. 120-4.56.

(b) Each of the four selecting authorities shall certify to the Chair of the State Board of Elections the authority's appointment of a person to serve on the Commission.

(c) Within 10 days after the four selecting authorities have certified their respective appointments, but in no event later than February 15 of the year ending in one, the four commission members so appointed shall select, by a vote of at least three members, and certify to the Chair of the State Board of Elections the fifth Commission member, who shall serve as chairperson.

(d) A vacancy on the Commission shall be filled by the initial selecting authority within 15 days after the vacancy occurs.

(e) Members of the Commission shall receive from funds appropriated to the General Assembly per diem, travel expenses, and reimbursement for other necessary expenses incurred in performing their duties as provided by G.S. 138-5 or G.S. 138-6 as applicable.

(f) No person shall be appointed to the Commission who:

(1) Is not a registered voter of this State at the time of selection.

(2) Holds public office or political party office.

(3) Is a relative of or is employed by a member of the General Assembly or of the United States House of Representatives or Senate, or is employed directly by the General Assembly or by the United States House of Representatives or Senate.

"**§ 120-4.56. Duties of Commission.**

The functions of the Commission shall be as follows:

(1) Answer a written request for direction made by the Legislative Services Office when in preparation of plans as required by this Article, the Legislative Services Office is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by G.S. 120-4.54 and requests direction from the Commission.

(2) Authorize by adoption of policies the release of information under G.S. 120-4.53(e).

(3) Upon the delivery by the Legislative Services Office to the General Assembly of a bill embodying an initial plan, as required by G.S. 120-4.53(a), the Commission shall:

a. As expeditiously as reasonably possible, schedule and conduct at least three public hearings, in different geographic regions of the State, on that plan.

b. Following the hearings, promptly prepare and submit to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives a report summarizing information and testimony received by the Commission in the course of the hearings. The Commission's report shall include any comments and conclusions

which its members deem appropriate on the information and testimony received at the hearings, or otherwise presented to the Commission. The report as to a plan shall be submitted no later than 14 calendar days after the date the bill embodying an initial plan is delivered to the General Assembly."

SECTION 2. This act becomes effective January 1, 2020 and applies beginning with the 2020 federal census.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

Withdrawn Rules Stamp

(Please type or use ballpoint pen)

ATTACHMENT 4

EDITION No. _____

H. B. No. 824 DATE _____

S. B. No. _____ Amendment No. _____

(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

Rep.) Starnes

Sen.)

1 moves to amend the bill on page 5, line 7-8

2 ( ) WHICH CHANGES THE TITLE

3 by inserting between those lines the following:

4

5 (1) Legislative and congressional districts

6 shall not split precincts unless otherwise

7 required by Federal law.

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SIGNED E. Starnes

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

6

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

ATTACHMENT 4

EDITION No. _____

H. B. No. 824

DATE _____

S. B. No. _____

Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

(Rep.) Sen.) Starnes

moves to amend the bill on page 2, line 41

( ) WHICH CHANGES THE TITLE

by inserting between "Representative" and "identical" the following:

"and to the members of the Senate and the House of Representatives"

and on page 3, line 21 by inserting between "Representative" and "not" the following:

"and to the members of the Senate and the House of Representatives", and

on page 3, line 40 by inserting between "Representatives" and "not" the following:

"and to the members of the Senate and the House of Representatives".

SIGNED E. Starnes

ADOPTED ✓ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

Amend adopted.

Attach. 5

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for

HB 452 A BILL TO BE ENTITLED AN ACT TO ELIMINATE "INSTANT RUNOFF" VOTING FOR JUDICIAL OFFICES WHEN LATE VACANCIES OCCUR AND INSTEAD DETERMINE THE RESULTS OF THE VACANCY ELECTION BY PLURALITY, AND TO REPEAL PUBLIC CAMPAIGN FINANCING FOR JUDICIAL AND COUNCIL OF STATE RACES.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

Attach. 5

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 452
PROPOSED COMMITTEE SUBSTITUTE H452-PCS30367-ST-43

Short Title: Judicial Elections Changes. (Public)

Sponsors:

Referred to:

March 24, 2011

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE "INSTANT RUNOFF" VOTING FOR JUDICIAL OFFICES WHEN LATE VACANCIES OCCUR AND INSTEAD DETERMINE THE RESULTS OF THE VACANCY ELECTION BY PLURALITY, TO REPEAL PUBLIC CAMPAIGN FINANCING FOR COUNCIL OF STATE RACES, AND TO RESTORE JUDICIAL ELECTIONS TO A PARTISAN BASIS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-329 reads as rewritten:

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

(a) General. – If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior court after the filing period for the primary opens but more than 60 days before the general election, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted without a primary using the method provided in subsection (b1) of this section. If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior court before the filing period for the primary opens, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted in accordance with G.S. 163-322.

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

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

(1) When the vacancy described in this section occurs more than 63 days before the date of the second primary for members of the General Assembly, a special primary shall be held on the same day as the second primary. The two candidates with the most votes in the special primary shall have their

names placed on the ballot for the general election held on the same day as the general election for members of the General Assembly.

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

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

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

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

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

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

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

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

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

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

~~(4) In case of a tie between candidates such that two or more candidates have an equal number of first choices and more than two candidates qualify for the~~

~~second round, instant runoff voting shall be used to determine which two candidates shall advance to the second round.~~"

SECTION 2.(a) Article 22J of Chapter 163 of the General Statutes is repealed.

SECTION 2.(b) G.S. 163-278.5 reads as rewritten:

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

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

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

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

SECTION 2.(c) G.S. 163-278.13(e4) is repealed.

SECTION 2.(d) G.S. 163-278.13 reads as rewritten:

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

SECTION 3. G.S. 163-329, as amended by Section 1 of this act, is recodified as G.S. 163-120. The remainder of Subchapter X (Article 25) of Chapter 163 of the General Statutes is repealed.

SECTION 4. G.S. 163-106 reads as rewritten:

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

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

Date _____

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

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

Signed _____

(Name of Candidate)

Witness:

_____

_____

(Title of witness)

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

In signing the notice of candidacy the candidate shall use only that candidate's legal name and may use any nickname by which he is commonly known. A candidate may also, in lieu of that candidate's legal first name and legal middle initial or middle name (if any) sign a nickname, provided that the candidate appends to the notice of candidacy an affidavit that the candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the affidavit the way that candidate's name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office.

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

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

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

(a2) In addition to the notice and pledge required by subsection (a) of this section, every candidate filing for the office of judge or justice of the General Court of Justice shall indicate whether that candidate wishes to have that candidate's party affiliation displayed on the general election ballot.

(b) Eligibility to File. – No person shall be permitted to file as a candidate in a primary if, at the time he offers to file notice of candidacy, he is registered on the appropriate registration book or record as an affiliate of a political party other than that in whose primary he is attempting to file. No person who has changed his political party affiliation or who has changed from unaffiliated status to party affiliation as permitted in G.S. 163-82.17, shall be permitted to file as a candidate in the primary of the party to which he changed unless he has

been affiliated with the political party in which he seeks to be a candidate for at least 90 days prior to the filing date for the office for which he desires to file his notice of candidacy.

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

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

Governor
Lieutenant Governor
All State executive officers
Justices of the Supreme Court, Judges of the Court of Appeals
Judges of the superior courts
Judges of the district courts
United States Senators
Members of the House of Representatives of the United States
District attorneys

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

State Senators
Members of the State House of Representatives
All county offices.

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

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

(f) Candidates required to file their notice of candidacy with the State Board of Elections under subsection (c) of this section shall file along with their notice a certificate signed by the chairman of the board of elections or the director of elections of the county in which they are registered to vote, stating that the person is registered to vote in that county, stating the party with which the person is affiliated, and that the person has not changed his affiliation from another party or from unaffiliated within three months prior to the filing deadline under subsection (c) of this section. In issuing such certificate, the chairman or director shall check the registration records of the county to verify such information. During the period commencing 36 hours immediately preceding the filing deadline the State Board of Elections shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed to secure the verification ordered herein subject to receipt of verification no later than three days following the filing deadline. The State Board of Elections shall prescribe the form

for such certificate, and distribute it to each county board of elections no later than the last Monday in December of each odd-numbered year.

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

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

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

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

SECTION 5. G.S. 163-107(a) reads as rewritten:

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

Office Sought	**Amount of Filing Fee**
Governor	One percent (1%) of the annual salary of the office sought
Lieutenant Governor	One percent (1%) of the annual salary of the office sought
All State executive offices	One percent (1%) of the annual salary of the office sought
All Justices, Judges, and 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
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)

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

SECTION 6. G.S. 163-107.1(c) reads as rewritten:

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

SECTION 7. G.S. 163-111(c)(1) reads as rewritten:

"(c) Procedure for Requesting Second Primary. –

(1) 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 with the Executive Director of the State Board of Elections no later than 12:00 noon on the 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 State Board of Elections. If the vote certification by the State Board of Elections determines that a candidate who was not originally thought to be eligible to call for a second primary is in fact eligible to call for a second primary, the Executive Director of the State Board of Elections shall immediately notify such candidate and permit him to exercise any options available to him within a 48-hour period following the notification:

Governor,
Lieutenant Governor,
All State executive officers,
Justices, Judges, or District Attorneys of the General Court of Justice,
United States Senators,
Members of the United States House of Representatives,
State Senators in multi-county senatorial districts, and

Members of the State House of Representatives in multi-county representative districts."

SECTION 8. 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 Judge of district court District Attorney State Senator in a multi-county senatorial district Member of State House of Representatives in a multi-county representative district	Appropriate district executive committee of political party in which vacancy occurs
State Senator in a single-county senatorial district Member of State House of Representatives in a single-county representative district Any elective county office	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
Judge of superior court in a single-county judicial district where the district is the whole county or part of the county	County executive committee of political party in which vacancy occurs; provided, in the case of a superior court judge in a single-county district where not all the county is located in that district, then in voting, only those members of the county

	executive committee who reside within the district shall vote
Judge of superior court in a multi-county judicial district	Appropriate district executive committee of political party in which vacancy occurs.

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

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

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

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

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

SECTION 9. G.S. 163-165.5(4) reads as rewritten:

"(4) Party designations in partisan ballot ~~items.~~items, except for judges and justices of the General Court of Justice in the general election."

SECTION 10. G.S. 163-165.6(e) reads as rewritten:

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

SECTION 11. G.S. 163-182.1(a)(7)a. reads as rewritten:

"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, and for judges and justices of the

General Court of Justice, in the partisan ballot items on that official ballot except as otherwise provided in this subdivision."

SECTION 12. G.S. 138A-22(d) reads as rewritten:

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

SECTION 13. G.S. 163-22.3 reads as rewritten:

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

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

SECTION 14. G.S. 163-82.10B reads as rewritten:

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

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

(1) When a voter has filed notice of candidacy for elective office under G.S. 163-106, 163-122, 163-123, or 163-294.2, ~~or 163-323,~~ has been nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has otherwise formally become a candidate for elective office. The exception of this subdivision does not extend to an individual who meets the definition of "candidate" only by beginning a tentative candidacy by receiving funds or making payments or giving consent to someone else to receive funds or transfer something of value for the purpose of exploring a candidacy.

(2) When a voter is serving in an elective office.

(3) When a voter has been challenged pursuant to Article 8 of this Chapter.

(4) When a voter-registration applicant or registered voter expressly authorizes in writing the disclosure of that individual's date of birth.

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

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

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

SECTION 15. G.S. 163-165.5(3) reads as rewritten:

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

Each official ballot shall contain all the following elements:

...

(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. The State Board of Elections shall establish a review procedure that local boards of elections shall follow to ensure that candidates' names appear on the official ballot in accordance with this subdivision.

...."

SECTION 16. G.S. 163-278.100(1) reads as rewritten:

"**§ 163-278.100. Definitions.**

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

(1) The term "candidate-specific communication" means any broadcast, cable, or satellite communication that has all the following characteristics:

a. Refers to a clearly identified candidate for a statewide office or the General Assembly.

b. Is aired in an even-numbered year after the final date on which a Notice of Candidacy can be filed for the office, pursuant to ~~G.S. 163-106(c) or G.S. 163-323,~~ G.S. 163-106(c), and through the day on which the general election is conducted, excluding the time period set in the definition for "electioneering communication" in G.S. 163-278.80(2)b.

c. Is targeted to the relevant electorate.

...."

SECTION 17. G.S. 163-278.110(1) reads as rewritten:

"**§ 163-278.110. Definitions.**

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

(1) The term "candidate-specific communication" means any mass mailing or telephone bank that has all the following characteristics:

a. Refers to a clearly identified candidate for a statewide office or the General Assembly.

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

c. Is targeted to the relevant electorate.

...."

SECTION 18. G.S. 163-1(b) reads as rewritten:

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

SECTION 19. G.S. 163-122(c) is repealed.

SECTION 20. G.S. 163-123(g) reads as rewritten:

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

SECTION 21. G.S. 163-278.64(c) reads as rewritten:

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

(1) Signed and filed a declaration of intent to participate in this Article.

(2) Submitted a report itemizing the appropriate number of qualifying contributions received from registered voters, which the Board shall verify through a random sample or other means it adopts. The report shall include the county of residence of each registered voter listed.

(3) Filed a valid notice of candidacy pursuant to Article ~~25~~ 10 of this ~~Chapter.~~ Chapter, a valid petition or declaration of intent under Article 11 of this Chapter, or is nominated under G.S. 163-98.

(4) Otherwise met the requirements for participation in this Article.

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

SECTION 22. G.S. 163-278.64A is repealed.

SECTION 23. This act becomes effective with respect to primaries and elections held on or after January 1, 2012.

Attach. 5

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H 1

HOUSE BILL 452

Short Title:	Eliminate "Instant Runoff"/Public Financing.	(Public)
Sponsors:	Representative Starnes (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Elections.	

March 24, 2011

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE "INSTANT RUNOFF" VOTING FOR JUDICIAL OFFICES WHEN LATE VACANCIES OCCUR AND INSTEAD DETERMINE THE RESULTS OF THE VACANCY ELECTION BY PLURALITY, AND TO REPEAL PUBLIC CAMPAIGN FINANCING FOR JUDICIAL AND COUNCIL OF STATE RACES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-329 reads as rewritten:

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

(a) General. – If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior court after the filing period for the primary opens but more than 60 days before the general election, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted without a primary using the method provided in subsection (b1) of this section. If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior court before the filing period for the primary opens, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted in accordance with G.S. 163-322.

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

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

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

(2) When the vacancy described in this section occurs less than 64 days before the date of the second primary, a general election for all the candidates shall

be held on the same day as the general election for members of the General Assembly and the plurality method of determining the results shall be used, as follows:

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

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

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

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

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

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

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

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

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

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

SECTION 2.1. Article 22D of Chapter 163 of the General Statutes is repealed.

SECTION 2.2. Article 22J of Chapter 163 of the General Statutes is repealed.

SECTION 2.3. G.S. 105-159.2 is repealed.

SECTION 2.4. G.S. 84-34 reads as rewritten:

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

Every active member of the North Carolina State Bar shall, prior to the first day of July of each year, pay to the secretary-treasurer an annual membership fee in an amount determined by the Council but not to exceed three hundred dollars ($300.00), ~~plus a surcharge of fifty dollars ($50.00) for the implementation of Article 22D of Chapter 163 of the General Statutes,~~ and every member shall notify the secretary-treasurer of the member's correct mailing address. Any member who fails to pay the required dues by the last day of June of each year shall be subject to a late fee in an amount determined by the Council but not to exceed thirty dollars ($30.00). All dues for prior years shall be as were set forth in the General Statutes then in effect. The membership fee shall be regarded as a service charge for the maintenance of the several services authorized by this Article, and shall be in addition to all fees required in connection with admissions to practice, and in addition to all license taxes required by law. The fee shall not be prorated: Provided, that no fee shall be required of an attorney licensed after this Article shall have gone into effect until the first day of January of the calendar year following that in which the attorney was licensed; but this proviso shall not apply to attorneys from other states admitted on certificate. The fees shall be disbursed by the secretary-treasurer on the order of the Council. ~~The fifty-dollar ($50.00) surcharge shall be sent on a monthly schedule to the State Board of Elections.~~ The secretary-treasurer shall annually, at a time and in a law magazine or daily newspaper to be prescribed by the Council, publish an account of the financial transactions of the Council in a form to be prescribed by it. The secretary-treasurer shall compile and keep currently correct from the names and mailing addresses forwarded to the secretary-treasurer and from any other available sources of information a list of members of the North Carolina State Bar and furnish to the clerk of the superior court in each county, not later than the first day of October in each year, a list showing the name and address of each attorney for that county who has not complied with the provisions of this Article. The name of each of the active members who are in arrears in the payment of membership fees shall be furnished to the presiding judge at the next term of the superior court after the first day of October of each year, by the clerk of the superior court of each county wherein the member or members reside, and the court shall thereupon take action that is necessary and proper. The names and addresses of attorneys so certified shall be kept available to the public. The Secretary of Revenue is hereby directed to supply the secretary-treasurer, from records of license tax payments, with any information for which the secretary-treasurer may call in order to enable the secretary-treasurer to comply with this requirement.

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

SECTION 2.5. G.S. 163-278.5 reads as rewritten:

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

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

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

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

SECTION 2.6. G.S. 163-278.13(e2), (e3), and (e4) are repealed.

SECTION 2.7. The balances of the North Carolina Public Campaign Fund and the North Carolina Voter-Owned Elections Fund upon this act becoming law are transferred to the General Fund, except that any unexpended funds received pursuant to voluntary donations under G.S. 163-278.63(b)(6) and from the tax on attorneys under G.S. 163-378.63(b)(7) and G.S. 84-34 shall be retained by the State Board of Elections for use in printing voter guides.

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

ATTACHMENT #5

HOUSE BILL 452:
Judicial Election Changes

2011-2012 General Assembly

Committee:	House Elections	**Date:**	May 31, 2011
Introduced by:	Rep. Starnes	**Prepared by:**	R. Erika Churchill
Analysis of:	PCS to First Edition H452-CSST-43		Committee Counsel

SUMMARY: The proposed committee substitute for House Bill 452 would:

- ***Repeal the "instant run-off" voting in judicial elections.***
- ***Repeal the authority for public financing for council of state races.***
- ***Provide that elections of appellate court, superior court and district court judges be conducted in partisan manner.***

CURRENT LAW:

Instant Run-Off Voting (House Bill 452)

G.S. 163-329 treats a vacancy among candidates for justice of the North Carolina Supreme Court, Court of Appeals and Superior Court who have survived a primary the same as a vacancy among candidates who were too few to need a primary. If the vacancy occurs before the ballot is printed, the vacancy results in a re-opened filing period. But rather than a plurality election among the candidates, the mid-year vacancy would be handled the same as a mid-year vacancy in office – if there is time for a primary on the date of the second primary, then the primary is to be held. If there is no time for a primary, Instant Runoff Voting is to be used in the November election.

Public Financing (House Bill 452)

North Carolina currently provides two separate programs for public financing of elections – one for appellate judicial races and one for 3 of the 10 Council of State races (Auditor, Superintendent of Public Instruction and Commissioner of Insurance).

To participate, the candidate must file a declaration of intent with the State Board of Elections BEFORE collecting any qualifying contributions. The declaration of intent has to be filed before or during the "qualifying period," which is September 1 of the year before the election until the day of the primary. After filing the declaration of intent, the candidate must collect qualifying contributions from a certain number of registered voters during the qualifying period. The State Board of Elections "certifies" that the candidate has filed a declaration of intent, collected the appropriate contributions, filed a notice of candidacy. Once certified, the candidate is entitled to receive distributions from the public financing fund. Distributions are as follows: none for an uncontested primary or general election; an initial distribution within 5 business days of certification by the State Board for a candidate in a contested general election; and matching funds upon trigger.

The programs also require the publication of a Voter Guide as to the functions of the office, the laws concerning the election of that office, the public financing fund, voter registration, and information about all candidates running for that office. The money for the distributions to the candidates and the publication and mailing of the voter guide is taken from the public financing fund. The programs are funded by voluntary check-off donations on personal income tax. The judicial program is also funded by a mandatory surcharge on attorney's annual bar dues.

Judicial Elections (House Bill 64, Restore Partisan Judicial Elections)

Prior to 1996, elections of judges in North Carolina were conducted in partisan manner. In 1996, the law governing the elections of superior court judges was amended to make those elections nonpartisan. In 2001, the law governing the elections of district court judges was amended to make those elections nonpartisan. In 2002, the

law governing the elections of appellate court judges was amendment to make those elections nonpartisan, beginning with the 2004 elections. As a result, currently, all elections of appellate court, superior court and district court judges in North Carolina are conducted in a nonpartisan manner.

Appellate Court justices are elected statewide, and serve eight year terms. The Superior and District Court Divisions of the General Court of Justice consist of various district courts organized in territorial districts, with at least one district judge in each district. The General Assembly determines the number of judges for each district. Each judge must be a resident of the district to which he or she is elected. Superior Court judges serve eight-year terms, district court judges serve four-year terms. Vacancies in the offices are filled for the unexpired term by appointment of the Governor. from nominations submitted by the district bar. If elected from a district, nominees must be residents of the district who are licensed to practice law in the district and who are members of the same political party as the vacating judge.

The provisions for nonpartisan judicial races are set out in Article 25 of Chapter 163 of the General Statutes. Candidates run in nonpartisan primaries, held on the same day in May as the party primaries. The primaries reduce the field to twice the number to be elected, eliminating additional candidates. Then, the reduced field runs in the November general election. The system is patterned after the nonpartisan primary and elections used by some cities to elect their mayors and city councils. The nonpartisan primaries and elections are by district for superior and district court judges.

BILL ANALYSIS:

Section 1. Repeals the statutory authority for instant run-off voting to fill vacancies occurring more than 64 days before a 2nd primary in the office of justice of the Supreme Court and Court of Appeals, and judge of the Superior Court.

Section 2. Repeals the statutory authority for the public financing program for the 3 council of state races, and revert any money in the funds to the General Fund.

Section 3. Repeals Article 25 of Chapter 163 of the General Statutes, which sets out the process for conducting nonpartisan judicial races.

Sections 4-11. Amend various partisan election procedural statutes to include judicial candidates. Section 4 also allows a judicial candidate to decide whether or not to have the candidate's party affiliation printed on the general election ballot. Sections 9 and 10 exempt judicial candidates from the straight-party ticket vote.

Sections 8-18. Make conforming changes necessary to implement the repeal of Article 25 of Chapter 163 of the General Statutes.

EFFECTIVE DATE: Effective January 1, 2012, but may not be implemented until the session law has received 'preclearance' approval under Section 5 of the Voting Rights of 1965 by the U.S. Department of Justice.

H452-SMST-45(CSST-43) v1

attachment #5

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 452
PROPOSED COMMITTEE SUBSTITUTE H452-CSST-43 [v.2]

6/1/2011 1:17:54 PM

Short Title: Judicial Elections Changes. (Public)

Sponsors:

Referred to:

March 24, 2011

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE "INSTANT RUNOFF" VOTING FOR JUDICIAL OFFICES WHEN LATE VACANCIES OCCUR AND INSTEAD DETERMINE THE RESULTS OF THE VACANCY ELECTION BY PLURALITY, TO REPEAL PUBLIC CAMPAIGN FINANCING FOR COUNCIL OF STATE RACES, AND TO RESTORE JUDICIAL ELECTIONS TO A PARTISAN BASIS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-329 reads as rewritten:

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

(a) General. – If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior court after the filing period for the primary opens but more than 60 days before the general election, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted without a primary using the method provided in subsection (b1) of this section. If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior court before the filing period for the primary opens, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted in accordance with G.S. 163-322.

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

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

(1) When the vacancy described in this section occurs more than 63 days before the date of the second primary for members of the General Assembly, a special primary shall be held on the same day as the second primary. The two candidates with the most votes in the special primary shall have their

names placed on the ballot for the general election held on the same day as the general election for members of the General Assembly.

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

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

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

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

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

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

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

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

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

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

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

SECTION 2.(a) Article 22J of Chapter 163 of the General Statutes is repealed.

SECTION 2.(b) G.S. 163-278.5 reads as rewritten:

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

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

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

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

SECTION 2.(c) G.S. 163-278.13 (e4) is repealed.

SECTION 2.(d) G.S. 163-278.13 reads as rewritten:

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

SECTION 3. Subchapter X (Article 25) of Chapter 163 of the General Statutes is repealed.

SECTION 4. G.S. 163-106 reads as rewritten:

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

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

Date _____

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

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

Signed _____
(Name of Candidate)

Witness:

_____

_____
(Title of witness)

Each candidate shall sign the notice of candidacy in the presence of the chairman or secretary of the board of elections, State or county, with which the candidate files. In the alternative, a candidate may have the candidate's signature on the notice of candidacy acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths, in which

case the candidate may mail or deliver by commercial courier service the candidate's notice of candidacy to the appropriate board of elections.

In signing the notice of candidacy the candidate shall use only that candidate's legal name and may use any nickname by which he is commonly known. A candidate may also, in lieu of that candidate's legal first name and legal middle initial or middle name (if any) sign a nickname, provided that the candidate appends to the notice of candidacy an affidavit that the candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the affidavit the way that candidate's name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office.

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

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

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

(a2) In addition to the notice and pledge required by subsection (a) of this section, every candidate filing for the office of judge or justice of the General Court of Justice shall indicate whether that candidate wishes to have that candidate's party affiliation displayed on the general election ballot.

(b) Eligibility to File. – No person shall be permitted to file as a candidate in a primary if, at the time he offers to file notice of candidacy, he is registered on the appropriate registration book or record as an affiliate of a political party other than that in whose primary

he is attempting to file. No person who has changed his political party affiliation or who has changed from unaffiliated status to party affiliation as permitted in G.S. 163-82.17, shall be permitted to file as a candidate in the primary of the party to which he changed unless he has been affiliated with the political party in which he seeks to be a candidate for at least 90 days prior to the filing date for the office for which he desires to file his notice of candidacy.

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

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

Governor
Lieutenant Governor
All State executive officers
Justices of the Supreme Court, Judges of the Court of Appeals
Judges of the superior courts
Judges of the district courts
United States Senators
Members of the House of Representatives of the United States
District attorneys

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

State Senators
Members of the State House of Representatives
All county offices.

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

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

(f) Candidates required to file their notice of candidacy with the State Board of Elections under subsection (c) of this section shall file along with their notice a certificate signed by the chairman of the board of elections or the director of elections of the county in which they are registered to vote, stating that the person is registered to vote in that county, stating the party with which the person is affiliated, and that the person has not changed his affiliation from another party or from unaffiliated within three months prior to the filing deadline under subsection (c) of this section. In issuing such certificate, the chairman or director shall check the registration records of the county to verify such information. During the period commencing 36 hours immediately preceding the filing deadline the State Board of

Elections shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed to secure the verification ordered herein subject to receipt of verification no later than three days following the filing deadline. The State Board of Elections shall prescribe the form for such certificate, and distribute it to each county board of elections no later than the last Monday in December of each odd-numbered year.

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

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

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

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

SECTION 5. G.S. 163-107(a) reads as rewritten:

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

Office Sought	**Amount of Filing Fee**
Governor	One percent (1%) of the annual salary of the office sought
Lieutenant Governor	One percent (1%) of the annual salary of the office sought
All State executive offices	One percent (1%) of the annual salary of the office sought
All Justices, Judges, and 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
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)

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

SECTION 6. G.S. 163-107.1(c) reads as rewritten:

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

SECTION 7. G.S. 163-111(c)(1) reads as rewritten:

"(c) Procedure for Requesting Second Primary. –

(1) 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 with the Executive Director of the State Board of Elections no later than 12:00 noon on the 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 State Board of Elections. If the vote certification by the State Board of Elections determines that a candidate who was not originally thought to be eligible to call for a second primary is in fact eligible to call for a second primary, the Executive Director of the State Board of Elections shall immediately notify such candidate and permit him to exercise any options available to him within a 48-hour period following the notification:

Governor,
Lieutenant Governor,
All State executive officers,

Justices, Judges, or District Attorneys of the General Court of Justice,
United States Senators,
Members of the United States House of Representatives,
State Senators in multi-county senatorial districts, and
Members of the State House of Representatives in multi-county representative districts."

SECTION 8. 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 Judge of district court District Attorney State Senator in a multi-county senatorial district Member of State House of Representatives in a multi-county representative district	Appropriate district executive committee of political party in which vacancy occurs
State Senator in a single-county senatorial district Member of State House of Representatives in a single-county representative district Any elective county office	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
Judge of superior court in a single-county judicial district where the district is the whole county or part of the county	County executive committee of political party in which vacancy occurs; provided, in the case of a superior court judge in a

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

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

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

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

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

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

SECTION 9. G.S. 163-165.5(4) reads as rewritten:

"(4) Party designations in partisan ballot ~~items.~~items, except for judges and justices of the General Court of Justice in the general election.

SECTION 10. G.S. 163-165.6(e) reads as rewritten:

"(e) Straight-Party Voting. – Each official ballot shall be arranged so that the voter may cast one vote for a party's nominees for all offices except President and Vice ~~President.~~President, and for judges and justices of the General Court of Justice. A vote for President and Vice President shall be cast separately from a straight-party vote. The official ballot shall be prepared so that a voter may cast a straight-party vote, but then make an exception to that straight-party vote by voting for a candidate not nominated by that party or by voting for fewer than all the candidates nominated by that party. Instructions for general

election ballots shall clearly advise voters of the rules in this subsection and of the statutes providing for the counting of ballots."

SECTION 11. G.S. 163-182.1(a)(7)a. reads as rewritten:

"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, and for judges and justices of the General Court of Justice, in the partisan ballot items on that official ballot except as otherwise provided in this subdivision."

SECTION 12. G.S. 138A-22(d) reads as rewritten:

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

SECTION 13. G.S. 163-22.3 reads as rewritten:

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

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

SECTION 14. G.S. 163-82.10B reads as rewritten:

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

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

(1) When a voter has filed notice of candidacy for elective office under G.S. 163-106, 163-122, 163-123, or 163-294.2, ~~or 163-323,~~ has been nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has otherwise formally become a candidate for elective office. The exception of this subdivision does not extend to an individual who meets the definition of "candidate" only by beginning a tentative candidacy by receiving funds or making payments or giving consent to someone else to receive funds or transfer something of value for the purpose of exploring a candidacy.

(2) When a voter is serving in an elective office.

(3) When a voter has been challenged pursuant to Article 8 of this Chapter.
(4) When a voter-registration applicant or registered voter expressly authorizes in writing the disclosure of that individual's date of birth.

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

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

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

SECTION 15. G.S. 163-165.5(3) reads as rewritten:

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

Each official ballot shall contain all the following elements:

...

(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. The State Board of Elections shall establish a review procedure that local boards of elections shall follow to ensure that candidates' names appear on the official ballot in accordance with this subdivision.

...."

SECTION 16. G.S. 163-278.100(1) reads as rewritten:

"**§ 163-278.100. Definitions.**

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

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

...."

SECTION 17. G.S. 163-278.110(1) reads as rewritten:

"**§ 163-278.110. Definitions.**

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

(1) The term "candidate-specific communication" means any mass mailing or telephone bank that has all the following characteristics:

a. Refers to a clearly identified candidate for a statewide office or the General Assembly.

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

c. Is targeted to the relevant electorate.

...."

SECTION 18. G.S. 163-1(b) reads as rewritten:

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

SECTION 19. G.S. 163-122(c) is repealed.

SECTION 20. G.S. 163-123(g) reads as rewritten:

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

SECTION 21. G.S. 163-278.64(c) reads as rewritten:

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

(1) Signed and filed a declaration of intent to participate in this Article.

(2) Submitted a report itemizing the appropriate number of qualifying contributions received from registered voters, which the Board shall verify through a random sample or other means it adopts. The report shall include the county of residence of each registered voter listed.

(3) Filed a valid notice of candidacy pursuant to Article ~~25~~ 10 of this ~~Chapter.~~ Chapter, a valid petition or declaration of intent under Article 11 of this Chapter, or is nominated under G.S. 163-98.

(4) Otherwise met the requirements for participation in this Article.

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

SECTION 22. G.S. 163-278.64A is repealed.

SECTION 23. This act becomes effective with respect to primaries and elections held on or after January 1, 2012.

passed.

9.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use b[redacted]

attachment #5

EDITION No. _____

H. B. No. 452 DATE 6/3/11

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

(Rep.) Sen.) Jones

1 moves to amend the bill on page 3, line 24
2 ( ) WHICH CHANGES THE TITLE
3 by inserting the following between "SECTION 3."
4 and "Subchapter" on that line:
5
6 "G.S. 163-329 as amended by Section 1 of
7 this act is recodified (cod) as G.S. 163-120. The
8 remainder of ".
9
10
11
12
13
14
15
16
17
18
19

SIGNED Bert Jones

ADOPTED ✓ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

HB452 Amended

ATTACHMENT 6

ROLL CALL VOTE

14 YES 15 NO = 29 (TOTAL)

HB# ✓
SB# ____

HOUSE STANDING COMMITTEE ON Elections

House Subcommittee on HB452 amendment

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
___	___	Lewis, David			
___	✓	Burr, Justin	✓	___	Moore, Tim
___	✓	Current, William	___	✓	Ross, Deborah
___	✓	Jones, Bert	___	✓	Sager, Efton
✓	___	Jordan, Jonathan	___	✓	Stam, Paul
✓	___	Alexander, Martha	___	✓	Starnes, Edgar
___	✓	Blust, John	✓	___	Warren, Edith
___	___	Brown, Larry	✓	___	Weiss, Jennifer
___	✓	Brown, Rayne	___	___	
✓	___	Bryant, Angela	___	___	
✓	___	Cotham, Tricia			
___	✓	Dixon, Jimmy	___	___	
___	✓	Faircloth, John	___	___	
✓	___	Fisher, Susan	___	___	
✓	___	Floyd, Elmer	___	___	
✓	___	Graham, Charles			
✓	___	Harrison, Pricey	___	___	
___	✓	Iler, Frank	___	___	
___	✓	Justice, Carolyn			
___	✓	Killian, Richard	___	___	
✓	___	Martin, Grier	___	___	
✓	___	McLawhorn, Marian	___	___	
✓	___	Michaux, Mickey			
___	✓	Mills, Grey			
✓	___	Mobley, Annie			

Mechanic amend

14 | 15

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

10

(Please type or use b[redacted]

Attachment 10

EDITION No. _____

H. B. No. 452 DATE 6/3/11

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Michaux
(Sen.)

moves to amend the bill on page 1, line 4-6

( ) WHICH CHANGES THE TITLE

by rewriting those lines to read:

"THE VACANCY ELECTION BY PLURALTTY.";

and on page 3, line 5 through page 12, line 43 by deleting those lines;

and renumbering the remaining bill section accordingly.

SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Elections

DATE: 544 **Room:** 6/3/11

***Name:**

County:

Sponsor:

***Name:**

County:

Sponsor:

***Name:**

County:

Sponsor:

***Name:**

County:

Sponsor:

***Name:**

County:

Sponsor:

***Name:**

County:

Sponsor:

House Sgt-At Arms:

1. **Name:** Young Bae
2. **Name:** Martha Gadison
3. **Name:** Martha Parrish
4. **Name:** Bob Rossi
5. **Name:**
6. **Name:**

Staff
Renisa Adams, Kara McGraw, Erika Churchill, Staff
Grace Rogers, Clerk

Attachment # 7

VISITOR REGISTRATION SHEET

Election Committee — 6-3-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
BILL GILKESON	
Melissa Price	NCVCE
Sarah Preston	ACLU-NC
Landon Nobles	JLF
Jonathan Morton	JLF
[illegible]	[illegible]
Barbara Canales	BSCGC
[illegible]	BEGINNINGS
John Bowdish	Astra Zeneca
Jesse Hays	NCHBA
[illegible]	

VISITOR REGISTRATION SHEET

Election Committee — 6-3-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Erin McBrayer	JLF
Kristin Szafranski	JLF
Neal Inman	Civitas
Rev. Mark Creech	CAL
[illegible]	LPAs
Laura Reinhard	ASNC
Tony Adams	NCOAA
Mildred Spearman	NCAAC
Courtney Denning	NCBA
Jennifer Montgomery	WCBOE
MICHELLE HEALY	SMITH ANDERSON

VISITOR REGISTRATION SHEET

Election Committee — 6-3-11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Johnnie McLean	SBE
Gary Bartlett	SBE
Kathleen Edwards	State Ethics Commission
Kristi Hastings	NCHCFA
Perry Newman	SEC
Jane Piusky	NC Coalition for Lobbying Reform
Bob Phillips	Common Cause
Penny Griffin	School of Gov.
Brian Irving	Free the Vote
Barbara Howe	Libertarian Party
Jane Howard Ford	1810 Craig St. Raleigh, NC

VISITOR REGISTRATION SHEET

Election Committee — 6-3-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chris Telesca	Wake Verified Voting
Amanda Wadin-Kyzer	Office of Gov.
Bailey Daniels	SOS
Damon Circosta	NC Voter Ed.
Brent Laurenz	NC Voter Ed

Election Committee Meeting

June 7 2011

Attachment 1:	Committee Notice
Attachment 2:	Minutes
Attachment 3:	HB 300 bill summary, PCS
Attachment 4:	HB 710 bill summary, PCS
Attachment 5:	Visitor Registration Sheet

Attach. 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Tuesday, June 7, 2011
TIME: 6:00 pm
LOCATION: 643 LOB
COMMENTS: Please NOTE TIME.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 125	Optional Vote Centers for Second Primary.	Representative Sager Representative Jordan Representative Stevens Representative Shepard
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 710	Bd. of Ethics, Lobbying, and Campaign Finance.	Representative Lewis

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **8 AM** o'clock on **June 07, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attach: 1

Corrected Notice H B300 added

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Tuesday, June 7, 2011
TIME: **6:00 PM**
LOCATION: 643 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 125	Optional Vote Centers for Second Primary.	Representative Sager Representative Jordan Representative Stevens Representative Shepard
HB 300	Election Fairness Act of 2011.	Representative Jones, Jr. Representative Hager
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 710	Bd. of Ethics, Lobbying, and Campaign Finance.	Representative Lewis

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12 PM** o'clock on **June 07, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attach. 1

Corrected Notice ROOM CHANGE

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Tuesday, June 7, 2011
TIME: 6:00 pm
LOCATION: 421 LOB ROOM CHANGE

BILL NO.	SHORT TITLE	SPONSOR
HB 125	Optional Vote Centers for Second Primary.	Representative Sager Representative Jordan Representative Stevens Representative Shepard
HB 300	Election Fairness Act of 2011.	Representative Jones, Jr. Representative Hager
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 710	Bd. of Ethics, Lobbying, and Campaign Finance.	Representative Lewis

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **5 PM** o'clock on **June 07, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attach. 2

Minutes

Committee on Elections

Tuesday, June 7, 2011

The House Committee on Elections met on Tuesday, June 7, 2011, in room 421 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Burr, Current, Jones and Jordan Co-Chairs, Representatives Alexander, L. Brown, R. Brown, Bryant, Dixon, Faircloth, Floyd, Graham, Harrison, Iler, Justice, Martin, McLawhorn, Michaux, Mills, Mobley, Ross, Sager, Starnes, Warren, Weiss. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw, and Denise Huntley Adams.The Chair called the meeting to order at 6:30 PM.

The first order of business was HB 300 Election Fairness Act of 2011. The Chair asked Rep. Burr to chair the meeting. Rep. Current moved to hear the PCS and Bill Summary for HB 300 . The bill was discussed by the committee. Rep. Lewis and Jones spoke on the bill. Gary Bartlett with the Board of Elections also spoke on the bill. The bill was displaced until the next Election Committee meeting.

The next order of business was HB 710 Bd. Of Ethics, Lobbying and Campaign Finance. The PCS and Bill Summary for HG 710 . Rep. Lewis was asked to explain the bill. The bill was discussed by the committee. The bill was displaced until the next Election Committee meeting.

The meeting was adjourned at 7:10 PM

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

ATTACHMENT 3

HOUSE BILL 300:
Election Fairness Act of 2011

2011-2012 General Assembly

Committee:	House Elections	**Date:**	June 7, 2011
Introduced by:	Reps. Jones, Hager	**Prepared by:**	Kara McCraw Committee Counsel
Analysis of:	PCS to First Edition H300-CSST-55		

SUMMARY: ***The proposed committee substitute for HB 300 would require county board of elections to order candidates and parties for any ballot item on both primary and general ballots using a process designed by the State Board of Elections for rotation of names.***

The proposed committee substitute would remove the remaining sections of the original bill.

CURRENT LAW: G.S. 163-165.6(c) and (d) provide for the order of candidates on primary and general election ballots.

Primary Election: The order for candidates in a primary ballot item is determined by the county board of elections using a process designed by the State Board of Elections for random selection.

General Election: The order for candidates in a general election ballot item is as follows:

1. Nominees of political parties with at least 5% of statewide voter registration are listed in alphabetical order by party and in alphabetical order within the party.
2. Nominees of other political parties are listed in alphabetical order by party and in alphabetical order within the party.
3. Unaffiliated candidates, listed in alphabetical order.

BILL ANALYSIS: The PCS for HB 300 would amend G.S. 163-165.6 to eliminate the current requirements for candidate ballot order in primary and general elections.

The PCS for HB 300 would instead require that, for both primary and general elections, the order for both candidates and political parties in any ballot item would be determined by the county board of elections using a process designed by the State Board of Elections for random selection of names.

The process should do the following:

- Rotate the official ballots so that the names of candidates and parties appear in the maximum number of different orders.
- Result in a reasonably even rotation of differently ordered official ballots among the ballot styles in each county in the same election. All official ballots of the same ballot style in the county should be in the same order.
- Use the same process of rotation among ballot styles for candidates in party primary ballot items, nonpartisan ballot items, and partisan general election ballot items.
- In rotating names in a partisan general election, there should be no distinction in the rotation system between party nominees and unaffiliated candidates.
- In a partisan general election, rotation would not be required among multiple nominees of the same party in a multi-seat ballot item, as long as the groups of party nominees are rotated by party name.
- Rotation would not be required for choice in referenda.

EFFECTIVE DATE: HB 300 would become effective with respect to elections conducted on or after January 1, 2012. HB 300 may not be implemented until the session law has received "preclearance" approval under Section 5 of the Voting Rights Act of 1965.

H300-SMTC-37(CSST-55) v4

ATTACHMENT 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 300
PROPOSED COMMITTEE SUBSTITUTE H300-PCS50376-ST-55

Short Title: Election Fairness Act of 2011. (Public)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO ROTATE THE ORDER OF CANDIDATES AND POLITICAL PARTIES ON BALLOTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-165.6 reads as rewritten:

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

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

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

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

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

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

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

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

(c) Order of Candidates and Parties on ~~Primary~~ Official Ballots. – The order in which candidates and political parties shall appear on a county's official ballots in any ~~primary~~ ballot item shall be determined by the county board of elections using a process designed by the State Board of Elections for ~~random selection.~~rotation of names. The method shall rotate the official ballots so that the names of candidates and parties appear in the maximum number of different orders. The process used shall result in a reasonably even rotation of differently ordered official ballots among the ballot styles in each county in the same election. All the official ballots of the

same ballot style in the county shall be in the same order. The same process of rotation among ballot styles shall be used for candidates in party primary ballot items, nonpartisan ballot items, and partisan general election ballot items. In rotating names in a partisan general election, there shall be no distinction in the rotation system between party nominees and unaffiliated candidates. In a partisan general election, rotation is not required among multiple nominees of the same party in a multi-seat ballot item, as long as the groups of party nominees are rotated by party name. Rotation is not required of choices in referenda.

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

~~(1) Nominees of political parties that reflect at least five percent (5%) of statewide voter registration, according to the most recent statistical report published by the State Board of Elections, in alphabetical order by party and in alphabetical order within the party.~~

~~(2) Nominees of other political parties, in alphabetical order by party and in alphabetical order within the party.~~

~~(3) Unaffiliated candidates, in alphabetical order.~~

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

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

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

(1) Proposed amendments to the North Carolina Constitution, in the chronological order in which the proposals were approved by the General Assembly.

(2) Other referenda to be voted on by all voters in the State, in the chronological order in which the proposals were approved by the General Assembly.

(3) Referenda to be voted on by fewer than all the voters in the State, in the chronological order of the acts by which the referenda were properly authorized."

SECTION 2. This act becomes effective with respect to elections conducted on or after January 1, 2012.

[redacted] Attach. 4

HOUSE BILL 710:
Bd. of Ethics, Lobbying, and Campaign Finance

2011-2012 General Assembly

Committee:	House Elections	**Date:**	June 3, 2011
Introduced by:	Rep. Lewis	**Prepared by:**	Erika Churchill and Kara McCraw, Committee Counsel
Analysis of:	PCS to First Edition H710-CSST-44		

SUMMARY: ***The Proposed Committee Substitute for House Bill 710 would combine the functions of the State Ethics Commission, the lobbying section of the Secretary of State, and the campaign finance functions of the State Board of Elections under a new State agency – the State Board of Ethics, Lobbying, and Campaign Finance.***

CURRENT LAW: The State Ethics Commission administers the State Government Ethics Act, including providing guidance to public servants and ethics education to covered persons and legislative employees. The advisory authority of the State Ethics Commission includes advising all persons affected by the lobbying laws, Chapter 120C of the General Statutes. The State Ethics Commission consists of 8 members, with a bi-partisan make up. Members serve 4 year terms and may be reappointed; but may not be elected, hold an office in a political committee, or be an employee of the State, community colleges or local school systems.

The Secretary of State administers the reporting and audit function of the lobbying laws.

The State Board of Elections administers elections and campaign finance and provides guidance, advice, and training for campaign finance to the county boards of elections.

BILL ANALYSIS:

Section 1: Creates a new Chapter 163A in the General Statutes to establish the State Board of Ethics, Lobbying and Campaign Finance (State Board). The Board would be an independent agency not placed within any principal administrative department.

State Board Composition. The Board will consist of 6 members who must be registered voters. No more than 3 members may be members of the same political party. Each of the following must appoints 2 members of different political parties:

- Governor.
- General Assembly upon recommendation of Speaker of the House.
- General Assembly upon recommendation of President Pro Tempore.

- **Membership eligibility:** The following persons would not be eligible for State Board membership:
  - Persons who hold elective or appointive office under the federal government, State government, or any political subdivision of the State.
  - Persons who hold office in a political party or organization.
  - Persons who are a candidate for any office.
  - Persons who are a campaign manager or treasurer of any candidate for office.
- **Term of office:** Members would serve 4 year terms of office, with vacancies filled for the remainder of the term of office. Appointments by the Governor would be filled by the Governor, and appointments by the General Assembly would be filled as provided by statute for vacancies in legislative appointments. Members could be removed by the appointing authority only for misfeasance, malfeasance, or nonfeasance. The Governor could also remove any member for failing to attend a meeting for three consecutive days.
- **Powers of Chair:** The State Board shall select a chair, vice-chair, and secretary from among its membership. The Chair of the Board, with the consent of 2 other members would have the power to administer oaths, issue

subpoenas, summon witnesses, and compel production of evidence. In the absence or refusal of the Chair, 3 members may exercise such powers and any member may administer an oath.

- **Member Prohibitions:** While serving, State Board members would be prohibited from:
  - o Making reportable contributions to candidates over which the Board would have jurisdiction.
  - o Registering as a lobbyist.
  - o Making written or oral statements for general distribution supporting or opposing clearly identified candidates for office or clearly identified referendum or ballot issue proposals.
  - o Soliciting contributions for a candidate, political committee, or referendum committee.

State Board Powers:

- General supervision over lobbying, ethics, and campaign finance.
- Publication of relevant laws to election officials in conjunction with the State Board of Elections.
- Referral of all complaints to the State Board from county and municipal boards of elections.
- Authority to investigate when necessary for administration of laws the State Board enforces.
- Recommendations to Governor and General Assembly on conduct and administration of laws the State Board enforces.

Directors: Creates three director positions: Director of Campaign Finance, Director of Ethics, and Director of Lobbying. Each director would perform duties required by law and assigned by the State Board.

Information Sharing: The State Board would be required to cooperate with and share information with the State Board of Elections and Legislative Ethics Committee as requested, would be required to certify compliance with campaign finance laws to the appropriate board of elections, and to publish formal advice redacted of identifying information as required by the Chapter.

The remainder of Section 1 combines current law in the lobbying laws (Chapter 120C) and portions of the State Government Ethics Act (Chapter 138A) as Subchapter II of Chapter 163A, and eliminates bifurcated administration of lobbying laws.

Sections 2-35: Completes the recodification of the State Government Ethics Act (Chapter 138A), lobbying laws (Chapter 120C) and campaign finance regulations in Articles 22A, 22B, 22C, 22D, 22E, 22F, 22G, 22H, 22J, 22M, and 25 of Chapter 163 are recodified in Subchapter IV of Chapter 163A.

Repeals conflicting sections, makes conforming changes, and directs the Revisor of Statutes to make conforming changes and to renumber and change internal cross-references in accordance with the act.

Sections 36-41: Provides for the transition between the current duties and functions of the State Ethics Commission, State Board of Elections related to campaign finance, and Secretary of State's office related to lobbying, including transfer of previous assignment of duties, continuation of actions or proceedings regarding lobbying enforcement, continuation of ongoing investigations or audits, continuation of previously adopted rules, and continuation of evaluations of statements of economic interest. The authority, powers, duties, functions, records, personnel, property, unexpended appropriations, and funds, of the State Ethics Commission, the State Board of Elections related to campaign finance, and the Secretary of State related to lobbying are transferred to the State Board.

Section 42: Requires the State Board to adopt rules with 6 months regarding investigations and hearings.

Section 43: Requires that until the State Board appoints an Executive Director, the executive director with the most State service with be active Executive Director.

Section 44: Transfers the State Ethics Commission, the campaign finance functions of the State Board of Elections, and the lobbying registration and enforcement functions of the Secretary of State to the State Board as a Type 1 transfer.

Section 45: Requires the State Board to report to the Joint Legislative Elections Oversight Committee and the Legislative Ethics Committee on or before April 1, 2012, and March 1, 2103, on recommendations for statutory changes needed for further implementation.

EFFECTIVE DATE: Effective January 1, 2012.

H710-SMTC-31(CSST-44) v4

ATTACHMENT 4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 710
PROPOSED COMMITTEE SUBSTITUTE H710-CSST-44 [v.5]

6/6/2011 10:42:57 PM

Short Title: Bd. of Ethics, Lobbying, and Campaign Finance. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO COMBINE THE FUNCTIONS OF THE STATE ETHICS COMMISSION, THE LOBBYING SECTION OF THE SECRETARY OF STATE, AND THE CAMPAIGN FINANCE DIVISION OF THE STATE BOARD OF ELECTIONS INTO AN AGENCY TO BE KNOWN AS THE STATE BOARD OF ETHICS, LOBBYING, AND CAMPAIGN FINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. The General Statutes are amended by adding a new Chapter to read:

"**Chapter 163A.**

"**State Board of Ethics, Lobbying, and Campaign Finance.**

"**SUBCHAPTER 1. GENERAL PROVISIONS.**

"**Article 1.**

"**Board of Ethics, Lobbying, and Campaign Finance.**

"**§ 163A-1. State Board of Ethics, Lobbying, and Campaign Finance; appointment; term of office; vacancies; oath of office.**

(a) The State Board of Ethics, Lobbying, and Campaign Finance is established (hereinafter in this Chapter referred to as "State Board"). The State Board shall consist of six registered voters whose terms of office shall begin on January 1, 2012, and shall continue for four years and until their successors are appointed and qualified. Not more than three members of the State Board shall be members of the same political party. Two members of different political parties shall be appointed by the Governor. Two members of different political parties shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives. Two members of different political parties shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be as provided by G.S. 120-121.

(b) Members shall be removed from the State Board only for misfeasance, malfeasance, or nonfeasance. Members appointed by the Governor may be removed by the Governor but only for such reasons. Except as provided in G.S. 163A-2, members appointed by the General Assembly may be removed by the General Assembly.

(c) Any vacancy occurring in the State Board in an appointment made by the Governor shall be filled by the Governor, and the person so appointed shall fill the unexpired term. Any vacancy occurring in the Board in an appointment made by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be filled in accordance

with G.S. 120-122 for the remainder of the unfulfilled term. Any vacancy occurring in the State Board in an appointment made by the General Assembly upon the recommendation of the President Pro Tempore of the Senate shall be filled in accordance with G.S. 120-122 for the remainder of the unfulfilled term.

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

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

(e) After taking the prescribed oath, the State Board shall organize by electing one of its members chair, one of its members vice-chair, and another secretary.

(f) No person shall be eligible to serve as a member of the State Board who holds any elective or appointive office under the government of the United States or of the State of North Carolina or any political subdivision thereof. No person who holds any office in a political party, or organization, or who is a candidate for nomination or election to any office, or who is a campaign manager or treasurer of any candidate in a primary or election, shall be eligible to serve as a member of the State Board. In addition, no person while serving on the Board shall:

(1) Make a reportable contribution to a candidate for a public office over which the State Board would have jurisdiction or authority.

(2) Register as a lobbyist under Article 5 of this Chapter.

(3) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the nomination or election of one or more clearly identified candidates for public office.

(4) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the passage of one or more clearly identified referendum or ballot issue proposals.

(5) Solicit contributions for a candidate, political committee, or referendum committee.

(g) Nothing in this section shall prohibit individual expressions of opinion, support, or opposition not intended for general public distribution or participation in a political party convention as a delegate.

"**§ 163A-2. Meetings of State Board; quorum; minutes.**

(a) Call of Meeting. – The State Board shall meet monthly and at the call of the chair whenever necessary to discharge the duties and functions imposed by law. The chair shall call a meeting of the State Board upon the written application or applications of any three members thereof. If there is no chair, or if the chair does not call a meeting within three days after receiving a written request or requests from three members, any three members of the State Board shall have power to call a meeting of the State Board, and any duties imposed or powers conferred on the State Board by the General Statutes may be performed or exercised at that meeting.

(b) Place of Meeting. – The State Board shall meet in its offices in the City of Raleigh or at another place in Raleigh to be designated by the chair. Four members of the State Board shall have power to require the State Board to meet in a place other than Raleigh for any purpose.

(c) Quorum. – A majority of the members constitutes a quorum for the transaction of business by the State Board. If any member of the State Board fails to attend a meeting, and by reason thereof there is no quorum, the members present shall adjourn from day to day for not more than three days, by the end of which time, if there is no quorum, the Governor may remove any members who fail to attend for nonfeasance, and vacancies shall be filled as provided by G.S. 163A-1.

(d) Minutes. – The State Board shall keep minutes recording all proceedings and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept in the office of the State Board in Raleigh.

"**§ 163A-3. Compensation.**

The members of the State Board shall be compensated for their traveling and other expenses necessary and incidental to the discharge of their duties in accordance with the provisions of Chapter 138 of the General Statutes.

"**§ 163A-4. Powers of the State Board.**

(a) The State Board shall have all powers and duties over the following:

(1) Lobbying and ethics.

(2) Campaign finance regulation.

(b) From time to time, the State Board, in conjunction with the State Board of Elections, shall publish and furnish to the county and municipal boards of elections and other election officials a sufficient number of indexed copies of all lobbying, ethics, campaign finance, and election laws and rules and regulations then in force.

(c) All complaints or inquiries regarding laws enforced by the State Board directed to the county and municipal boards of elections and elections officials shall be referred to the State Board, and the county and municipal boards of elections and elections officials shall have no authority to act on such complaints and inquiries.

(d) The State Board shall investigate when necessary or advisable the administration of the laws subject to its enforcement in accordance with this Chapter.

(e) The State Board shall make recommendations to the Governor and the General Assembly relative to the conduct and administration of the laws it enforces as it may deem advisable.

(f) Notwithstanding any other provision of law, in order to obtain judicial review of any decision of the State Board rendered in the performance of its duties or in the exercise of its powers under this Chapter, the person seeking review must file in the Superior Court of Wake County.

(g) The State Board may employ an executive director.

"**§ 163A-5. Reserved for future codification.**

"**§ 163A-6. Power of chair.**

In the performance of the duties enumerated in this Chapter, the chair of the State Board, upon the recommendation of staff and with the consent of at least two other members of the State Board, shall have power to administer oaths, issue subpoenas, summon witnesses, and compel the production of papers, books, records, and other evidence. In the absence of the chair or upon the chair's refusal to act, any three members of the State Board may issue subpoenas, summon witnesses, and compel the production of papers, books, records, and other evidence. In the absence of the chair or upon the chair's refusal to act, any member of the State Board may administer oaths.

"**§ 163A-7. Power of State Board to maintain order.**

The State Board shall possess full power and authority to maintain order and to enforce obedience to its lawful commands during its sessions, and shall be constituted an inferior court for that purpose. If any person shall refuse to obey the lawful commands of the State Board or its chair, or by disorderly conduct in its hearing or presence shall interrupt or disturb its

proceedings, it may, by an order in writing, signed by its chair, and attested by its secretary, commit the person so offending to the jail of the county for a period not exceeding 30 days. Such order shall be executed by any sheriff to whom the same shall be delivered, or if a sheriff shall not be present, or shall refuse to act, by any other person who shall be deputed by the State Board in writing, and the keeper of the jail shall receive the person so committed and safely keep that person for such time as shall be mentioned in the commitment; provided, that any person committed under the provisions of this section shall have the right to post a two hundred dollar ($200.00) bond with the clerk of the superior court and appeal to the superior court for a trial on the merits of the commitment.

"**§ 163A-8. Assistance in litigation.**

The Attorney General shall provide the State Board with legal assistance in execution of its authority under this section or, in the Attorney General's discretion, recommend that private counsel be employed. If the Attorney General recommends employment of private counsel, the State Board may employ counsel with the approval of the Governor.

"**§ 163A-9. Directors of Campaign Finance, Ethics, and Lobbying.**

There are created the positions of Director of Campaign Finance, Director of Ethics, and Director of Lobbying, who each shall perform all duties imposed upon that director by law and such duties as might be assigned to that director by the State Board. The Directors are subject to the State Personnel Act.

"**§ 163A-10. State Board an independent agency.**

The State Board shall be and remain an independent regulatory and quasi-judicial agency and shall not be placed within any principal administrative department. The State Board shall exercise its statutory powers, duties, functions, authority, and shall have all powers and duties conferred upon the heads of principal departments under G.S. 143B-10.

"**§ 163A-11. Sharing of information.**

(a) The State Board shall cooperate and share information with the State Board of Elections, Judicial Standards Commission, and the Legislative Ethics Committee as requested by those bodies.

(b) The State Board shall certify to the appropriate board of elections compliance with Subchapter IV of this Chapter by each individual receiving a certificate of election under Article 15A of Chapter 163 of the General Statutes.

(c) The State Board shall redact identifying information from any formal advice provided under this Chapter and publish the redacted formal advice as provided in this Chapter."

"SUBCHAPTER II. ETHICS AND LOBBYING.

"Article 2.

"Definitions; General Provisions.

"**§ 163A-200. Definitions.**

The following definitions apply in this Subchapter:

(1) Blind trust. – A trust established by or for the benefit of a covered person or a member of the covered person's immediate family for divestiture of all control and knowledge of assets. A trust qualifies as a blind trust under this subdivision if the covered person or a member of the covered person's immediate family has no knowledge of the holdings and sources of income of the trust, the trustee of the trust is independent of and not associated with or employed by the covered person or a member of the covered person's immediate family and is not a member of the covered person's extended family, and the trustee has sole discretion as to the management of the trust assets.

(2) Board. – Any State board, council, committee, task force, authority, or similar public body, however denominated, created by statute or executive order, as determined and designated by the State Board, except for those public bodies that have only advisory authority.

(3) Business. – Any of the following organized for profit:

a. Association.
b. Business trust.
c. Corporation.
d. Enterprise.
e. Joint venture.
f. Organization.
g. Partnership.
h. Proprietorship.
i. Vested trust.
j. Every other business interest, including ownership or use of land for income.

(4) Business with which associated. – A business in which the covered person or filing person or any member of that covered person's or filing person's immediate family does any of the following:

a. Is an employee.
b. Holds a position as a director, officer, partner, proprietor, or member or manager of a limited liability company, irrespective of the amount of compensation received or the amount of the interest owned.
c. Owns a legal, equitable, or beneficial interest of ten thousand dollars ($10,000) or more in the business or five percent (5%) of the business, whichever is less, other than as a trustee on a deed of trust.
d. Is a lobbyist registered under this Chapter.

For purposes of this subdivision, the term "business" shall not include a widely held investment fund, including a mutual fund, regulated investment company, or pension or deferred compensation plan, if all of the following apply:

1. The covered person, filing person, or a member of the covered person's or filing person's immediate family neither exercises nor has the ability to exercise control over the financial interests held by the fund.
2. The fund is publicly traded, or the fund's assets are widely diversified.

(5) Committee. – The Legislative Ethics Committee as created in Part 3 of Article 14 of Chapter 120 of the General Statutes.

(6) Compensation. – Any money, thing of value, or economic benefit conferred on or received by any covered person or filing person in return for services rendered or to be rendered by that covered person or filing person or another. This term does not include campaign contributions properly received and reported as required by this Chapter.

(7) Confidential information. – Information defined as confidential by the law.

(8) Constitutional officers of the State. – Officers whose offices are established by Article III of the North Carolina Constitution.

(9) Contract. – Any agreement, including sales and conveyances of real and personal property, and agreements for the performance of services.

(10) Covered person. – A legislator, public servant, or judicial officer, as identified by the State Board under G.S. 163A-208.

(11) Designated individual. – A legislator, legislative employee, or public servant.

(12) Employing entity. – For public servants, any of the following bodies of State government of which the public servant is an employee or a member, or over which the public servant exercises supervision: agencies, authorities, boards, State Boards, committees, councils, departments, offices, institutions and their subdivisions, and constitutional offices of the State. For legislators, it is the house of which the legislator is a member. For legislative employees, it is the authority that hired the individual. For judicial employees, it is the Chief Justice.

(13) Executive action. – The preparation, research, drafting, development, consideration, modification, amendment, adoption, approval, tabling, postponement, defeat, or rejection of a policy, guideline, request for proposal, procedure, regulation, or rule by a public servant purporting to act in an official capacity. This term does not include any of the following:

a. Present, prior, or possible proceedings of a contested case hearing under Chapter 150B of the General Statutes, of a judicial nature, or of a quasi-judicial nature.

b. A public servant's communication with a person, or another person on that person's behalf, with respect to any of the following:

1. Applying for a permit, license, determination of eligibility, or certification.

2. Making an inquiry about or asserting a benefit, claim, right, obligation, duty, entitlement, payment, or penalty.

3. Making an inquiry about or responding to a request for proposal made under Chapter 143 of the General Statutes.

4. Rate making.

c. Internal administrative functions, including those functions exempted from the definition of "rule" in G.S. 150B-2(8a).

d. Ministerial functions.

e. A public servant's communication with a person or another person on that person's behalf with respect to public comments made at an open meeting, or submitted as written comment, on a proposed executive action in response to a request for public comment, provided the identity of the person on whose behalf the comments are made is disclosed as part of the public participation, and no reportable expenditure is made.

(14) Extended family. – Spouse, lineal descendant, lineal ascendant, sibling, spouse's lineal descendant, spouse's lineal ascendant, spouse's sibling, and the spouse of any of these individuals.

(15) Filing person. – An individual required to file a statement of economic interest under this Subchapter.

(16) Financial benefit. – A direct pecuniary gain or loss to the legislator, the public servant, or a person with which the legislator or public servant is associated, or a direct pecuniary loss to a business competitor of the legislator, the public servant, or a person with which the legislator or public servant is associated.

(17) Gift. – Anything of monetary value given or received without valuable consideration by or from a lobbyist, lobbyist principal, liaison personnel, or a person described under G.S. 138A-32(d)(1), (2), or (3). The following shall not be considered gifts under this subdivision:

a. Anything for which fair market value, or face value if shown, is paid by the covered person or legislative employee.

b. Commercially available loans made on terms not more favorable than generally available to the general public in the normal course of business if not made for lobbying.

c. Contractual arrangements or commercial relationships or arrangements made in the normal course of business if not made for lobbying.

d. Academic or athletic scholarships based on the same criteria as applied to the public.

e. Any campaign contribution properly reported as required under this Chapter.

f. Expressions of condolence related to a death of an individual, sent within a reasonable time of the death, if the expression is one of the following:

1. A sympathy card, letter, or note.
2. Flowers.
3. Food or beverages for immediate consumption.
4. Donations to a religious organization, charity, the State or a political subdivision of the State, not to exceed a total of two hundred dollars ($200.00) per death per donor.

(18) Governmental unit. – A political subdivision of the State, and any other entity or organization created by a political subdivision of the State.

(19) Honorarium. – Payment for services for which fees are not legally or traditionally required.

(20) Immediate family. – An unemancipated child of the covered person residing in the household and the covered person's spouse, if not legally separated. A member of a covered person's extended family shall also be considered a member of the immediate family if actually residing in the covered person's household.

(21) In session. – One of the following:

a. The General Assembly is in extra session from the date the General Assembly convenes until the General Assembly:

1. Adjourns sine die.
2. Recesses or adjourns for more than 10 days.

b. The General Assembly is in regular session from the date set by law or resolution that the General Assembly convenes until the General Assembly:

1. Adjourns sine die.
2. Recesses or adjourns for more than 10 days.

(22) Judicial employee. – The director and assistant director of the Administrative Office of the Courts and any other individual, designated by the Chief Justice, employed in the Judicial Department whose annual compensation from the State is sixty thousand dollars ($60,000) or more.

(23) Judicial officer. – Justice or judge of the General Court of Justice, district attorney, clerk of court, or any individual elected or appointed to any of these positions prior to taking office.

(24) Legislative action. – The preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion, report, nomination, appointment, or other matter, whether or not the matter is identified by an official title, general title, or other specific reference, by a legislator or legislative employee acting or purporting to act in an official capacity. It also includes the consideration of any bill by the Governor for the Governor's approval or veto under Article II, Section 22(1) of the Constitution or for the Governor to allow the bill to become law under Article II, Section 22(7) of the Constitution.

(25) Legislative employee. – Employees and officers of the General Assembly, consultants and counsel to committees of either house of the General Assembly or of legislative State Boards, who are paid by State funds, and students at an accredited law school while in an externship program at the General Assembly approved by the Legislative Services State Board, but not including legislators, members of the Council of State, nonsupervisory employees of the Administrative Division's Facility Maintenance and Food Services staff, or pages.

(26) Legislator. – A member or presiding officer of the General Assembly, or an individual elected or appointed a member or presiding officer of the General Assembly before taking office.

(27) Liaison personnel. – Any State employee, counsel employed under G.S. 147-17, or officer whose principal duties, in practice or as set forth in that individual's job description, include lobbying legislators or legislative employees.

(28) Lobby or Lobbying. – Any of the following:

a. Influencing or attempting to influence legislative or executive action, or both, through direct communication or activities with a designated individual or that designated individual's immediate family.

b. Developing goodwill through communications or activities, including the building of relationships, with a designated individual or that designated individual's immediate family with the intention of influencing current or future legislative or executive action, or both.

The terms "lobby" or "lobbying" do not include communications or activities as part of a business, civic, religious, fraternal, personal, or commercial relationship which is not connected to legislative or executive action, or both.

(29) Lobbyist. – An individual who engages in lobbying for payment and meets any of the following criteria:

a. Represents another person or governmental unit, but is not directly employed by that person or governmental unit.

b. Contracts for payment for lobbying.

c. Is employed by a person and a significant part of that employee's duties include lobbying. In no case shall an employee be considered a lobbyist if in no 30-day period less than five percent (5%) of that employee's actual duties include engaging in lobbying as defined in subdivision (9)a. of this section or if in no 30-day period less than

five percent (5%) of that employee's actual duties include engaging in lobbying as defined in subdivision (9)b. of this section.

The term "lobbyist" shall not include individuals who are specifically exempted from this Subchapter under Part 5 of Article 5 of this Chapter or registered as liaison personnel under Part 4 of Article 5 of this Chapter.

(30) Lobbyist principal and principal. – The person or governmental unit on whose behalf the lobbyist lobbies and who makes payment for the lobbying. In the case where a lobbyist is paid by a law firm, consulting firm, or other entity retained by a person or governmental unit for lobbying, the principal is the person or governmental unit whose interests the lobbyist represents in lobbying. In the case of a lobbyist employed or retained by an association or other organization, the lobbyist principal is the association or other organization, not the individual members of the association or other organization.

The term "lobbyist principal" shall not include those designating registered liaison personnel under Part 4 of Article 5 of this Chapter.

(31) Nonprofit corporation or organization with which associated. – Any not-for-profit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes and of which the covered person, filing person, or any member of the covered person's or filing person's immediate family is a director, officer, governing board member, employee, lobbyist registered under this Subchapter, or independent contractor. Nonprofit corporation or organization with which associated shall not include any board, entity, or other organization created by this State or by any political subdivision of this State.

(32) Official action. – Any decision, including administration, approval, disapproval, preparation, recommendation, the rendering of advice, and investigation, made or contemplated in any proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, investigation, charge, or rule making.

(33) Participate. – To take part in, influence, or attempt to influence, including acting through an agent or proxy.

(34) Payment. – Any money, thing of value, or economic benefit conveyed to the lobbyist for lobbying, other than reimbursement of actual travel, administrative expenses, or subsistence.

(35) Permanent designee. – An individual designated by a public servant to serve and vote in the absence of the public servant on a regular basis on a board on which the public servant serves.

(36) Person. – Any individual, firm, partnership, committee, association, corporation, business, or any other organization or group of persons acting together. The term "person" does not include the State, a political subdivision of the State, a board, or any other entity or organization created by the State or a political subdivision of the State.

(37) Person with which the legislator is associated. – Any of the following:

a. A member of the legislator's extended family.

b. A client of the legislator.

c. A business with which the legislator or a member of the legislator's immediate family is associated.

d. A nonprofit corporation or association with which the legislator or a member of the legislator's immediate family is associated.
e. The State, a political subdivision of the State, a board, or any other entity or organization created by the State or a political subdivision of the State that employs the legislator or a member of the legislator's immediate family.

