2017-2018

HOUSE
ELECTIONS & ETHICS
LAW

MINUTES

HOUSE COMMITTEE ON ELECTIONS & ETHICS LAW

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
Bert Jones, Chair	Brenda Olls	3-5779	416 A	54
David Lewis, Chair	Grace Rogers	5-3015	2301	6
Mickey Michaux;V-Chair	Anita Wilder	5-2528	1227	11
John Szoka; Vice-Chair	Beverly Slagle	3-9892	2207	30
Harry Warren;Vice-Chair	Cristy Yates	3-5784	611	56
Jay Adams	Susan Phillips	3-5988	2223	73
John Blust	Gennie Thurlow	3-5781	2208	49
Beverly Boswell	Beth Strandberg	3-5906	531	97
Justin Burr	Dina Long	3-5908	307 A	16
Debra Conrad	Danielle Brinton	3-5787	416 B	44
Ted Davis	Judy Lowe	3-5786	417 B	27
Jimmy Dixon	Michael Wiggins	5-3021	2226	18
John Faircloth	Becky Bauerband	3-5877	613	28
Susan Fisher	Cindy Garrison	5-2013	504	69
Elmer Floyd	Dorothy McLean	3-5959	1325	83
Carl Ford	Olivia Clapp	3-5881	608	64
George Graham	Beverlee Baker	3-5995	1321	79
Destin Hall	Katelyn Garlow	3-5931	306C	87
Jon Hardister	Jayne Nelson	3-5191	638	39
Pricey Harrison	Sue Osborne	3-5771	1218	70
Howard Hunter	Brenda Bennett	3-5780	1307	46
Frank Iler	Carla Langdon	1-1450	639	14
Darren Jackson	Angela McMillian	3-5974	506	57
Grier Martin	Sylvia Hammons	3-5773	1023	94
Susan Martin	Susie Farrell	5-3023	526	29
Bobbie Richardson	Anna Helms	5-3032	1217	81
Dennis Riddell	Polly Riddell	3-5905	533	99
Michael Speciale	Hazel Speciale	3-5853	1008	50
Sam Watford	Regina Irwin	5-2526	2121	76
Shelly Willingham	Johnna Smith	5-3024	513	96

ATTENDANCE

House Committee on Elections and Ethics Law

(Name of Committee)

DATES	2-21-17	3-16-17	4-4-17	4-26-17	5-4-17	5-25-17	6-1-17	6-21-17	6-28-17						
Bert Jones, Chair		X					X	X	X						
David Lewis, Chair	X		X			X	X	X							
Mickey Michaux, Vice-Chair	X		X			X	X	X	X						
John Szoka, Vice-Chair	X	X						X	X						
Harry Warren, Vice-Chair	X	X	X			X	X	X	X						
Jay Adams	X	X					X		X						
John Blust	X	X					X		X						
Beverly Boswell	X	X	X				X	X	X						
Justin Burr	X	X	X			X		X	X						
Debra Conrad	X	X	X			X	X	X	X						
Ted Davis	X	X	X			X	X		X						
Jimmy Dixon	X		X					X	X						
John Faircloth	X	X	X					X	X						
Susan Fisher	X	X	X				X	X	X						
Elmer Floyd	X	X	X			X	X	X	X						
Carl Ford	X	X	X			X	X	X	X						
George Graham	X	X	X				X	X	X						
Destin Hall	X	X	X				X	X	X						
Jon Hardister	X		X			X	X	X	X						
Pricey Harrison	X	X	X			X	X		X						
Howard Hunter	X	X	X				X	X	X						
Frank Iler	X	X	X			X		X	X						
Darren Jackson	X		X			X		X	X						
Grier Martin	X					X		X	X						
Susan Martin	X	X	X				X	X	X						
Bobbie Richardson	X	X	X				X	X	X						

ATTENDANCE

House Committee on Elections and Ethics Law

(Name of Committee)

DATES	2-21-17	3-16-17	4-4-17	4-26-17	5-4-17	5-25-17	6-1-17	6-21-17	6-28-17						
PAGE 2															
Dennis Riddell	X					X		X	X						
Michael Speciale	X	X	X			X	X	X	X						
Sam Watford	X	X	X			X	X	X	X						
Shelley Willingham	X		X				X	X	X						

Corrected #3: Time Change

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Tuesday, February 21, 2017
TIME: **10:15 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 100	Restore Partisan Elections/Sup. & Dist. Court.	Representative Burr Representative Saine Representative Bumgardner Representative Henson
HB 119	Clarify Vacancy Elections - County Commission.	Representative Lewis Representative Bert Jones
HB 19	Organizational Meeting/Local Elected Boards.	Representative Davis

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:42 AM on Thursday, June 29, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Laura Bone (Committee Assistant)

House Committee on Elections
Tuesday, February 21, 2017 at 10:00 a.m.
Room 544 of the Legislative Office Building

MINUTES

The House Committee on Elections met at 10:15 a.m. on February 21, 2017 in Room 544 of the Legislative Office Building. Representatives Jones, Lewis, Adams, Blust, Boswell, Burr, Conrad, Davis, Dixon, Faircloth, Fisher, Floyd, Ford, G. Graham, Destin Hall, Hardister, Harrison, Hunter, Iler, Jackson, Martin, G., Martin, S., Michaux, Richardson, Riddell, Speciale, Szoka, Warren, Watford and Willingham attended. Staff present: Kara McCraw and Jessica Sammons.

Representative David Lewis, Chair, presided.

The following bills were considered:

HB 119 Clarify Vacancy Elections - County Commission. (Representatives Lewis and Burr).
Representative Lewis vacated the chair; Representative Warren assumed the chair at 10:16 a.m.

Representative Lewis explained the bill.

Representative Lewis made a motion for a favorable report. The motion carried at 10:17 a.m.

HB19 Organizational Meeting/Local Elected Boards. (Representative Davis).
Representative Lewis assumed the chair at 10:17 a.m. He states that a Proposed Committee Substitute is before the committee.

Representative Davis explains the bill.

Representative makes a motion for a favorable report, favorable to the proposed committee substitute and unfavorable to the original bill. The motion carries.

HB 100 Restore Partisan Elections/ Sup. & Dist. Court. (Representatives Burr, Saine, Bumgardner, Henson).
Representatives Saine, Bumgardner, and Henson explained the bill.

There was public comment on the bill. The individuals listed below spoke on the bill. Each citizen was allowed 2 minutes to speak.

- Kim Crough, NC BAR Association
- Aylett Colston, public lawyer

Reps. Saine and Bumgardner spoke again on the bill.

Representative Davis made a motion for a favorable report. The motion carried.

With no further business before the committee, the committee adjourned at 10:52 a.m.

Representative David Lewis, Chair
Presiding

Greg Gebhardt, Committee Clerk

House Committee on Elections and Ethics Law
Tuesday, February 21, 2017, 10:15 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 100	Restore Partisan Elections/Sup. & Dist. Court.	Representative Burr Representative Saine Representative Bumgardner Representative Henson
HB 119	Clarify Vacancy Elections - County Commission.	Representative Lewis Representative Bert Jones
HB 19	Organizational Meeting/Local Elected Boards.	Representative Davis

Adjournment

HOUSE BILL 100:
Restore Partisan Elections/Sup. & Dist. Court.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	February 16, 2017
Introduced by:	Reps. Burr, Saine, Bumgardner, Henson	**Prepared by:**	Erika Churchill Jessica Sammons Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 100 would provide that elections of superior court and district court judges be conducted in a partisan manner.

CURRENT LAW: The Superior and District Court Divisions of the General Court of Justice consist of various trial courts organized in territorial districts. 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.

The provisions for nonpartisan judicial races are set out in Article 25 of Chapter 163 of the General Statutes. Candidates run in nonpartisan primaries by district, 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.

BILL ANALYSIS: House Bill 100 repeals Article 25 of Chapter 163 of the General Statutes, the current statutes governing the non-partisan process for conducting superior and district court races, and places superior and district court judges under partisan elections. As a result, if enacted, all judicial elections in North Carolina would be partisan, beginning with the 2018 election cycle. The bill also makes conforming changes necessary to implement the repeal of Article 25 of Chapter 163 of the General Statutes.

EFFECTIVE DATE: Effective for elections held on or after January 1, 2018.

BACKGROUND: 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.

In the 2016 election, candidates for Court of Appeals judge were required to disclose their party affiliation, and the party affiliation was printed on the official ballot. S.L. 2015-292. However, these candidates were elected through a non-partisan method. In December 2016, the General Assembly re-established partisan elections for the North Carolina Supreme Court and Court of Appeals, effective with the 2018 elections. S.L. 2016-125.

HOUSE BILL 100

Short Title: Restore Partisan Elections/Sup. & Dist. Court. (Public)

Sponsors: Representatives Burr, Saine, Bumgardner, and Henson (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Elections and Ethics Law

February 15, 2017

A BILL TO BE ENTITLED

AN ACT TO RESTORE PARTISAN JUDICIAL ELECTIONS FOR NORTH CAROLINA SUPERIOR AND DISTRICT COURTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18C-112(e)(1) reads as rewritten:

"(e) If any member takes any of the following actions, the member vacates office as a member of the Commission and the vacancy shall be filled as provided by G.S. 18C-111(c):

(1) Files a notice of candidacy under G.S. 163-106 ~~or G.S. 163-323~~ or a petition under ~~G.S. 163-107.1 or G.S. 163-325.~~G.S. 163-107.1."

SECTION 2. 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 3. 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 4. 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.

(5) When requested by a county jury commission established pursuant to G.S. 9-1 for purposes of preparing the master jury list in that county pursuant to G.S. 9-2.

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 5. G.S. 163-106, as amended by Section 21(a) of S.L. 2016-125, reads as rewritten:

"**§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal.**

...

(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 court
Judges of the district court
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, ~~or~~ 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 the candidate seeks nomination. A person seeking election for a specialized

district judgeship established under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the specialized judgeship to which the person seeks nomination. Votes cast for a candidate shall be effective only for nomination to the vacancy for which the candidate has given notice of candidacy as provided in this subsection.

...

(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, if the candidacy is for superior court judge and the county contains more than one superior court district, stating the superior court district of which the person is a resident, 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.

...

(j) No person may file a notice of candidacy for superior court judge, unless that person is, at the time of filing the notice of candidacy, a resident of the judicial district as it will exist at the time the person would take office if elected. No person may be nominated as a superior court judge under G.S. 163-114, unless that person is, at the time of nomination, a resident of the judicial district as it will exist at the time the person would take office if elected. This subsection implements Section 9(1) of Article IV of the North Carolina Constitution which requires regular superior court judges to reside in the district for which elected."

SECTION 6. G.S. 163-107(a), as amended by Section 21(b) of S.L. 2016-125, 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 the candidate files under the provisions of G.S. 163-106 a filing fee for the office 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 of the Supreme Court, Judges of the Court of Appeals, and~~ 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 7. 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 five percent (5%) 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 8. G.S. 163-111(c)(1), as amended by Section 21(d) of S.L. 2016-125, 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 the candidate to exercise any options available to the candidate within a 48-hour period following the notification:

Governor,
Lieutenant Governor,
All State executive officers,

~~Justices of the Supreme Court, Judges of the Court of Appeals, or~~ 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 9. 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 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 10. G.S. 163-122(c) is repealed.

SECTION 11. G.S. 163-123(g) is repealed.

SECTION 12. G.S. 163-165.5(a)(3) reads as rewritten:

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

(a) Except as provided in this section, 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 13. Article 25 of Subchapter X of Chapter 163 of the General Statutes is repealed.

SECTION 14. This act is effective with respect to primaries and elections held on or after January 1, 2018.

HOUSE BILL 119:
Clarify Vacancy Elections - County Commission.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	February 20, 2017
Introduced by:	Reps. Lewis, Bert Jones	**Prepared by:**	Erika Churchill
Analysis of:	First Edition		Jessica Sammons
			Committee Counsel

OVERVIEW: House Bill 119 would clarify that, in the event of a vacancy during a four-year county board of commissioners' term, the length of the appointment to fill the vacancy is determined by the date of the next general election for county commissioner, not just a general election in which all precincts are open on election day.

CURRENT LAW: Each county is governed by a board of commissioners. The county exercises its powers, duties, and privileges through its boards of commissioners. G.S. 153A-12. A county may alter the structure of its board of commissioners (i.e., the number of commissioners, their terms of office, the mode of election, selection of the chair) by following the requirements set out in G.S. 153A-58. Newly elected commissioners take office on the first Monday in December following their election. G.S. 153A-26. There are two statutory processes governing filling vacancies on the board of commissioners. Generally, counties are either subject to the method described in G.S. 153A-27 or the modified version described in G.S. 153A-27.1.