(38) Person with which the public servant is associated. – Any of the following:
a. A member of the public servant's extended family.
b. A client of the public servant.
c. A business with which the public servant or a member of the public servant's immediate family is associated.
d. A nonprofit corporation or association with which the public servant or a member of the public servant's immediate family is associated.
e. The State, a political subdivision of the State, a board, or any other entity or organization created by the State or a political subdivision of the State that employs the public servant or a member of the public servant's immediate family.

(39) Political party. – Either of the two largest political parties in the State based on statewide voter registration at the applicable time.

(40) Public servants. – All of the following:
a. Constitutional officers of the State and individuals elected or appointed as constitutional officers of the State prior to taking office.
b. Employees of the Office of the Governor.
c. Heads of all principal State departments, as set forth in G.S. 143B-6, who are appointed by the Governor.
d. The chief deputy and chief administrative assistant of each individual designated under sub-subdivision a. or c. of this subdivision.
e. Confidential assistants and secretaries as defined in G.S. 126-5(c)(2) to individuals designated under sub-subdivision a., c., or d. of this subdivision.
f. Employees in exempt positions designated in accordance with G.S. 126-5(d)(1), (2), or (2a) and confidential secretaries to these individuals.
g. Any other employees or appointees in the principal State departments as may be designated by the Governor to the extent that the designation does not conflict with the State Personnel Act.
h. Judicial employees.
i. All voting members of boards, including ex officio members, permanent designees of any voting member, and members serving by executive, legislative, or judicial branch appointment.
j. For The University of North Carolina, the voting members of the Board of Governors of The University of North Carolina, the president, the vice-presidents, and the chancellors, the vice-chancellors, and voting members of the boards of trustees of the constituent institutions.
k. For the Community College System, the voting members of the State Board of Community Colleges, the president and the chief financial officer of the Community College System, the president, chief financial officer, and chief administrative officer of each community

college, and voting members of the boards of trustees of each community college.

l. Members of the State Board, the executive director, and the assistant executive directors of the State Board.

m. Individuals under contract with the State working in or against a position included under this subdivision.

n. The director of the Office of State Personnel.

o. The State Controller.

p. The chief information officer, deputy chief information officers, chief financial officers, and general counsel of the Office of Information Technology Services.

q. The director of the State Museum of Art.

r. The executive director of the Agency for Public Telecommunications.

s. The State Board of Motor Vehicles.

t. The State Board of Banks and the chief deputy of the State Board of the Banking State Board.

u. The executive director of the North Carolina Housing Finance Agency.

v. The executive director, chief financial officer, and chief operating officer of the North Carolina Turnpike Authority.

(41) Reportable expenditure. – Any of the following that directly or indirectly is made to, at the request of, for the benefit of, or on the behalf of a designated individual or that individual's immediate family member:

a. Any advance, contribution, conveyance, deposit, distribution, payment, gift, retainer, fee, salary, honorarium, reimbursement, loan, pledge, or thing of value greater than ten dollars ($10.00) per designated individual per single calendar day.

b. A contract, agreement, promise, or other obligation whether or not legally enforceable.

(42) State agency. – An agency in the executive branch of the government of this State, including the Governor's Office, a board, a department, a division, and any other unit of government in the executive branch.

(43) State Board. – The State Board of Elections and Ethics Enforcement as established by this Chapter.

(44) Solicitation of others. – A solicitation of members of the public to communicate directly with or contact one or more designated individuals to influence or attempt to influence legislative or executive action to further the solicitor's position on that legislative or executive action, when that request is made by any of the following methods:

a. A broadcast, cable, or satellite transmission.

b. An e-mail communication or a Web site posting.

c. A communication delivered by print media as defined in G.S. 163-278.38Z.

d. A letter or other written communication delivered by mail or by comparable delivery service.

e. Telephone.

f. A communication at a conference, meeting, or similar event.

The term "solicitation of others" does not include communications made by a person or by the person's agent to that person's stockholders,

employees, board members, officers, members, subscribers, or other recipients who have affirmatively assented to receive the person's regular publications or notices.

(45) Vested trust. – A trust, annuity, or other funds held by a trustee or other third party for the benefit of the covered person or a member of the covered person's immediate family, except a blind trust. A vested trust shall not include a widely held investment fund, including a mutual fund, regulated investment company, or pension or deferred compensation plan, if:

a. The covered person or a member of the covered person's immediate family neither exercises nor has the ability to exercise control over the financial interests held by the fund; and

b. The fund is publicly traded, or the fund's assets are widely diversified.

"**§ 163A-201. Application to the Lieutenant Governor.**

For purposes of this Subchapter, the Lieutenant Governor shall be considered a legislator when carrying out the Lieutenant Governor's duties under Section 13 of Article II of the North Carolina Constitution and a public servant for all other purposes.

"**§ 163A-202. Application to candidates to certain offices.**

For purposes of this Subchapter, the term "legislator" and the term "public servant" shall include an individual having filed a notice of candidacy or otherwise qualified to have that individual's name on the ballot for such office under this Chapter.

"**§ 163A-203. Education programs.**

(a) The State Board shall develop and implement an ethics and lobbying education and awareness program designed to instill in all covered persons and legislative employees a keen and continuing awareness of their ethical obligations and a sensitivity to situations that might result in real or potential conflicts of interest.

(b) The State Board shall offer basic ethics and lobbying education and awareness presentations to all public servants upon their election, appointment, or employment and shall offer periodic refresher presentations as the State Board deems appropriate. Every public servant shall participate in an ethics and lobbying presentation approved by the State Board within six months of the public servant's election, reelection, appointment, or employment and shall attend refresher ethics education presentations at least every two years thereafter in a manner as the State Board deems appropriate. This subsection shall not apply to judicial officers.

(c) A public servant appointed to a board determined and designated as nonadvisory under G.S. 163A-208(a)(3) shall attend an ethics and lobbying presentation approved by the Board within six months of notification of the designation by the State Board and at least every two years thereafter in a manner as the State Board deems appropriate.

(d) The State Board, jointly with the Legislative Ethics Committee, shall make basic ethics and lobbying education and awareness presentations to all legislators and legislative employees upon their election, reelection, appointment, or employment and shall offer periodic refresher presentations as the State Board and the Committee deem appropriate. Every legislator shall participate in an ethics and lobbying presentation approved by the State Board and Committee within two months of either the convening of the General Assembly to which the legislator is elected or within two months of the legislator's appointment, whichever is later. Every legislative employee shall participate in an ethics and lobbying presentation approved by the State Board and Committee within three months of employment and shall attend refresher ethics education presentations at least every two years thereafter in a manner as the State Board and Committee deem appropriate.

(e) The State Board shall develop and implement a lobbying education and awareness program designed to instill in lobbyists and lobbyists' principals a keen and continuing awareness of their obligations and sensitivity to situations that might result in real or potential violation of this Subchapter or other related laws. The State Board shall make lobbying education and awareness programs available to lobbyists and lobbyists' principals.

(f) Upon request, the State Board shall assist each State agency in developing in-house ethics and lobbying education programs and procedures necessary or desirable to meet the State agency's particular needs for ethics education, conflict identification, and conflict avoidance.

(g) Each State agency head shall designate an ethics liaison who shall maintain active communication with the State Board on all State agency ethics and lobbying issues. The ethics liaison shall attend ethics and lobbying education and awareness programs as provided under this section. The ethics liaison shall continuously assess and advise the State Board of any issues or conduct which might reasonably be expected to result in a conflict of interest and seek advice and rulings from the State Board as to their appropriate resolution.

(h) The State Board shall publish a newsletter containing summaries of the State Board's opinions, policies, procedures, and interpretive bulletins with respect to ethics and lobbying as issued from time to time. The newsletter shall be distributed to all covered persons and legislative employees. Publication under this subsection may be done electronically.

(j) The State Board shall assemble and maintain a collection of relevant State laws, rules, and regulations and set forth ethical standards applicable to covered persons and lobbying laws and regulations. This collection shall be made available electronically as resource material.

"**§ 163A-204. Requests for advice.**

(a) At the written request of any public servant or legislative employee, any individual who is responsible for the supervision or appointment of a public servant or legislative employee, legal counsel for any public servant or legislative employee, any ethics liaison under G.S. 163A-203, or any member of the State Board, the State Board shall render advice on specific questions involving the meaning and application of Articles 3 and 4 of this Chapter and the public servant's or legislative employee's compliance therewith. This subsection shall apply to judicial officers only for advice related to Article 3 of this Chapter.

(b) At the request of a legislator, the State Board shall render recommended advice on specific questions involving the meaning and application of this Subchapter and Part 1 of Article 14 of Chapter 120 of the General Statutes and the legislator's compliance therewith. Any recommended formal advisory opinion issued to a legislator under this subsection shall immediately be delivered to the chairs of the Committee, together with a copy of the request. Except for the Lieutenant Governor, the immunity granted under this section shall not apply after the time the Committee modifies or overturns the advisory opinion of the State Board in accordance with G.S. 120-104.

(c) At the written request of any person, State agency, or governmental unit affected by Article 5 of this Subchapter, the State Board shall render advice on specific questions involving the meaning and application of Article 5 of this Subchapter and that person's, State agency's, or any governmental unit's compliance therewith.

(d) On its own motion, the State Board may render advisory opinions on specific questions involving the meaning and application of this Subchapter.

(e) All written requests for advice and advice rendered in response to those requests shall relate prospectively to real or reasonably anticipated fact settings or circumstances.

(f) A request for a formal advisory opinion under subsections (a), (b), and (c) of this section shall be in writing, electronic or otherwise. The State Board shall issue formal advisory opinions having prospective application only. Any individual, person, or governmental unit

who relies upon the advice provided on a specific matter addressed by the requested formal advisory opinion shall be immune from all of the following:

(1) Investigation by the State Board, except for an inquiry under G.S. 163A-206(b)(3).

(2) Any adverse action by the employing entity.

(g) At the request of the Auditor, the State Board shall render advisory opinions on specific questions involving the meaning and application of this Subchapter, Article 14 of Chapter 120 of the General Statutes, and an affected person's compliance therewith. The request shall be in writing, electronic or otherwise, and relate to real fact settings and circumstances. Except when the question involves a question governed by subsection (b) of this section, the State Board shall issue an advisory opinion under this subsection within 60 days of the receipt of all information deemed necessary by the State Board to render an opinion. If the question involves a question governed by subsection (b) of this section, the State Board shall comply with the provisions of that section prior to responding to the Auditor by delivering the recommended advisory opinion to the Committee within 60 days of the receipt of all information deemed necessary by the State Board to render an opinion. The Committee shall act on the opinion within 30 days of receipt and the Committee shall deliver the opinion to the Auditor. If the Committee fails to act on a recommended advisory opinion under this subsection with 30 days of receipt, the State Board shall deliver its recommended advisory opinion to the Auditor. Notwithstanding subsection (k) of this section, the Auditor may only release those portions of the advisory opinion necessary to comply with the requirements of G.S. 147-64.6(c)(1).

(h) Staff to the State Board may issue advice, but not formal or recommended formal advisory opinions, under procedures adopted by the State Board.

(i) The State Board shall publish its formal advisory opinions within 30 days of issuance. These formal advisory opinions shall be edited for publication purposes as necessary to protect the identities of the individuals requesting formal advisory opinions. When the State Board issues a recommended formal advisory opinion to a legislator under subsection (b) of this section, the State Board shall publish only the edited formal advisory opinion of the Committee within 30 days of receipt of the edited opinion from the Committee.

(j) Except as provided under subsections (g), (i), and (k) of this section, a request for advice, any advice provided by State Board staff, any formal or recommended formal advisory opinions, any supporting documents submitted or caused to be submitted to the State Board or State Board staff, and any documents prepared or collected by the State Board or State Board staff in connection with a request for advice are confidential. The identity of the individual making the request for advice, the existence of the request, and any information related to the request may not be revealed without the consent of the requestor. An individual who requests advice or receives advice, including a formal or recommended formal advisory opinion, may authorize the release to any other person, the State, or any governmental unit of the request, the advice, or any supporting documents.

For purposes of this section, "document" is as defined in G.S. 120-129. Requests for advice, any advice and any documents related to requests for advice are not "public records" as defined in G.S. 132-1.

(k) Staff to the State Board may share all information and documents related to requests for advice, made by legislators under this section with staff to the Committee. The information and documents in the possession of staff to the Committee are confidential and are not public records.

(l) Requests for advice may be withdrawn by the requestor at any time prior to the issuance of the advice.

"**§ 163A-209 through §163A-249. Reserved for future codification purposes.**

"§ 163A-250. Enforcement.

In addition to any other remedy, penalty, or crime in this Subchapter:

(1) Violation of Articles 3 and 4 of this Chapter by any covered person or legislative employee is grounds for disciplinary action. Except as specifically provided in this Chapter and for perjury under G.S. 163A-206 and G.S. 138A-24, no criminal penalty shall attach for any violation of Articles 3 and 4 of this Chapter.

(2) The willful failure of any public servant serving on a board to comply with Articles 3 and 4 of this Chapter is misfeasance, malfeasance, or nonfeasance. In the event of misfeasance, malfeasance, or nonfeasance, the offending public servant serving on a board is subject to removal from the board of which the public servant is a member. For appointees of the Governor and members of the Council of State, the appointing authority may remove the offending public servant. For appointees of the Speaker of the House of Representatives, the Speaker of the House of Representatives may remove the offending public servant. For appointees of the General Assembly made upon the recommendation of the Speaker of the House of Representatives, the Governor at the recommendation of the Speaker of the House of Representatives may remove the offending public servant. For appointees of the President Pro Tempore of the Senate, the President Pro Tempore of the Senate may remove the offending public servant. For appointees of the General Assembly made upon the recommendation of the President Pro Tempore of the Senate, the Governor at the recommendation of the President Pro Tempore of the Senate may remove the offending public servant. For public servants elected to a board by either the Senate or House of Representatives, the electing house of the General Assembly shall exercise the discretion of whether to remove the offending public servant. For all other appointees, the State Board shall exercise the discretion of whether to remove the offending public servant.

(3) The willful failure of any public servant serving as a State employee to comply with Articles 3 and 4 of this Chapter is a violation of a written work order, thereby permitting disciplinary action as allowed by the law, including termination from employment. For employees of State departments headed by a member of the Council of State, the appropriate member of the Council of State shall make all final decisions on the manner in which the offending public servant shall be disciplined. For public servants who are judicial employees, the Chief Justice shall make all final decisions on the matter in which the offending judicial employee shall be disciplined. For legislative employees, the Legislative Services Commission shall make or refer to the hiring authority all final decisions on the matter in which the offending legislative employee shall be disciplined. For public servants appointed or elected for The University of North Carolina or the Community Colleges System, the appointing or electing authority shall make all final decisions on the matter in which the offending public servant shall be disciplined. For any other public servant serving as a State employee, the Governor shall make all final decisions on the manner in which the offending public servant shall be disciplined.

(4) The willful failure of any constitutional officer of the State to comply with Articles 3 and 4 of this Subchapter is malfeasance in office for purposes of G.S. 123-5.

(5) The willful failure of a legislator, other than the Lieutenant Governor, to comply with Articles 3 and 4 of this Chapter is grounds for sanctions under G.S. 120-103.1.

(6) The State Board may seek to enjoin violations of G.S. 138A-34.

(7) Whoever willfully violates any provision of Part 1 or 2 of Article 5 of this Chapter shall be guilty of a Class 1 misdemeanor, except as provided in that Article. In addition, no lobbyist who is convicted of a violation of the provisions of those Parts shall in any way act as a lobbyist for a period of two years from the date of conviction.

(8) In addition to the criminal penalties set forth in this section, the State Board may levy civil fines for a violation of any provision of Part 1, 3, or 6 of Article 5 of this Chapter up to five thousand dollars ($5,000) per violation.

(9) Complaints of violations of this Subchapter involving the State Board or any member or employee of the State Board shall be referred to the Attorney General for investigation. The Attorney General shall, upon receipt of a complaint, make an appropriate investigation thereof, and the Attorney General shall forward a copy of the investigation to the district attorney of the prosecutorial district as defined in G.S. 7A-60 of which Wake County is a part, who shall prosecute any person or governmental unit who violates any provision of this Subchapter.

(10) The State Board shall perform systematic reviews of reports required to be filed under Article 5 of this Chapter on a regular basis to assure complete and timely disclosure of reportable expenditures.

(11) Nothing in this Subchapter affects the power of the State to prosecute any person for any violation of the criminal law.

"Article 6. Reserved for future codification purposes.

"Article 7. Reserved for future codification purposes.

"Article 8. Reserved for future codification purposes.

"Article 9. Reserved for future codification purposes.

"SUBCHAPTER III. RESERVED FOR FUTURE CODIFICATION PURPOSES.

"Articles 10-44. Reserved for future codification purposes.

"SUBCHAPTER IV. CAMPAIGN FINANCE REGULATION.

"Article 45."

SECTION 2. Article 1 of Chapter 138A of the General Statutes is repealed.

SECTION 3. The following statutes are repealed: G.S. 138A-6, 138A-7, 138A-8, 38A-9, 138A-13, and 138A-14.

SECTION 4. The following statutes are recodified:

(1) G.S. 138A-10 as G.S. 163A-208.

(2) G.S. 138A-11 as G.S. 163A-205.

(3) G.S. 138A-12 as G.S. 163A-206.

(4) G.S. 138A-15 is as G.S. 163A-207.

(5) Article 3 of Chapter 138A of the General Statutes as Article 3 of Chapter 163A of the General Statutes.

SECTION 5. The Revisor of Statutes shall change the term "this Chapter" to "this Subchapter" wherever it appears in G.S. 138A-15, 138A-21, 138A-22, 138A-24, and 138A-25 as recodified by subsection (f) of this section.

SECTION 6. Article 4 of Chapter 138A of the General Statutes is recodified as Article 4 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Subchapter" wherever it appears in G.S. 138A-36, 138A-39, and 138A-41 as recodified by this subsection.

SECTION 7. The following statutes are repealed:

(1) Article 5 of Chapter 138A of the General Statutes.

(2) Article 1 of Chapter 120C of the General Statutes.

SECTION 8. Article 2 of Chapter 120C of the General Statutes is recodified as Part 1 of Article 5 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Article" wherever it appears in G.S. 120C-200, 120C-206, 120C-215, and 120C-216 as recodified by this subsection.

SECTION 9. Article 3 of Chapter 120C of the General Statutes is recodified as Part 2 of Article 5 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Article" wherever it appears in G.S. 120C-301, 120C-303, and 120C-304 as recodified by this subsection.

SECTION 10. Article 4 of Chapter 120C of the General Statutes is recodified as Part 3 of Article 5 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Article" wherever it appears in G.S. 120C-400 and G.S. 120C-405 as recodified by this subsection.

SECTION 11. Article 5 of Chapter 120C of the General Statutes is recodified as Part 4 of Article 5 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Article" wherever it appears in G.S. 120C-501 as recodified by this subsection.

SECTION 12. Article 6 of Chapter 120C of the General Statutes is repealed.

SECTION 13. Article 7 of Chapter 120C of the General Statutes is recodified as Part 5 of Article 5 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Article" wherever it appears in G.S. 120C-700, as recodified by this subsection.

SECTION 14. Article 8 of Chapter 120C of the General Statutes is recodified as Part 6 of Article 5 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Article" wherever it appears in G.S. 120C-800, as recodified by this subsection.

SECTION 15. Article 22A of Chapter 163 of the General Statutes is recodified as Article 45 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Subchapter" wherever it appears in Article 22A of Chapter 163 of the General Statutes. The Revisor of Statutes shall change the term "Article 22 of this Chapter" to "Article 22 of Chapter 163 of the General Statutes" wherever it appears in G.S. 163-278.19 as recodified by this subsection. The Revisor of Statutes shall change the term "Article 22D of this Chapter" to "Article 47 of this Chapter" wherever it appears in G.S. 163-278.13 as recodified by this subsection. The Revisor of Statutes shall change the term "Article 22J of this Chapter" to "Article 50 of this Chapter" wherever it appears in G.S. 163-278.13 as recodified by this subsection. The Revisor of Statutes shall change the term "Article 22M of Chapter 163 of the General Statutes" to "Article 51 of this Chapter" wherever it appears in G.S. 163-278.16B as recodified by this subsection.

SECTION 16. Article 22B of Chapter 163 of the General Statutes is recodified as Article 46 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "Article 22A of this Chapter" to "Article 45 of this Chapter" wherever it appears in Article 22B of the General Statutes as recodified by this subsection.

SECTION 17. Article 22D of Chapter 163 of the General Statutes is recodified as Article 47 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "Article 22A of this Chapter" to "Article 45 of this Chapter" wherever it appears in G.S. 163-278.64 as recodified by this subsection. The Revisor of Statutes shall change the term "Article 25 of this Chapter" to "Article 25 of Chapter 163 of the General Statutes" wherever it appears in G.S. 163-278.64 as recodified by this subsection.

SECTION 18. Article 22G of Chapter 163 of the General Statutes is recodified as Article 48 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "Article 22A of this Chapter" to "Article 45 of this Chapter" wherever it appears in Article 22G of Chapter 163 of the General Statutes as recodified by this subsection.

SECTION 19. Article 22H of Chapter 163 of the General Statutes is recodified as Article 49 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "Article 22A of this Chapter" to "Article 45 of this Chapter" wherever it appears in Article 22H of Chapter 163 of the General Statutes as recodified by this subsection.

SECTION 20. Article 22J of Chapter 163 of the General Statutes is recodified as Article 50 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "Article 22A of this Chapter" to "Article 45 of this Chapter" wherever it appears in G.S. 163-278.98 as recodified by this subsection.

SECTION 21. Article 22M of Chapter 163 of the General Statutes is recodified as Article 51 of Chapter 163A of the General Statutes.

SECTION 22. G.S. 150B-1(c)(16) is repealed.

SECTION 23. The Revisor of Statutes shall change the terms "Chapter 120C of the General Statutes" to "this Subchapter" wherever it appears in Chapter 138A of the General Statutes.

SECTION 24. The Revisor of Statutes shall change the terms "Chapter 138A of the General Statutes" to "this Subchapter" wherever it appears in Chapter 120C of the General Statutes.

SECTION 25. The Revisor of Statutes shall change the cite "G.S. 138A-3" to "G.S. 163A-200" wherever it appears in the General Statutes.

SECTION 26. The Revisor of Statutes shall change the terms "Commission," "Secretary of State," and "Secretary" to "State Board" wherever it appears in Chapter 163A of the General Statutes, as enacted by this section.

SECTION 27. The Revisor of Statutes, in recodifying any statute or Article as instructed in this section, shall also renumber and change internal cross-references in those statutes and Articles accordingly.

SECTION 28. The following statutes are amended by deleting "State Ethics Commission" and substituting "State Board of Ethics, Lobbying, and Campaign Finance":

(1) G.S. 115D-2.1.
(2) G.S. 116-7.
(3) G.S. 120-102.
(4) G.S. 120-103.1.
(5) G.S. 120-104.
(6) G.S. 120C-100(a).
(8) G.S. 143-47.7.
(9) G.S. 143B-350.
(10) G.S. 143B-417.
(11) G.S. 147-64.6.

SECTION 29. G.S. 105-159.1 reads as rewritten:

"(b) Amounts designated under subsection (a) shall be credited to the North Carolina Political Parties Financing Fund on a quarterly basis. Interest earned by the Fund shall be credited to the Fund and shall be allocated among the political parties on the same basis as the principal of the Fund. The State Board of ~~Elections,~~ Ethics, Lobbying, and Campaign Finance which administers the Fund, shall make a quarterly report to each State party chairman stating the amount of funds allocated to each party for that quarter, the cumulative total of funds allocated to each party to date for the year, and an estimate of the probable total amount to be collected and allocated to each party for that calendar year."

SECTION 30. G.S. 105-159.2(b) reads as rewritten:

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

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

SECTION 31. G.S. 120-70.141 reads as rewritten:

"**§ 120-70.141. Purpose and powers of Committee.**

(a) The Joint Legislative Elections Oversight Committee shall examine, on a continuing basis, election administration and campaign finance regulation in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve elections administration and campaign finance regulation. In this examination, the Committee shall do the following:

(1) Study the budgets, programs, and policies of the State Board of Elections and the county boards of elections to determine ways in which the General Assembly may improve election ~~administration and campaign finance regulation.~~administration.

(1.5) Study the budgets, programs, and policies of the State Board of Ethics, Lobbying, and Campaign Finance and the county boards of elections to determine ways in which the General Assembly may improve campaign finance regulation.

(2) Examine election statutes and court decisions to determine any legislative changes that are needed to improve election administration and campaign finance regulation.

(3) Study other states' initiatives in election administration and campaign finance regulation to provide an ongoing commentary to the General Assembly on these initiatives and to make recommendations for implementing similar initiatives in North Carolina; and

(4) Study any other election matters that the Committee considers necessary to fulfill its mandate.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee."

SECTION 32. G.S. 143B-417(1) is amended by adding a new sub-subdivision to read:

"(ee) The State Board of Ethics, Lobbying, and Campaign Finance."

SECTION 33. G.S. 147-64.6B(b) reads as rewritten:

"(b) The Auditor shall investigate reports of allegations of improper governmental activities of State agencies and State employees within the scope of authority set forth in G.S. 147-64.6, including misappropriation, mismanagement, or waste of State resources, fraud, violations of State or federal law, rule or regulation by State agencies or State employees administering State or federal programs, and substantial and specific danger to the public health and safety. When the allegation involves issues of substantial and specific danger to the public health and safety, the Auditor shall notify the appropriate State agency immediately. When the Auditor believes that an allegation of improper governmental activity is outside the authority set forth in G.S. 147-64.6, the Auditor shall refer the allegation to the appropriate State agency responsible for the enforcement or administration of the matter for investigation. When the Auditor believes that an allegation of improper governmental activity involves matters set forth in subdivisions (1), (2), or (3) of this subsection, those matters shall be referred as follows:

(1) Allegations of criminal misconduct to either the State Bureau of Investigation or the District Attorney for the county where the alleged misconduct occurred.

(2) Allegations of violations of ~~Chapter 138A, Chapter 120C,~~Chapter 163A and Article 14 of Chapter 120 of the General Statutes to the State ~~Ethics Commission.~~Board of Ethics, Lobbying, and Campaign Finance.

(3) Allegations of violations of Chapter 163 of the General Statutes to the State Board of Elections.

SECTION 34. G.S. 150B-1(d)(16) is repealed.

SECTION 35. G.S. 150B-38(a)(6) reads as rewritten:

"(6) The State Board of ~~Elections~~Ethics, Lobbying, and Campaign Finance in the administration of any investigation or audit under the provisions of Article 22A of Chapter 163 of the General Statutes."

SECTION 36. Any previous assignment of duties of a quasi-legislative or quasi-judicial nature by the Governor or General Assembly to the agencies or functions transferred by this act shall have continued validity with the transfer under this act. Except as otherwise specifically provided in this act, each enumerated commission, board, or other function of State government transferred to the State Board created in this act, is a continuation of the former entity for purposes of succession to all the rights, powers, duties, and obligations of the former. Where the former entities are referred to by law, contract, or other document in their former name, the State Board created in this act is charged with exercising the functions of the former named entity.

SECTION 37. No action or proceeding pending on January 1, 2012, brought by or against the State Board of Elections regarding campaign finance, State Ethics Commission, or the Secretary of State regarding the lobbyist registration and lobbying enforcement of the Secretary of State shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of State Board created in this act. In these actions and proceedings, the State Board or its Executive Director as appropriate shall be substituted as a party upon proper application to the courts or other administrative or quasi-judicial bodies.

Any business or other matter undertaken or commanded by any State program or office or contract transferred by this section to the State Board pertaining to or connected with the functions, powers, obligations, and duties set forth herein, which is pending on January 1, 2012, may be conducted and completed by the State Board in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the original program, office, or commissioners or directors thereof.

SECTION 38. The consolidation provided for under this act shall not affect any ongoing investigation or audit. Any ongoing hearing or other proceeding before the State Ethics Commission or State Board of Elections related to campaign finance shall be transferred to the State Board, as created by this act. Prosecutions for offenses or violations committed before January 1, 2012, are not abated or affected by this act, and the statutes that would be applicable but for this section remain applicable to those prosecutions.

SECTION 39. Any rule, policy, procedure, or other guidance document not subject to Chapter 150B of the General Statutes adopted by the State Ethics Commission, Secretary of State related to lobbying, or State Board of Elections related to campaign finance shall remain in effect until the State Board amends or repeals that rule, policy, procedure, or other guidance document. The list of covered boards adopted by the State Ethics Commission under G.S. 138A-10(a)(3) shall continue in effect until amended or repealed by the State Board.

SECTION 40. Any evaluation of a statement of economic interest issued by the State Ethics Commission pursuant to Article 3 of Chapter 138A of the General Statutes in 2011 shall remain in effect amended or repealed by the State Board.

SECTION 41. The authority, powers, duties and functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the State Ethics Commission are transferred to the State Board, as created in this act. The authority, powers, duties and functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the State Board of Elections related to campaign finance are transferred to the State Board created in Section 1 of this act. The authority, powers, duties and functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the lobbying registration and lobbying enforcement functions of the Secretary of State are transferred to the State Board, as created by Section 1 of this act. The Director of the Budget shall resolve any disputes arising out of this transfer.

SECTION 42. Within six months of its initial appointment, the State Board shall adopt rules consistent with this act regarding its investigations and hearings. In the absence of such rules, the State Board shall conduct its investigations and hearings to ensure fairness to the parties and enforcement of the law consistent with this act.

SECTION 43. Until such time as the State Board appoints an Executive Director, the director under G.S. 163A-9 with the most State service shall be acting Executive Director.

SECTION 44. The State Ethics Commission is transferred to the State Board of Ethics, Lobbying, and Campaign Finance, and the transfer shall have all the elements of a Type I transfer under G.S. 143A-6. The campaign finance functions of the State Board of Elections and the lobbying registration and lobbying enforcement functions of the Secretary of State, included the staff assigned to those functions on June 1, 2011, are transferred to the State Board of Ethics, Lobbying, and Campaign Finance, and the transfers shall have all the elements of a Type I transfer under G.S. 143A-6.

SECTION 45. The State Board shall report to the Joint Legislative Elections Oversight Committee and the Legislative Ethics Committee on or before April 1, 2012, and again on or before March 1, 2013, as to recommendations for statutory changes necessary to further implement this consolidation.

SECTION 46. This act is effective January 1, 2012.

ATTACHMENT # 5

VISITOR REGISTRATION SHEET

ELECTIONS — 6-7-2014

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paula A. Wolf	NC NOW
Bob Phillips	CCNC
Jane Pinsky	NCCLGR
Kim Strach	SBE
BILL GILKESON	BAILEY & DIXON
Rodney Maddox	NCSOS
Chris Telesca	Wake Verified Voting
Dave Dubno	NAACP
Bo Thoen	NAACP

VISITOR REGISTRATION SHEET

Election Committee — 6-7-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amanda Gladin Kramer	Legal Counsel of Governor
BJ Hall	McBee Wood

VISITOR REGISTRATION SHEET

Election Committee — 6-7-11

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gary Bartlett	SBE
Johnnie McLean	"
Kathleen Edwards	State Ethics Comm'n
Jean Weaver Finch	1810 Gary St, Raleigh, NC
Perry Newson	SEC
Robert Wilson	SOS
Mary Shuping	State Ethics Commission
Jennifer Gibbons	NC DOJ
Kim Crumb	UCBA
Ernest Gillum	Gaming Office
Damon Circosta	NC Voter Ed.
Kim Rogers	Wake Co BOE

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE ELECTIONS

DATE: 6-7-11 **Room:** 421

***Name:** _____

County: _____

Sponsor: _____

***Name:** _____

County: _____

Sponsor: _____

***Name:** _____

County: _____

Sponsor: _____

***Name:** _____

County: _____

Sponsor: _____

***Name:** _____

County: _____

Sponsor: _____

***Name:** _____

County: _____

Sponsor: _____

House Sgt-At Arms:

1. **Name:** REGGIE SILLS
2. **Name:** BILL BASS
3. **Name:** KEN KIRBY
4. **Name:** LARRY ELLIOTT
5. **Name:** _____
6. **Name:** _____

Election Committee Meeting

June 8, 2011

Attachment 1:	Committee Notice
Attachment 2:	Minutes
Attachment 3:	HB 125 Committee Report, Bill summary, PCS
Attachment 4:	HB 346 Committee Report, Bill summary, PCS
Attachment 5:	HB 710 Committee Report, Bill summary, PCS
Attachment 6:	HB 300 Committee Report, Bill summary, PCS
Attachment 7:	Visitor Registration Sheet

Attach. 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, June 8, 2011
TIME: 1:00 pm
LOCATION: 643 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 125	Optional Vote Centers for Second Primary.	Representative Sager Representative Jordan Representative Stevens Representative Shepard
HB 300	Election Fairness Act of 2011.	Representative Jones, Jr. Representative Hager
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 710	Bd. of Ethics, Lobbying, and Campaign Finance.	Representative Lewis

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **7 PM** o'clock on **June 07, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attach 1

Corrected Notice Time & Room change

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, June 8, 2011
TIME: 12:00 PM
LOCATION: 421 LOB
The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 125	Optional Vote Centers for Second Primary.	Representative Sager Representative Jordan Representative Stevens Representative Shepard
HB 300	Election Fairness Act of 2011.	Representative Jones, Jr. Representative Hager
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 710	Bd. of Ethics, Lobbying, and Campaign Finance.	Representative Lewis

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **8 AM** o'clock on **June 08, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attach 1

Corrected Notice HB 611 added

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, June 8, 2011
TIME: 12:00 PM
LOCATION: 421 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 125	Optional Vote Centers for Second Primary.	Representative Sager Representative Jordan Representative Stevens Representative Shepard
HB 300	Election Fairness Act of 2011.	Representative Jones, Jr. Representative Hager
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 611	Political Robo Calls/Do Not Call Registry.	Representative Harrison Representative Martin Representative Current, Sr. Representative Hurley
HB 710	Bd. of Ethics, Lobbying, and Campaign Finance.	Representative Lewis

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **June 08, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attach. 1

Corrected Notice HB 611 removed

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, June 8, 2011
TIME: 12:00 PM
LOCATION: 421 LOB

BILL NO.	SHORT TITLE	SPONSOR
HB 125	Optional Vote Centers for Second Primary.	Representative Sager Representative Jordan Representative Stevens Representative Shepard
HB 300	Election Fairness Act of 2011.	Representative Jones, Jr. Representative Hager
HB 346	Pol. Comm. Treas. Training/Org. Rpt Req.	Representative Randleman
HB 710	Bd. of Ethics, Lobbying, and Campaign Finance.	Representative Lewis

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **10 AM** o'clock on **June 08, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attach. 2

Minutes

Committee on Elections

Wednesday, June 8, 2011

The House Committee on Elections met on Wednesday, June 8, 2011, in room 421 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Burr, Current, Jones and Jordan Co-Chairs, Representatives Alexander, L. Brown, R. Brown, Bryant, Cotham, Dixon, Faircloth, Fisher, Floyd, Iler, Justice, Killian, Martin, McLawhorn, Michaux, Mills, T. Moore, Ross, Sager, Stam, Starnes, Warren, Weiss. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw, and Denise Huntley Adams. The Chair called the meeting to order at 12:07 PM and recognized the Pages and Sergeant At Arms for the days meeting.

The Chair announced that the committee would hear HB 125, HB 346 and then HB 710.

The first order of business was HB 125 Opt. 2nd Prim. Vote Centers & Suff. Ballots. Rep. Cotham made a motion to put the PCS for HB 125 before the committee and discuss. Rep. Sager discussed the bill. Gary Bartlett with the Board of Elections answered questions from the committee. Rep. Moore motioned for the bill to be reported with a favorable report as to the committee substitute bill, unfavorable as to the original bill. The motion passed.

The second order of business was HB 346 Elections Omnibus. PCS & Bill Summary was offered by Rep. T. Moore. Rep. Lewis explained the bill. Rep. Iler motioned for the bill to be reported with a favorable report as to the committee substitute bill, unfavorable as to the original bill. The motion passed.

The third order of business was HB 710 Bd. Of Ethics, Lobbying and Campaign Finance. Rep. Burr made a motion to hear the PCS & Bill Summary on HB 710. Rep. Lewis explained the bill. Rep. Stam offered an Amendment . The Amendment pass.

Rep. Ross sent forward an amendment.. There was a division vote taken on this amendment. The vote total was: 11 in favor of and 15 opposed. The amendment failed. Rep. Stam made a motion that the bill be reported with a favorable report as to the committee substitute bill, unfavorable as to the original bill.. A division vote was taken on the PCS with 15 votes in favor of the PCS and 11 opposing. The motion passed.

Rep. Weiss stated that she wanted this statement to be part of the minutes. She voiced that she was disappointed that when the public asked to be heard on this PCS for HB 710 the public was told that if there was time they would be heard. The vote was taken and Rep. Weiss stated that she was very disappointed that the public was not given the opportunity to talk on the PCS for HB 710 before the vote was taken.

The next order of business was HB 300 Election Fairness Act of 2011. Rep. Stam offered the PCS & Bill Summary for committee discussion. Rep. Jones spoke on the bill. Rep. T. Moore made a motion that the bill be reported with a favorable report as to the committee substitute bill, unfavorable as to the original bill. The motion carried.

The meeting was adjourned at 1:40 PM.

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

Attachment 3

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for

HB 125 A BILL TO BE ENTITLED AN ACT TO PERMIT COUNTIES TO HAVE FEWER THAN ALL PRECINCTS OPEN FOR A SECOND PRIMARY.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

ATTACHMENT # 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 125
PROPOSED COMMITTEE SUBSTITUTE H125-CSTC-26 [v.1]

Short Title: Opt. 2nd Prim. Vote Centers & Suff. Ballots. (Public)

Sponsors:

Referred to:

February 21, 2011

A BILL TO BE ENTITLED

AN ACT TO PERMIT COUNTIES TO OPEN ONLY APPROVED ONE-STOP SITES FOR A SECOND PRIMARY AND TO REQUIRE THE PROVISION OF A SUFFICIENT NUMBER OF BALLOTS FOR EACH ELECTION THAT IS NO LESS THAN TWENTY-FIVE PERCENT GREATER THAN THE VOTER TURNOUT IN THE MOST RECENT ELECTION WITH SIMILAR BALLOT ITEMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-111 is amended by adding a new subsection to read:

"(e1) Option for Voting Centers During Second Primary. – A county board of elections may opt to file a plan with the State Board of Elections for approval to open only those one-stop sites approved under G.S. 163-227.2(g) during a potential second primary. The county board shall approve and submit the plan to the State Board no later than 90 days prior to the first primary. The plan shall provide for education of the voters as to the one-stop sites to be open during the second primary. The plan shall include notice of the second primary sites in any legal notice required under this Chapter prior to a primary. If the plan is approved by the State Board prior to the date ballots are printed for the primary, the county board of elections may open only those one-stop sites approved under G.S. 163-227.2(g) for voting during a second primary as stated in the approved plan."

SECTION 2. G.S. 163-165.3 is amended by adding a new subsection to read:

"(e) Number of Ballots. – The State Board of Elections shall direct that a sufficient number of ballots are provided for all primaries and elections. A sufficient number of ballots shall be a number no less than twenty-five percent (25%) greater than the number of voters who previously voted in the most recent primary or election which included the same or similar offices or ballot items and may be a number higher than that amount for a specific primary or election as determined by the State Board of Elections."

SECTION 3. The State Board of Elections shall not promulgate rules mandating that ballots equal to one hundred percent (100%) of the number of registered voters be provided in each official election.

SECTION 4. This act becomes effective January 1, 2012, and applies to elections held on or after that date.

HOUSE BILL 125:
Optional Vote Centers for Second Primary

2011-2012 General Assembly

Committee:	House Elections	**Date:**	June 8, 2011
Introduced by:	Reps. Sager, Jordan, Stevens, Shepard	**Prepared by:**	Kara McCraw Committee Counsel
Analysis of:	PCS to First Edition H125-CSTC-26		

SUMMARY: The Proposed Committee Substitute (PCS) for HB 125 would permit county boards of elections to open only previously approved one-stop sites for second primaries, if the plan were approved by the State Board of Elections. The PCS would also provide that a number of ballots equal to at least 25% greater than the voter turnout in the prior similar election be provided for an election.

The PCS for HB 125 would:

- ***Permit county boards of elections to submit a plan to use the one stop sites for second primaries, rather than opening all precincts.***
- ***Add a new section forbidding the State Board of Elections from making rules to require that ballots equal to 100% of registered voters be provided in each election.***

CURRENT LAW: G.S. 163-111 permits the holding of a second primary if no nominee in a first primary receives a substantial plurality of the vote. If a second primary is required, it must be held 7 weeks after the first primary. Other than certain requirements related to registration of voters, the second primary is held under the laws, rules, and regulations provided for the first primary.

G.S. 163-227.2(g) provides that a county board of elections may provide for one or more one-stop sites for early voting. The plan for one-stop sites must be made with unanimous consent of the county board of elections and approval of the State Board of Elections, or if the county board cannot reach unanimity, upon petition by a member of the county board, the State Board may adopt a plan which takes into consideration factors including geographic, demographic, and partisan interests of that county.

G.S. 163-22(e) requires the State Board of Elections (State Board) to direct county boards to purchase a sufficient quantity of forms for the registration and elections process. G.S. 163-165.3 provides the State Board and county board responsibilities for preparing official ballots, including the county board's responsibility to prepare and produce official ballots for all elections in that county.

08 NCAC 06B.0101 is a rule of the State Board of Election that establishes general ballot guidelines. Subsection (f) requires the responsible board of elections to prepare ballots in a number equal to 100% of the number of registered voted in the primary or election.

BILL ANALYSIS:

Section 1: The PCS for HB 125 would allow county boards of elections to file a plan with the State Board of Elections to open only approved one-stop sites in the second primary. A plan would not be effective unless approved by the State Board prior to the printing of ballots for the first primary. Plans would have to be submitted to the State Board no later than 90 days before the first primary, and must provide for voter education as to voting places to be open during the second primary, including notice of those sites in legal notices required prior to the primary.

Sections 2 and 3: The PCS for HB 125 would require the State Board of Elections to direct that a sufficient number of ballots be printed for each election. At a minimum, a sufficient number of ballots would be a number that is 25% greater than the number of voters who voted in the most recent election

which included the same or similar offices or ballot items. The State Board of Elections could require a greater number be provided for specific elections.

The State Board would not be permitted to promulgate rules to require that ballots equal to 100% of registered voters be provided in each election, however.

EFFECTIVE DATE: HB 125 would become effective January 1, 2012 and applies to elections held on or after that date. The act may not become effective until preclearance under Section 5 of the Voting Rights Act is received.

H125-SMTC-40(CSTC-26) v1

Attachment #4

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for
HB 346 A BILL TO BE ENTITLED AN ACT RELATING TO POLITICAL ACTION COMMITTEE TREASURER TRAINING AND TO REQUIRE THE FILING OF AN ORGANIZATIONAL REPORT PRIOR TO BEING PLACED ON THE BALLOT.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

ATTACHMENT 4

HOUSE BILL 346:
Elections Omnibus

2011-2012 General Assembly

Committee:	House Elections	**Date:**	June 3, 2011
Introduced by:	Rep. Randleman	**Prepared by:**	Denise Adams Committee Staff
Analysis of:	PCS to First Edition H346-CSTB-4		

SUMMARY: ***The Proposed Committee Substitute (PCS) for House Bill 346 makes various and technical changes to the Election laws.***

SECTION 1

CURRENT LAW: All treasurers of political committees are required to participate in training conducted by the State Board of Elections as to the duties of the office. Under current law, the required training must occur within 3 months of appointment as treasurer and at least once every 4 years thereafter.

BILL ANALYSIS: Section 1 requires treasurers of candidate campaign committees that file the organizational report after the time for filing notice of a candidacy has opened for the election for which that candidate has filed, or after the time that candidate qualifies to be on the ballot for the general election to have training within 45 days of appointment and at least every 4 years thereafter.

SECTIONS 2-6

CURRENT LAW: The election law statutes provide 5 various methods to allow ballot access to candidates in the following circumstances:

- General election participation by a newly qualified political party. G.S. 163-98
- Filing a notice of candidacy. G.S. 163-106
- Filling vacancies among party nominees occurring after nomination and before election. G.S. 163-114
- Unaffiliated candidates nominated by petition. G.S. 163-122
- Declaration of intent and petitions for write-in candidates in partisan elections. G.S. 163-123

BILL ANALYSIS: Sections 2-6 require the appropriate board of elections to notify candidates upon qualifying for ballot access, either by filing a notice of candidacy or qualifying for the general election ballot by other means, of the following requirements:

- Depending on the method by which the candidate gains ballot access, the required organizational report must be filed with the State Board of Elections no later than the tenth day:
  - following the day the candidate files notice of candidacy;
  - following the day the candidate receives the nomination of the party;
  - following verification of the candidate's petition by the appropriate board of elections;

- or, the tenth day following the organization of the political committee, whichever occurs first.

- A civil late penalty shall be assessed against the candidate of $250 per day for each day the filing of the organizational report is late.
- Every treasurer of a political committee must participate in the treasurer training within the required time frame.

SECTION 7

CURRENT LAW: Treasurers are required to file with the State Board of Elections an organizational report, which includes various campaign related information required by law. The organizational report shall be filed with the State Board no later than the tenth day following the day the candidate files notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first.

BILL ANALYSIS: Section 7 assesses a civil late penalty against the candidate of $250 per day for each day the filing of the organizational report is late.

SECTION 8

BILL ANALYSIS: Section 8 limits an individual from running on the same general election ballot for more than one office except to fill a vacancy for the remainder of an unexpired term.

SECTION 9

CURRENT LAW: Current law provides that a written request for an absentee ballot must be either 1) written entirely by the requestor personally, or 2) on a form generated by the county board of elections and signed by the requestor. A request form may only be issued to the voter seeking an absentee ballot or the voter's near relative or verifiable legal guardian. The requestor may receive assistance in writing from an individual of the requestor's choice if the requestor is unable to complete the request due to disability or illiteracy.

BILL ANALYSIS: Section 9 creates an additional method for voters to request an absentee ballot by requiring the State Board of Elections to create an uniform absentee ballot request form that can be accessed electronically. Section 9 provides that the contents of the uniform absentee request form other than the signature requirement may be filled out electronically. A registered voter must personally sign the uniform absentee ballot request form. A request form signed electronically is not valid.

SECTION 10

BILL ANALYSIS: Section 10 makes a technical change by correcting an incorrect citation.

SECTION 11

CURRENT LAW: S.L. 2008-150 established the Joint Legislative Elections Oversight Committee, which is tasked with studying election administration and campaign finance regulation in North Carolina. G.S. 163-278.9 specifies which statements are required to be filed with the State Board of Elections, including a candidate's organizational report and certain financial reports. G.S. 163-278.9(j) requires certain political treasurers to electronically file required reports that show a cumulative total for the election cycle in excess of $5,000 in contributions, in expenditures, or in loans.

BILL ANALYSIS: Section 11 requires the Joint Legislative Elections Oversight Committee to study the feasibility and applicability of having all reports required to be filed under G.S. 162-278.9 be filed electronically, regardless of the amount.

EFFECTIVE DATE: Sections 1-9 become effective January 1, 2012, and apply with respect to elections hold on or after that date. Sections 10 and 11 become effective when they become law. The session law may not be implemented until the session law has received 'preclearance' approval under Section 5 of the Voting Rights of 1965

H346-SMTB-19(CSTB-4) v10

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 346
PROPOSED COMMITTEE SUBSTITUTE H346-CSTB-4 [v.20]

6/2/2011 3:41:49 PM

Short Title: Elections Omnibus. (Public)

Sponsors:

Referred to:

March 15, 2011

A BILL TO BE ENTITLED

AN ACT RELATING TO POLITICAL COMMITTEE TREASURER TRAINING; LIMITING AN INDIVIDUAL FROM RUNNING ON THE SAME GENERAL ELECTION BALLOT FOR MORE THAN ONE OFFICE EXCEPT TO FILL A VACANCY FOR THE REMAINDER OF AN UNEXPIRED TERM; CREATING AN ADDITIONAL METHOD FOR REQUESTING AN ABSENTEE BALLOT; MAKING A TECHNICAL CHANGE TO CORRECT A STATUTORY REFERENCE; AND REQUIRING THE JOINT LEGISLATIVE ELECTIONS OVERSIGHT COMMITTEE TO STUDY THE FEASIBILITY OF REQUIRING CERTAIN REPORTS TO BE FILED ELECTRONICALLY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.7(f) reads as rewritten:

"(f) Every treasurer of a political committee shall participate in training as to the duties of the office within three months of appointment and at least once every four years thereafter. Every treasurer of a candidate campaign committee as defined by G.S. 163-278.38Z that files its organizational report after the time for filing notice of a candidacy has opened for the election for which that candidate has filed, or after the time that candidate qualifies to be on the ballot for the general election, shall participate in training as to the duties of the office within 45 days of appointment and at least once every four years thereafter. The State Board of Elections shall provide the training as to the duties of the office in person, through regional seminars, and through interactive electronic means. The treasurer may designate an assistant treasurer to participate in the training, if one is named under subdivision (b)(8) of this section. The treasurer may choose to participate in training prior to each election in which the political committee is involved. All such training shall be free of charge to the treasurer and assistant treasurer."

SECTION 2. G.S. 163-98 reads as rewritten:

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

(a) 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 upon paying a filing fee equal to that provided for candidates for the office in G.S. 163-107 or upon complying with the alternative available to candidates for the office in G.S. 163-107.1.

(b) 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 in the ensuing general election. Any candidate nominated by a new party shall be affiliated with the party at the time of certification to the State Board of Elections. The requirement of affiliation with the party will be met if the candidate submits at or before the time of certification as a candidate an application to change party affiliation to that party. 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.

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

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

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

SECTION 3. G.S. 163-106 is amended by adding a new subsection to read:

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

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

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

SECTION 4. G.S. 163-114 reads as rewritten:

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

(a) 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 State Senator in a multi-county senatorial district Member of State House of Representatives in a multi-county representative district	Appropriate district executive committee of political party in which vacancy occurs
State Senator in a single-county senatorial district Member of State House of Representatives in a single-county representative district Any elective county office	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

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

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

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

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

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

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

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

SECTION 5. G.S. 163-122 is amended by adding a new subsection to read:

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

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

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

SECTION 6. G.S. 163-123 is amended by adding a new subsection to read:

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

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

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

SECTION 7. G.S. 163-278.9(a)(1) reads as rewritten:

"(a) Except as provided in G.S. 163-278.10A, the treasurer of each candidate and of each political committee shall file with the Board under certification of the treasurer as true and correct to the best of the knowledge of that officer the following reports:

(1) Organizational Report. – The appointment of the treasurer as required by G.S. 163-278.7(a), the statement of organization required by G.S. 163-278.7(b), and a report of all contributions and expenditures not previously reported shall be filed with the Board no later than the tenth day following the day the candidate files notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first. Any candidate whose campaign is being conducted by a political committee which is handling all contributions and expenditures for his campaign shall file a statement with the Board stating such fact at the time required herein for the organizational report. Thereafter, the candidate's political committee shall be responsible for filing all reports required by law. If the organizational report is not filed within the required time frame, a civil late penalty of two hundred fifty dollars ($250.00) per day for each day the filing is late shall be assessed against the candidate."

SECTION 8. Article 11 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-124. No simultaneous run for separate offices.**

(a) No individual is eligible to have that individual's name on the general election ballot for two separate offices, unless one of the offices is for the remainder of the unexpired term for an office that requires an election to fill the unexpired portion of the term.

(b) This section shall apply to any individual nominated under Article 9 of this Chapter, filing under G.S. 163-106, or filing a petition under this Article."

SECTION 9. G.S. 163-230.2(a) reads as rewritten:

"(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 or the State 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. The State Board of Elections shall create an uniform absentee ballot request form that can be accessed from the website of the State Board of Elections. Contents of the uniform absentee ballot request form, other than the requester's signature, may be filled out electronically. A qualified voter shall personally sign the uniform absentee ballot request form. An uniform absentee ballot request form that is signed electronically is not valid."

SECTION 10. G.S. 163-275(16) reads as rewritten:

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

SECTION 11. The Joint Legislative Elections Oversight Committee shall study the feasibility and applicability of requiring electronic filing of all reports required to be filed with the State Board of Elections under G.S. 163-278.9, regardless of the amount. The Joint Legislative Elections Oversight Committee shall report its findings and recommendations to the 2012 Regular Session of the 2011 General Assembly.

SECTION 12. Sections 1-9 become effective January 1, 2012, and apply with respect to elections held on or after that date. The remainder of this bill is effective when it becomes law.

Attach #5

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for
HB 710 A BILL TO BE ENTITLED AN ACT TO COMBINE THE FUNCTIONS OF THE STATE ETHICS COMMISSION, THE LOBBYING SECTION OF THE SECRETARY OF STATE, AND THE CAMPAIGN FINANCE DIVISION OF THE STATE BOARD OF ELECTIONS INTO AN AGENCY TO BE KNOWN AS THE STATE BOARD OF ETHICS, LOBBYING, AND CAMPAIGN FINANCE.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

ATTACHMENT #5

HOUSE BILL 710:
Bd. of Ethics, Lobbying, and Campaign Finance

2011-2012 General Assembly

Committee:	House Elections	**Date:**	June 3, 2011
Introduced by:	Rep. Lewis	**Prepared by:**	Erika Churchill and Kara McCraw, Committee Counsel
Analysis of:	PCS to First Edition H710-CSST-44		

SUMMARY: The Proposed Committee Substitute for House Bill 710 would combine the functions of the State Ethics Commission, the lobbying section of the Secretary of State, and the campaign finance functions of the State Board of Elections under a new State agency – the State Board of Ethics, Lobbying, and Campaign Finance.

CURRENT LAW: The State Ethics Commission administers the State Government Ethics Act, including providing guidance to public servants and ethics education to covered persons and legislative employees. The advisory authority of the State Ethics Commission includes advising all persons affected by the lobbying laws, Chapter 120C of the General Statutes. The State Ethics Commission consists of 8 members, with a bi-partisan make up. Members serve 4 year terms and may be reappointed; but may not be elected, hold an office in a political committee, or be an employee of the State, community colleges or local school systems.

The Secretary of State administers the reporting and audit function of the lobbying laws.

The State Board of Elections administers elections and campaign finance and provides guidance, advice, and training for campaign finance to the county boards of elections.

BILL ANALYSIS:

Section 1: Creates a new Chapter 163A in the General Statutes to establish the State Board of Ethics, Lobbying and Campaign Finance (State Board). The Board would be an independent agency not placed within any principal administrative department.

State Board Composition. The Board will consist of 6 members who must be registered voters. No more than 3 members may be members of the same political party. Each of the following must appoints 2 members of different political parties:

- Governor.
- General Assembly upon recommendation of Speaker of the House.
- General Assembly upon recommendation of President Pro Tempore.

- **Membership eligibility:** The following persons would not be eligible for State Board membership:
  - Persons who hold elective or appointive office under the federal government, State government, or any political subdivision of the State.
  - Persons who hold office in a political party or organization.
  - Persons who are a candidate for any office.
  - Persons who are a campaign manager or treasurer of any candidate for office.
- **Term of office:** Members would serve 4 year terms of office, with vacancies filled for the remainder of the term of office. Appointments by the Governor would be filled by the Governor, and appointments by the General Assembly would be filled as provided by statute for vacancies in legislative appointments. Members could be removed by the appointing authority only for misfeasance, malfeasance, or nonfeasance. The Governor could also remove any member for failing to attend a meeting for three consecutive days.
- **Powers of Chair:** The State Board shall select a chair, vice-chair, and secretary from among its membership. The Chair of the Board, with the consent of 2 other members would have the power to administer oaths, issue

subpoenas, summon witnesses, and compel production of evidence. In the absence or refusal of the Chair, 3 members may exercise such powers and any member may administer an oath.

- **Member Prohibitions:** While serving, State Board members would be prohibited from:
  - o Making reportable contributions to candidates over which the Board would have jurisdiction.
  - o Registering as a lobbyist.
  - o Making written or oral statements for general distribution supporting or opposing clearly identified candidates for office or clearly identified referendum or ballot issue proposals.
  - o Soliciting contributions for a candidate, political committee, or referendum committee.

State Board Powers:

- General supervision over lobbying, ethics, and campaign finance.
- Publication of relevant laws to election officials in conjunction with the State Board of Elections.
- Referral of all complaints to the State Board from county and municipal boards of elections.
- Authority to investigate when necessary for administration of laws the State Board enforces.
- Recommendations to Governor and General Assembly on conduct and administration of laws the State Board enforces.

Directors: Creates three director positions: Director of Campaign Finance, Director of Ethics, and Director of Lobbying. Each director would perform duties required by law and assigned by the State Board.

Information Sharing: The State Board would be required to cooperate with and share information with the State Board of Elections and Legislative Ethics Committee as requested, would be required to certify compliance with campaign finance laws to the appropriate board of elections, and to publish formal advice redacted of identifying information as required by the Chapter.

The remainder of Section 1 combines current law in the lobbying laws (Chapter 120C) and portions of the State Government Ethics Act (Chapter 138A) as Subchapter II of Chapter 163A, and eliminates bifurcated administration of lobbying laws.

Sections 2-35: Completes the recodification of the State Government Ethics Act (Chapter 138A), lobbying laws (Chapter 120C) and campaign finance regulations in Articles 22A, 22B, 22C, 22D, 22E, 22F, 22G, 22H, 22J, 22M, and 25 of Chapter 163 are recodified in Subchapter IV of Chapter 163A.

Repeals conflicting sections, makes conforming changes, and directs the Revisor of Statutes to make conforming changes and to renumber and change internal cross-references in accordance with the act.

Sections 36-41: Provides for the transition between the current duties and functions of the State Ethics Commission, State Board of Elections related to campaign finance, and Secretary of State's office related to lobbying, including transfer of previous assignment of duties, continuation of actions or proceedings regarding lobbying enforcement, continuation of ongoing investigations or audits, continuation of previously adopted rules, and continuation of evaluations of statements of economic interest. The authority, powers, duties, functions, records, personnel, property, unexpended appropriations, and funds, of the State Ethics Commission, the State Board of Elections related to campaign finance, and the Secretary of State related to lobbying are transferred to the State Board.

Section 42: Requires the State Board to adopt rules with 6 months regarding investigations and hearings.

Section 43: Requires that until the State Board appoints an Executive Director, the executive director with the most State service with be active Executive Director.

Section 44: Transfers the State Ethics Commission, the campaign finance functions of the State Board of Elections, and the lobbying registration and enforcement functions of the Secretary of State to the State Board as a Type 1 transfer.

Section 45: Requires the State Board to report to the Joint Legislative Elections Oversight Committee and the Legislative Ethics Committee on or before April 1, 2012, and March 1, 2103, on recommendations for statutory changes needed for further implementation.

EFFECTIVE DATE: Effective January 1, 2012.

H710-SMTC-31(CSST-44) v4

ATTACHMENT 5

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H D

HOUSE BILL 710
PROPOSED COMMITTEE SUBSTITUTE H710-CSSTf-59 [v.1]

6/8/2011 11:38:14 AM

Short Title: Bd. of Ethics, Lobbying, and Campaign Finance. (Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO COMBINE THE FUNCTIONS OF THE STATE ETHICS COMMISSION, THE LOBBYING SECTION OF THE SECRETARY OF STATE, AND THE CAMPAIGN FINANCE DIVISION OF THE STATE BOARD OF ELECTIONS INTO AN AGENCY TO BE KNOWN AS THE STATE BOARD OF ETHICS, LOBBYING, AND CAMPAIGN FINANCE.

The General Assembly of North Carolina enacts:

SECTION 1. The General Statutes are amended by adding a new Chapter to read:

"**Chapter 163A.**

"**State Board of Ethics, Lobbying, and Campaign Finance.**

"**SUBCHAPTER 1. GENERAL PROVISIONS.**

"Article 1.

"Board of Ethics, Lobbying, and Campaign Finance.

"**§ 163A-1. State Board of Ethics, Lobbying, and Campaign Finance; appointment; term of office; vacancies; oath of office.**

(a) The State Board of Ethics, Lobbying, and Campaign Finance is established (hereinafter in this Chapter referred to as "State Board"). The State Board shall consist of six registered voters whose terms of office shall begin on January 1, 2012, and shall continue for four years and until their successors are appointed and qualified. Not more than three members of the State Board shall be members of the same political party. Two members of different political parties shall be appointed by the Governor. Two members of different political parties shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives. Two members of different political parties shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be as provided by G.S. 120-121.

(b) Members shall be removed from the State Board only for misfeasance, malfeasance, or nonfeasance. Members appointed by the Governor may be removed by the Governor but only for such reasons. Except as provided in G.S. 163A-2, members appointed by the General Assembly may be removed by the General Assembly.

(c) Any vacancy occurring in the State Board in an appointment made by the Governor shall be filled by the Governor, and the person so appointed shall fill the unexpired term. Any vacancy occurring in the Board in an appointment made by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be filled in accordance

with G.S. 120-122 for the remainder of the unfulfilled term. Any vacancy occurring in the State Board in an appointment made by the General Assembly upon the recommendation of the President Pro Tempore of the Senate shall be filled in accordance with G.S. 120-122 for the remainder of the unfulfilled term.

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

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

(e) After taking the prescribed oath, the State Board shall organize by electing one of its members chair, one of its members vice-chair, and another secretary.

(f) No person shall be eligible to serve as a member of the State Board who holds any elective or appointive office under the government of the United States or of the State of North Carolina or any political subdivision thereof. No person who holds any office in a political party or organization, or who is a candidate for nomination or election to any office, or who is a campaign manager or treasurer of any candidate in a primary or election shall be eligible to serve as a member of the State Board. In addition, no person while serving on the Board shall:

(1) Make a reportable contribution to a candidate for a public office over which the State Board would have jurisdiction or authority.

(2) Register as a lobbyist under Article 5 of this Chapter.

(3) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the nomination or election of one or more clearly identified candidates for public office.

(4) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the passage of one or more clearly identified referendum or ballot issue proposals.

(5) Solicit contributions for a candidate, political committee, or referendum committee.

(g) Nothing in this section shall prohibit individual expressions of opinion, support, or opposition not intended for general public distribution or participation in a political party convention as a delegate.

"**§ 163A-2. Meetings of State Board; quorum; minutes.**

(a) Call of Meeting. – The State Board shall meet monthly and at the call of the chair whenever necessary to discharge the duties and functions imposed by law. The chair shall call a meeting of the State Board upon the written application or applications of any three members thereof. If there is no chair, or if the chair does not call a meeting within three days after receiving a written request or requests from three members, any three members of the State Board shall have power to call a meeting of the State Board, and any duties imposed or powers conferred on the State Board by the General Statutes may be performed or exercised at that meeting.

(b) Place of Meeting. – The State Board shall meet in its offices in the City of Raleigh or at another place in Raleigh to be designated by the chair. Four members of the State Board shall have power to require the State Board to meet in a place other than Raleigh for any purpose.

(c) Quorum. – A majority of the members constitutes a quorum for the transaction of business by the State Board. If any member of the State Board fails to attend a meeting, and by reason thereof there is no quorum, the members present shall adjourn from day to day for not more than three days, by the end of which time, if there is no quorum, the Governor may remove any members who fail to attend for nonfeasance, and vacancies shall be filled as provided by G.S. 163A-1.

(d) Minutes. – The State Board shall keep minutes recording all proceedings and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept in the office of the State Board in Raleigh.

"**§ 163A-3. Compensation.**

The members of the State Board shall be compensated for their traveling and other expenses necessary and incidental to the discharge of their duties in accordance with the provisions of Chapter 138 of the General Statutes.

"**§ 163A-4. Powers of the State Board.**

(a) The State Board shall have all powers and duties over the following:

(1) Lobbying and ethics.

(2) Campaign finance regulation.

(b) From time to time, the State Board, in conjunction with the State Board of Elections, shall publish and furnish to the county and municipal boards of elections and other election officials a sufficient number of indexed copies of all lobbying, ethics, campaign finance, and election laws and rules and regulations then in force.

(c) All complaints or inquiries regarding laws enforced by the State Board directed to the county and municipal boards of elections and elections officials shall be referred to the State Board, and the county and municipal boards of elections and elections officials shall have no authority to act on such complaints and inquiries.

(d) The State Board shall investigate when necessary or advisable the administration of the laws subject to its enforcement in accordance with this Chapter.

(e) The State Board shall make recommendations to the Governor and the General Assembly relative to the conduct and administration of the laws it enforces as it may deem advisable.

(f) Notwithstanding any other provision of law, in order to obtain judicial review of any decision of the State Board rendered in the performance of its duties or in the exercise of its powers under this Chapter, the person seeking review must file in the Superior Court of Wake County.

(g) The State Board may employ an executive director.

"**§ 163A-5: Reserved for future codification purposes.**

"**§ 163A-6. Power of chair.**

In the performance of the duties enumerated in this Chapter, the chair of the State Board, upon the recommendation of staff and with the consent of at least two other members of the State Board, shall have power to administer oaths, issue subpoenas, summon witnesses, and compel the production of papers, books, records, and other evidence. In the absence of the chair or upon the chair's refusal to act, any three members of the State Board may issue subpoenas, summon witnesses, and compel the production of papers, books, records, and other evidence. In the absence of the chair or upon the chair's refusal to act, any member of the State Board may administer oaths.

"**§ 163A-7. Power of State Board to maintain order.**

The State Board shall possess full power and authority to maintain order and to enforce obedience to its lawful commands during its sessions and shall be constituted an inferior court for that purpose. If any person shall refuse to obey the lawful commands of the State Board or its chair, or by disorderly conduct in its hearing or presence shall interrupt or disturb its

proceedings, it may, by an order in writing signed by its chair and attested by its secretary, commit the person so offending to the jail of the county for a period not exceeding 30 days. Such order shall be executed by any sheriff to whom the same shall be delivered, or if a sheriff shall not be present, or shall refuse to act, by any other person who shall be deputed by the State Board in writing, and the keeper of the jail shall receive the person so committed and safely keep that person for such time as shall be mentioned in the commitment; provided, that any person committed under the provisions of this section shall have the right to post a two hundred dollar ($200.00) bond with the clerk of the superior court and appeal to the superior court for a trial on the merits of the commitment.

"**§ 163A-8. Assistance in litigation.**

The Attorney General shall provide the State Board with legal assistance in execution of its authority under this section or, in the Attorney General's discretion, recommend that private counsel be employed. If the Attorney General recommends employment of private counsel, the State Board may employ counsel with the approval of the Governor.

"**§ 163A-9. Directors of Campaign Finance, Ethics, and Lobbying.**

There are created the positions of Director of Campaign Finance, Director of Ethics, and Director of Lobbying, who each shall perform all duties imposed upon that director by law and such duties as might be assigned to that director by the State Board. The directors are subject to the State Personnel Act.

"**§ 163A-10. State Board an independent agency.**

The State Board shall be and remain an independent regulatory and quasi-judicial agency and shall not be placed within any principal administrative department. The State Board shall exercise its statutory powers, duties, functions, authority and shall have all powers and duties conferred upon the heads of principal departments under G.S. 143B-10.

"**§ 163A-11. Sharing of information.**

(a) The State Board shall cooperate and share information with the State Board of Elections, Judicial Standards Commission, and the Legislative Ethics Committee as requested by those bodies.

(b) The State Board shall certify to the appropriate board of elections compliance with Subchapter IV of this Chapter by each individual receiving a certificate of election under Article 15A of Chapter 163 of the General Statutes.

(c) The State Board shall redact identifying information from any formal advice provided under this Chapter and publish the redacted formal advice as provided in this Chapter."

"**SUBCHAPTER II. ETHICS AND LOBBYING.**

"Article 2.

"Definitions; General Provisions.

"**§ 163A-200. Definitions.**

The following definitions apply in this Subchapter:

(1) Blind trust. – A trust established by or for the benefit of a covered person or a member of the covered person's immediate family for divestiture of all control and knowledge of assets. A trust qualifies as a blind trust under this subdivision if the covered person or a member of the covered person's immediate family has no knowledge of the holdings and sources of income of the trust, the trustee of the trust is independent of and not associated with or employed by the covered person or a member of the covered person's immediate family and is not a member of the covered person's extended family, and the trustee has sole discretion as to the management of the trust assets.

(2) Board. – Any State board, council, committee, task force, authority, or similar public body, however denominated, created by statute or executive order, as determined and designated by the State Board, except for those public bodies that have only advisory authority.

(3) Business. – Any of the following organized for profit:

a. Association.
b. Business trust.
c. Corporation.
d. Enterprise.
e. Joint venture.
f. Organization.
g. Partnership.
h. Proprietorship.
i. Vested trust.
j. Every other business interest, including ownership or use of land for income.

(4) Business with which associated. – A business in which the covered person or filing person, or any member of that covered person's or filing person's immediate family, does any of the following:

a. Is an employee.
b. Holds a position as a director, officer, partner, proprietor, or member or manager of a limited liability company, irrespective of the amount of compensation received or the amount of the interest owned.
c. Owns a legal, equitable, or beneficial interest of ten thousand dollars ($10,000) or more in the business or five percent (5%) of the business, whichever is less, other than as a trustee on a deed of trust.
d. Is a lobbyist registered under this Chapter.

For purposes of this subdivision, the term "business" shall not include a widely held investment fund, including a mutual fund, regulated investment company, or pension or deferred compensation plan, if all of the following apply:

1. The covered person, filing person, or a member of the covered person's or filing person's immediate family neither exercises nor has the ability to exercise control over the financial interests held by the fund.
2. The fund is publicly traded or the fund's assets are widely diversified.

(5) Committee. – The Legislative Ethics Committee, as created in Part 3 of Article 14 of Chapter 120 of the General Statutes.

(6) Compensation. – Any money, thing of value, or economic benefit conferred on or received by any covered person or filing person in return for services rendered or to be rendered by that covered person or filing person or another. This term does not include campaign contributions properly received and reported as required by this Chapter.

(7) Confidential information. – Information defined as confidential by the law.

(8) Constitutional officers of the State. – Officers whose offices are established by Article III of the North Carolina Constitution.

(9) Contract. – Any agreement, including sales and conveyances of real and personal property and agreements for the performance of services.

(10) Covered person. – A legislator, public servant, or judicial officer, as identified by the State Board under G.S. 163A-208.

(11) Designated individual. – A legislator, legislative employee, or public servant.

(12) Employing entity. – For public servants, any of the following bodies of State government of which the public servant is an employee or a member or over which the public servant exercises supervision: agencies, authorities, boards, State Boards, committees, councils, departments, offices, institutions and their subdivisions, and constitutional offices of the State. For legislators, it is the house of which the legislator is a member. For legislative employees, it is the authority that hired the individual. For judicial employees, it is the Chief Justice.

(13) Executive action. – The preparation, research, drafting, development, consideration, modification, amendment, adoption, approval, tabling, postponement, defeat, or rejection of a policy, guideline, request for proposal, procedure, regulation, or rule by a public servant purporting to act in an official capacity. This term does not include any of the following:

a. Present, prior, or possible proceedings of a contested case hearing under Chapter 150B of the General Statutes of a judicial nature or of a quasi-judicial nature.

b. A public servant's communication with a person, or another person on that person's behalf, with respect to any of the following:

1. Applying for a permit, license, determination of eligibility, or certification.

2. Making an inquiry about or asserting a benefit, claim, right, obligation, duty, entitlement, payment, or penalty.

3. Making an inquiry about or responding to a request for proposal made under Chapter 143 of the General Statutes.

4. Rate making.

c. Internal administrative functions, including those functions exempted from the definition of "rule" in G.S. 150B-2(8a).

d. Ministerial functions.

e. A public servant's communication with a person or another person on that person's behalf with respect to public comments made at an open meeting, or submitted as written comment, on a proposed executive action in response to a request for public comment, provided the identity of the person on whose behalf the comments are made is disclosed as part of the public participation and no reportable expenditure is made.

(14) Extended family. – Spouse, lineal descendant, lineal ascendant, sibling, spouse's lineal descendant, spouse's lineal ascendant, spouse's sibling, and the spouse of any of these individuals.

(15) Filing person. – An individual required to file a statement of economic interest under this Subchapter.

(16) Financial benefit. – A direct pecuniary gain or loss to the legislator, the public servant, or a person with which the legislator or public servant is associated, or a direct pecuniary loss to a business competitor of the legislator, the public servant, or a person with which the legislator or public servant is associated.

(17) Gift. – Anything of monetary value given or received without valuable consideration by or from a lobbyist, lobbyist principal, liaison personnel, or a person described under G.S. 138A-32(d)(1), (2), or (3). The following shall not be considered gifts under this subdivision:

a. Anything for which fair market value, or face value if shown, is paid by the covered person or legislative employee.

b. Commercially available loans made on terms not more favorable than generally available to the general public in the normal course of business if not made for lobbying.

c. Contractual arrangements or commercial relationships or arrangements made in the normal course of business if not made for lobbying.

d. Academic or athletic scholarships based on the same criteria as applied to the public.

e. Any campaign contribution properly reported as required under this Chapter.

f. Expressions of condolence related to a death of an individual, sent within a reasonable time of the death, if the expression is one of the following:

1. A sympathy card, letter, or note.
2. Flowers.
3. Food or beverages for immediate consumption.
4. Donations to a religious organization, charity, the State, or a political subdivision of the State, not to exceed a total of two hundred dollars ($200.00) per death per donor.

(18) Governmental unit. – A political subdivision of the State, and any other entity or organization created by a political subdivision of the State.

(19) Honorarium. – Payment for services for which fees are not legally or traditionally required.

(20) Immediate family. – An unemancipated child of the covered person residing in the household and the covered person's spouse, if not legally separated. A member of a covered person's extended family shall also be considered a member of the immediate family if actually residing in the covered person's household.

(21) In session. – One of the following:

a. The General Assembly is in extra session from the date the General Assembly convenes until the General Assembly:

1. Adjourns sine die.
2. Recesses or adjourns for more than 10 days.

b. The General Assembly is in regular session from the date set by law or resolution that the General Assembly convenes until the General Assembly:

1. Adjourns sine die.
2. Recesses or adjourns for more than 10 days.

(22) Judicial employee. – The director and assistant director of the Administrative Office of the Courts and any other individual, designated by the Chief Justice, employed in the Judicial Department whose annual compensation from the State is sixty thousand dollars ($60,000) or more.

(23) Judicial officer. – Justice or judge of the General Court of Justice, district attorney, clerk of court, or any individual elected or appointed to any of these positions prior to taking office.

(24) Legislative action. – The preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion, report, nomination, appointment, or other matter, whether or not the matter is identified by an official title, general title, or other specific reference, by a legislator or legislative employee acting or purporting to act in an official capacity. It also includes the consideration of any bill by the Governor for the Governor's approval or veto under Section 22(1) of Article II of the North Carolina Constitution or for the Governor to allow the bill to become law under Section 22(7) of Article II of the North Carolina Constitution.

(25) Legislative employee. – Employees and officers of the General Assembly, consultants and counsel to committees of either house of the General Assembly or of legislative State Boards, who are paid by State funds, and students at an accredited law school while in an externship program at the General Assembly approved by the Legislative Services State Board, but not including legislators, members of the Council of State, nonsupervisory employees of the Administrative Division's Facility Maintenance and Food Services staff, or pages.

(26) Legislator. – A member or presiding officer of the General Assembly, or an individual elected or appointed a member or presiding officer of the General Assembly before taking office.

(27) Liaison personnel. – Any State employee, counsel employed under G.S. 147-17, or officer whose principal duties, in practice or as set forth in that individual's job description, include lobbying legislators or legislative employees.

(28) Lobby or Lobbying. – Any of the following:

a. Influencing or attempting to influence legislative or executive action, or both, through direct communication or activities with a designated individual or that designated individual's immediate family.

b. Developing goodwill through communications or activities, including the building of relationships, with a designated individual or that designated individual's immediate family with the intention of influencing current or future legislative or executive action, or both.

The terms "lobby" or "lobbying" do not include communications or activities as part of a business, civic, religious, fraternal, personal, or commercial relationship which is not connected to legislative or executive action, or both.

(29) Lobbyist. – An individual who engages in lobbying for payment and meets any of the following criteria:

a. Represents another person or governmental unit but is not directly employed by that person or governmental unit.

b. Contracts for payment for lobbying.

c. Is employed by a person and a significant part of that employee's duties include lobbying. In no case shall an employee be considered a lobbyist if in no 30-day period less than five percent (5%) of that employee's actual duties include engaging in lobbying as defined in

subdivision (28)a. of this section or if in no 30-day period less than five percent (5%) of that employee's actual duties include engaging in lobbying as defined in subdivision (28)b. of this section.

The term "lobbyist" shall not include individuals who are specifically exempted from this Subchapter under Part 5 of Article 5 of this Chapter or registered as liaison personnel under Part 4 of Article 5 of this Chapter.

(30) Lobbyist principal and principal. – The person or governmental unit on whose behalf the lobbyist lobbies and who makes payment for the lobbying. In the case where a lobbyist is paid by a law firm, consulting firm, or other entity retained by a person or governmental unit for lobbying, the principal is the person or governmental unit whose interests the lobbyist represents in lobbying. In the case of a lobbyist employed or retained by an association or other organization, the lobbyist principal is the association or other organization, not the individual members of the association or other organization.

The term "lobbyist principal" shall not include those designating registered liaison personnel under Part 4 of Article 5 of this Chapter.

(31) Nonprofit corporation or organization with which associated. – Any not-for-profit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes and of which the covered person, filing person, or any member of the covered person's or filing person's immediate family is a director, officer, governing board member, employee, lobbyist registered under this Subchapter, or independent contractor. Nonprofit corporation or organization with which associated shall not include any board, entity, or other organization created by this State or by any political subdivision of this State.

(32) Official action. – Any decision, including administration, approval, disapproval, preparation, recommendation, the rendering of advice, and investigation, made or contemplated in any proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, investigation, charge, or rule making.

(33) Participate. – To take part in, influence, or attempt to influence, including acting through an agent or proxy.

(34) Payment. – Any money, thing of value, or economic benefit conveyed to the lobbyist for lobbying, other than reimbursement of actual travel, administrative expenses, or subsistence.

(35) Permanent designee. – An individual designated by a public servant to serve and vote in the absence of the public servant on a regular basis on a board on which the public servant serves.

(36) Person. – Any individual, firm, partnership, committee, association, corporation, business, or any other organization or group of persons acting together. The term "person" does not include the State, a political subdivision of the State, a board, or any other entity or organization created by the State or a political subdivision of the State.

(37) Person with which the legislator is associated. – Any of the following:

a. A member of the legislator's extended family.

b. A client of the legislator.

c. A business with which the legislator or a member of the legislator's immediate family is associated.
d. A nonprofit corporation or association with which the legislator or a member of the legislator's immediate family is associated.
e. The State, a political subdivision of the State, a board, or any other entity or organization created by the State or a political subdivision of the State that employs the legislator or a member of the legislator's immediate family.

(38) Person with which the public servant is associated. – Any of the following:
a. A member of the public servant's extended family.
b. A client of the public servant.
c. A business with which the public servant or a member of the public servant's immediate family is associated.
d. A nonprofit corporation or association with which the public servant or a member of the public servant's immediate family is associated.
e. The State, a political subdivision of the State, a board, or any other entity or organization created by the State or a political subdivision of the State that employs the public servant or a member of the public servant's immediate family.

(39) Political party. – Either of the two largest political parties in the State based on statewide voter registration at the applicable time.

(40) Public servants. – All of the following:
a. Constitutional officers of the State and individuals elected or appointed as constitutional officers of the State prior to taking office.
b. Employees of the Office of the Governor.
c. Heads of all principal State departments, as set forth in G.S. 143B-6, who are appointed by the Governor.
d. The chief deputy and chief administrative assistant of each individual designated under sub-subdivision a. or c. of this subdivision.
e. Confidential assistants and secretaries as defined in G.S. 126-5(c)(2) to individuals designated under sub-subdivision a., c., or d. of this subdivision.
f. Employees in exempt positions designated in accordance with G.S. 126-5(d)(1), (2), or (2a) and confidential secretaries to these individuals.
g. Any other employees or appointees in the principal State departments as may be designated by the Governor to the extent that the designation does not conflict with the State Personnel Act.
h. Judicial employees.
i. All voting members of boards, including ex officio members, permanent designees of any voting member, and members serving by executive, legislative, or judicial branch appointment.
j. For The University of North Carolina, the voting members of the Board of Governors of The University of North Carolina, the president, the vice presidents, the chancellors, the vice-chancellors, and voting members of the boards of trustees of the constituent institutions.
k. For the North Carolina Community College System, the voting members of the State Board of Community Colleges, the president and the chief financial officer of the North Carolina Community

College System, the president, chief financial officer, and chief administrative officer of each community college, and voting members of the boards of trustees of each community college.

l. Members of the State Board, the executive director, and the assistant executive directors of the State Board.

m. Individuals under contract with the State working in or against a position included under this subdivision.

n. The director of the Office of State Personnel.

o. The State Controller.

p. The chief information officer, deputy chief information officers, chief financial officers, and general counsel of the Office of Information Technology Services.

q. The director of the North Carolina Museum of Art.

r. The executive director of the Agency for Public Telecommunications.

s. The Commissioner of Motor Vehicles.

t. The Commissioner of Banks and the Chief Deputy Commissioner of Banks.

u. The executive director of the North Carolina Housing Finance Agency.

v. The executive director, chief financial officer, and chief operating officer of the North Carolina Turnpike Authority.

(41) Reportable expenditure. – Any of the following that directly or indirectly is made to, at the request of, for the benefit of, or on the behalf of a designated individual or that individual's immediate family member:

a. Any advance, contribution, conveyance, deposit, distribution, payment, gift, retainer, fee, salary, honorarium, reimbursement, loan, pledge, or thing of value greater than ten dollars ($10.00) per designated individual per single calendar day.

b. A contract, agreement, promise, or other obligation, whether or not legally enforceable.

(42) State agency. – An agency in the executive branch of the government of this State, including the Governor's Office, a board, a department, a division, and any other unit of government in the executive branch.

(43) State Board. – The State Board of Ethics, Lobbying, and Campaign Finance as established by this Chapter.

(44) Solicitation of others. – A solicitation of members of the public to communicate directly with or contact one or more designated individuals to influence or attempt to influence legislative or executive action to further the solicitor's position on that legislative or executive action, when that request is made by any of the following methods:

a. A broadcast, cable, or satellite transmission.

b. An e-mail communication or a Web site posting.

c. A communication delivered by print media as defined in G.S. 163-278.38Z.

d. A letter or other written communication delivered by mail or by comparable delivery service.

e. Telephone.

f. A communication at a conference, meeting, or similar event.

The term "solicitation of others" does not include communications made by a person or by the person's agent to that person's stockholders, employees, board members, officers, members, subscribers, or other recipients who have affirmatively assented to receive the person's regular publications or notices.

(45) Vested trust. – A trust, annuity, or other funds held by a trustee or other third party for the benefit of the covered person or a member of the covered person's immediate family, except a blind trust. A vested trust shall not include a widely held investment fund, including a mutual fund, regulated investment company, or pension or deferred compensation plan, if:

a. The covered person or a member of the covered person's immediate family neither exercises nor has the ability to exercise control over the financial interests held by the fund; and

b. The fund is publicly traded or the fund's assets are widely diversified.

"**§ 163A-201. Application to the Lieutenant Governor.**

For purposes of this Subchapter, the Lieutenant Governor shall be considered a legislator when carrying out the Lieutenant Governor's duties under Section 13 of Article II of the North Carolina Constitution and a public servant for all other purposes.

"**§ 163A-202. Application to candidates to certain offices.**

For purposes of this Subchapter, the term "legislator" and the term "public servant" shall include an individual having filed a notice of candidacy or otherwise qualified to have that individual's name on the ballot for such office under this Chapter.

"**§ 163A-203. Education programs.**

(a) The State Board shall develop and implement an ethics and lobbying education and awareness program designed to instill in all covered persons and legislative employees a keen and continuing awareness of their ethical obligations and a sensitivity to situations that might result in real or potential conflicts of interest.

(b) The State Board shall offer basic ethics and lobbying education and awareness presentations to all public servants upon their election, appointment; or employment and shall offer periodic refresher presentations as the State Board deems appropriate. Every public servant shall participate in an ethics and lobbying presentation approved by the State Board within six months of the public servant's election, reelection, appointment, or employment and shall attend refresher ethics education presentations at least every two years thereafter in a manner as the State Board deems appropriate. This subsection shall not apply to judicial officers.

(c) A public servant appointed to a board determined and designated as nonadvisory under G.S. 163A-208(a)(3) shall attend an ethics and lobbying presentation approved by the Board within six months of notification of the designation by the State Board and at least every two years thereafter in a manner as the State Board deems appropriate.

(d) The State Board, jointly with the Legislative Ethics Committee, shall make basic ethics and lobbying education and awareness presentations to all legislators and legislative employees upon their election, reelection, appointment, or employment and shall offer periodic refresher presentations as the State Board and the Committee deem appropriate. Every legislator shall participate in an ethics and lobbying presentation approved by the State Board and Committee within two months of either the convening of the General Assembly to which the legislator is elected or within two months of the legislator's appointment, whichever is later. Every legislative employee shall participate in an ethics and lobbying presentation approved by the State Board and Committee within three months of employment and shall attend refresher ethics education presentations at least every two years thereafter in a manner as the State Board and Committee deem appropriate.

(e) The State Board shall develop and implement a lobbying education and awareness program designed to instill in lobbyists and lobbyists' principals a keen and continuing awareness of their obligations and sensitivity to situations that might result in real or potential violation of this Subchapter or other related laws. The State Board shall make lobbying education and awareness programs available to lobbyists and lobbyists' principals.

(f) Upon request, the State Board shall assist each State agency in developing in-house ethics and lobbying education programs and procedures necessary or desirable to meet the State agency's particular needs for ethics education, conflict identification, and conflict avoidance.

(g) Each State agency head shall designate an ethics liaison who shall maintain active communication with the State Board on all State agency ethics and lobbying issues. The ethics liaison shall attend ethics and lobbying education and awareness programs as provided under this section. The ethics liaison shall continuously assess and advise the State Board of any issues or conduct which might reasonably be expected to result in a conflict of interest and seek advice and rulings from the State Board as to their appropriate resolution.

(h) The State Board shall publish a newsletter containing summaries of the State Board's opinions, policies, procedures, and interpretive bulletins with respect to ethics and lobbying as issued from time to time. The newsletter shall be distributed to all covered persons and legislative employees. Publication under this subsection may be done electronically.

(i) The State Board shall assemble and maintain a collection of relevant State laws, rules, and regulations and set forth ethical standards applicable to covered persons and lobbying laws and regulations. This collection shall be made available electronically as resource material.

"**§ 163A-204. Requests for advice.**

(a) At the written request of any public servant or legislative employee, any individual who is responsible for the supervision or appointment of a public servant or legislative employee, legal counsel for any public servant or legislative employee, any ethics liaison under G.S. 163A-203, or any member of the State Board, the State Board shall render advice on specific questions involving the meaning and application of Articles 3 and 4 of this Chapter and the public servant's or legislative employee's compliance therewith. This subsection shall apply to judicial officers only for advice related to Article 3 of this Chapter.

(b) At the request of a legislator, the State Board shall render recommended advice on specific questions involving the meaning and application of this Subchapter and Part 1 of Article 14 of Chapter 120 of the General Statutes and the legislator's compliance therewith. Any recommended formal advisory opinion issued to a legislator under this subsection shall immediately be delivered to the chairs of the Committee, together with a copy of the request. Except for the Lieutenant Governor, the immunity granted under this section shall not apply after the time the Committee modifies or overturns the advisory opinion of the State Board in accordance with G.S. 120-104.

(c) At the written request of any person, State agency, or governmental unit affected by Article 5 of this Subchapter, the State Board shall render advice on specific questions involving the meaning and application of Article 5 of this Subchapter and that person's, State agency's, or governmental unit's compliance therewith.

(d) On its own motion, the State Board may render advisory opinions on specific questions involving the meaning and application of this Subchapter.

(e) All written requests for advice and advice rendered in response to those requests shall relate prospectively to real or reasonably anticipated fact settings or circumstances.

(f) A request for a formal advisory opinion under subsections (a), (b), and (c) of this section shall be in writing, electronic or otherwise. The State Board shall issue formal advisory opinions having prospective application only. Any individual, person, or governmental unit

who relies upon the advice provided on a specific matter addressed by the requested formal advisory opinion shall be immune from all of the following:

(1) Investigation by the State Board, except for an inquiry under G.S. 163A-206(b)(3).

(2) Any adverse action by the employing entity.

(g) At the request of the State Auditor, the State Board shall render advisory opinions on specific questions involving the meaning and application of this Subchapter, Article 14 of Chapter 120 of the General Statutes, and an affected person's compliance therewith. The request shall be in writing, electronic or otherwise, and relate to real fact settings and circumstances. Except when the question involves a question governed by subsection (b) of this section, the State Board shall issue an advisory opinion under this subsection within 60 days of the receipt of all information deemed necessary by the State Board to render an opinion. If the question involves a question governed by subsection (b) of this section, the State Board shall comply with the provisions of that section prior to responding to the State Auditor by delivering the recommended advisory opinion to the Committee within 60 days of the receipt of all information deemed necessary by the State Board to render an opinion. The Committee shall act on the opinion within 30 days of receipt, and the Committee shall deliver the opinion to the State Auditor. If the Committee fails to act on a recommended advisory opinion under this subsection with 30 days of receipt, the State Board shall deliver its recommended advisory opinion to the State Auditor. Notwithstanding subsection (k) of this section, the State Auditor may release only those portions of the advisory opinion necessary to comply with the requirements of G.S. 147-64.6(c)(1).

(h) Staff to the State Board may issue advice, but not formal or recommended formal advisory opinions, under procedures adopted by the State Board.

(i) The State Board shall publish its formal advisory opinions within 30 days of issuance. These formal advisory opinions shall be edited for publication purposes as necessary to protect the identities of the individuals requesting formal advisory opinions. When the State Board issues a recommended formal advisory opinion to a legislator under subsection (b) of this section, the State Board shall publish only the edited formal advisory opinion of the Committee within 30 days of receipt of the edited opinion from the Committee.

(j) Except as provided under subsections (g), (i), and (k) of this section, a request for advice, any advice provided by State Board staff, any formal or recommended formal advisory opinions, any supporting documents submitted or caused to be submitted to the State Board or State Board staff, and any documents prepared or collected by the State Board or State Board staff in connection with a request for advice are confidential. The identity of the individual making the request for advice, the existence of the request, and any information related to the request may not be revealed without the consent of the requestor. An individual who requests advice or receives advice, including a formal or recommended formal advisory opinion, may authorize the release of the request, the advice, or any supporting documents to any other person, the State, or any governmental unit.

For purposes of this section, "document" is as defined in G.S. 120-129. Requests for advice, any advice, and any documents related to requests for advice are not "public records" as defined in G.S. 132-1.

(k) Staff to the State Board may share with staff to the Committee all information and documents related to requests for advice made by legislators under this section. The information and documents in the possession of staff to the Committee are confidential and are not public records.

(l) Requests for advice may be withdrawn by the requestor at any time prior to the issuance of the advice.

"**§ 163A-209 through §163A-249: Reserved for future codification purposes.**

"§ 163A-250. Enforcement.

In addition to any other remedy, penalty, or crime in this Subchapter:

(1) Violation of Articles 3 and 4 of this Chapter by any covered person or legislative employee is grounds for disciplinary action. Except as specifically provided in this Chapter and for perjury under G.S. 163A-206 and G.S. 138A-24, no criminal penalty shall attach for any violation of Articles 3 and 4 of this Chapter.

(2) The willful failure of any public servant serving on a board to comply with Articles 3 and 4 of this Chapter is misfeasance, malfeasance, or nonfeasance. In the event of misfeasance, malfeasance, or nonfeasance, the offending public servant serving on a board is subject to removal from the board of which the public servant is a member. For appointees of the Governor and members of the Council of State, the appointing authority may remove the offending public servant. For appointees of the Speaker of the House of Representatives, the Speaker of the House of Representatives may remove the offending public servant. For appointees of the General Assembly made upon the recommendation of the Speaker of the House of Representatives, the Governor at the recommendation of the Speaker of the House of Representatives may remove the offending public servant. For appointees of the President Pro Tempore of the Senate, the President Pro Tempore of the Senate may remove the offending public servant. For appointees of the General Assembly made upon the recommendation of the President Pro Tempore of the Senate, the Governor at the recommendation of the President Pro Tempore of the Senate may remove the offending public servant. For public servants elected to a board by either the Senate or the House of Representatives, the electing house of the General Assembly shall exercise the discretion of whether to remove the offending public servant. For all other appointees, the State Board shall exercise the discretion of whether to remove the offending public servant.

(3) The willful failure of any public servant serving as a State employee to comply with Articles 3 and 4 of this Chapter is a violation of a written work order, thereby permitting disciplinary action as allowed by the law, including termination from employment. For employees of State departments headed by a member of the Council of State, the appropriate member of the Council of State shall make all final decisions on the manner in which the offending public servant shall be disciplined. For public servants who are judicial employees, the Chief Justice shall make all final decisions on the matter in which the offending judicial employee shall be disciplined. For legislative employees, the Legislative Services Commission shall make or refer to the hiring authority all final decisions on the matter in which the offending legislative employee shall be disciplined. For public servants appointed or elected for The University of North Carolina or the North Carolina Community College System, the appointing or electing authority shall make all final decisions on the matter in which the offending public servant shall be disciplined. For any other public servant serving as a State employee, the Governor shall make all final decisions on the manner in which the offending public servant shall be disciplined.

(4) The willful failure of any constitutional officer of the State to comply with Articles 3 and 4 of this Subchapter is malfeasance in office for purposes of G.S. 123-5.

(5) The willful failure of a legislator, other than the Lieutenant Governor, to comply with Articles 3 and 4 of this Chapter is grounds for sanctions under G.S. 120-103.1.

(6) The State Board may seek to enjoin violations of G.S. 138A-34.

(7) Whoever willfully violates any provision of Part 1 or 2 of Article 5 of this Chapter shall be guilty of a Class 1 misdemeanor, except as provided in that Article. In addition, no lobbyist who is convicted of a violation of the provisions of those Parts shall in any way act as a lobbyist for a period of two years from the date of conviction.

(8) In addition to the criminal penalties set forth in this section, the State Board may levy civil fines for a violation of any provision of Part 1, 3, or 6 of Article 5 of this Chapter up to five thousand dollars ($5,000) per violation.

(9) Complaints of violations of this Subchapter involving the State Board or any member or employee of the State Board shall be referred to the Attorney General for investigation. The Attorney General shall, upon receipt of a complaint, make an appropriate investigation thereof, and the Attorney General shall forward a copy of the investigation to the district attorney of the prosecutorial district as defined in G.S. 7A-60 of which Wake County is a part, who shall prosecute any person or governmental unit who violates any provision of this Subchapter.

(10) The State Board shall perform systematic reviews of reports required to be filed under Article 5 of this Chapter on a regular basis to assure complete and timely disclosure of reportable expenditures.

(11) Nothing in this Subchapter affects the power of the State to prosecute any person for any violation of the criminal law.

"Article 6. Reserved for future codification purposes.

"Article 7. Reserved for future codification purposes.

"Article 8. Reserved for future codification purposes.

"Article 9. Reserved for future codification purposes.

"**SUBCHAPTER III: Reserved for future codification purposes.**

"Articles 10-44. Reserved for future codification purposes.

"**SUBCHAPTER IV. CAMPAIGN FINANCE REGULATION.**

"Article 45."

SECTION 2. Article 1 of Chapter 138A of the General Statutes is repealed.

SECTION 3. The following statutes are repealed: G.S. 138A-6, 138A-7, 138A-8, 138A-9, 138A-13, and 138A-14.

SECTION 4. The following statutes are recodified:

(1) G.S. 138A-10 as G.S. 163A-208.

(2) G.S. 138A-11 as G.S. 163A-205.

(3) G.S. 138A-12 as G.S. 163A-206.

(4) G.S. 138A-15 as G.S. 163A-207.

(5) Article 3 of Chapter 138A of the General Statutes as Article 3 of Chapter 163A of the General Statutes.

SECTION 5. The Revisor of Statutes shall change the term "this Chapter" to "this Subchapter" wherever it appears in G.S. 138A-15, 138A-21, 138A-22, 138A-24, and 138A-25, as recodified by Section 4 of this act.

SECTION 6. Article 4 of Chapter 138A of the General Statutes is recodified as Article 4 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Subchapter" wherever it appears in G.S. 138A-36, 138A-39, and 138A-41, as recodified by this section.

SECTION 7. The following statutes are repealed:

(1) Article 5 of Chapter 138A of the General Statutes.

(2) Article 1 of Chapter 120C of the General Statutes.

SECTION 8. Article 2 of Chapter 120C of the General Statutes is recodified as Part 1 of Article 5 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Article" wherever it appears in G.S. 120C-200, 120C-206, 120C-215, and 120C-216, as recodified by this section.

SECTION 9. Article 3 of Chapter 120C of the General Statutes is recodified as Part 2 of Article 5 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Article" wherever it appears in G.S. 120C-301, 120C-303, and 120C-304, as recodified by this section.

SECTION 10. Article 4 of Chapter 120C of the General Statutes is recodified as Part 3 of Article 5 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Article" wherever it appears in G.S. 120C-400 and G.S. 120C-405, as recodified by this section.

SECTION 11. Article 5 of Chapter 120C of the General Statutes is recodified as Part 4 of Article 5 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Article" wherever it appears in G.S. 120C-501, as recodified by this section.

SECTION 12. Article 6 of Chapter 120C of the General Statutes is repealed.

SECTION 13. Article 7 of Chapter 120C of the General Statutes is recodified as Part 5 of Article 5 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Article" wherever it appears in G.S. 120C-700, as recodified by this section.

SECTION 14. Article 8 of Chapter 120C of the General Statutes is recodified as Part 6 of Article 5 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Article" wherever it appears in G.S. 120C-800, as recodified by this section.

SECTION 15. Article 22A of Chapter 163 of the General Statutes is recodified as Article 45 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "this Chapter" to "this Subchapter" wherever it appears in Article 22A of Chapter 163 of the General Statutes. The Revisor of Statutes shall change the term "Article 22 of this Chapter" to "Article 22 of Chapter 163 of the General Statutes" wherever it appears in G.S. 163-278.19, as recodified by this section. The Revisor of Statutes shall change the term "Article 22D of this Chapter" to "Article 47 of this Chapter" wherever it appears in G.S. 163-278.13, as recodified by this section. The Revisor of Statutes shall change the term "Article 22J of this Chapter" to "Article 50 of this Chapter" wherever it appears in G.S. 163-278.13, as recodified by this section. The Revisor of Statutes shall change the term "Article 22M of Chapter 163 of the General Statutes" to "Article 51 of this Chapter" wherever it appears in G.S. 163-278.16B, as recodified by this section.

SECTION 16. Article 22B of Chapter 163 of the General Statutes is recodified as Article 46 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "Article 22A of this Chapter" to "Article 45 of this Chapter" wherever it appears in Article 22B of the General Statutes, as recodified by this section.

SECTION 17. Article 22D of Chapter 163 of the General Statutes is recodified as Article 47 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "Article 22A of this Chapter" to "Article 45 of this Chapter" wherever it appears in G.S. 163-278.64, as recodified by this section. The Revisor of Statutes shall change the term "Article 25 of this Chapter" to "Article 25 of Chapter 163 of the General Statutes" wherever it appears in G.S. 163-278.64, as recodified by this section.

SECTION 18. Article 22G of Chapter 163 of the General Statutes is recodified as Article 48 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "Article 22A of this Chapter" to "Article 45 of this Chapter" wherever it appears in Article 22G of Chapter 163 of the General Statutes, as recodified by this section.

SECTION 19. Article 22H of Chapter 163 of the General Statutes is recodified as Article 49 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "Article 22A of this Chapter" to "Article 45 of this Chapter" wherever it appears in Article 22H of Chapter 163 of the General Statutes, as recodified by this section.

SECTION 20. Article 22J of Chapter 163 of the General Statutes is recodified as Article 50 of Chapter 163A of the General Statutes. The Revisor of Statutes shall change the term "Article 22A of this Chapter" to "Article 45 of this Chapter" wherever it appears in G.S. 163-278.98, as recodified by this section.

SECTION 21. Article 22M of Chapter 163 of the General Statutes is recodified as Article 51 of Chapter 163A of the General Statutes.

SECTION 22. G.S. 150B-1(c)(16) is repealed.

SECTION 23. The Revisor of Statutes shall change the terms "Chapter 120C of the General Statutes" to "this Subchapter" wherever it appears in Chapter 138A of the General Statutes.

SECTION 24. The Revisor of Statutes shall change the terms "Chapter 138A of the General Statutes" to "this Subchapter" wherever it appears in Chapter 120C of the General Statutes.

SECTION 25. The Revisor of Statutes shall change the cite "G.S. 138A-3" to "G.S. 163A-200" wherever it appears in the General Statutes.

SECTION 26. The Revisor of Statutes shall change the terms "Commission," "Secretary of State," and "Secretary" to "State Board" wherever it appears in Chapter 163A of the General Statutes, as enacted by this act.

SECTION 27. The Revisor of Statutes, in recodifying any statute or Article as instructed in this act, shall also renumber and change internal cross-references in those statutes and Articles accordingly.

SECTION 28. The following statutes are amended by deleting "State Ethics Commission" and substituting "State Board of Ethics, Lobbying, and Campaign Finance":

(1) G.S. 115D-2.1.
(2) G.S. 116-7.
(3) G.S. 120-102.
(4) G.S. 120-103.1.
(5) G.S. 120-104.
(6) G.S. 120C-100(a).
(7) G.S. 143-47.7.
(8) G.S. 143B-350.
(9) G.S. 143B-417.
(10) G.S. 147-64.6.

SECTION 29. G.S. 105-159.1 reads as rewritten:

"(b) Amounts designated under subsection (a) shall be credited to the North Carolina Political Parties Financing Fund on a quarterly basis. Interest earned by the Fund shall be credited to the Fund and shall be allocated among the political parties on the same basis as the principal of the Fund. The State Board of ~~Elections,~~ Ethics, Lobbying, and Campaign Finance which administers the Fund, shall make a quarterly report to each State party chairman stating the amount of funds allocated to each party for that quarter, the cumulative total of funds allocated to each party to date for the year, and an estimate of the probable total amount to be collected and allocated to each party for that calendar year."

SECTION 30. G.S. 105-159.2(b) reads as rewritten:

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

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

SECTION 31. G.S. 120-70.141 reads as rewritten:

"**§ 120-70.141. Purpose and powers of Committee.**

(a) The Joint Legislative Elections Oversight Committee shall examine, on a continuing basis, election administration and campaign finance regulation in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve elections administration and campaign finance regulation. In this examination, the Committee shall do the following:

(1) Study the budgets, programs, and policies of the State Board of Elections and the county boards of elections to determine ways in which the General Assembly may improve election ~~administration and campaign finance regulation.~~administration.

(1a) Study the budgets, programs, and policies of the State Board of Ethics, Lobbying, and Campaign Finance and the county boards of elections to determine ways in which the General Assembly may improve campaign finance regulation.

(2) Examine election statutes and court decisions to determine any legislative changes that are needed to improve election administration and campaign finance regulation.

(3) Study other states' initiatives in election administration and campaign finance regulation to provide an ongoing commentary to the General Assembly on these initiatives and to make recommendations for implementing similar initiatives in North Carolina; and

(4) Study any other election matters that the Committee considers necessary to fulfill its mandate.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee."

SECTION 32. G.S. 143B-417(1) is amended by adding a new sub-subdivision to read:

"ee. The State Board of Ethics, Lobbying, and Campaign Finance."

SECTION 33. G.S. 147-64.6B(b) reads as rewritten:

"(b) The Auditor shall investigate reports of allegations of improper governmental activities of State agencies and State employees within the scope of authority set forth in G.S. 147-64.6, including misappropriation, mismanagement, or waste of State resources, fraud, violations of State or federal law, rule or regulation by State agencies or State employees administering State or federal programs, and substantial and specific danger to the public health and safety. When the allegation involves issues of substantial and specific danger to the public health and safety, the Auditor shall notify the appropriate State agency immediately. When the Auditor believes that an allegation of improper governmental activity is outside the authority set forth in G.S. 147-64.6, the Auditor shall refer the allegation to the appropriate State agency responsible for the enforcement or administration of the matter for investigation. When the Auditor believes that an allegation of improper governmental activity involves matters set forth in subdivisions (1), (2), or (3) of this subsection, those matters shall be referred as follows:

(1) Allegations of criminal misconduct to either the State Bureau of Investigation or the District Attorney for the county where the alleged misconduct occurred.

(2) Allegations of violations of ~~Chapter 138A, Chapter 120C,~~Chapter 163A and Article 14 of Chapter 120 of the General Statutes to the State ~~Ethics Commission.~~Board of Ethics, Lobbying, and Campaign Finance.

(3) Allegations of violations of Chapter 163 of the General Statutes to the State Board of Elections."

SECTION 34. G.S. 150B-1(d)(16) is repealed.

SECTION 35. G.S. 150B-38(a)(6) reads as rewritten:

"(6) The State Board of ~~Elections~~ Ethics, Lobbying, and Campaign Finance in the administration of any investigation or audit under the provisions of Article 22A of Chapter 163 of the General Statutes."

SECTION 36. Any previous assignment of duties of a quasi-legislative or quasi-judicial nature by the Governor or General Assembly to the agencies or functions transferred by this act shall have continued validity with the transfer under this act. Except as otherwise specifically provided in this act, each enumerated commission, board, or other function of State government transferred to the State Board created in this act is a continuation of the former entity for purposes of succession to all the rights, powers, duties, and obligations of the former. Where the former entities are referred to by law, contract, or other document in their former name, the State Board created in this act is charged with exercising the functions of the former named entity.

SECTION 37. No action or proceeding pending on January 1, 2012, brought by or against the State Board of Elections regarding campaign finance, State Ethics Commission, or the Secretary of State regarding the lobbyist registration and lobbying enforcement of the Secretary of State shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the State Board created in this act. In these actions and proceedings, the State Board or its Executive Director, as appropriate, shall be substituted as a party upon proper application to the courts or other administrative or quasi-judicial bodies.

Any business or other matter undertaken or commanded by any State program or office or contract transferred by this act to the State Board pertaining to or connected with the functions, powers, obligations, and duties set forth herein, which is pending on January 1, 2012, may be conducted and completed by the State Board in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the original program, office, or commissioners or directors thereof.

SECTION 38. The consolidation provided for under this act shall not affect any ongoing investigation or audit. Any ongoing hearing or other proceeding before the State Ethics Commission or State Board of Elections related to campaign finance shall be transferred to the State Board, as created by this act. Prosecutions for offenses or violations committed before January 1, 2012, are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

SECTION 39. Any rule, policy, procedure, or other guidance document not subject to Chapter 150B of the General Statutes adopted by the State Ethics Commission, Secretary of State related to lobbying, or State Board of Elections related to campaign finance shall remain in effect until the State Board amends or repeals that rule, policy, procedure, or other guidance document. The list of covered boards adopted by the State Ethics Commission under G.S. 138A-10(a)(3) shall continue in effect until amended or repealed by the State Board.

SECTION 40. Any evaluation of a statement of economic interest issued by the State Ethics Commission pursuant to Article 3 of Chapter 138A of the General Statutes in 2011 shall remain in effect amended or repealed by the State Board.

SECTION 41. The authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the State Ethics Commission are transferred to the State Board, as created in Section 1 of this act. The authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the State Board of Elections related to campaign finance are transferred to the State Board as created in Section 1 of this act. The authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the lobbying registration and lobbying enforcement functions of the Secretary of State are transferred to the State Board, as created in Section 1 of this act. The Director of the Budget shall resolve any disputes arising out of this transfer.

SECTION 42. Within six months of its initial appointment, the State Board shall adopt rules consistent with this act regarding its investigations and hearings. In the absence of such rules, the State Board shall conduct its investigations and hearings to ensure fairness to the parties and enforcement of the law consistent with this act.

SECTION 43. Until such time as the State Board appoints an Executive Director, the director under G.S. 163A-9 with the most State service shall be acting Executive Director.

SECTION 44. The State Ethics Commission is transferred to the State Board of Ethics, Lobbying, and Campaign Finance, and the transfer shall have all the elements of a Type I transfer under G.S. 143A-6.

SECTION 45. The campaign finance functions of the State Board of Elections including the staff assigned to those functions on June 1, 2011, are transferred to the State Board of Ethics, Lobbying, and Campaign Finance, and the transfers shall have all the elements of a Type I transfer under G.S. 143A-6. Specifically, the following positions shall be transferred: Deputy Director of Campaign Finance (Position 60088200), Administrative Assistant II (Position 60088206), Administrative Assistant II (Position 60088204), Elections Specialist II (Position 60088201), Governmental Accounts Auditor (Position 60088252), Government Accounts Auditor (Position 65005659), Governmental Accounts Auditor II (Position 65005661), Governmental Accounts Auditor II (Position 65005663), Adminstrative Officer III (Position 60088209), Elections Specialist III (Position 60088257), Elections Specialist III (Position 60088256), and Program Auditor (Position 60088205).

SECTION 46. The lobbying registration and lobbying enforcement functions of the Secretary of State are transferred to the State Board of Ethics, Lobbying and Campaign Finance, and the transfers shall have all the elements of a Type I transfer under G.S. 143A-46.

Specifically, the following positions shall be transferred: Lobbying Compliance (Position 600008800) and Lobbying Investigator (Position 60008806).

SECTION 47. The State Board of Ethics, Lobbying and Campaign Finance, as constituted and authorized by this act shall be appointed begin work on or before October 1, 2011. Any actions taken by the State Board prior to January 1, 2012 shall not become effective until January 1, 2012 or a later date specified by the State Board, and must be ratified and affirmed by the State Board after January 1, 2012. From appointment until January 1, 2012, the person to be the Executive Director, as designated by Section 43 of this act, shall serve as staff to the State Board in addition to all other duties held in that person's current position.

SECTION 48. The State Board shall report to the Joint Legislative Elections Oversight Committee and the Legislative Ethics Committee on or before April 1, 2012, and again on or before March 1, 2013, as to recommendations for statutory changes necessary to further implement this consolidation.

SECTION 49. Section 47 of this act becomes effective when it becomes law. The remainder of this act becomes effective January 1, 2012.

ATTACHMENT 5

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 710

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

H710-AST-48 [v.1]

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

Date _____,2011

Representative Stam

moves to amend the bill on page 22, lines 9-10 by inserting the following between those lines:

"**SECTION 47.5.** In making appointments to the State Board of Ethics, Lobbying and Campaign Finance, the Speaker of the House of Representatives and the Senate President Pro Tempore shall select from a list of three names submitted by the minority leader in making one appointment to the State Board. In making appointments to the State Board, the Governor shall select from a list of three names submitted by the executive committee of the opposite political party in making one appointment to the State Board.";

and on page 22, line 14 by deleting "Section 47 of this act becomes" and substituting "Sections 47 and 47.5 of this act become" on that line.

SIGNED Stam
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____
voice call

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 710

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

H710-AST-48 [v.1]

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

Date _____,2011

Representative Stam

moves to amend the bill on page 22, lines 9-10 by inserting the following between those lines:

"**SECTION 47.5.** In making appointments to the State Board of Ethics, Lobbying and Campaign Finance, the Speaker of the House of Representatives and the Senate President Pro Tempore shall select from a list of three names submitted by the minority leader in making one appointment to the State Board. In making appointments to the State Board, the Governor shall select from a list of three names submitted by the executive committee of the opposite political party in making one appointment to the State Board.";

and on page 22, line 14 by deleting "Section 47 of this act becomes" and substituting "Sections 47 and 47.5 of this act become" on that line.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Attachment #5

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1 710

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

H1-ATC-82 [v.1]

Comm. Sub. [YES]
Amends Title [YES]

Date _____,2011

Representative Ross

moves to amend the bill on page 1, lines 2-6, by rewriting those lines to read:

" AN ACT TO STUDY COMBINING THE FUNCTIONS OF THE STATE ETHICS COMMISSION, THE LOBBYING SECTION OF THE SECRETARY OF STATE, AND THE CAMPAIGN FINANCE DIVISION OF THE STATE BOARD OF ELECTIONS INTO A SINGLE AGENCY."

And on page 1, line 8 through page 22, line 15, by rewriting those lines to read:

SECTION 1. The Legislative Ethics Committee shall study combining the functions of the State Ethics Commission, the Lobbying Section of the Secretary of State, and the Campaign Finance Division of the State Board of Elections into a single agency. The Legislative Ethics Commission shall report its recommendations to the 2012 Session of the 2011 General Assembly.

SECTION 2. This act is effective when it becomes law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED X TABLED _____

11 yes in favor
division 15 no oppose

H1-ATC-82-V-1

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1

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

H1-ATC-82 [v.1]

Comm. Sub. [YES]
Amends Title [YES]

Date _____,2011

Representative Ross

moves to amend the bill on page 1, lines 2-6, by rewriting those lines to read:

" AN ACT TO STUDY COMBINING THE FUNCTIONS OF THE STATE ETHICS COMMISSION, THE LOBBYING SECTION OF THE SECRETARY OF STATE, AND THE CAMPAIGN FINANCE DIVISION OF THE STATE BOARD OF ELECTIONS INTO A SINGLE AGENCY."

And on page 1, line 8 through page 22, line 15, by rewriting those lines to read:

SECTION 1. The Legislative Ethics Committee shall study combining the functions of the State Ethics Commission, the Lobbying Section of the Secretary of State, and the Campaign Finance Division of the State Board of Elections into a single agency. The Legislative Ethics Commission shall report its recommendations to the 2012 Session of the 2011 General Assembly.

SECTION 2. This act is effective when it becomes law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

ATTACHMENT 6

2011 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for

HB 300 A BILL TO BE ENTITLED AN ACT TO ROTATE THE ORDER OF CANDIDATES AND POLITICAL PARTIES AS THEY APPEAR ON BALLOTS, TO ELIMINATE STRAIGHT-PARTY TICKET VOTING, AND TO PROVIDE PARTISAN BALANCE ON THE STATE BOARD OF ELECTIONS.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

____/___ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

ATTACHMENT 6

HOUSE BILL 300:
Election Fairness Act of 2011

2011-2012 General Assembly

Committee:	House Elections	**Date:**	June 7, 2011
Introduced by:	Reps. Jones, Hager	**Prepared by:**	Kara McCraw Committee Counsel
Analysis of:	PCS to First Edition H300-CSST-55		

SUMMARY: ***The proposed committee substitute for HB 300 would require county board of elections to order candidates and parties for any ballot item on both primary and general ballots using a process designed by the State Board of Elections for rotation of names.***

The proposed committee substitute would remove the remaining sections of the original bill.

CURRENT LAW: G.S. 163-165.6(c) and (d) provide for the order of candidates on primary and general election ballots.

Primary Election: The order for candidates in a primary ballot item is determined by the county board of elections using a process designed by the State Board of Elections for random selection.

General Election: The order for candidates in a general election ballot item is as follows:

1. Nominees of political parties with at least 5% of statewide voter registration are listed in alphabetical order by party and in alphabetical order within the party.
2. Nominees of other political parties are listed in alphabetical order by party and in alphabetical order within the party.
3. Unaffiliated candidates, listed in alphabetical order.

BILL ANALYSIS: The PCS for HB 300 would amend G.S. 163-165.6 to eliminate the current requirements for candidate ballot order in primary and general elections.

The PCS for HB 300 would instead require that, for both primary and general elections, the order for both candidates and political parties in any ballot item would be determined by the county board of elections using a process designed by the State Board of Elections for random selection of names.

The process should do the following:

- Rotate the official ballots so that the names of candidates and parties appear in the maximum number of different orders.
- Result in a reasonably even rotation of differently ordered official ballots among the ballot styles in each county in the same election. All official ballots of the same ballot style in the county should be in the same order.
- Use the same process of rotation among ballot styles for candidates in party primary ballot items, nonpartisan ballot items, and partisan general election ballot items.
- In rotating names in a partisan general election, there should be no distinction in the rotation system between party nominees and unaffiliated candidates.
- In a partisan general election, rotation would not be required among multiple nominees of the same party in a multi-seat ballot item, as long as the groups of party nominees are rotated by party name.
- Rotation would not be required for choice in referenda.

EFFECTIVE DATE: HB 300 would become effective with respect to elections conducted on or after January 1, 2012. HB 300 may not be implemented until the session law has received "preclearance" approval under Section 5 of the Voting Rights Act of 1965.

H300-SMTC-37(CSST-55) v4

ATTACHMENT 6

GENERAL ASSEMBLY OF NC
SESSION 2011

H D

HOUSE BILL 300
PROPOSED COMMITTEE SUBSTITUTE H300-CSST-60 [v.2]

6/8/2011 12:02:09 PM

Short Title: Election Fairness Act of 2011. (Public)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO ROTATE THE ORDER OF CANDIDATES AND POLITICAL PARTIES AS THEY APPEAR ON BALLOTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-165.6 reads as rewritten:

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

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

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

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

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

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

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

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

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

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

(1) Nominees of political parties that reflect at least five percent (5%) of statewide voter registration, according to the most recent statistical report published by the State Board of Elections, ~~in alphabetical order by party and~~ in alphabetical order within the party.

(2) Nominees of other political parties, ~~in alphabetical order by party and~~ in alphabetical order within the party.

(3) Unaffiliated candidates, in alphabetical order.

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

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

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

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

(1) Proposed amendments to the North Carolina Constitution, in the chronological order in which the proposals were approved by the General Assembly.

(2) Other referenda to be voted on by all voters in the State, in the chronological order in which the proposals were approved by the General Assembly.

(3) Referenda to be voted on by fewer than all the voters in the State, in the chronological order of the acts by which the referenda were properly authorized."

SECTION 2. This act becomes effective with respect to elections conducted on or after January 1, 2012, with the political parties not listed first in that political party's category under G.S. 163-165.6(d) in the last statewide general election being listed as first under G.S. 163-165.6(d1) as enacted by this act.

[redacted] ATTACHMENT 7

VISITOR REGISTRATION SHEET

Election Committee — 06/08/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joni Allen	BEGINNINGS
Amanda Gladin-Kranz	Office of the Gov.
Jonathon Martin	JLF
Cameron McCormick	Office of the Gov.
[redacted]	NMSS-NC
Hunt Hanks	NMSS-NC
Greg Flynn	gregflynn.org
BILL GILKESON	BAILEY & DIXON
[redacted]	NCCLGR
Chris Farr	Americans for Prosperity

VISITOR REGISTRATION SHEET

Election Committee — 6-8-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gary Bartlett	SBE
Johnnie McLean	"
Kathleen Edwards	State Ethics Commission
Perry Newsom	" " "
Hadley Haynes	SOS
Rodney Madden	SOS
Melissa Rico	NCUCE
Kim Strach	SBE
Chris Telesca	Wake Verified Voting
Robert Wilson	SOS
Damon Circosta	NC Voter Ed

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Elections

DATE: 1/18-11 **Room:** 421

*Name: Daniel Nells
County: Gaston
Sponsor: Current
*Name: Garrett Heath
County: Gaston County
Sponsor: Thom Tillis
*Name: Grayson Russell
County: Wake
Sponsor: Thom Tillis
*Name:
County:
Sponsor:
*Name:
County:
Sponsor:

House Sgt-At Arms:

1. Name: Champ Claris
2. Name: James Worth
3. Name: Todd Batchelor
4. Name:
5. Name:
6. Name:

Election Committee Meeting

June 14, 2011

Attachment 1:	Committee Notice
Attachment 2:	Minutes
Attachment 3:	SB 356 Committee Report, CS, Bill summary
Attachment 4:	SB 712 Committee Report, Bill summary, CS
Attachment 5:	SB 456 Committee Report, Bill summary, CS
Attachment 6:	SB 411 Committee Report, PCS, Roll Call Vote
Attachment 7:	SB 47 PCS, Staff handout, Roll Call vote
Attachment 8:	Visitor Registration Sheet

Attach # 2

MinutesCommittee on Elections

Tuesday, June 14, 2011

The House Committee on Elections met on Tuesday, June 14, 2011, in room 421 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Burr, Current, Jones and Jordan Co-Chairs, Representatives Alexander, Blust, Cotham, Dixon, Faircloth, Fisher, Floyd, Graham, Harrison, Iler, Justice, Killian, Martin, Michaux, Mills, Mobley, T. Moore, Ross, Sager, Stam, Starnes, Warren, Weiss. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw, and Denise Huntley Adams. The Chair called the meeting to order at 4:04 PM and recognized the pages sergeant at arms. The Chair announced that the committee would hear the following bills in the order listed: SB 356, SB 712, SB 456 & SB 47. If there is time that SB 411 would be heard.

The first order of business was SB 356 No Run for Two Offices/Same General Elections. Rep. Adams spoke on the bill. A Bill Summary was distributed. After discussion Rep. Stam moved for a favorable report. The motion carried.

The second order of business was SB 712 Adjust Quarterly Reporting. A Bill Summary was distributed. Rep. Stam talked on the Bill Summary. After discussion Rep. Michaux moved for a favorable report. The motion carried.

The third order of business was SB 456 Candidate List Party or Unaffiliated Status. A Bill Summary was distributed to the committee Rep. Lewis introduced the bill. After discussion Rep. Starnes moved for a favorable report to the Senate Committee substitute bill. Motion carried.

A Committee Notice was sent out for SB 411 Vote for the Person, Not the Part Act. A Proposed Committee Substitute was given to the committee. Rep. Lewis asked for questions from the committee. After much discussion a Motion was made favorable to the House Committee Substitute which changes the title unfavorable to the original bill. A roll call vote was taken with 13 voting yes and 12 voting no. The motion passed.

The committee then took up SB 47 Restore Confidence in Elections. After much discussion on this bill a Motion was made favorable to the PCS. A roll Call vote was taken. 10 yes and 13 no's. The motion failed.The meeting was adjourned at 6:30 PM

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

[redacted]

ATTACHMENT 1

Cancelled Notice

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Tuesday, June 14, 2011
TIME: 9:30 PM
LOCATION: 643 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 47	Restore Partisan Judicial Elections.	Senator Tillman

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 PM** o'clock on **June 14, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

ATTACHMENT 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Tuesday, June 14, 2011
TIME: 9:30 PM or 5 minutes after recess (WHICHEVER IS LATER)
LOCATION: 643 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 47	Restore Partisan Judicial Elections.	Senator Tillman

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **8 PM** o'clock on **June 14, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

ATTACHMENT 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Tuesday, June 14, 2011
TIME: 5:40 PM
LOCATION: 421 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 411	Vote for the Person, Not the Party Act.	Senator Newton Senator Meredith Senator Brown

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **5 PM** o'clock on **June 14, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

ATTACHMENT 1

Corrected Notice #2. SB 456 added

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Tuesday, June 14, 2011
TIME: 4:00 PM
LOCATION: 421 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 47	Restore Partisan Judicial Elections.	Senator Tillman
SB 356	No Filing for Party and Unaffiliated.	Senator Robinson
SB 456	Candidate List Party or Unaffiliated Status.	Senator Goolsby
SB 712	Adjust Quarterly Reporting.	Senator Nesbitt Senator Brown

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12 PM** o'clock on **June 14, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

ATTACHMENT 1

Corrected Notice Senate Bills 356 & 712 added

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Tuesday, June 14, 2011
TIME: 4:00 PM
LOCATION: 421 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 47	Restore Partisan Judicial Elections.	Senator Tillman
SB 356	No Filing for Party and Unaffiliated.	Senator Robinson
SB 712	Adjust Quarterly Reporting.	Senator Nesbitt
		Senator Brown

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12 PM** o'clock on **June 14, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

ATTACHMENT 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Tuesday, June 14, 2011
TIME: 4:00 PM
LOCATION: 421 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 47	Restore Partisan Judicial Elections.	Senator Tillman

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **11 AM** o'clock on **June 14, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

ATTACHMENT 1

Corrected Notice #2. SB 456 added

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Tuesday, June 14, 2011
TIME: 4:00 PM
LOCATION: 421 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 47	Restore Partisan Judicial Elections.	Senator Tillman – Rep. Burr
SB 356	No Filing for Party and Unaffiliated.	Senator Robinson Rep. Adams
SB 456	Candidate List Party or Unaffiliated Status.	Senator Goolsby – Rep. Justice
SB 712	Adjust Quarterly Reporting.	Senator Nesbitt – Rep. Starnes Senator Brown

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12 PM** o'clock on **June 14, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment #3

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☒Committee Substitute for

SB 356 A BILL TO BE ENTITLED AN ACT TO LIMIT AN INDIVIDUAL FROM RUNNING ON THE SAME GENERAL ELECTION BALLOT FOR MORE THAN ONE OFFICE, EXCEPT TO FILL A VACANCY FOR THE REMAINDER OF AN UNEXPIRED TERM.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

Attachment #3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 356*
Judiciary I Committee Substitute Adopted 6/7/11

Short Title: No Run for Two Offices/Same General Elections. (Public)

Sponsors:

Referred to:

March 17, 2011

A BILL TO BE ENTITLED

AN ACT TO LIMIT AN INDIVIDUAL FROM RUNNING ON THE SAME GENERAL ELECTION BALLOT FOR MORE THAN ONE OFFICE, EXCEPT TO FILL A VACANCY FOR THE REMAINDER OF AN UNEXPIRED TERM.

The General Assembly of North Carolina enacts:

SECTION 1. Article 11 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-124. No run for two separate offices at the same time.**

(a) No individual is eligible to have that individual's name on the general election ballot for two separate offices, unless one of the offices is for the remainder of the unexpired term for an office that requires an election to fill the unexpired portion of the term.

(b) This section shall apply to any individual nominated under Article 9 of this Chapter, filing under G.S. 163-106, or filing a petition under this Article."

SECTION 2. This act is effective with respect to elections occurring on or after January 1, 2012.

Attachment #3

SENATE BILL 356:
No Run for Two Offices/Same General Elections

2011-2012 General Assembly

Committee:	House Elections	**Date:**	June 14, 2011
Introduced by:	Sen. Robinson	**Prepared by:**	R. Erika Churchill
Analysis of:	Second Edition		Committee Counsel

SUMMARY: Senate Bill 356 limits an individual from running on the same general election ballot for more than one office except to fill a vacancy for the remainder of an unexpired term.

CURRENT LAW: Generally, candidates gain access to the general election ballot in a number of ways, as follows:

- ***Party nominees:***
  - By filing a notice of candidacy and running in a primary. G.S. 163-106.
  - By nomination of a new political party. G.S. 163-98.
- ***Unaffiliated Candidates***: By filing a petition with the appropriate board of elections by noon on the last Friday in July before the general election, with the appropriate number of signatures as follows:
  - *For Statewide office:* Petition must have signature of qualified voters equal to 2% of the vote for Governor in the most recent election, and must be signed by 200 voters from 4 Congressional districts.
  - *For district office:* Petition must have signature of qualified voters of the district equal to 4% of the total number of registered voters in that district.
  - *For county office or single county legislative district:* Petition must have signature of qualified voters of the county equal to 4% of the total number of registered voters in that county.
  - *For partisan municipal office*: Petition must have signature of qualified voters of the municipality equal to 4% of the total number of registered voters in that municipality (petition is due by noon on Friday before 7th Saturday before the election).
- ***Write-in Candidates:*** By filing a declaration of intent, and filing a subsequent petition by noon on the 90th day before the general election with the appropriate board of elections, with the appropriate number of signatures as follows:
  - *For Statewide office:* Petition must have signatures of 500 qualified voters of the State.
  - *For district office:* Petition must have signatures of 250 qualified voters.
  - *For county office, single county legislative district, or partisan school district:* Petition must have signatures of 100 qualified voters who are eligible to vote for the office, unless fewer than 5,000 people are eligible to vote for the office, then signatures of at least 1% of the registered voters eligible to vote.

Individuals are permitted to file only one notice of candidacy per election, unless it is to fill an unexpired term as U.S. Senator or U.S. Representative. G.S. 163-106(h). Changes in party affiliation must be completed at least 90 days before filing a notice of candidacy for a party primary. Individuals

registered as unaffiliated are ineligible to file as a candidate in a party primary election. G.S. 163-106(b). An individual who appeared on the primary ballot is not eligible to be nominated to fill a vacancy in the nomination of another party for the same office in the same year. G.S. 163-114.

Individuals appearing on the primary ballot for the same office are not eligible as unaffiliated candidates for that office. G.S. 163-122. Individuals appearing on the primary ballot are not eligible to have votes counted for that individual as a write-in candidate for the same office in that year. G.S. 163-123.

BILL ANALYSIS: Senate Bill 356 limits an individual from running on the same general election ballot for more than one office except to fill a vacancy for the remainder of an unexpired term, regardless of how that individual gained access to the ballot.

EFFECTIVE DATE: January 1, 2012, but may not be implemented until the session law has received 'preclearance' approval under Section 5 of the Voting Rights of 1965.

S356-SMST-64(e2) v1

Attach. #3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 356*
Judiciary I Committee Substitute Adopted 6/7/11

Short Title: No Run for Two Offices/Same General Elections. (Public)

Sponsors:

Referred to:

March 17, 2011

A BILL TO BE ENTITLED

AN ACT TO LIMIT AN INDIVIDUAL FROM RUNNING ON THE SAME GENERAL ELECTION BALLOT FOR MORE THAN ONE OFFICE, EXCEPT TO FILL A VACANCY FOR THE REMAINDER OF AN UNEXPIRED TERM.

The General Assembly of North Carolina enacts:.

SECTION 1. Article 11 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-124. No run for two separate offices at the same time.**

(a) No individual is eligible to have that individual's name on the general election ballot for two separate offices, unless one of the offices is for the remainder of the unexpired term for an office that requires an election to fill the unexpired portion of the term.

(b) This section shall apply to any individual nominated under Article 9 of this Chapter, filing under G.S. 163-106, or filing a petition under this Article."

SECTION 2. This act is effective with respect to elections occurring on or after January 1, 2012.

Attach. #4

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☒Committee Substitute for

SB 712 A BILL TO BE ENTITLED AN ACT TO ADJUST THE CALENDAR PERIODS COVERED BY QUARTERLY REPORTS OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

Attach #4

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 712
Judiciary I Committee Substitute Adopted 6/7/11

Short Title: Adjust Quarterly Reporting. (Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO ADJUST THE CALENDAR PERIODS COVERED BY QUARTERLY REPORTS OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.9(a)(5a) reads as rewritten:

"(5a) Quarterly Reports. – During even-numbered years during which there is an election for that candidate or in which the campaign committee is supporting or opposing a candidate, the treasurer shall file a report by mailing or otherwise delivering it to the Board no later than seven working days after the end of each calendar quarter covering the prior calendar quarter, except that:

a. The report for the first quarter shall also cover the period in April through the seventeenth day before the primary, the first quarter report shall be due seven days after that date, and the second quarter report shall not include that period if a first quarter report was required to be ~~filed; and~~filed.

b. The report for the third quarter shall also cover the period in October through the seventeenth day before the election, the third quarter report shall be due seven days after that date, and the fourth quarter report shall not include that period if a third quarter report was required to be filed.

c. The report for the fourth quarter shall also cover the period through the last day in January after the election, the fourth quarter report shall be due 14 days after that date, and the next required report shall not cover that period if a fourth quarter report was required to be filed."

SECTION 2. This act becomes effective October 1, 2012, and applies to reports covering calendar periods occurring after that date.

[redacted] Attach. #4

SENATE BILL 712: Adjust Quarterly Reporting

2011-2012 General Assembly

Committee:	House Elections	**Date:**	June 14, 2011
Introduced by:	Sens. Nesbitt, Brown	**Prepared by:**	R. Erika Churchill Committee Counsel
Analysis of:	Second Edition		

SUMMARY: ***Senate Bill 712 changes the calendar period for fourth quarter campaign finance reports of candidates, political committees, electioneering communications and independent expenditures.***

CURRENT LAW: Current law requires certain reports to be filed at certain times with respect to campaign finance. The same reporting schedule applies to:

- Political committees – candidates included
- Political parties
- Independent expenditures
- Electioneering communications

The following reports are to be filed at the time stated:

- Organizational Report – within 10 days following organization.
- 48 Hour Report – within 48 hours of receipt of a contribution or transfer of $1,000 or more before an election but after the period covered by the last report due before the election.
- Quarterly Reports – in even-numbered years, within 7 working days after the end of the calendar quarter for that quarter, except that:
  - In the 1st quarter, the report shall include the period in April through the 17th day before the primary and the 2nd quarter report shall not include that period.
  - In the 3rd quarter, the report shall include the period in October through the 17th day before the election, and the 4th quarter report shall not include that period.
- Semi-annual reports – in any time period not already covered, if contributions are received or expenditures are made, then a report is due on the last day of July for the period January 1 – June 30, and on the last day of January for July 1 – December 31.

BILL ANALYSIS: Senate Bill 712 amends the provision requiring quarterly reports to provide that in the 4th quarter, the report shall include the January following the election, the next required report shall not include that period, and the 4th quarter report is due within 14 days after the close of period.

EFFECTIVE DATE: October 1, 2012 and applies to reports covering dates after that.

S712-SMST-63(e2) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 712
Judiciary I Committee Substitute Adopted 6/7/11

Short Title: Adjust Quarterly Reporting. (Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO ADJUST THE CALENDAR PERIODS COVERED BY QUARTERLY REPORTS OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.9(a)(5a) reads as rewritten:

"(5a) Quarterly Reports. – During even-numbered years during which there is an election for that candidate or in which the campaign committee is supporting or opposing a candidate, the treasurer shall file a report by mailing or otherwise delivering it to the Board no later than seven working days after the end of each calendar quarter covering the prior calendar quarter, except that:

a. The report for the first quarter shall also cover the period in April through the seventeenth day before the primary, the first quarter report shall be due seven days after that date, and the second quarter report shall not include that period if a first quarter report was required to be ~~filed; and~~filed.

b. The report for the third quarter shall also cover the period in October through the seventeenth day before the election, the third quarter report shall be due seven days after that date, and the fourth quarter report shall not include that period if a third quarter report was required to be filed.

c. The report for the fourth quarter shall also cover the period through the last day in January after the election, the fourth quarter report shall be due 14 days after that date, and the next required report shall not cover that period if a fourth quarter report was required to be filed."

SECTION 2. This act becomes effective October 1, 2012, and applies to reports covering calendar periods occurring after that date.

ATTACHMENT 5

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☒Committee Substitute for

SB 456 A BILL TO BE ENTITLED AN ACT TO ALLOW A CANDIDATE TO LIST PARTY AFFILIATION OR UNAFFILIATED STATUS ON THE BALLOT IN ALL ELECTIONS.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

ATTACHMENT 5

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 3

SENATE BILL 456
Corrected Copy 3/31/11
Judiciary I Committee Substitute Adopted 6/7/11

Short Title: Candidate List Party or Unaffiliated Status. (Public)

Sponsors:

Referred to:

March 30, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW A CANDIDATE TO LIST PARTY AFFILIATION OR UNAFFILIATED STATUS ON THE BALLOT IN ALL ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115C-37(a) reads as rewritten:

"(a) Method of Election. – The county boards of education shall be elected on a nonpartisan basis at the time of the primary election in 1970 and biennially thereafter. ~~The~~Unless a candidate in the notice of candidacy under G.S. 163-106 chooses to list the political party recognized under Article 9 of Chapter 163 of the General Statutes that the candidate is affiliated with, the names of the candidates shall be printed on the ballots without reference to any party affiliation and any qualified voter residing in the county shall be entitled to vote such ballots. A candidate not affiliated with a political party may also list that status on the ballot by so providing in the notice of candidacy under G.S. 163-106. Except as otherwise provided herein, the election shall be conducted according to the provisions of Chapter 163 of the General Statutes then governing primary elections."

SECTION 1.(b) Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-37.2. Nonpartisan elections under local act.**

Whenever a local act or plan of consolidation and merger provides that an election for a county or city or merged board of education is to be elected on a nonpartisan basis, unless a candidate in the notice of candidacy provided by law chooses to list the political party recognized under Article 9 of Chapter 163 of the General Statutes with which the candidate is affiliated, the names of the candidates shall be printed on the ballots without reference to any party affiliation. A candidate not affiliated with a political party may also list that status on the ballot by so providing in the notice of candidacy provided by law."

SECTION 2. G.S. 130A-50(c) reads as rewritten:

"(c) The election shall be nonpartisan and decided by simple plurality as provided in G.S. 163-292 and shall be held and conducted by the county board of elections in accordance with the applicable provisions of Articles 23 and 24 of Chapter 163 of the General Statutes. Unless a candidate in the notice of candidacy under this section chooses to list the political party recognized under Article 9 of this Chapter with which the candidate is affiliated, the names of the candidates shall be printed on the ballots without reference to any party affiliation. A candidate not affiliated with a political party may also list that status on the ballot by so providing in the notice of candidacy under this section. If the district is in more than one county, then the county board of elections of the county including the largest part of the district

shall conduct the election for the entire district with the assistance and full cooperation of the boards of elections in the other counties."

SECTION 3. 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. The State Board of Elections shall establish a review procedure that local boards of elections shall follow to ensure that candidates' names appear on the official ballot in accordance with this subdivision.

(4) Party designations in partisan ballot ~~items.~~items and in nonpartisan ballot items as requested by the candidate.

(5) A means by which the voter may cast write-in votes, as provided in G.S. 163-123. No space for write-ins is required unless a write-in candidate has qualified under G.S. 163-123 or unless the ballot item is exempt from G.S. 163-123.

(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."

SECTION 4. G.S. 163-165.6(e) reads as rewritten:

"(e) Straight-Party Voting. – Each official ballot shall be arranged so that the voter may cast one vote for a party's nominees for all offices except President and Vice President. A vote for President and Vice President shall be cast separately from a straight-party vote. The official ballot shall be prepared so that a voter may cast a straight-party vote, but then make an exception to that straight-party vote by voting for a candidate not nominated by that party or by voting for fewer than all the candidates nominated by that party. The official ballot shall clearly indicate that nonpartisan races with party designations are not included in the straight-party vote. Instructions for general election ballots shall clearly advise voters of the rules in this subsection and of the statutes providing for the counting of ballots."

SECTION 5. G.S. 163-323 is amended by adding a new subsection to read:

"(h) Unless a candidate in the notice of candidacy under this section chooses to list the political party recognized under Article 9 of this Chapter with which the candidate is affiliated, the names of the candidates shall be printed on the ballots without reference to any party affiliation. A candidate not affiliated with a political party may also list that status on the ballot by so providing in the notice of candidacy under this section."

SECTION 6. G.S. 163-294.2 is amended by adding a new subsection to read:

"(g) Unless a candidate in the notice of candidacy under this section chooses to list the political party recognized under Article 9 of this Chapter with which the candidate is affiliated, the names of the candidates shall be printed on the ballots without reference to any party affiliation. A candidate not affiliated with a political party may also list that status on the ballot by so providing in the notice of candidacy under this section."

SECTION 7. G.S. 139-6 reads as rewritten:

"**§ 139-6. District board of supervisors – elective members; certain duties.**

(a) After the issuance of the certificate of organization of the soil and water conservation district by the Secretary of State, an election shall be held in each county of the district to elect the members of the soil and water conservation district board of supervisors as herein provided.

(b) The district board of supervisors shall consist of three elective members to be elected in each county of the district, and that number of appointive members as provided in G.S. 139-7. Upon the creation of a district, the first election of the members shall be held at the next succeeding election for county officers.

All elections for members of the district board of supervisors shall be held at the same time as the regular election for county officers beginning in November 1974. The election shall be nonpartisan and no primary election shall be held. The election shall be held and conducted by the county board of elections.

Candidates shall file their notice of candidacy on forms prescribed by the county board of elections. The notice of candidacy must be filed no earlier than noon on the second Monday in June and no later than noon on the first Friday in July preceding the election. The candidate shall pay a filing fee of five dollars ($5.00) at the time of filing the notice of candidacy.

Unless a candidate in the notice of candidacy under this section chooses to list the political party recognized under Article 9 of Chapter 163 of the General Statutes with which the candidate is affiliated, the names of the candidates shall be printed on the ballots without reference to any party affiliation. A candidate not affiliated with a political party may also list that status on the ballot by so providing in the notice of candidacy under this section.