Selection of Appointee:
In both G.S. 153A-27 and G.S. 153A-27.1, when a vacancy on the board of commissioners occurs, the remaining members appoint a new member. If a quorum is not reached, the chair appoints enough new members to obtain a quorum, and then the board will fill remaining vacancies. If a quorum is not reached and the office of the chair is vacant, the clerk of superior court fills the vacancies upon the request of any remaining member or upon petition of registered voters in the county. If the departing member was elected as a political party nominee, the appointee must be a member of the same political party, and if the county is divided into electoral districts to elect commissioners, the appointee must reside in the same district as the departing nominee. Beyond that, there are a couple of key differences between the two statutes regarding the selection process:

G.S. 153A-27:

- If there is an insufficient number of members to obtain a quorum and no chair, the clerk of superior court must fill the vacancies upon request of any five registered voters.
- If the remaining members do not fill a vacancy within 60 days, the clerk of superior court must be immediately notified, and must then fill the vacancy within 10 days of notification.
- If the departing member was originally elected as a nominee of a political party, whoever is filling the vacancy (either the board, chair, or the clerk of superior court) must consult the executive committee of the relevant political party before filling a vacancy, but are not required to follow that committee's recommendation.

G.S. 153A-27.1:

- If there is an insufficient number of members to obtain a quorum and no chair, the clerk of superior court must fill the vacancies upon request of any number of registered voters.
- If the departing member was originally elected as a nominee of a political party, whoever is filling the vacancy (either the board, chair, or the clerk of superior court) must appoint the nominee of the executive committee of the relevant political party if the recommendation is made within 30 days after the seat becomes vacant.

The main difference between the two processes is that for those counties subject to G.S. 153A-27.1, the appointing authority is bound by the recommendation of the relevant political party, if that recommendation is made within 30 days of the vacancy.[1]

Length of Appointee's Term:
Both G.S. 153A-27 and G.S. 153A-27.1 have the same rules regarding the length of the appointee's term, regardless of who selects the appointee. How long the appointed commissioner will serve depends on the term of the vacating member and when the vacancy occurs during that term, summarized in the following chart:

Term of Vacating Member:	Term of Appointee:
Departing member was serving 2 year term and vacates office during the term.	Appointee will serve the remainder of unexpired term.
Departing member was serving 4 year term and vacates office later than 60 days before the next general election held after the first two years of the term.	Appointee will serve the remainder of unexpired term.
Departing member was serving 4 year term and vacates office more than 60 days before the next general election.	Appointee will serve until first Monday in December following the next general election. Person elected at next general election will serve for the remainder of the unexpired term.

BILL ANALYSIS: House Bill 119 amends both G.S. 153A-27 and G.S. 153A-27.1 to clarify that the general election triggering an election to fill a vacancy is a general election in which county commissioners are elected, not just a general election in which all precincts in that county are open on election day.

EFFECTIVE DATE: Effective when it becomes law and applies to vacancy elections held on or after that date.

[1]G.S. 153A-27.1 applies in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Caldwell, Carteret, Cherokee, Clay, Cleveland, Cumberland, Dare, Davidson, Davie, Forsyth, Graham, Guilford, Harnett, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Moore, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Transylvania, and Yancey.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 1

HOUSE BILL 119

Short Title: Clarify Vacancy Elections - County Commission. (Public)

Sponsors: Representatives Lewis and Bert Jones (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Elections and Ethics Law

February 16, 2017

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE TIME OF THE NEXT GENERAL ELECTION TO FILL CERTAIN VACANCIES IN THE OFFICE OF COUNTY COMMISSIONER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-27 reads as rewritten:

"**§ 153A-27. Vacancies on the board of commissioners.**

(a) If a vacancy occurs on the board of commissioners, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the number of vacancies on the board is such that a quorum of the board cannot be obtained, the chairman of the board shall appoint enough members to make up a quorum, and the board shall then proceed to fill the remaining vacancies. If the number of vacancies on the board is such that a quorum of the board cannot be obtained and the office of chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon the request of any remaining member of the board or upon the petition of any five registered voters of the county. If for any other reason the remaining members of the board do not fill a vacancy within 60 days after the day the vacancy occurs, the clerk shall immediately report the vacancy to the clerk of superior court of the county. The clerk of superior court shall, within 10 days after the day the vacancy is reported to him, fill the vacancy.

(b) If the member being replaced was serving a two-year term, or if the member was serving a four-year term and the vacancy occurs later than 60 days before the general election for county commissioner held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to the first Monday in December next following the first general election for county commissioner held more than 60 days after the day the vacancy occurs; at that general election, a person shall be elected to the seat vacated, either to the remainder of the unexpired term or, if the term has expired, to a full term.

(c) To be eligible for appointment to fill a vacancy, a person must (i) be a member of the same political party as the member being replaced, if that member was elected as the nominee of a political party, and (ii) be a resident of the same district as the member being replaced, if the county is divided into electoral districts. The board of commissioners or the clerk of superior court, as the case may be, shall consult the county executive committee of the appropriate political party before filling a vacancy, but neither the board nor the clerk of the superior court is bound by the committee's recommendation."

SECTION 2. G.S. 153A-27.1 reads as rewritten:

"**§ 153A-27.1. Vacancies on board of commissioners in certain counties.**

(a) If a vacancy occurs on the board of commissioners, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the number of vacancies on the board is such that a quorum of the board cannot be obtained, the chairman of the board shall appoint enough members to make up a quorum, and the board shall then proceed to fill the remaining vacancies. If the number of vacancies on the board is such that a quorum of the board cannot be obtained and the office of chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon the request of any remaining member of the board or upon the petition of any registered voters of the county.

(b) If the member being replaced was serving a two-year term, or if the member was serving a four-year term and the vacancy occurs later than 60 days before the general election for county commissioner held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to the first Monday in December next following the first general election for county commissioner held more than 60 days after the day the vacancy occurs; at that general election, a person shall be elected to the seat vacated for the remainder of the unexpired term.

(c) To be eligible for appointment to fill a vacancy, a person must (i) be a member of the same political party as the member being replaced, if that member was elected as the nominee of a political party, and (ii) be a resident of the same district as the member being replaced, if the county is divided into electoral districts.

(d) If the member who vacated the seat was elected as a nominee of a political party, the board of commissioners, the chairman of the board, or the clerk of superior court, as the case may be, shall consult the county executive committee of the appropriate political party before filling the vacancy, and shall appoint the person recommended by the county executive committee of the political party of which the commissioner being replaced was a member, if the party makes a recommendation within 30 days of the occurrence of the vacancy.

(e) Whenever because of G.S. 153A-58(3)b. or because of any local act, only the qualified voters of an area which is less than the entire county were eligible to vote in the general election for the member whose seat is vacant, the appointing authority must accept the recommendation only if the county executive committee restricted voting to committee members who represent precincts all or part of which were within the territorial area of the district of the county commissioner.

(f) The provisions of any local act which provides that a county executive committee of a political party shall fill any vacancy on a board of county commissioners are repealed.

(g) Counties subject to this section are not subject to G.S. 153A-27.

(h) This section shall apply only in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Caldwell, Carteret, Cherokee, Clay, Cleveland, Cumberland, Dare, Davidson, Davie, Forsyth, Graham, Guilford, Harnett, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Moore, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Transylvania, and Yancey."

SECTION 3. This act is effective when it becomes law and applies to vacancy elections held on or after that date.

HOUSE BILL 19:
Organizational Meeting/Local Elected Boards.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	February 20, 2017
Introduced by:	Rep. Davis	**Prepared by:**	Erika Churchill
Analysis of:	PCS to First Edition H19-CSST-1		Staff Attorney

OVERVIEW: The proposed committee substitute for House Bill 19 would clarify that, following an election, the newly seated board would organize and select a chair and other statutory officers from its membership.

CURRENT LAW: Generally, local elected boards are required to meet periodically and organize themselves by selecting a chair and other officers to serve the elected board for a period of time. By statute, the times to meet are:

- Local Boards of Education – No later than 60 days after the swearing in of members following an election or appointment, and as often thereafter as the board determines. The board is to elect a chair for one year. G.S. 115C-41.
- Sanitary Boards – Upon election, to select a chair and secretary. G.S. 130A-56.
- Boards of County Commissioners – On the 1st Monday in December in the even year, and first regular meeting in December in the odd year, to select a chair and vice-chair for one year. G.S. 153A-39.
- City Councils – On a date and time fixed by the city council, but not later than the first regular meeting in December after the results of the municipal election have been certified. The meeting is to take place notwithstanding the failure to qualify of one or more members, if at least a quorum of the members are present. G.S. 160A-68. The council is to select a mayor pro tempore. G.S. 160A-70.

If following an election, one or more members of the elected board cannot be seated due to a delay in the determination of the election results, the individual previously elected continues to "hold over" in that seat until the election is determined. Section 10 of Article VI of the North Carolina Constitution and G.S. 128-7.

BILL ANALYSIS: The proposed committee substitute for House Bill 19 would clarify that if, following an election, one or more members of the local elected board could not be sworn in due to an election protest, that local board's previously selected chair and other officers, if any, would continue to hold their positions until the election protest is resolved and the new local elected board member or

members sworn in. At the first regular meeting of the local elected board following the swearing in of its new board member or members, it would then select its chair and other officers.

EFFECTIVE DATE: Effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 1

HOUSE BILL 19

Short Title:	Selection of Chair & Vice-Chair/County BOCs.	(Public)
Sponsors:	Representative Davis.	
Referred to:	Elections and Ethics Law	

January 26, 2017

A BILL TO BE ENTITLED

AN ACT AMENDING THE LAWS REGARDING WHEN A COUNTY BOARD OF COMMISSIONERS IS REQUIRED TO SELECT A CHAIR AND VICE-CHAIR OF THE BOARD TO ACCOUNT FOR A SELECTION DELAY DUE TO THE FILING OF AN ELECTION PROTEST.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-39 reads as rewritten:

"**§ 153A-39. Selection of chairman and vice-chairman; powers and duties.**

On:

(1) The first Monday in December of each even-numbered ~~year; and~~year,

(2) Its first regular meeting in December of each odd-numbered year, or

(3) If an election protest has been filed pursuant to G.S. 163-182.9, certification of election and swearing into office,

the board of commissioners shall choose one of its members as chairman for the ensuing year, unless the chairman is elected as such by the people or otherwise designated by law. The board shall also at that time choose a vice-chairman to act in the absence or disability of the chairman. If the chairman and the vice-chairman are both absent from a meeting of the board, the members present may choose a temporary chairman.

The chairman is the presiding officer of the board of commissioners. Unless excused by rule of the board, the presiding officer has the duty to vote on any question before the board, but he has no right to break a tie vote in which he participated."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 19
PROPOSED COMMITTEE SUBSTITUTE H19-CSST-1 [v.7]
02/20/2017 06:06:31 PM

Short Title: Organizational Meeting/Local Elected Boards. (Public)

Sponsors:

Referred to:

January 26, 2017

A BILL TO BE ENTITLED

AN ACT AMENDING THE LAWS REGARDING WHEN LOCAL ELECTED BOARDS SELECT A CHAIR AND OTHER OFFICERS OF THE BOARD WHEN THERE IS A DELAY IN THE DETERMINATION OF ELECTION RESULTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-41 reads as rewritten:

"**§ 115C-41. Organization of board.**

(a) Unless otherwise provided by local law, all local boards of education shall have an organizational meeting no later than 60 days after the swearing in of all members filling vacant seats following election or appointment and as often thereafter as the board shall determine appropriate. The board may fix the date and time of its organizational meeting. At the organizational meeting the members of all boards shall elect one of their members as ~~chairman~~ chair for a period of one year, or until ~~his~~ a successor is elected and qualified. The ~~chairman~~ chair of the local board of education shall preside at the meetings of the board, and in the event of ~~his~~ absence or sickness, the board may appoint one of its members temporary ~~chairman.~~chair.

(a1) If, notwithstanding subsection (a) of this section, following an election, one or more members of the board cannot be sworn in due to an election protest under G.S. 163-182.9, the chair chosen the previous year shall continue to hold that position until the election protest is resolved and all board members take the oath of office. If the chair chosen the previous year is no longer a member of the board, the board members may choose a temporary chair to serve until the election protest is resolved and all board members take the oath of office. At the first regular meeting of the local board of education following the qualification of the newly board member or members, the local board of education shall choose a chair for the remainder of that year.