(c) Beginning with the election to be held in November 1974, the two candidates receiving the highest number of votes shall be elected for a term of four years, and the candidate receiving the next highest number of votes shall be elected for a term of two years; thereafter, as their terms expire, their successors shall be elected for terms of four years. If the position of district supervisor is not filled by failure to elect, then the office shall be deemed vacant upon the expiration of the term of the incumbent, and the office shall be filled as provided in G.S. 139-7.

The persons elected in 1974 and thereafter shall take office on the first Monday in December following their election.

The terms of the present members of the soil and water conservation districts, both elective and appointive members, are hereby extended to or terminated on the first Monday in December 1974.

All qualified voters of the district shall be eligible to vote in the election. Except as provided in this Chapter, the election shall be held in accordance with the applicable provisions of Articles 23 and 24 of Chapter 163 of the General Statutes.

(d) The district board of supervisors, after the appointment of the appointive members has been made, shall select from its members a chairman, a vice-chairman and a secretary. It shall be the duty of the district board of supervisors to perform those powers, duties, and authority conferred upon supervisors under this Chapter; to develop annual county and district goals and plans for soil conservation work therein; to request agencies, whose duties are such as to render assistance in soil and water conservation, to set forth in writing what assistance they may have available in the county and district."

SECTION 8. This act is effective with respect to elections conducted on or after January 1, 2012.

[redacted] ATTACHMENT 5

SENATE BILL 456: Candidate List Party or Unaffiliated Status

2011-2012 General Assembly

Committee:	House Elections	**Date:**	June 14, 2011
Introduced by:	Sen. Goolsby	**Prepared by:**	R. Erika Churchill
Analysis of:	Third Edition		Committee Counsel

SUMMARY: ***Senate Bill 456 allows candidates running in non-partisan races for appellate judge, superior or district court judge, local school board, municipal council, sanitary boards, and soil and water conservation districts to have that candidate's party affiliation printed on the ballot.***

CURRENT LAW: Non-partisan elections are conducted for the following offices, without the party affiliation of any candidate being listed on the ballot for that office:

- Appellate judge
- Superior court judge
- District court judge
- Local school board, with some exceptions
- Municipal elections, with some exceptions
- Sanitary boards established under Chapter 130A of the General Statutes
- Soil and Water Conservation boards established under Chapter 139 of the General Statutes

BILL ANALYSIS: For all of the elections listed above, Senate Bill 456 would allow a candidate for a non-partisan election to request that candidate's party affiliation be printed on the ballot.

Senate Bill 456 also makes conforming changes to allow for the printing of party affiliation in non-partisan races.

EFFECTIVE DATE: The act is effective for elections occurring on or after January 1, 2012, but may not be implemented until the session law has received 'preclearance' approval under Section 5 of the Voting Rights of 1965.

S456-SMST-65(e3) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 3

SENATE BILL 456
Corrected Copy 3/31/11
Judiciary I Committee Substitute Adopted 6/7/11

Short Title: Candidate List Party or Unaffiliated Status. (Public)

Sponsors:

Referred to:

March 30, 2011

A BILL TO BE ENTITLED

AN ACT TO ALLOW A CANDIDATE TO LIST PARTY AFFILIATION OR UNAFFILIATED STATUS ON THE BALLOT IN ALL ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115C-37(a) reads as rewritten:

"(a) Method of Election. – The county boards of education shall be elected on a nonpartisan basis at the time of the primary election in 1970 and biennially thereafter. ~~The~~Unless a candidate in the notice of candidacy under G.S. 163-106 chooses to list the political party recognized under Article 9 of Chapter 163 of the General Statutes that the candidate is affiliated with, the names of the candidates shall be printed on the ballots without reference to any party affiliation and any qualified voter residing in the county shall be entitled to vote such ballots. A candidate not affiliated with a political party may also list that status on the ballot by so providing in the notice of candidacy under G.S. 163-106. Except as otherwise provided herein, the election shall be conducted according to the provisions of Chapter 163 of the General Statutes then governing primary elections."

SECTION 1.(b) Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-37.2. Nonpartisan elections under local act.**

Whenever a local act or plan of consolidation and merger provides that an election for a county or city or merged board of education is to be elected on a nonpartisan basis, unless a candidate in the notice of candidacy provided by law chooses to list the political party recognized under Article 9 of Chapter 163 of the General Statutes with which the candidate is affiliated, the names of the candidates shall be printed on the ballots without reference to any party affiliation. A candidate not affiliated with a political party may also list that status on the ballot by so providing in the notice of candidacy provided by law."

SECTION 2. G.S. 130A-50(c) reads as rewritten:

"(c) The election shall be nonpartisan and decided by simple plurality as provided in G.S. 163-292 and shall be held and conducted by the county board of elections in accordance with the applicable provisions of Articles 23 and 24 of Chapter 163 of the General Statutes. Unless a candidate in the notice of candidacy under this section chooses to list the political party recognized under Article 9 of this Chapter with which the candidate is affiliated, the names of the candidates shall be printed on the ballots without reference to any party affiliation. A candidate not affiliated with a political party may also list that status on the ballot by so providing in the notice of candidacy under this section. If the district is in more than one county, then the county board of elections of the county including the largest part of the district

shall conduct the election for the entire district with the assistance and full cooperation of the boards of elections in the other counties."

SECTION 3. 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. The State Board of Elections shall establish a review procedure that local boards of elections shall follow to ensure that candidates' names appear on the official ballot in accordance with this subdivision.

(4) Party designations in partisan ballot ~~items.~~items and in nonpartisan ballot items as requested by the candidate.

(5) A means by which the voter may cast write-in votes, as provided in G.S. 163-123. No space for write-ins is required unless a write-in candidate has qualified under G.S. 163-123 or unless the ballot item is exempt from G.S. 163-123.

(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."

SECTION 4. G.S. 163-165.6(e) reads as rewritten:

"(e) Straight-Party Voting. – Each official ballot shall be arranged so that the voter may cast one vote for a party's nominees for all offices except President and Vice President. A vote for President and Vice President shall be cast separately from a straight-party vote. The official ballot shall be prepared so that a voter may cast a straight-party vote, but then make an exception to that straight-party vote by voting for a candidate not nominated by that party or by voting for fewer than all the candidates nominated by that party. The official ballot shall clearly indicate that nonpartisan races with party designations are not included in the straight-party vote. Instructions for general election ballots shall clearly advise voters of the rules in this subsection and of the statutes providing for the counting of ballots."

SECTION 5. G.S. 163-323 is amended by adding a new subsection to read:

"(h) Unless a candidate in the notice of candidacy under this section chooses to list the political party recognized under Article 9 of this Chapter with which the candidate is affiliated, the names of the candidates shall be printed on the ballots without reference to any party affiliation. A candidate not affiliated with a political party may also list that status on the ballot by so providing in the notice of candidacy under this section."

SECTION 6. G.S. 163-294.2 is amended by adding a new subsection to read:

"(g) Unless a candidate in the notice of candidacy under this section chooses to list the political party recognized under Article 9 of this Chapter with which the candidate is affiliated, the names of the candidates shall be printed on the ballots without reference to any party affiliation. A candidate not affiliated with a political party may also list that status on the ballot by so providing in the notice of candidacy under this section."

SECTION 7. G.S. 139-6 reads as rewritten:

"**§ 139-6. District board of supervisors – elective members; certain duties.**

(a) After the issuance of the certificate of organization of the soil and water conservation district by the Secretary of State, an election shall be held in each county of the district to elect the members of the soil and water conservation district board of supervisors as herein provided.

(b) The district board of supervisors shall consist of three elective members to be elected in each county of the district, and that number of appointive members as provided in G.S. 139-7. Upon the creation of a district, the first election of the members shall be held at the next succeeding election for county officers.

All elections for members of the district board of supervisors shall be held at the same time as the regular election for county officers beginning in November 1974. The election shall be nonpartisan and no primary election shall be held. The election shall be held and conducted by the county board of elections.

Candidates shall file their notice of candidacy on forms prescribed by the county board of elections. The notice of candidacy must be filed no earlier than noon on the second Monday in June and no later than noon on the first Friday in July preceding the election. The candidate shall pay a filing fee of five dollars ($5.00) at the time of filing the notice of candidacy.

Unless a candidate in the notice of candidacy under this section chooses to list the political party recognized under Article 9 of Chapter 163 of the General Statutes with which the candidate is affiliated, the names of the candidates shall be printed on the ballots without reference to any party affiliation. A candidate not affiliated with a political party may also list that status on the ballot by so providing in the notice of candidacy under this section.

(c) Beginning with the election to be held in November 1974, the two candidates receiving the highest number of votes shall be elected for a term of four years, and the candidate receiving the next highest number of votes shall be elected for a term of two years; thereafter, as their terms expire, their successors shall be elected for terms of four years. If the position of district supervisor is not filled by failure to elect, then the office shall be deemed vacant upon the expiration of the term of the incumbent, and the office shall be filled as provided in G.S. 139-7.

The persons elected in 1974 and thereafter shall take office on the first Monday in December following their election.

The terms of the present members of the soil and water conservation districts, both elective and appointive members, are hereby extended to or terminated on the first Monday in December 1974.

All qualified voters of the district shall be eligible to vote in the election. Except as provided in this Chapter, the election shall be held in accordance with the applicable provisions of Articles 23 and 24 of Chapter 163 of the General Statutes.

(d) The district board of supervisors, after the appointment of the appointive members has been made, shall select from its members a chairman, a vice-chairman and a secretary. It shall be the duty of the district board of supervisors to perform those powers, duties, and authority conferred upon supervisors under this Chapter; to develop annual county and district goals and plans for soil conservation work therein; to request agencies, whose duties are such as to render assistance in soil and water conservation, to set forth in writing what assistance they may have available in the county and district."

SECTION 8. This act is effective with respect to elections conducted on or after January 1, 2012.

ATTACHMENT 6

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Tuesday, June 14, 2011
TIME: 5:40 PM
LOCATION: 421 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 411	Vote for the Person, Not the Party Act.	Senator Newton Senator Meredith Senator Brown

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **5 PM** o'clock on **June 14, 2011**.

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

ATTACHMENT 6

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

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

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☐ Committee Substitute for

SB 411 A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE OPTION OF STRAIGHT-PARTY TICKET VOTING ON BALLOTS IN NORTH CAROLINA.

☒ With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original bill..

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

ATTACHMENT 6

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S D

SENATE BILL 411
PROPOSED HOUSE COMMITTEE SUBSTITUTE S411-PCS35285-ST-72

Short Title: Stanly County Local Changes. (Local)

Sponsors:

Referred to:

March 24, 2011

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE CANDIDATE FILING PERIOD FOR THE STANLY COUNTY BOARD OF EDUCATION, TO REDUCE THE SIZE OF THE STANLY COUNTY BOARD OF EDUCATION FROM NINE TO SEVEN MEMBERS AND PROVIDE THAT ALL MEMBERS SHALL BE ELECTED AT-LARGE, TO PROVIDE FOR SELECTION OF ALL VOTING MEMBERS OF THE STANLY COMMUNITY COLLEGE BY THE COUNTY BOARD OF COMMISSIONERS, TO ELIMINATE PARTISAN APPOINTMENTS FROM THE STANLY COUNTY BOARD OF ECONOMIC DEVELOPMENT, AND TO PROVIDE FOR THE APPOINTMENT OF THE STANLY COUNTY BOARD OF ELECTIONS, RELATING TO VACANCIES IN THE OFFICE OF SHERIFF OF STANLY COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 163-106 or anything in the plan of consolidation and merger of the Stanly County and Albemarle City school administrative units, candidates for the Stanly County Board of Education shall file notice of candidacy no earlier than the first Monday in July (except the next business day if the first Monday in July is July 4) and no later than 12:00 noon on the fourth Friday in July preceding the general election.

SECTION 2.(a) Effective on the first Monday in December of 2012, the Stanly County Board of Education shall consist of seven members elected at-large.

SECTION 2.(b) In 2012 and quadrennially thereafter, three members of the Stanly County Board of Education shall be elected at-large for four-year terms. In 2014 and quadrennially thereafter, four members of the Stanly County Board of Education shall be elected at-large for four-year terms.

SECTION 3.(a) G.S. 115D-12 reads as rewritten:

"**§ 115D-12. Each institution to have board of trustees; selection of trustees.**

(a) Each community college established or operated pursuant to this Chapter shall be governed by a board of trustees consisting of 13 members, or of additional members if selected according to the special procedure prescribed by the third paragraph of this subsection, who shall be selected by the following agencies. No member of the General Assembly may be appointed to a local board of trustees for a community college.

~~Group One — four trustees, elected by the board of education of the public school administrative unit located in the administrative area of the institution. If there are two or more public school administrative units, whether city or county units, or both, located within the~~

~~administrative area, the trustees shall be elected jointly by all of the boards of education of those units, each board having one vote in the election of each trustee, except as provided in G.S. 115D-59. No board of education shall elect a member of the board of education or any person employed by the board of education to serve as a trustee, however, any such person currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's current term.~~

Group ~~Two~~ One – ~~four~~ 12 trustees, elected by the board of commissioners of the county in which the institution is located. Provided, however, if the administrative area of the institution is composed of two or more counties, the trustees shall be elected jointly by the boards of commissioners of all those counties, each board having one vote in the election of each trustee. Provided, also, the county commissioners of the county in which the community college has established a satellite campus may elect an additional two members if the board of trustees of the community college agrees. No more than one trustee from Group ~~Two~~ One may be a member of a board of county commissioners. Should the boards of education or the boards of commissioners involved be unable to agree on one or more trustees the senior resident superior court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the institution is located shall fill the position or positions by appointment.

~~Group Three – four trustees, appointed by the Governor.~~

Group ~~Four~~ Two – the president of the student government or the chairman of the executive board of the student body of each community college established pursuant to G.S. 115D shall be an ex officio nonvoting member of the board of trustees of each said institution.

(b) All trustees shall be residents of the administrative area of the institution for which they are selected or of counties contiguous thereto with the exception of members provided for in G.S. 115D-12(a), Group ~~Four.~~Two.

...."

SECTION 3.(b) This section applies only to Stanly Community College.

SECTION 4.(a) Section 2 of Chapter 141, Session Laws of 1961, as amended by Chapter 355, Session Laws of 1975, and Chapter 237, Session Laws of 1985, and Chapter 185, Session Laws of 1987, and Chapter 253, Session Laws of 2009, reads as rewritten:

"Sec. 2. Such commission shall be composed of 12 members to be appointed by the Board of County Commissioners for Stanly County. In making said appointments the board shall seek to achieve representation from the various geographic areas of the county. ~~county and to maintain equal balance insofar as political party affiliation is concerned.~~ In the event a vacancy occurs in the membership of such commission because of death, resignation, or otherwise, the board of county commissioners shall fill such vacancy by appointing a member from the same section of the county ~~and with the same political affiliation~~ as his predecessor. There is hereby imposed on such member of the board of county commissioners as said board may designate the duty to serve as chairman of the Economic Development Commission and such commissioner, acting as chairman, shall be entitled to vote only in case of a tie. The county board of commissioners shall designate another member of said board as an alternate member to attend and vote if the original appointee as chairman is unable to attend or is unable to vote."

SECTION 4.(b) Section 3 of Chapter 141, Session Laws of 1961, as amended by Chapter 355, Session Laws of 1975, and Chapter 928, Session Laws of 1987, reads as rewritten:

"Sec. 3. The terms of office of the members of the commission, with the exception of the chairman of the commission, shall be two years, with the exception of the initial years existence of the commission, in which one-half shall be appointed to serve for a period of one year. In appointing the initial members of the commission, the board of county commissioners shall designate those who are appointed for a period of two years and those who are appointed for a period of one year. ~~The appointments shall be made so as to maintain at all times an equal balance of membership insofar as political party affiliation is concerned.~~ Upon the expiration of

the term of office of those members who are appointed for one year, the board of commissioners shall appoint their successors for a term of two years. All appointees shall serve until their successors have been appointed and qualified. Any member shall be eligible to reappointment. The board of commissioners shall designate the date on which the term of office of the initial members shall commence. For clarification, ~~a Democrat and a Republican~~ two members from the following areas (voting precincts) of Stanly County are to be appointed by the Board of Commissioners: North (Almond, Ridenhour, Richfield, New London, and North Albemarle); South (East Center, West Center, Tyson, and Big Lick #1); East (South Albemarle, East Albemarle, Badin, and Palmerville); West (Furr #1, Furr #2, Big Lick #2, and Endy); Central (Albemarle #1, Albemarle #2, Albermarle #6, Albemarle #7, Albemarle #8, Albemarle #10, and Albemarle #11); and two seats at large."

SECTION 5.(a) This section applies to Stanly County only.

SECTION 5.(b) G.S. 163-30 reads as rewritten:

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

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

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

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

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

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

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

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

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

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

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

SECTION 5.1.(a) G.S. 162-5.1 reads as rewritten:

"**§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief deputy.**

If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a political party, the board of commissioners shall consult the county executive committee of that political party before filling the vacancy, and shall elect the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled.

In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the county commissioners appoint some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority.

This section shall apply only in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, ~~Stanly,~~ Stokes, Surry, Transylvania, Wake, and Yancey."

SECTION 5.1.(b) Vacancies in the office of Sheriff of Stanly County shall be filled in accordance with G.S. 162-5.

SECTION 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA Displaced.
SESSION 2011

S D

SENATE BILL 411
PROPOSED HOUSE COMMITTEE SUBSTITUTE S411-CSST-72 [v.1]

6/14/2011 4:12:51 PM

Short Title: Stanly County Local Changes. (Local)

Sponsors:

Referred to:

March 24, 2011

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE CANDIDATE FILING PERIOD FOR THE STANLY COUNTY BOARD OF EDUCATION, TO REDUCE THE SIZE OF THE STANLY COUNTY BOARD OF EDUCATION FROM NINE TO SEVEN MEMBERS AND PROVIDE THAT ALL MEMBERS SHALL BE ELECTED AT-LARGE, TO PROVIDE FOR SELECTION OF ALL VOTING MEMBERS OF THE STANLY COMMUNITY COLLEGE BY THE COUNTY BOARD OF COMMISSIONERS, TO ELIMINATE PARTISAN APPOINTMENTS FROM THE STANLY COUNTY BOARD OF ECONOMIC DEVELOPMENT, AND TO PROVIDE FOR THE APPOINTMENT OF THE STANLY COUNTY BOARD OF ELECTIONS, RELATING TO VACANCIES IN THE OFFICE OF SHERIFF OF STANLY COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 163-106 or anything in the plan of consolidation and merger of the Stanly County and Albemarle City school administrative units, candidates for the Stanly County Board of Education shall file notice of candidacy no earlier than the first Monday in July (except the next business day if the first Monday in July is July 4) and no later than 12:00 noon on the fourth Friday in July preceding the general election.

SECTION 2.(a) Effective on the first Monday in December of 2012, the Stanly County Board of Education shall consist of seven members elected at-large.

SECTION 2.(b) In 2012 and quadrennially thereafter, three members of the Stanley County Board of Education shall be elected at-large for four-year terms. In 2014 and quadrennially thereafter, four members of the Stanley County Board of Education shall be elected at-large for four-year terms.

SECTION 3.(a) G.S. 115D-12 reads as rewritten:

"**§ 115D-12. Each institution to have board of trustees; selection of trustees.**

(a) Each community college established or operated pursuant to this Chapter shall be governed by a board of trustees consisting of 13 members, or of additional members if selected according to the special procedure prescribed by the third paragraph of this subsection, who shall be selected by the following agencies. No member of the General Assembly may be appointed to a local board of trustees for a community college.

~~Group One — four trustees, elected by the board of education of the public school administrative unit located in the administrative area of the institution. If there are two or more public school administrative units, whether city or county units, or both, located within the~~

~~administrative area, the trustees shall be elected jointly by all of the boards of education of those units, each board having one vote in the election of each trustee, except as provided in G.S. 115D-59. No board of education shall elect a member of the board of education or any person employed by the board of education to serve as a trustee, however, any such person currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's current term.~~

Group ~~Two~~ One – ~~four~~ twelve trustees, elected by the board of commissioners of the county in which the institution is located. Provided, however, if the administrative area of the institution is composed of two or more counties, the trustees shall be elected jointly by the boards of commissioners of all those counties, each board having one vote in the election of each trustee. Provided, also, the county commissioners of the county in which the community college has established a satellite campus may elect an additional two members if the board of trustees of the community college agrees. No more than one trustee from Group ~~Two~~ One may be a member of a board of county commissioners. Should the boards of education or the boards of commissioners involved be unable to agree on one or more trustees the senior resident superior court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the institution is located shall fill the position or positions by appointment.

~~Group Three – four trustees, appointed by the Governor.~~

Group ~~Four~~ Two – the president of the student government or the chairman of the executive board of the student body of each community college established pursuant to G.S. 115D shall be an ex officio nonvoting member of the board of trustees of each said institution.

(b) All trustees shall be residents of the administrative area of the institution for which they are selected or of counties contiguous thereto with the exception of members provided for in G.S. 115D-12(a), Group ~~Four.~~Two.

...."

SECTION 3.(b) This section applies only to Stanly Community College.

SECTION 4.(a) Section 2 of Chapter 141, Session Laws of 1961, as amended by Chapter 355, Session Laws of 1975, and Chapter 237, Session Laws of 1985, and Chapter 185, Session Laws of 1987, and Chapter 253, Session Laws of 2009, reads as rewritten:

"Sec. 2. Such commission shall be composed of 12 members to be appointed by the Board of County Commissioners for Stanly County. In making said appointments the board shall seek to achieve representation from the various geographic areas of the county. ~~county and to maintain equal balance insofar as political party affiliation is concerned.~~ In the event a vacancy occurs in the membership of such commission because of death, resignation, or otherwise, the board of county commissioners shall fill such vacancy by appointing a member from the same section of the county ~~and with the same political affiliation~~ as his predecessor. There is hereby imposed on such member of the board of county commissioners as said board may designate the duty to serve as chairman of the Economic Development Commission and such commissioner, acting as chairman, shall be entitled to vote only in case of a tie. The county board of commissioners shall designate another member of said board as an alternate member to attend and vote if the original appointee as chairman is unable to attend or is unable to vote."

SECTION 4.(b) Section 3 of Chapter 141, Session Laws of 1961, as amended by Chapter 355, Session Laws of 1975, and Chapter 928, Session Laws of 1987, reads as rewritten:

"Sec. 3. The terms of office of the members of the commission, with the exception of the chairman of the commission, shall be two years, with the exception of the initial years existence of the commission, in which one-half shall be appointed to serve for a period of one year. In appointing the initial members of the commission, the board of county commissioners shall designate those who are appointed for a period of two years and those who are appointed for a period of one year. ~~The appointments shall be made so as to maintain at all times an equal~~

~~balance of membership insofar as political party affiliation is concerned.~~ Upon the expiration of the term of office of those members who are appointed for one year, the board of commissioners shall appoint their successors for a term of two years. All appointees shall serve until their successors have been appointed and qualified. Any member shall be eligible to reappointment. The board of commissioners shall designate the date on which the term of office of the initial members shall commence. For clarification, ~~a Democrat and a Republican~~ two members from the following areas (voting precincts) of Stanly County are to be appointed by the Board of Commissioners: North (Almond, Ridenhour, Richfield, New London, and North Albemarle); South (East Center, West Center, Tyson, and Big Lick #1); East (South Albemarle, East Albemarle, Badin, and Palmerville); West (Furr #1, Furr #2, Big Lick #2, and Endy); Central (Albemarle #1, Albemarle #2, Albermarle #6, Albemarle #7, Albemarle #8, Albemarle #10, and Albemarle #11); and two seats at large."

SECTION 5.(a) This section applies to Stanly County only.

SECTION 5.(b) G.S. 163-30 reads as rewritten:

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

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

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

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

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

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

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

Whenever a vacancy occurs in the membership of a county board of elections for any cause the ~~State~~ county chairman of the political party of the vacating member shall have the right to

recommend two registered voters of the affected county for such office, and it shall be the duty of the State Board of Elections to fill the vacancy from the names thus recommended.

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

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

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

SECTION 5.1.(a) G.S. 162-5.1 reads as rewritten:

"**§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief deputy.**

If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a political party, the board of commissioners shall consult the county executive committee of that political party before filling the vacancy, and shall elect the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled.

In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the county commissioners appoint some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority.

This section shall apply only in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, ~~Stanly,~~ Stokes, Surry, Transylvania, Wake, and Yancey."

SECTION 5.1.(b) Vacancies in the office of Sheriff of Stanly County shall be filled in accordance with G.S. 162-5.

SECTION 6. This act is effective when it becomes law.

ATTACHMENT 6

ROLL CALL VOTE

13 YES 12 NO = 25 (TOTAL)

HB# ____
SB# 411

from Rep enrolled

HOUSE STANDING COMMITTEE ON Elections

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
✓		Lewis, David			
✓		Burr, Justin	✓		Moore, Tim
✓		Current, William		✓	Ross, Deborah
		Jones, Bert	✓		Sager, Efton
		Jordan, Jonathan	✓		Stam, Paul
	✓	Alexander, Martha	✓		Starnes, Edgar
✓		Blust, John		✓	Warren, Edith
		Brown, Larry		✓	Weiss, Jennifer
		Brown, Rayne			
		Bryant, Angela			
	✓	Cotham, Tricia			
✓		Dixon, Jimmy			
✓		Faircloth, John			
	✓	Fisher, Susan			
	✓	Floyd, Elmer			
	✓	Graham, Charles			
	✓	Harrison, Pricey			
✓		Iler, Frank			
✓		Justice, Carolyn			
		Killian, Richard			
	✓	Martin, Grier			
		McLawhorn, Marian			
	✓	Michaux, Mickey			
✓		Mills, Grey			
	✓	Mobley, Annie			

12 NO

13 yes

ATTACHMENT 7

GENERAL ASSEMBLY OF NO
SESSION 2011

S D

SENATE BILL 47
Judiciary I Committee Substitute Adopted 6/7/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S47-CSST-69 [v.6]

6/14/2011 3:18:24 PM

Short Title: Restore Confidence in Elections. (Public)

Sponsors:

Referred to:

February 9, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS AMENDMENTS TO THE ELECTION ADMINISTRATION LAWS, CAMPAIGN FINANCE LAWS, AND OTHER CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

PART I. ELECTION ADMINISTRATION CHANGES.

SECTION 1. Article 1 of Chapter 163 is amended by adding a new section to read:

"**§ 163-3. Special elections.**

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

SECTION 2.(a) G.S. 163-19 reads as rewritten:

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

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

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

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

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

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

(c) After taking the prescribed oath, the Board shall organize by electing one of its members chairman and another secretary. The term of office of the chairman is two years and begins on May 1 of each odd-numbered year. In the case of a vacancy, a new chairman shall be elected to serve the remainder of the unexpired term. No person may be elected as chairman for more than two terms. For the purpose of this subsection, cumulative service as chair for more than two years prior to September 1, 2009, shall be considered as one term.

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

SECTION 2.(b) The State Board of Elections shall next elect a chairman for a two-year term beginning September 1, 2011.

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

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

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

(1) Is a registered voter.

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

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

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

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

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

"**§ 163-82.6. Acceptance of 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, transmission of a scanned document, 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.~~

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

(1) To communicate to the applicant acceptance of the delegation described in subsection (a) of this section 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.

(2) To sell or attempt to sell a completed voter registration form or to condition its delivery upon ~~payment.~~ payment, including payment on a per voter registration application completed basis.

(3) To change a person's information on a voter registration form prior to its delivery to a county board of elections.

(4) To coerce a person into marking a party affiliation other than the party affiliation the person desires.

(5) To offer a person a voter registration form that has a party affiliation premarked unless the person receiving the form has requested the premarking.

(6) To pay another person to register voters, or assist or encourage voters to fill out voter registration forms, on the basis of per voter registration application completed.

(7) To accept payment for registering voters, or assisting or encouraging voters to fill out voter registration forms, on the basis of per voter registration application completed.

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

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

(1) If submitted by mail, must be postmarked at least 25 days before the primary or 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 primary or election,

(2) If submitted in person, by facsimile transmission, or by transmission of a scanned document, 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 primary or 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 primary or election, except as provided in subsection (d) of this section.

(c1) If the application is submitted by facsimile transmission or transmission of a scanned document, 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 Primary or Election Day. If a person has become qualified to register and vote between the twenty-fifth day before a primary or election and primary or election day, then that person may apply to register on primary or 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 primary or 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 primary or 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.~~

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

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

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

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

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

(a) 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 upon paying a filing fee equal to that provided for candidates for the office in G.S. 163-107 or upon complying with the alternative available to candidates for the office in G.S. 163-107.1.

(b) 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 in the ensuing general election. Any candidate nominated by a new party shall be affiliated with the party at the time of certification to the State Board of Elections. The requirement of affiliation with the party will be met if the candidate submits at or before the time of certification as a candidate an application to change party affiliation to that party. 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.

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

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

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

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

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

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

Date _____

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

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

Signed _____

(Name of Candidate)

Witness:

_____

_____

(Title of witness)

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

In signing the notice of candidacy the candidate shall use only that candidate's legal name and may use any nickname by which ~~he~~ that candidate is commonly known. A candidate may also, in lieu of that candidate's legal first name and legal middle initial or middle name (if any) sign a nickname, provided that the candidate appends to the notice of candidacy an affidavit that the candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the affidavit the way that candidate's name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office.

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

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

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

(b) Eligibility to File. – No person shall be permitted to file as a candidate in a primary if, at the time ~~he~~ that person offers to file notice of candidacy, ~~he~~ that person is registered on the appropriate registration book or record as an affiliate of a political party other than that in

whose primary ~~he~~ the person is attempting to file. No person who has changed ~~his~~ political party affiliation or who has changed from unaffiliated status to party affiliation as permitted in G.S. 163-82.17, shall be permitted to file as a candidate in the primary of the party to which ~~he~~ that person changed unless ~~he~~that person has been affiliated with the political party in which ~~he~~ that person seeks to be a candidate for at least 90 days prior to the filing date for the office for which ~~he~~ that person desires to file ~~his~~ a notice of candidacy.

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

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

Governor
Lieutenant Governor
All State executive officers
Justices of the Supreme Court, Judges of the Court of Appeals
Judges of the superior courts
Judges of the district courts
United States Senators
Members of the House of Representatives of the United States
District attorneys

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

State Senators
Members of the State House of Representatives
All county offices.

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

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

(f) Candidates required to file their notice of candidacy with the State Board of Elections under subsection (c) of this section shall file along with their notice a certificate signed by the chairman of the board of elections or the director of elections of the county in which they are registered to vote, stating that the person is registered to vote in that county, stating the party with which the person is affiliated, and that the person has not changed ~~his~~ affiliation from another party or from unaffiliated within three months prior to the filing deadline under subsection (c) of this section. In issuing such certificate, the chairman or director shall check the registration records of the county to verify such information. During the

period commencing 36 hours immediately preceding the filing deadline the State Board of Elections shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed to secure the verification ordered herein subject to receipt of verification no later than three days following the filing deadline. The State Board of Elections shall prescribe the form for such certificate, and distribute it to each county board of elections no later than the last Monday in December of each odd-numbered year.

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

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

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

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

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

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

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

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

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

Office Sought	**Amount of Filing Fee**
Governor	One percent (1%) of the annual salary of the office sought

Lieutenant Governor	One percent (1%) of the annual salary of the office sought
All State executive offices	One percent (1%) of the annual salary of the office sought
All Justices, Judges, and 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
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)

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

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

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

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

"(c) Procedure for Requesting Second Primary.

(1) 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 with the Executive Director of the State Board of Elections no later than 12:00 noon on the 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 State Board of Elections. If the vote certification by the State Board of Elections determines that a candidate who was not originally thought to be eligible to call for a second primary is in fact eligible to call for a second primary, the Executive Director of the State Board of Elections shall immediately notify such candidate and permit him to exercise any options available to him within a 48-hour period following the notification:

Governor,
Lieutenant Governor,
All State executive officers,
Justices, Judges, or District Attorneys of the General Court of Justice,
United States Senators,
Members of the United States House of Representatives,
State Senators in multi-county senatorial districts, and
Members of the State House of Representatives in multi-county representative districts."

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

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

(a) 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	Vacancy is to be filled by appointment of national executive committee of political party in which vacancy occurs
Vice President	
Presidential elector or alternate elector	Vacancy is to be filled by appointment of State executive committee of political party in which vacancy occurs
Any elective State office	
United States Senator	
A district office, including:	Appropriate district executive committee of political party in which vacancy occurs
Member of the United States House of Representatives	
Judge of district court	
District Attorney	
State Senator in a multi-county senatorial district	
Member of State House of Representatives in a multi-county representative district	
State Senator in a single-county senatorial district	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
Member of State House of Representatives in a single-county representative district	
Any elective county office	

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

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

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

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

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

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

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

(1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed with the Board no later than the tenth day following the day the candidate receives the nomination of the party or the tenth day following the organization of the political committee, whichever occurs first. If the

organizational report is not filed within the required time frame, a civil late penalty of two hundred fifty dollars ($250.00) per day for each day the filing is late shall be assessed against the candidate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Nominees of other political parties, in alphabetical order by party and in alphabetical order within the party.

(3) Unaffiliated candidates, in alphabetical order.

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

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

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

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

(1) Proposed amendments to the North Carolina Constitution, in the chronological order in which the proposals were approved by the General Assembly.

(2) Other referenda to be voted on by all voters in the State, in the chronological order in which the proposals were approved by the General Assembly.

(3) Referenda to be voted on by fewer than all the voters in the State, in the chronological order of the acts by which the referenda were properly authorized."

SECTION 16.(b) This act becomes effective January 1, 2012, and applies to elections held on or after that date. In implementing G.S. 163-165.6(d1) as enacted by this act,

the State Board of Elections shall start the rotating order with a party that has not been first on the ballot in the past four years.

SECTION 17. G.S. 163-166.11 reads as rewritten:

"**§ 163-166.11. Provisional voting requirements.**

(a) If an individual seeking to vote claims to be a registered voter in a ~~jurisdiction~~ county as provided in G.S. 163-82.1 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 as provided in G.S. 163-82.1 in which the individual seeks to vote and is eligible to vote in that election.

(2a) A voter who has moved within the county more than 30 days before election day but has not reported the move to the board of elections shall not be required on that account to vote a provisional ballot at the one-stop site, as long as the one-stop site has available all the information necessary to determine whether a voter is registered to vote in the county and which ballot the voter is eligible to vote based on the voter's proper residence address. The voter with that kind of unreported move shall be allowed to vote the same kind of absentee ballot as other one-stop voters as provided in G.S. 163-227.2(e2).

(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.

(b) No person, other than an election official, may facilitate, organize, or encourage any individual or group of individuals to appear and vote at a voting place known to the individual or group of individuals not to be that individual's or group of individuals' voting place."

SECTION 18. G.S. 163-166.12(b2) reads as rewritten:

"(b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an individual has registered by mail or by another method, if the individual has provided with the registration form a drivers license number or last four digits of a Social Security number but the

computer validation of the number as required by G.S. 163-82.12 did not result in a match, and the number has not been otherwise validated by the board of elections, in the first election in which the individual votes that individual shall submit with the ballot the form of identification described in subsection (a) or subsection (b) of this section, depending upon whether the ballot is voted in person or absentee. If that identification is provided and the board of elections does not determine that the individual is otherwise ineligible to vote a ballot, the failure of identification numbers to match shall not prevent that individual from registering to vote and having that individual's vote counted. ~~If the individual registers and votes under G.S. 163-82.6A, the identification documents required in that section, rather than those described in subsection (a) or (b) of this section, apply.~~"

SECTION 19. G.S. 163-182.1(a)(7) is repealed.

SECTION 20.(a) Article 18 of Chapter 163 of the General Statutes is repealed.

SECTION 20.(b) Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 18B.

"Faithful Presidential Electors Act.

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

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

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

"**§ 163-216.2. Pledge.**

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

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

Upon receipt of the certifications prepared by the State Board of Elections and delivered in accordance with G.S. 163-182.15, the Secretary of State, under seal of the office, shall notify the Governor of the names of the persons elected to the office of elector for President and Vice President of the United States as stated in the abstracts of the State Board of Elections. Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the electors and instructing them to be present in the old Hall of the House of Representatives in the State Capitol in the City of Raleigh at 12:00 noon on the first Monday after the second Wednesday in December next after their election, at which time the electors shall meet and vote on behalf of the State for President and Vice President of the United States. If the old Hall of the House of Representatives in the State Capitol is unavailable, the Governor may specify another location within the City of Raleigh. The Governor shall cause this proclamation to be published on the Internet and in any daily newspaper published in the City of Raleigh and shall cause the proclamation to be distributed to representatives of the news media. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. The Secretary of State is responsible for making the actual arrangements for the meeting, preparing the agenda, and inviting guests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"**§ 163-216.6. Elector voting.**

(a) At the time designated for elector voting and after all vacant positions have been filled under G.S. 163-216.5, the Secretary of State shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector's presidential and vice presidential ballots with the elector's votes for the offices of President and Vice President, respectively, along with the elector's signature and the elector's legibly printed name.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 20.(c) G.S. 163-1(c) reads as rewritten:

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

~~G.S. 163-209~~G.S. 163-216.1 and if there is a vacancy as provided by ~~G.S. 163-210.~~G.S. 163-216.5."

SECTION 21. G.S. 163-227.2 reads as rewritten:

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

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

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

(b) Not earlier than the ~~third~~ second Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in subsection (g) of this section. A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday. A county board may not conduct one-stop voting on any Sunday in any election. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person.

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

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

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

(e) The voter shall vote that voter's absentee ballot in a voting booth in the office of the county board of elections, and the county board of elections shall provide a voting booth for that purpose, provided however, that the county board of elections may in the alternative

provide a private room for the voter adjacent to the office of the board, in which case the voter shall vote that voter's absentee ballot in that room. A voter at a one-stop site shall be entitled to the same assistance as a voter at a voting place on election day under G.S. 163-166.8. The State Board of Elections shall, where appropriate, adapt the rules it adopts under G.S. 163-166.8 to one-stop voting.

(e1) If a county uses a voting system with retrievable ballots, that county's board of elections may by resolution elect to conduct one-stop absentee voting according to the provisions of this subsection. In a county in which the board has opted to do so, a one-stop voter shall cast the ballot and then shall deposit the ballot in the ballot box or voting system in the same manner as if such box or system was in use in a precinct on election day. At the end of each business day, or at any time when there will be no employee or officer of the board of elections on the premises, the ballot box or system shall be secured in accordance with a plan approved by the State Board of Elections, which shall include that no additional ballots have been placed in the box or system. Any county board desiring to conduct one-stop voting according to this subsection shall submit a plan for doing so to the State Board of Elections. The State Board shall adopt standards for conducting one-stop voting under this subsection and shall approve any county plan that adheres to its standards. The county board shall adhere to its State Board-approved plan. The plan shall provide that each one-stop ballot shall have a ballot number on it in accordance with G.S. 163-230.1(a2), or shall have an equivalent identifier to allow for retrievability. The standards shall address retrievability in one-stop voting on direct record electronic equipment where no paper ballot is used.

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

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

(g) Notwithstanding any other provision of this section, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under this ~~section.~~section, provided all sites other than the county board of elections office are open at the same time for voting. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board of Elections as part of a Plan for Implementation approved by both the county board of elections and by the State Board of Elections which shall also provide adequate security of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan for Implementation shall include a provision for the presence of political party observers at each one-stop site equivalent to the provisions in G.S. 163-45 for party observers at voting places on election day. A county board of elections may propose in its Plan not to offer one-stop voting at

the county board of elections office; the State Board may approve that proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county board of elections office and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county's electorate. For each general election in the even-numbered year, all satellite early voting sites shall be open at least the same number of days per week and at least the same number of hours per day as the days and hours of one-stop voting at the county board of elections office or at the replacement site proximate to that site. If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board of Elections to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board of Elections may adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors including geographic, demographic, and partisan interests of that county.

(g1) The State Board of Elections shall not approve, either in a Plan approved unanimously by a county board of elections or in an alternative Plan proposed by a member or members of that board, a plan that provides for one-stop sites, other than the county board of elections office, to be open at different times or for a one-stop site in a building that the county board of elections is not entitled under G.S. 163-129 to demand and use as an election-day voting place, unless the State Board of Elections finds that other equally suitable sites were not available and that the use of the sites chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of that county. In providing the site or sites for one-stop absentee voting under this section, the county board of elections shall make a request to the State, county, city, local school board, or other entity in control of the building that is supported or maintained, in whole or in part, by or through tax revenues at least 90 days prior to the start of one-stop absentee voting under this section. The request shall clearly identify the building, or any specific portion thereof, requested the dates and times for which that building or specific portion thereof is requested and the requirement of an area for election related activity. If the State, local governing board, or other entity in control of the building does not respond to the request within 20 days, the building or specific portion thereof may be used for one-stop absentee voting as stated in the request. If the State, local governing board, or other entity in control of the building or specific portion thereof responds negatively to the request within 20 days, that entity and the county board of elections shall, in good faith, work to identify a building or specific portion thereof in which to conduct one-stop absentee voting under this section. If no building or specific portion thereof has been agreed upon within 45 days from the date the county board of elections received a response to the request, the matter shall be resolved by the State Board of Elections.

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

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

SECTION 22. G.S. 163-230.2 is repealed.

SECTION 23. G.S. 163-277 reads as rewritten:

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

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

SECTION 24.(a) Notwithstanding Section 36 of this act, G.S. 163-329 reads as rewritten:

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

(a) General. – If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior court after the filing period for the primary opens but more than 60 days before the general election, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted without a primary using the method provided in subsection (b1) of this section. If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior ~~court before the filing period for the primary opens,~~court, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted in accordance with ~~G.S. 163-322.~~G.S. 163-115(c)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 24.(b) G.S. 163-329, as amended by this section, is recodified as G.S. 163-120.

SECTION 25. G.S. 163-283 reads as rewritten:

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

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

(1) Is a registered voter.

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

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

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

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

SECTION 26. G.S. 163-283.1 reads as rewritten:

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

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

SECTION 27. G.S. 163-287, as amended by S.L. 2011-31, reads as rewritten:

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

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

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

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

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

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

SECTION 28. G.S. 163-330 reads as rewritten:

"**§ 163-330. Voting in primary.**

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

SECTION 29. Subchapter X (Article 25) of Chapter 163 of the General Statutes is repealed.

PART II. CAMPAIGN FINANCE CHANGES.

SECTION 30. G.S. 163-278.5 reads as rewritten:

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

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

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

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

SECTION 31. G.S. 163-278.13 reads as rewritten:

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

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

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

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

(d) For the purposes of this section, the term "an election" means any primary, second primary, or general election in which the candidate or political committee may be involved,

without regard to whether the candidate is opposed or unopposed in the election, except that where a candidate is not on the ballot in a second primary, that second primary is not "an election" with respect to that candidate.

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

(1) The entity submits sufficient information of the contribution to the candidate or political committee for reimbursement within 45 days of the contribution.

(2) The candidate or political committee makes a reimbursement to the entity making the contribution within seven days of submission of sufficient information.

(3) The candidate or political committee indicates on its report under G.S. 163-278.11 that the good, service, or other item resulting in the reimbursement is an expenditure of the candidate or political committee, and notes if the contribution was by credit card.

(4) The contribution does not exceed one thousand dollars ($1,000.00).

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

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

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

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

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

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

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

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

(e3) Notwithstanding the provisions of subsections (a) and (b) of this section, no candidate for superior court judge or district court judge shall accept, and no contributor shall make to that candidate, a contribution in any election exceeding one thousand dollars ($1,000), except as provided in subsection (c) of this section. As used in this subsection, "candidate" is also a political committee authorized by the candidate for that candidate's election. Nothing in

this subsection shall prohibit a candidate or the spouse of that candidate from making a contribution or loan secured entirely by that individual's assets to that candidate's own campaign.

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

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

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

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

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

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

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

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

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

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

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

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

(2) An individual employed by a corporation or person with a contract greater than twenty-five thousand dollars ($25,000) with any office established by

Article III of the North Carolina Constitution in any of the following capacities:

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

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

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

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

SECTION 33. G.S. 163-278.19B reads as rewritten:

"**§ 163-278.19B. Political party headquarters ~~building~~ funds.**

Notwithstanding the provisions of G.S. 163-278.19, a person prohibited by that section from making a contribution may donate to political ~~parties~~ parties, and political parties may accept from such a ~~person~~ person, money and other things of value donated to a political party headquarters ~~building~~ fund. Donations to the political party headquarters ~~building~~ fund shall be subject to all the following rules:

(1) The donations solicited and accepted are designated to the political party headquarters ~~building~~ fund.

(2) Potential donors to that fund are advised that all donations will be exclusively for the political party headquarters ~~building~~ fund.

(3) The political party establishes a separate segregated bank account into which shall be deposited only donations for the political party headquarters ~~building~~ fund from persons prohibited by G.S. 163-278.19 from making contributions.

(4) The donations deposited in the separate segregated bank account for the political party headquarters ~~building~~ fund will be spent only ~~to purchase a headquarters building, to construct a headquarters building, to renovate a headquarters building, to pay a mortgage on a headquarters building, or to repay donors if a headquarters building is not purchased, constructed, or renovated. Donations deposited into that account shall not be used for headquarters rent, utilities, or equipment other than fixtures.~~ for liabilities of the political party. For purposes of this subdivision, liabilities of the political party shall not include salaries of staff employed by the political party, electioneering communications, independent expenditures, contributions, or get-out-the-vote efforts.

(5) The political party executive committee shall report donations to and spending by a political party headquarters ~~building~~ fund on every report required to be made by G.S. 163-278.9. If a committee is excused from making general campaign finance reports under G.S. 163-278.10A, that committee shall nonetheless report donations in any amount to and spending in any amount by the political party headquarters ~~building~~ fund at the times required for reports in G.S. 163-278.9.

If all the criteria set forth in subdivisions (1) through (5) of this section are complied with, then donations to and spending by a political party headquarters ~~building~~ fund do not constitute contributions or expenditures as defined in G.S. 163-278.6. If those criteria are complied with, then donations may be made to a political party headquarters ~~building~~ fund."

SECTION 34. Article 22A of Chapter 163 of the General Statutes is amended by adding a new section to read:

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

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

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

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

SECTION 35. G.S. 163-278.29 reads as rewritten:

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

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

SECTION 36. G.S. 163-278.34 is amended by adding a new subsection to read:

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

SECTION 37. G.S. 163-278.35 reads as rewritten:

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

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

SECTION 38.(a) Article 22J of Chapter 163 of the General Statutes is repealed.

SECTION 38.(b) The balances of the North Carolina Voter-Owned Elections Fund upon this act becoming law are transferred to the General Fund.

SECTION 38.(c) This section becomes effective July 1, 2011.

PART III. TECHNICAL CHANGES.

SECTION 39. G.S. 163-275(16) reads as rewritten:

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

PART IV. CONFORMING CHANGES.

SECTION 40. G.S. 18B-601(f) reads as rewritten:

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

SECTION 41. G.S. 63-80(c) reads as rewritten:

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

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

[ ] YES [ ] NO"

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

SECTION 42. G.S. 63-87 reads as rewritten:

"**§ 63-87. Bond elections.**

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

SECTION 43. G.S. 69-25.1 reads as rewritten:

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

Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area lying outside the corporate limits of any city or town, which area is described in the petition and designated as "_____ Fire District," the board of county
(Here insert name)
commissioners of the county shall call ~~an~~ a special election in said district for the purpose of submitting to the qualified voters therein the question of levying and collecting a special tax on all taxable property in said district, of not exceeding fifteen cents (15¢) on the one hundred

dollars ($100.00) valuation of property, for the purpose of providing fire protection in said district. The county tax office shall be responsible for checking the freeholder status of those individuals signing the petition and confirming the location of the property owned by those individuals. Unless specifically excluded by other law, the provisions of Chapter 163 of the General Statutes concerning petitions for referenda and special elections shall apply. If the voters reject the special tax under the first paragraph of this section, then no new election may be held under the first paragraph of this section within two years on the question of levying and collecting a special tax under the first paragraph of this section in that district, or in any proposed district which includes a majority of the land within the district in which the tax was rejected.

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

SECTION 44. G.S. 69-25.2 reads as rewritten:

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

The board of county commissioners, after consulting with the county board of elections, shall set a date for the special election in accordance with G.S. 163-287 by resolution adopted. The county board of elections shall hold and conduct the election in the district. The county board of elections shall advertise and conduct said election, in accordance with the provisions of this Article and with the procedures prescribed in Chapter 163 governing the conduct of special and general elections. No new registration of voters shall be required, but the deadline by which unregistered voters must register shall be contained in the legal advertisement to be published by the county board of elections. The cost of holding the election to establish a district shall be paid by the county, provided that if the district is established, then the county shall be reimbursed the cost of the election from the taxes levied within the district, but the cost of an election to increase the allowable tax under G.S. 69-25.1 or to abolish a fire district under G.S. 69-25.10 shall be paid from the funds of the district."

SECTION 45. G.S. 105-159.2(b) reads as rewritten:

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

The Department must inform the entities it approves to reproduce the return that they must comply with the requirements of this section and that a return may not reflect an agreement or objection unless the individual completing the return decided to agree or object after being presented with the statement required by subsection (b) of this section and, as available

background information or instructions, the information required by subsection (c) of this section. No software package used in preparing North Carolina income tax returns may default to an agreement or objection. A paid preparer of tax returns may not mark an agreement or objection for a taxpayer without the taxpayer's consent."

SECTION 46. G.S. 105-465 reads as rewritten:

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

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

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

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

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

SECTION 47. G.S. 105-473(a) reads as rewritten:

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

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

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

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

SECTION 48. G.S. 105-507.1(a) reads as rewritten:

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

SECTION 49. G.S. 105-509(b) reads as rewritten:

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

(1) The board of trustees has obtained approval to conduct a referendum by a vote of the following:

a. A majority vote of each of the county boards of commissioners within the special district, if it is a multicounty special district.

b. A majority of the county board of commissioners within the special district, if it is a single-county special district.

(2) A public hearing is held on the question by the board or boards of commissioners at least 30 days before the date the election is to be held."

SECTION 50. G.S. 105-510(b) reads as rewritten:

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

(1) The board of trustees has obtained approval to conduct a referendum by a vote of the following:

a. A majority vote of both of the county boards of commissioners within the special district, if it is a multicounty special district.

b. A majority of the county board of commissioners within the special district, if it is a single-county special district.

(2) A public hearing is held on the question by the board or boards of commissioners at least 30 days before the date the election is to be held."

SECTION 51. G.S. 105-511.2(a) reads as rewritten:

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

SECTION 52. G.S. 105-537(b) reads as rewritten:

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

SECTION 53. G.S. 106-343 reads as rewritten:

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

The several boards of county commissioners in the State are hereby expressly authorized and empowered to make such appropriations from the general funds of their county as will enable them to cooperate effectively with the state Department of Agriculture and Consumer Services and Federal Department of Agriculture in the eradication of tuberculosis in their respective counties: Provided, that if in 10 days after said appropriation is voted, one fifth of the qualified voters of the county petition the board of commissioners to submit the question of tuberculosis eradication or no tuberculosis eradication to the voters of the county, said commissioners shall submit such questions to said voters. Said election shall be held and conducted under ~~the rules and regulations provided for holding stock law elections in G.S. 68-16, 68-20 and 68-21.~~G.S. 163-287. If at any such election a majority of the votes cast shall be in favor of said tuberculosis eradication, the said board shall record the result of the election upon its minutes, and cooperative tuberculosis eradication shall be taken up with the state Department of Agriculture and Consumer Services and Federal Department of Agriculture. If, however, a majority of the votes cast shall be adverse, then said board shall make no appropriation."

SECTION 54. G.S. 115C-501(h) reads as rewritten:

"(h) To Annex or Consolidate Areas or Districts from Contiguous Counties and to Provide a Supplemental School Tax in Such Annexed Areas or Consolidated Districts. – An election may be called in any districts or other school areas, from contiguous counties, as to whether the districts in one county shall be enlarged by annexing or consolidating therewith any adjoining districts, or other school area or areas from an adjoining county, and if a special or supplemental school tax is levied and collected in the districts of the county to which the territory is to be annexed or consolidated, whether upon such annexation or consolidation there shall be levied and collected in the territory to be annexed or consolidated the same special or

supplemental tax for schools as is levied and collected in the districts in the other county. If such election carries, the said special or supplemental tax shall be collected pursuant to G.S. 115C-511 and remitted to the local school administrative unit on whose behalf such special and supplemental tax is already ~~levied: Provided, that notwithstanding the provisions of G.S. 115C-508, if the notice of election clearly so states, and the election shall be held prior to August 1, the annexation or consolidation shall be effective and the tax so authorized shall be levied and collected beginning with the fiscal year commencing July 1 next preceding such elections.~~levied."

SECTION 55. G.S. 115C-501 is amended by adding a new subsection to read:

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

SECTION 56. G.S. 115D-33(d) reads as rewritten:

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

SECTION 57. G.S. 115D-35(a) reads as rewritten:

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

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

(2) Proposed single-county administrative area: Formal requests shall be submitted by the board of education of any public school administrative unit within the county of the proposed administrative area or by petition of fifteen percent (15%) of the number of qualified voters of the county who voted in the last preceding election for Governor, to the board of commissioners of the county of the proposed administrative area, who ~~may~~ shall fix the time for such election by resolution on a date permitted by G.S. 163-287, which shall be entered in the minutes of the board."

SECTION 58. G.S. 130A-69 reads as rewritten:

"(a) If after a sanitary district has been created or the provisions of this Part have been made applicable to a sanitary district, a petition signed by not less than fifteen percent (15%) of the resident freeholders within any territory contiguous to and adjoining the sanitary district may be presented to the sanitary district board requesting annexation of territory described in the petition. The sanitary district board shall send a copy of the petition to the board of commissioners of the county or counties in which the district is located and to the Department. The sanitary district board shall request that the Department hold a joint public hearing with the sanitary district board on the question of annexation. The Secretary and the chairperson of the sanitary district board shall name a time and place for the public hearing. The chairperson of the sanitary district board shall publish a notice of public hearing once in a newspaper or newspapers published or circulating in the sanitary district and the territory proposed to be

annexed. The notice shall be published not less than 15 days prior to the hearing. If after the hearing, the Commission approves the annexation of the territory described in the petition, the Department shall advise the board or boards of commissioners of the approval. The board or boards of commissioners shall order and provide for the holding of a special election in accordance with G.S. 163-287 upon the question of annexation within the territory proposed to be annexed.

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

(c) The election shall be held by the county board or boards of elections ~~as soon as possible~~in accordance with G.S. 163-287 after the board or boards of commissioners orders the election. The cost of the election shall be paid by the sanitary district. Registration in the area proposed for annexation shall be under the same procedure as G.S. 163-288.2.

...."

SECTION 59. G.S. 139-39 reads as rewritten:

"**§ 139-39. Alternative method of financing watershed improvement programs by special county tax.**

The board of county commissioners in any county is authorized to call a special election to determine whether it be the will of the qualified voters of the county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed twenty-five cents (25¢) on each one hundred dollars ($100.00) valuation of property in said county, to be known as a "Watershed Improvement Tax," the funds therefrom, if the levy be authorized by the voters of said county, to be used for the prevention of flood water and sediment damages, and for furthering the conservation, utilization and disposal of water and the development of water resources. Any special election shall be conducted in accordance with G.S. 163-287."

SECTION 60. G.S. 147-69.6(f) reads as rewritten:

"(f) The Board of Commissioners of Swain County may direct the Swain County Board of Elections to conduct an advisory referendum on the question of whether any portion of the principal of the Fund should be disbursed to and expended by the county for a particular purpose. The election shall be held ~~on a date jointly agreed upon by the two boards, which may be the same day as any other referendum or election in the county, but may not otherwise be during the period beginning 30 days before and ending 30 days after the day of any other referendum or election to be conducted by the board of elections and already validly called or scheduled by law. The election shall be held~~ in accordance with the procedures of G.S. 163-287. The question to be presented on the ballot shall disclose the specific purpose proposed for expenditure of the principal investment of the Trust Fund and the amount proposed for expenditure."

SECTION 61. G.S. 153A-60 reads as rewritten:

"**§ 153A-60. Initiation of alterations by resolution.**

The board of commissioners shall initiate any alteration in the structure of the board by adopting a resolution. The resolution shall:

(1) Briefly but completely describe the proposed alterations;

(2) Prescribe the manner of transition from the existing structure to the altered structure;

(3) Define the electoral districts, if any, and apportion the members among the districts;

(4) Call a special referendum on the question of adoption of the alterations. The referendum shall be held and conducted by the county board of elections. The referendum may be held only on a date permitted by G.S. 163-287. ~~at the same time as any other state, county or municipal primary, election, special election or referendum, or on any date set by the board of county commissioners, provided, that such referendum shall not be held within the period of time beginning 60 days before and ending 60 days after any other primary, election, special election or referendum held in the county.~~

Upon its adoption, the resolution shall be published in full."

SECTION 62. G.S. 153A-405(a) reads as rewritten:

"(a) If authorized to do so by the concurrent resolutions that established it, a commission may call a referendum on its proposed plan of governmental consolidation. If authorized or directed in the concurrent resolutions, the ballot question may include the assumption of debt secured by a pledge of faith and credit language and may also include the assumption of the right to issue authorized but unissued faith and credit debt language as provided in subsection (b) of this section. The referendum ~~may be held on the same day as any other referendum or election in the county or counties involved, but may not otherwise be held during the period beginning 30 days before and ending 30 days after the day of any other referendum or election to be conducted by the board or boards of elections conducting the referendum and already validly called or scheduled by law.~~shall be held in accordance with G.S. 163-287."

SECTION 63. G.S. 158-16 reads as rewritten:

"§ 158-16. Board of commissioners may call tax election; rate and purposes of tax.

The board of county commissioners in any county is authorized and empowered to call a special election to determine whether it be the will of the qualified voters of said county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed five cents (5¢) on each one hundred dollars ($100.00) valuation of property in said county, to be known as an "industrial development tax," the funds therefrom, if the levy be authorized by the voters of said county, to be used for the purpose of attracting new and diversified industries to said county, and for the encouragement of new business and industrial ventures by local as well as foreign capital, and for the purpose of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial plants in said county, and for the purpose of encouraging agricultural development in said county. Any special election shall be conducted in accordance with G.S. 163-287."

SECTION 64. G.S. 159-61(b) reads as rewritten:

"(b) The date of a bond referendum shall be fixed by the governing board, but shall not be more than one year after adoption of the bond ~~order.~~ order, only on a date permitted by G.S. 163-287. ~~The governing board may call a special referendum for the purpose of voting on a bond issue on any day, including the day of any regular or special election held for another purpose (unless the law under which the bond referendum or other election is held specifically prohibits submission of other questions at the same time). A special bond referendum may not be held within 30 days before or 10 days after a statewide primary, election, or referendum, or within 30 days before or 10 days after any other primary, election, or referendum to be held in the same unit holding the bond referendum and already validly called or scheduled by law at the time the bond referendum is called.~~ The clerk shall mail or deliver a certified copy of the resolution calling a special bond referendum to the board of elections that is to conduct it within three days after the resolution is adopted, but failure to observe this requirement shall not in any manner affect the validity of the referendum or bonds issued pursuant thereto. Bond

referenda shall be conducted by the board of elections conducting regular elections of the county, city, or special district. ~~In fixing the date of a bond referendum, the governing board shall consult the board of elections in order that the referendum shall not unduly interfere with other elections already scheduled or in process.~~ Several bond orders or other matters may be voted upon at the same referendum."

SECTION 65. G.S. 160A-103 reads as rewritten:

"**§ 160A-103. Referendum on charter amendments by ordinance.**

An ordinance adopted under G.S. 160A-102 that is not made effective upon approval by a vote of the people shall be subject to a referendum petition. Upon receipt of a referendum petition bearing the signatures and residence addresses of a number of qualified voters of the city equal to at least 10 percent of the whole number of voters who are registered to vote in city elections according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less, the council shall submit an ordinance adopted under G.S. 160A-102 to a vote of the people. The date of the special election shall be fixed ~~at~~ on a date permitted by G.S. 163-287. ~~not more than 120 nor fewer than 60 days after receipt of the petition.~~ A referendum petition shall be addressed to the council and shall identify the ordinance to be submitted to a vote. A referendum petition must be filed with the city clerk not later than 30 days after publication of the notice of adoption of the ordinance."

SECTION 66. G.S. 160A-104 reads as rewritten:

"**§ 160A-104. Initiative petitions for charter amendments.**

The people may initiate a referendum on proposed charter amendments. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the city equal to at least ten percent (10%) of the whole number of voters who are registered to vote in city elections according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall set forth the proposed amendments by describing them briefly but completely and with reference to the pertinent provisions of G.S. 160A-101, but it need not contain the precise text of the charter amendments necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of charter amendments. Upon receipt of a valid initiative petition, the council shall call a special election on the question of adopting the charter amendments proposed therein, and shall give public notice thereof in accordance with G.S. 163-287. The date of the special election shall be fixed ~~at~~ on a date permitted by G.S. 163-287.~~not more than 120 nor fewer than 60 days after receipt of the petition.~~ If a majority of the votes cast in the special election shall be in favor of the proposed changes, the council shall adopt an ordinance amending the charter to put them into effect. Such an ordinance shall not be subject to a referendum petition. No initiative petition may be filed (i) between the time the council initiates proceedings under G.S. 160A-102 by publishing a notice of hearing on proposed charter amendments and the time proceeding under that section have been carried to a conclusion either through adoption or rejection of a proposed ordinance or lapse of time, nor (ii) within one year and six months following the effective date of an ordinance amending the city charter pursuant to this Article, nor (iii) within one year and six months following the date of any election on charter amendments that were defeated by the voters.

The restrictions imposed by this section on filing initiative petitions shall apply only to petitions concerning the same subject matter. For example, pendency of council action on amendments concerning the method of electing the council shall not preclude an initiative petition on adoption of the council-manager form of government.

Nothing in this section shall be construed to prohibit the submission of more than one proposition for charter amendments on the same ballot so long as no proposition offers a different plan under the same option as another proposition on the same ballot."

SECTION 67. G.S. 160A-583 reads as rewritten:

"**§ 160A-583. Funds.**

The establishment and operation of a transportation authority as herein authorized are governmental functions and constitute a public purpose, and the municipality is hereby authorized to appropriate funds to support the establishment and operation of the transit authority. The municipality may also dedicate, sell, convey, donate or lease any of its interest in any property to the authority. Further, the authority is hereby authorized to establish such license and regulatory fees and charges as it may deem appropriate, subject to the approval of the governing body of the municipality. If the governing body finds that the funds otherwise available are insufficient, it may call a special election without a petition and submit to the qualified voters of the municipality the question of whether or not a special tax shall be levied and/or bonds issued, specifying the maximum amount thereof, for the purpose of acquiring lands, buildings, equipment and facilities and for the operations of the transit authority. Any special election shall be conducted in accordance with G.S. 163-287."

SECTION 68. 162A-68(d) reads as rewritten:

"(d) If, at or prior to such public hearing, there shall be filed with the district board a petition, signed by not less than ten per centum (10%) of the qualified voters residing in the district, requesting an election to be held therein on the question of including the political subdivision or unincorporated area, the district board shall certify a copy of such petition to the board or boards of commissioners, and the board or boards of commissioners shall request the county board or boards of elections to submit such question to the qualified voters within the district in accordance with G.S. 163-287 and the other applicable provisions of Chapter 163 of the General Statutes; provided, that the election shall not be held unless the Environmental Management Commission has adopted a resolution approving the inclusion of the political subdivision or unincorporated area in the district.

Notice of such election, which shall contain a statement of the boundaries of the territory proposed to be included in the district and the boundaries of the district after inclusion, shall be given by publication once a week for three successive weeks in a newspaper or newspapers having general circulation within the district, the first publication to be at least 30 days prior to the election."

SECTION 69. G.S. 162A-77.1 reads as rewritten:

"**§ 162A-77.1. Special election upon the question of the merger of metropolitan sewerage districts into cities or towns.**

Any district lying entirely within the corporate limits of a city or town may be merged into such city or town in accordance with the provisions of this section.

The governing body of a city or town, with the approval of the district board, shall call and conduct a special election within such city or town on the question of the merger of the district into the city or town. A vote in favor of such merger shall constitute a vote for such city or town to assume the obligations of the district. Such special election may be called and conducted by the governing body of a city or town upon its own motion after passage of a resolution of the district board requesting or approving the special election. Any special election shall be conducted in accordance with G.S. 163-287.

A new registration of voters shall not be required for the special election. The special election shall be conducted in accordance with the provisions of law applicable to regular elections in the city or town.

If a majority of the votes are in favor of the merger, then:

(1) All property, real and personal and mixed, including accounts receivable, belonging to such district shall vest in, belong to, and be the property of, such city or town. All district boards are hereby authorized to take such actions and to execute such documents as will carry into effect the provisions and the intent of this section.

(2) All judgments, liens, rights of liens, and causes of action of any nature in favor of such district shall vest in and remain and inure to the benefit of such city or town.

(3) All taxes, assessments, sewer charges, and any other debts, charges or fees, owing to such district shall be owed to and collected by such city or town.

(4) All actions, suits and proceedings pending against, or having been instituted by, such district shall not be abated by this section or by the merger herein provided for, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if merger had not occurred, and such city or town shall be a party to all such actions, suits, and proceedings in the place and stead of the district and shall pay or cause to be paid any judgments rendered against the district in any such actions, suits, or proceedings. No new process need be served in any such action, suit, or proceeding.

(5) All obligations of the district, including outstanding indebtedness, shall be assumed by such city or town, and all such obligations and outstanding indebtedness shall constitute obligations and indebtedness of such city or town, and the full faith and credit of such city or town shall be deemed to be pledged for the punctual payment of the principal of and the interest on any general obligation bonds or bond anticipation notes of such district, and all the taxable property within such city or town, as well as that formerly located within the district, shall be and remain subject to taxation for such payment.

(6) All ordinances, rules, regulations, and policies of such district shall continue in full force and effect until repealed or amended by the governing body of such city or town.

(7) Such district shall be abolished, and shall no longer be constituted a public body or a body politic and corporate, except for the purposes of carrying into effect the provisions and the intent of this section.

If a majority of the votes are against the merger, then such merger shall not be effective unless approved by a majority of the qualified voters who vote thereon in a subsequent special election conducted under authority of this section.

Any action or proceeding in any court to set aside a special election held under authority of this section or the result thereof, or to obtain any other relief upon the ground that such election or any proceeding or action taken with respect to the holding of such election is invalid, must be commenced within 30 days after the day of such special election. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the election or the result thereof shall be asserted, nor shall the validity of the election or of the result thereof be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period."

SECTION 70. G.S. 115C-47(59) is repealed.

SECTION 71. G.S. 115C-81(g1)(1)b. reads as rewritten:

"b. Instruction on the importance of voting and otherwise participating in the democratic process, including instruction on voter ~~registration and preregistration;~~registration;".

SECTION 72. G.S. 138A-22(d) reads as rewritten:

"(d) A candidate for an office subject to this Article shall file the statement of economic interest at the same place and in the same manner as the notice of candidacy for that office is required to be filed under G.S. 163-106 ~~or G.S. 163-323~~ within 10 days of the filing deadline for the office the candidate seeks. An individual who is nominated under G.S. 163-114 after the

primary and before the general election, and an individual who qualifies under G.S. 163-122 as an unaffiliated candidate in a general election, shall file a statement of economic interest with the county board of elections of each county in the senatorial or representative district. An individual nominated under G.S. 163-114 shall file the statement within three days following the individual's nomination, or not later than the day preceding the general election, whichever occurs first. An individual seeking to qualify as an unaffiliated candidate under G.S. 163-122 shall file the statement of economic interest with the petition filed under that section. An individual seeking to have write-in votes counted for that individual in a general election shall file a statement of economic interest at the same time the candidate files a declaration of intent under G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of economic interest at the same time that the president of the convention certifies the names of its candidates to the State Board of Elections under G.S. 163-98."

SECTION 73. G.S. 163-1(b) reads as rewritten:

"(b) On Tuesday next after the first Monday in May preceding each general election to be held in November for the officers referred to in subsection (a) of this section, there shall be held in all election precincts within the territory for which the officers are to be elected a primary election for the purpose of nominating candidates for each political party in the State for those ~~offices, and nonpartisan candidates as to offices elected under the provisions of Article 25 of this Chapter.~~offices."

SECTION 74. G.S. 163-22.3 reads as rewritten:

"**§ 163-22.3. State Board of Elections littering notification.**

At the time an individual files with the State Board of Elections a notice of candidacy pursuant to G.S. 163-106, 163-112, 163-291, ~~163-294.2, or 163-323,~~ or 163-294.2, is certified to the State Board of Elections by a political party executive committee to fill a nomination vacancy pursuant to G.S. 163-114, is certified to the State Board of Elections by a new political party as that party's nominee pursuant to G.S. 163-98, qualifies with the State Board of Elections as an unaffiliated or write-in candidate pursuant to Article 11 of this Chapter, or formally initiates a candidacy with the State Board of Elections pursuant to any statute or local act, the State Board of Elections shall notify the candidate of the provisions concerning campaign signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the Department of Transportation pursuant to G.S. 136-18."

SECTION 75. G.S. 163-82.10B reads as rewritten:

"**§ 163-82.10B. Confidentiality of date of birth.**

Boards of elections shall keep confidential the date of birth of every voter-registration applicant and registered voter, except in the following situations:

(1) When a voter has filed notice of candidacy for elective office under G.S. 163-106, 163-122, 163-123, or 163-294.2, ~~or 163-323,~~ has been nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has otherwise formally become a candidate for elective office. The exception of this subdivision does not extend to an individual who meets the definition of "candidate" only by beginning a tentative candidacy by receiving funds or making payments or giving consent to someone else to receive funds or transfer something of value for the purpose of exploring a candidacy.

(2) When a voter is serving in an elective office.

(3) When a voter has been challenged pursuant to Article 8 of this Chapter.

(4) When a voter-registration applicant or registered voter expressly authorizes in writing the disclosure of that individual's date of birth.

The disclosure of an individual's age does not constitute disclosure of date of birth in violation of this section.

The county board of elections shall give precinct officials access to a voter's date of birth where necessary for election administration, consistent with the duty to keep dates of birth confidential.

Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of action. This limitation of liability does not apply to the disclosure of a date of birth in violation of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable."

SECTION 76. G.S. 163-122(c) is repealed.

SECTION 77. G.S. 163-123(g) reads as rewritten:

"(g) Municipal and Nonpartisan Elections Excluded. – This section does not apply to municipal elections conducted under Subchapter IX of Chapter 163 of the General Statutes, and does not apply to nonpartisan elections.~~elections except for elections under Article 25 of this Chapter.~~"

SECTION 78. G.S. 163-165.5(3) reads as rewritten:

"**§ 163-165.5. Contents of official ballots.**

Each official ballot shall contain all the following elements:

...

(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. The State Board of Elections shall establish a review procedure that local boards of elections shall follow to ensure that candidates' names appear on the official ballot in accordance with this subdivision.

...."

SECTION 79. G.S. 163-278.64(c) reads as rewritten:

"(c) Certification of Candidates. – Upon receipt of a submittal of the record of demonstrated support by a participating candidate, the Board shall determine whether or not the candidate has complied with all the following requirements:

(1) Signed and filed a declaration of intent to participate in this Article.

(2) Submitted a report itemizing the appropriate number of qualifying contributions received from registered voters, which the Board shall verify through a random sample or other means it adopts. The report shall include the county of residence of each registered voter listed.

(3) Filed a valid notice of candidacy pursuant to Article ~~25~~ 10 of this ~~Chapter.~~ Chapter, a valid petition or declaration of intent under Article 11 of this Chapter, or is nominated under G.S. 163-98.

(4) Otherwise met the requirements for participation in this Article.

The Board shall certify candidates complying with the requirements of this section as soon as possible and no later than five business days after receipt of a satisfactory record of demonstrated support."

SECTION 80. G.S. 163-278.64A is repealed.

SECTION 81. G.S. 163-278.100(1) reads as rewritten:

"**§ 163-278.100. Definitions.**

As used in this Article, the following terms have the following definitions:

(1) The term "candidate-specific communication" means any broadcast, cable, or satellite communication that has all the following characteristics:

a. Refers to a clearly identified candidate for a statewide office or the General Assembly.

b. Is aired in an even-numbered year after the final date on which a Notice of Candidacy can be filed for the office, pursuant to ~~G.S. 163-106(c) or G.S. 163-323,~~ G.S. 163-106(c), and through the day on which the general election is conducted, excluding the time period set in the definition for "electioneering communication" in G.S. 163-278.80(2)b.

c. Is targeted to the relevant electorate.

...."

SECTION 82. G.S. 163-278.110(1) reads as rewritten:

"**§ 163-278.110. Definitions.**

As used in this Article, the following terms have the following definitions:

(1) The term "candidate-specific communication" means any mass mailing or telephone bank that has all the following characteristics:

a. Refers to a clearly identified candidate for a statewide office or the General Assembly.

b. Is transmitted in an even-numbered year after the final date on which a Notice of Candidacy can be filed for the office, pursuant to ~~G.S. 163-106(c) or G.S. 163-323,~~ G.S. 163-106(c), and through the day on which the general election is conducted, excluding the time period set in the definition for "electioneering communication" in G.S. 163-278.90(2)b.

c. Is targeted to the relevant electorate.

...."

SECTION 83. If House Bill 351, 2011 Regular Session, becomes law, Section 1.3 of that act is repealed.

SECTION 84. If House Bill 351, 2011 Regular Session, becomes law, Section 38.(b) of this act reads as rewritten:

"**SECTION 38.(b)** The ~~balances~~ unexpended funds remaining in ~~of~~ the North Carolina Voter-Owned Elections Fund upon this act becoming law are ~~transferred to the General Fund.~~to be used for the purposes of Section 1.9(a)(8) of House Bill 351, 2011 Regular Session."

SECTION 85. If Senate Bill 456, 2011 Regular Session, becomes law, Sections 4 and 5 of that act are repealed.

SECTION 86. The Joint Legislative Elections Oversight Committee shall study the feasibility and applicability of requiring electronic filing of all reports required to be filed with the State Board of Elections under G.S. 163-278.9, regardless of the amount. The Joint Legislative Elections Oversight Committee shall report its findings and recommendations to the 2012 Regular Session of the 2011 General Assembly.

SECTION 87. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

SECTION 88. Except as otherwise provided herein, this act becomes effective January 1, 2012, and apply to elections held on or after that date.

Attach.

SB 47 - TOPIC	BILL SECTION	CITATION	SUMMARY
Special Elections	Sect. 1.	GS 163, Art. 1	Requires special elections to be conducted when called, as permitted by law.
State Board of Election Chair	Sect. 2.(a)	GS 163-19	Limits SBOE chair to 2 year term and limits chair to 2 terms
State Board of Election Chair	Sect. 2.(b)		Requires election of new SBOE chair September 1, 2011
Conforming Change to Same Day Voter Registration	Sect. 3.	GS 163-59	Conforming change to repeal of same day voter registration
Various Changes to Voter Registration	Sect. 4.	GS163-82.6	1. Makes Class 2 misdemeanor to pay or accept payment to assist in registration voters on basis of per voter registration completed. 2. Makes conforming change to repeal of same day voter registration. 3. Eliminates registration in 25 days before election for people who become qualified to register in that period.
Repeal of Same Day Voter Registration	Sect. 5	GS 163-82.6A	Repeals statute permitting same day voter registration and voting at one stop sites.
Repeals Mandated Voter Registration Drives	Sect. 6	GS 163-82.25	Repeals Mandated Voter Registration Drives
Notification of Candidate of Filing Requirements for Organizational Reports	Sect. 7	GS 163-98	Require the appropriate board of elections to notify candidates upon qualifying for ballot access of the following: 1. The required organizational report must be filed with the State Board of Elections no later than the tenth day following the day the candidate files notice of candidacy or, the tenth day following the organization of the political committee, whichever occurs first. 2. A civil late penalty shall be assessed against the candidate of $250 per day for each day the filing of the organizational report is late. 3. Every treasurer of a political committee must participate in the treasurer training within the required time frame.

ATTACHMENT 7

Partisan Primaries for Judicial Elections Notification of Candidate of Filing Requirements for Organizational Reports	Sect. 8	GS 163-106	Establishes partisan primaries for election of appellate court, superior, and district court judges. Require the appropriate board of elections to notify candidates upon qualifying for ballot access of the following: 1. The required organizational report must be filed with the State Board of Elections no later than the tenth day following the day the candidate files notice of candidacy or, the tenth day following the organization of the political committee, whichever occurs first. 2. A civil late penalty shall be assessed against the candidate of $250 per day for each day the filing of the organizational report is late. 3. Every treasurer of a political committee must participate in the treasurer training within the required time frame.
Conforming Change for Partisan Judicial Primaries	Sect. 9	GS 163-107(a)	Requires judges to pay filing fee for partisan primary.
Conforming Change for Partisan Judicial Primaries	Sect. 10	GS 163-107.1(c)	Allows judicial candidates to petition in lieu of payment of filing fee for partisan primary.
Conforming Change for Partisan Judicial Primaries	Sect. 11	GS 163-111(c)(1)	Allows judicial candidates to request a second primary.
Conforming Change for Partisan Judicial Primaries Notification of Candidate of Filing Requirements for Organizational Reports	Sect. 12	GS 163-114	Provides for filling vacancies in party nominee for judicial candidates for district and superior court. Require the appropriate board of elections to notify candidates upon qualifying for ballot access of the following: 1. The required organizational report must be filed with the State Board of Elections no later than the tenth day following the day the candidate receives nomination by the party or the tenth day following the organization of the political committee, whichever occurs first. 2. A civil late penalty shall be assessed against the candidate of $250 per day for each day the filing of the organizational report is late. 3. Every treasurer of a political committee must participate in the treasurer training within the required time frame.

Notification of Candidate of Filing Requirements for Organizational Reports	Sect. 13	GS 163-122	Require the appropriate board of elections to notify candidates upon qualifying for ballot access of the following: 1. The required organizational report must be filed with the State Board of Elections no later than the tenth day following the day the candidate's petition is verified or the tenth day following the organization of the political committee, whichever occurs first. 2. A civil late penalty shall be assessed against the candidate of $250 per day for each day the filing of the organizational report is late. 3. Every treasurer of a political committee must participate in the treasurer training within the required time frame.
Notification of Candidate of Filing Requirements for Organizational Reports	Sect. 14	GS 163-123	Require the appropriate board of elections to notify candidates upon qualifying for ballot access of the following: 1. The required organizational report must be filed with the State Board of Elections no later than the tenth day following the day the candidate's petition is verified or the tenth day following the organization of the political committee, whichever occurs first. 2. A civil late penalty shall be assessed against the candidate of $250 per day for each day the filing of the organizational report is late. 3. Every treasurer of a political committee must participate in the treasurer training within the required time frame.
Provisional Ballot	Sect. 15	GS 163-165(6)	Repeals requirement that provisional ballot may not marked to make it identifiable to voter.
Official Ballots	Sect. 16	GS 163-165.6	1. For party candidates, places political parties with 2 highest percentages of statewide voter registration first on the ballot. 2. Rotates order of political parties on ballot every 4 years. 3. Eliminates straight party voting.
Provisional Voting	Sect. 17	GS 163-166.11	Prohibits encouraging individuals to vote at another voting place.
Same Day Voter Registration	Sect. 18	GS 163-166.12(b2)	Conforming change to repeal of same day voter registration.
Straight Party Ticket Voting	Sect. 19	GS 163-182.1(a)(7)	Conforming change to repeal of straight party ticket voting.
Repeals Current Law on Presidential Electors	Sect. 20	GS 163-Art. 18	Enacts Uniform Law on Faithful Presidential Electors.

One Stop Voting	Sect. 21	GS 163-227.2	Conforming changes to repeal of same day voter registration and shortens early voting period to 2 weeks. Sec. 21 also prohibits one stop voting on Sundays and requires satellite one stop sites to be open at same time and at least the same days and hours as the county board of elections one stop site.
Absentee Ballots	Sect. 22	GS 163-230.2	Repeals methods of requesting absentee ballots.
Compelling Self-Incriminating Testimony	Sect. 23	GS 163-277	Repeals provision that individuals compelled to testify shall not be subject to any penalty or forfeiture.
Repeal of Instant Run-Off Voting	Sect. 24	GS 163-329	Repeals IRV for judicial elections and provides that plurality method be used to determine general elections for judicial races occurring less than 64 days before a second primary.
Same Day Voter Registration	Sect. 25	GS 163-283	Conforming change to same day voter registration repeal.
Same Day Voter Registration	Sect. 26	GS 163-283.1	Conforming change to same day voter registration repeal.
Special Elections	Sect. 27	GS 163-287	Requires special elections be held as general election or a primary election in an even-numbered year, except for special elections related to public health or safety.
Same Day Voter Registration	Sect. 28	GS 163-330	Conforming change to same day voter registration repeal.
Judicial Elections	Sect. 29	Chapter 163, Art. 25	Repeals article providing for nonpartisan election of judges.
Voter Owned Elections Repeal	Sect. 30	GS 163-278.5	Conforming change to repeal of voter owned elections.
Voter Owned Elections Repeal	Sect. 31	GS 163-278.13	Conforming change to repeal of voter owned elections.
Limits on Contributions from State Vendors	Sect. 32	GS 163-278.13D	Limits state vendors from making contributions greater than $500 per election to public servants who have authority over the contracts of the vendor.
Political Party Headquarter Funds	Sect. 33	GS 163-278.19B	Provides for establishment of public party headquarters fund for liabilities of political party.
Contributions to Political Parties	Sect. 34	GS 163-278.19C	No contributions of more than $250,000 per election to a political party.
Compelling Self-Incriminating Testimony	Sect. 35.	GS 163-278.29	Repeals provision that individuals compelled to testify shall not be subject to any penalty or forfeiture.
Candidate Liability	Sect. 36	GS 163-278.34	Makes candidate liable for civil penalties against candidate campaign committee.
Preservation of Records	Sect. 37	GS 163-278.35	Requires maintenance of records for 2 years following date of last report, including underlying documentation.
Voter Owned Elections Repeal	Sect. 38	Chapter 163, Art. 22J	Repeals voter owned elections Act providing public financing for certain council of state races.
Technical and Conforming Changes to Election Laws.	Secs. 39-85		Technical and Conforming Changes to Election Laws.
Study Electronic Filing	Sec. 86		Election Oversight Committee shall study electronic filing of reports with SBOE.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 47 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

(Rep.) Lewis
Sen.)

1 moves to amend the bill on page 14, lines ~~44-46~~ 44-46

2 ( ) WHICH CHANGES THE TITLE

3 by deleting those lines.

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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) _____
Sen.)

moves to amend the bill on page 21, line 4-7

( ) WHICH CHANGES THE TITLE

by rewriting that line to read:

"of the county's electorate. If a county board of elections";

and on page 21, lines 17-18 by rewriting that line to read:

"members of that board, a one-stop site in a building that the county."

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

ATTACHMENT 7

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 2

SENATE BILL 47
Judiciary I Committee Substitute Adopted 6/7/11

Short Title: Restore Partisan Judicial Elections. (Public)

Sponsors:

Referred to:

February 9, 2011

A BILL TO BE ENTITLED

AN ACT TO RESTORE JUDICIAL ELECTIONS TO A PARTISAN BASIS.

The General Assembly of North Carolina enacts:

SECTION 1. Subchapter X (Article 25) of Chapter 163 of the General Statutes is repealed.

SECTION 2. G.S. 163-106(c) reads as rewritten:

"(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the State Board of Elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the last business day in February preceding the primary:

Governor
Lieutenant Governor
All State executive officers
Justices of the Supreme Court, Judges of the Court of Appeals
Judges of the superior courts
Judges of the district courts
United States Senators
Members of the House of Representatives of the United States
District attorneys

Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the county board of elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the last business day in February preceding the primary:

State Senators
Members of the State House of Representatives
All county offices."

SECTION 3. G.S. 163-106(d) reads as rewritten:

"(d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any primary in which there are two or more vacancies for associate justices for the Supreme Court, two or more vacancies for the Court of Appeals, two or more vacancies for district court judge, or two vacancies for United States Senator from North Carolina, each candidate shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the vacancy to which ~~he~~ that candidate seeks nomination. Votes cast for a candidate shall be effective only for ~~his~~ nomination to the vacancy for which ~~he~~ that candidate has given notice of candidacy as provided in this subsection."

SECTION 4. G.S. 163-107(a) reads as rewritten:

"(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay to the board of elections with which ~~he~~ that candidate files under the provisions of G.S. 163-106 a filing fee for the office ~~he seeks~~sought in the amount specified in the following tabulation:

Office Sought	Amount of Filing Fee
Governor	One percent (1%) of the annual salary of the office sought
Lieutenant Governor	One percent (1%) of the annual salary of the office sought
All State executive offices	One percent (1%) of the annual salary of the office sought
All Justices, Judges, and 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
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)

The salary of any office that is the basis for calculating the filing fee is the starting salary for the office, rather than the salary received by the incumbent, if different. If no starting salary can be determined for the office, then the salary used for calculation is the salary of the incumbent, as of January 1 of the election year."

SECTION 5. G.S. 163-107.1(c) reads as rewritten:

"(c) County, Municipal and District Primaries. – If the candidate is seeking one of the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this section, or a municipal or any other office requiring a partisan primary which is not set forth in G.S. 163-106(c) or (d), ~~he~~ the candidate shall file a written petition with the appropriate board of elections no later than 12:00 noon on Monday preceding the filing deadline before the primary. The petition shall be signed by ten percent (10%) of the registered voters of the election area in which the office will be voted for, who are affiliated with the same political party in whose primary the candidate desires to run, or in the alternative, the petition shall be signed by no less than 200 registered voters regardless of said voter's political party affiliation, whichever requirement is greater. The board of elections shall verify the names on the petition, and if the petition is found to be sufficient, the candidate's name shall be printed on the appropriate primary ballot. Petitions for candidates for member of the U.S. House of Representatives, District Attorney, judge of the superior court, judge of the district court, and members of the State House of Representatives from multi-county districts or members of the State Senate from multi-county districts must be presented to the county board of elections for verification at least 15 days before the petition is due to be filed with the State Board of Elections, and such petition must be filed with the State Board of Elections no later than 12:00 noon on Monday preceding the filing deadline. The State Board of Elections may adopt rules to implement this section and to provide standard petition forms."

SECTION 6. G.S. 163-111(c)(1) reads as rewritten:

"(c) Procedure for Requesting Second Primary.

(1) 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 with the Executive Director of the State Board of Elections no later than 12:00 noon on the 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 State Board of Elections. If the vote certification by the State Board of Elections determines that a candidate who was not originally thought to be eligible to call for a second primary is in fact eligible to call for a second primary, the Executive Director of the State Board of Elections shall immediately notify such candidate and permit him to exercise any options available to him within a 48-hour period following the notification:

Governor,
Lieutenant Governor,
All State executive officers,
Justices, Judges, or District Attorneys of the General Court of Justice,
United States Senators,
Members of the United States House of Representatives,
State Senators in multi-county senatorial districts, and
Members of the State House of Representatives in multi-county representative districts."

SECTION 7. 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	Vacancy is to be filled by appointment of national executive committee of political party in which vacancy occurs
Vice President	
Presidential elector or alternate elector	Vacancy is to be filled by appointment of State executive committee of political party in which vacancy occurs
Any elective State office	
United States Senator	
A district office, including:	Appropriate district executive committee of political party in which vacancy occurs
Member of the United States House of Representatives	
Judge of district court	
District Attorney	
State Senator in a multi-county senatorial district	
Member of State House of Representatives in a multi-county representative district	
State Senator in a single-county senatorial district	County executive committee of political party in which vacancy occurs, provided, in the case of the State
Member of State House of	

Representatives in a single-county representative district	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
Any elective county office	
Judge of superior court in a single-county judicial district where the district is the whole county or part of the county	County executive committee of political party in which vacancy occurs; provided, in the case of a superior court judge in a single-county district where not all the county is located in that district, then in voting, only those members of the county executive committee who reside within the district shall vote
Judge of superior court in a multicounty judicial district	Appropriate district executive committee of political party in which vacancy occurs.

The party executive making a nomination in accordance with the provisions of this section shall certify the name of its nominee to the chairman of the board of elections, State or county, that has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of G.S.163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that vacancy arises from a cause other than death and the vacancy in nomination occurs more than 120 days before the general election, the vacancy in nomination may be filled under this section only if the appropriate executive committee certifies the name of the nominee in accordance with this paragraph at least 75 days before the general election.

In a county which is partly in a multicounty judicial district, in choosing that county's member or members of the judicial district executive committee for the multicounty district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multicounty district may vote.

In a county not all of which is located in one congressional district, in choosing the congressional district executive committee member or members from that area of the county, only the county convention delegates or county executive committee members who reside within the area of the county which is within the congressional district may vote.

In a county which is partly in a multi-county senatorial district or which is partly in a multi-county House of Representatives district, in choosing that county's member or members of the senatorial district executive committee or House of Representatives district executive committee for the multi-county district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multi-county district may vote.

An individual whose name appeared on the ballot in a primary election preliminary to the general election shall not be eligible to be nominated to fill a vacancy in the nomination of another party for the same office in the same year."

SECTION 8. G.S. 138A-22(d) reads as rewritten:

"(d) A candidate for an office subject to this Article shall file the statement of economic interest at the same place and in the same manner as the notice of candidacy for that office is required to be filed under G.S. 163-106 ~~or G.S. 163-323~~ within 10 days of the filing deadline for the office the candidate seeks. An individual who is nominated under G.S. 163-114 after the primary and before the general election, and an individual who qualifies under G.S. 163-122 as an unaffiliated candidate in a general election, shall file a statement of economic interest with the county board of elections of each county in the senatorial or representative district. An individual nominated under G.S. 163-114 shall file the statement within three days following the individual's nomination, or not later than the day preceding the general election, whichever occurs first. An individual seeking to qualify as an unaffiliated candidate under G.S. 163-122 shall file the statement of economic interest with the petition filed under that section. An individual seeking to have write-in votes counted for that individual in a general election shall file a statement of economic interest at the same time the candidate files a declaration of intent under G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of economic interest at the same time that the president of the convention certifies the names of its candidates to the State Board of Elections under G.S. 163-98."

SECTION 9. G.S. 163-22.3 reads as rewritten:

"**§ 163-22.3. State Board of Elections littering notification.**

At the time an individual files with the State Board of Elections a notice of candidacy pursuant to G.S. 163-106, 163-112, 163-291, ~~163-294.2, or 163-323,~~ or 163-294.2, is certified to the State Board of Elections by a political party executive committee to fill a nomination vacancy pursuant to G.S. 163-114, is certified to the State Board of Elections by a new political party as that party's nominee pursuant to G.S. 163-98, qualifies with the State Board of Elections as an unaffiliated or write-in candidate pursuant to Article 11 of this Chapter, or formally initiates a candidacy with the State Board of Elections pursuant to any statute or local act, the State Board of Elections shall notify the candidate of the provisions concerning campaign signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the Department of Transportation pursuant to G.S. 136-18."

SECTION 10. G.S. 163-82.10B reads as rewritten:

"**§ 163-82.10B. Confidentiality of date of birth.**

Boards of elections shall keep confidential the date of birth of every voter-registration applicant and registered voter, except in the following situations:

(1) When a voter has filed notice of candidacy for elective office under G.S. 163-106, 163-122, 163-123, or 163-294.2, ~~or 163-323,~~ has been nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has otherwise formally become a candidate for elective office. The exception of this subdivision does not extend to an individual who meets the definition of "candidate" only by beginning a tentative candidacy by receiving funds or making payments or giving consent to someone else to receive funds or transfer something of value for the purpose of exploring a candidacy.

(2) When a voter is serving in an elective office.

(3) When a voter has been challenged pursuant to Article 8 of this Chapter.

(4) When a voter-registration applicant or registered voter expressly authorizes in writing the disclosure of that individual's date of birth.

The disclosure of an individual's age does not constitute disclosure of date of birth in violation of this section.

The county board of elections shall give precinct officials access to a voter's date of birth where necessary for election administration, consistent with the duty to keep dates of birth confidential.

Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of action. This limitation of liability does not apply to the disclosure of a date of birth in violation

of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable."

SECTION 11. G.S. 163-165.5(3) reads as rewritten:

"**§ 163-165.5. Contents of official ballots.**

Each official ballot shall contain all the following elements:

...

(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. The State Board of Elections shall establish a review procedure that local boards of elections shall follow to ensure that candidates' names appear on the official ballot in accordance with this subdivision.

...."

SECTION 12. G.S. 163-278.100(1) reads as rewritten:

"**§ 163-278.100. Definitions.**

As used in this Article, the following terms have the following definitions:

(1) The term "candidate-specific communication" means any broadcast, cable, or satellite communication that has all the following characteristics:

a. Refers to a clearly identified candidate for a statewide office or the General Assembly.

b. Is aired in an even-numbered year after the final date on which a Notice of Candidacy can be filed for the office, pursuant to ~~G.S. 163-106(c) or G.S. 163-323,~~ G.S. 163-106(c), and through the day on which the general election is conducted, excluding the time period set in the definition for "electioneering communication" in G.S. 163-278.80(2)b.

c. Is targeted to the relevant electorate.

...."

SECTION 13. G.S. 163-278.110(1) reads as rewritten:

"**§ 163-278.110. Definitions.**

As used in this Article, the following terms have the following definitions:

(1) The term "candidate-specific communication" means any mass mailing or telephone bank that has all the following characteristics:

a. Refers to a clearly identified candidate for a statewide office or the General Assembly.

b. Is transmitted in an even-numbered year after the final date on which a Notice of Candidacy can be filed for the office, pursuant to ~~G.S. 163-106(c) or G.S. 163-323,~~ G.S. 163-106(c), and through the day on which the general election is conducted, excluding the time period set in the definition for "electioneering communication" in G.S. 163-278.90(2)b.

c. Is targeted to the relevant electorate.

...."

SECTION 14. G.S. 163-1(b) reads as rewritten:

"(b) On Tuesday next after the first Monday in May preceding each general election to be held in November for the officers referred to in subsection (a) of this section, there shall be held in all election precincts within the territory for which the officers are to be elected a primary election for the purpose of nominating candidates for each political party in the State for those ~~offices, and nonpartisan candidates as to offices elected under the provisions of Article 25 of this Chapter.~~offices."

SECTION 15. G.S. 163-122(c) is repealed.

SECTION 16. G.S. 163-123(g) reads as rewritten:

"(g) Municipal and Nonpartisan Elections Excluded. – This section does not apply to municipal elections conducted under Subchapter IX of Chapter 163 of the General Statutes, and does not apply to nonpartisan elections.~~elections except for elections under Article 25 of this Chapter.~~"

SECTION 17. G.S. 163-278.64(c) reads as rewritten:

"(c) Certification of Candidates. – Upon receipt of a submittal of the record of demonstrated support by a participating candidate, the Board shall determine whether or not the candidate has complied with all the following requirements:

(1) Signed and filed a declaration of intent to participate in this Article.

(2) Submitted a report itemizing the appropriate number of qualifying contributions received from registered voters, which the Board shall verify through a random sample or other means it adopts. The report shall include the county of residence of each registered voter listed.

(3) Filed a valid notice of candidacy pursuant to Article ~~25~~ 10 of this ~~Chapter.~~ Chapter, a valid petition or declaration of intent under Article 11 of this Chapter, or is nominated under G.S. 163-98.

(4) Otherwise met the requirements for participation in this Article.

The Board shall certify candidates complying with the requirements of this section as soon as possible and no later than five business days after receipt of a satisfactory record of demonstrated support."

SECTION 18. G.S. 163-278.64A is repealed.

SECTION 19.(a) Notwithstanding Section 1 of this act, G.S. 163-329 reads as rewritten:

"**§ 163-329. Elections to fill vacancy in office created after primary filing period opens.**

(a) General. – If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior court after the filing period for the primary opens but more than 60 days before the general election, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted without a primary using the method provided in subsection (b1) of this section. If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior court before the filing period for the primary opens, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted in accordance with G.S. 163-322.

(b) Repealed by Session Laws 2006-192, s. 8(a), effective August 3, 2006, and applicable to vacancies occurring on or after that date.

(b1) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of the superior court occurs more than 60 days before the general election and after the opening of the filing period for the primary, then the

State Board of Elections shall designate a special filing period of one week for candidates for the office. If more than two candidates file and qualify for the office in accordance with G.S. 163-323, then the Board shall conduct the election for the office as follows:

(1) When the vacancy described in this section occurs more than 63 days before the date of the second primary for members of the General Assembly, a special primary shall be held on the same day as the second primary. The two candidates with the most votes in the special primary shall have their names placed on the ballot for the general election held on the same day as the general election for members of the General Assembly.

(2) When the vacancy described in this section occurs less than 64 days before the date of the second primary, a general election for all the candidates shall be held on the same day as the general election for members of the General Assembly and the plurality method of determining the results shall be used, as follows:

a. When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared elected.

b. When more persons are seeking election to two or more offices as superior court judge (constituting a group) than there are offices to be filled, those candidates receiving the highest numbers of votes, equal in number to the number of offices to be filled, shall be declared elected.

~~"instant runoff voting" method shall be used to determine the winner. Under "instant runoff voting," voters rank up to three of the candidates by order of preference, first, second, or third. If the candidate with the greatest number of first-choice votes receives more than fifty percent (50%) of the first-choice votes, that candidate wins. If no candidate receives that minimum number, the two candidates with the greatest number of first-choice votes advance to a second round of counting. In this round, each ballot counts as a vote for whichever of the two final candidates is ranked highest by the voter. The candidate with the most votes in the second round wins the election. If more than one seat is to be filled in the same race, the voter votes the same way as if one seat were to be filled. The counting is the same as when one seat is to be filled, with one or two rounds as needed, except that counting is done separately for each seat to be filled. The first count results in the first winner. Then the second count proceeds without the name of the first winner. This process results in the second winner. For each additional seat to be filled, an additional count is done without the names of the candidates who have already won. In multi-seat contests, the State Board of Elections may give the voter more than three choices.~~

(3) If two or more candidates receiving the highest number of votes each receive the same number of votes, the board of elections shall resolve the tie in accordance with G.S. 163-182.8.

(c) Applicable Provisions. – Except as provided in this section, the provisions of this Article apply to elections conducted under this section.

(d) Rules. – The State Board of Elections shall adopt rules for the implementation of this section. The rules are not subject to Article 2A of Chapter 150B of the General Statutes. ~~The rules shall include the following:~~

~~(1) If after the first-choice candidate is eliminated, a ballot does not indicate one of the uneliminated candidates as an alternative choice, the ballot is exhausted and shall not be counted after the initial round.~~

~~(2) The fact that the voter does not designate a second or third choice does not invalidate the voter's higher choice or choices.~~

~~(3) The fact that the voter gives more than one ranking to the same candidate shall not invalidate the vote. The highest ranking given a particular candidate shall count as long as the candidate is not eliminated.~~

~~(4) In case of a tie between candidates such that two or more candidates have an equal number of first choices and more than two candidates qualify for the second round, instant runoff voting shall be used to determine which two candidates shall advance to the second round.~~"

SECTION 19.(b) G.S. 163-329, as amended by this section, is recodified as G.S. 163-120.

SECTION 20. G.S. 105-159.2(b) reads as rewritten:

"(b) Returns. – Individual income tax returns must give an individual an opportunity to agree to the allocation of three dollars ($3.00) of the individual's tax liability to the North Carolina Public Campaign Fund. The Department must make it clear to the taxpayer that the dollars ~~will support a nonpartisan court system, that the dollars~~ will go to the Fund if the taxpayer marks an agreement, and that allocation of the dollars neither increases nor decreases the individual's tax liability. The following statement must be used to meet this requirement: "Mark 'Yes' if you want to designate $3 of taxes to this special Fund for voter education materials and for candidates who accept spending limits. Marking 'Yes' does not change your tax or refund." The Department must consult with the State Board of Elections to ensure that the information given to taxpayers complies with the intent of this section.

The Department must inform the entities it approves to reproduce the return that they must comply with the requirements of this section and that a return may not reflect an agreement or objection unless the individual completing the return decided to agree or object after being presented with the statement required by subsection (b) of this section and, as available background information or instructions, the information required by subsection (c) of this section. No software package used in preparing North Carolina income tax returns may default to an agreement or objection. A paid preparer of tax returns may not mark an agreement or objection for a taxpayer without the taxpayer's consent."

SECTION 21.(a) G.S. 84-34 reads as rewritten:

"**§ 84-34. Membership fees and list of members.**

Every active member of the North Carolina State Bar shall, prior to the first day of July of each year, pay to the secretary-treasurer an annual membership fee in an amount determined by the Council but not to exceed ~~three hundred dollars ($300.00), plus a surcharge of fifty dollars ($50.00) for the implementation of Article 22D of Chapter 163 of the General Statutes,~~ three hundred dollars ($300.00) and every member shall notify the secretary-treasurer of the member's correct mailing address. Any member who fails to pay the required dues by the last day of June of each year shall be subject to a late fee in an amount determined by the Council but not to exceed thirty dollars ($30.00). All dues for prior years shall be as were set forth in the General Statutes then in effect. The membership fee shall be regarded as a service charge for the maintenance of the several services authorized by this Article, and shall be in addition to all fees required in connection with admissions to practice, and in addition to all license taxes required by law. The fee shall not be prorated: Provided, that no fee shall be required of an attorney licensed after this Article shall have gone into effect until the first day of January of the calendar year following that in which the attorney was licensed; but this proviso shall not apply to attorneys from other states admitted on certificate. The fees shall be disbursed by the secretary-treasurer on the order of the Council. ~~The fifty-dollar ($50.00) surcharge shall be sent on a monthly schedule to the State Board of Elections.~~ The secretary-treasurer shall annually, at a time and in a law magazine or daily newspaper to be prescribed by the Council, publish an account of the financial transactions of the Council in a form to be prescribed by it. The

secretary-treasurer shall compile and keep currently correct from the names and mailing addresses forwarded to the secretary-treasurer and from any other available sources of information a list of members of the North Carolina State Bar and furnish to the clerk of the superior court in each county, not later than the first day of October in each year, a list showing the name and address of each attorney for that county who has not complied with the provisions of this Article. The name of each of the active members who are in arrears in the payment of membership fees shall be furnished to the presiding judge at the next term of the superior court after the first day of October of each year, by the clerk of the superior court of each county wherein the member or members reside, and the court shall thereupon take action that is necessary and proper. The names and addresses of attorneys so certified shall be kept available to the public. The Secretary of Revenue is hereby directed to supply the secretary-treasurer, from records of license tax payments, with any information for which the secretary-treasurer may call in order to enable the secretary-treasurer to comply with this requirement.

The list submitted to several clerks of the superior court shall also be submitted to the Council at its October meeting of each year and it shall take the action thereon that is necessary and proper."

SECTION 21.(b) G.S. 163-278.63(b)(7) is repealed.

SECTION 21.(c) Any unexpended funds from the tax on attorneys under G.S. 163-278.63(b)(7) and G.S. 84-34 shall be retained by the State Board of Elections for the North Carolina Public Campaign Fund.

SECTION 22. This act becomes effective with respect to primaries and elections held on or after January 1, 2012.

June 14, 2011

ATTACHMENT 7

ROLL CALL VOTE

10 YES 13 NO = 23 (TOTAL)

HB# ____
SB# 47

HOUSE STANDING COMMITTEE ON Elections

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
	✓	Lewis, David			
✓		Burr, Justin			Moore, Tim
		Current, William		✓	Ross, Deborah
		Jones, Bert	✓		Sager, Efton
		Jordan, Jonathan	✓		Stam, Paul
	✓	Alexander, Martha	✓		Starnes, Edgar
✓		Blust, John		✓	Warren, Edith
		Brown, Larry		✓	Weiss, Jennifer
		Brown, Rayne			
	✓	Bryant, Angela			
	✓	Cotham, Tricia			
✓		Dixon, Jimmy			
✓	✓	Faircloth, John			
	✓	Fisher, Susan			
	✓	Floyd, Elmer			
	✓	Graham, Charles			
✓	✓	Harrison, Pricey			
✓		Iler, Frank			
✓		Justice, Carolyn			
	✓	Killian, Richard			
	✓	Martin, Grier			
	✓	McLawhorn, Marian			
✓	✓	Michaux, Mickey			
✓		Mills, Grey			
	✓	Mobley, Annie			

13 NO | 10 yes

Attachment 8

VISITOR REGISTRATION SHEET

Election Committee — 6-14-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amanda Gladin-Kranz	Gov office
Adam Pridemore	School of Gov't
Bo Heath	McGuireWoods
Daniel Baum	Troutman Sanders
Peter Ellis	Intern
Robert Chambers	citizen
Bob Phillips	Common Cause
Brad Levin	NCHBA
Jason Hayes	NCHBA
Luke Stancil	John Locke Foundation

VISITOR REGISTRATION SHEET

Election Committee — 6/14/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Barry Smith	M2Media.tics.com
Damon Circosta	NC Voter Ed
Bob Hall	Democracy NC
Ken Goode	NCBA
Neal Inman	Civitas
[signature]	NCVCE
John Hardin	MFS
Michelle Frazier	MF+S

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE ELECTIONS

DATE: 6-14-11 **Room:** 421

*Name: Carter Skotthy

County: Davidson

Sponsor: Rep. Rayne Brown

*Name: Marcel Boss

County: Mecklenburg

Sponsor: Speaker Thom Tillis

*Name: Benton Kriffs

County: Rowan

Sponsor: Rep. Harry Warren

*Name:

County:

Sponsor:

*Name:

County:

Sponsor:

House Sgt-At Arms:

1. Name: ~~EARL COKER~~
2. Name: MARTHA GADISON
3. Name: CHAMP CLARIS
4. Name:
5. Name:
6. Name:

2011-2012

HOUSE ELECTIONS

MINUTES

Election Committee Meeting

June 15, 2011

Attachment 1:	**Committee Notice**
Attachment 2:	**Minutes**
Attachment 3:	**SB 47 Committee Report, CS, Bill summary, PCS, Roll Call Vote**
Attachment 4:	**Visitor Registration Sheet**

ATTACHMENT 1

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, June 15, 2011
TIME: 5 minutes after recess today
LOCATION: 643 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 47	Restore Partisan Judicial Elections.	Senator Tillman

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **12 PM** o'clock on **June 15, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

ATTACHMENT 1

Corrected Notice ROOM CHANGE

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, June 15, 2011
TIME: 5 minutes after recess today
LOCATION: 1228 LB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 47	Restore Partisan Judicial Elections.	Senator Tillman

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **1 PM** o'clock on **June 15, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

ATTACHMENT 1

Corrected Notice Time Change

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Wednesday, June 15, 2011

TIME: 5:30 PM

LOCATION: 1228 LB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 47	Restore Partisan Judicial Elections.	Senator Tillman

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **3 PM** o'clock on **June 15, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

ATTACHMENT 2

Minutes

Committee on Elections

Wednesday, June 15, 2011

The House Committee on Elections met on Wednesday, June 15, 2011, in room 1228 of the Legislative Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Burr, Current, Jones and Jordan Co-Chairs, Representatives Alexander, Blust, Cotham, Dixon, Faircloth, Fisher, Floyd, Graham, Harrison, Iler, Justice, Killian, Martin, R. Brown, Bryant, Cotham, Dixon, Faircloth, Fisher, Floyd, Graham, Iler, Justice, Killian, Martin, McLawhorn, Michaux, Mills, Mobley, T. Moore, Ross, Sager, Stam, Starnes, Warren, Weiss. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw, and Denise Huntley Adams. The Chair called the meeting to order at 5:38 PM and Rep. Jones recognized the pages and sergeant at arms.

SB 47 Restore Confidence in Elections was brought before the committee. Rep. Moore made a motion to discuss the PCS for this Senate Bill. A Roll Call Vote was taken. 16 yes and 12 no's. The motion passed.

After discussion Rep. Stam moved for favorable to House Committee sub, unfavorable to Senate committee substitute. A roll Call Vote was taken. 16 yes and 14 no's. The Motion carried.

The meeting was adjourned at 5:50 PM

This meeting is recorded and a CD is available in the office of the Committee Assistant. All pertinent documents and handouts are attached to these minutes.

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

Attach #3

2011 COMMITTEE REPORT

HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative Lewis (Chair) for the Committee on ELECTIONS.

☒Committee Substitute for

SB 47 A BILL TO BE ENTITLED AN ACT TO RESTORE JUDICIAL ELECTIONS TO A PARTISAN BASIS.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on _____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No._____) is placed on the Calendar of _____. (The original bill resolution No._____) is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. ____) is re-referred to the Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. ___) is placed on the Unfavorable Calendar.

June 15, 2011

Attach #3

ROLL CALL VOTE

16 YES 12 NO = 28 (TOTAL)

HB# ____
SB# 47

PCS to SB47

HOUSE STANDING COMMITTEE ON Elections

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
___	___	Lewis, David			
✓	___	Burr, Justin	✓	___	Moore, Tim
✓	___	Current, William	___	✓	Ross, Deborah
✓	___	Jones, Bert	✓	___	Sager, Efton
✓	___	Jordan, Jonathan	___	___	Stam, Paul
___	✓	Alexander, Martha	✓	___	Starnes, Edgar
✓	___	Blust, John	___	✓	Warren, Edith
✓	___	Brown, Larry	___	✓	Weiss, Jennifer
✓	___	Brown, Rayne	___	___	
___	✓	Bryant, Angela	___	___	
___	✓	Cotham, Tricia			
✓	___	Dixon, Jimmy	___	___	
✓	___	Faircloth, John	___	___	
___	✓	Fisher, Susan	___	___	
___	✓	Floyd, Elmer	___	___	
___	✓	Graham, Charles			
✓	___	Harrison, Pricey	___	___	
✓	___	Iler, Frank	___	___	
✓	___	Justice, Carolyn			
✓	___	Killian, Richard	___	___	
___	✓	Martin, Grier	___	___	
___	✓	McLawhorn, Marian	___	___	
___	✓	Michaux, Mickey			
✓	___	Mills, Grey			
___	___	Mobley, Annie			

June 15, 2011

Attach. #3
Matters SB 47
Bill staff

ROLL CALL VOTE

16 YES 14 NO = 30 (TOTAL)

HB# ____
SB# 47

HOUSE STANDING COMMITTEE ON Elections

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
✓		Lewis, David			
✓		Burr, Justin	✓		Moore, Tim
	✓	Current, William		✓	Ross, Deborah
✓		Jones, Bert	✓		Sager, Efton
✓		Jordan, Jonathan	✓		Stam, Paul
	✓	Alexander, Martha	✓		Starnes, Edgar
✓		Blust, John		✓	Warren, Edith
✓		Brown, Larry		✓	Weiss, Jennifer
✓		Brown, Rayne			
	✓	Bryant, Angela			
	✓	Cotham, Tricia			
✓		Dixon, Jimmy			
✓		Faircloth, John			
	✓	Fisher, Susan			
	✓	Floyd, Elmer			
	✓	Graham, Charles			
✓		Harrison, Pricey			
✓		Iler, Frank			
✓		Justice, Carolyn			
✓		Killian, Richard			
	✓	Martin, Grier			
	✓	McLawhorn, Marian			
	✓	Michaux, Mickey			
✓		Mills, Grey			
	✓	Mobley, Annie			

Attach. #3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 3

SENATE BILL 47

Judiciary I Committee Substitute Adopted 6/7/11
House Committee Substitute Favorable 6/15/11

Short Title: Restore Confidence in Elections. (Public)

Sponsors:

Referred to:

February 9, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS AMENDMENTS TO THE ELECTION ADMINISTRATION LAWS, CAMPAIGN FINANCE LAWS, AND OTHER CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

PART I. ELECTION ADMINISTRATION CHANGES.

SECTION 1. Article 1 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-3. Special elections.**

Special elections shall be called as permitted by law and conducted in accordance with G.S. 163-287."

SECTION 2. G.S. 163-19 reads as rewritten:

"**§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

(a) All of the terms of office of the present members of the State Board of Elections shall expire on May 1, 1969, or when their successors in office are appointed and qualified.

The State Board of Elections shall consist of five registered voters whose terms of office shall begin on May 1, 1969, and shall continue for four years, and until their successors are appointed and qualified. The Governor shall appoint the members of this Board and likewise shall appoint their successors every four years at the expiration of each four-year term. Not more than three members of the Board shall be members of the same political party. The Governor shall appoint the members from a list of nominees submitted to him by the State party chairman of each of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board of Elections. Each party chairman shall submit a list of five nominees who are affiliated with that political party.

Any vacancy occurring in the Board shall be filled by the Governor, and the person so appointed shall fill the unexpired term. The Governor shall fill the vacancy from a list of three nominees submitted to him by the State party chairman of the political party that nominated the vacating member as provided by the preceding paragraph. The three nominees must be affiliated with that political party.

(b) At the first meeting held after new appointments are made, the members of the State Board of Elections shall take the following oath:

"I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be

established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, and that I will well and truly execute the duties of the office of member of the State Board of Elections according to the best of my knowledge and ability, according to law, so help me, God."

(c) After taking the prescribed oath, the Board shall organize by electing one of its members chairman and another secretary. The term of office of the chairman is two years and begins on May 1 of each odd-numbered year. No person may be elected as chairman for more than two terms. In the case of a vacancy, a new chairman shall be elected to serve the remainder of the unexpired term.

(d) No person shall be eligible to serve as a member of the State Board of Elections who holds any elective or appointive office under the government of the United States, or of the State of North Carolina or any political subdivision thereof. No person who holds any office in a political party, or organization, or who is a candidate for nomination or election to any office, or who is a campaign manager or treasurer of any candidate in a primary or election shall be eligible to serve as a member of the State Board of Elections."

SECTION 3. G.S. 163-59 reads as rewritten:

"**§ 163-59. Right to participate or vote in party primary.**

No person shall be entitled to vote or otherwise participate in the primary election of any political party unless that person complies with all of the following:

(1) Is a registered voter.

(2) Has declared and has had recorded on the registration book or record the fact that the voter affiliates with the political party in whose primary the voter proposes to vote or participate.

(3) Is in good faith a member of that party.

Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

Any person who will become qualified by age to register and vote in the general election for which the primary is held, even though not so qualified by the date of the primary, shall be entitled to register for the primary and general election prior to the primary and then to vote in the primary after being registered. Such person may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to register and vote in the general election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections. ~~Such a person also may register and vote in the primary and general election pursuant to G.S. 163-82.6A(f).~~"

SECTION 4. G.S. 163-82.6 reads as rewritten:

"**§ 163-82.6. Acceptance of 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, transmission of a scanned document, 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.~~

(a1) Misdemeanors. – It shall be a Class 2 misdemeanor for any person to do any of the following:

(1) To communicate to the applicant acceptance of the delegation described in subsection (a) of this section 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.

(2) To sell or attempt to sell a completed voter registration form or to condition its delivery upon ~~payment.~~payment, including payment on a per voter registration application completed basis.

(3) To change a person's information on a voter registration form prior to its delivery to a county board of elections.

(4) To coerce a person into marking a party affiliation other than the party affiliation the person desires.

(5) To offer a person a voter registration form that has a party affiliation premarked unless the person receiving the form has requested the premarking.

(6) To pay another person to register voters, or assist or encourage voters to fill out voter registration forms, on the basis of per voter registration application completed.

(7) To accept payment for registering voters, or assisting or encouraging voters to fill out voter registration forms, on the basis of per voter registration application completed.

(b) Signature. – The form shall be valid only if signed by the applicant. An electronically captured image of the signature of a voter on an electronic voter registration form offered by a State agency shall be considered a valid signature for all purposes for which a signature on a paper voter registration form is used.

(c) Registration Deadlines for a Primary or Election. – In order to be valid for a primary or election, ~~except as provided in G.S. 163-82.6A,~~ the form:

(1) If submitted by mail, must be postmarked at least 25 days before the primary or 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 primary or election,

(2) If submitted in person, by facsimile transmission, or by transmission of a scanned document, 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 primary or 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 primary or election, except as provided in subsection (d) of this section.

(c1) If the application is submitted by facsimile transmission or transmission of a scanned document, 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 Primary or Election Day. If a person has become qualified to register and vote between the twenty-fifth day before a primary or election and primary or election day, then that person may apply to register on primary or 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 primary or 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 primary or 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.~~

(f) The county board of elections shall forward by electronic means any application submitted for the purpose of preregistration to the State Board of Elections. No later than 60 days prior to the first election in which the applicant will be legally entitled to vote, the State Board of Elections shall notify the appropriate county board of elections to verify the qualifications and address of the applicant in accordance with G.S. 163-82.7."

SECTION 5. G.S. 163-82.6A is repealed.

SECTION 6. G.S. 163-82.25 is repealed.

SECTION 7. G.S. 163-98 reads as rewritten:

"**§ 163-98. General election participation by new political party.**

(a) 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 upon paying a filing fee equal to that provided for candidates for the office in G.S. 163-107 or upon complying with the alternative available to candidates for the office in G.S. 163-107.1.

(b) 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 in the ensuing general election. Any candidate nominated by a new party shall be affiliated with the party at the time

of certification to the State Board of Elections. The requirement of affiliation with the party will be met if the candidate submits at or before the time of certification as a candidate an application to change party affiliation to that party. 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.

(c) When any candidate is nominated under this section, the board of elections with jurisdiction over the election shall issue a notification to the candidate stating the following:

(1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed with the Board no later than the tenth day following the day the candidate files notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first. If the organizational report is not filed within the required time frame, a civil late penalty of two hundred fifty dollars ($250.00) per day for each day the filing is late shall be assessed against the candidate.

(2) Every treasurer of a political committee shall participate in treasurer training required under G.S. 163-278.7(f)."

SECTION 8. G.S. 163-106 reads as rewritten:

"**§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal.**

(a) Notice and Pledge. – No one shall be voted for in a primary election without having filed a notice of candidacy with the appropriate board of elections, State or county, as required by this section. To this end every candidate for selection as the nominee of a political party shall file with and place in the possession of the board of elections specified in subsection (c) of this section, a notice and pledge in the following form:

Date _____

I hereby file notice as a candidate for nomination as _____ in the _____ party primary election to be held on _____, _____ I affiliate with the _____ party, (and I certify that I am now registered on the registration records of the precinct in which I reside as an affiliate of the _____ party.)

I pledge that if I am defeated in the primary, I will not run for the same office as a write-in candidate in the next general election.

Signed _____

(Name of Candidate)

Witness:

_____

_____

(Title of witness)

Each candidate shall sign the notice of candidacy in the presence of the chairman or secretary of the board of elections, State or county, with which the candidate files. In the alternative, a candidate may have the candidate's signature on the notice of candidacy acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths, in which case the candidate may mail or deliver by commercial courier service the candidate's notice of candidacy to the appropriate board of elections.

In signing the notice of candidacy the candidate shall use only that candidate's legal name and may use any nickname by which ~~he~~ that candidate is commonly known. A candidate may also, in lieu of that candidate's legal first name and legal middle initial or middle name (if any) sign a nickname, provided that the candidate appends to the notice of candidacy an affidavit that the candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the affidavit the way that

candidate's name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office.

A notice of candidacy signed by an agent or any person other than the candidate shall be invalid.

Prior to the date on which candidates may commence filing, the State Board of Elections shall print and furnish, at State expense, to each county board of elections a sufficient number of the notice of candidacy forms prescribed by this subsection for use by candidates required to file with county boards of elections.

(a1) Disclosure of Felony Conviction. – At the same time the candidate files notice of candidacy under this section, the candidate shall file with the same office a statement answering the following question: "Have you ever been convicted of a felony?" The State Board of Elections shall adapt the notice of candidacy form to include the statement required by this subsection. The form shall make clear that a felony conviction need not be disclosed if the conviction was dismissed as a result of reversal on appeal or resulted in a pardon of innocence or expungement. The form shall require a candidate who answers "yes" to the question to provide the name of the offense, the date of conviction, the date of the restoration of citizenship rights, and the county and state of conviction. The form shall require the candidate to swear or affirm that the statements on the form are true, correct, and complete to the best of the candidate's knowledge or belief. The form shall be available as a public record in the office of the board of elections where the candidate files notice of candidacy and shall contain an explanation that a prior felony conviction does not preclude holding elective office if the candidate's rights of citizenship have been restored. This subsection shall also apply to individuals who become candidates for election by the people under G.S. 163-114, 163-122, 163-123, 163-98, 115C-37, 130A-50, Article 24 of Chapter 163 of the General Statutes, or any other statute or local act. Those individuals shall complete the question at the time the documents are filed initiating their candidacy. The State Board of Elections shall adapt those documents to include the statement required by this subsection. If an individual does not complete the statement required by this subsection, the board of elections accepting the filing shall notify the individual of the omission, and the individual shall have 48 hours after notice to complete the statement. If the individual does not complete the statement at the time of filing or within 48 hours after the notice, the individual's filing is not complete, the individual's name shall not appear on the ballot as a candidate, and votes for the individual shall not be counted. It is a Class I felony to complete the form knowing that information as to felony conviction or restoration of citizenship is untrue. This subsection shall not apply to candidates required by G.S. 138A-22(d) to file Statements of Economic Interest.

(b) Eligibility to File. – No person shall be permitted to file as a candidate in a primary if, at the time ~~he~~ that person offers to file notice of candidacy, ~~he~~ that person is registered on the appropriate registration book or record as an affiliate of a political party other than that in whose primary ~~he~~ the person is attempting to file. No person who has changed ~~his~~ political party affiliation or who has changed from unaffiliated status to party affiliation as permitted in G.S. 163-82.17, shall be permitted to file as a candidate in the primary of the party to which ~~he~~ that person changed unless ~~he~~that person has been affiliated with the political party in which ~~he~~ that person seeks to be a candidate for at least 90 days prior to the filing date for the office for which ~~he~~ that person desires to file ~~his~~ a notice of candidacy.

A person registered as "unaffiliated" shall be ineligible to file as a candidate in a party primary election.

(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the State Board of Elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the last business day in February preceding the primary:

Governor

Lieutenant Governor
All State executive officers
Justices of the Supreme Court, Judges of the Court of Appeals
Judges of the superior courts
Judges of the district courts
United States Senators
Members of the House of Representatives of the United States
District attorneys

Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the county board of elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the last business day in February preceding the primary:

State Senators
Members of the State House of Representatives
All county offices.

(d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any primary in which there are two or more vacancies for associate justices for the Supreme Court, two or more vacancies for the Court of Appeals, two or more vacancies for district court judge, or two vacancies for United States Senator from North Carolina, each candidate shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the vacancy to which ~~he~~ that candidate seeks nomination. Votes cast for a candidate shall be effective only for ~~his~~ nomination to the vacancy for which ~~he~~ that candidate has given notice of candidacy as provided in this subsection.

(e) Withdrawal of Notice of Candidacy. – Any person who has filed notice of candidacy for an office shall have the right to withdraw it at any time prior to the date on which the right to file for that office expires under the terms of subsection (c) of this section. If a candidate does not withdraw before the filing deadline, except as provided in G.S. 163-112, ~~his~~ that candidate's name shall be printed on the primary ballot, any votes for ~~him~~ that candidate shall be counted, and ~~he~~ that candidate shall not be refunded ~~his~~ the filing fee.

(f) Candidates required to file their notice of candidacy with the State Board of Elections under subsection (c) of this section shall file along with their notice a certificate signed by the chairman of the board of elections or the director of elections of the county in which they are registered to vote, stating that the person is registered to vote in that county, stating the party with which the person is affiliated, and that the person has not changed ~~his~~ affiliation from another party or from unaffiliated within three months prior to the filing deadline under subsection (c) of this section. In issuing such certificate, the chairman or director shall check the registration records of the county to verify such information. During the period commencing 36 hours immediately preceding the filing deadline the State Board of Elections shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed to secure the verification ordered herein subject to receipt of verification no later than three days following the filing deadline. The State Board of Elections shall prescribe the form for such certificate, and distribute it to each county board of elections no later than the last Monday in December of each odd-numbered year.

(g) When any candidate files a notice of candidacy with a board of elections under subsection (c) of this section or under G.S. 163-291(2), the board of elections shall, immediately upon receipt of the notice of candidacy, inspect the registration records of the county, and cancel the notice of candidacy of any person who does not meet the constitutional or statutory qualifications for the office, including residency.

The board shall give notice of cancellation to any candidate whose notice of candidacy has been cancelled under this subsection by mail or by having the notice served on ~~him~~ the candidate by the sheriff, and to any other candidate filing for the same office. A candidate who

has been adversely affected by a cancellation or another candidate for the same office affected by a substantiation under this subsection may request a hearing on the cancellation. If the candidate requests a hearing, the hearing shall be conducted in accordance with Article 11B of Chapter 163 of the General Statutes.

(h) No person may file a notice of candidacy for more than one office described in subsection (c) of this section for any one election. If a person has filed a notice of candidacy with a board of elections under this section for one office, then a notice of candidacy may not later be filed for any other office under this section when the election is on the same date unless the notice of candidacy for the first office is withdrawn under subsection (e) of this section; provided that this subsection shall not apply unless the deadline for filing notices of candidacy for both offices is the same. Notwithstanding this subsection, a person may file a notice of candidacy for a full term as United States Senator, and also file a notice of candidacy for the remainder of the unexpired term of that same seat in an election held under G.S. 163-12, and may file a notice of candidacy for a full term as a member of the United States House of Representatives, and also file a notice of candidacy for the remainder of the unexpired term in an election held under G.S. 163-13.

(i) Repealed by Session Laws 2001-403, s. 3, effective January 1, 2002.

(j) When any candidate files a notice of candidacy, the board of elections with jurisdiction over the election shall issue a notification to the candidate stating the following:

(1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed with the Board no later than the tenth day following the day the candidate files notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first. If the organizational report is not filed within the required time frame, a civil late penalty of two hundred fifty dollars ($250.00) per day for each day the filing is late shall be assessed against the candidate.

(2) Every treasurer of a political committee shall participate in treasurer training required under G.S. 163-278.7(f)."

SECTION 9. G.S. 163-107(a) reads as rewritten:

"(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay to the board of elections with which ~~he~~ that candidate files under the provisions of G.S. 163-106 a filing fee for the office ~~he seeks~~sought in the amount specified in the following tabulation:

Office Sought	**Amount of Filing Fee**
Governor	One percent (1%) of the annual salary of the office sought
Lieutenant Governor	One percent (1%) of the annual salary of the office sought
All State executive offices	One percent (1%) of the annual salary of the office sought
All Justices, Judges, and 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
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)

The salary of any office that is the basis for calculating the filing fee is the starting salary for the office, rather than the salary received by the incumbent, if different. If no starting salary can be determined for the office, then the salary used for calculation is the salary of the incumbent, as of January 1 of the election year."

SECTION 10. G.S. 163-107.1(c) reads as rewritten:

"(c) County, Municipal and District Primaries. – If the candidate is seeking one of the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this section, or a municipal or any other office requiring a partisan primary which is not set forth in G.S. 163-106(c) or (d), ~~he~~ the candidate shall file a written petition with the appropriate board of elections no later than 12:00 noon on Monday preceding the filing deadline before the primary. The petition shall be signed by ten percent (10%) of the registered voters of the election area in which the office will be voted for, who are affiliated with the same political party in whose primary the candidate desires to run, or in the alternative, the petition shall be signed by no less than 200 registered voters regardless of said voter's political party affiliation, whichever requirement is greater. The board of elections shall verify the names on the petition, and if the petition is found to be sufficient, the candidate's name shall be printed on the appropriate primary ballot. Petitions for candidates for member of the U.S. House of Representatives, District Attorney, judge of the superior court, judge of the district court, and members of the State House of Representatives from multi-county districts or members of the State Senate from multi-county districts must be presented to the county board of elections for verification at least 15 days before the petition is due to be filed with the State Board of Elections, and such petition must be filed with the State Board of Elections no later than 12:00 noon on Monday preceding the filing deadline. The State Board of Elections may adopt rules to implement this section and to provide standard petition forms."

SECTION 11. G.S. 163-111(c)(1) reads as rewritten:

"(c) Procedure for Requesting Second Primary.

(1) 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 with the Executive Director of the State Board of Elections no later than 12:00 noon on the 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 State Board of Elections. If the vote certification by the State Board of Elections determines that a candidate who was not originally thought to be eligible to call for a second primary is in fact eligible to call for a second primary, the Executive Director of the State Board of Elections shall immediately notify such candidate and permit him to exercise any options available to him within a 48-hour period following the notification:

Governor,
Lieutenant Governor,
All State executive officers,
Justices, Judges, or District Attorneys of the General Court of Justice,
United States Senators,
Members of the United States House of Representatives,
State Senators in multi-county senatorial districts, and

Members of the State House of Representatives in multi-county representative districts."

SECTION 12. G.S. 163-114 reads as rewritten:

"**§ 163-114. Filling vacancies among party nominees occurring after nomination and before election.**

(a) 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	Vacancy is to be filled by appointment of national executive committee of political party in which vacancy occurs
Vice President	
Presidential elector or alternate elector	Vacancy is to be filled by appointment of State executive committee of political party in which vacancy occurs
Any elective State office	
United States Senator	
A district office, including:	Appropriate district executive committee of political party in which vacancy occurs
Member of the United States House of Representatives	
Judge of district court	
District Attorney	
State Senator in a multi-county senatorial district	
Member of State House of Representatives in a multi-county representative district	
State Senator in a single-county senatorial district	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
Member of State House of Representatives in a single-county representative district	
Any elective county office	
Judge of superior court in a single-county judicial district where the district is the whole county or part of the county	County executive committee of political party in which vacancy occurs; provided, in the case of a superior court judge in a single-county district where not all the county is located in that district, then in voting, only those members of the county executive committee who reside within the district shall vote
Judge of superior court in a multicounty judicial	Appropriate district executive committee of

district political party in which vacancy occurs

The party executive making a nomination in accordance with the provisions of this section shall certify the name of its nominee to the chairman of the board of elections, State or county, that has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of G.S.163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that vacancy arises from a cause other than death and the vacancy in nomination occurs more than 120 days before the general election, the vacancy in nomination may be filled under this section only if the appropriate executive committee certifies the name of the nominee in accordance with this paragraph at least 75 days before the general election.

(b) In a county which is partly in a multicounty judicial district, in choosing that county's member or members of the judicial district executive committee for the multicounty district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multicounty district may vote.

(c) In a county not all of which is located in one congressional district, in choosing the congressional district executive committee member or members from that area of the county, only the county convention delegates or county executive committee members who reside within the area of the county which is within the congressional district may vote.

(d) In a county which is partly in a multi-county senatorial district or which is partly in a multi-county House of Representatives district, in choosing that county's member or members of the senatorial district executive committee or House of Representatives district executive committee for the multi-county district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multi-county district may vote.

(e) An individual whose name appeared on the ballot in a primary election preliminary to the general election shall not be eligible to be nominated to fill a vacancy in the nomination of another party for the same office in the same year.

(f) When any candidate is nominated under this section, the board of elections with jurisdiction over the election shall issue a notification to the candidate stating the following:

(1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed with the Board no later than the tenth day following the day the candidate receives the nomination of the party or the tenth day following the organization of the political committee, whichever occurs first. If the organizational report is not filed within the required time frame, a civil late penalty of two hundred fifty dollars ($250.00) per day for each day the filing is late shall be assessed against the candidate.

(2) Every treasurer of a political committee shall participate in treasurer training required under G.S. 163-278.7(f)."

SECTION 13. G.S. 163-122 is amended by adding a new subsection to read:

"(f) When any candidate qualifies to have that candidate's name printed on the general election ballot, the board of elections with jurisdiction over the election shall issue a notification to the candidate stating the following:

(1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed no later than the tenth day following the verification of the candidate's petition by the appropriate board of elections or the tenth day following the organization of the political committee, whichever occurs first. If the organizational report is not filed within the required time frame, a civil late penalty of two hundred fifty dollars ($250.00) per day for each day the filing is late shall be assessed against the candidate.

(2) Every treasurer of a political committee shall participate in treasurer training required under G.S. 163-278.7(f)."

SECTION 14. G.S. 163-123 is amended by adding a new subsection to read:

"(f2) When any candidate qualifies to have that candidate's name printed on the election ballot, the board of elections with jurisdiction over the election shall issue a notification to the candidate stating the following:

(1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed no later than the tenth day following the verification of the candidate's petition by the appropriate board of elections or the tenth day following the organization of the political committee, whichever occurs first. If the organizational report is not filed within the required time frame, a civil late penalty of two hundred fifty dollars ($250.00) per day for each day the filing is late shall be assessed against the candidate.

(2) Every treasurer of a political committee shall participate in treasurer training required under G.S. 163-278.7(f)."

SECTION 15. G.S. 163-165(6) reads as rewritten:

"(6) "Provisional official ballot" means an official ballot that is voted and then placed in an envelope that contains an affidavit signed by the voter certifying identity and eligibility to vote. ~~Except for its envelope, a provisional official ballot shall not be marked to make it identifiable to the voter.~~"

SECTION 16.(a) G.S. 163-165.6 reads as rewritten:

"**§ 163-165.6. Arrangement of official ballots.**

(a) Order of Precedence Generally. – Candidate ballot items shall be arranged on the official ballot before referenda.

(b) Order of Precedence for Candidate Ballot Items. – The State Board of Elections shall promulgate rules prescribing the order of offices to be voted on the official ballot. Those rules shall adhere to the following guidelines:

(1) Federal offices shall be listed before State and local offices. Member of the United States House of Representatives shall be listed immediately after United States Senator.

(2) State and local offices shall be listed according to the size of the electorate.

(3) Partisan offices, regardless of the size of the constituency, shall be listed before nonpartisan offices.

(4) When offices are in the same class, they shall be listed in alphabetical order by office name, or in numerical or alphabetical order by district name. Governor and Lieutenant Governor, in that order, shall be listed before other Council of State offices. Mayor shall be listed before other citywide offices. Chair of a board, where elected separately, shall be listed before other board seats having the same electorate. Chief Justice shall be listed before Associate Justices.

(5) Ballot items for full terms of an office shall be listed before ballot items for partial terms of the same office.

(c) Order of Candidates on Primary Official Ballots. – The order in which candidates shall appear on a county's official ballots in any primary ballot item shall be determined by the county board of elections using a process designed by the State Board of Elections for random selection.

(d) Order of Party Candidates on General Election Official Ballot. – Candidates in any ballot item on a general election official ballot shall appear in the following order:

(1) Nominees of political parties that reflect ~~at least five percent (5%)~~the two highest percentages of statewide voter registration, according to the most

recent statistical report published by the State Board of Elections, in alphabetical order by party and in alphabetical order within the party.

(2) Nominees of other political parties, in alphabetical order by party and in alphabetical order within the party.

(3) Unaffiliated candidates, in alphabetical order.

(d1) Rotation of Parties on General Election Official Ballot. – The order of the political parties under subdivision (d)(1) of this section shall rotate every four years. The order of the political parties under subdivision (d)(2) of this section shall rotate every four years.

~~(e) Straight-Party Voting. – Each official ballot shall be arranged so that the voter may cast one vote for a party's nominees for all offices except President and Vice President. A vote for President and Vice President shall be cast separately from a straight-party vote. The official ballot shall be prepared so that a voter may cast a straight-party vote, but then make an exception to that straight-party vote by voting for a candidate not nominated by that party or by voting for fewer than all the candidates nominated by that party. Instructions for general election ballots shall clearly advise voters of the rules in this subsection and of the statutes providing for the counting of ballots.~~

(f) Write-In Voting. – Each official ballot shall be so arranged so that voters may cast write-in votes for candidates except where prohibited by G.S. 163-123 or other statutes governing write-in votes. Instructions for general election ballots shall clearly advise voters of the rules of this subsection and of the statutes governing write-in voting.

(g) Order of Precedence for Referenda. – The referendum questions to be voted on shall be arranged on the official ballot in the following order:

(1) Proposed amendments to the North Carolina Constitution, in the chronological order in which the proposals were approved by the General Assembly.

(2) Other referenda to be voted on by all voters in the State, in the chronological order in which the proposals were approved by the General Assembly.

(3) Referenda to be voted on by fewer than all the voters in the State, in the chronological order of the acts by which the referenda were properly authorized."

SECTION 16.(b) This section becomes effective January 1, 2012, and applies to elections held on or after that date. In implementing G.S. 163-165.6(d1), as enacted by this section, the State Board of Elections shall start the rotating order with a party that has not been first on the ballot in the past four years.

SECTION 17. G.S. 163-166.12(b2) reads as rewritten:

"(b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an individual has registered by mail or by another method, if the individual has provided with the registration form a drivers license number or last four digits of a Social Security number but the computer validation of the number as required by G.S. 163-82.12 did not result in a match, and the number has not been otherwise validated by the board of elections, in the first election in which the individual votes that individual shall submit with the ballot the form of identification described in subsection (a) or subsection (b) of this section, depending upon whether the ballot is voted in person or absentee. If that identification is provided and the board of elections does not determine that the individual is otherwise ineligible to vote a ballot, the failure of identification numbers to match shall not prevent that individual from registering to vote and having that individual's vote counted. ~~If the individual registers and votes under G.S. 163-82.6A, the identification documents required in that section, rather than those described in subsection (a) or (b) of this section, apply.~~"

SECTION 18. G.S. 163-182.1(a)(7) is repealed.

SECTION 19.(a) Article 18 of Chapter 163 of the General Statutes is repealed.

SECTION 19.(b) Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 18B.

"Faithful Presidential Electors Act.

"**§ 163-216.1. Designation of State's electors.**

(a) For each elector position in this State, a political party contesting the position, or an unaffiliated presidential candidate, shall submit to the Secretary of State the names of two qualified individuals. One of the individuals must be designated "elector nominee" and the other "alternate elector nominee." Except as otherwise provided in this Article, this State's electors are the winning elector nominees under the laws of this State.

(b) The names of candidates for electors of President and Vice President nominated by any political party recognized in this State under G.S. 163-96, or nominated under G.S. 163-1(c) by a candidate for President of the United States who has qualified to have his or her name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122, shall be filed with the Secretary of State but shall not be printed on the ballot. In the case of the unaffiliated candidate, the names of candidates for electors must be filed with the Secretary of State no later than 12:00 noon on the first Friday in August. In place of their names, there shall be printed on the ballot the names of the candidates for President and Vice President of each political party recognized in this State and the name of any candidate for President who has qualified to have his or her name printed on the general election ballot under G.S. 163-122. A candidate for President who has qualified for the general election ballot as an unaffiliated candidate under G.S. 163-122 shall, no later than 12:00 noon on the first Friday in August, file with the State Board of Elections the name of a candidate for Vice President, whose name shall also be printed on the ballot. A vote for the candidates named on the ballot shall be a vote for the electors of the party or unaffiliated candidate by which those candidates were nominated and whose names have been filed with the Secretary of State.

"**§ 163-216.2. Pledge.**

Each elector nominee and alternate elector nominee of a political party shall execute the following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots for President and Vice President for the nominees for those offices of the party that nominated me." Each elector nominee and alternate elector nominee of an unaffiliated presidential candidate shall execute the following pledge: "If selected for the position of elector as a nominee of an unaffiliated presidential candidate, I agree to serve and to mark my ballots for that candidate and for that candidate's vice presidential running mate." The executed pledges must accompany the submission of the corresponding names to the Secretary of State.

"**§ 163-216.3. Governor to proclaim results; casting State's vote for President and Vice President.**

Upon receipt of the certifications prepared by the State Board of Elections and delivered in accordance with G.S. 163-182.15, the Secretary of State, under seal of the office, shall notify the Governor of the names of the persons elected to the office of elector for President and Vice President of the United States as stated in the abstracts of the State Board of Elections. Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the electors and instructing them to be present in the old Hall of the House of Representatives in the State Capitol in the City of Raleigh at 12:00 noon on the first Monday after the second Wednesday in December next after their election, at which time the electors shall meet and vote on behalf of the State for President and Vice President of the United States. If the old Hall of the House of Representatives in the State Capitol is unavailable, the Governor may specify another location within the City of Raleigh. The Governor shall cause this proclamation to be published on the Internet and in any daily newspaper published in the City of Raleigh and shall cause the proclamation to be distributed to representatives of the news media. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition

to the newspaper and other required notice. The Secretary of State is responsible for making the actual arrangements for the meeting, preparing the agenda, and inviting guests.