(a2) The superintendent of schools, whether a county or city superintendent, shall be ex officio secretary to his or her respective board. ~~He~~ The superintendent shall keep the minutes of the meetings of the board but shall have no vote: Provided, that in the event of a vacancy in the superintendency, the board may elect one of its members to serve temporarily as secretary to the board.

(b) All local boards of education shall meet on the first Monday in January, April, July, and October of each year, or as soon thereafter as practicable. A board may elect to hold regular monthly meetings, and to meet in special session upon the call of the ~~chairman~~ chair or of the secretary as often as the school business of the local school administrative unit may require."

SECTION 2. G.S. 130A-56 reads as rewritten:

"**§ 130A-56. Election of officers; board compensation.**

(a) Upon election, a sanitary district board shall meet and elect one of its members as chairperson and another member as secretary. The chairperson of the sanitary district board shall

preside at the meetings of the board, and in the event of absence or sickness, the board may appoint one of its members temporary chair.

(a1) If, notwithstanding subsection (a) of this section, following an election, one or more members of the sanitary district board cannot be sworn in due to an election protest under G.S. 163-182.9, the chairperson and secretary chosen the previous year shall continue to hold their positions until the election protest is resolved and all board members take the oath of office. If the chairperson or secretary chosen the previous year is no longer a member of the board, the board members may choose a temporary chairperson or secretary to serve until the election protest is resolved and all board members take the oath of office. At the first regular meeting of the board following the qualification of the newly board member or members, the board shall choose a chair and secretary.

(b) The board may employ a clerk or other assistants as necessary and may fix duties of and compensation for employees. A sanitary district board may remove employees and fill vacancies.

(c) The board may fix the compensation and allowances of the ~~chairman~~ chairperson and other members of the board by adoption of the annual budget ordinance, payable from the funds of the district, but no increase may become effective earlier than the first meeting of the board following the next election of board members after adoption of the ordinance. Until adoption of an ordinance under this subsection, each member of the board may receive compensation as provided for members of State boards under G.S. 138-5, payable from funds of the district."

SECTION 3. G.S. 153A-39 reads as rewritten:

"**§ 153A-39. Selection of ~~chairman and vice-chairman;~~ chair and vice-chair; powers and duties.**

(a) On:

(1) The first Monday in December of each even-numbered year; and

(2) Its first regular meeting in December of each odd-numbered year,

the board of commissioners shall choose one of its members as ~~chairman~~ chair for the ensuing year, unless the ~~chairman~~ chair is elected as such by the people or otherwise designated by law. The board shall also at that time choose a ~~vice-chairman~~vice-chair to act in the absence or disability of the ~~chairman.~~chair. If the ~~chairman~~ chair and the ~~vice-chairman~~vice-chair are both absent from a meeting of the board, the members present may choose a temporary ~~chairman.~~chair.

(b) If, notwithstanding subsection (a) of this section, following an election, one or more members of the board cannot be sworn in due to an election protest under G.S. 163-182.9, the chair and vice-chair chosen the previous year shall continue to hold their positions until the election protest is resolved and all board members take the oath of office. If the chair or vice-chair chosen the previous year is no longer a member of the board, the board members may choose a temporary chair or vice-chair to serve until the election protest is resolved and all board members take the oath of office. At the first regular meeting of the board of commissioners following the qualification of the newly board member or members, the board shall choose a chair and vice-chair for the remainder of that year.

(c) The ~~chairman~~ chair is the presiding officer of the board of commissioners. Unless excused by rule of the board, the presiding officer has the duty to vote on any question before the board, but ~~he~~ the presiding officer has no right to break a tie vote in which he or she participated."

SECTION 4. G.S. 160A-70 reads as rewritten:

"**§ 160A-70. Mayor pro tempore; disability of mayor.**

(a) At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the pleasure of the council. A councilman serving as mayor pro tempore shall be entitled to vote on all matters and shall be considered a councilman for all purposes, including the determination of whether a quorum is present. During the absence of the mayor, the council may confer upon the mayor pro tempore any of the powers and duties of the mayor. If the mayor should become physically or mentally incapable of performing the duties of ~~his~~ the mayor's

office, the council may by unanimous vote declare that ~~he~~ the mayor is incapacitated and confer any of ~~his~~ the mayor's powers and duties on the mayor pro tempore. Upon the mayor's declaration that he or she is no longer incapacitated, and with the concurrence of a majority of the council, the mayor shall resume the exercise of ~~his~~ the mayor's powers and duties. In the event both the mayor and the mayor pro tempore are absent from a meeting, the council may elect from its members a temporary ~~chairman~~ chair to preside in such absence.

(b) If, notwithstanding subsection (a) of this section, following an election, one or more members of the council cannot be sworn in due to an election protest under G.S. 163-182.9, the mayor pro tempore chosen the previous year shall continue to hold that position until the election protest is resolved and all council members take the oath of office. If the mayor pro tempore chosen the previous year is no longer a member of the council, the council may choose a temporary mayor pro tempore to serve until the election protest is resolved and all council members take the oath of office. At the first regular meeting of the council following the qualification of the newly elected council member or members, the council shall choose a mayor pro tempore to serve at the pleasure of the council."

SECTION 5. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

ELECTIONS AND ETHICS LAW COMMITTEE REPORT
Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

FAVORABLE

HB **100** Restore Partisan Elections/Sup. & Dist. Court.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Burr

HB **119** Clarify Vacancy Elections - County Commission.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **19** Selection of Chair & Vice-Chair/County BOCs.

Draft Number:	H19-PCS10069-ST-1
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Davis

TOTAL REPORTED: 3

Committee Sergeants at Arms

NAME OF COMMITTEE ELECTIONS AND ETHICS LAW

DATE: 02-21-2017 Room: 544

House Sgt-At Arms:

1. Name: REGGIE SILLS
2. Name: MARVIN LEE
3. Name: TERRY McCRAW
4. Name: THOMAS TERRY
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Tuesday, February 21, 2017
Session: 12:00 PM

Committee	Room	Time	Staff	Comments	Member
Elections	544	10:00 AM	Kurtis Johnson		Rep. Speaker Tim Moore
			William Mitchell		Rep. Speaker Tim Moore

VISITOR REGISTRATION SHEET

Election
Name of Committee

2/21/19
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lexi Arthur	NCRMA
Kim Lynch	NCBH
Fred Bonk	Bonk Assoc
Jessica Englert	Office of Gov Cooper
Caroline Miller	AMGA
Sarah Hardin	NCEL
Penny Huffman	School of Gov.
Ben Kirkland	office of Rep. Harry Warren
JASON SOPER	NC Chamber
Aylett Colston	Raleigh, NC

VISITOR REGISTRATION SHEET

Election
Name of Committee

2/21/17
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chris Broughton	MWC
Chris Spencer	Pitney Bowes
CHRIS WILLOW	WAKE
Suzanne Bensley	SEANC
Cassie Gavin	Sierra Club
Mildred Spearman	NCAOC

House Committee on Elections and Ethics Law
Thursday, March 16, 2017 at 10:30AM
Room 544

MINUTES

The House Committee on Elections and Ethics Law met at 10:47 on Thursday, March 16, 2017 in Room 544. Representatives Adams, Blust, Boswell, Burr, Conrad, Davis, Faircloth, Fisher, Floyd, Ford, George Graham, Destin Hall, Harrison, Hunter, Iler, Jones, Susan Martin, Richardson, Speciale, Szoka, Watford, and Warren attended.

Chairman Bert Jones presided.

The only item on the agenda was HB 42 / Rowan-Salisbury Board of Education Election Method. There was a motion made by Representative Warren to bring PCS H42-CSBK-7 [v.1] before the committee. Representative Warren explained the bill and the PCS.

There was a brief discussion on the bill. All of the discussion was either speaking in favor of the bill or asking brief questions regarding the bill. Representative Ford spoke in favor of the bill. Representative Iler asked for clarification on the bill and Representative Warren provided that response. Representative Fisher spoke in favor of the bill and asked a question. Representative Warren responded to her question. Representative Harrison spoke in favor of the bill and asked a few questions. Representative Warren responded to her questions and the legislative analysis staff advised that Representative Warren was correct in his response. Representative Floyd asked a rhetorical general question about elections in general and there was no response.

Representative Ford motioned for an unfavorable to the original bill, favorable to the PCS. It passed unanimously by the members in attendance.

The meeting adjourned at 10:55 am.

Bert Jones
Representative Bert Jones, Presiding

Laura W. Bone
Laura W. Bone, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Thursday, March 16, 2017
TIME: **10:30 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 42	Rowan-Salisbury Bd. of Ed. Election Method.	Representative Warren

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:42 AM on Thursday, June 29, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Laura Bone (Committee Assistant)

House Committee on Elections and Ethics Law
Thursday, March 16, 2017, 10:30 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 42	Rowan-Salisbury Bd. of Ed. Election Method.	Representative Warren

Adjournment

HOUSE BILL 42:
Rowan-Salisbury Bd. of Ed. Election Method.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	March 16, 2017
Introduced by:	Rep. Warren	**Prepared by:**	Erika Churchill
Analysis of:	PCS to First Edition		Kara McCraw
	H42-CSBK-7		Jessica Sammons
			Committee Counsel

OVERVIEW: House Bill 42 (proposed committee substitute) would provide for the partisan election of the Rowan-Salisbury Board of Education, subject to voter approval in a referendum in a county-wide election in either 2017 or 2018.

The PCS makes a technical correction to the beginning election year for partisan elections for Board members in Section 2.2.

CURRENT LAW: The Rowan-Salisbury Board of Education consists of seven members elected for staggered four-year terms. Elections are conducted on a nonpartisan basis, and the results are determined by a plurality. Members take office on the first Monday in December following their election, at which time their predecessor's term expires. One member is elected from each of seven single-member residency districts. The Board member filling that seat must reside in the district. Elections for all seven seats are county-wide. The residency districts are as follows:

- Seat 1 – The North Rowan High School attendance zone, except for that portion included in the district for Seat 6.
- Seat 2 – The South Rowan High School attendance zone.
- Seat 3 – The East Rowan High School attendance zone.
- Seat 4 – The West Rowan High School attendance zone.
- Seat 5 – The Salisbury High School attendance zone, except for that portion included in the district for Seat 6.
- Seat 6 – All of East Spencer, East Ward II and West Ward III precincts; the portion of East Ward I between Main Street and I-85; the portion of South Ward precinct between Main Street and I-85 bordered on the south by the Southern Railroad line running from Harrison Street to I=85; the portion of West Ward I precinct north of a line consisting of Wilson Road, Taylor Street, Harrison Street, Fulton Street and Monroe Street; and the portion of Milford Hills precinct between the Southern Railroad line and Highway 70 (Statesville Boulevard) west of Jake Alexander Boulevard and within the Salisbury city limits.
- Seat 7 – The Southeast Rowan High School attendance zone, except for that portion included in the district for Seat 6.

Vacancies are filled by the remaining remembers of the Board, with the appointee serving until the next election of Board members, at which time the remaining unexpired term will be filled by election.

BILL ANALYSIS: House Bill 42 (proposed committee substitute) would provide for a county-wide referendum to be conducted by the Rowan County Board of Elections. The referendum would determine whether a majority of the qualified voters of Rowan County approve of changing the election method of the members of the Rowan-Salisbury Board of Education from nonpartisan to partisan, beginning with the subsequent election for Board members.

If the referendum is approved, the following changes would become effective upon ratification:

- Sections of the 1987 merger agreement would be repealed and replaced with modernized language establishing the process for electing the Board.
- Beginning with the next scheduled election for Board members, as their terms of office expire, members would be elected on a partisan basis.
- For members elected on a partisan basis, vacancies would be filled in accordance with G.S. 115C-37.1, which requires the remaining members of the Board to consult with the county executive committee of the relevant political party before filling a vacancy and to appoint that executive committee's nominee, if the recommendation is made within 30 days after the seat becomes vacant. The appointee must reside in the residency district where the vacancy exists.

No term of office of any member elected prior to the start of partisan elections would be altered, and all current members would serve until the next election for members of the Board occurs and a successor has been elected and qualified.

Part I specifies that if a county-wide election occurs in 2017, the county must include the referendum on the ballot. If a county-wide election does occur in 2017 and the referendum is placed on the ballot during that election, Part II is repealed, effective December 31, 2017. If the referendum is approved, the change to partisan elections would begin with the primary and election to be held in 2018 for Board members for Seats 1, 2, 4, and 6, as their terms expire, and in 2020 for Board members for Seats 3, 5, and 7, as their terms expire.