"**§ 163-216.4. Certification of electors.**

(a) Before the date fixed for the meeting of the electors, the Governor shall send by registered mail to the Archivist of the United States either three duplicate original certificates or one original certificate and two authenticated copies of the Certificates of Ascertainment under the great seal of the State setting forth the names of the persons chosen as presidential electors for this State and the number of votes cast for each. These Certificates of Ascertainment should be sent as soon as possible after the election, but must be received before the Electoral College meeting. At the same time the Governor shall deliver to the electors six duplicate originals of the same certificate, each bearing the great seal of the State.

(b) In submitting this State's Certificate of Ascertainment as required by 3 U.S.C. § 6, the Governor shall certify this State's electors and state in the certificate all of the following:

(1) The electors will serve as electors unless a vacancy occurs in the office of elector before the end of the meeting at which elector votes are cast, in which case a substitute elector will fill the vacancy.

(2) If a substitute elector is appointed to fill a vacancy, the Governor will submit an amended Certificate of Ascertainment stating the names on the final list of this State's electors.

"**§ 163-216.5. Presiding officer; elector vacancy.**

(a) The Secretary of State shall preside at the meeting of electors described in this Article.

(b) The position of an elector not present to vote is vacant. The Secretary of State shall appoint an individual as a substitute elector to fill a vacancy as follows:

(1) If the alternate elector is present to vote, by appointing the alternate elector for the vacant position.

(2) If the alternate elector for the vacant position is not present to vote, by appointing an elector chosen by lot from among the alternate electors present to vote who were nominated by the same political party.

(3) If the number of alternate electors present to vote is insufficient to fill any vacant position under subdivisions (1) and (2) of this subsection, by appointing any immediately available individual who is qualified to serve as an elector and chosen through nomination by and plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains.

(4) If there is a tie between at least two nominees for substitute elector in a vote conducted under subdivision (3) of this subsection, by appointing an elector chosen by lot from among those nominees.

(5) If all elector positions are vacant and cannot be filled pursuant to subdivisions (1) through (4) of this subsection, by appointing a single presidential elector, with remaining vacant positions to be filled under subdivision (3) of this subsection and, if necessary, subdivision (4) of this subsection.

(c) To qualify as a substitute elector under subsection (b) of this section, an individual who has not executed the pledge required under G.S. 163-216.2 shall execute the following pledge: "I agree to serve and to mark my ballots for President and Vice President consistent with the pledge of the individual to whose elector position I have succeeded."

"**§ 163-216.6. Elector voting.**

(a) At the time designated for elector voting and after all vacant positions have been filled under G.S. 163-216.5, the Secretary of State shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector's presidential and vice

presidential ballots with the elector's votes for the offices of President and Vice President, respectively, along with the elector's signature and the elector's legibly printed name.

(b) Each elector shall present both completed ballots to the Secretary of State, who shall examine the ballots and accept as cast all ballots of electors whose votes are consistent with their pledges executed under this Article. The Secretary of State may not accept and may not count either an elector's presidential or vice presidential ballot if the elector has not marked both ballots or has marked a ballot in violation of the elector's pledge.

(c) An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under this Article vacates the office of elector, creating a vacant position to be filled under G.S. 163-216.5.

(d) The Secretary of State shall distribute ballots to and collect ballots from a substitute elector and repeat the process under this section of examining ballots, declaring and filling vacant positions as required, and recording appropriately completed ballots from the substituted electors until all of this State's electoral votes have been cast and recorded.

"**§ 163-216.7. Elector replacement; associated certificates.**

(a) After the vote of this State's electors is completed, if the final list of electors differs from any list that the Governor previously included on a Certificate of Ascertainment prepared and transmitted under 3 U.S.C. § 6, the Secretary of State immediately shall prepare an amended Certificate of Ascertainment and transmit it to the Governor for the Governor's signature.

(b) The Governor immediately shall deliver the signed amended Certificate of Ascertainment to the Secretary of State and a signed duplicate original of the amended Certificate of Ascertainment to all individuals entitled to receive this State's Certificate of Ascertainment, indicating that the amended Certificate of Ascertainment is to be substituted for the Certificate of Ascertainment previously submitted.

(c) The Secretary of State shall prepare a certificate of vote. The electors on the final list shall sign the certificate. The Secretary of State shall process and transmit the signed certificate with the amended Certificate of Ascertainment under 3 U.S.C. §§ 9, 10, and 11.

"**§ 163-216.8. Electors and dual office holding.**

(a) Upon receiving the filing of a name as a candidate for elector under G.S. 163-216.1, the Secretary of State shall notify that candidate of the dual office holding requirements of the North Carolina Constitution and the General Statutes, including specifically that if an individual elected as elector holds another elective office at the time of taking the oath of office as elector, that other office is vacated upon taking the oath of office.

(b) During January of each year in which electors are elected, the Secretary of State shall notify each political party authorized to nominate electors of (i) the requirement under G.S. 163-1(c) to nominate an elector and an alternate elector and (ii) the dual office holding requirements of the North Carolina Constitution and the General Statutes, including specifically that if a person elected as elector holds another elective office at the time of taking the oath of office as elector, that other office is vacated upon taking the oath of office.

(c) The office of elector may be held in addition to the maximum number of appointive offices allowed by G.S. 128-1.1.

"**§ 163-216.9. Appointment of Presidential Electors by General Assembly in certain circumstances, by the Governor in certain other circumstances.**

(a) Appointment by General Assembly if No Proclamation by Six Days Before Electors' Meeting Day. – As permitted by 3 U.S.C. § 2, whenever the appointment of any Presidential Elector has not been proclaimed under G.S. 163-216.3 before 12:00 noon on the date for settling controversies specified by 3 U.S.C. § 5, and upon the call of an extra session pursuant to the North Carolina Constitution for the purposes of this section, the General Assembly may fill the position of any Presidential Electors whose election is not yet proclaimed.

(b) Appointment by Governor if No Appointment by the Day Before Electors' Meeting Day. – If the appointment of any Presidential Elector has not been proclaimed under G.S. 163-216.3 before 12:00 noon on the date for settling controversies specified by 3 U.S.C. § 5, nor appointed by the General Assembly by 12:00 noon on the day before the day set for the meeting of Presidential Electors by 3 U.S.C. § 7, then the Governor shall appoint that Elector.

(c) Standard for Decision by General Assembly and Governor. – In exercising their authority under subsections (a) and (b) of this section, the General Assembly and the Governor shall designate Electors in accord with their best judgment of the will of the electorate. The decisions of the General Assembly or Governor under subsections (a) and (b) of this section are not subject to judicial review, except to ensure that applicable statutory and constitutional procedures were followed. The judgment itself of what was the will of the electorate is not subject to judicial review.

(d) Proclamation Before Electors' Meeting Day Controls. – If the proclamation of any Presidential Elector under G.S. 163-216.3 is made any time before 12:00 noon on the day set for the meeting of Presidential Electors by 3 U.S.C. § 7, then that proclamation shall control over an appointment made by the General Assembly or the Governor. This section does not preclude litigation otherwise provided by law to challenge the validity of the proclamation or the procedures that resulted in that proclamation."

SECTION 19.(c) G.S. 163-1(c) reads as rewritten:

"(c) On Tuesday next after the first Monday in November in the year 1968, and every four years thereafter, or on such days as the Congress of the United States shall direct, an election shall be held in all of the election precincts of the State for the election of electors of President and Vice-President of the United States. The number of electors to be chosen shall be equal to the number of Senators and Representatives in Congress to which this State may be entitled. Presidential electors shall not be nominated by primary election; instead, they shall be nominated in a State convention of each political party as defined in G.S. 163-96 unless otherwise provided by the plan of organization of the political party; provided, that in the case of a candidate for President of the United States who has qualified to have his name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122, that candidate shall nominate presidential electors. One presidential elector shall be nominated from each congressional district and two from the state-at-large, and in addition, the State convention of each party and the unaffiliated candidate shall each nominate ~~first and second alternate electors~~an elector and an alternate elector who shall serve if their slate is elected as provided by ~~G.S. 163-209~~G.S. 163-216.1 and if there is a vacancy as provided by ~~G.S. 163-210.~~G.S. 163-216.5."

SECTION 20. G.S. 163-227.2 reads as rewritten:

"**§ 163-227.2. Alternate procedures for requesting application for absentee ballot; "one-stop" voting procedure in board office.**

(a) Any voter eligible to vote by absentee ballot under G.S. 163-226 may request an application for absentee ballots, complete the application, and vote under the provisions of this ~~section and of G.S. 163-82.6A, as applicable.~~section.

(a1) Repealed by Session Laws 2001-337, s. 2, effective January 1, 2002.

(b) Not earlier than the ~~third~~ second Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in subsection (g) of this section. A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday. A county board may not conduct one-stop voting on any Sunday in any election. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board. In a primary election, the voter

shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person.

(c) If the application is properly filled out, the authorized member or employee shall enter the voter's name in the register of absentee requests, applications, and ballots issued and shall furnish the voter with the ballots to which the application for absentee ballots applies. The voter thereupon shall vote in accordance with subsection (e) of this section.

All actions required by this subsection shall be performed in the office of the board of elections, except that the voting may take place in an adjacent room as provided by subsection (e) of this section. The application under this subsection shall be signed in the presence of the chair, member, director of elections of the board, or full-time employee, authorized by the board who shall sign the application and certificate as the witness and indicate the official title held by him or her. Notwithstanding G.S. 163-231(a), in the case of this subsection, only one witness shall be required on the certificate.

(d) Only the chairman, member, employee, or director of elections of the board shall keep the voter's application for absentee ballots in a safe place, separate and apart from other applications and container-return envelopes. If the voter's application for absentee ballots is disapproved by the board, the board shall so notify the voter stating the reason for disapproval by first-class mail addressed to the voter at that voter's residence address and at the address shown in the application for absentee ballots; and the board shall enter a challenge under G.S. 163-89.

(e) The voter shall vote that voter's absentee ballot in a voting booth in the office of the county board of elections, and the county board of elections shall provide a voting booth for that purpose, provided however, that the county board of elections may in the alternative provide a private room for the voter adjacent to the office of the board, in which case the voter shall vote that voter's absentee ballot in that room. A voter at a one-stop site shall be entitled to the same assistance as a voter at a voting place on election day under G.S. 163-166.8. The State Board of Elections shall, where appropriate, adapt the rules it adopts under G.S. 163-166.8 to one-stop voting.

(e1) If a county uses a voting system with retrievable ballots, that county's board of elections may by resolution elect to conduct one-stop absentee voting according to the provisions of this subsection. In a county in which the board has opted to do so, a one-stop voter shall cast the ballot and then shall deposit the ballot in the ballot box or voting system in the same manner as if such box or system was in use in a precinct on election day. At the end of each business day, or at any time when there will be no employee or officer of the board of elections on the premises, the ballot box or system shall be secured in accordance with a plan approved by the State Board of Elections, which shall include that no additional ballots have been placed in the box or system. Any county board desiring to conduct one-stop voting according to this subsection shall submit a plan for doing so to the State Board of Elections. The State Board shall adopt standards for conducting one-stop voting under this subsection and shall approve any county plan that adheres to its standards. The county board shall adhere to its State Board-approved plan. The plan shall provide that each one-stop ballot shall have a ballot number on it in accordance with G.S. 163-230.1(a2), or shall have an equivalent identifier to

allow for retrievability. The standards shall address retrievability in one-stop voting on direct record electronic equipment where no paper ballot is used.

(e2) A voter who has moved within the county more than 30 days before election day but has not reported the move to the board of elections shall not be required on that account to vote a provisional ballot at the one-stop site, as long as the one-stop site has available all the information necessary to determine whether a voter is registered to vote in the county and which ballot the voter is eligible to vote based on the voter's proper residence address. The voter with that kind of unreported move shall be allowed to vote the same kind of absentee ballot as other one-stop voters.

(f) Notwithstanding the exception specified in G.S. 163-36, counties which operate a modified full-time office shall remain open five days each week during regular business hours consistent with daily hours presently observed by the county board of elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday prior to that election and shall also be open on the last Saturday before the election. A county board may conduct one-stop absentee voting during evenings or on weekends, as long as the hours are part of a plan submitted and approved according to subsection (g) of this section. The boards of county commissioners shall provide necessary funds for the additional operation of the office during that time.

(g) Notwithstanding any other provision of this section, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under this section. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board of Elections as part of a Plan for Implementation approved by both the county board of elections and by the State Board of Elections which shall also provide adequate security of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan for Implementation shall include a provision for the presence of political party observers at each one-stop site equivalent to the provisions in G.S. 163-45 for party observers at voting places on election day. A county board of elections may propose in its Plan not to offer one-stop voting at the county board of elections office; the State Board may approve that proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county board of elections office and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county's electorate. If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board of Elections to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board of Elections may adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors including geographic, demographic, and partisan interests of that county.

(g1) The State Board of Elections shall not approve, either in a Plan approved unanimously by a county board of elections or in an alternative Plan proposed by a member or members of that board, a one-stop site in a building that the county board of elections is not entitled under G.S. 163-129 to demand and use as an election-day voting place, unless the State Board of Elections finds that other equally suitable sites were not available and that the use of the sites chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of that county. In providing the site or sites for one-stop absentee voting under this section, the county board of elections shall make a request to the State, county, city, local school board, or other entity in control of the building that is supported or maintained, in whole or in part, by or through tax revenues at least 90 days prior to the start of one-stop absentee voting under this section. The request shall clearly identify the building, or any specific portion

thereof, requested the dates and times for which that building or specific portion thereof is requested and the requirement of an area for election related activity. If the State, local governing board, or other entity in control of the building does not respond to the request within 20 days, the building or specific portion thereof may be used for one-stop absentee voting as stated in the request. If the State, local governing board, or other entity in control of the building or specific portion thereof responds negatively to the request within 20 days, that entity and the county board of elections shall, in good faith, work to identify a building or specific portion thereof in which to conduct one-stop absentee voting under this section. If no building or specific portion thereof has been agreed upon within 45 days from the date the county board of elections received a response to the request, the matter shall be resolved by the State Board of Elections.

(h) Notwithstanding the provisions of G.S. 163-89(a) and (b), a challenge may be entered against a voter at a one-stop site under subsection (g) of this section or during one-stop voting at the county board office. The challenge may be entered by a person conducting one-stop voting under this section or by another registered voter who resides in the same precinct as the voter being challenged. If challenged at the place where one-stop voting occurs, the voter shall be allowed to cast a ballot in the same way as other voters. The challenge shall be made on forms prescribed by the State Board of Elections. The challenge shall be heard by the county board of elections in accordance with the procedures set forth in G.S. 163-89(e).

(i) At any site where one-stop absentee voting is conducted, there shall be a curtained or otherwise private area where the voter may mark the ballot unobserved."

SECTION 21. G.S. 163-230.2 is repealed.

SECTION 22. G.S. 163-277 reads as rewritten:

"**§ 163-277. Compelling self-incriminating testimony; person so testifying excused from prosecution.**

No person shall be excused from attending or testifying or producing any books, papers or other documents before any court or magistrate upon any investigation, proceeding or trial for the violation of any of the provisions of this Article, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of ~~him~~ that person may tend to incriminate or degrade ~~him,~~that person. ~~but such~~Such person may be subpoenaed and required to testify by and for the State relative to any offense arising under the provisions of this Article; but such person shall not be prosecuted ~~or subjected to any penalty or forfeiture~~ for or on account of any transaction, matter or thing concerning which ~~he~~ that person may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against ~~him~~ that person upon any criminal investigation or proceeding, but such person so compelled to testify with respect to any acts of ~~his own~~that person shall be immune from prosecution on account ~~thereof, and shall be pardoned for any violation of law about which such person shall be so required to testify.~~thereof."

SECTION 23.(a) Notwithstanding Section 36 of this act, G.S. 163-329 reads as rewritten:

"**§ 163-329. Elections to fill vacancy in office created after primary filing period opens.**

(a) General. – If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior court after the filing period for the primary opens but more than 60 days before the general election, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted without a primary using the method provided in subsection (b1) of this section. If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior ~~court before the filing period for the primary opens;~~court, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the

office for the remainder of the term shall be conducted in accordance with ~~G.S. 163-322.~~G.S. 163-115(c).

(b) Repealed by Session Laws 2006-192, s. 8(a), effective August 3, 2006, and applicable to vacancies occurring on or after that date.

(b1) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of the superior court occurs more than 60 days before the general election and after the opening of the filing period for the primary, then the State Board of Elections shall designate a special filing period of one week for candidates for the office. If more than two candidates file and qualify for the office in accordance with G.S. 163-323, then the Board shall conduct the election for the office as follows:

(1) When the vacancy described in this section occurs more than 63 days before the date of the second primary for members of the General Assembly, a special primary shall be held on the same day as the second primary. The two candidates with the most votes in the special primary shall have their names placed on the ballot for the general election held on the same day as the general election for members of the General Assembly.

(2) When the vacancy described in this section occurs less than 64 days before the date of the second primary, a general election for all the candidates shall be held on the same day as the general election for members of the General Assembly and the plurality method of determining the results shall be used, as follows:

a. When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared elected.

b. When more persons are seeking election to two or more offices as superior court judge (constituting a group) than there are offices to be filled, those candidates receiving the highest numbers of votes, equal in number to the number of offices to be filled, shall be declared elected.

~~"instant runoff voting" method shall be used to determine the winner. Under "instant runoff voting," voters rank up to three of the candidates by order of preference, first, second, or third. If the candidate with the greatest number of first choice votes receives more than fifty percent (50%) of the first choice votes, that candidate wins. If no candidate receives that minimum number, the two candidates with the greatest number of first choice votes advance to a second round of counting. In this round, each ballot counts as a vote for whichever of the two final candidates is ranked highest by the voter. The candidate with the most votes in the second round wins the election. If more than one seat is to be filled in the same race, the voter votes the same way as if one seat were to be filled. The counting is the same as when one seat is to be filled, with one or two rounds as needed, except that counting is done separately for each seat to be filled. The first count results in the first winner. Then the second count proceeds without the name of the first winner. This process results in the second winner. For each additional seat to be filled, an additional count is done without the names of the candidates who have already won. In multi-seat contests, the State Board of Elections may give the voter more than three choices.~~

(3) If two or more candidates receiving the highest number of votes each receive the same number of votes, the board of elections shall resolve the tie in accordance with G.S. 163-182.8.

(c) Applicable Provisions. – Except as provided in this section, the provisions of this Article apply to elections conducted under this section.

(d) Rules. – The State Board of Elections shall adopt rules for the implementation of this section. The rules are not subject to Article 2A of Chapter 150B of the General Statutes. ~~The rules shall include the following:~~

~~(1) If after the first choice candidate is eliminated, a ballot does not indicate one of the uneliminated candidates as an alternative choice, the ballot is exhausted and shall not be counted after the initial round.~~

~~(2) The fact that the voter does not designate a second or third choice does not invalidate the voter's higher choice or choices.~~

~~(3) The fact that the voter gives more than one ranking to the same candidate shall not invalidate the vote. The highest ranking given a particular candidate shall count as long as the candidate is not eliminated.~~

~~(4) In case of a tie between candidates such that two or more candidates have an equal number of first choices and more than two candidates qualify for the second round, instant runoff voting shall be used to determine which two candidates shall advance to the second round.~~"

SECTION 23.(b) G.S. 163-329, as amended by this section, is recodified as G.S. 163-120.

SECTION 24. G.S. 163-283 reads as rewritten:

"**§ 163-283. Right to participate or vote in party primary.**

No person shall be entitled to vote or otherwise participate in the primary election of any political party unless that person complies with all of the following:

(1) Is a registered voter.

(2) Has declared and has had recorded on the registration book or record the fact that the voter affiliates with the political party in whose primary the voter proposes to vote or participate.

(3) Is in good faith a member of that party.

Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

Any person who will become qualified by age to register and vote in the general election for which the primary is held, even though not so qualified by the date of the primary election, shall be entitled to register while the registration books are open during the regular registration period prior to the primary and then to vote in the primary after being registered, provided however, under full-time and permanent registration, such an individual may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to register and vote in the general election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections. ~~Such a person also may register and vote in the primary and general election pursuant to G.S. 163-82.6A(f).~~"

SECTION 25. G.S. 163-283.1 reads as rewritten:

"**§ 163-283.1. Voting in nonpartisan primary.**

Any person who will become qualified by age to register and vote in the general election for which a nonpartisan primary is held, even though not so qualified by the date of the primary, shall be entitled to register for the primary and general election prior to the primary and then to vote in the primary after being registered. Such a person may register not earlier than 60 days nor later than the last day for making application to register under

G.S. 163-82.6(c) prior to the primary. ~~Such a person also may register and vote in the primary and general election pursuant to G.S. 163-82.6A(f).~~"

SECTION 26. G.S. 163-287, as amended by S.L. 2011-31, reads as rewritten:

"**§ 163-287. Special elections; procedure for calling.**

(a) Any county, municipality or any special district shall have authority to call special elections as permitted by law. Prior to calling a special election, the ~~city council or~~ governing body of the county, municipality, or special district shall adopt a resolution specifying the details of the election, and forthwith deliver the resolution to the ~~appropriate~~local board of elections. The resolution shall call on the local board of elections to conduct the election described in the resolution and shall state the date on which the special election is to be conducted. The special election may be held only at the same time as any other State, county or municipal ~~primary, election or special election or referendum, but may not otherwise be held within the period of time beginning 30 days before and ending 30 days after the date of any other primary, election, special election or referendum held for that city or special district.~~general election or at the same time as the primary election in any even-numbered year.

(b) Legal notice of the special election shall be published no less than 45 days prior to the special election. The local board of elections shall be responsible for publishing the legal notice. The notice shall state the date and time of the special election, the issue to be submitted to the voters, and the precincts in which the election will be held. This ~~paragraph~~ subsection shall not apply to bond elections.

(c) Subsection (a) of this section shall not apply to any special election related to the public health or safety, including a bond referendum for financing of health and sanitation systems, if the governing body adopts a resolution stating the need for the special election at a time different from any other State, county, or municipal general election or the primary in any even-numbered year.

(d) The last sentence of subsection (a) of this section shall not apply to municipal incorporation or recall elections pursuant to local act of the General Assembly.

(e) This section shall not impact the authority of the courts or the State Board to order a new election at a time set by the courts or State Board under this Chapter."

SECTION 27. G.S. 163-330 reads as rewritten:

"**§ 163-330. Voting in primary.**

Any person who will become qualified by age to register and vote in the general election for which the primary is held, even though not so qualified by the date of the primary, shall be entitled to register for the primary and general election prior to the primary and then to vote in the primary after being registered. Such person may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary. ~~Such a person also may register and vote in the primary and general election pursuant to G.S. 163-82.6A(f).~~"

SECTION 28. Subchapter X (Article 25) of Chapter 163 of the General Statutes is repealed.

PART II. CAMPAIGN FINANCE CHANGES.

SECTION 29. G.S. 163-278.5 reads as rewritten:

"**§ 163-278.5. Scope of Article; severability.**

The provisions of this Article apply to primaries and elections for North Carolina offices and to North Carolina referenda and do not apply to primaries and elections for federal offices or offices in other States or to non-North Carolina referenda. Any provision in this Article that regulates a non-North Carolina entity does so only to the extent that the entity's actions affect elections for North Carolina offices or North Carolina referenda.

The provisions of this Article are severable. If any provision is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the Article that can be given effect without the invalid provision.

This section applies to Articles 22B, 22D, ~~22E, 22F,~~ 22G, 22H, ~~22J,~~ and 22M of the General Statutes to the same extent that it applies to this Article."

SECTION 30. G.S. 163-278.13 reads as rewritten:

"**§ 163-278.13. Limitation on contributions.**

(a) No individual, political committee, or other entity shall contribute to any candidate or other political committee any money or make any other contribution in any election in excess of four thousand dollars ($4,000) for that election.

(b) No candidate or political committee shall accept or solicit any contribution from any individual, other political committee, or other entity of any money or any other contribution in any election in excess of four thousand dollars ($4,000) for that election.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, it shall be lawful for a candidate or a candidate's spouse, parents, brothers and sisters to make a contribution to the candidate or to the candidate's treasurer of any amount of money or to make any other contribution in any election in excess of four thousand dollars ($4,000) for that election.

(d) For the purposes of this section, the term "an election" means any primary, second primary, or general election in which the candidate or political committee may be involved, without regard to whether the candidate is opposed or unopposed in the election, except that where a candidate is not on the ballot in a second primary, that second primary is not "an election" with respect to that candidate.

(d1) Notwithstanding subsections (a) and (b) of this section, a candidate or political committee may accept a contribution knowing that the contribution is to be reimbursed to the entity making the contribution and knowing the candidate or political committee has funds sufficient to reimburse the entity making the contribution if all of the following conditions are met:

(1) The entity submits sufficient information of the contribution to the candidate or political committee for reimbursement within 45 days of the contribution.

(2) The candidate or political committee makes a reimbursement to the entity making the contribution within seven days of submission of sufficient information.

(3) The candidate or political committee indicates on its report under G.S. 163-278.11 that the good, service, or other item resulting in the reimbursement is an expenditure of the candidate or political committee, and notes if the contribution was by credit card.

(4) The contribution does not exceed one thousand dollars ($1,000.00).

(d2) Any contribution, or portion thereof, made under subsection (d1) of this section that is not submitted for reimbursement in accordance with subsection (d1) of this section shall be treated as a contribution for purposes of this section. Any contribution, or portion thereof, made under subsection (d1) of this section that is not reimbursed in accordance with subsection (d1) of this section shall be treated as a contribution for purposes of this section.

(e) Except as provided in this subsection and ~~subsections (e2), (e3), and (e4)~~ subsections (e2) and (e3) of this section, this section shall not apply to any national, State, district or county executive committee of any political party. For the purposes of this section only, the term "political party" means only those political parties officially recognized under G.S. 163-96.

(e1) No referendum committee which received any contribution from a corporation, labor union, insurance company, business entity, or professional association may make any contribution to another referendum committee, to a candidate or to a political committee.

(e2) In order to make meaningful the provisions of Article 22D of this Chapter, the following provisions shall apply with respect to candidates for justice of the Supreme Court and judge of the Court of Appeals:

(1) No candidate shall accept, and no contributor shall make to that candidate, a contribution in any election exceeding one thousand dollars ($1,000) except as provided for elsewhere in this subsection.

(2) A candidate may accept, and a family contributor may make to that candidate, a contribution not exceeding two thousand dollars ($2,000) in an election if the contributor is that candidate's parent, child, brother, or sister.

(3) Repealed by Session Laws 2008-150, s. 7(a), effective August 2, 2008.

As used in this subsection, "candidate" is also a political committee authorized by the candidate for that candidate's election. Nothing in this subsection shall prohibit a candidate or the spouse of that candidate from making a contribution or loan secured entirely by that individual's assets to that candidate's own campaign.

(e3) Notwithstanding the provisions of subsections (a) and (b) of this section, no candidate for superior court judge or district court judge shall accept, and no contributor shall make to that candidate, a contribution in any election exceeding one thousand dollars ($1,000), except as provided in subsection (c) of this section. As used in this subsection, "candidate" is also a political committee authorized by the candidate for that candidate's election. Nothing in this subsection shall prohibit a candidate or the spouse of that candidate from making a contribution or loan secured entirely by that individual's assets to that candidate's own campaign.

~~(e4) In order to make meaningful the provisions of the North Carolina Voter-Owned Elections Act, as set forth in Article 22J of this Chapter, no candidate for an office subject to that Article shall accept, and no contributor shall make to that candidate, a contribution during the period beginning 21 days before the day of the general election and ending the day after the general election if that contribution causes the candidate to exceed the "trigger for matching funds" defined in G.S. 163-278.96(17). As used in this subsection, the term "candidate" also includes "candidate campaign committee" as defined in G.S. 163-278.38Z(3). Nothing in this subsection shall prohibit a candidate from making a contribution or loan secured entirely by that candidate's assets to that candidate's own campaign or to a political committee, the principal purpose of which is to support that candidate's campaign. This subsection applies with respect to a candidate only if both of the following statements are true regarding that candidate:~~

~~(1) That candidate is opposed in the general election by a certified candidate as defined in Article 22J of this Chapter.~~

~~(2) That certified candidate has not received the maximum matching funds available under G.S. 163-278.99B(c).~~

~~The recipient of a contribution that apparently violates this subsection has three days to return the contribution or file a detailed statement with the State Board of Elections explaining why the contribution does not violate this subsection.~~

(e5) The contribution limits of subsections (a) and (b) of this section do not apply to contributions made to an independent expenditure political committee. For purposes of this section, an "independent expenditure political committee" is a political committee whose treasurer makes and abides by a certification to the State Board of Elections that the political committee does not and will not make contributions, directly or indirectly, to candidates or to political committees that make contributions to candidates. The State Board of Elections shall provide forms for implementation of this subsection. This subsection shall not apply to a candidate or a political committee controlled by a candidate. The exception of this subsection is in addition to any other exception provided by law.

(f) Any individual, candidate, political committee, referendum committee, or other entity that violates the provisions of this section is guilty of a Class 2 misdemeanor."

SECTION 31. Article 22A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-278.13D. Limitation on contributions from State vendors.**

(a) No vendor of this State may make a contribution greater than five hundred dollars ($500.00) per election to a candidate as defined in G.S. 163-278.38Z(2) or candidate campaign committee as defined in G.S. 163-278.38Z(3) for a public servant as defined in G.S. 138A-3(30)a. and G.S. 120C-104 if the public servant has authority over the contract with the vendor.

(b) This section shall not apply to a vendor who has filed a notice of candidacy for office under G.S. 163-106, G.S. 163-107.1, or Article 11 of Chapter 163 of the General Statutes or has been nominated under G.S. 163-114 or G.S. 163-98 and is making a contribution to that vendor's candidate campaign committee.

(c) For purposes of this section, the term "vendor" shall mean any of the following:

(1) An individual with a contract greater than twenty-five thousand dollars ($25,000) with any office established by Article III of the North Carolina Constitution.

(2) An individual employed by a corporation or person with a contract greater than twenty-five thousand dollars ($25,000) with any office established by Article III of the North Carolina Constitution in any of the following capacities:

a. Will derive a direct financial benefit from the contract. Direct financial benefit exists only if the individual (i) has more than a ten percent (10%) beneficial ownership in a party to the contract or (ii) acquires property under the contract.

b. Oversees the performance of the contract and has authority to make decisions regarding the contract or to interpret the contract.

c. Participates in the development of specifications or terms and in the preparation or award of the contract.

(3) An individual who is a member of a board, commission, or other body of a corporation with a contract greater than twenty-five thousand dollars ($25,000) with any office established by Article III of the North Carolina Constitution that takes action on the contract, whether or not the individual actually participates in that action, unless the individual is prohibited from voting by a policy of the corporation and does not vote on the contract."

SECTION 32. Article 22A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-278.19C. Contributions to political parties.**

(a) Notwithstanding G.S. 163-278.13 and G.S. 163-278.19, no political party shall accept or solicit any contribution from any individual, political committee other than a candidate campaign committee, referendum committee, person, or other entity, in any election, in excess of two hundred fifty thousand dollars ($250,000) for that election.

(b) No individual, candidate, political committee other than a candidate campaign committee, referendum committee, person, or other entity, in any election, shall contribute to any political party any contribution in any election in excess of two hundred fifty thousand dollars ($250,000) for that election.

(c) Any individual, candidate, political committee other than a candidate campaign committee, referendum committee, person, or other entity that violates the provisions of this section is guilty of a Class 2 misdemeanor."

SECTION 33. G.S. 163-278.29 reads as rewritten:

"**§ 163-278.29. Compelling self-incriminating testimony; individual so testifying excused from prosecution.**

No individual shall be excused from attending or testifying or producing any books, papers, or other documents before any court upon any proceeding or trial of another for the violation of any of the provisions of this Article, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of ~~him~~ that individual may tend to incriminate ~~him~~that individual, but such individual may be subpoenaed and required to testify by and for the State relative to any offense arising under the provisions of this Article; but such individual shall not be prosecuted ~~or subjected to any penalty or forfeiture~~ for or on account of any transaction, matter or thing concerning which ~~he~~ that individual may be compelled to testify or produce evidence, documentary or otherwise, and no compelled testimony so given or produced shall be used against ~~him~~ that individual upon any criminal proceeding, but such individual so compelled to testify with respect to any acts of ~~his own~~ that individual shall be immune from prosecution on account thereof."

SECTION 34. G.S. 163-278.34 is amended by adding a new subsection to read:

"(e1) A candidate shall be jointly and severally liable for any civil penalty assessed by the State Board against a candidate campaign committee if that candidate campaign committee organized by the candidate has no funds with which to pay the assessed civil penalty. As used in this subsection, the term "candidate campaign committee" means the same as in G.S. 163-278.38Z(3)."

SECTION 35. G.S. 163-278.35 reads as rewritten:

"**§ 163-278.35. Preservation of records.**

All reports, records and accounts required by this Article to be made, kept, filed, or maintained by any individual, media, candidate or treasurer shall be preserved and retained by the individual, media, candidate or treasurer for at least two years counting from the date of the ~~election~~ last report due to be filed with the appropriate board of elections to which such reports, records and accounts refer. All reports, records, and accounts include any underlying documentation upon which the information in the last report due to be filed with the appropriate board of elections is based."

SECTION 36.(a) Article 22J of Chapter 163 of the General Statutes is repealed.

SECTION 36.(b) The balances of the North Carolina Voter-Owned Elections Fund upon this act becoming law are transferred to the General Fund.

SECTION 36.(c) This section becomes effective July 1, 2011.

PART III. TECHNICAL CHANGES.

SECTION 37. G.S. 163-275(16) reads as rewritten:

"(16) For any person falsely to make the certificate provided by ~~G.S. 163-229(b)(2) or G.S. 163-250(a).~~ G.S. 163-229(b) or G.S. 163-250(a)(4)."

PART IV. CONFORMING CHANGES.

SECTION 38. G.S. 18B-601(f) reads as rewritten:

"(f) Election Date. – The board of elections shall conduct and set the date for the alcoholic beverage ~~election, which may not be sooner than 60 days nor later than 120 days from the date the request was received from the governing body or the petition was verified by the board.~~election in accordance with G.S. 163-287. ~~No alcoholic beverage election may be held on the Tuesday next after the first Monday in November of an even-numbered year.~~"

SECTION 39. G.S. 63-80(c) reads as rewritten:

"(c) Following the joint public hearing but prior to the adoption by a unit of local government of any resolution creating a special airport district, the governing body of such unit may submit the question of the unit's participation in a special airport district to the qualified voters of such unit. The form of the question as stated on the ballot shall be in substantially the following words:

"Shall the governing body of _____ approve _____'s participation in the proposed _____ special airport district?

[ ] YES [ ] NO"

If a majority of the qualified voters of the unit who vote thereon approve such participation, the governing body of such unit may adopt a resolution creating the particular special airport district. The election shall be conducted in accordance with G.S. 163-287 and the results thereof certified, declared and published in the same manner as bond elections within the unit."

SECTION 40. G.S. 63-87 reads as rewritten:

"**§ 63-87. Bond elections.**

Elections for the purpose of authorizing the levy of taxes for the issuance of bonds shall be called by the district board and shall be conducted in accordance with G.S. 163-287 and the results canvassed by the boards of elections having jurisdiction within the participating units. Such results shall be certified to the district board and such board shall certify and declare the result of the election and publish a statement of the result once as provided in the Local Government Bond Act."

SECTION 41. G.S. 69-25.1 reads as rewritten:

"**§ 69-25.1. Election to be held upon petition of voters.**

Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area lying outside the corporate limits of any city or town, which area is described in the petition and designated as "_____ Fire District," the board of county
(Here insert name)
commissioners of the county shall call ~~an~~ a special election in said district for the purpose of submitting to the qualified voters therein the question of levying and collecting a special tax on all taxable property in said district, of not exceeding fifteen cents (15¢) on the one hundred dollars ($100.00) valuation of property, for the purpose of providing fire protection in said district. The county tax office shall be responsible for checking the freeholder status of those individuals signing the petition and confirming the location of the property owned by those individuals. Unless specifically excluded by other law, the provisions of Chapter 163 of the General Statutes concerning petitions for referenda and special elections shall apply. If the voters reject the special tax under the first paragraph of this section, then no new election may be held under the first paragraph of this section within two years on the question of levying and collecting a special tax under the first paragraph of this section in that district, or in any proposed district which includes a majority of the land within the district in which the tax was rejected.

Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area which has previously been established as a fire protection district and in which there has been authorized by a vote of the people a special tax not exceeding ten cents (10¢) on the one hundred dollars ($100.00) valuation of property within the area, the board of county commissioners shall call an election in said area for the purpose of submitting to the qualified voters therein the question of increasing the allowable special tax for fire protection within said district from ten cents (10¢) on the one hundred dollars ($100.00) valuation to fifteen cents (15¢) on the one hundred dollars ($100.00) valuation on all taxable property within such district. Elections on the question of increasing the allowable tax rate for fire protection shall not be held within the same district at intervals less than two years."

SECTION 42. G.S. 69-25.2 reads as rewritten:

"**§ 69-25.2. Duties of county board of commissioners regarding conduct of elections; cost of holding.**

The board of county commissioners, after consulting with the county board of elections, shall set a date for the special election in accordance with G.S. 163-287 by resolution adopted. The county board of elections shall hold and conduct the election in the district. The county board of elections shall advertise and conduct said election, in accordance with the provisions

of this Article and with the procedures prescribed in Chapter 163 governing the conduct of special and general elections. No new registration of voters shall be required, but the deadline by which unregistered voters must register shall be contained in the legal advertisement to be published by the county board of elections. The cost of holding the election to establish a district shall be paid by the county, provided that if the district is established, then the county shall be reimbursed the cost of the election from the taxes levied within the district, but the cost of an election to increase the allowable tax under G.S. 69-25.1 or to abolish a fire district under G.S. 69-25.10 shall be paid from the funds of the district."

SECTION 43. G.S. 105-159.2(b) reads as rewritten:

"(b) Returns. – Individual income tax returns must give an individual an opportunity to agree to the allocation of three dollars ($3.00) of the individual's tax liability to the North Carolina Public Campaign Fund. The Department must make it clear to the taxpayer that the dollars ~~will support a nonpartisan court system, that the dollars~~ will go to the Fund if the taxpayer marks an agreement, and that allocation of the dollars neither increases nor decreases the individual's tax liability. The following statement must be used to meet this requirement: "Mark 'Yes' if you want to designate $3 of taxes to this special Fund for voter education materials and for candidates who accept spending limits. Marking 'Yes' does not change your tax or refund." The Department must consult with the State Board of Elections to ensure that the information given to taxpayers complies with the intent of this section.

The Department must inform the entities it approves to reproduce the return that they must comply with the requirements of this section and that a return may not reflect an agreement or objection unless the individual completing the return decided to agree or object after being presented with the statement required by subsection (b) of this section and, as available background information or instructions, the information required by subsection (c) of this section. No software package used in preparing North Carolina income tax returns may default to an agreement or objection. A paid preparer of tax returns may not mark an agreement or objection for a taxpayer without the taxpayer's consent."

SECTION 44. G.S. 105-465 reads as rewritten:

"**§ 105-465. County election as to adoption of local sales and use tax.**

The board of elections of any county, upon the written request of the board of county commissioners, or upon receipt of a petition signed by qualified voters of the county equal in number to at least fifteen percent (15%) of the total number of votes cast in the county, at the last preceding election for the office of Governor, shall call a special election for the purpose of submitting to the voters of the county the question of whether a one percent (1%) sales and use tax will be levied.

The special election shall be held under the same rules applicable to the election of members of the General Assembly. No new registration of voters shall be required. All qualified voters in the county who are properly registered not later than 21 days (excluding Saturdays and Sundays) prior to the election shall be entitled to vote at the election. The county board of elections shall give at least 20 days' public notice prior to the closing of the registration books for the special election.

The county board of elections shall prepare ballots for the special election. The question presented on the ballot shall be "FOR one percent (1%) local sales and use tax on items subject to State sales and use tax at the general State rate and on food" or "AGAINST one percent (1%) local sales and use tax on items subject to State sales and use tax at the general State rate and on food".

The county board of elections shall fix the date of the special ~~election,~~ election on a date permitted by G.S. 163-287, except that the special election shall not be held ~~on the date or within 60 days of any biennial election for county officers, nor~~ within one year from the date of the last preceding special election under this section."

SECTION 45. G.S. 105-473(a) reads as rewritten:

"(a) The board of elections of any county, upon the written request of the board of county commissioners thereof, or upon receipt of a petition signed by qualified voters of the county equal in number to at least fifteen percent (15%) of the total number of votes cast in the county at the last preceding election for the office of Governor, shall call a special election for the purpose of submitting to the voters of the county the question of whether the levy of a one percent (1%) sales and use tax theretofore levied should be repealed.

The special election shall be held under the same rules and regulations applicable to the election of members of the General Assembly. No new registration of voters shall be required. All qualified voters in the county who are properly registered not later than 21 days (excluding Saturdays and Sundays) prior to the election shall be entitled to vote at said election. The county board of elections shall give at least 20 days' public notice prior to the closing of the registration books for the special election.

The county board of elections shall prepare ballots for the special election which shall contain the words "FOR repeal of the one percent (1%) local sales and use tax levy," and the words "AGAINST repeal of the one percent (1%) local sales and use tax levy," with appropriate squares so that each voter may designate his vote by his cross (X) mark.

The county board of elections shall fix the date of the special ~~election;~~ election on a date permitted by G.S. 163-287; provided, however, that the special election shall not be held ~~on the day of any biennial election for county officers, nor within 60 days thereof, nor~~ within one year from the date of the last preceding special election held under this section."

SECTION 46. G.S. 105-507.1(a) reads as rewritten:

"(a) Resolution. – The board of commissioners of a county may direct the county board of elections to conduct an advisory referendum within the county on the question of whether a local sales and use tax at the rate of one-half percent (½%) may be levied in accordance with this Part. The election shall be held ~~on a date jointly agreed upon by the boards and shall be held~~ in accordance with the procedures of G.S. 163-287. The board of commissioners shall hold a public hearing on the question at least 30 days before the date the election is to be held."

SECTION 47. G.S. 105-509(b) reads as rewritten:

"(b) Resolution. – The board of trustees of the regional public transportation authority may, if all of the conditions listed in this subsection have been met, direct the respective county board or boards of elections to conduct an advisory referendum within the special district on the question of whether a local sales and use tax at the rate of one-half percent (½%) may be levied within the district in accordance with this Part. The tax may not be levied without voter approval. The election shall be held on a date jointly agreed upon by the authority, the county board or boards of commissioners, and the county board or boards of elections and shall be held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first Monday of November in the even-numbered year, the date of the general election under G.S. 163-1, (ii) the date of the primary election in the even-numbered year under G.S. 163-1(b), (iii) Tuesday after the first Monday in November of the odd-numbered year, or (iv) a date in September or October of the odd-numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but only if at least one municipality in the county is holding a primary or election on that date.~~ in accordance with G.S. 163-287. The conditions are as follows:

(1) The board of trustees has obtained approval to conduct a referendum by a vote of the following:
   a. A majority vote of each of the county boards of commissioners within the special district, if it is a multicounty special district.
   b. A majority of the county board of commissioners within the special district, if it is a single-county special district.

(2) A public hearing is held on the question by the board or boards of commissioners at least 30 days before the date the election is to be held."

SECTION 48. G.S. 105-510(b) reads as rewritten:

"(b) Resolution. – The board of trustees of the regional transportation authority may, if all of the conditions listed in this subsection have been met, direct the respective county board or boards of elections to conduct an advisory referendum within the special district on the question of whether a local sales and use tax at the rate of one-half percent (½%) may be levied within the district in accordance with this Part. The tax may not be levied without voter approval. The election shall be held on a date jointly agreed upon by the authority, the county board or boards of commissioners, and the county board or boards of elections and shall be held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first Monday of November in the even-numbered year, the date of the general election under G.S. 163-1, (ii) the date of the primary election in the even-numbered year under G.S. 163-1(b), (iii) Tuesday after the first Monday in November of the odd-numbered year, or (iv) a date in September or October of the odd-numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but only if at least one municipality in the county is holding a primary or election on that date.~~in accordance with G.S. 163-287. The conditions are as follows:

(1) The board of trustees has obtained approval to conduct a referendum by a vote of the following:

a. A majority vote of both of the county boards of commissioners within the special district, if it is a multicounty special district.

b. A majority of the county board of commissioners within the special district, if it is a single-county special district.

(2) A public hearing is held on the question by the board or boards of commissioners at least 30 days before the date the election is to be held."

SECTION 49. G.S. 105-511.2(a) reads as rewritten:

"(a) Resolution. – The board of commissioners of a county may direct the county board of elections to conduct an advisory referendum within the county on the question of whether a local sales and use tax at the rate of one-quarter percent (¼%) may be levied in accordance with this Part. The election shall be held on a date jointly agreed upon by the boards and shall be held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first Monday of November in the even-numbered year, the date of the general election under G.S. 163-1, (ii) the date of the primary election in the even-numbered year under G.S. 163-1(b), (iii) Tuesday after the first Monday in November of the odd-numbered year, or (iv) a date in September or October of the odd-numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but only if at least one municipality in the county is holding a primary or election on that date.~~in accordance with G.S. 163-287. The board of commissioners shall hold a public hearing on the question at least 30 days before the date the election is to be held."

SECTION 50. G.S. 105-537(b) reads as rewritten:

"(b) Vote. – The board of county commissioners may direct the county board of elections to conduct an advisory referendum on the question of whether to levy a local sales and use tax in the county as provided in this Article. The election shall be held ~~on a date jointly agreed upon by the board of county commissioners and the board of elections and shall be held~~ in accordance with the procedures of G.S. 163-287."

SECTION 51. G.S. 106-343 reads as rewritten:

"**§ 106-343. Appropriations by counties; elections.**

The several boards of county commissioners in the State are hereby expressly authorized and empowered to make such appropriations from the general funds of their county as will enable them to cooperate effectively with the state Department of Agriculture and Consumer Services and Federal Department of Agriculture in the eradication of tuberculosis in their respective counties: Provided, that if in 10 days after said appropriation is voted, one fifth of

the qualified voters of the county petition the board of commissioners to submit the question of tuberculosis eradication or no tuberculosis eradication to the voters of the county, said commissioners shall submit such questions to said voters. Said election shall be held and conducted under ~~the rules and regulations provided for holding stock law elections in G.S. 68-16, 68-20 and 68-21.~~G.S. 163-287. If at any such election a majority of the votes cast shall be in favor of said tuberculosis eradication, the said board shall record the result of the election upon its minutes, and cooperative tuberculosis eradication shall be taken up with the state Department of Agriculture and Consumer Services and Federal Department of Agriculture. If, however, a majority of the votes cast shall be adverse, then said board shall make no appropriation."

SECTION 52. G.S. 115C-501(h) reads as rewritten:

"(h) To Annex or Consolidate Areas or Districts from Contiguous Counties and to Provide a Supplemental School Tax in Such Annexed Areas or Consolidated Districts. – An election may be called in any districts or other school areas, from contiguous counties, as to whether the districts in one county shall be enlarged by annexing or consolidating therewith any adjoining districts, or other school area or areas from an adjoining county, and if a special or supplemental school tax is levied and collected in the districts of the county to which the territory is to be annexed or consolidated, whether upon such annexation or consolidation there shall be levied and collected in the territory to be annexed or consolidated the same special or supplemental tax for schools as is levied and collected in the districts in the other county. If such election carries, the said special or supplemental tax shall be collected pursuant to G.S. 115C-511 and remitted to the local school administrative unit on whose behalf such special and supplemental tax is already ~~levied: Provided, that notwithstanding the provisions of G.S. 115C-508, if the notice of election clearly so states, and the election shall be held prior to August 1, the annexation or consolidation shall be effective and the tax so authorized shall be levied and collected beginning with the fiscal year commencing July 1 next preceding such elections.~~levied."

SECTION 53. G.S. 115C-501 is amended by adding a new subsection to read:

"(j) All elections called under this section shall be conducted in accordance with G.S. 163-287."

SECTION 54. G.S. 115D-33(d) reads as rewritten:

"(d) All elections shall be held in the same manner as elections held under Article 4, Chapter 159, of the General Statutes, the Local Government Bond Act, and ~~may be held at any time fixed by the tax-levying authority of the administrative area or proposed administrative area of the institution for which such election is to be held.~~shall be held on a date permitted by G.S. 163-287."

SECTION 55. G.S. 115D-35(a) reads as rewritten:

"(a) Formal requests for elections on the question of authority to appropriate nontax revenues or levy special taxes, or both, and to issue bonds, when such elections are to be held for the purpose of establishing an institution, shall be originated and submitted only in the following manner:

(1) Proposed multiple-county administrative areas: Formal requests for elections may be submitted jointly by all county boards of education in the proposed administrative area, or by petition of fifteen percent (15%) of the number of qualified voters of the proposed area who voted in the last preceding election for Governor, to the boards of commissioners of all counties in the proposed area, who ~~may~~ shall fix the time for such election by joint resolution on a date permitted by G.S. 163-287, which shall be entered in the minutes of each board.

(2) Proposed single-county administrative area: Formal requests shall be submitted by the board of education of any public school administrative unit

within the county of the proposed administrative area or by petition of fifteen percent (15%) of the number of qualified voters of the county who voted in the last preceding election for Governor, to the board of commissioners of the county of the proposed administrative area, who ~~may~~ shall fix the time for such election by resolution on a date permitted by G.S. 163-287, which shall be entered in the minutes of the board."

SECTION 56. G.S. 130A-69 reads as rewritten:

"(a) If after a sanitary district has been created or the provisions of this Part have been made applicable to a sanitary district, a petition signed by not less than fifteen percent (15%) of the resident freeholders within any territory contiguous to and adjoining the sanitary district may be presented to the sanitary district board requesting annexation of territory described in the petition. The sanitary district board shall send a copy of the petition to the board of commissioners of the county or counties in which the district is located and to the Department. The sanitary district board shall request that the Department hold a joint public hearing with the sanitary district board on the question of annexation. The Secretary and the chairperson of the sanitary district board shall name a time and place for the public hearing. The chairperson of the sanitary district board shall publish a notice of public hearing once in a newspaper or newspapers published or circulating in the sanitary district and the territory proposed to be annexed. The notice shall be published not less than 15 days prior to the hearing. If after the hearing, the Commission approves the annexation of the territory described in the petition, the Department shall advise the board or boards of commissioners of the approval. The board or boards of commissioners shall order and provide for the holding of a special election in accordance with G.S. 163-287 upon the question of annexation within the territory proposed to be annexed.

(b) If at or prior to the public hearing, a petition is filed with the sanitary district board signed by not less than fifteen percent (15%) of the freeholders residing in the sanitary district requesting an election be held on the annexation question, the sanitary district board shall send a copy of the petition to the board or boards of commissioners who shall order and provide for the submission of the question to the voters within the sanitary district. This election may be held on the same day as the election in the territory proposed to be annexed, and both elections and registrations may be held pursuant to a single notice. A majority of the votes cast is necessary for a territory to be annexed to a sanitary district.

(c) The election shall be held by the county board or boards of elections ~~as soon as possible~~in accordance with G.S. 163-287 after the board or boards of commissioners orders the election. The cost of the election shall be paid by the sanitary district. Registration in the area proposed for annexation shall be under the same procedure as G.S. 163-288.2.

...."

SECTION 57. G.S. 139-39 reads as rewritten:

"**§ 139-39. Alternative method of financing watershed improvement programs by special county tax.**

The board of county commissioners in any county is authorized to call a special election to determine whether it be the will of the qualified voters of the county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed twenty-five cents (25¢) on each one hundred dollars ($100.00) valuation of property in said county, to be known as a "Watershed Improvement Tax," the funds therefrom, if the levy be authorized by the voters of said county, to be used for the prevention of flood water and sediment damages, and for furthering the conservation, utilization and disposal of water and the development of water resources. Any special election shall be conducted in accordance with G.S. 163-287."

SECTION 58. G.S. 147-69.6(f) reads as rewritten:

"(f) The Board of Commissioners of Swain County may direct the Swain County Board of Elections to conduct an advisory referendum on the question of whether any portion of the principal of the Fund should be disbursed to and expended by the county for a particular purpose. The election shall be held ~~on a date jointly agreed upon by the two boards, which may be the same day as any other referendum or election in the county, but may not otherwise be during the period beginning 30 days before and ending 30 days after the day of any other referendum or election to be conducted by the board of elections and already validly called or scheduled by law. The election shall be held~~ in accordance with the procedures of G.S. 163-287. The question to be presented on the ballot shall disclose the specific purpose proposed for expenditure of the principal investment of the Trust Fund and the amount proposed for expenditure."

SECTION 59. G.S. 153A-60 reads as rewritten:

"**§ 153A-60. Initiation of alterations by resolution.**

The board of commissioners shall initiate any alteration in the structure of the board by adopting a resolution. The resolution shall:

(1) Briefly but completely describe the proposed alterations;

(2) Prescribe the manner of transition from the existing structure to the altered structure;

(3) Define the electoral districts, if any, and apportion the members among the districts;

(4) Call a special referendum on the question of adoption of the alterations. The referendum shall be held and conducted by the county board of elections. The referendum may be held only on a date permitted by G.S. 163-287. ~~at the same time as any other state, county or municipal primary, election, special election or referendum, or on any date set by the board of county commissioners, provided, that such referendum shall not be held within the period of time beginning 60 days before and ending 60 days after any other primary, election, special election or referendum held in the county.~~

Upon its adoption, the resolution shall be published in full."

SECTION 60. G.S. 153A-405(a) reads as rewritten:

"(a) If authorized to do so by the concurrent resolutions that established it, a commission may call a referendum on its proposed plan of governmental consolidation. If authorized or directed in the concurrent resolutions, the ballot question may include the assumption of debt secured by a pledge of faith and credit language and may also include the assumption of the right to issue authorized but unissued faith and credit debt language as provided in subsection (b) of this section. The referendum ~~may be held on the same day as any other referendum or election in the county or counties involved, but may not otherwise be held during the period beginning 30 days before and ending 30 days after the day of any other referendum or election to be conducted by the board or boards of elections conducting the referendum and already validly called or scheduled by law.~~shall be held in accordance with G.S. 163-287."

SECTION 61. G.S. 158-16 reads as rewritten:

"**§ 158-16. Board of commissioners may call tax election; rate and purposes of tax.**

The board of county commissioners in any county is authorized and empowered to call a special election to determine whether it be the will of the qualified voters of said county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed five cents (5¢) on each one hundred dollars ($100.00) valuation of property in said county, to be known as an "industrial development tax," the funds therefrom, if the levy be authorized by the voters of said county, to be used for the purpose of attracting new and diversified industries to said county, and for the encouragement of new business and industrial ventures by local as well as foreign capital, and for the purpose of aiding and encouraging the location of manufacturing

enterprises, making industrial surveys and locating industrial plants in said county, and for the purpose of encouraging agricultural development in said county. Any special election shall be conducted in accordance with G.S. 163-287."

SECTION 62. G.S. 159-61(b) reads as rewritten:

"(b) The date of a bond referendum shall be fixed by the governing board, but shall not be more than one year after adoption of the bond ~~order.~~ order, only on a date permitted by G.S. 163-287. ~~The governing board may call a special referendum for the purpose of voting on a bond issue on any day, including the day of any regular or special election held for another purpose (unless the law under which the bond referendum or other election is held specifically prohibits submission of other questions at the same time). A special bond referendum may not be held within 30 days before or 10 days after a statewide primary, election, or referendum, or within 30 days before or 10 days after any other primary, election, or referendum to be held in the same unit holding the bond referendum and already validly called or scheduled by law at the time the bond referendum is called.~~ The clerk shall mail or deliver a certified copy of the resolution calling a special bond referendum to the board of elections that is to conduct it within three days after the resolution is adopted, but failure to observe this requirement shall not in any manner affect the validity of the referendum or bonds issued pursuant thereto. Bond referenda shall be conducted by the board of elections conducting regular elections of the county, city, or special district. ~~In fixing the date of a bond referendum, the governing board shall consult the board of elections in order that the referendum shall not unduly interfere with other elections already scheduled or in process.~~ Several bond orders or other matters may be voted upon at the same referendum."

SECTION 63. G.S. 160A-103 reads as rewritten:

"**§ 160A-103. Referendum on charter amendments by ordinance.**

An ordinance adopted under G.S. 160A-102 that is not made effective upon approval by a vote of the people shall be subject to a referendum petition. Upon receipt of a referendum petition bearing the signatures and residence addresses of a number of qualified voters of the city equal to at least 10 percent of the whole number of voters who are registered to vote in city elections according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less, the council shall submit an ordinance adopted under G.S. 160A-102 to a vote of the people. The date of the special election shall be fixed ~~at~~ on a date permitted by G.S. 163-287. ~~not more than 120 nor fewer than 60 days after receipt of the petition.~~ A referendum petition shall be addressed to the council and shall identify the ordinance to be submitted to a vote. A referendum petition must be filed with the city clerk not later than 30 days after publication of the notice of adoption of the ordinance."

SECTION 64. G.S. 160A-104 reads as rewritten:

"**§ 160A-104. Initiative petitions for charter amendments.**

The people may initiate a referendum on proposed charter amendments. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the city equal to at least ten percent (10%) of the whole number of voters who are registered to vote in city elections according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall set forth the proposed amendments by describing them briefly but completely and with reference to the pertinent provisions of G.S. 160A-101, but it need not contain the precise text of the charter amendments necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of charter amendments. Upon receipt of a valid initiative petition, the council shall call a special election on the question of adopting the charter amendments proposed therein, and shall give public notice thereof in accordance with G.S. 163-287. The date of the special election shall be fixed ~~at~~ on a date permitted by G.S. 163-287. ~~not more than 120 nor fewer than 60 days after receipt of the petition.~~ If a majority of the votes cast in the special election shall be in favor of the proposed changes, the council shall adopt an ordinance

amending the charter to put them into effect. Such an ordinance shall not be subject to a referendum petition. No initiative petition may be filed (i) between the time the council initiates proceedings under G.S. 160A-102 by publishing a notice of hearing on proposed charter amendments and the time proceeding under that section have been carried to a conclusion either through adoption or rejection of a proposed ordinance or lapse of time, nor (ii) within one year and six months following the effective date of an ordinance amending the city charter pursuant to this Article, nor (iii) within one year and six months following the date of any election on charter amendments that were defeated by the voters.

The restrictions imposed by this section on filing initiative petitions shall apply only to petitions concerning the same subject matter. For example, pendency of council action on amendments concerning the method of electing the council shall not preclude an initiative petition on adoption of the council-manager form of government.

Nothing in this section shall be construed to prohibit the submission of more than one proposition for charter amendments on the same ballot so long as no proposition offers a different plan under the same option as another proposition on the same ballot."

SECTION 65. G.S. 160A-583 reads as rewritten:

"**§ 160A-583. Funds.**

The establishment and operation of a transportation authority as herein authorized are governmental functions and constitute a public purpose, and the municipality is hereby authorized to appropriate funds to support the establishment and operation of the transit authority. The municipality may also dedicate, sell, convey, donate or lease any of its interest in any property to the authority. Further, the authority is hereby authorized to establish such license and regulatory fees and charges as it may deem appropriate, subject to the approval of the governing body of the municipality. If the governing body finds that the funds otherwise available are insufficient, it may call a special election without a petition and submit to the qualified voters of the municipality the question of whether or not a special tax shall be levied and/or bonds issued, specifying the maximum amount thereof, for the purpose of acquiring lands, buildings, equipment and facilities and for the operations of the transit authority. Any special election shall be conducted in accordance with G.S. 163-287."

SECTION 66. G.S. 162A-68(d) reads as rewritten:

"(d) If, at or prior to such public hearing, there shall be filed with the district board a petition, signed by not less than ten per centum (10%) of the qualified voters residing in the district, requesting an election to be held therein on the question of including the political subdivision or unincorporated area, the district board shall certify a copy of such petition to the board or boards of commissioners, and the board or boards of commissioners shall request the county board or boards of elections to submit such question to the qualified voters within the district in accordance with G.S. 163-287 and the other applicable provisions of Chapter 163 of the General Statutes; provided, that the election shall not be held unless the Environmental Management Commission has adopted a resolution approving the inclusion of the political subdivision or unincorporated area in the district.

Notice of such election, which shall contain a statement of the boundaries of the territory proposed to be included in the district and the boundaries of the district after inclusion, shall be given by publication once a week for three successive weeks in a newspaper or newspapers having general circulation within the district, the first publication to be at least 30 days prior to the election."

SECTION 67. G.S. 162A-77.1 reads as rewritten:

"**§ 162A-77.1. Special election upon the question of the merger of metropolitan sewerage districts into cities or towns.**

Any district lying entirely within the corporate limits of a city or town may be merged into such city or town in accordance with the provisions of this section.

The governing body of a city or town, with the approval of the district board, shall call and conduct a special election within such city or town on the question of the merger of the district into the city or town. A vote in favor of such merger shall constitute a vote for such city or town to assume the obligations of the district. Such special election may be called and conducted by the governing body of a city or town upon its own motion after passage of a resolution of the district board requesting or approving the special election. Any special election shall be conducted in accordance with G.S. 163-287.

A new registration of voters shall not be required for the special election. The special election shall be conducted in accordance with the provisions of law applicable to regular elections in the city or town.

If a majority of the votes are in favor of the merger, then:

(1) All property, real and personal and mixed, including accounts receivable, belonging to such district shall vest in, belong to, and be the property of, such city or town. All district boards are hereby authorized to take such actions and to execute such documents as will carry into effect the provisions and the intent of this section.

(2) All judgments, liens, rights of liens, and causes of action of any nature in favor of such district shall vest in and remain and inure to the benefit of such city or town.

(3) All taxes, assessments, sewer charges, and any other debts, charges or fees, owing to such district shall be owed to and collected by such city or town.

(4) All actions, suits and proceedings pending against, or having been instituted by, such district shall not be abated by this section or by the merger herein provided for, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if merger had not occurred, and such city or town shall be a party to all such actions, suits, and proceedings in the place and stead of the district and shall pay or cause to be paid any judgments rendered against the district in any such actions, suits, or proceedings. No new process need be served in any such action, suit, or proceeding.

(5) All obligations of the district, including outstanding indebtedness, shall be assumed by such city or town, and all such obligations and outstanding indebtedness shall constitute obligations and indebtedness of such city or town, and the full faith and credit of such city or town shall be deemed to be pledged for the punctual payment of the principal of and the interest on any general obligation bonds or bond anticipation notes of such district, and all the taxable property within such city or town, as well as that formerly located within the district, shall be and remain subject to taxation for such payment.

(6) All ordinances, rules, regulations, and policies of such district shall continue in full force and effect until repealed or amended by the governing body of such city or town.

(7) Such district shall be abolished, and shall no longer be constituted a public body or a body politic and corporate, except for the purposes of carrying into effect the provisions and the intent of this section.

If a majority of the votes are against the merger, then such merger shall not be effective unless approved by a majority of the qualified voters who vote thereon in a subsequent special election conducted under authority of this section.

Any action or proceeding in any court to set aside a special election held under authority of this section or the result thereof, or to obtain any other relief upon the ground that such election or any proceeding or action taken with respect to the holding of such election is invalid, must

be commenced within 30 days after the day of such special election. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the election or the result thereof shall be asserted, nor shall the validity of the election or of the result thereof be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period."

SECTION 68. G.S. 115C-47(59) is repealed.

SECTION 69. G.S. 115C-81(g1)(1)b. reads as rewritten:

"b. Instruction on the importance of voting and otherwise participating in the democratic process, including instruction on voter ~~registration and preregistration;~~registration;".

SECTION 70. G.S. 138A-22(d) reads as rewritten:

"(d) A candidate for an office subject to this Article shall file the statement of economic interest at the same place and in the same manner as the notice of candidacy for that office is required to be filed under G.S. 163-106 ~~or G.S. 163-323~~ within 10 days of the filing deadline for the office the candidate seeks. An individual who is nominated under G.S. 163-114 after the primary and before the general election, and an individual who qualifies under G.S. 163-122 as an unaffiliated candidate in a general election, shall file a statement of economic interest with the county board of elections of each county in the senatorial or representative district. An individual nominated under G.S. 163-114 shall file the statement within three days following the individual's nomination, or not later than the day preceding the general election, whichever occurs first. An individual seeking to qualify as an unaffiliated candidate under G.S. 163-122 shall file the statement of economic interest with the petition filed under that section. An individual seeking to have write-in votes counted for that individual in a general election shall file a statement of economic interest at the same time the candidate files a declaration of intent under G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of economic interest at the same time that the president of the convention certifies the names of its candidates to the State Board of Elections under G.S. 163-98."

SECTION 71. G.S. 163-1(b) reads as rewritten:

"(b) On Tuesday next after the first Monday in May preceding each general election to be held in November for the officers referred to in subsection (a) of this section, there shall be held in all election precincts within the territory for which the officers are to be elected a primary election for the purpose of nominating candidates for each political party in the State for those ~~offices, and nonpartisan candidates as to offices elected under the provisions of Article 25 of this Chapter.~~offices."

SECTION 72. G.S. 163-22.3 reads as rewritten:

"**§ 163-22.3. State Board of Elections littering notification.**

At the time an individual files with the State Board of Elections a notice of candidacy pursuant to G.S. 163-106, 163-112, 163-291, ~~163-294.2, or 163-323,~~ or 163-294.2, is certified to the State Board of Elections by a political party executive committee to fill a nomination vacancy pursuant to G.S. 163-114, is certified to the State Board of Elections by a new political party as that party's nominee pursuant to G.S. 163-98, qualifies with the State Board of Elections as an unaffiliated or write-in candidate pursuant to Article 11 of this Chapter, or formally initiates a candidacy with the State Board of Elections pursuant to any statute or local act, the State Board of Elections shall notify the candidate of the provisions concerning campaign signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the Department of Transportation pursuant to G.S. 136-18."

SECTION 73. G.S. 163-82.10B reads as rewritten:

"**§ 163-82.10B. Confidentiality of date of birth.**

Boards of elections shall keep confidential the date of birth of every voter-registration applicant and registered voter, except in the following situations:

(1) When a voter has filed notice of candidacy for elective office under G.S. 163-106, 163-122, 163-123, or 163-294.2, ~~or 163-323,~~ has been nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has otherwise formally become a candidate for elective office. The exception of this subdivision does not extend to an individual who meets the definition of "candidate" only by beginning a tentative candidacy by receiving funds or making payments or giving consent to someone else to receive funds or transfer something of value for the purpose of exploring a candidacy.

(2) When a voter is serving in an elective office.

(3) When a voter has been challenged pursuant to Article 8 of this Chapter.

(4) When a voter-registration applicant or registered voter expressly authorizes in writing the disclosure of that individual's date of birth.

The disclosure of an individual's age does not constitute disclosure of date of birth in violation of this section.

The county board of elections shall give precinct officials access to a voter's date of birth where necessary for election administration, consistent with the duty to keep dates of birth confidential.

Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of action. This limitation of liability does not apply to the disclosure of a date of birth in violation of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable."

SECTION 74. G.S. 163-122(c) is repealed.

SECTION 75. G.S. 163-123(g) reads as rewritten:

"(g) Municipal and Nonpartisan Elections Excluded. – This section does not apply to municipal elections conducted under Subchapter IX of Chapter 163 of the General Statutes, and does not apply to nonpartisan elections.~~elections except for elections under Article 25 of this Chapter.~~"

SECTION 76. G.S. 163-165.5(3) reads as rewritten:

"**§ 163-165.5. Contents of official ballots.**

Each official ballot shall contain all the following elements:

...

(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. The State Board of Elections shall establish a review procedure that local boards of elections shall follow to ensure that candidates' names appear on the official ballot in accordance with this subdivision.

...."

SECTION 77. G.S. 163-278.64(c) reads as rewritten:

"(c) Certification of Candidates. – Upon receipt of a submittal of the record of demonstrated support by a participating candidate, the Board shall determine whether or not the candidate has complied with all the following requirements:

(1) Signed and filed a declaration of intent to participate in this Article.

(2) Submitted a report itemizing the appropriate number of qualifying contributions received from registered voters, which the Board shall verify through a random sample or other means it adopts. The report shall include the county of residence of each registered voter listed.

(3) Filed a valid notice of candidacy pursuant to Article ~~25~~ 10 of this ~~Chapter.~~ Chapter, a valid petition or declaration of intent under Article 11 of this Chapter, or is nominated under G.S. 163-98.

(4) Otherwise met the requirements for participation in this Article.

The Board shall certify candidates complying with the requirements of this section as soon as possible and no later than five business days after receipt of a satisfactory record of demonstrated support."

SECTION 78. G.S. 163-278.64A is repealed.

SECTION 79. G.S. 163-278.100(1) reads as rewritten:

"**§ 163-278.100. Definitions.**

As used in this Article, the following terms have the following definitions:

(1) The term "candidate-specific communication" means any broadcast, cable, or satellite communication that has all the following characteristics:

a. Refers to a clearly identified candidate for a statewide office or the General Assembly.

b. Is aired in an even-numbered year after the final date on which a Notice of Candidacy can be filed for the office, pursuant to ~~G.S. 163-106(c) or G.S. 163-323,~~ G.S. 163-106(c), and through the day on which the general election is conducted, excluding the time period set in the definition for "electioneering communication" in G.S. 163-278.80(2)b.

c. Is targeted to the relevant electorate.

...."

SECTION 80. G.S. 163-278.110(1) reads as rewritten:

"**§ 163-278.110. Definitions.**

As used in this Article, the following terms have the following definitions:

(1) The term "candidate-specific communication" means any mass mailing or telephone bank that has all the following characteristics:

a. Refers to a clearly identified candidate for a statewide office or the General Assembly.

b. Is transmitted in an even-numbered year after the final date on which a Notice of Candidacy can be filed for the office, pursuant to ~~G.S. 163-106(c) or G.S. 163-323,~~ G.S. 163-106(c), and through the day on which the general election is conducted, excluding the time period set in the definition for "electioneering communication" in G.S. 163-278.90(2)b.

c. Is targeted to the relevant electorate.

...."

SECTION 81. If House Bill 351, 2011 Regular Session, becomes law, Section 1.3 of that act is repealed.