Part II of the PCS specifies that if a county-wide election with the referendum on the ballot as required in Part I did not occur in 2017, the referendum must be placed on the ballot on the November 6, 2018 election. If the referendum is approved, the change to partisan elections would begin with the primary and election to be held in 2020 for members for Seats 3, 5, and 7, as their terms expire, and in 2022 for members for 1, 2, 4, and 6, as their terms expire.

EFFECTIVE DATE: Except as otherwise provided in this act, this act would become effective when it becomes law.

BACKGROUND: In 1987, the Rowan County and Salisbury City Schools were merged by a local merger agreement into the Rowan-Salisbury Schools. This merger created seven Rowan-Salisbury Board of Education member seats elected in a nonpartisan manner: five from high school attendance zones and two at-large. S.L. 1987-890 amended the merger plan and slightly modified those districts. This merger agreement, as amended, was then modified by a Consent Decree entered on April 29, 1994, which changed one at-large seat to a residency district in an effort to provide an opportunity for African American voters to elect a candidate. The Consent Decree was subsequently altered on November 13, 2003 and December 4, 2003, changing the remaining at-large seat to a residency district for a newly-built high school. The Consent Decree expired on January 1, 2007.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 1

HOUSE BILL 42

Short Title:	Rowan-Salisbury Bd. of Ed. Election Method.	(Local)
Sponsors:	Representative Warren. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Elections and Ethics Law	

February 7, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM TO CHANGE THE ELECTION METHOD OF THE ROWAN-SALISBURY BOARD OF EDUCATION FROM NONPARTISAN TO PARTISAN.

The General Assembly of North Carolina enacts:

PART I. CHANGE TO PARTISAN ELECTION IF REFERENDUM VOTE HELD IN 2017

SECTION 1.1. Sections C and D of Article V of A PLAN FOR MERGER OF THE ROWAN COUNTY SCHOOL AND THE SALISBURY CITY SCHOOLS, as approved by the State Board of Education on December 3, 1987, and filed with the Secretary of State in accordance with G.S. 115C-67 on December 21, 1987, and as amended by Section 2 of Chapter 890 of the 1987 Session Laws, are repealed.

SECTION 1.2. Beginning in 2018, the Rowan-Salisbury Board of Education shall consist of seven members who shall be elected one each from a single-member residency district, as described in Section 1.3 of this act, on a partisan basis at the time of the general election by the qualified voters of the entire county in each even-numbered year as terms expire. Only a person residing in a residency district, as described in Section 1.3 of this act, shall be eligible as a candidate in the election for the seat apportioned to that district. The primary and election shall be held and conducted in accordance with the general laws governing primaries and elections for county officers, except as otherwise provided herein. Members elected shall take office and qualify on the first Monday in December of the year of their election, and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified.

As the terms of the members of the Rowan-Salisbury Board of Education elected or appointed to terms beginning in 2014 or 2016 expire, beginning with the primary and election to be held in 2018 and quadrennially thereafter, members for Seats 1, 2, 4, and 6 shall be elected for four-year terms, and beginning with the primary and election to be held in 2020 and quadrennially thereafter, members for Seats 3, 5, and 7 shall be elected for four-year terms.

SECTION 1.3. The seven residency districts for the Rowan-Salisbury Board of Education are as follows:

Seat 1: The North Rowan High School attendance zone, except for that portion included in the district for Seat 6.
Seat 2: The South Rowan High School attendance zone.
Seat 3: The East Rowan High School attendance zone.
Seat 4: The West Rowan High School attendance zone.

Seat 5: The Salisbury High School attendance zone, except for that portion included in the district for Seat 6.

Seat 6: All of the East Spencer, East Ward II, and West Ward III precincts; the portion of East Ward I precinct between Main Street and I-85; the portion of South Ward precinct between Main Street and I-85 and bordered on the south by the Southern Railroad line running from Harrison Street to I-85; the portion of West Ward I precinct north of a line consisting of Wilson Road, Taylor Street, Harrison Street, Fulton Street, and Monroe Street; and the portion of Milford Hills precinct between the Southern Railroad line and Highway 70 (Statesville Boulevard) west of Jake Alexander Boulevard and within the Salisbury city limits.

Seat 7: The Southeast Rowan High School attendance zone, except for that portion included in the district for Seat 6.

The Rowan-Salisbury Board of Education may revise the residency districts set forth in this section if an adjustment is required for a change in the attendance zones to accommodate a new school, closure of a school, or consolidation of one or more schools.

SECTION 1.4. The Rowan-Salisbury Board of Education shall be organized as provided under G.S. 115C-41 and with members compensated as provided under G.S. 115C-38. In the case of a vacancy of a member elected in 2014 or 2016 to the Rowan-Salisbury Board of Education, the vacancy shall be filled in accordance with G.S. 115C-37. Beginning with members elected in 2018, vacancies shall be filled as provided in G.S. 115C-37.1. To be eligible for appointment to fill a vacancy, the person must reside in the residency district where the vacancy exists.

SECTION 1.5. G.S. 115C-37.1(d) reads as rewritten:

"(d) This section shall apply only in the following counties: Alleghany, Brunswick, Cherokee, Clay, Davie, Graham, Guilford, Harnett, Iredell, Lee, New Hanover, <u>Rowan,</u> Rutherford, Stanly, Vance, and Washington."

SECTION 1.6. This act does not affect the terms of office of any person elected in 2014 or 2016 to the Rowan-Salisbury Board of Education. The members of the Rowan-Salisbury Board of Education elected in 2014 or 2016, or any member appointed to fill a vacancy of a member elected in 2014 or 2016 until the next election for the members of the Board of Education, shall serve until a successor has been elected and qualified.

SECTION 1.7. Sections 1.1 through 1.6 of this act become effective only if approved by a majority of the qualified voters of the County of Rowan in a referendum. If the Rowan County Board of Elections conducts a county-wide election in the County of Rowan prior to January 1, 2018, a referendum shall be placed on the ballot at the time of the county-wide election with the following question:

"[ ] FOR [ ] AGAINST

Candidates for the Rowan-Salisbury Board of Education to be elected as candidates who are affiliated with a political party, thereby changing the election method of the members of the Rowan-Salisbury Board of Education from nonpartisan to partisan, beginning in 2018, with all current members completing their terms of office."

SECTION 1.8. Sections 1.1 through 1.6 of this act become effective upon ratification of the approval by the voters of the referendum set forth in Section 1.7 of this Part.

SECTION 1.9. If the Rowan County Board of Elections conducts a county-wide election in the County of Rowan prior to January 1, 2018, and a referendum is placed on the ballot at the time of the county-wide election, as required by Section 1.7 of this act, Part II of this act is repealed, effective December 31, 2017.

PART II. CHANGE TO PARTISAN ELECTION IF REFERENDUM VOTE HELD IN 2018

SECTION 2.1. Sections C and D of Article V of A PLAN FOR MERGER OF THE ROWAN COUNTY SCHOOL AND THE SALISBURY CITY SCHOOLS, as approved by the State Board of Education on December 3, 1987, and filed with the Secretary of State in accordance with G.S. 115C-67 on December 21, 1987, and as amended by Section 2 of Chapter 890 of the 1987 Session Laws, are repealed.

SECTION 2.2. Beginning in 2020, the Rowan-Salisbury Board of Education shall consist of seven members who shall be elected one each from a single-member residency district, as described in Section 2.3 of this act, on a partisan basis at the time of the general election by the qualified voters of the entire county in each even-numbered year as terms expire. Only a person residing in a residency district, as described in Section 2.3 of this act, shall be eligible as a candidate in the election for the seat apportioned to that district. The primary and election shall be held and conducted in accordance with the general laws governing primaries and elections for county officers, except as otherwise provided herein. Members elected shall take office and qualify on the first Monday in December of the year of their election, and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified.

As the terms of the members of the Rowan-Salisbury Board of Education elected or appointed to terms beginning in 2016 or 2018 expire, beginning with the primary and election to be held in 2020 and quadrennially thereafter, members for Seats 1, 2, 4, and 6 shall be elected for four-year terms, and beginning with the primary and election to be held in 2022 and quadrennially thereafter, members for Seats 3, 5, and 7 shall be elected for four-year terms.

SECTION 2.3. The seven residency districts for the Rowan-Salisbury Board of Education are as follows:

Seat 1: The North Rowan High School attendance zone, except for that portion included in the district for Seat 6.

Seat 2: The South Rowan High School attendance zone.

Seat 3: The East Rowan High School attendance zone.

Seat 4: The West Rowan High School attendance zone.

Seat 5: The Salisbury High School attendance zone, except for that portion included in the district for Seat 6.

Seat 6: All of the East Spencer, East Ward II, and West Ward III precincts; the portion of East Ward I precinct between Main Street and I-85; the portion of South Ward precinct between Main Street and I-85 and bordered on the south by the Southern Railroad line running from Harrison Street to I-85; the portion of West Ward I precinct north of a line consisting of Wilson Road, Taylor Street, Harrison Street, Fulton Street, and Monroe Street; and the portion of Milford Hills precinct between the Southern Railroad line and Highway 70 (Statesville Boulevard) west of Jake Alexander Boulevard and within the Salisbury city limits.

Seat 7: The Southeast Rowan High School attendance zone, except for that portion included in the district for Seat 6.

The Rowan-Salisbury Board of Education may revise the residency districts set forth in this section if an adjustment is required for a change in the attendance zones to accommodate a new school, closure of a school, or consolidation of one or more schools.

SECTION 2.4. The Rowan-Salisbury Board of Education shall be organized as provided under G.S. 115C-41 and with members compensated as provided under G.S. 115C-38. In the case of a vacancy of a member elected in 2016 or 2018 to the Rowan-Salisbury Board of Education, the vacancy shall be filled in accordance with G.S. 115C-37. Beginning with members elected in 2020, vacancies shall be filled as provided in G.S. 115C-37.1. To be eligible for appointment to fill a vacancy, the person must reside in the residency district where the vacancy exists.

SECTION 2.5. G.S. 115C-37.1(d) reads as rewritten:

"(d) This section shall apply only in the following counties: Alleghany, Brunswick, Cherokee, Clay, Davie, Graham, Guilford, Harnett, Iredell, Lee, New Hanover, Rowan, Rutherford, Stanly, Vance, and Washington."

SECTION 2.6. This act does not affect the terms of office of any person elected in 2016 or 2018 to the Rowan-Salisbury Board of Education. The members of the Rowan-Salisbury Board of Education elected in 2016 or 2018, or any member appointed to fill a vacancy of a member elected in 2016 or 2018 until the next election for the members of the Board of Education, shall serve until a successor has been elected and qualified.

SECTION 2.7. Sections 2.1 through 2.6 of this act become effective only if approved by a majority of the qualified voters of the County of Rowan in a referendum held in accordance with this section. If the Rowan County Board of Elections did not conduct a county-wide election prior to January 1, 2018, with a referendum placed on the ballot as required by Section 1.7 of this act, the Rowan County Board of Elections shall conduct an election on November 6, 2018, with the following question on the ballot:

"[ ] FOR [ ] AGAINST

Candidates for the Rowan-Salisbury Board of Education to be elected as candidates who are affiliated with a political party, thereby changing the election method of the members of the Rowan-Salisbury Board of Education from nonpartisan to partisan, beginning in 2020, with all current members completing their terms of office."

SECTION 2.8. Sections 2.1 through 2.6 of this act become effective upon ratification of the approval by the voters of the referendum set forth in Section 2.7 of this Part.

PART III. EFFECTIVE DATE

SECTION 3. Except as otherwise provided in this act, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 42
PROPOSED COMMITTEE SUBSTITUTE H42-PCS40240-BK-7

Short Title: Rowan-Salisbury Bd. of Ed. Election Method. (Local)

Sponsors:

Referred to:

February 7, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM TO CHANGE THE ELECTION METHOD OF THE ROWAN-SALISBURY BOARD OF EDUCATION FROM NONPARTISAN TO PARTISAN.

The General Assembly of North Carolina enacts:

PART I. CHANGE TO PARTISAN ELECTION IF REFERENDUM VOTE HELD IN 2017

SECTION 1.1. Sections C and D of Article V of A PLAN FOR MERGER OF THE ROWAN COUNTY SCHOOL AND THE SALISBURY CITY SCHOOLS, as approved by the State Board of Education on December 3, 1987, filed with the Secretary of State in accordance with G.S. 115C-67 on December 21, 1987, and as amended by Section 2 of Chapter 890 of the 1987 Session Laws, are repealed.

SECTION 1.2. Beginning in 2018, the Rowan-Salisbury Board of Education shall consist of seven members who shall be elected one each from a single-member residency district, as described in Section 1.3 of this act, on a partisan basis at the time of the general election by the qualified voters of the entire county in each even-numbered year as terms expire. Only a person residing in a residency district, as described in Section 1.3 of this act, shall be eligible as a candidate in the election for the seat apportioned to that district. The primary and election shall be held and conducted in accordance with the general laws governing primaries and elections for county officers, except as otherwise provided herein. Members elected shall take office and qualify on the first Monday in December of the year of their election, and the terms of their predecessors shall expire at that same time. Members shall serve until a successor has been elected and qualified.

As the terms of the members of the Rowan-Salisbury Board of Education elected or appointed to terms beginning in 2014 or 2016 expire, beginning with the primary and election to be held in 2018 and quadrennially thereafter, members for Seats 1, 2, 4, and 6 shall be elected for four-year terms, and beginning with the primary and election to be held in 2020 and quadrennially thereafter, members for Seats 3, 5, and 7 shall be elected for four-year terms.

SECTION 1.3. The seven residency districts for the Rowan-Salisbury Board of Education are as follows:

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Seat 3: The East Rowan High School attendance zone.

Seat 4: The West Rowan High School attendance zone.

Seat 5: The Salisbury High School attendance zone, except for that portion included in the district for Seat 6.

Seat 6: All of the East Spencer, East Ward II, and West Ward III precincts; the portion of East Ward I precinct between Main Street and I-85; the portion of South Ward precinct between Main Street and I-85 and bordered on the south by the Southern Railroad line running from Harrison Street to I-85; the portion of West Ward I precinct north of a line consisting of Wilson Road, Taylor Street, Harrison Street, Fulton Street, and Monroe Street; and the portion of Milford Hills precinct between the Southern Railroad line and Highway 70 (Statesville Boulevard) west of Jake Alexander Boulevard and within the Salisbury city limits.

Seat 7: The Southeast Rowan High School attendance zone, except for that portion included in the district for Seat 6.

The Rowan-Salisbury Board of Education may revise the residency districts set forth in this section if an adjustment is required for a change in the attendance zones to accommodate a new school, closure of a school, or consolidation of one or more schools.

SECTION 1.4. The Rowan-Salisbury Board of Education shall be organized as provided under G.S. 115C-41 and with members compensated as provided under G.S. 115C-38. In the case of a vacancy of a member elected in 2014 or 2016 to the Rowan-Salisbury Board of Education, the vacancy shall be filled in accordance with G.S. 115C-37. Beginning with members elected in 2018, vacancies shall be filled as provided in G.S. 115C-37.1. To be eligible for appointment to fill a vacancy, the person must reside in the residency district where the vacancy exists.

SECTION 1.5. G.S. 115C-37.1(d) reads as rewritten:

"(d) This section shall apply only in the following counties: Alleghany, Brunswick, Cherokee, Clay, Davie, Graham, Guilford, Harnett, Iredell, Lee, New Hanover, Rowan, Rutherford, Stanly, Vance, and Washington."

SECTION 1.6. This act does not affect the terms of office of any person elected in 2014 or 2016 to the Rowan-Salisbury Board of Education. The members of the Rowan-Salisbury Board of Education elected in 2014 or 2016, or any member appointed to fill a vacancy of a member elected in 2014 or 2016 until the next election for the members of the Board of Education, shall serve until a successor has been elected and qualified.

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G.S. 115C-37. Beginning with members elected in 2020, vacancies shall be filled as provided in G.S. 115C-37.1. To be eligible for appointment to fill a vacancy, the person must reside in the residency district where the vacancy exists.

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SECTION 2.6. This act does not affect the terms of office of any person elected in 2016 or 2018 to the Rowan-Salisbury Board of Education. The members of the Rowan-Salisbury Board of Education elected in 2016 or 2018, or any member appointed to fill a vacancy of a member elected in 2016 or 2018 until the next election for the members of the Board of Education, shall serve until a successor has been elected and qualified.

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SECTION 2.8. Sections 2.1 through 2.6 of this act become effective upon ratification of the approval by the voters of the referendum set forth in Section 2.7 of this act.

PART III. EFFECTIVE DATE

SECTION 3. Except as otherwise provided in this act, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

ELECTIONS AND ETHICS LAW COMMITTEE REPORT
Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **42** Rowan-Salisbury Bd. of Ed. Election Method.

Draft Number:	H42-PCS40240-BK-7
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Warren

TOTAL REPORTED: 1

VISITOR REGISTRATION SHEET

Elections — 3/16/17

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Ferrell	VB
Carson Chrisman	NCGA
Richard Bostic	NCSBA
[illegible]	SA
Flint Benson	SEANC

VISITOR REGISTRATION SHEET

Elections — 3/16/17

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Blair Borsuk	Rep Burr
[illegible]	SOG
Caroline Miller	AMGA
Chris Burner	AMGA
[illegible]	[illegible]
Susan Vick	Duke Energy

House Committee on Elections and Ethics Law
Tuesday, April 4, 2017 at 3:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Elections and Ethics Law met at 3:15 PM on April 4, 2017 in Room 643 of the Legislative Office Building.

Representative Bert Jones, Chair, presided. The Chairman recognized the Sergeant-at-Arms staff and the House Pages for their assistance in the meeting.

Chairman Jones announced that HB 64 [Municipal Elections in Even-Numbered Years] would be removed from the calendar and not heard during the meeting.

The following bills were considered:

HB 193 [Legislative Four-Year Terms]

Chairman Jones recognized Representative Warren to explain the bill. Representative Warren advised that he had a PCS and Representative Conrad made the motion to allow the PCS to be heard before the committee. Representative Warren explained the PCS. There was discussion on the bill and PCS. It was also advised that Representative Jackson had an amendment, A193-AST-5. Jackson explained the amendment and moved for an adoption of the amendment. The motion carried and the amendment was adopted. Chairman Jones went back to the bill and recognized Representative Warren. There was another period of discussion. Chairman Jones recognized Representative Warren for a motion. Representative Warren motioned that the amendment be rolled into a PCS, a favorable report on the PCS, unfavorable to the original bill. The vote was taken by a show of hands with 10 favorable and 13 negative. The bill failed.

SB 68 [Bipartisan Board of Elections and Ethics Enforce]

Chairman Jones advised that Representative Lewis would be presenting the bill and 2 amendments. Representative Lewis explained the first amendment, S68-AST-6[v.2]. After a brief discussion on the amendment, Representative Lewis motioned for a favorable adoption on the amendment. The motion carried and the amendment passed. Representative Lewis then explained the next amendment, S68-AST-7 [v.2]. Representative motioned for a favorable adoption on the amendment. The motion carried and the amendment was adopted.

Representative Lewis then went back to the bill. After brief discussion, Representative Burr motioned for favorable to the PCS, unfavorable to the original bill. The motion carried. The amendments will be rolled into a PCS and the motion for a favorable to the PCS, unfavorable to the original bill passed. The bill also had a serial referral to Finance.

The meeting adjourned at 4:15 PM.

Representative Bert Jones, Chair Presiding

Laura W. Bone, Committee Clerk

Corrected #1: **Add SB 68**

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Tuesday, April 4, 2017
TIME: **3:00 PM**
LOCATION: **643 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 193	Legislative Four-Year Terms.	Representative Warren Representative Hardister Representative Yarborough Representative Adams
HB 64	Municipal Elections in Even-Numbered Years.	Representative Warren Representative Conrad Representative Bert Jones Representative Collins
SB 68	Student Attendance/Page Program Recognition.	Senator D. Davis Senator Barefoot

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 2:41 PM on Tuesday, April 04, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Dianne Russell (Committee Assistant)

House Committee on Elections and Ethics Law
Tuesday, April 4, 2017, 3:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 193	Legislative Four-Year Terms.	Representative Warren Representative Hardister Representative Yarborough Representative Adams
HB 64	Municipal Elections in Even-Numbered Years.	Representative Warren Representative Conrad Representative Bert Jones Representative Collins
SB 68	Student Attendance/Page Program Recognition.	Senator D. Davis Senator Barefoot

Adjournment

HOUSE BILL 193:
Legislative Four-Year Terms.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law. If favorable, re-refer to Judiciary I	**Date:**	April 4, 2017
Introduced by:	Reps. Warren, Hardister, Yarborough, Adams	**Prepared by:**	Erika Churchill
Analysis of:	PCS to First Edition H193-CSSTf-7		Committee Co-Counsel

OVERVIEW: The proposed committee substitute for House Bill 193 would propose a constitutional amendment, on the November 2018 ballot, to extend legislators' terms of office from two years to four years, effective with the 2020 elections.

CURRENT LAW: Article II of the North Carolina Constitution sets the term of office for North Carolina Senate and North Carolina House of Representatives at two years.

BILL ANALYSIS: The PCS for House Bill 193 would propose a constitutional amendment to establish four-year terms for the North Carolina Senate and North Carolina House of Representatives. The ballot question would be on the November 2018 general election ballot. If passed by a majority of the voters, the members elected to the North Carolina Legislature in 2020, and thereafter, would serve four year terms.

The biennial schedule of the North Carolina Legislature would not be changed; the General Assembly would still convene in the odd-numbered year and adjourn sine die in the even numbered year.

The PCS also makes conforming changes to the North Carolina Constitution and General Statutes, to maintain the current timing of certain appointments and elections.

EFFECTIVE DATE: Effective with the 2020 elections, if passed by a majority of the voters.

Karen Cochrane-Brown
Director

H193-SMST-5 CSSTF-7 -V-2

Legislative Analysis Division
919-733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 1

HOUSE BILL 193

Short Title:	Legislative Four-Year Terms.	(Public)
Sponsors:	Representatives Warren, Hardister, and Yarborough (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Elections and Ethics Law, if favorable, Judiciary I	

February 27, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

PART I. FOUR-YEAR TERMS

SECTION 1. Section 2 of Article II of the Constitution of North Carolina reads as rewritten:

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

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

SECTION 2. Section 4 of Article II of the Constitution of North Carolina reads as rewritten:

"**Sec. 4. Number of Representatives.**

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

SECTION 3. Section 6 of Article II of the Constitution of North Carolina reads as rewritten:

"Each Senator, at the time of his election, shall be not less than 25 years of age, shall be a qualified voter of the State, shall not have served more than three terms in the Senate, and shall have resided in the State as a citizen for two years and in the district for which he is chosen for one year immediately preceding his election. Service in more than 12 months of a four-year term constitutes serving a term in the Senate for the purpose of calculating the limitation of three terms."

SECTION 4. Section 7 of Article II of the Constitution of North Carolina reads as rewritten:

"Each Representative, at the time of his election, shall be a qualified voter of the State, shall not have served more than three terms in the House of Representatives, and shall have resided in the district for which he is chosen for one year immediately preceding his election. Service in more than 12 months of a four-year term constitutes serving a term in the House of Representatives for the purpose of calculating the limitation of three terms."

SECTION 5. Section 8 of Article II of the Constitution of North Carolina reads as rewritten:

"**Sec. 8. Elections.**

The election for members of the General Assembly shall be held for the respective districts in ~~1972~~ 2022 and every ~~two~~ four years thereafter, at the places and on the day prescribed by law."

SECTION 6. Section 7(3) of Article III of the Constitution of North Carolina reads as rewritten:

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

SECTION 7. Section 9(3) of Article IV of the Constitution of North Carolina reads as rewritten:

"(3) **Clerks.** – A Clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the same time and places as members of the ~~General Assembly~~ United States House of Representatives are ~~elected.~~elected on a statewide basis. If the office of Clerk of the Superior Court becomes vacant otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident Judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held."

SECTION 8. Section 18(1) of Article IV of the Constitution of North Carolina reads as rewritten:

"(1) **District Attorneys.** – The General Assembly shall, from time to time, divide the State into a convenient number of prosecutorial districts, for each of which a District Attorney shall be chosen for a term of four years by the qualified voters thereof, at the same time and places as members of the ~~General Assembly~~ United States House of Representatives are ~~elected.~~ elected on a statewide basis. Only persons duly authorized to practice law in the courts of this State shall be eligible for election or appointment as a District Attorney. The District Attorney shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of his district, perform such duties related to appeals therefrom as the Attorney General may require, and perform such other duties as the General Assembly may prescribe."