SECTION 82. If House Bill 351, 2011 Regular Session, becomes law, Section 38.(b) of this act reads as rewritten:

"**SECTION 38.(b)** The ~~balances~~ unexpended funds remaining in ~~of~~ the North Carolina Voter-Owned Elections Fund upon this act becoming law are ~~transferred to the General Fund.~~to be used for the purposes of Section 1.9(a)(8) of House Bill 351, 2011 Regular Session."

SECTION 83. If Senate Bill 456, 2011 Regular Session, becomes law, Sections 4 and 5 of that act are repealed.

SECTION 84. The Joint Legislative Elections Oversight Committee shall study the feasibility and applicability of requiring electronic filing of all reports required to be filed with the State Board of Elections under G.S. 163-278.9, regardless of the amount. The Joint Legislative Elections Oversight Committee shall report its findings and recommendations to the 2012 Regular Session of the 2011 General Assembly.

SECTION 85. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

SECTION 86. Except as otherwise provided herein, this act becomes effective January 1, 2012, and applies to elections held on or after that date.

Attach #3

SENATE BILL 47:
Restore Partisan Judicial Elections

2011-2012 General Assembly

Committee:	House Elections	**Date:**	June 15, 2011
Introduced by:	Sen. Tillman	**Prepared by:**	Kara McCraw and Erika Churchill, Committee Counsel Denise Huntley Adams Committee Staff
Analysis of:	PCS to Second Edition S47-CSST-74		

SUMMARY: The proposed committee substitute for SB 47 would amend election administration and campaign finance laws and make conforming changes.

Part 1: Election Administration Changes

Sections 1, 26: Timing of Special Elections

Current Law: G.S. 163-287 currently permits municipalities and special districts to call special elections, with the time to conduct the special election set by resolution of the governing board. The election may be conducted at the same time as another primary, election, special election, or referendum, but may not otherwise be held within the 30 days before or after those elections. Other individual statutes authorize certain special elections, and may, or may not, set a time for the special election in that statute.

Bill Analysis: Would amend G.S. 163-287 to require a special election called by any county, municipality, or special district must be held only at the same time as a State, county, or municipal general election, with exceptions for special elections related to the public health or safety, or municipal incorporation or recall elections pursuant to local act of the General Assembly. Conforming changes are made throughout the General Statutes to require that all special elections be conducted in accordance with G.S. 163-287.

Section 2: State Board of Elections Chair Term Limit

Current Law: The State Board of Elections consists of 5 members serving 5 year terms. Members are appointed by the Governor. No more than 3 of the Board members may be form the same political party. The Board elects one of its members chair. Currently, there are no term limits on Board membership or terms as chair.

Bill Analysis: Would limit the term of office as chair to 2 years, beginning May 1 of odd-numbered years, and prohibit service as a chair for more than 2 consecutive terms.

Sections 3, 4, 5, 17, 20, 24, 25, 27: Repeal of Same Day Voter Registration

Current Law: G.S. 163-82.6A allows an individual who is qualified to register to vote to register in person and then vote at a one-stop voting site in the person's county of residence during the period for one-stop voting. The individual must complete the standard voter registration form, including the attestation that they are a U.S. citizen and reside at the address given and provide "proof of residence," through one of several valid documents that have the person's name and current residence address. Once registered at the one-stop site, the person is entitled to vote then, or later at another one-stop site. The person will vote a retrievable ballot, just as other one-stop voters.

Within 2 business days after the person has registered at the one-stop site, the county board of elections must proceed to verify the person's identity and address. The person's one-stop ballot must be counted unless the board determines that the applicant is not qualified to vote.

Bill Analysis: G.S. 163-82.6A is repealed, and conforming changes are made throughout the statutes to remove provisions related to same day voter registration.

Section 4: Prohibit Voter Registration Piece Payment and Repeal Election Day Registration Procedures

Prohibit Piece Payment for Voter Registration

Current Law: G.S. 163-82.6(a1)(2) makes it a Class 2 misdemeanor to sell or attempt to sell a completed voter registration form or condition its delivery upon payment.

Bill Analysis: Would make it a Class 2 misdemeanor to pay or accept pay to register voters or encourage or assist voters to fill out voter registration forms, based on the number of complete voter registration applications.

Repeal Election Day Registration Procedures

Current Law: G.S. 163-86.6(d) and(e) provides that a person who becomes qualified to register and vote between the 25th day before an election (the registration deadline for an election) may register on election day, and if the application is approved, vote the same day. Written or documentary evidence of the identity of the applicant must be presented, and the election official, if in doubt of the applicant's right to register, may require other evidence. If the official determines the individual is eligible, the person may register and vote. It the application is denied, the person may vote a challenged ballot. Persons who can become qualified in this time include those who become naturalized as citizens or are restored to citizenship after a felony conviction during that time period.

Bill Analysis: Would repeal G.S. 163-86.6(d) and (e).

Section 6: Repeal mandated voter registration drive.

Current Law: G.S. 163-82.25 requires the Governor to proclaim Citizens Awareness Month and the State Board of Elections to initiate statewide voter registration drives at that time. County boards of elections must participate and conduct voter registration and preregistration drives at public high schools in accordance with appropriate policies.

Bill Analysis: G.S. 163-82.25 is repealed.

Sections 7, 8, 12, 13, 14: Requirements and Notification for Organizational Report Filing and Treasurer Training

Current Law: All treasurers of political committees are required to participate in training conducted by the State Board of Elections as to the duties of the office. Under current law, the required training must occur within 3 months of appointment as treasurer and at least once every 4 years thereafter.

Treasurers are required to file with the State Board of Elections an organizational report, which includes various campaign related information required by law. The organizational report shall be filed with the State Board no later than the tenth day following the day the candidate files notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first.

Bill Analysis: Would require treasurers of candidate campaign committees that file the organizational report after the time for filing notice of a candidacy has opened for the election for which that candidate has filed, or after the time that candidate qualifies to be on the ballot for the general election to have training within 45 days of appointment and at least every 4 years thereafter.

Would also require the appropriate board of elections to notify candidates upon qualifying for ballot access, either by filing a notice of candidacy or qualifying for the general election ballot by other means, of the requirements to filed the required organizational report with the State Board of Elections within 10 days, and that every treasurer of a political committee must participate in the treasurer training within the required time frame. A civil late penalty would be assessed against the candidate of $250 per day for each day the filing of the organizational report is late.

Sections 8, 9, 10, 11, 12, 23, 28: Repeal Nonpartisan Judicial Elections

Current law: Prior to 1996, elections of judges in North Carolina were conducted in a partisan manner. In 1996, the law governing the elections of superior court judges was amended to make those elections nonpartisan. In 2001, the law governing the elections of district court judges was amended to make those elections nonpartisan. In 2002, the law governing the elections of appellate court judges was amended to make those elections nonpartisan, beginning with the 2004 elections. As a result, currently, all elections of appellate court, superior court, and district court judges in North Carolina are conducted in a nonpartisan manner.

Appellate Court justices are elected statewide, and serve eight year terms. The Superior and District Court Divisions of the General Court of Justice consist of various district courts organized in territorial districts, with at least one district judge in each district. The General Assembly determines the number of judges for each district. Each judge must be a resident of the district to which he or she is elected. Superior Court judges serve eight-year terms, district court judges serve four-year terms. Vacancies in the offices are filled for the unexpired term by appointment of the Governor from nominations submitted by the district bar. If elected from a district, nominees must be residents of the district who are licensed to practice law in the district and who are members of the same political party as the vacating judge.

The provisions for nonpartisan judicial races are set out in Article 25 of Chapter 163 of the General Statutes. Candidates run in nonpartisan primaries, held on the same day in May as the party primaries. The primaries reduce the field to twice the number to be elected, eliminating additional candidates. Then, the reduced field runs in the November general election. The system is patterned after the nonpartisan primary and elections used by some cities to elect their mayors and city councils. The nonpartisan primaries and elections are by district for superior and district court judges.

Bill Analysis: Would repeal Article 25 of Chapter 163 of the General Statutes, which sets out the process for conducting nonpartisan judicial races, amend various partisan election procedural statutes to include judicial candidates, and make conforming changes necessary to implement the repeal of Article 25 of Chapter 163 of the General Statutes and repeal instant run-off voting method used to determine elections to fill certain judicial vacancies.

Section 15: Repeal Requirement that Provisional Ballots Not Be Marked As Identifiable to Voter

Current Law: G.S. 163-165(6) requires that a provisional ballot not be marked to make it identifiable to a voter, other than the envelope which the provisional ballot is placed in, which contains the voter's affidavit.

Bill Analysis: Would repeal the requirement that provisional ballots not be marked to make it identifiable to the voter.

Sections 16, 18: Rotation of Political Parties in Ballot Order and Repeal of Straight Party Voting

Rotation of Political Parties in Ballot Order (Section 16)

Current Law: G.S. 163-165.6(d) provides for the order of candidates on general election ballots as follows:

1. Nominees of political parties with at least 5% of statewide voter registration are listed in alphabetical order by party and in alphabetical order within the party.
2. Nominees of other political parties are listed in alphabetical order by party and in alphabetical order within the party.
3. Unaffiliated candidates, listed in alphabetical order.

Bill Analysis: Would require the nominees of political parties with the 2 highest percentages of statewide voter registration be listed first, and would rotate the order of those two largest political parties every four years. Would also rotate the order of all other political parties every 4 years. The section would become effective January 1, 2012, and the State Board of Elections would be directed to start the rotating order with a party that has not been first on the ballot in the past four years.

Repeal of Straight Party Voting (Sections 16, 18)

Current Law: G.S. 163-165.6(e) provides for straight party voting for all nominees of a party except President and Vice-President. G.S. 163-182.1(a)(7) provides rules for counting straight party ticket and split party ticket votes.

Bill Analysis: Would repeal statutes providing for straight party voting and the counting of straight and split party ticket votes.

Section 19: Uniform Faithful Presidential Electors Act

Current Law: Article 18 of Chapter 163 establishes the procedures for Presidential electors of the Electoral College. Political parties nominating candidates for President and Vice-President of the United States or unaffiliated candidates for those offices must submit the names of candidates for electors to the Secretary of State. Following certification of the election, the electors meet at the State Capitol on the first Monday after the second Wednesday in December to vote for the President and Vice-President.

If there is a vacancy among electors, the first and second alternates must fill the first two vacancies, and any additional vacancies are filled by eligible citizens elected by the present electors.

Presidential electors who fail to attend and vote for the candidates of the political party that nominated the elector must pay $500, and refusal or failure to vote for the candidate of the political party that nominated the elector constitutes a resignation from the office of elector, the elector's vote is not recorded, and the remaining electors must fill the vacancy.

Bill Analysis: Would repeal the current Article on Presidential Electors and enact the Uniform Faithful Presidential Electors Act approved by the Uniform Law Commission in 2010.

Political parties and unaffiliated candidates would be required to submit names of 2 qualified individuals to the Secretary of State: an elector nominee and an alternate elector nominee. Each elector would be required to execute a pledge that the elector will cast their ballot for the nominee of the party, or for the unaffiliated candidate, that nominated the elector. Current law on notice and time for electors' meeting would be recodified, with new requirements that notice be made on the Internet and to news media, and that an alternate site may be used if the State Capitol is unavailable.

If an elector is not present to vote, the position would be declared vacant and filled by the Secretary of State as follows:

1) If the alternate elector is present, by appointing the alternate elector to the position.
2) If the alternate elector is not present, by appointing an elector chosen by lot from the other alternate electors present and nominated by the same party.

3) If there are insufficient alternate electors to fill vacancies, by appointing an immediately available qualified individual chosen through nomination and plurality vote by remaining electors. If there is a tie, the elector must be chosen by lot from among the nominees.
4) If all elector positions are vacant, a single presidential elector is appointed, with remaining positions filled though nomination and election as provided in subdivision (3).

A substitute elector who had not executed the required pledge must pledge to mark ballots consistent with the pledge of the individual whose place the substitute elector fills.

Ballots not fully marked or marked in violation of the pledge by electors may not be accepted by the Secretary of State. An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge vacates their office and a substitute elector must be appointed in the elector's place.

The new Article also recodifies portions of the current Article on Presidential Electors, and other conforming changes are made.

Section 20: One-Stop Voting Procedures

Current Law: Generally, early voting is a term used to describe in-person absentee voting at "one stop" voting sites. Currently, any qualified voter of the State may vote by absentee ballot in a statewide primary, general, or special election and any qualified voter of a county is authorized to vote by absentee ballot in any primary or election conducted by the county board of elections. Absentee voting may take place at a "one-stop" voting site run by a county board of elections, either at the county board's office or another site approved by the county board. Under current law, the period for early voting begins on the third Thursday before an election and runs through 1:00 p.m. on the last Saturday before an election at the office of the county board of elections. A county board of elections may extend the hours from 1:00 p.m. to 5:00 p.m. on the last Saturday before an election.

Bill Analysis: Would change the beginning date of the early voting period from the third Thursday before an election to the second Thursday before the election and would prohibit one-stop voting on Sundays.

Section 21: Repeal of Method for Requesting Absentee Ballots

Current Law: G.S. 163-230.2 provides that a written request for an absentee ballot must be either 1) written entirely by the requestor personally, or 2) on a form generated by the county board of elections and signed by the requestor. A request form may only be issued to the voter seeking an absentee ballot or the voter's near relative or verifiable legal guardian. The requestor may receive assistance in writing from an individual of the requestor's choice if the requestor is unable to complete the request due to disability or illiteracy.

Bill Analysis: Would repeal G.S. 163-230.2.

Section 22: Repeal Prohibition on Civil Penalty for Compelled Self-incriminating Testimony

Current Law: G.S. 163-277 prevents an individual from refusing to testify or produce evidence on the grounds that such testimony may be self-incriminating relative to an offense under Article 22 of Chapter 163 (Corrupt Practices and Other Offenses Against the Elective Franchise). An individual who is subpoenaed and required to testify may not be prosecuted or subject to any penalty or forfeiture related to that testimony or production of evidence, the testimony may not be used against the person upon any criminal investigation or proceeding, and the person is immune from prosecution and must be pardoned for any violation of law about which the person testifies.

Bill Analysis: Would remove the restriction on civil penalties based on compelled self-incriminating testimony regarding laws governing conduct of elections and the requirement for automatic pardons for violations of law about which the person is required to testify.

Part II. Campaign Finance Changes

Sections 29, 30, 36: Repeal of Voter Owned Election Act

Current Law: North Carolina currently provides two separate programs for public financing of elections – the North Carolina Public Campaign Fund for appellate judicial races (Article 22D) and the Voter-Owner Elections Act (Article 22J) for 3 of the 10 Council of State races (Auditor, Superintendent of Public Instruction and Commissioner of Insurance).

To participate, the candidate must file a declaration of intent with the State Board of Elections BEFORE collecting any qualifying contributions. The declaration of intent has to be filed before or during the "qualifying period," which is September 1 of the year before the election until the day of the primary. After filing the declaration of intent, the candidate must collect qualifying contributions from a certain number of registered voters during the qualifying period. The State Board of Elections "certifies" that the candidate has filed a declaration of intent, collected the appropriate contributions, filed a notice of candidacy. Once certified, the candidate is entitled to receive distributions from the public financing fund. Distributions are as follows: none for an uncontested primary or general election; an initial distribution within 5 business days of certification by the State Board for a candidate in a contested general election; and matching funds upon trigger.

The programs also require the publication of a Voter Guide as to the functions of the office, the laws concerning the election of that office, the public financing fund, voter registration, and information about all candidates running for that office. The money for the distributions to the candidates and the publication and mailing of the voter guide is taken from the public financing fund. The programs are funded by voluntary check-off donations on personal income tax.

Bill Analysis: Would repeal the statutory authority for the Voter-Owner Elections Act (Article 22J) for 3 of the 10 Council of State races (Auditor, Superintendent of Public Instruction and Commissioner of Insurance). The balances of the North Carolina Voter-Owned Elections Fund would be transferred to the General Fund. This section would become effective July 1, 2011.

Section 31: Limitations on Contributions from State Vendors

Current Law:

Limitations on campaign contributions:

- Individuals. – A contributor may not give, and a candidate may not accept, more than four thousand dollars ($4,000) per election. Election means primary, second primary and general election. So, candidate with a second primary could potentially accept up to $12,000 for an election cycle from an individual. A candidate, the candidate's spouse, parents, brothers and sisters may contribute unlimited amounts to the candidate and are not subject to the limitations. G.S. 163-278.13(a) - (c)
- Political committees. –
  - Any national, State, district or county executive committee of any recognized political party is exempt from the contribution limitations. A registered political committee, other than those exempt political party committees, may contribute four thousand dollars ($4,000) per election to candidate committees. G.S. 163-278.13(e).
  - Federal political committees registered in North Carolina are permitted to contribute. G.S. 163-278.7A.

- Lobbyist Principals, lobbyists, and associated PACs. – While the General Assembly is in regular session, no lobbyist principal, lobbyist, or PAC associated with a lobbyist principal may give a contribution to a member of the Council of State or General Assembly. G.S. 163-278.13B.

Prohibitions on campaign contributions:

- Business entities. – It is unlawful for any corporation, business entity, labor union, professional association, or insurance company to directly or indirectly contribute to a candidate. G.S. 163-278.15.
- Lobbyists. – No lobbyist may make a contribution at any time to a member of the General Assembly or Council of State that has been elected or appointed to the General Assembly or Council of State, or a candidate who has filed for those offices. G.S. 163-278.13C.

Gifts from contractors:

- It is a Class 1 misdemeanor for any contractor, subcontractor, or supplier who has a contract with a governmental agency, or has performed under a contract with a governmental agency within the past year, or anticipates bidding on a contract with a governmental agency in the future to make gifts or to give favors to any officer or employee of a governmental agency who is charged with the duty of any of the following:
  - Preparing plans, specifications, or estimates for public contract.
  - Awarding or administering public contracts.
  - Inspecting or supervising construction. G.S. 133-32.

Bill Analysis: Would limit a vendor of the State to a contribution of $500 per election to a candidate or candidate campaign committee of a candidate for or member of the council of state that has authority over the contract with the vendor. An exception is made for a candidate for the council of state contributing to that candidate's own campaign.

A vendor is any one of the following:

- An individual with a contract greater than $25,000 with any Council of State office.
- An individual employed by a corporation or person with a contract greater than $25,000 with any council of state office in any of the following capacities:
  - Will derive a direct financial benefit from the contract. Direct financial benefit exists only if the individual (i) has more than a 10% beneficial ownership in a party to the contract or (ii) acquires property under the contract.
  - Oversees the performance of the contract and has authority to make decisions regarding the contract or to interpret the contract.
  - Participates in the development of specifications or terms and in the preparation or award of the contract.
- An individual who is a member of the board, commission, or other body of a corporation with a contract greater than $25,000 with any Council of State Office that takes action on the contract, whether or not the individual actually participates in that action, unless the individual is prohibited from voting by a policy of the corporation and does not vote on the contract.

The council of state consists of the following offices: Governor, Lt. Governor, Attorney General, Auditor, Commissioner of Agriculture, Commissioner of Insurance, Commissioner of Labor, Secretary of State, Superintendent of Public Instruction, and Treasurer.

Section 32: Limitations on Contributions to Political Parties

Current Law: North Carolina does not currently limit or prohibit contributions by individuals to political parties. North Carolina does prohibit contributions by corporations, business entities, labor unions, professional associations and insurance companies from making contributions to all political committees, including political parties. A specific exception to that prohibition is made to allow for contributions to political parties by corporations, business entities, labor unions, professional associations and insurance companies for political party headquarters building funds, provided any contributions so made are kept segregated and used in accordance with G.S. 163-278.19B.

Bill Analysis: The bill would limit an individual's contribution to a political party to $250,000 for that election. Violation of the contribution limit would be a Class 2 misdemeanor.

Section 33: Repeal Prohibition on Civil Penalty for Compelled Self-incriminating Testimony

Current Law: G.S. 163-278.29 prevents an individual from refusing to testify or produce evidence on the grounds that such testimony may be self-incriminating relative to an offense under Article 22A (Contributions and Expenditures in Political Campaigns). An individual who is subpoenaed and required to testify may not be prosecuted or subject to any penalty or forfeiture related to that testimony or production of evidence, the testimony may not be used against the person upon any criminal investigation or proceeding, and the person is immune from prosecution on account of the testimony.

Bill Analysis: Would remove the restriction on civil penalties based on compelled self-incriminating testimony related to campaign finance violations.

Section 34: Candidate Liability For Civil Penalties Assessed Against Candidate Campaign Committee

Bill Analysis: Would make a candidate jointly and severally liable for any civil penalties assessed for campaign finance violations against the candidate's campaign committee if the committee had no funds to pay the assessed penalty.

Section 35: Preservation of Campaign Finance Records

Current Law: G.S. 163-278.35 requires that all campaign finance reports, records, and accounts be retained by the reporting entity for at least 2 years from the date of the election to which those reports refer.

Bill Analysis: Would require campaign finance reports, records, and accounts to be kept for 2 years from the date the last report due to be filed with the appropriate board of elections. All underlying documentation for the reports, records, and accounts would also be retained for at least 2 years as well.

Part III of the bill makes technical changes to correct an error in a statutory cross-reference.

Part IV of the bill makes conforming changes throughout the General Statutes to the changes in Parts I and II.

Section 84: Study of Electronic Filing of Campaign Finance Reports

Requires the Joint Legislative Elections Oversight Committee to study the feasibility and applicability of requiring electronic filing of campaign finance reports filed with the State Board of Elections, regardless of amount. The Committee must report to the 2012 Regular Session of the General Assembly.

EFFECTIVE DATE: Except as otherwise provided in the act, SB 47 would become effective January 1, 2012, and apply to elections held on or after that date, but could not be implemented until the session law receives preclearance under Section 5 of the Voting Rights Act.

ATTACHMENT # 3

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 47
Judiciary I Committee Substitute Adopted 6/7/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S47-CSST-74 [v.5]

6/15/2011 1:20:07 PM

Short Title: Restore Confidence in Elections. (Public)

Sponsors:

Referred to:

February 9, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS AMENDMENTS TO THE ELECTION ADMINISTRATION LAWS, CAMPAIGN FINANCE LAWS, AND OTHER CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

PART I. ELECTION ADMINISTRATION CHANGES.

SECTION 1. Article 1 of Chapter 163 is amended by adding a new section to read:

"§ 163-3. Special elections.

Special elections shall be called as permitted by law and conducted in accordance with G.S. 163-287."

SECTION 2. G.S. 163-19 reads as rewritten:

"**§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

(a) All of the terms of office of the present members of the State Board of Elections shall expire on May 1, 1969, or when their successors in office are appointed and qualified.

The State Board of Elections shall consist of five registered voters whose terms of office shall begin on May 1, 1969, and shall continue for four years, and until their successors are appointed and qualified. The Governor shall appoint the members of this Board and likewise shall appoint their successors every four years at the expiration of each four-year term. Not more than three members of the Board shall be members of the same political party. The Governor shall appoint the members from a list of nominees submitted to him by the State party chairman of each of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board of Elections. Each party chairman shall submit a list of five nominees who are affiliated with that political party.

Any vacancy occurring in the Board shall be filled by the Governor, and the person so appointed shall fill the unexpired term. The Governor shall fill the vacancy from a list of three nominees submitted to him by the State party chairman of the political party that nominated the vacating member as provided by the preceding paragraph. The three nominees must be affiliated with that political party.

(b) At the first meeting held after new appointments are made, the members of the State Board of Elections shall take the following oath:

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.~~

(a1) Misdemeanors. – It shall be a Class 2 misdemeanor for any person to do any of the following:

(1) To communicate to the applicant acceptance of the delegation described in subsection (a) of this section 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.

(2) To sell or attempt to sell a completed voter registration form or to condition its delivery upon ~~payment.~~payment, including payment on a per voter registration application completed basis.

(3) To change a person's information on a voter registration form prior to its delivery to a county board of elections.

(4) To coerce a person into marking a party affiliation other than the party affiliation the person desires.

(5) To offer a person a voter registration form that has a party affiliation premarked unless the person receiving the form has requested the premarking.

(6) To pay another person to register voters, or assist or encourage voters to fill out voter registration forms, on the basis of per voter registration application completed.

(7) To accept payment for registering voters, or assisting or encouraging voters to fill out voter registration forms, on the basis of per voter registration application completed.

(b) Signature. – The form shall be valid only if signed by the applicant. An electronically captured image of the signature of a voter on an electronic voter registration form offered by a State agency shall be considered a valid signature for all purposes for which a signature on a paper voter registration form is used.

(c) Registration Deadlines for a Primary or Election. – In order to be valid for a primary or election, ~~except as provided in G.S. 163-82.6A,~~ the form:

(1) If submitted by mail, must be postmarked at least 25 days before the primary or 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 primary or election,

(2) If submitted in person, by facsimile transmission, or by transmission of a scanned document, 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 primary or 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 primary or election, except as provided in subsection (d) of this section.

(c1) If the application is submitted by facsimile transmission or transmission of a scanned document, 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 Primary or Election Day. If a person has become qualified to register and vote between the twenty fifth day before a primary or election and primary or election day, then that person may apply to register on primary or 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 primary or 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 primary or 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.~~

(f) The county board of elections shall forward by electronic means any application submitted for the purpose of preregistration to the State Board of Elections. No later than 60 days prior to the first election in which the applicant will be legally entitled to vote, the State Board of Elections shall notify the appropriate county board of elections to verify the qualifications and address of the applicant in accordance with G.S. 163-82.7."

SECTION 5. G.S. 163-82.6A is repealed.

SECTION 6. G.S. 163-82.25 is repealed.

SECTION 7. G.S. 163-98 reads as rewritten:

"**§ 163-98. General election participation by new political party.**

(a) 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 upon paying a filing fee equal to that provided for candidates for the office in G.S. 163-107 or upon complying with the alternative available to candidates for the office in G.S. 163-107.1.

(b) 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 in the ensuing general election. Any candidate nominated by a new party shall be affiliated with the party at the time of certification to the State Board of Elections. The requirement of affiliation with the party will be met if the candidate submits at or before the time of certification as a candidate an application to change party affiliation to that party. 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.

(c) When any candidate is nominated under this section, the board of elections with jurisdiction over the election shall issue a notification to the candidate stating the following:

(1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed with the Board no later than the tenth day following the day the candidate files notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first. If the organizational report is not filed within the required time frame, a civil late penalty of two hundred fifty dollars ($250.00) per day for each day the filing is late shall be assessed against the candidate.

(2) Every treasurer of a political committee shall participate in treasurer training required under G.S. 163-278.7(f)."

SECTION 8. G.S. 163-106 reads as rewritten:

"**§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal.**

(a) Notice and Pledge. – No one shall be voted for in a primary election without having filed a notice of candidacy with the appropriate board of elections, State or county, as required by this section. To this end every candidate for selection as the nominee of a political party shall file with and place in the possession of the board of elections specified in subsection (c) of this section, a notice and pledge in the following form:

Date _____

I hereby file notice as a candidate for nomination as _____ in the _____ party primary election to be held on _____, _____ I affiliate with the _____ party, (and I certify that I am now registered on the registration records of the precinct in which I reside as an affiliate of the _____ party.)

I pledge that if I am defeated in the primary, I will not run for the same office as a write-in candidate in the next general election.

Signed _____

(Name of Candidate)

Witness:

_____

_____

(Title of witness)

Each candidate shall sign the notice of candidacy in the presence of the chairman or secretary of the board of elections, State or county, with which the candidate files. In the alternative, a candidate may have the candidate's signature on the notice of candidacy acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths, in which case the candidate may mail or deliver by commercial courier service the candidate's notice of candidacy to the appropriate board of elections.

In signing the notice of candidacy the candidate shall use only that candidate's legal name and may use any nickname by which ~~he~~ that candidate is commonly known. A candidate may also, in lieu of that candidate's legal first name and legal middle initial or middle name (if any) sign a nickname, provided that the candidate appends to the notice of candidacy an affidavit that the candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the affidavit the way that candidate's name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office.

A notice of candidacy signed by an agent or any person other than the candidate shall be invalid.

Prior to the date on which candidates may commence filing, the State Board of Elections shall print and furnish, at State expense, to each county board of elections a sufficient number of the notice of candidacy forms prescribed by this subsection for use by candidates required to file with county boards of elections.

(a1) Disclosure of Felony Conviction. – At the same time the candidate files notice of candidacy under this section, the candidate shall file with the same office a statement answering the following question: "Have you ever been convicted of a felony?" The State Board of Elections shall adapt the notice of candidacy form to include the statement required by this subsection. The form shall make clear that a felony conviction need not be disclosed if the conviction was dismissed as a result of reversal on appeal or resulted in a pardon of innocence or expungement. The form shall require a candidate who answers "yes" to the question to provide the name of the offense, the date of conviction, the date of the restoration of citizenship rights, and the county and state of conviction. The form shall require the candidate to swear or affirm that the statements on the form are true, correct, and complete to the best of the candidate's knowledge or belief. The form shall be available as a public record in the office of the board of elections where the candidate files notice of candidacy and shall contain an explanation that a prior felony conviction does not preclude holding elective office if the candidate's rights of citizenship have been restored. This subsection shall also apply to individuals who become candidates for election by the people under G.S. 163-114, 163-122, 163-123, 163-98, 115C-37, 130A-50, Article 24 of Chapter 163 of the General Statutes, or any other statute or local act. Those individuals shall complete the question at the time the documents are filed initiating their candidacy. The State Board of Elections shall adapt those documents to include the statement required by this subsection. If an individual does not complete the statement required by this subsection, the board of elections accepting the filing shall notify the individual of the omission, and the individual shall have 48 hours after notice to complete the statement. If the individual does not complete the statement at the time of filing or within 48 hours after the notice, the individual's filing is not complete, the individual's name shall not appear on the ballot as a candidate, and votes for the individual shall not be counted. It is a Class I felony to complete the form knowing that information as to felony conviction or restoration of citizenship is untrue. This subsection shall not apply to candidates required by G.S. 138A-22(d) to file Statements of Economic Interest.

(b) Eligibility to File. – No person shall be permitted to file as a candidate in a primary if, at the time ~~he~~ that person offers to file notice of candidacy, ~~he~~ that person is registered on the appropriate registration book or record as an affiliate of a political party other than that in whose primary ~~he~~ the person is attempting to file. No person who has changed ~~his~~ political party affiliation or who has changed from unaffiliated status to party affiliation as permitted in G.S. 163-82.17, shall be permitted to file as a candidate in the primary of the party to which ~~he~~ that person changed unless ~~he~~that person has been affiliated with the political party in which ~~he~~ that person seeks to be a candidate for at least 90 days prior to the filing date for the office for which ~~he~~ that person desires to file ~~his~~ a notice of candidacy.

A person registered as "unaffiliated" shall be ineligible to file as a candidate in a party primary election.

(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the State Board of Elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the last business day in February preceding the primary:

Governor
Lieutenant Governor
All State executive officers
Justices of the Supreme Court, Judges of the Court of Appeals
Judges of the superior courts
Judges of the district courts
United States Senators
Members of the House of Representatives of the United States
District attorneys

Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the county board of elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the last business day in February preceding the primary:

State Senators
Members of the State House of Representatives
All county offices.

(d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any primary in which there are two or more vacancies for associate justices for the Supreme Court, two or more vacancies for the Court of Appeals, two or more vacancies for district court judge, or two vacancies for United States Senator from North Carolina, each candidate shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the vacancy to which ~~he~~ that candidate seeks nomination. Votes cast for a candidate shall be effective only for ~~his~~ nomination to the vacancy for which ~~he~~ that candidate has given notice of candidacy as provided in this subsection.

(e) Withdrawal of Notice of Candidacy. – Any person who has filed notice of candidacy for an office shall have the right to withdraw it at any time prior to the date on which the right to file for that office expires under the terms of subsection (c) of this section. If a candidate does not withdraw before the filing deadline, except as provided in G.S. 163-112, ~~his~~ that candidate's name shall be printed on the primary ballot, any votes for ~~him~~ that candidate shall be counted, and ~~he~~ that candidate shall not be refunded ~~his~~ the filing fee.

(f) Candidates required to file their notice of candidacy with the State Board of Elections under subsection (c) of this section shall file along with their notice a certificate signed by the chairman of the board of elections or the director of elections of the county in which they are registered to vote, stating that the person is registered to vote in that county, stating the party with which the person is affiliated, and that the person has not changed ~~his~~ affiliation from another party or from unaffiliated within three months prior to the filing deadline under subsection (c) of this section. In issuing such certificate, the chairman or director shall check the registration records of the county to verify such information. During the period commencing 36 hours immediately preceding the filing deadline the State Board of Elections shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed to secure the verification ordered herein subject to receipt of verification no later than three days following the filing deadline. The State Board of Elections shall prescribe the form for such certificate, and distribute it to each county board of elections no later than the last Monday in December of each odd-numbered year.

(g) When any candidate files a notice of candidacy with a board of elections under subsection (c) of this section or under G.S. 163-291(2), the board of elections shall, immediately upon receipt of the notice of candidacy, inspect the registration records of the county, and cancel the notice of candidacy of any person who does not meet the constitutional or statutory qualifications for the office, including residency.

The board shall give notice of cancellation to any candidate whose notice of candidacy has been cancelled under this subsection by mail or by having the notice served on ~~him~~ the candidate by the sheriff, and to any other candidate filing for the same office. A candidate who has been adversely affected by a cancellation or another candidate for the same office affected by a substantiation under this subsection may request a hearing on the cancellation. If the candidate requests a hearing, the hearing shall be conducted in accordance with Article 11B of Chapter 163 of the General Statutes.

(h) No person may file a notice of candidacy for more than one office described in subsection (c) of this section for any one election. If a person has filed a notice of candidacy with a board of elections under this section for one office, then a notice of candidacy may not later be filed for any other office under this section when the election is on the same date unless the notice of candidacy for the first office is withdrawn under subsection (e) of this section; provided that this subsection shall not apply unless the deadline for filing notices of candidacy for both offices is the same. Notwithstanding this subsection, a person may file a notice of candidacy for a full term as United States Senator, and also file a notice of candidacy for the remainder of the unexpired term of that same seat in an election held under G.S. 163-12, and may file a notice of candidacy for a full term as a member of the United States House of Representatives, and also file a notice of candidacy for the remainder of the unexpired term in an election held under G.S. 163-13.

(i) Repealed by Session Laws 2001-403, s. 3, effective January 1, 2002.s. 1.)"

(j) When any candidate files a notice of candidacy, the board of elections with jurisdiction over the election shall issue a notification to the candidate stating the following:

(1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed with the Board no later than the tenth day following the day the candidate files notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first. If the organizational report is not filed within the required time frame, a civil late penalty of two hundred fifty dollars ($250.00) per day for each day the filing is late shall be assessed against the candidate.

(2) Every treasurer of a political committee shall participate in treasurer training required under G.S. 163-278.7(f)."

SECTION 9. G.S. 163-107(a) reads as rewritten:

"(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay to the board of elections with which ~~he~~ that candidate files under the provisions of G.S. 163-106 a filing fee for the office ~~he seeks~~sought in the amount specified in the following tabulation:

Office Sought	**Amount of Filing Fee**
Governor	One percent (1%) of the annual salary of the office sought
Lieutenant Governor	One percent (1%) of the annual salary of the office sought
All State executive offices	One percent (1%) of the annual salary of the office sought
All Justices, Judges, and District Attorneys of the General	One percent (1%) of the annual salary of the office sought

Court of Justice	
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
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)

The salary of any office that is the basis for calculating the filing fee is the starting salary for the office, rather than the salary received by the incumbent, if different. If no starting salary can be determined for the office, then the salary used for calculation is the salary of the incumbent, as of January 1 of the election year."

SECTION 10. G.S. 163-107.1(c) reads as rewritten:

"(c) County, Municipal and District Primaries. – If the candidate is seeking one of the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this section, or a municipal or any other office requiring a partisan primary which is not set forth in G.S. 163-106(c) or (d), ~~he~~ the candidate shall file a written petition with the appropriate board of elections no later than 12:00 noon on Monday preceding the filing deadline before the primary. The petition shall be signed by ten percent (10%) of the registered voters of the election area in which the office will be voted for, who are affiliated with the same political party in whose primary the candidate desires to run, or in the alternative, the petition shall be signed by no less than 200 registered voters regardless of said voter's political party affiliation, whichever requirement is greater. The board of elections shall verify the names on the petition, and if the petition is found to be sufficient, the candidate's name shall be printed on the appropriate primary ballot. Petitions for candidates for member of the U.S. House of Representatives, District Attorney, judge of the superior court, judge of the district court, and members of the State House of Representatives from multi-county districts or members of the State Senate from multi-county districts must be presented to the county board of elections for verification at least 15 days before the petition is due to be filed with the State Board of Elections, and such petition must be filed with the State Board of Elections no later than 12:00 noon on Monday preceding the filing deadline. The State Board of Elections may adopt rules to implement this section and to provide standard petition forms."

SECTION 11. G.S. 163-111(c)(1) reads as rewritten:

"(c) Procedure for Requesting Second Primary.

(1) 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 with the Executive Director of the State Board of Elections no later than 12:00 noon on the 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 State Board of Elections. If the vote certification by the State Board of Elections determines that a candidate who was not originally thought to be eligible to call for a second primary is in fact eligible to call for a second primary, the Executive Director of the State Board of Elections shall immediately notify such candidate and permit him

to exercise any options available to him within a 48-hour period following the notification:

Governor,
Lieutenant Governor,
All State executive officers,
Justices, Judges, or District Attorneys of the General Court of Justice,
United States Senators,
Members of the United States House of Representatives,
State Senators in multi-county senatorial districts, and
Members of the State House of Representatives in multi-county representative districts."

SECTION 12. G.S. 163-114 reads as rewritten:

"**§ 163-114. Filling vacancies among party nominees occurring after nomination and before election.**

(a) 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	Vacancy is to be filled by appointment of national executive committee of political party in which vacancy occurs
Vice President	
Presidential elector or alternate elector	Vacancy is to be filled by appointment of State executive committee of political party in which vacancy occurs
Any elective State office	
United States Senator	
A district office, including:	Appropriate district executive committee of political party in which vacancy occurs
Member of the United States House of Representatives	
Judge of district court	
District Attorney	
State Senator in a multi-county senatorial district	
Member of State House of Representatives in a multi-county representative district	
State Senator in a single-county senatorial district	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
Member of State House of Representatives in a single-county representative district	
Any elective county office	
Judge of superior court in a single-county judicial district where the district is the whole county or part of the county	County executive committee of political party in which vacancy occurs; provided, in the case of a superior court judge in a

	single-county district where not all the county is located in that district, then in voting, only those members of the county executive committee who reside within the district shall vote
Judge of superior court in a multicounty judicial district	Appropriate district executive committee of political party in which vacancy occurs.

The party executive making a nomination in accordance with the provisions of this section shall certify the name of its nominee to the chairman of the board of elections, State or county, that has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of G.S.163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that vacancy arises from a cause other than death and the vacancy in nomination occurs more than 120 days before the general election, the vacancy in nomination may be filled under this section only if the appropriate executive committee certifies the name of the nominee in accordance with this paragraph at least 75 days before the general election.

(b) In a county which is partly in a multicounty judicial district, in choosing that county's member or members of the judicial district executive committee for the multicounty district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multicounty district may vote.

(c) In a county not all of which is located in one congressional district, in choosing the congressional district executive committee member or members from that area of the county, only the county convention delegates or county executive committee members who reside within the area of the county which is within the congressional district may vote.

(d) In a county which is partly in a multi-county senatorial district or which is partly in a multi-county House of Representatives district, in choosing that county's member or members of the senatorial district executive committee or House of Representatives district executive committee for the multi-county district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multi-county district may vote.

(e) An individual whose name appeared on the ballot in a primary election preliminary to the general election shall not be eligible to be nominated to fill a vacancy in the nomination of another party for the same office in the same year.

(f) When any candidate is nominated under this section, the board of elections with jurisdiction over the election shall issue a notification to the candidate stating the following:

(1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed with the Board no later than the tenth day following the day the candidate receives the nomination of the party or the tenth day following the organization of the political committee, whichever occurs first. If the organizational report is not filed within the required time frame, a civil late penalty of two hundred fifty dollars ($250.00) per day for each day the filing is late shall be assessed against the candidate.

(2) Every treasurer of a political committee shall participate in treasurer training required under G.S. 163-278.7(f)."

SECTION 13. G.S. 163-122 is amended by adding a new subsection to read:

"(f) When any candidate qualifies to have that candidate's name printed on the general election ballot, the board of elections with jurisdiction over the election shall issue a notification to the candidate stating the following:

(1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed no later than the tenth day following the verification of the candidate's petition by the appropriate board of elections or the tenth day following the organization of the political committee, whichever occurs first. If the organizational report is not filed within the required time frame, a civil late penalty of two hundred fifty dollars ($250.00) per day for each day the filing is late shall be assessed against the candidate.

(2) Every treasurer of a political committee shall participate in treasurer training required under G.S. 163-278.7(f)."

SECTION 14. G.S. 163-123 is amended by adding a new subsection to read:

"(f2) When any candidate qualifies to have that candidate's name printed on the election ballot, the board of elections with jurisdiction over the election shall issue a notification to the candidate stating the following:

(1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed no later than the tenth day following the verification of the candidate's petition by the appropriate board of elections or the tenth day following the organization of the political committee, whichever occurs first. If the organizational report is not filed within the required time frame, a civil late penalty of two hundred fifty dollars ($250.00) per day for each day the filing is late shall be assessed against the candidate.

(2) Every treasurer of a political committee shall participate in treasurer training required under G.S. 163-278.7(f)."

SECTION 15. G.S. 163-165(6) reads as rewritten:

"(6) "Provisional official ballot" means an official ballot that is voted and then placed in an envelope that contains an affidavit signed by the voter certifying identity and eligibility to vote. ~~Except for its envelope, a provisional official ballot shall not be marked to make it identifiable to the voter.~~"

SECTION 16.(a) G.S. 163-165.6 reads as rewritten:

"**§ 163-165.6. Arrangement of official ballots.**

(a) Order of Precedence Generally. – Candidate ballot items shall be arranged on the official ballot before referenda.

(b) Order of Precedence for Candidate Ballot Items. – The State Board of Elections shall promulgate rules prescribing the order of offices to be voted on the official ballot. Those rules shall adhere to the following guidelines:

(1) Federal offices shall be listed before State and local offices. Member of the United States House of Representatives shall be listed immediately after United States Senator.

(2) State and local offices shall be listed according to the size of the electorate.

(3) Partisan offices, regardless of the size of the constituency, shall be listed before nonpartisan offices.

(4) When offices are in the same class, they shall be listed in alphabetical order by office name, or in numerical or alphabetical order by district name. Governor and Lieutenant Governor, in that order, shall be listed before other Council of State offices. Mayor shall be listed before other citywide offices. Chair of a board, where elected separately, shall be listed before other board seats having the same electorate. Chief Justice shall be listed before Associate Justices.

(5) Ballot items for full terms of an office shall be listed before ballot items for partial terms of the same office.

(c) Order of Candidates on Primary Official Ballots. – The order in which candidates shall appear on a county's official ballots in any primary ballot item shall be determined by the county board of elections using a process designed by the State Board of Elections for random selection.

(d) Order of Party Candidates on General Election Official Ballot. – Candidates in any ballot item on a general election official ballot shall appear in the following order:

(1) Nominees of political parties that reflect ~~at least five percent (5%)~~the two highest percentages of statewide voter registration, according to the most recent statistical report published by the State Board of Elections, in alphabetical order by party and in alphabetical order within the party.

(2) Nominees of other political parties, in alphabetical order by party and in alphabetical order within the party.

(3) Unaffiliated candidates, in alphabetical order.

(d1) Rotation of Parties on General Election Official Ballot. – The order of the political parties under subdivision (d)(1) of this section shall rotate every four years. The order of the political parties under subdivision (d)(2) of this section shall rotate every four years.

~~(e) Straight Party Voting. – Each official ballot shall be arranged so that the voter may cast one vote for a party's nominees for all offices except President and Vice President. A vote for President and Vice President shall be cast separately from a straight party vote. The official ballot shall be prepared so that a voter may cast a straight party vote, but then make an exception to that straight party vote by voting for a candidate not nominated by that party or by voting for fewer than all the candidates nominated by that party. Instructions for general election ballots shall clearly advise voters of the rules in this subsection and of the statutes providing for the counting of ballots.~~

(f) Write-In Voting. – Each official ballot shall be so arranged so that voters may cast write-in votes for candidates except where prohibited by G.S. 163-123 or other statutes governing write-in votes. Instructions for general election ballots shall clearly advise voters of the rules of this subsection and of the statutes governing write-in voting.

(g) Order of Precedence for Referenda. – The referendum questions to be voted on shall be arranged on the official ballot in the following order:

(1) Proposed amendments to the North Carolina Constitution, in the chronological order in which the proposals were approved by the General Assembly.

(2) Other referenda to be voted on by all voters in the State, in the chronological order in which the proposals were approved by the General Assembly.

(3) Referenda to be voted on by fewer than all the voters in the State, in the chronological order of the acts by which the referenda were properly authorized."

SECTION 16.(b) This section becomes effective January 1, 2012, and applies to elections held on or after that date. In implementing G.S. 163-165.6(d1) as enacted by this section, the State Board of Elections shall start the rotating order with a party that has not been first on the ballot in the past four years.

SECTION 17. G.S. 163-166.12(b2) reads as rewritten:

"(b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an individual has registered by mail or by another method, if the individual has provided with the registration form a drivers license number or last four digits of a Social Security number but the computer validation of the number as required by G.S. 163-82.12 did not result in a match, and the number has not been otherwise validated by the board of elections, in the first election in

which the individual votes that individual shall submit with the ballot the form of identification described in subsection (a) or subsection (b) of this section, depending upon whether the ballot is voted in person or absentee. If that identification is provided and the board of elections does not determine that the individual is otherwise ineligible to vote a ballot, the failure of identification numbers to match shall not prevent that individual from registering to vote and having that individual's vote counted. ~~If the individual registers and votes under G.S. 163-82.6A, the identification documents required in that section, rather than those described in subsection (a) or (b) of this section, apply.~~"

SECTION 18. G.S. 163-182.1(a)(7) is repealed.

SECTION 19.(a) Article 18 of Chapter 163 of the General Statutes is repealed.

SECTION 19.(b) Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 18B.

"Faithful Presidential Electors Act.

"**§ 163-216.1. Designation of State's electors.**

(a) For each elector position in this State, a political party contesting the position, or an unaffiliated presidential candidate, shall submit to the Secretary of State the names of two qualified individuals. One of the individuals must be designated "elector nominee" and the other "alternate elector nominee." Except as otherwise provided in this Article, this State's electors are the winning elector nominees under the laws of this State.

(b) The names of candidates for electors of President and Vice President nominated by any political party recognized in this State under G.S. 163-96, or nominated under G.S. 163-1(c) by a candidate for President of the United States who has qualified to have his or her name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122, shall be filed with the Secretary of State but shall not be printed on the ballot. In the case of the unaffiliated candidate, the names of candidates for electors must be filed with the Secretary of State no later than 12:00 noon on the first Friday in August. In place of their names, there shall be printed on the ballot the names of the candidates for President and Vice President of each political party recognized in this State and the name of any candidate for President who has qualified to have his or her name printed on the general election ballot under G.S. 163-122. A candidate for President who has qualified for the general election ballot as an unaffiliated candidate under G.S. 163-122 shall, no later than 12:00 noon on the first Friday in August, file with the State Board of Elections the name of a candidate for Vice President, whose name shall also be printed on the ballot. A vote for the candidates named on the ballot shall be a vote for the electors of the party or unaffiliated candidate by which those candidates were nominated and whose names have been filed with the Secretary of State.

"**§ 163-216.2. Pledge.**

Each elector nominee and alternate elector nominee of a political party shall execute the following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots for President and Vice President for the nominees for those offices of the party that nominated me." Each elector nominee and alternate elector nominee of an unaffiliated presidential candidate shall execute the following pledge: "If selected for the position of elector as a nominee of an unaffiliated presidential candidate, I agree to serve and to mark my ballots for that candidate and for that candidate's vice presidential running mate." The executed pledges must accompany the submission of the corresponding names to the Secretary of State.

"**§ 163-216.3. Governor to proclaim results; casting State's vote for President and Vice President.**

Upon receipt of the certifications prepared by the State Board of Elections and delivered in accordance with G.S. 163-182.15, the Secretary of State, under seal of the office, shall notify the Governor of the names of the persons elected to the office of elector for President and Vice

President of the United States as stated in the abstracts of the State Board of Elections. Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the electors and instructing them to be present in the old Hall of the House of Representatives in the State Capitol in the City of Raleigh at 12:00 noon on the first Monday after the second Wednesday in December next after their election, at which time the electors shall meet and vote on behalf of the State for President and Vice President of the United States. If the old Hall of the House of Representatives in the State Capitol is unavailable, the Governor may specify another location within the City of Raleigh. The Governor shall cause this proclamation to be published on the Internet and in any daily newspaper published in the City of Raleigh and shall cause the proclamation to be distributed to representatives of the news media. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. The Secretary of State is responsible for making the actual arrangements for the meeting, preparing the agenda, and inviting guests.

"**§ 163-216.4. Certification of electors.**

(a) Before the date fixed for the meeting of the electors, the Governor shall send by registered mail to the Archivist of the United States either three duplicate original certificates or one original certificate and two authenticated copies of the Certificates of Ascertainment under the great seal of the State setting forth the names of the persons chosen as presidential electors for this State and the number of votes cast for each. These Certificates of Ascertainment should be sent as soon as possible after the election, but must be received before the Electoral College meeting. At the same time the Governor shall deliver to the electors six duplicate originals of the same certificate, each bearing the great seal of the State.

(b) In submitting this State's Certificate of Ascertainment as required by 3 U.S.C. § 6, the Governor shall certify this State's electors and state in the certificate all of the following:

(1) The electors will serve as electors unless a vacancy occurs in the office of elector before the end of the meeting at which elector votes are cast, in which case a substitute elector will fill the vacancy.

(2) If a substitute elector is appointed to fill a vacancy, the Governor will submit an amended Certificate of Ascertainment stating the names on the final list of this State's electors.

"**§ 163-216.5. Presiding officer; elector vacancy.**

(a) The Secretary of State shall preside at the meeting of electors described in this Article.

(b) The position of an elector not present to vote is vacant. The Secretary of State shall appoint an individual as a substitute elector to fill a vacancy as follows:

(1) If the alternate elector is present to vote, by appointing the alternate elector for the vacant position.

(2) If the alternate elector for the vacant position is not present to vote, by appointing an elector chosen by lot from among the alternate electors present to vote who were nominated by the same political party.

(3) If the number of alternate electors present to vote is insufficient to fill any vacant position under subdivisions (1) and (2) of this subsection, by appointing any immediately available individual who is qualified to serve as an elector and chosen through nomination by and plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains.

(4) If there is a tie between at least two nominees for substitute elector in a vote conducted under subdivision (3) of this subsection, by appointing an elector chosen by lot from among those nominees.

(5) If all elector positions are vacant and cannot be filled pursuant to subdivisions (1) through (4) of this subsection, by appointing a single presidential elector, with remaining vacant positions to be filled under subdivision (3) of this subsection and, if necessary, subdivision (4) of this subsection.

(c) To qualify as a substitute elector under subsection (b) of this section, an individual who has not executed the pledge required under G.S. 163-216.2 shall execute the following pledge: "I agree to serve and to mark my ballots for President and Vice President consistent with the pledge of the individual to whose elector position I have succeeded."

"**§ 163-216.6. Elector voting.**

(a) At the time designated for elector voting and after all vacant positions have been filled under G.S. 163-216.5, the Secretary of State shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector's presidential and vice presidential ballots with the elector's votes for the offices of President and Vice President, respectively, along with the elector's signature and the elector's legibly printed name.

(b) Each elector shall present both completed ballots to the Secretary of State, who shall examine the ballots and accept as cast all ballots of electors whose votes are consistent with their pledges executed under this Article. The Secretary of State may not accept and may not count either an elector's presidential or vice presidential ballot if the elector has not marked both ballots or has marked a ballot in violation of the elector's pledge.

(c) An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under this Article vacates the office of elector, creating a vacant position to be filled under G.S. 163-216.5.

(d) The Secretary of State shall distribute ballots to and collect ballots from a substitute elector and repeat the process under this section of examining ballots, declaring and filling vacant positions as required, and recording appropriately completed ballots from the substituted electors until all of this State's electoral votes have been cast and recorded.

"**§ 163-216.7. Elector replacement; associated certificates.**

(a) After the vote of this State's electors is completed, if the final list of electors differs from any list that the Governor previously included on a Certificate of Ascertainment prepared and transmitted under 3 U.S.C. § 6, the Secretary of State immediately shall prepare an amended Certificate of Ascertainment and transmit it to the Governor for the Governor's signature.

(b) The Governor immediately shall deliver the signed amended Certificate of Ascertainment to the Secretary of State and a signed duplicate original of the amended Certificate of Ascertainment to all individuals entitled to receive this State's Certificate of Ascertainment, indicating that the amended Certificate of Ascertainment is to be substituted for the Certificate of Ascertainment previously submitted.

(c) The Secretary of State shall prepare a certificate of vote. The electors on the final list shall sign the certificate. The Secretary of State shall process and transmit the signed certificate with the amended Certificate of Ascertainment under 3 U.S.C. §§ 9, 10, and 11.

"**§ 163-216.8. Electors and dual office holding.**

(a) Upon receiving the filing of a name as a candidate for elector under G.S. 163-216.1, the Secretary of State shall notify that candidate of the dual office holding requirements of the North Carolina Constitution and the General Statutes, including specifically that if an individual elected as elector holds another elective office at the time of taking the oath of office as elector, that other office is vacated upon taking the oath of office.

(b) During January of each year in which electors are elected, the Secretary of State shall notify each political party authorized to nominate electors of (i) the requirement under G.S. 163-1(c) to nominate an elector and an alternate elector and (ii) the dual office holding

requirements of the North Carolina Constitution and the General Statutes, including specifically that if a person elected as elector holds another elective office at the time of taking the oath of office as elector, that other office is vacated upon taking the oath of office.

(c) The office of elector may be held in addition to the maximum number of appointive offices allowed by G.S. 128-1.1.

"**§ 163-216.9. Appointment of Presidential Electors by General Assembly in certain circumstances, by the Governor in certain other circumstances.**

(a) Appointment by General Assembly if No Proclamation by Six Days Before Electors' Meeting Day. – As permitted by 3 U.S.C. § 2, whenever the appointment of any Presidential Elector has not been proclaimed under G.S. 163-216.3 before 12:00 noon on the date for settling controversies specified by 3 U.S.C. § 5, and upon the call of an extra session pursuant to the North Carolina Constitution for the purposes of this section, the General Assembly may fill the position of any Presidential Electors whose election is not yet proclaimed.

(b) Appointment by Governor if No Appointment by the Day Before Electors' Meeting Day. – If the appointment of any Presidential Elector has not been proclaimed under G.S. 163-216.3 before 12:00 noon on the date for settling controversies specified by 3 U.S.C. § 5, nor appointed by the General Assembly by 12:00 noon on the day before the day set for the meeting of Presidential Electors by 3 U.S.C. § 7, then the Governor shall appoint that Elector.

(c) Standard for Decision by General Assembly and Governor. – In exercising their authority under subsections (a) and (b) of this section, the General Assembly and the Governor shall designate Electors in accord with their best judgment of the will of the electorate. The decisions of the General Assembly or Governor under subsections (a) and (b) of this section are not subject to judicial review, except to ensure that applicable statutory and constitutional procedures were followed. The judgment itself of what was the will of the electorate is not subject to judicial review.

(d) Proclamation Before Electors' Meeting Day Controls. – If the proclamation of any Presidential Elector under G.S. 163-216.3 is made any time before 12:00 noon on the day set for the meeting of Presidential Electors by 3 U.S.C. § 7, then that proclamation shall control over an appointment made by the General Assembly or the Governor. This section does not preclude litigation otherwise provided by law to challenge the validity of the proclamation or the procedures that resulted in that proclamation."

SECTION 19.(c) G.S. 163-1(c) reads as rewritten:

"(c) On Tuesday next after the first Monday in November in the year 1968, and every four years thereafter, or on such days as the Congress of the United States shall direct, an election shall be held in all of the election precincts of the State for the election of electors of President and Vice-President of the United States. The number of electors to be chosen shall be equal to the number of Senators and Representatives in Congress to which this State may be entitled. Presidential electors shall not be nominated by primary election; instead, they shall be nominated in a State convention of each political party as defined in G.S. 163-96 unless otherwise provided by the plan of organization of the political party; provided, that in the case of a candidate for President of the United States who has qualified to have his name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122, that candidate shall nominate presidential electors. One presidential elector shall be nominated from each congressional district and two from the state-at-large, and in addition, the State convention of each party and the unaffiliated candidate shall each nominate ~~first and second alternate electors~~an elector and an alternate elector who shall serve if their slate is elected as provided by ~~G.S. 163-209~~G.S. 163-216.1 and if there is a vacancy as provided by ~~G.S. 163-210.~~G.S. 163-216.5."

SECTION 20. G.S. 163-227.2 reads as rewritten:

"§ 163-227.2. Alternate procedures for requesting application for absentee ballot; "one-stop" voting procedure in board office.

(a) Any voter eligible to vote by absentee ballot under G.S. 163-226 may request an application for absentee ballots, complete the application, and vote under the provisions of this ~~section and of G.S. 163-82.6A, as applicable.~~section.

(a1) Repealed by Session Laws 2001-337, s. 2, effective January 1, 2002.

(b) Not earlier than the ~~third~~ second Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in subsection (g) of this section. A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday. A county board may not conduct one-stop voting on any Sunday in any election. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person.

(c) If the application is properly filled out, the authorized member or employee shall enter the voter's name in the register of absentee requests, applications, and ballots issued and shall furnish the voter with the ballots to which the application for absentee ballots applies. The voter thereupon shall vote in accordance with subsection (e) of this section.

All actions required by this subsection shall be performed in the office of the board of elections, except that the voting may take place in an adjacent room as provided by subsection (e) of this section. The application under this subsection shall be signed in the presence of the chair, member, director of elections of the board, or full-time employee, authorized by the board who shall sign the application and certificate as the witness and indicate the official title held by him or her. Notwithstanding G.S. 163-231(a), in the case of this subsection, only one witness shall be required on the certificate.

(d) Only the chairman, member, employee, or director of elections of the board shall keep the voter's application for absentee ballots in a safe place, separate and apart from other applications and container-return envelopes. If the voter's application for absentee ballots is disapproved by the board, the board shall so notify the voter stating the reason for disapproval by first-class mail addressed to the voter at that voter's residence address and at the address shown in the application for absentee ballots; and the board shall enter a challenge under G.S. 163-89.

(e) The voter shall vote that voter's absentee ballot in a voting booth in the office of the county board of elections, and the county board of elections shall provide a voting booth for that purpose, provided however, that the county board of elections may in the alternative provide a private room for the voter adjacent to the office of the board, in which case the voter shall vote that voter's absentee ballot in that room. A voter at a one-stop site shall be entitled to the same assistance as a voter at a voting place on election day under G.S. 163-166.8. The State

Board of Elections shall, where appropriate, adapt the rules it adopts under G.S. 163-166.8 to one-stop voting.

(e1) If a county uses a voting system with retrievable ballots, that county's board of elections may by resolution elect to conduct one-stop absentee voting according to the provisions of this subsection. In a county in which the board has opted to do so, a one-stop voter shall cast the ballot and then shall deposit the ballot in the ballot box or voting system in the same manner as if such box or system was in use in a precinct on election day. At the end of each business day, or at any time when there will be no employee or officer of the board of elections on the premises, the ballot box or system shall be secured in accordance with a plan approved by the State Board of Elections, which shall include that no additional ballots have been placed in the box or system. Any county board desiring to conduct one-stop voting according to this subsection shall submit a plan for doing so to the State Board of Elections. The State Board shall adopt standards for conducting one-stop voting under this subsection and shall approve any county plan that adheres to its standards. The county board shall adhere to its State Board-approved plan. The plan shall provide that each one-stop ballot shall have a ballot number on it in accordance with G.S. 163-230.1(a2), or shall have an equivalent identifier to allow for retrievability. The standards shall address retrievability in one-stop voting on direct record electronic equipment where no paper ballot is used.

(e2) A voter who has moved within the county more than 30 days before election day but has not reported the move to the board of elections shall not be required on that account to vote a provisional ballot at the one-stop site, as long as the one-stop site has available all the information necessary to determine whether a voter is registered to vote in the county and which ballot the voter is eligible to vote based on the voter's proper residence address. The voter with that kind of unreported move shall be allowed to vote the same kind of absentee ballot as other one-stop voters.

(f) Notwithstanding the exception specified in G.S. 163-36, counties which operate a modified full-time office shall remain open five days each week during regular business hours consistent with daily hours presently observed by the county board of elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday prior to that election and shall also be open on the last Saturday before the election. A county board may conduct one-stop absentee voting during evenings or on weekends, as long as the hours are part of a plan submitted and approved according to subsection (g) of this section. The boards of county commissioners shall provide necessary funds for the additional operation of the office during that time.

(g) Notwithstanding any other provision of this section, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under this section. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board of Elections as part of a Plan for Implementation approved by both the county board of elections and by the State Board of Elections which shall also provide adequate security of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan for Implementation shall include a provision for the presence of political party observers at each one-stop site equivalent to the provisions in G.S. 163-45 for party observers at voting places on election day. A county board of elections may propose in its Plan not to offer one-stop voting at the county board of elections office; the State Board may approve that proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county board of elections office and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county's electorate. If a county board of elections has considered a proposed Plan or

Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board of Elections to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board of Elections may adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors including geographic, demographic, and partisan interests of that county.

(g1) The State Board of Elections shall not approve, either in a Plan approved unanimously by a county board of elections or in an alternative Plan proposed by a member or members of that board, a one-stop site in a building that the county board of elections is not entitled under G.S. 163-129 to demand and use as an election-day voting place, unless the State Board of Elections finds that other equally suitable sites were not available and that the use of the sites chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of that county. In providing the site or sites for one-stop absentee voting under this section, the county board of elections shall make a request to the State, county, city, local school board, or other entity in control of the building that is supported or maintained, in whole or in part, by or through tax revenues at least 90 days prior to the start of one-stop absentee voting under this section. The request shall clearly identify the building, or any specific portion thereof, requested the dates and times for which that building or specific portion thereof is requested and the requirement of an area for election related activity. If the State, local governing board, or other entity in control of the building does not respond to the request within 20 days, the building or specific portion thereof may be used for one-stop absentee voting as stated in the request. If the State, local governing board, or other entity in control of the building or specific portion thereof responds negatively to the request within 20 days, that entity and the county board of elections shall, in good faith, work to identify a building or specific portion thereof in which to conduct one-stop absentee voting under this section. If no building or specific portion thereof has been agreed upon within 45 days from the date the county board of elections received a response to the request, the matter shall be resolved by the State Board of Elections.

(h) Notwithstanding the provisions of G.S. 163-89(a) and (b), a challenge may be entered against a voter at a one-stop site under subsection (g) of this section or during one-stop voting at the county board office. The challenge may be entered by a person conducting one-stop voting under this section or by another registered voter who resides in the same precinct as the voter being challenged. If challenged at the place where one-stop voting occurs, the voter shall be allowed to cast a ballot in the same way as other voters. The challenge shall be made on forms prescribed by the State Board of Elections. The challenge shall be heard by the county board of elections in accordance with the procedures set forth in G.S. 163-89(e).

(i) At any site where one-stop absentee voting is conducted, there shall be a curtained or otherwise private area where the voter may mark the ballot unobserved."

SECTION 21. G.S. 163-230.2 is repealed.

SECTION 22. G.S. 163-277 reads as rewritten:

"**§ 163-277. Compelling self-incriminating testimony; person so testifying excused from prosecution.**

No person shall be excused from attending or testifying or producing any books, papers or other documents before any court or magistrate upon any investigation, proceeding or trial for the violation of any of the provisions of this Article, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of ~~him~~ that person may tend to incriminate or degrade ~~him,~~that person. ~~but such~~Such person may be subpoenaed and required to testify by and for the State relative to any offense arising under the provisions of this Article; but such person shall not be prosecuted ~~or subjected to any penalty or forfeiture~~ for or on account of any transaction, matter or thing concerning which ~~he~~ that person may so testify or

produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against ~~him~~ that person upon any criminal investigation or proceeding, but such person so compelled to testify with respect to any acts of ~~his own~~that person shall be immune from prosecution on account ~~thereof, and shall be pardoned for any violation of law about which such person shall be so required to testify.~~thereof."

SECTION 23.(a) Notwithstanding Section 36 of this act, G.S. 163-329 reads as rewritten:

"**§ 163-329. Elections to fill vacancy in office created after primary filing period opens.**

(a) General. – If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior court after the filing period for the primary opens but more than 60 days before the general election, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted without a primary using the method provided in subsection (b1) of this section. If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior ~~court before the filing period for the primary opens,~~court, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted in accordance with ~~G.S. 163-322.~~G.S. 163-115(c)

(b) Repealed by Session Laws 2006-192, s. 8(a), effective August 3, 2006, and applicable to vacancies occurring on or after that date.

(b1) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of the superior court occurs more than 60 days before the general election and after the opening of the filing period for the primary, then the State Board of Elections shall designate a special filing period of one week for candidates for the office. If more than two candidates file and qualify for the office in accordance with G.S. 163-323, then the Board shall conduct the election for the office as follows:

(1) When the vacancy described in this section occurs more than 63 days before the date of the second primary for members of the General Assembly, a special primary shall be held on the same day as the second primary. The two candidates with the most votes in the special primary shall have their names placed on the ballot for the general election held on the same day as the general election for members of the General Assembly.

(2) When the vacancy described in this section occurs less than 64 days before the date of the second primary, a general election for all the candidates shall be held on the same day as the general election for members of the General Assembly and the plurality method of determining the results shall be used, as follows:

a. When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared elected.

b. When more persons are seeking election to two or more offices as superior court judge (constituting a group) than there are offices to be filled, those candidates receiving the highest numbers of votes, equal in number to the number of offices to be filled, shall be declared elected.

~~"instant runoff voting" method shall be used to determine the winner. Under "instant runoff voting," voters rank up to three of the candidates by order of preference, first, second, or third. If the candidate with the greatest number~~

~~of first-choice votes receives more than fifty percent (50%) of the first-choice votes, that candidate wins. If no candidate receives that minimum number, the two candidates with the greatest number of first-choice votes advance to a second round of counting. In this round, each ballot counts as a vote for whichever of the two final candidates is ranked highest by the voter. The candidate with the most votes in the second round wins the election. If more than one seat is to be filled in the same race, the voter votes the same way as if one seat were to be filled. The counting is the same as when one seat is to be filled, with one or two rounds as needed, except that counting is done separately for each seat to be filled. The first count results in the first winner. Then the second count proceeds without the name of the first winner. This process results in the second winner. For each additional seat to be filled, an additional count is done without the names of the candidates who have already won. In multi-seat contests, the State Board of Elections may give the voter more than three choices.~~

(3) If two or more candidates receiving the highest number of votes each receive the same number of votes, the board of elections shall resolve the tie in accordance with G.S. 163-182.8.

(c) Applicable Provisions. – Except as provided in this section, the provisions of this Article apply to elections conducted under this section.

(d) Rules. – The State Board of Elections shall adopt rules for the implementation of this section. The rules are not subject to Article 2A of Chapter 150B of the General Statutes. ~~The rules shall include the following:~~

~~(1) If after the first-choice candidate is eliminated, a ballot does not indicate one of the uneliminated candidates as an alternative choice, the ballot is exhausted and shall not be counted after the initial round.~~

~~(2) The fact that the voter does not designate a second or third choice does not invalidate the voter's higher choice or choices.~~

~~(3) The fact that the voter gives more than one ranking to the same candidate shall not invalidate the vote. The highest ranking given a particular candidate shall count as long as the candidate is not eliminated.~~

~~(4) In case of a tie between candidates such that two or more candidates have an equal number of first choices and more than two candidates qualify for the second round, instant runoff voting shall be used to determine which two candidates shall advance to the second round.~~"

SECTION 23.(b) G.S. 163-329, as amended by this section, is recodified as G.S. 163-120.

SECTION 24. G.S. 163-283 reads as rewritten:

"**§ 163-283. Right to participate or vote in party primary.**

No person shall be entitled to vote or otherwise participate in the primary election of any political party unless that person complies with all of the following:

(1) Is a registered voter.

(2) Has declared and has had recorded on the registration book or record the fact that the voter affiliates with the political party in whose primary the voter proposes to vote or participate.

(3) Is in good faith a member of that party.

Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

Any person who will become qualified by age to register and vote in the general election for which the primary is held, even though not so qualified by the date of the primary election, shall be entitled to register while the registration books are open during the regular registration period prior to the primary and then to vote in the primary after being registered, provided however, under full-time and permanent registration, such an individual may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to register and vote in the general election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections. ~~Such a person also may register and vote in the primary and general election pursuant to G.S. 163-82.6A(f).~~"

SECTION 25. G.S. 163-283.1 reads as rewritten:

"**§ 163-283.1. Voting in nonpartisan primary.**

Any person who will become qualified by age to register and vote in the general election for which a nonpartisan primary is held, even though not so qualified by the date of the primary, shall be entitled to register for the primary and general election prior to the primary and then to vote in the primary after being registered. Such a person may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary. ~~Such a person also may register and vote in the primary and general election pursuant to G.S. 163-82.6A(f).~~"

SECTION 26. G.S. 163-287, as amended by S.L. 2011-31, reads as rewritten:

"**§ 163-287. Special elections; procedure for calling.**

(a) Any county, municipality or any special district shall have authority to call special elections as permitted by law. Prior to calling a special election, the ~~city council or~~ the governing body of the county, municipality, or special district shall adopt a resolution specifying the details of the election, and forthwith deliver the resolution to the ~~appropriate~~local board of elections. The resolution shall call on the local board of elections to conduct the election described in the resolution and shall state the date on which the special election is to be conducted. The special election may be held only at the same time as any other State, county or municipal ~~primary, election or special election or referendum, but may not otherwise be held within the period of time beginning 30 days before and ending 30 days after the date of any other primary, election, special election or referendum held for that city or special district.~~general election or at the same time as the primary election in any even-numbered year.