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

"**Sec. 19. Vacancies.**

Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the ~~next election for members of the General Assembly~~ next statewide election for members of the United States House of Representatives that is held more than 60 days after the vacancy occurs, when elections shall be held to fill the offices. When the unexpired term of any of the offices named in this Article of the Constitution in which a vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next ~~election for members of the General Assembly~~ statewide election for members of the United States House of Representatives, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of these offices shall fail to qualify, the office shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of these offices shall hold until their successors are qualified."

SECTION 10. Section 2 of Article VII of the Constitution of North Carolina reads as rewritten:

"**Sec. 2. Sheriffs.**

In each county a Sheriff shall be elected by the qualified voters thereof at the same time and places as members of the ~~General Assembly~~United States House of Representatives are elected on a statewide basis and shall hold his office for a period of four years, subject to removal for cause as provided by law. No person is eligible to serve as Sheriff if that person has been convicted of a felony against this State, the United States, or another state, whether or not that person has been restored to the rights of citizenship in the manner prescribed by law. Convicted of a felony includes the entry of a plea of guilty; a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or a plea of no contest, nolo contendere, or the equivalent."

PART II. STATUTORY CONFORMING CHANGES

SECTION 11. G.S. 7A-60(a2) reads as rewritten:

"(a2) Upon the convening of each regular session of the General Assembly in the odd-numbered year and its reconvening in the even-numbered year, the Administrative Office of the Courts shall report its recommendations regarding the allocation of assistant district attorneys for the upcoming fiscal biennium and fiscal year to the General Assembly, including any request for additional assistant district attorneys. The report shall include the number of assistant district attorneys that the Administrative Office of the Courts recommends to be allocated to each prosecutorial district and the workload formula established through the National Center for State Courts on which each recommended allocation is based. Any reports required under this subsection shall be made to the Joint Legislative Commission of Governmental Operations, the House of Representatives and Senate Appropriations Subcommittees on Justice and Public, and the Fiscal Research Division."

SECTION 12. G.S. 7A-140 reads as rewritten:

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

There shall be at least one district judge for each district. Each district judge shall be elected by the qualified voters of the district court district in which he or she is to serve at the time of the statewide election for members of the ~~General Assembly.~~ United States House of Representatives. The number of judges for each district shall be determined by the General Assembly. Each judge shall be a resident of the district for which elected, and shall serve a term of four years, beginning on the first day in January next after election.

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

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

SECTION 13. G.S. 115C-18 reads as rewritten:

"§ 115C-18. Election of Superintendent of Public Instruction.

The Superintendent of Public Instruction shall be elected by the qualified voters of the State in 1972 and every four years thereafter at the same time and places as members of the ~~General Assembly~~ United States House of Representatives are ~~elected.~~ elected statewide. ~~His~~ The term of office shall be four years and shall commence on the first day of January next after election and continue until ~~his~~ a successor is elected and qualified.

If the office of the Superintendent of Public Instruction is vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until ~~his~~ a successor is elected and qualified. Every such vacancy shall be filled by election at the first statewide election for members of the ~~General Assembly~~ United States House of Representatives that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in Article III, Sec. 7 of the Constitution of North Carolina. When a vacancy occurs in the office and the term expires on the first day of January succeeding the next statewide election for members of the ~~General Assembly,~~ United States House of

Representatives, the Governor shall appoint to fill the vacancy for the unexpired term of the office. Upon the occurrence of a vacancy in the office for any of the causes stated herein, the Governor may appoint an interim officer to perform the duties of that office until a person is appointed or elected pursuant to Article III, Sec. 7 of the Constitution of North Carolina to fill the vacancy and is qualified.

The time of the election of the Superintendent of Public Instruction shall be in accordance with the provisions of Article 1 of Subchapter I of Chapter 163 of the General Statutes.

The election, term and induction into office of the Superintendent of Public Instruction shall be in accordance with the provisions of G.S. 147-4."

SECTION 14. G.S. 163-182-13A(c) reads as rewritten:

"(c) Jurisdiction. – When a contest arises out of ~~the general election, the General Assembly elected at the same time shall hear and decide it. Any other contest~~ election for any elective office established by Article III of the Constitution, the contest shall be heard by the General Assembly sitting at the time of the election."

SECTION 15. G.S. 120-37(a) reads as rewritten:

"(a) At the convening of the first session of the General Assembly ~~following each biennial election of members of the General Assembly,~~in the odd-numbered year, each house shall elect a principal clerk for a term of two years, subject to the condition that each officer shall serve at the pleasure of the house that elected him or her and until his or her successor is elected. The reading clerk and sergeant-at-arms of the Senate shall serve for terms of two years, subject to the condition that each serves at the pleasure of the Senate and until the officer's successor is elected. The reading clerk and sergeant-at-arms of the House of Representatives shall serve as provided in the rules of the House."

SECTION 16. G.S. 120C-304(a) reads as rewritten:

"(a) No legislator or former legislator may register as a lobbyist under this Chapter:

(1) While in office.

(2) Before the ~~later of the~~ close of session as set forth in G.S. 120C-100(a)(4)b.1 in which the legislator ~~served~~ was elected or appointed or six months after leaving ~~office.~~office, whichever is longer."

SECTION 17. G.S. 138A-14(c) reads as rewritten:

"(c) The Commission, jointly with the Committee, shall make basic ethics 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 Commission and the Committee deem appropriate. Every legislator shall participate in an ethics presentation approved by the Commission and Committee within two months of ~~either~~ the convening of ~~the~~ each biennium of the General Assembly to which the legislator is elected or ~~within two months of the legislator's appointment, whichever is later.~~appointed. Additionally, if a legislator is appointed to fill a vacancy, that legislator shall participate in an ethics presentation approved by the Commission and Committee within two months of that legislator's appointment. Every legislative employee shall participate in an ethics presentation approved by the Commission 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 Commission and Committee deem appropriate."

SECTION 18. G.S. 147-4 reads as rewritten:

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

The executive department shall consist of a Governor, a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Insurance, and a Commissioner of Labor, who shall be elected for a term of four years, by the qualified electors of the State, at the same time and places, and in the same manner, as members of the ~~General Assembly~~ United States House of Representatives are ~~elected.~~elected statewide. Their term of office shall commence on the first day

of January next after their election and continue until their successors are elected and qualified. The persons having the highest number of votes, respectively, shall be declared duly elected, but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both houses of the General Assembly. Contested elections shall be determined by a joint ballot of both houses of the General Assembly in such manner as shall be prescribed by law."

SECTION 19. G.S. 152-1 reads as rewritten:

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

In each county a coroner shall be elected by the qualified voters thereof in the same manner and at the same time as the statewide election of members of the ~~General Assembly,~~United States House of Representatives and shall hold office for a term of four years, or until his successor is elected and qualified.

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

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

SECTION 20. G.S. 161-1 reads as rewritten:

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

In each county there shall be elected biennially by the qualified voters thereof, as provided for the statewide election of members of the ~~General Assembly,~~United States House of Representatives, a register of deeds."

SECTION 21. G.S. 163-8 reads as rewritten:

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

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

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

SECTION 22. G.S. 163-9 reads as rewritten:

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

(a) Vacancies occurring in the offices of Justice of the Supreme Court, judge of the Court of Appeals, and judge of the superior court for causes other than expiration of term shall be filled by appointment of the Governor. An appointee to the office of Justice of the Supreme Court or judge of the Court of Appeals shall hold office until January 1 next following the statewide election for members of the ~~General Assembly~~United States House of Representatives that is held more than 60 days after the vacancy occurs, at which time an election shall be held for an eight-year term and until a successor is elected and qualified.

(b) Except for judges specified in the next paragraph of this subsection, an appointee to the office of judge of superior court shall hold ~~his place~~office until the next statewide election for members of the ~~General Assembly~~United States House of Representatives that is held more than 60 days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office.

Appointees for judges of the superior court from any district:

(1) With only one resident judge; or

(2) In which no county is subject to section 5 of the Voting Rights Act of 1965,

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

(c) When the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next statewide election for members of the ~~General Assembly.~~United States House of Representatives, the Governor shall appoint to fill that vacancy for the unexpired term of the office.

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

SECTION 23. G.S. 163-10 reads as rewritten:

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

Any vacancy occurring in the office of district attorney for causes other than expiration of term shall be filled by appointment of the Governor. An appointee shall hold ~~his place~~office until the next statewide election for members of the ~~General Assembly~~United States House of Representatives that is held more than 60 days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office: Provided, that when the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next statewide election for members of the ~~General Assembly.~~United States House of Representatives, the Governor shall appoint to fill that vacancy for the unexpired term of the office."

SECTION 24. G.S. 163-12 reads as rewritten:

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

Whenever there shall be a vacancy in the office of United States Senator from this State, whether caused by death, resignation, or otherwise than by expiration of term, the Governor shall appoint to fill the vacancy until an election shall be held to fill the office. If the Senator was elected as the nominee of a political party, the person appointed by the Governor shall be a person affiliated with that same political party. The Governor shall issue a writ for the election of a Senator to be held at the time of the first statewide election for members of the ~~General Assembly~~United States House of Representatives that is held more than 60 days after the vacancy occurs. The person elected shall hold the office for the remainder of the unexpired term. The election shall take effect from the date of the canvassing of the returns."

SECTION 25. 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,~~United States House of Representatives, 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.~~United States House of Representatives.

(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~~United States House of Representatives and the results shall be determined on a plurality basis as provided by G.S. 163-292.

(3) Repealed by Session Laws 2013-381, s. 51.1, effective January 1, 2014.

(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."

PART III. REFERENDUM AND EFFECTIVE DATES

SECTION 26. The amendments set out in Parts I and II of this act shall be submitted to the qualified voters of the State at the general election on November 6, 2018, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment making the term of members of the General Assembly four years, with no more than three terms in a chamber, beginning with members elected in 2020 and making conforming amendments concerning the election of other officers and the filling of vacancies."

SECTION 27. If a majority of the votes cast on the question are in favor of the amendments set out in Parts I and II of this act, the State Board of Elections shall certify the amendments to the Secretary of State, and the amendments and Part III of this act become effective January 1, 2020, and apply to elections and vacancies occurring on or after that date. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

SECTION 28. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 193
PROPOSED COMMITTEE SUBSTITUTE H193-CSSTf-7 [v.4]
4/3/2017 7:09:54 PM

Short Title: Legislative Four-Year Terms. (Public)

Sponsors:

Referred to:

February 27, 2017

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

PART I. CONSTITUTIONAL AMENDMENTS

SECTION 1. Section 2 of Article II of the Constitution of North Carolina reads as rewritten:

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

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

SECTION 2. Section 4 of Article II of the Constitution of North Carolina reads as rewritten:

"**Sec. 4. Number of Representatives.**

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

SECTION 3. Section 8 of Article II of the Constitution of North Carolina reads as rewritten:

"**Sec. 8. Elections.**

The election for members of the General Assembly shall be held for the respective districts in ~~1972~~ 2020 and every ~~two~~ four years thereafter, at the places and on the day prescribed by law."

SECTION 4. Section 7(3) of Article III of the Constitution of North Carolina reads as rewritten:

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

SECTION 5. Section 9(3) of Article IV of the Constitution of North Carolina reads as rewritten:

"(3) **Clerks.** – A Clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the same time and places as members of the ~~General Assembly~~ United States House of Representatives are ~~elected.~~elected on a statewide basis. If the office of Clerk of the Superior Court becomes vacant otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident Judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held."

SECTION 6. Section 18(1) of Article IV of the Constitution of North Carolina reads as rewritten:

"(1) **District Attorneys.** – The General Assembly shall, from time to time, divide the State into a convenient number of prosecutorial districts, for each of which a District Attorney shall be chosen for a term of four years by the qualified voters thereof, at the same time and places as members of the ~~General Assembly~~ United States House of Representatives are ~~elected.~~ elected on a statewide basis. Only persons duly authorized to practice law in the courts of this State shall be eligible for election or appointment as a District Attorney. The District Attorney shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of his district, perform such duties related to appeals therefrom as the Attorney General may require, and perform such other duties as the Gen7ral Assembly may prescribe."

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"**Sec. 19. Vacancies.**

Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the ~~next election for members of the General Assembly~~ next statewide election for members of the United States House of Representatives that is held more than 60 days after the vacancy occurs, when elections shall be held to fill the offices. When the unexpired term of any of the offices named in this Article of the Constitution in which a vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next ~~election for members of the General Assembly~~ statewide election for members of the United States House of Representatives, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of these offices shall fail to qualify, the office shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of these offices shall hold until their successors are qualified."

SECTION 8. Section 2 of Article VII of the Constitution of North Carolina reads as rewritten:

"**Sec. 2. Sheriffs.**

In each county a Sheriff shall be elected by the qualified voters thereof at the same time and places as members of the ~~General Assembly~~United States House of Representatives are elected on a statewide basis and shall hold his office for a period of four years, subject to removal for cause as provided by law. No person is eligible to serve as Sheriff if that person has been convicted of a felony against this State, the United States, or another state, whether or not that person has been restored to the rights of citizenship in the manner prescribed by law. Convicted of a felony includes the entry of a plea of guilty; a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or a plea of no contest, nolo contendere, or the equivalent."

PART II. STATUTORY CONFORMING CHANGES

SECTION 9. G.S. 7A-60(a2) reads as rewritten:

"(a2) Upon the convening of each regular session of the General Assembly in the odd-numbered year and its reconvening in the even-numbered year, the Administrative Office of the Courts shall report its recommendations regarding the allocation of assistant district attorneys for the upcoming fiscal biennium and fiscal year to the General Assembly, including any request for additional assistant district attorneys. The report shall include the number of assistant district attorneys that the Administrative Office of the Courts recommends to be allocated to each prosecutorial district and the workload formula established through the National Center for State Courts on which each recommended allocation is based. Any reports required under this subsection shall be made to the Joint Legislative Commission of Governmental Operations, the House of Representatives and Senate Appropriations Subcommittees on Justice and Public, and the Fiscal Research Division."

SECTION 10. G.S. 7A-140 reads as rewritten:

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

There shall be at least one district judge for each district. Each district judge shall be elected by the qualified voters of the district court district in which he or she is to serve at the time of the statewide election for members of the General Assembly. United States House of Representatives. The number of judges for each district shall be determined by the General Assembly. Each judge shall be a resident of the district for which elected, and shall serve a term of four years, beginning on the first day in January next after election.

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

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

SECTION 11. G.S. 58-2-5 reads as rewritten:

"§ 58-2-5. Commissioner's election and term of office.

The chief officer of the Insurance Department shall be called the Commissioner of Insurance; whenever in the statutes of this State the words "Insurance Commissioner" appear, they shall be deemed to refer to and to be synonymous with the term "Commissioner of Insurance." He The Commissioner of Insurance shall be elected by the people in the manner prescribed for the election of members of the General Assembly and State officers, and the result of the election shall be declared in the same manner and at the same time as the election of State officers is now declared. His The term of office begins on the first day of January next after his election, and is for four years or until his a successor is elected and qualified. If a vacancy occurs during the term, it shall be filled by the Governor for the unexpired term."

SECTION 12. G.S. 115C-18 reads as rewritten:

"§ 115C-18. Election of Superintendent of Public Instruction.

The Superintendent of Public Instruction shall be elected by the qualified voters of the State in 1972 and every four years thereafter at the same time and places as members of the General Assembly United States House of Representatives are elected. elected statewide. His The term of office shall be four years and shall commence on the first day of January next after election and continue until his a successor is elected and qualified.

If the office of the Superintendent of Public Instruction is vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his a successor is elected and qualified. Every such vacancy shall be filled by election at the first statewide election for members of the General Assembly United States House of Representatives that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in Article III, Sec. 7 of the Constitution of North Carolina. When a vacancy occurs in the office and the term expires on the first day of January succeeding the next statewide election for members of the General Assembly, United

States House of Representatives, the Governor shall appoint to fill the vacancy for the unexpired term of the office. Upon the occurrence of a vacancy in the office for any of the causes stated herein, the Governor may appoint an interim officer to perform the duties of that office until a person is appointed or elected pursuant to Article III, Sec. 7 of the Constitution of North Carolina to fill the vacancy and is qualified.

The time of the election of the Superintendent of Public Instruction shall be in accordance with the provisions of Article 1 of Subchapter I of Chapter 163 of the General Statutes.

The election, term and induction into office of the Superintendent of Public Instruction shall be in accordance with the provisions of G.S. 147-4."

SECTION 13. G.S. 120-1(a) reads as rewritten:

"**§ 120-1. Senators.**

(a) For the purpose of nominating and electing members of the Senate in 2012 and ~~every two years~~ periodically thereafter, senatorial districts are established and seats in the Senate are apportioned among those districts so that each district elects one senator, and the composition of each district is as follows:

. . . ."

SECTION 14. G.S. 120-37(a) reads as rewritten:

"(a) At the convening of the first session of the General Assembly ~~following each biennial election of members of the General Assembly.~~in the odd-numbered year, each house shall elect a principal clerk for a term of two years, subject to the condition that each officer shall serve at the pleasure of the house that elected him or her and until his or her successor is elected. The reading clerk and sergeant-at-arms of the Senate shall serve for terms of two years, subject to the condition that each serves at the pleasure of the Senate and until the officer's successor is elected. The reading clerk and sergeant-at-arms of the House of Representatives shall serve as provided in the rules of the House."

SECTION 15. G.S. 120C-304(a) reads as rewritten:

"(a) No legislator or former legislator may register as a lobbyist under this Chapter:

(1) While in office.

(2) Before the ~~later of the~~ close of session as set forth in G.S. 120C-100(a)(4)b.1 in which the legislator ~~served~~ was elected or appointed or six months after leaving ~~office.~~office, whichever is longer."

SECTION 16. G.S. 138A-14(c) reads as rewritten:

"(c) The Commission, jointly with the Committee, shall make basic ethics 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 Commission and the Committee deem appropriate. Every legislator shall participate in an ethics presentation approved by the Commission and Committee within two months of ~~either~~ the convening of ~~the~~ each biennium of the General Assembly to which the legislator is elected or ~~within two months of the legislator's appointment, whichever is later.~~appointed. Additionally, if a legislator is appointed to fill a vacancy, that legislator shall participate in an ethics presentation approved by the Commission and Committee within two months of that legislator's appointment. Every legislative employee shall participate in an ethics presentation approved by the Commission 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 Commission and Committee deem appropriate."

SECTION 17. G.S. 147-4 reads as rewritten:

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

The executive department shall consist of a Governor, a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Insurance, and a Commissioner of Labor, who shall be elected for a term of four years, by the qualified electors of the State, at the same

time and places, and in the same manner, as members of the ~~General Assembly~~ United States House of Representatives are ~~elected.~~elected statewide. Their term of office shall commence on the first day of January next after their election and continue until their successors are elected and qualified. The persons having the highest number of votes, respectively, shall be declared duly elected, but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both houses of the General Assembly. Contested elections shall be determined by a joint ballot of both houses of the General Assembly in such manner as shall be prescribed by law."

SECTION 18. G.S. 152-1 reads as rewritten:

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

In each county a coroner shall be elected by the qualified voters thereof in the same manner and at the same time as the statewide election of members of the ~~General Assembly,~~United States House of Representatives and shall hold office for a term of four years, or until his successor is elected and qualified.

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

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

SECTION 19. G.S. 161-1 reads as rewritten:

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

In each county there shall be elected ~~biennially~~ by the qualified voters thereof, as provided for the statewide election of members of the ~~General Assembly,~~United States House of Representatives, a register of deeds."

SECTION 20. G.S. 162-1 reads as rewritten:

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

In each county a sheriff shall be elected by the qualified voters thereof, as is ~~prescribed~~ provided for ~~members of~~ the ~~General Assembly,~~ statewide election of members of the United States House of Representatives, and shall hold ~~his~~ office for four years."

SECTION 21. G.S. 163-1, as amended by S.L. 2017-3 reads as rewritten:

"§ 163-1. (See editor's note for 2016 primary) Time of regular elections and primaries.

(a) Unless otherwise provided by law, elections for the officers listed in the tabulation contained in this section shall be conducted in all election precincts of the territorial units specified in the column headed "Jurisdiction" on the dates indicated in the column headed "Date of Election." Unless otherwise provided by law, officers shall serve for the terms specified in the column headed "Term of Office."

...

OFFICE	JURISDICTION	DATE OF ELECTION	TERM OF OFFICE
Governor	State	Tuesday next after the	Four years, from

		first Monday in November 1968 and every four years thereafter	first day of January next after election
Lieutenant Governor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Secretary of State	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Auditor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Treasurer	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Superintendent of Public Instruction	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Attorney General	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Commissioner of Agriculture	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Commissioner of Labor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Commissioner of Insurance	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
All other State officers whose	State	Tuesday next after the first Monday in November	Four years, from first day of January

terms last for four years		1968 and every four years thereafter	next after election
All other State officers whose terms are not specified by law	State	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from first day of January next after election
State Senator	Senatorial district	Tuesday next after the first Monday in November ~~1968~~ 2020 and every ~~two~~ four years thereafter	~~Two~~ Four years
Member of State House of Representatives	Representative district	Tuesday next after the first Monday in November ~~1968~~ 2020 and every ~~two~~ four years thereafter	~~Two~~ Four years
Justices and Judges of the Appellate Division	State	Except as provided in Article 1A of Chapter 7A of the General Statutes, at the ~~regular~~ statewide election for members of the ~~General Assembly~~ United States House of Representatives immediately preceding the termination of each regular term	Eight years, from first day of January next after election
Judges of the superior courts	Superior Court District	At the ~~regular~~ statewide election for members of the ~~General Assembly~~ United States House of Representatives immediately preceding the termination of each regular term	Eight years, from first day of January after next election
Judges of the district courts	District court	At the ~~regular~~ statewide election for members of the ~~General Assembly~~ United States House of Representatives immediately preceding the termination of each regular term	Four years, from the first day in January next after election
District Attorney	District Attorney District	At the ~~regular~~ statewide election for members of the ~~General Assembly~~ United States House of Representatives immediately preceding the termination of each regular term	Four years, from first day of January next after election

Members of House of Representatives of the Congress of the United States	Congressional district, except as modified by G.S. 163-104	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years
United States Senators	State	At the regular election immediately preceding the termination of each regular term	Six years
County Commissioners	County	At the ~~regular~~ statewide election for members of the ~~General Assembly~~ United States House of Representatives immediately preceding the termination of each regular term	Two years, from the first Monday in December next after election
Clerk of superior court	County	At the ~~regular~~ statewide election for members of the ~~General Assembly~~ United States House of Representatives immediately preceding the termination of each regular term	Four years, from the first Monday in December next after election
Register of Deeds	County	At the ~~regular~~statewide election for members of the ~~General Assembly~~ United States House of Representatives immediately preceding the termination of each regular term	Four years, from the first Monday in December next after election
Sheriff	County	At the ~~regular~~ statewide election for members of the ~~General Assembly~~ United States House of Representatives immediately preceding the termination of each regular term	Four years, from the first Monday in December next after election
Coroner	County	At the ~~regular~~ statewide election for members of the ~~General Assembly~~ United States House of Representatives immediately preceding the termination of a regular term	Four years, from the first Monday in December next after election
County treasurer (in counties in	County	Tuesday next after the first Monday in November 1968 and every two years	Two years, from the first Monday in December next after

which elected)		thereafter	election
All other county officers to be elected by the people	County	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from the first Monday in December next after election"

SECTION 22. G.S. 163-8 reads as rewritten:

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

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

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

SECTION 23. G.S. 163-9 reads as rewritten:

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

(a) Vacancies occurring in the offices of Justice of the Supreme Court, judge of the Court of Appeals, and judge of the superior court for causes other than expiration of term shall be filled by appointment of the Governor. An appointee to the office of Justice of the Supreme Court or judge of the Court of Appeals shall hold office until January 1 next following the statewide election for members of the ~~General Assembly~~United States House of Representatives that is held more than 60 days after the vacancy occurs, at which time an election shall be held for an eight-year term and until a successor is elected and qualified.

(b) Except for judges specified in the next paragraph of this subsection, an appointee to the office of judge of superior court shall hold ~~his place~~office until the next statewide election for members of the ~~General Assembly~~United States House of Representatives that is held more than 60 days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office.

Appointees for judges of the superior court from any district:

(1) With only one resident judge; or

(2) In which no county is subject to section 5 of the Voting Rights Act of 1965,

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

(c) When the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next statewide election for members of the ~~General Assembly,~~United States House of Representatives, the Governor shall appoint to fill that vacancy for the unexpired term of the office.

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

SECTION 24. G.S. 163-10 reads as rewritten:

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

Any vacancy occurring in the office of district attorney for causes other than expiration of term shall be filled by appointment of the Governor. An appointee shall hold ~~his place~~office until the next statewide election for members of the ~~General Assembly~~United States House of Representatives that is held more than 60 days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office: Provided, that when the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next statewide election for members of the ~~General Assembly,~~United States House of Representatives, the Governor shall appoint to fill that vacancy for the unexpired term of the office."