(b) Legal notice of the special election shall be published no less than 45 days prior to the special election. The local board of elections shall be responsible for publishing the legal notice. The notice shall state the date and time of the special election, the issue to be submitted to the voters, and the precincts in which the election will be held. This ~~paragraph~~ subsection shall not apply to bond elections.

(c) Subsection (a) of this section shall not apply to any special election related to the public health or safety, including a bond referendum for financing of health and sanitation systems, if the governing body adopts a resolution stating the need for the special election at a time different from any other State, county, or municipal general election or the primary in any even-numbered year.

(d) The last sentence of subsection (a) of this section shall not apply to municipal incorporation or recall elections pursuant to local act of the General Assembly.

(e) This section shall not impact the authority of the courts or the State Board to order a new election at a time set by the courts or State Board under this Chapter."

SECTION 27. G.S. 163-330 reads as rewritten:

"**§ 163-330. Voting in primary.**

Any person who will become qualified by age to register and vote in the general election for which the primary is held, even though not so qualified by the date of the primary, shall be entitled to register for the primary and general election prior to the primary and then to vote in the primary after being registered. Such person may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary. ~~Such a person also may register and vote in the primary and general election pursuant to G.S. 163-82.6A(f).~~"

SECTION 28. Subchapter X (Article 25) of Chapter 163 of the General Statutes is repealed.

PART II. CAMPAIGN FINANCE CHANGES.

SECTION 29. G.S. 163-278.5 reads as rewritten:

"**§ 163-278.5. Scope of Article; severability.**

The provisions of this Article apply to primaries and elections for North Carolina offices and to North Carolina referenda and do not apply to primaries and elections for federal offices or offices in other States or to non-North Carolina referenda. Any provision in this Article that regulates a non-North Carolina entity does so only to the extent that the entity's actions affect elections for North Carolina offices or North Carolina referenda.

The provisions of this Article are severable. If any provision is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the Article that can be given effect without the invalid provision.

This section applies to Articles 22B, 22D, ~~22E, 22F,~~ 22G, 22H, ~~22J,~~ and 22M of the General Statutes to the same extent that it applies to this Article."

SECTION 30. G.S. 163-278.13 reads as rewritten:

"**§ 163-278.13. Limitation on contributions.**

(a) No individual, political committee, or other entity shall contribute to any candidate or other political committee any money or make any other contribution in any election in excess of four thousand dollars ($4,000) for that election.

(b) No candidate or political committee shall accept or solicit any contribution from any individual, other political committee, or other entity of any money or any other contribution in any election in excess of four thousand dollars ($4,000) for that election.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, it shall be lawful for a candidate or a candidate's spouse, parents, brothers and sisters to make a contribution to the candidate or to the candidate's treasurer of any amount of money or to make any other contribution in any election in excess of four thousand dollars ($4,000) for that election.

(d) For the purposes of this section, the term "an election" means any primary, second primary, or general election in which the candidate or political committee may be involved, without regard to whether the candidate is opposed or unopposed in the election, except that where a candidate is not on the ballot in a second primary, that second primary is not "an election" with respect to that candidate.

(d1) Notwithstanding subsections (a) and (b) of this section, a candidate or political committee may accept a contribution knowing that the contribution is to be reimbursed to the entity making the contribution and knowing the candidate or political committee has funds sufficient to reimburse the entity making the contribution if all of the following conditions are met:

(1) The entity submits sufficient information of the contribution to the candidate or political committee for reimbursement within 45 days of the contribution.

(2) The candidate or political committee makes a reimbursement to the entity making the contribution within seven days of submission of sufficient information.

(3) The candidate or political committee indicates on its report under G.S. 163-278.11 that the good, service, or other item resulting in the reimbursement is an expenditure of the candidate or political committee, and notes if the contribution was by credit card.

(4) The contribution does not exceed one thousand dollars ($1,000.00).

(d2) Any contribution, or portion thereof, made under subsection (d1) of this section that is not submitted for reimbursement in accordance with subsection (d1) of this section shall be treated as a contribution for purposes of this section. Any contribution, or portion thereof, made under subsection (d1) of this section that is not reimbursed in accordance with subsection (d1) of this section shall be treated as a contribution for purposes of this section.

(e) Except as provided in this subsection and ~~subsections (e2), (e3), and (e4)~~ subsections (e2) and (e3) of this section, this section shall not apply to any national, State, district or county executive committee of any political party. For the purposes of this section only, the term "political party" means only those political parties officially recognized under G.S. 163-96.

(e1) No referendum committee which received any contribution from a corporation, labor union, insurance company, business entity, or professional association may make any contribution to another referendum committee, to a candidate or to a political committee.

(e2) In order to make meaningful the provisions of Article 22D of this Chapter, the following provisions shall apply with respect to candidates for justice of the Supreme Court and judge of the Court of Appeals:

(1) No candidate shall accept, and no contributor shall make to that candidate, a contribution in any election exceeding one thousand dollars ($1,000) except as provided for elsewhere in this subsection.

(2) A candidate may accept, and a family contributor may make to that candidate, a contribution not exceeding two thousand dollars ($2,000) in an election if the contributor is that candidate's parent, child, brother, or sister.

(3) Repealed by Session Laws 2008-150, s. 7(a), effective August 2, 2008.

As used in this subsection, "candidate" is also a political committee authorized by the candidate for that candidate's election. Nothing in this subsection shall prohibit a candidate or the spouse of that candidate from making a contribution or loan secured entirely by that individual's assets to that candidate's own campaign.

(e3) Notwithstanding the provisions of subsections (a) and (b) of this section, no candidate for superior court judge or district court judge shall accept, and no contributor shall make to that candidate, a contribution in any election exceeding one thousand dollars ($1,000), except as provided in subsection (c) of this section. As used in this subsection, "candidate" is also a political committee authorized by the candidate for that candidate's election. Nothing in this subsection shall prohibit a candidate or the spouse of that candidate from making a contribution or loan secured entirely by that individual's assets to that candidate's own campaign.

~~(e4) In order to make meaningful the provisions of the North Carolina Voter Owned Elections Act, as set forth in Article 22J of this Chapter, no candidate for an office subject to that Article shall accept, and no contributor shall make to that candidate, a contribution during the period beginning 21 days before the day of the general election and ending the day after the general election if that contribution causes the candidate to exceed the "trigger for matching funds" defined in G.S. 163-278.96(17). As used in this subsection, the term "candidate" also includes "candidate campaign committee" as defined in G.S. 163-278.38Z(3). Nothing in this~~

~~subsection shall prohibit a candidate from making a contribution or loan secured entirely by that candidate's assets to that candidate's own campaign or to a political committee, the principal purpose of which is to support that candidate's campaign. This subsection applies with respect to a candidate only if both of the following statements are true regarding that candidate:~~

~~(1) That candidate is opposed in the general election by a certified candidate as defined in Article 22J of this Chapter.~~

~~(2) That certified candidate has not received the maximum matching funds available under G.S. 163-278.99B(c).~~

~~The recipient of a contribution that apparently violates this subsection has three days to return the contribution or file a detailed statement with the State Board of Elections explaining why the contribution does not violate this subsection.~~

(e5) The contribution limits of subsections (a) and (b) of this section do not apply to contributions made to an independent expenditure political committee. For purposes of this section, an "independent expenditure political committee" is a political committee whose treasurer makes and abides by a certification to the State Board of Elections that the political committee does not and will not make contributions, directly or indirectly, to candidates or to political committees that make contributions to candidates. The State Board of Elections shall provide forms for implementation of this subsection. This subsection shall not apply to a candidate or a political committee controlled by a candidate. The exception of this subsection is in addition to any other exception provided by law.

(f) Any individual, candidate, political committee, referendum committee, or other entity that violates the provisions of this section is guilty of a Class 2 misdemeanor."

SECTION 31. Article 22A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-278.13D. Limitation on contributions from State vendors.**

(a) No vendor of this State may make a contribution greater than five hundred dollars ($500.00) per election to a candidate as defined in G.S. 163-278.38Z(2) or candidate campaign committee as defined in G.S. 163-278.38Z(3) for a public servant as defined in G.S. 138A-3(30)a. and G.S. 120C-104 if the public servant has authority over the contract with the vendor.

(b) This section shall not apply to a vendor who has filed a notice of candidacy for office under G.S. 163-106, G.S. 163-107.1, or Article 11 of Chapter 163 of the General Statutes or has been nominated under G.S. 163-114 or G.S. 163-98 and is making a contribution to that vendor's candidate campaign committee.

(c) For purposes of this section, the term "vendor" shall mean any of the following:

(1) An individual with a contract greater than twenty-five thousand dollars ($25,000) with any office established by Article III of the North Carolina Constitution.

(2) An individual employed by a corporation or person with a contract greater than twenty-five thousand dollars ($25,000) with any office established by Article III of the North Carolina Constitution in any of the following capacities:

a. Will derive a direct financial benefit from the contract. Direct financial benefit exists only if the individual (i) has more than a ten percent (10%) beneficial ownership in a party to the contract or (ii) acquires property under the contract.

b. Oversees the performance of the contract and has authority to make decisions regarding the contract or to interpret the contract.

c. Participates in the development of specifications or terms and in the preparation or award of the contract.

(3) An individual who is a member of a board, commission, or other body of a corporation with a contract greater than twenty-five thousand dollars ($25,000) with any office established by Article III of the North Carolina Constitution that takes action on the contract, whether or not the individual actually participates in that action, unless the individual is prohibited from voting by a policy of the corporation and does not vote on the contract."

SECTION 32. Article 22A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-278.19C. Contributions to political parties.**

(a) Notwithstanding G.S. 163-278.13 and G.S. 163-278.19, no political party shall accept or solicit any contribution from any individual, political committee other than a candidate campaign committee, referendum committee, person, or other entity, in any election, in excess of two hundred fifty thousand dollars ($250,000) for that election.

(b) No individual, candidate, political committee other than a candidate campaign committee, referendum committee, person, or other entity, in any election, shall contribute to any political party any contribution in any election in excess of two hundred fifty thousand dollars ($250,000) for that election.

(c) Any individual, candidate, political committee other than a candidate campaign committee, referendum committee, person, or other entity that violates the provisions of this section is guilty of a Class 2 misdemeanor."

SECTION 33. G.S. 163-278.29 reads as rewritten:

"**§ 163-278.29. Compelling self-incriminating testimony; individual so testifying excused from prosecution.**

No individual shall be excused from attending or testifying or producing any books, papers, or other documents before any court upon any proceeding or trial of another for the violation of any of the provisions of this Article, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of ~~him~~ that individual may tend to incriminate ~~him~~that individual, but such individual may be subpoenaed and required to testify by and for the State relative to any offense arising under the provisions of this Article; but such individual shall not be prosecuted ~~or subjected to any penalty or forfeiture~~ for or on account of any transaction, matter or thing concerning which ~~he~~ that individual may be compelled to testify or produce evidence, documentary or otherwise, and no compelled testimony so given or produced shall be used against ~~him~~ that individual upon any criminal proceeding, but such individual so compelled to testify with respect to any acts of ~~his own~~ that individual shall be immune from prosecution on account thereof."

SECTION 34. G.S. 163-278.34 is amended by adding a new subsection to read:

"(e1) A candidate shall be jointly and severally liable for any civil penalty assessed by the State Board against a candidate campaign committee if that candidate campaign committee organized by the candidate has no funds with which to pay the assessed civil penalty. As used in this subsection, the term "candidate campaign committee" means the same as in G.S. 163-278.38Z(3)."

SECTION 35. G.S. 163-278.35 reads as rewritten:

"**§ 163-278.35. Preservation of records.**

All reports, records and accounts required by this Article to be made, kept, filed, or maintained by any individual, media, candidate or treasurer shall be preserved and retained by the individual, media, candidate or treasurer for at least two years counting from the date of the ~~election~~ last report due to be filed with the appropriate board of elections to which such reports, records and accounts refer. All reports, records, and accounts include any underlying documentation upon which the information in the last report due to be filed with the appropriate board of elections is based."

SECTION 36.(a) Article 22J of Chapter 163 of the General Statutes is repealed.

SECTION 36.(b) The balances of the North Carolina Voter-Owned Elections Fund upon this act becoming law are transferred to the General Fund.

SECTION 36.(c) This section becomes effective July 1, 2011.

PART III. TECHNICAL CHANGES.

SECTION 37. G.S. 163-275(16) reads as rewritten:

"(16) For any person falsely to make the certificate provided by ~~G.S. 163-229(b)(2) or G.S. 163-250(a).~~ G.S. 163-229(b) or G.S. 163-250(a)(4)."

PART IV. CONFORMING CHANGES.

SECTION 38. G.S. 18B-601(f) reads as rewritten:

"(f) Election Date. – The board of elections shall conduct and set the date for the alcoholic beverage ~~election, which may not be sooner than 60 days nor later than 120 days from the date the request was received from the governing body or the petition was verified by the board.~~election in accordance with G.S. 163-287. ~~No alcoholic beverage election may be held on the Tuesday next after the first Monday in November of an even numbered year.~~"

SECTION 39. G.S. 63-80(c) reads as rewritten:

"(c) Following the joint public hearing but prior to the adoption by a unit of local government of any resolution creating a special airport district, the governing body of such unit may submit the question of the unit's participation in a special airport district to the qualified voters of such unit. The form of the question as stated on the ballot shall be in substantially the following words:

"Shall the governing body of _____ approve _____'s participation in the proposed _____ special airport district?

[ ] YES [ ] NO"

If a majority of the qualified voters of the unit who vote thereon approve such participation, the governing body of such unit may adopt a resolution creating the particular special airport district. The election shall be conducted in accordance with G.S. 163-287 and the results thereof certified, declared and published in the same manner as bond elections within the unit."

SECTION 40. G.S. 63-87 reads as rewritten:

"**§ 63-87. Bond elections.**

Elections for the purpose of authorizing the levy of taxes for the issuance of bonds shall be called by the district board and shall be conducted in accordance with G.S. 163-287 and the results canvassed by the boards of elections having jurisdiction within the participating units. Such results shall be certified to the district board and such board shall certify and declare the result of the election and publish a statement of the result once as provided in the Local Government Bond Act."

SECTION 41. G.S. 69-25.1 reads as rewritten:

"**§ 69-25.1. Election to be held upon petition of voters.**

Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area lying outside the corporate limits of any city or town, which area is described in the petition and designated as "_____ Fire District," the board of county
(Here insert name)
commissioners of the county shall call ~~an~~ a special election in said district for the purpose of submitting to the qualified voters therein the question of levying and collecting a special tax on

all taxable property in said district, of not exceeding fifteen cents (15¢) on the one hundred dollars ($100.00) valuation of property, for the purpose of providing fire protection in said district. The county tax office shall be responsible for checking the freeholder status of those individuals signing the petition and confirming the location of the property owned by those individuals. Unless specifically excluded by other law, the provisions of Chapter 163 of the General Statutes concerning petitions for referenda and special elections shall apply. If the voters reject the special tax under the first paragraph of this section, then no new election may be held under the first paragraph of this section within two years on the question of levying and collecting a special tax under the first paragraph of this section in that district, or in any proposed district which includes a majority of the land within the district in which the tax was rejected.

Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area which has previously been established as a fire protection district and in which there has been authorized by a vote of the people a special tax not exceeding ten cents (10¢) on the one hundred dollars ($100.00) valuation of property within the area, the board of county commissioners shall call an election in said area for the purpose of submitting to the qualified voters therein the question of increasing the allowable special tax for fire protection within said district from ten cents (10¢) on the one hundred dollars ($100.00) valuation to fifteen cents (15¢) on the one hundred dollars ($100.00) valuation on all taxable property within such district. Elections on the question of increasing the allowable tax rate for fire protection shall not be held within the same district at intervals less than two years."

SECTION 42. G.S. 69-25.2 reads as rewritten:

"**§ 69-25.2. Duties of county board of commissioners regarding conduct of elections; cost of holding.**

The board of county commissioners, after consulting with the county board of elections, shall set a date for the special election in accordance with G.S. 163-287 by resolution adopted. The county board of elections shall hold and conduct the election in the district. The county board of elections shall advertise and conduct said election, in accordance with the provisions of this Article and with the procedures prescribed in Chapter 163 governing the conduct of special and general elections. No new registration of voters shall be required, but the deadline by which unregistered voters must register shall be contained in the legal advertisement to be published by the county board of elections. The cost of holding the election to establish a district shall be paid by the county, provided that if the district is established, then the county shall be reimbursed the cost of the election from the taxes levied within the district, but the cost of an election to increase the allowable tax under G.S. 69-25.1 or to abolish a fire district under G.S. 69-25.10 shall be paid from the funds of the district."

SECTION 43. G.S. 105-159.2(b) reads as rewritten:

"(b) Returns. – Individual income tax returns must give an individual an opportunity to agree to the allocation of three dollars ($3.00) of the individual's tax liability to the North Carolina Public Campaign Fund. The Department must make it clear to the taxpayer that the dollars ~~will support a nonpartisan court system, that the dollars~~ will go to the Fund if the taxpayer marks an agreement, and that allocation of the dollars neither increases nor decreases the individual's tax liability. The following statement must be used to meet this requirement: "Mark 'Yes' if you want to designate $3 of taxes to this special Fund for voter education materials and for candidates who accept spending limits. Marking 'Yes' does not change your tax or refund." The Department must consult with the State Board of Elections to ensure that the information given to taxpayers complies with the intent of this section.

The Department must inform the entities it approves to reproduce the return that they must comply with the requirements of this section and that a return may not reflect an agreement or objection unless the individual completing the return decided to agree or object after being

presented with the statement required by subsection (b) of this section and, as available background information or instructions, the information required by subsection (c) of this section. No software package used in preparing North Carolina income tax returns may default to an agreement or objection. A paid preparer of tax returns may not mark an agreement or objection for a taxpayer without the taxpayer's consent."

SECTION 44. G.S. 105-465 reads as rewritten:

"**§ 105-465. County election as to adoption of local sales and use tax.**

The board of elections of any county, upon the written request of the board of county commissioners, or upon receipt of a petition signed by qualified voters of the county equal in number to at least fifteen percent (15%) of the total number of votes cast in the county, at the last preceding election for the office of Governor, shall call a special election for the purpose of submitting to the voters of the county the question of whether a one percent (1%) sales and use tax will be levied.

The special election shall be held under the same rules applicable to the election of members of the General Assembly. No new registration of voters shall be required. All qualified voters in the county who are properly registered not later than 21 days (excluding Saturdays and Sundays) prior to the election shall be entitled to vote at the election. The county board of elections shall give at least 20 days' public notice prior to the closing of the registration books for the special election.

The county board of elections shall prepare ballots for the special election. The question presented on the ballot shall be "FOR one percent (1%) local sales and use tax on items subject to State sales and use tax at the general State rate and on food" or "AGAINST one percent (1%) local sales and use tax on items subject to State sales and use tax at the general State rate and on food".

The county board of elections shall fix the date of the special ~~election,~~ election on a date permitted by G.S. 163-287, except that the special election shall not be held ~~on the date or within 60 days of any biennial election for county officers, nor~~ within one year from the date of the last preceding special election under this section."

SECTION 45. G.S. 105-473(a) reads as rewritten:

"(a) The board of elections of any county, upon the written request of the board of county commissioners thereof, or upon receipt of a petition signed by qualified voters of the county equal in number to at least fifteen percent (15%) of the total number of votes cast in the county at the last preceding election for the office of Governor, shall call a special election for the purpose of submitting to the voters of the county the question of whether the levy of a one percent (1%) sales and use tax theretofore levied should be repealed.

The special election shall be held under the same rules and regulations applicable to the election of members of the General Assembly. No new registration of voters shall be required. All qualified voters in the county who are properly registered not later than 21 days (excluding Saturdays and Sundays) prior to the election shall be entitled to vote at said election. The county board of elections shall give at least 20 days' public notice prior to the closing of the registration books for the special election.

The county board of elections shall prepare ballots for the special election which shall contain the words "FOR repeal of the one percent (1%) local sales and use tax levy," and the words "AGAINST repeal of the one percent (1%) local sales and use tax levy," with appropriate squares so that each voter may designate his vote by his cross (X) mark.

The county board of elections shall fix the date of the special ~~election;~~ election on a date permitted by G.S. 163-287; provided, however, that the special election shall not be held ~~on the day of any biennial election for county officers, nor within 60 days thereof, nor~~ within one year from the date of the last preceding special election held under this section."

SECTION 46. G.S. 105-507.1(a) reads as rewritten:

"(a) Resolution. – The board of commissioners of a county may direct the county board of elections to conduct an advisory referendum within the county on the question of whether a local sales and use tax at the rate of one-half percent (½%) may be levied in accordance with this Part. The election shall be held ~~on a date jointly agreed upon by the boards and shall be held~~ in accordance with the procedures of G.S. 163-287. The board of commissioners shall hold a public hearing on the question at least 30 days before the date the election is to be held."

SECTION 47. G.S. 105-509(b) reads as rewritten:

"(b) Resolution. – The board of trustees of the regional public transportation authority may, if all of the conditions listed in this subsection have been met, direct the respective county board or boards of elections to conduct an advisory referendum within the special district on the question of whether a local sales and use tax at the rate of one-half percent (½%) may be levied within the district in accordance with this Part. The tax may not be levied without voter approval. The election shall be held on a date jointly agreed upon by the authority, the county board or boards of commissioners, and the county board or boards of elections and shall be held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first Monday of November in the even-numbered year, the date of the general election under G.S. 163-1, (ii) the date of the primary election in the even-numbered year under G.S. 163-1(b), (iii) Tuesday after the first Monday in November of the odd-numbered year, or (iv) a date in September or October of the odd-numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but only if at least one municipality in the county is holding a primary or election on that date.~~ in accordance with G.S. 163-287. The conditions are as follows:

(1) The board of trustees has obtained approval to conduct a referendum by a vote of the following:

a. A majority vote of each of the county boards of commissioners within the special district, if it is a multicounty special district.

b. A majority of the county board of commissioners within the special district, if it is a single-county special district.

(2) A public hearing is held on the question by the board or boards of commissioners at least 30 days before the date the election is to be held."

SECTION 48. G.S. 105-510(b) reads as rewritten:

"(b) Resolution. – The board of trustees of the regional transportation authority may, if all of the conditions listed in this subsection have been met, direct the respective county board or boards of elections to conduct an advisory referendum within the special district on the question of whether a local sales and use tax at the rate of one-half percent (½%) may be levied within the district in accordance with this Part. The tax may not be levied without voter approval. The election shall be held on a date jointly agreed upon by the authority, the county board or boards of commissioners, and the county board or boards of elections and shall be held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first Monday of November in the even-numbered year, the date of the general election under G.S. 163-1, (ii) the date of the primary election in the even-numbered year under G.S. 163-1(b), (iii) Tuesday after the first Monday in November of the odd-numbered year, or (iv) a date in September or October of the odd-numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but only if at least one municipality in the county is holding a primary or election on that date.~~ in accordance with G.S. 163-287. The conditions are as follows:

(1) The board of trustees has obtained approval to conduct a referendum by a vote of the following:

a. A majority vote of both of the county boards of commissioners within the special district, if it is a multicounty special district.

b. A majority of the county board of commissioners within the special district, if it is a single-county special district.

(2) A public hearing is held on the question by the board or boards of commissioners at least 30 days before the date the election is to be held."

SECTION 49. G.S. 105-511.2(a) reads as rewritten:

"(a) Resolution. – The board of commissioners of a county may direct the county board of elections to conduct an advisory referendum within the county on the question of whether a local sales and use tax at the rate of one-quarter percent (¼%) may be levied in accordance with this Part. The election shall be held on a date jointly agreed upon by the boards and shall be held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first Monday of November in the even-numbered year, the date of the general election under G.S. 163-1, (ii) the date of the primary election in the even-numbered year under G.S. 163-1(b), (iii) Tuesday after the first Monday in November of the odd-numbered year, or (iv) a date in September or October of the odd-numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but only if at least one municipality in the county is holding a primary or election on that date.~~in accordance with G.S. 163-287. The board of commissioners shall hold a public hearing on the question at least 30 days before the date the election is to be held."

SECTION 50. G.S. 105-537(b) reads as rewritten:

"(b) Vote. – The board of county commissioners may direct the county board of elections to conduct an advisory referendum on the question of whether to levy a local sales and use tax in the county as provided in this Article. The election shall be held ~~on a date jointly agreed upon by the board of county commissioners and the board of elections and shall be held~~ in accordance with the procedures of G.S. 163-287."

SECTION 51. G.S. 106-343 reads as rewritten:

"**§ 106-343. Appropriations by counties; elections.**

The several boards of county commissioners in the State are hereby expressly authorized and empowered to make such appropriations from the general funds of their county as will enable them to cooperate effectively with the state Department of Agriculture and Consumer Services and Federal Department of Agriculture in the eradication of tuberculosis in their respective counties: Provided, that if in 10 days after said appropriation is voted, one fifth of the qualified voters of the county petition the board of commissioners to submit the question of tuberculosis eradication or no tuberculosis eradication to the voters of the county, said commissioners shall submit such questions to said voters. Said election shall be held and conducted under ~~the rules and regulations provided for holding stock law elections in G.S. 68-16, 68-20 and 68-21.~~G.S. 163-287. If at any such election a majority of the votes cast shall be in favor of said tuberculosis eradication, the said board shall record the result of the election upon its minutes, and cooperative tuberculosis eradication shall be taken up with the state Department of Agriculture and Consumer Services and Federal Department of Agriculture. If, however, a majority of the votes cast shall be adverse, then said board shall make no appropriation."

SECTION 52. G.S. 115C-501(h) reads as rewritten:

"(h) To Annex or Consolidate Areas or Districts from Contiguous Counties and to Provide a Supplemental School Tax in Such Annexed Areas or Consolidated Districts. – An election may be called in any districts or other school areas, from contiguous counties, as to whether the districts in one county shall be enlarged by annexing or consolidating therewith any adjoining districts, or other school area or areas from an adjoining county, and if a special or supplemental school tax is levied and collected in the districts of the county to which the territory is to be annexed or consolidated, whether upon such annexation or consolidation there shall be levied and collected in the territory to be annexed or consolidated the same special or

supplemental tax for schools as is levied and collected in the districts in the other county. If such election carries, the said special or supplemental tax shall be collected pursuant to G.S. 115C-511 and remitted to the local school administrative unit on whose behalf such special and supplemental tax is already ~~levied: Provided, that notwithstanding the provisions of G.S. 115C-508, if the notice of election clearly so states, and the election shall be held prior to August 1, the annexation or consolidation shall be effective and the tax so authorized shall be levied and collected beginning with the fiscal year commencing July 1 next preceding such elections.~~levied."

SECTION 53. G.S. 115C-501 is amended by adding a new subsection to read:

"(j) All elections called under this section shall be conducted in accordance with G.S. 163-287."

SECTION 54. G.S. 115D-33(d) reads as rewritten:

"(d) All elections shall be held in the same manner as elections held under Article 4, Chapter 159, of the General Statutes, the Local Government Bond Act, and ~~may be held at any time fixed by the tax levying authority of the administrative area or proposed administrative area of the institution for which such election is to be held.~~shall be held on a date permitted by G.S. 163-287."

SECTION 55. G.S. 115D-35(a) reads as rewritten:

"(a) Formal requests for elections on the question of authority to appropriate nontax revenues or levy special taxes, or both, and to issue bonds, when such elections are to be held for the purpose of establishing an institution, shall be originated and submitted only in the following manner:

(1) Proposed multiple-county administrative areas: Formal requests for elections may be submitted jointly by all county boards of education in the proposed administrative area, or by petition of fifteen percent (15%) of the number of qualified voters of the proposed area who voted in the last preceding election for Governor, to the boards of commissioners of all counties in the proposed area, who ~~may~~ shall fix the time for such election by joint resolution on a date permitted by G.S. 163-287, which shall be entered in the minutes of each board.

(2) Proposed single-county administrative area: Formal requests shall be submitted by the board of education of any public school administrative unit within the county of the proposed administrative area or by petition of fifteen percent (15%) of the number of qualified voters of the county who voted in the last preceding election for Governor, to the board of commissioners of the county of the proposed administrative area, who ~~may~~ shall fix the time for such election by resolution on a date permitted by G.S. 163-287, which shall be entered in the minutes of the board."

SECTION 56. G.S. 130A-69 reads as rewritten:

"(a) If after a sanitary district has been created or the provisions of this Part have been made applicable to a sanitary district, a petition signed by not less than fifteen percent (15%) of the resident freeholders within any territory contiguous to and adjoining the sanitary district may be presented to the sanitary district board requesting annexation of territory described in the petition. The sanitary district board shall send a copy of the petition to the board of commissioners of the county or counties in which the district is located and to the Department. The sanitary district board shall request that the Department hold a joint public hearing with the sanitary district board on the question of annexation. The Secretary and the chairperson of the sanitary district board shall name a time and place for the public hearing. The chairperson of the sanitary district board shall publish a notice of public hearing once in a newspaper or newspapers published or circulating in the sanitary district and the territory proposed to be

annexed. The notice shall be published not less than 15 days prior to the hearing. If after the hearing, the Commission approves the annexation of the territory described in the petition, the Department shall advise the board or boards of commissioners of the approval. The board or boards of commissioners shall order and provide for the holding of a special election in accordance with G.S. 163-287 upon the question of annexation within the territory proposed to be annexed.

(b) If at or prior to the public hearing, a petition is filed with the sanitary district board signed by not less than fifteen percent (15%) of the freeholders residing in the sanitary district requesting an election be held on the annexation question, the sanitary district board shall send a copy of the petition to the board or boards of commissioners who shall order and provide for the submission of the question to the voters within the sanitary district. This election may be held on the same day as the election in the territory proposed to be annexed, and both elections and registrations may be held pursuant to a single notice. A majority of the votes cast is necessary for a territory to be annexed to a sanitary district.

(c) The election shall be held by the county board or boards of elections ~~as soon as possible~~in accordance with G.S. 163-287 after the board or boards of commissioners orders the election. The cost of the election shall be paid by the sanitary district. Registration in the area proposed for annexation shall be under the same procedure as G.S. 163-288.2.

...."

SECTION 57. G.S. 139-39 reads as rewritten:

"**§ 139-39. Alternative method of financing watershed improvement programs by special county tax.**

The board of county commissioners in any county is authorized to call a special election to determine whether it be the will of the qualified voters of the county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed twenty-five cents (25¢) on each one hundred dollars ($100.00) valuation of property in said county, to be known as a "Watershed Improvement Tax," the funds therefrom, if the levy be authorized by the voters of said county, to be used for the prevention of flood water and sediment damages, and for furthering the conservation, utilization and disposal of water and the development of water resources. Any special election shall be conducted in accordance with G.S. 163-287."

SECTION 58. G.S. 147-69.6(f) reads as rewritten:

"(f) The Board of Commissioners of Swain County may direct the Swain County Board of Elections to conduct an advisory referendum on the question of whether any portion of the principal of the Fund should be disbursed to and expended by the county for a particular purpose. The election shall be held ~~on a date jointly agreed upon by the two boards, which may be the same day as any other referendum or election in the county, but may not otherwise be during the period beginning 30 days before and ending 30 days after the day of any other referendum or election to be conducted by the board of elections and already validly called or scheduled by law. The election shall be held~~ in accordance with the procedures of G.S. 163-287. The question to be presented on the ballot shall disclose the specific purpose proposed for expenditure of the principal investment of the Trust Fund and the amount proposed for expenditure."

SECTION 59. G.S. 153A-60 reads as rewritten:

"**§ 153A-60. Initiation of alterations by resolution.**

The board of commissioners shall initiate any alteration in the structure of the board by adopting a resolution. The resolution shall:

(1) Briefly but completely describe the proposed alterations;

(2) Prescribe the manner of transition from the existing structure to the altered structure;

(3) Define the electoral districts, if any, and apportion the members among the districts;

(4) Call a special referendum on the question of adoption of the alterations. The referendum shall be held and conducted by the county board of elections. The referendum may be held only on a date permitted by G.S. 163-287. ~~at the same time as any other state, county or municipal primary, election, special election or referendum, or on any date set by the board of county commissioners, provided, that such referendum shall not be held within the period of time beginning 60 days before and ending 60 days after any other primary, election, special election or referendum held in the county.~~

Upon its adoption, the resolution shall be published in full."

SECTION 60. G.S. 153A-405(a) reads as rewritten:

"(a) If authorized to do so by the concurrent resolutions that established it, a commission may call a referendum on its proposed plan of governmental consolidation. If authorized or directed in the concurrent resolutions, the ballot question may include the assumption of debt secured by a pledge of faith and credit language and may also include the assumption of the right to issue authorized but unissued faith and credit debt language as provided in subsection (b) of this section. The referendum ~~may be held on the same day as any other referendum or election in the county or counties involved, but may not otherwise be held during the period beginning 30 days before and ending 30 days after the day of any other referendum or election to be conducted by the board or boards of elections conducting the referendum and already validly called or scheduled by law.~~shall be held in accordance with G.S. 163-287."

SECTION 61. G.S. 158-16 reads as rewritten:

"**§ 158-16. Board of commissioners may call tax election; rate and purposes of tax.**

The board of county commissioners in any county is authorized and empowered to call a special election to determine whether it be the will of the qualified voters of said county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed five cents (5¢) on each one hundred dollars ($100.00) valuation of property in said county, to be known as an "industrial development tax," the funds therefrom, if the levy be authorized by the voters of said county, to be used for the purpose of attracting new and diversified industries to said county, and for the encouragement of new business and industrial ventures by local as well as foreign capital, and for the purpose of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial plants in said county, and for the purpose of encouraging agricultural development in said county. Any special election shall be conducted in accordance with G.S. 163-287."

SECTION 62. G.S. 159-61(b) reads as rewritten:

"(b) The date of a bond referendum shall be fixed by the governing board, but shall not be more than one year after adoption of the bond ~~order.~~ order, only on a date permitted by G.S. 163-287. ~~The governing board may call a special referendum for the purpose of voting on a bond issue on any day, including the day of any regular or special election held for another purpose (unless the law under which the bond referendum or other election is held specifically prohibits submission of other questions at the same time). A special bond referendum may not be held within 30 days before or 10 days after a statewide primary, election, or referendum, or within 30 days before or 10 days after any other primary, election, or referendum to be held in the same unit holding the bond referendum and already validly called or scheduled by law at the time the bond referendum is called.~~ The clerk shall mail or deliver a certified copy of the resolution calling a special bond referendum to the board of elections that is to conduct it within three days after the resolution is adopted, but failure to observe this requirement shall not in any manner affect the validity of the referendum or bonds issued pursuant thereto. Bond

referenda shall be conducted by the board of elections conducting regular elections of the county, city, or special district. ~~In fixing the date of a bond referendum, the governing board shall consult the board of elections in order that the referendum shall not unduly interfere with other elections already scheduled or in process.~~ Several bond orders or other matters may be voted upon at the same referendum."

SECTION 63. G.S. 160A-103 reads as rewritten:

"**§ 160A-103. Referendum on charter amendments by ordinance.**

An ordinance adopted under G.S. 160A-102 that is not made effective upon approval by a vote of the people shall be subject to a referendum petition. Upon receipt of a referendum petition bearing the signatures and residence addresses of a number of qualified voters of the city equal to at least 10 percent of the whole number of voters who are registered to vote in city elections according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less, the council shall submit an ordinance adopted under G.S. 160A-102 to a vote of the people. The date of the special election shall be fixed ~~at~~ on a date permitted by G.S. 163-287. ~~not more than 120 nor fewer than 60 days after receipt of the petition.~~ A referendum petition shall be addressed to the council and shall identify the ordinance to be submitted to a vote. A referendum petition must be filed with the city clerk not later than 30 days after publication of the notice of adoption of the ordinance."

SECTION 64. G.S. 160A-104 reads as rewritten:

"**§ 160A-104. Initiative petitions for charter amendments.**

The people may initiate a referendum on proposed charter amendments. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the city equal to at least ten percent (10%) of the whole number of voters who are registered to vote in city elections according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall set forth the proposed amendments by describing them briefly but completely and with reference to the pertinent provisions of G.S. 160A-101, but it need not contain the precise text of the charter amendments necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of charter amendments. Upon receipt of a valid initiative petition, the council shall call a special election on the question of adopting the charter amendments proposed therein, and shall give public notice thereof in accordance with G.S. 163-287. The date of the special election shall be fixed ~~at~~ on a date permitted by G.S. 163-287.~~not more than 120 nor fewer than 60 days after receipt of the petition.~~ If a majority of the votes cast in the special election shall be in favor of the proposed changes, the council shall adopt an ordinance amending the charter to put them into effect. Such an ordinance shall not be subject to a referendum petition. No initiative petition may be filed (i) between the time the council initiates proceedings under G.S. 160A-102 by publishing a notice of hearing on proposed charter amendments and the time proceeding under that section have been carried to a conclusion either through adoption or rejection of a proposed ordinance or lapse of time, nor (ii) within one year and six months following the effective date of an ordinance amending the city charter pursuant to this Article, nor (iii) within one year and six months following the date of any election on charter amendments that were defeated by the voters.

The restrictions imposed by this section on filing initiative petitions shall apply only to petitions concerning the same subject matter. For example, pendency of council action on amendments concerning the method of electing the council shall not preclude an initiative petition on adoption of the council-manager form of government.

Nothing in this section shall be construed to prohibit the submission of more than one proposition for charter amendments on the same ballot so long as no proposition offers a different plan under the same option as another proposition on the same ballot."

SECTION 65. G.S. 160A-583 reads as rewritten:

"**§ 160A-583. Funds.**

The establishment and operation of a transportation authority as herein authorized are governmental functions and constitute a public purpose, and the municipality is hereby authorized to appropriate funds to support the establishment and operation of the transit authority. The municipality may also dedicate, sell, convey, donate or lease any of its interest in any property to the authority. Further, the authority is hereby authorized to establish such license and regulatory fees and charges as it may deem appropriate, subject to the approval of the governing body of the municipality. If the governing body finds that the funds otherwise available are insufficient, it may call a special election without a petition and submit to the qualified voters of the municipality the question of whether or not a special tax shall be levied and/or bonds issued, specifying the maximum amount thereof, for the purpose of acquiring lands, buildings, equipment and facilities and for the operations of the transit authority. Any special election shall be conducted in accordance with G.S. 163-287."

SECTION 66. 162A-68(d) reads as rewritten:

"(d) If, at or prior to such public hearing, there shall be filed with the district board a petition, signed by not less than ten per centum (10%) of the qualified voters residing in the district, requesting an election to be held therein on the question of including the political subdivision or unincorporated area, the district board shall certify a copy of such petition to the board or boards of commissioners, and the board or boards of commissioners shall request the county board or boards of elections to submit such question to the qualified voters within the district in accordance with G.S. 163-287 and the other applicable provisions of Chapter 163 of the General Statutes; provided, that the election shall not be held unless the Environmental Management Commission has adopted a resolution approving the inclusion of the political subdivision or unincorporated area in the district.

Notice of such election, which shall contain a statement of the boundaries of the territory proposed to be included in the district and the boundaries of the district after inclusion, shall be given by publication once a week for three successive weeks in a newspaper or newspapers having general circulation within the district, the first publication to be at least 30 days prior to the election."

SECTION 67. G.S. 162A-77.1 reads as rewritten:

"**§ 162A-77.1. Special election upon the question of the merger of metropolitan sewerage districts into cities or towns.**

Any district lying entirely within the corporate limits of a city or town may be merged into such city or town in accordance with the provisions of this section.

The governing body of a city or town, with the approval of the district board, shall call and conduct a special election within such city or town on the question of the merger of the district into the city or town. A vote in favor of such merger shall constitute a vote for such city or town to assume the obligations of the district. Such special election may be called and conducted by the governing body of a city or town upon its own motion after passage of a resolution of the district board requesting or approving the special election. Any special election shall be conducted in accordance with G.S. 163-287.

A new registration of voters shall not be required for the special election. The special election shall be conducted in accordance with the provisions of law applicable to regular elections in the city or town.

If a majority of the votes are in favor of the merger, then:

(1) All property, real and personal and mixed, including accounts receivable, belonging to such district shall vest in, belong to, and be the property of, such city or town. All district boards are hereby authorized to take such actions and to execute such documents as will carry into effect the provisions and the intent of this section.

(2) All judgments, liens, rights of liens, and causes of action of any nature in favor of such district shall vest in and remain and inure to the benefit of such city or town.

(3) All taxes, assessments, sewer charges, and any other debts, charges or fees, owing to such district shall be owed to and collected by such city or town.

(4) All actions, suits and proceedings pending against, or having been instituted by, such district shall not be abated by this section or by the merger herein provided for, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if merger had not occurred, and such city or town shall be a party to all such actions, suits, and proceedings in the place and stead of the district and shall pay or cause to be paid any judgments rendered against the district in any such actions, suits, or proceedings. No new process need be served in any such action, suit, or proceeding.

(5) All obligations of the district, including outstanding indebtedness, shall be assumed by such city or town, and all such obligations and outstanding indebtedness shall constitute obligations and indebtedness of such city or town, and the full faith and credit of such city or town shall be deemed to be pledged for the punctual payment of the principal of and the interest on any general obligation bonds or bond anticipation notes of such district, and all the taxable property within such city or town, as well as that formerly located within the district, shall be and remain subject to taxation for such payment.

(6) All ordinances, rules, regulations, and policies of such district shall continue in full force and effect until repealed or amended by the governing body of such city or town.

(7) Such district shall be abolished, and shall no longer be constituted a public body or a body politic and corporate, except for the purposes of carrying into effect the provisions and the intent of this section.

If a majority of the votes are against the merger, then such merger shall not be effective unless approved by a majority of the qualified voters who vote thereon in a subsequent special election conducted under authority of this section.

Any action or proceeding in any court to set aside a special election held under authority of this section or the result thereof, or to obtain any other relief upon the ground that such election or any proceeding or action taken with respect to the holding of such election is invalid, must be commenced within 30 days after the day of such special election. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the election or the result thereof shall be asserted, nor shall the validity of the election or of the result thereof be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period."

SECTION 68. G.S. 115C-47(59) is repealed.

SECTION 69. G.S. 115C-81(g1)(1)b. reads as rewritten:

"b. Instruction on the importance of voting and otherwise participating in the democratic process, including instruction on voter ~~registration and preregistration;~~registration;".

SECTION 70. G.S. 138A-22(d) reads as rewritten:

"(d) A candidate for an office subject to this Article shall file the statement of economic interest at the same place and in the same manner as the notice of candidacy for that office is required to be filed under G.S. 163-106 ~~or G.S. 163-323~~ within 10 days of the filing deadline for the office the candidate seeks. An individual who is nominated under G.S. 163-114 after the

primary and before the general election, and an individual who qualifies under G.S. 163-122 as an unaffiliated candidate in a general election, shall file a statement of economic interest with the county board of elections of each county in the senatorial or representative district. An individual nominated under G.S. 163-114 shall file the statement within three days following the individual's nomination, or not later than the day preceding the general election, whichever occurs first. An individual seeking to qualify as an unaffiliated candidate under G.S. 163-122 shall file the statement of economic interest with the petition filed under that section. An individual seeking to have write-in votes counted for that individual in a general election shall file a statement of economic interest at the same time the candidate files a declaration of intent under G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of economic interest at the same time that the president of the convention certifies the names of its candidates to the State Board of Elections under G.S. 163-98."

SECTION 71. G.S. 163-1(b) reads as rewritten:

"(b) On Tuesday next after the first Monday in May preceding each general election to be held in November for the officers referred to in subsection (a) of this section, there shall be held in all election precincts within the territory for which the officers are to be elected a primary election for the purpose of nominating candidates for each political party in the State for those ~~offices, and nonpartisan candidates as to offices elected under the provisions of Article 25 of this Chapter.~~offices."

SECTION 72. G.S. 163-22.3 reads as rewritten:

"**§ 163-22.3. State Board of Elections littering notification.**

At the time an individual files with the State Board of Elections a notice of candidacy pursuant to G.S. 163-106, 163-112, 163-291, ~~163-294.2, or 163-323,~~ or 163-294.2, is certified to the State Board of Elections by a political party executive committee to fill a nomination vacancy pursuant to G.S. 163-114, is certified to the State Board of Elections by a new political party as that party's nominee pursuant to G.S. 163-98, qualifies with the State Board of Elections as an unaffiliated or write-in candidate pursuant to Article 11 of this Chapter, or formally initiates a candidacy with the State Board of Elections pursuant to any statute or local act, the State Board of Elections shall notify the candidate of the provisions concerning campaign signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the Department of Transportation pursuant to G.S. 136-18."

SECTION 73. G.S. 163-82.10B reads as rewritten:

"**§ 163-82.10B. Confidentiality of date of birth.**

Boards of elections shall keep confidential the date of birth of every voter-registration applicant and registered voter, except in the following situations:

(1) When a voter has filed notice of candidacy for elective office under G.S. 163-106, 163-122, 163-123, or 163-294.2, ~~or 163-323,~~ has been nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has otherwise formally become a candidate for elective office. The exception of this subdivision does not extend to an individual who meets the definition of "candidate" only by beginning a tentative candidacy by receiving funds or making payments or giving consent to someone else to receive funds or transfer something of value for the purpose of exploring a candidacy.

(2) When a voter is serving in an elective office.

(3) When a voter has been challenged pursuant to Article 8 of this Chapter.

(4) When a voter-registration applicant or registered voter expressly authorizes in writing the disclosure of that individual's date of birth.

The disclosure of an individual's age does not constitute disclosure of date of birth in violation of this section.

The county board of elections shall give precinct officials access to a voter's date of birth where necessary for election administration, consistent with the duty to keep dates of birth confidential.

Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of action. This limitation of liability does not apply to the disclosure of a date of birth in violation of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable."

SECTION 74. G.S. 163-122(c) is repealed.

SECTION 75. G.S. 163-123(g) reads as rewritten:

"(g) Municipal and Nonpartisan Elections Excluded. – This section does not apply to municipal elections conducted under Subchapter IX of Chapter 163 of the General Statutes, and does not apply to nonpartisan elections.~~elections except for elections under Article 25 of this Chapter.~~"

SECTION 76. G.S. 163-165.5(3) reads as rewritten:

"**§ 163-165.5. Contents of official ballots.**

Each official ballot shall contain all the following elements:

...

(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. The State Board of Elections shall establish a review procedure that local boards of elections shall follow to ensure that candidates' names appear on the official ballot in accordance with this subdivision.

...."

SECTION 77. G.S. 163-278.64(c) reads as rewritten:

"(c) Certification of Candidates. – Upon receipt of a submittal of the record of demonstrated support by a participating candidate, the Board shall determine whether or not the candidate has complied with all the following requirements:

(1) Signed and filed a declaration of intent to participate in this Article.

(2) Submitted a report itemizing the appropriate number of qualifying contributions received from registered voters, which the Board shall verify through a random sample or other means it adopts. The report shall include the county of residence of each registered voter listed.

(3) Filed a valid notice of candidacy pursuant to Article ~~25~~ 10 of this ~~Chapter.~~ Chapter, a valid petition or declaration of intent under Article 11 of this Chapter, or is nominated under G.S. 163-98.

(4) Otherwise met the requirements for participation in this Article.

The Board shall certify candidates complying with the requirements of this section as soon as possible and no later than five business days after receipt of a satisfactory record of demonstrated support."

SECTION 78. G.S. 163-278.64A is repealed.

SECTION 79. G.S. 163-278.100(1) reads as rewritten:

"**§ 163-278.100. Definitions.**

As used in this Article, the following terms have the following definitions:

(1) The term "candidate-specific communication" means any broadcast, cable, or satellite communication that has all the following characteristics:

a. Refers to a clearly identified candidate for a statewide office or the General Assembly.

b. Is aired in an even-numbered year after the final date on which a Notice of Candidacy can be filed for the office, pursuant to ~~G.S. 163-106(c) or G.S. 163-323,~~ G.S. 163-106(c), and through the day on which the general election is conducted, excluding the time period set in the definition for "electioneering communication" in G.S. 163-278.80(2)b.

c. Is targeted to the relevant electorate.

...."

SECTION 80. G.S. 163-278.110(1) reads as rewritten:

"**§ 163-278.110. Definitions.**

As used in this Article, the following terms have the following definitions:

(1) The term "candidate-specific communication" means any mass mailing or telephone bank that has all the following characteristics:

a. Refers to a clearly identified candidate for a statewide office or the General Assembly.

b. Is transmitted in an even-numbered year after the final date on which a Notice of Candidacy can be filed for the office, pursuant to ~~G.S. 163-106(c) or G.S. 163-323,~~ G.S. 163-106(c), and through the day on which the general election is conducted, excluding the time period set in the definition for "electioneering communication" in G.S. 163-278.90(2)b.

c. Is targeted to the relevant electorate.

...."

SECTION 81. If House Bill 351, 2011 Regular Session, becomes law, Section 1.3 of that act is repealed.

SECTION 82. If House Bill 351, 2011 Regular Session, becomes law, Section 38.(b) of this act reads as rewritten:

"**SECTION 38.(b)** The ~~balances~~ unexpended funds remaining in ~~of~~ the North Carolina Voter-Owned Elections Fund upon this act becoming law are ~~transferred to the General Fund.~~to be used for the purposes of Section 1.9(a)(8) of House Bill 351, 2011 Regular Session."

SECTION 83. If Senate Bill 456, 2011 Regular Session, becomes law, Sections 4 and 5 of that act are repealed.

SECTION 84. The Joint Legislative Elections Oversight Committee shall study the feasibility and applicability of requiring electronic filing of all reports required to be filed with the State Board of Elections under G.S. 163-278.9, regardless of the amount. The Joint Legislative Elections Oversight Committee shall report its findings and recommendations to the 2012 Regular Session of the 2011 General Assembly.

SECTION 85. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

SECTION 86. Except as otherwise provided herein, this act becomes effective January 1, 2012, and apply to elections held on or after that date.

Attach. #4

SELF-FUNDED eGOVERNMENT OVERVIEW

Using zero-dollar contracts to:

- Expand citizen self-service to new delivery channels
- Increase agency operating efficiencies
- Do more with less

ENHANCING CITIZEN SERVICES AT NO COST TO AGENCIES

Self-funded eGovernment allows agencies to bypass the appropriations process and expand service delivery to citizens with a proven transaction-based funding solution.

HOW SELF-FUNDING WORKS

1. Modest per-transaction fees are applied primarily to business-to-government services, which covers the cost of building, maintaining, and expanding digital government services at no cost to agencies.
2. Transaction fees create a sustainable funding stream that supports long-term eGovernment development. (Several state agencies have been using self-funding to deliver citizen services for 19 years.)
3. Funding from a small number of fee services supports enterprise-wide eGovernment expansion. Most agencies use the funding source to offer a mix of free and fee services for users.
4. The ongoing funding source is reinvested in the development of future services and also offsets the private sector provider's costs.
5. Since the private sector provider is paid only when services are used, there is a built-in incentive to deploy in-demand services and market them aggressively to end users.
6. Strong central governance sets the eGovernment strategy, determines priorities, establishes transaction fee pricing, maintains control of all data, and oversees the private sector provider's operations.

WHY SELF-FUNDING WORKS

Success drives success: Results get attention, and government leaders nationwide have adopted this proven approach. More than 3,000 federal, state, and local agencies now use transaction-based funding to deliver services without appropriations.

Flexible approach: No two agencies are the same, and the self-funded model has been customized to meet the unique operating, financial, and political needs of federal, state, and local agencies.

Alignment of expertise: With self-funded eGovernment, an agency can focus on its core mission of providing essential services. The private sector's role is to make these core services available through Web, mobile, point-of-purchase, and future emerging technologies.

Rapid development of new services: NIC has built more than 7,500 eGovernment services and continue to launch hundreds of new solutions each year -- all of which can be customized and implemented quickly by agencies.

Transparent operations: Agencies determine the governance structure and the private sector provider reports regularly on the eGovernment program's performance and financial results.

Agency-friendly contracting: Unlike traditional IT contracts, self-funding has no change orders, ongoing maintenance costs, or other requirements that limit an agency's ability to address its evolving needs.

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CORE SELF-FUNDED COMPONENTS

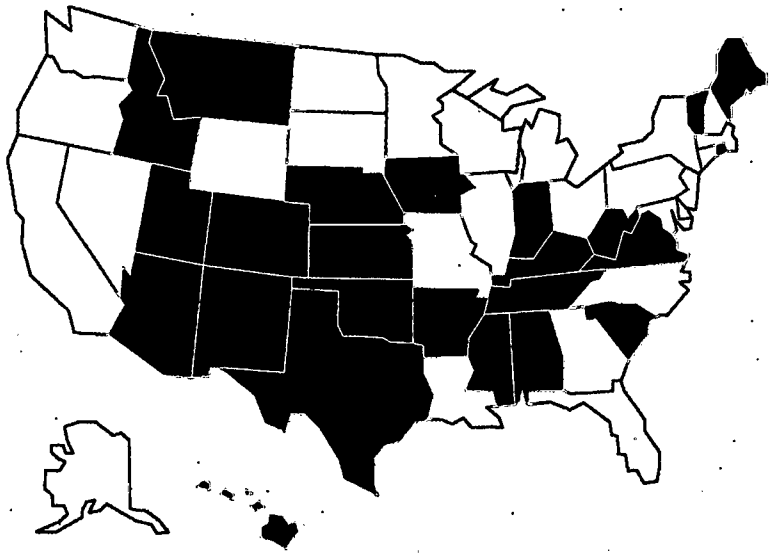
Self-funded eGovernment does not include hidden costs to agencies. All of the following elements are included at no cost as part of the self-funded approach:

- Customized funding model to meet each agency's specific requirements
- Locally-based management teams dedicated to each agency's projects
- Robust infrastructure, networking, and hosting technology
- Rapid application development to introduce new services
- Payment processing
- Security
- Web site design, usability, and accessibility services
- Marketing and public relations to drive usage
- Customer service
- New delivery channel expansion -- including mobile and point-of-purchase
- Social networking, Web 2.0, and emerging technologies
- Cloud services
- Training

AGENCIES USING SELF-FUNDED eGOVERNMENT

More than 3,000 federal, state, and local agencies use self-funded eGovernment, including:

- 24 states
- 500+ cities and counties
- Federal Motor Carrier Safety Administration's Pre-Employment Screening Program (www.psp.fmcsa.dot.gov)



SELF-FUNDED OVERSIGHT BEST PRACTICES

Competitive procurement process: All self-funded eGovernment contracts nationwide have been procured through competitive bidding.

Flexible governance: Examples of successful governance structures include oversight boards, panels with broad agency representation, and direct reporting relationships with individual agencies.

Agency maintains controls: All government data is controlled by the agency, and all decisions about eGovernment operations are made by the agency.

SELF-FUNDED BENEFITS

Higher citizen satisfaction - In Virginia, eGovernment services have a 97% citizen satisfaction rating.

Cost savings - In West Virginia, self-funding has reduced internal agency operating costs by $13 million in 3 years.

Efficiency - In 2010, agencies using self-funding processed 120 million digital transactions valued at $12.1 billion.

FOR MORE INFORMATION

Please contact Robert Chandler at (501).240-6271 or robert@egov.com.

Visit us on the web at www.egov.com.

NIC™ the people behind eGovernment®

ATTACHMENT 4

VISITOR REGISTRATION SHEET

Election Committee — 12-15-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jim Morrill	Charlotte Observer
J. Pinsky	NCELGR
Fay Ray	King Kony
~~AG~~ Damon Circosta	NC Center Voter ED
Bob Phillips	Common Cause NC
Michelle Frazier	MFRS
Amanda Fladin	Gov's Legal Counsel
Tom Stoddard	TSS
Tom Keith	

VISITOR REGISTRATION SHEET

Election Committee — 12-15-11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bob Hall	Democracy NC
Chris Anderson	
Will Cubbison	Raleigh
Meliza Price	ACUCE
Sarah Preston	ACLU-NC
Paula A. Wolf	Coalition for Lobbying + Gov't Reform
Todd Barlow	NC Advocates for Justice

Minutes

Committee on Elections

Thursday, July 14, 2011

The House Committee on Elections met on Thursday, July 14, 2011, in room 544 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Burr and Jones Co-Chairs, Representatives Alexander, L. Brown, Bryant, Cotham, Faircloth, Floyd, , Martin, McLawhorn, Michaux, Mobley, Ross, Stam, Warren, Weiss. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw, and Denise Huntley Adams. The Chair called the meeting to order at 1:35 PM and recognized the sergeant at arms.

The Chair announced that this was an informational meeting only. He also stated that HB 710 would be on the agenda for the next Elections Meeting on July 19, 2011. Before introducing the guest speak Rep. Ross asked if Robert Chandler was represented by a lobbyist. The Chair informed the committee that he was and the lobbyist was McGuireWoods Consulting, LLC, Mr. Harrison Kaplan.

Guest speaker was Robert Chandler, Vice President of NIC of Little Rock, AR. Mr. Chandler handed out to the committee members and the visitors a leaflet on Self-Funded eGovernment Overview, which is attached to these minutes.

After Mr. Chandler's presentation the floor was open for discussion.

The Chair asked Perry Newsom of the State Ethics Commission and Kim Strach of the State Board of Elections to answer questions from the members.

The meeting was adjourned at 2:45 PM

Representative David Lewis, Chair

Grace Rogers, Committee Clerk

Election Committee Meeting

July 14, 2011

Attachment 1:	Committee Notice
Attachment 2:	Minutes
Attachment 3:	Visitor Registration Sheet
Attachment 4:	Handout from Robert Chandler of NIC

Grace Rogers (Rep. Lewis)

From: Nancy Goodman (House Legislative Assistant's Office)
Sent: Wednesday, July 13, 2011 12:35 PM
To: Grace Rogers (Rep. Lewis)
Cc: Kara McCraw (Research); Erika Churchill (Research); Denise Huntley Adams (Research)
Subject: <NCGA> House Elections Committee Meeting Notice for Thu, 07-14-2011 at 1:30 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES

COMMITTEE MEETING NOTICE

AND

BILL SPONSOR NOTIFICATION

2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Thursday, July 14, 2011

TIME: 1:30 pm

LOCATION: 544 LOB

COMMENTS: This will be an informational meeting on technology.

Respectfully,

Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at

12 PM o'clock on **July 13, 2011.**

Principal Clerk

Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Attachment 3

VISITOR REGISTRATION SHEET

Elections — 7/14/11

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Perry Newson	SEC
Kathleen Edwards	SEC
Amanda Gladin-Kramer	Office of Gov. - Legal
Cameron McCormick	Office of Gov.
Ivy Hatch	NCRPT
Harry Kaplan	MWC
Phillip Riley	self
Damon Circosta	NCCVE
Melissa Price Kromm	NCIRE
JOSH ZACH	WPTF RADIO
Rep LARRY D. HALL	N.C. Legislature

VISITOR REGISTRATION SHEET

Elections — 7/14/11

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robert Wilson	SOS
Joal Broun	SOS
Rodney Maddox	SOSNC
Robert Cheshire	NEC
Christy Aspen	DOA
Veronica Degraffenreid	NC SBOE
Gary Bartlett	" "
Marc Burris	" "
Kim Strach	" "
Mary Shuping	State Ethics Comm.
Teresa Pell	" " "

VISITOR REGISTRATION SHEET

Elections — 7.14.2011

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	MFS
Chris Telesca	Wake Voc. Aed Voting
SOLARI	DST.
Matthew Gilmore	DST
Leslie Hood	DST
David Starling	DST
[illegible]	SEANC
[illegible]	SEANC
Jonathan Jefferson	BOE
Bob Phillips	Common Cause
Elizabeth Biser	Brooks Pierce

VISITOR REGISTRATION SHEET

Elections | 7.14.2011

Name of Committee | **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paige Worsham	Legislative Reporting Service

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Elections

DATE: 7.14.2011 **Room:** 344

*Name: _____

County: _____

Sponsor: _____

*Name: _____

County: _____

Sponsor: _____

*Name: _____

County: _____

Sponsor: _____

*Name: _____

County: _____

Sponsor: _____

*Name: _____

County: _____

Sponsor: _____

*Name: _____

County: _____

Sponsor: _____

House Sgt-At Arms:

1. Name: Carthur Adams
2. Name: Garland Shephard
3. Name: R L Carter
4. Name: Young Bae
5. Name: _____
6. Name: _____

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2011-2012 SESSION

You are hereby notified that the Committee on **Elections** will meet as follows:

DAY & DATE: Tuesday, June 26, 2012
TIME: 11:00 AM
LOCATION: 425 LOB
COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 908	Matching Funds Repeal.	Senator Brunstetter

Respectfully,
Representative Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at **9 AM** o'clock on **June 25, 2011.**

☐ Principal Clerk
☐ Reading Clerk – House Chamber

Grace Rogers (Committee Assistant)

Minutes

Committee on Elections

Tuesday, June 26, 2012

The House Committee on Elections met on Tuesday, June 26, 2012, in room 643 of the Legislative Office Building. Representative David Lewis, Chair, presided over the meeting. The following House members were present: Representative Burr, Current, and Jones Co-Chairs, Representatives Blust, L. Brown, R. Brown, Bryant, Cotham, Fisher, Floyd, Graham, Harrison, Iler, Justice, Killian, Martin, McLawhorn, Michaux, Mobley, Ross, Sager, Stam, Weiss. A Visitor Registration Sheet is attached and made part of these minutes. The following Staff members were present: Erika Churchill, Kara McCraw, and Denise Huntley Adams. The Chair called the meeting to order at 11:13 AM and Rep. Jones recognized the pages and sergeant at arms.

The bill sponsor asked that SB 908 Matching Funds Repeal not be heard at todays meeting.

Rep. David Lewis adjourned the meeting at 11:17 AM

David R. Lewis

Representative David R. Lewis, Chair

Grace Rogers

Grace Rogers, Committee Clerk

SENATE BILL 908:
Matching Funds Repeal

2011-2012 General Assembly

Committee:	House Elections	**Date:**	June 20, 2012
Introduced by:	Sen. Brunstetter	**Prepared by:**	R. Erika Churchill
Analysis of:	PCS to First Edition S908-CSST-104		Committee Counsel

SUMMARY: Senate Bill 908 would repeal the matching funds provisions in both the judicial and council of state public funding for campaigns programs.

CURRENT LAW: North Carolina currently provides two separate programs for public financing of elections – one for appellate judicial races and one for 3 of the 10 Council of State races (Auditor, Superintendent of Public Instruction, and Commissioner of Insurance).

To participate, the candidate must file a declaration of intent with the State Board of Elections BEFORE collecting any qualifying contributions. The declaration of intent has to be filed before or during the "qualifying period," which is September 1 of the year before the election until the day of the primary. After filing the declaration of intent, the candidate must collect qualifying contributions from a certain number of registered voters during the qualifying period. The State Board of Elections must then "certify" that the candidate has filed a declaration of intent, collected the appropriate contributions, and filed a notice of candidacy. Once certified, the candidate is entitled to receive distributions from the public financing fund. Distributions are as follows: none for an uncontested primary or general election; an initial distribution within 5 business days of certification by the State Board for a candidate in a contested general election; and matching funds, upon trigger.

If participating candidates are faced with "funds in opposition to a certified candidate or in support of an opponent to that candidate" exceed the trigger amount, the public financing programs provide for "matching funds" to be released to those participating certified candidates. In the case of a primary, the trigger amount equals the maximum qualifying contributions for participating candidates. In the case of a contested general election, the trigger amount equals the base level of funding available for the contested election for that office.

The opposition spending is subject to 24-hour expedited reporting so the matching fund provision can be administered. Matching funds are available in amounts matching the opposition spending, up to twice the trigger amount.

BILL ANALYSIS: The bill would repeal all of the matching funds provisions in the judicial public financing program (Sections 1-7 of the bill) and the council of state public financing program (Sections 8-14 of the bill), while making necessary corresponding conforming changes.

EFFECTIVE DATE: When it becomes law.

BACKGROUND: The United States Supreme Court found, in Arizona Free Enterprise Club's Freedom Club PAC, v. Bennett (2011), that a similar matching funds program was an unconstitutional restriction on free speech. Subsequent to that case, a lawsuit was filed in the 4th Circuit to declare the matching funds provisions in North Carolina law unconstitutional. The court found that the North Carolina matching funds statute is unduly burdensome and not sufficiently justified to survive First Amendment

SENATE BILL 908

Short Title:	Matching Funds Repeal.	(Public)
Sponsors:	Senators Brunstetter (Primary Sponsor); and Brock.	
Referred to:	Judiciary I.	

May 30, 2012

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE MATCHING FUNDS PROVISIONS OF THE PUBLIC CAMPAIGN ACT AND THE VOTER-OWNED ELECTION ACT AND TO MAKE CONFORMING AND RELATED CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.62(18) is repealed.

SECTION 2. G.S. 163-278.66 is repealed.

SECTION 3. G.S. 163-278.67 is repealed.

SECTION 4. G.S. 163-278.64(d)(2) reads as rewritten:

"(2) From the filing of a declaration of intent through the end of the qualifying period, a candidate may accept only qualifying contributions, contributions under ten dollars ($10.00) from North Carolina voters, and personal and family contributions permitted under subdivision (4) of this subsection. The total contributions the candidate may accept during this period shall not exceed the maximum qualifying contributions for that candidate. In addition to these contributions, the candidate may only expend during this period the remaining money raised pursuant to subdivision (1) of this ~~subsection and possible matching funds received pursuant to G.S. 163-278.67.~~subsection. Except for personal and family contributions permitted under subdivision (4) of this subsection, multiple contributions from the same contributor to the same candidate shall not exceed five hundred dollars ($500.00)."

SECTION 5. G.S. 163-278.64A(a) reads as rewritten:

"(a) Participation Provisions Modified. – Candidates involved in elections described in G.S. 163-329 may participate in the Fund subject to the provisions of G.S. 163-278.64 as modified by this section. The Board shall adapt other provisions of this ~~Article, including G.S. 163-278.67,~~ Article to those elections."

SECTION 6. G.S. 163-278.65(b)(2) reads as rewritten:

"(2) Contested primaries. – No funds shall be ~~distributed except as provided in G.S. 163-278.67.~~distributed."

SECTION 7. G.S. 163-278.68(d) reads as rewritten:

"(d) Board to Adopt Rules and Issue Opinions. – The Board shall adopt rules and issue opinions to ensure effective administration of this Article. Such rules and opinions shall include, but not be limited to, procedures for obtaining qualifying contributions, certification of candidates, addressing circumstances involving special elections, vacancies, recounts, withdrawals, or replacements, collection of revenues for the Fund, distribution of Fund revenue to certified candidates, return of unspent Fund disbursements, and compliance with this Article.

~~The Board shall adopt procedures for the distribution of matching money that further the purpose and avoid the subversion of G.S. 163-278.67.~~ For races involving special elections, recounts, vacancies, withdrawals, or replacement candidates, the Board shall establish procedures for qualification, certification, disbursement of Fund revenues, and return of unspent Fund revenues. The Board shall fulfill each of these duties in consultation with the Advisory Council on the Public Campaign Fund."

SECTION 8. G.S. 163-278.96(17) is repealed.

SECTION 9. G.S. 163-278.99A is repealed.

SECTION 10. G.S. 163-278.99B is repealed.

SECTION 11. G.S. 163-278.98(e)(2) reads as rewritten:

"(2) From the filing of a declaration of intent through the end of the qualifying period, a candidate may accept only qualifying contributions, contributions under ten dollars ($10.00) from North Carolina voters, in-kind party contributions as permitted in subdivision (4) of this subsection, and personal and family contributions permitted under subdivision (4a) of this subsection. The total contributions the candidate may accept during this period shall not exceed the maximum qualifying contributions for that candidate. In addition to these contributions, the candidate may only expend during this period the remaining money raised pursuant to subdivision (1) of this ~~subsection and possible matching funds received pursuant to G.S. 163-278.99B~~ subsection. If the candidate has any remaining money that was raised as contributions before August 1 of the year before the election, the candidate may not expend that money after filing the declaration of intent, except for purposes permitted under subdivision (2), (3), (6), (7), or (8) of G.S. 163-278.16B(a)."

SECTION 12. G.S. 163-278.98(e)(3) reads as rewritten:

"(3) After the qualifying period and through the date of the general election, the candidate shall cease campaign-related fund-raising activities and shall expend only the funds the candidate receives from the Fund pursuant to G.S. 163-278.99(b) plus any funds remaining from the qualifying ~~period and possible matching funds.~~period."

SECTION 13. G.S. 163-278.99(b)(2) reads as rewritten:

"(2) Contested primaries. – No funds shall be ~~distributed except as provided in G.S. 163-278.99B.~~distributed."

SECTION 14. G.S. 163-278.13(e4) is repealed.

SECTION 15. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

ELECTIONS — 6/26/12

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gill Frazier	NCDACS
Chad Rhoades	NCDACS
Michael Heslop	NGA
Bob Phillips	Common Cause
K. Bestman	TSS
Sarah Preston	ACLU-NC
Graham Ansun	NCCVE
Melissa Price	NCVCE

VISITOR REGISTRATION SHEET

Elections — Name of Committee

6/26/12 — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
PAIGE WORSHAM	LEGISLATIVE REPORTING SERVICE
Angela Hight	Civitas Institute
[illegible]	[illegible]
[illegible]	[illegible]
BILL GILKESON	BAILEY & DIXON LLP
Kim Strach	SBE

House Committee Pages / Sergeants at Arms

NAME OF COMMITTEE Elections

DATE: 6-26-2012 **Room:** 643

*Name: Margaret Coleman
County: Sampson
Sponsor: Larry Bell
*Name: Michael Knudson
County: Wayne
Sponsor: Efton Sager
*Name: Bailey Jones
County: Mecklenburg
Sponsor: Ruth Samuelson
*Name: Meredith Ratledge
County: Davie
Sponsor: Julia Howard
*Name: Sammi Bailey
County: Guilford
Sponsor: Harrison, Pricey

House Sgt-At Arms:

1. Name: Martha Gadison
2. Name: Joe Crook
3. Name: Bob Reese
4. Name: Gil Morello
5. Name: Young Boe
6. Name:

Box #	Year	Chamber	Committee
5	2011-2012	House	Environment
5	2011	House	Ethics
5	2011-2012	House	Finance