SECTION 25. G.S. 163-12 reads as rewritten:

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

Whenever there shall be a vacancy in the office of United States Senator from this State, whether caused by death, resignation, or otherwise than by expiration of term, the Governor shall appoint to fill the vacancy until an election shall be held to fill the office. If the Senator was elected as the nominee of a political party, the person appointed by the Governor shall be a person affiliated with that same political party. The Governor shall issue a writ for the election of a Senator to be held at the time of the first statewide election for members of the ~~General Assembly~~United States House of Representatives that is held more than 60 days after the vacancy occurs. The person elected shall hold the office for the remainder of the unexpired term. The election shall take effect from the date of the canvassing of the returns."

PART III. REFERENDUM AND EFFECTIVE DATES

SECTION 26. The amendments set out in Part I of this act shall be submitted to the qualified voters of the State at the general election on November 6, 2018, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment making the term of members of the General Assembly four years, beginning with members elected in 2020 and making conforming amendments concerning the election of other officers and the filling of vacancies."

SECTION 27. If a majority of the votes cast on the question are in favor of the amendments set out in Part I of this act, the State Board of Elections shall certify the amendments to the Secretary of State, and the amendments and Part II of this act become effective January 1, 2020, and apply elections and vacancies occurring on or after that date. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

SECTION 28. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 193

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

H193-AST-5 [v.1]

Amends Title [NO]
First Edition

Date _____,2017

Representative Jsclis

moves to amend the bill on page 4, lines 26-31, by rewriting those lines to read:

"**SECTION 15.** G.S. 120C-304 reads as rewritten:

"**§ 120C-304. Restrictions.**

(a) No legislator or former legislator may register as a lobbyist under this Chapter:

(1) While in office.

(2) Before ~~the later of~~ the close of session as set forth in G.S. 120C-100(a)(4)b.1 in which the legislator ~~served or six months~~ was elected or appointed, or one year after leaving ~~office.~~office, whichever is later.

(b) No public servant or former public servant as defined in G.S. 138A-3(30)a. may register as a lobbyist under this Chapter while in office or ~~within six months~~ for a period of one year after leaving office.

(c) No public servant or former public servant as defined in G.S. 138A-3(30)c. may register as a lobbyist under this Chapter ~~within six months~~ for a period of one year after separation from employment as a public servant. No other employee of any State agency may register as a lobbyist under this Chapter to lobby the State agency that previously employed the former employee ~~within six months~~ for a period of one year after voluntary separation or separation for cause from that State agency. State agencies shall give written notice and explanation to all employees serving in a position to which this subsection applies in the following circumstances:

(1) Upon hiring, promotion, or transfer into the relevant position.

(2) At the time the employee's duties are changed in such a way as to subject that employee to this subsection.

(3) Upon departure from the relevant position.

(d) No individual registered as a lobbyist under this Chapter shall serve as a treasurer as defined in G.S. 163-278.6(19) or an assistant campaign treasurer for a political committee for the election of a member of the General Assembly or a Constitutional officer of the State.

(e) A lobbyist shall not be eligible for appointment by a State official to, or service on, any body created under the laws of this State that has regulatory authority over the activities of a person or governmental unit that the lobbyist currently represents or has represented within 120 days after the expiration of the lobbyist's registration representing that person or

1 governmental unit. Nothing herein shall be construed to prohibit appointment by any unit of
2 local government.
3 (f) Any appointment or registration made in violation of this section shall be void."."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

SENATE BILL 68:
Bipartisan Bd of Elections and Ethics Enforce.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	April 3, 2017
Introduced by:	Sens. D. Davis, Barefoot	**Prepared by:**	Erika Churchill
Analysis of:	PCS to Second Edition S68-CSSTf-8		Committee Co-Counsel

OVERVIEW: The proposed committee substitute for Senate Bill 68 would remove the contents of the 2nd edition and substitute language to establish the Bipartisan State Board of Elections and Ethics Enforcement, effective May 1, 2017.

CURRENT LAW AND BILL ANALYSIS:

Section 1. Designation of Exempt Positions

G.S. 126-5(d) describes the positions that can be exempted from the North Carolina Human Resources Act (NCHRA). Under those provisions, exempt positions may be designated in the Secretary of State, the Auditor, the Treasurer, the Attorney General, the Commissioner of Agriculture, the Commissioner of Insurance, the Labor Commissioner and the Department of Public Instruction. The number of exempt policymaking positions in each department headed by an elected department head is limited to 20 exempt policymaking positions or 1% of the total number of full time positions in the department, whichever is greater. The number of exempt managerial positions shall be limited to 20 positions or 1% of the total number of full time positions in the department, whichever is greater. G.S. 126-5(d)(2).

In S.L. 2016-126, the General Assembly increased the number of positions the Secretary of State, the Auditor, the Treasurer, the Attorney General, the Commissioner of Agriculture, the Commissioner of Insurance, and the Labor Commissioner may designate as exempt to 25 or 2% of the total number of full-time positions for exempt policymaking positions, whichever is greater, and 25 exempt managerial positions, or 2% of the total number of full-time positions in the department, whichever is greater; and increased the number of positions the State Board of Education may designate as exempt to 70 exempt policymaking positions, or 2% of the total number of full-time positions, whichever is greater, and 70 exempt managerial positions, or 2% of the total number of full-time positions in the department, whichever is greater, effective December 16, 2016. Additionally, S.L. 2016-126 provided that the Superintendent of Public Instruction is to designate exempt positions, rather than the State Board of Education, beginning January 1, 2017.

Section 1 would repeal G.S. 126-5(d)(2), as enacted by S.L. 2016-126.

CURRENT LAW AND BILL ANALYSIS:

Sections 2-21. Consolidation of Elections, Ethics and Lobbying

The State Ethics Commission (SEC) administers the State Government Ethics Act, including providing ethics guidance, through formal written advisory opinions and informal advice, and ethics education to legislators, public servants, and legislative employees. The advisory authority of the SEC includes advising all persons affected by the lobbying laws, Chapter 120C of the General Statutes. The SEC consists of eight members (four appointed by the Governor and four appointed by the General Assembly, two of whom are recommended by the Speaker of the House and two of whom are recommended by the President Pro Tempore of the Senate), with no more than one half of the membership being associated with the same political party. The Governor appoints the chair of the SEC annually. Members of the SEC serve four year terms and may be reappointed. Members must be registered voters and may not: (i) hold or be a candidate for any office of the United States, North Carolina, or political subdivision of the State, (ii) hold office in any political party above the precinct level; (iii) participate in or contribute to political campaigns of covered persons; or (iv) be employed by the State, community college, school system, or serve as a member of any other State board. Chapter 138A of the General Statutes.

The State Board of Elections (SBE) administers elections and campaign finance and provides guidance, advice, and training for elections and campaign finance to the county boards of elections. The SBE consists of five members, all of whom are appointed by the Governor from a list of nominees submitted to the Governor 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 SBE. No more than three members can be of the same political party. The SBE organizes itself by electing one of its members chairman and another secretary. Members of the SBE serve four year terms and may be reappointed. Members may not: (i) hold or be a candidate for any office under the government of the United States, North Carolina, or political subdivision of the State; (ii) hold any office in a political party or organization; or (iii) be a campaign manager or treasurer of any candidate in a primary or election.

County boards of elections consist of three registered voters of each county. No more than two members of the county board of elections may belong to the same political party. Chapter 163 of the General Statutes.

The Secretary of State is responsible for registrations and reporting by lobbyists and lobbyist principals in North Carolina. Chapter 120C of the General Statutes.

Section 2 would repeal S.L. 2016-125, which consolidated the functions of ethics, elections and lobbying under one board appointed by the Governor and General Assembly.

Section 3 would direct the Revisor of Statutes to recodify Chapter 138A of the General Statutes (State Government Ethics Act), Chapter 120C of the General Statues (Lobbying), and Chapter 163 of the General Statutes (Elections and Election Laws) into a new Chapter 138B of the General Statutes to be entitled "Elections and Ethics Enforcement Act." Within the recodification process, the Revisor would be authorized to make other technical and conforming changes as the Revisor deems appropriate.

Section 4 would establish a new Bipartisan State Board of Elections and Ethics Enforcement ("State Board").

Membership of the State Board:

- The State Board would consist of eight individuals registered to vote in North Carolina. Members would be appointed by the Governor, from lists of nominees submitted by the State party chairs of the two parties with the highest voter registration.
- Members would serve two-year terms, beginning May 1 of the odd numbered year.
- Members could be removed from the State Board only for misfeasance, malfeasance, or nonfeasance by the Governor. Vacancies on the State Board would be filled by an individual affiliated with the same political party as the vacating member, from a list of nominees submitted by that State political party chair.
- At the first meeting held after new appointments are made, members would organize themselves by electing one member as chair, one member as vice-chair, one member as secretary, each to serve a two-year term.
- Persons ineligible for appointment as a member of the State Board would be those:
  - Holding elective or appointive office under the federal government, State government, or any political subdivision of the State.
  - Holding office in a political party or organization.
  - Being a candidate for any office.
  - Serving as a campaign manager or treasurer of any candidate for office.
- Members of the State Board would be prohibited from:
  - Making reportable contributions to candidates over which the State Board would have jurisdiction.
  - Registering as a lobbyist.
  - Making written or oral statements for general distribution supporting or opposing clearly identified candidates for office or clearly identified referendum or ballot issue proposals.
  - Soliciting contributions for a candidate, political committee, or referendum committee.

Meetings and voting:

- The State Board would be required to meet at least monthly.
- Five members of the State Board would constitute a quorum.
- Unless any vote requirement is specifically provided for in the Chapter, the State Board requires the following votes for the following types of actions:
  - At least 5 votes for any action under the Election and Election Laws Subchapter, except for campaign finance actions under Articles 23, 24, 25, and 26 of that Subchapter. Examples include:
    - Issuing a certificate of election.
    - Adopting rules related to voter registration, ballot order, voting systems, counting of ballots.
  - At least 6 votes for any campaign finance action. Examples include:
    - Referral to a district attorney for investigation.
    - Adopting rules and forms related to campaign finance.
  - At least 6 votes for any Ethics action under Articles 5, 6, 7, and 9 of Subchapter II. Examples include:
    - Issuing a formal written advisory opinion to a legislator, public servant, or legislative employee.

        - Dismissing a formal complaint against a legislator, public servant or legislative employee.
    - At least a majority of those present and voting for any other action. Examples include:
        - Issuing a formal written advisory opinion to a lobbyist or lobbyist principal.
        - Adopting minutes, agendas, etc.
        - Appointing an Executive Director.
    - Examples of specific vote requirements in the new Chapter 163A of the General Statutes:
        - At least 6 votes are needed to order a new election.
        - Unanimous vote of all members present and voting for a reduction in early one-stop voting hours.

Powers of the State Board:

- The State Board would have the power to administer oaths, issue subpoenas, summon witnesses, and compel evidence.
- Subpoenas would be issued by the State Board for Lobbying, and for Elections and Campaign Finance upon a vote of 5 members, with at least two votes from each political party. Other subpoenas would be upon petition, by a vote of at least 5 members, to the Wake County Superior Court.

Executive Director:

- The State Board would appoint an Executive Director for a term of two years, beginning May 15 after the first meeting held after new appointments to the Board are made.
- The Executive Director would be the chief State elections official.

Sections 5 and 6 would make various technical and conforming changes.

Section 7 would make a variety of substantive, conforming, and technical changes, including:

- County boards of elections would increase from three to four members. Two members would be of the political party with the highest number of registered affiliates and two from the political party with the second highest number of registered affiliates. Three members would constitute a quorum, and unless required by law to act unanimously, a majority vote for action of the board would require three of the four members. Chairs of the county boards would be selected by the county board at their first meeting in July each year. In the odd-numbered year, the chair is to be a member of the political party with the highest number of registered affiliates, and the vice-chair a member of the political party with the 2nd highest number of registered affiliates. In the even-numbered year, the chair shall be a member of the political party with the 2nd highest number of registered affiliates, and the vice-chair a member of the political party with the highest number of registered affiliates.
- Six votes of the State Board would be needed to order a new election.
- The State Board would have to conclude all campaign finance investigations no later than one year from the date of the start of the investigation, unless the Board has reported an apparent

violation to the proper district attorney and additional investigation of the apparent violation is deemed necessary by the Board.

Section 8 would direct the Joint Legislative Elections Oversight Committee to study the budgets, programs, and policies of the State Board and county boards of elections.

Sections 9-21 outline the transfer of authority, powers, duties and functions, records, personnel, property, and unexpended balances of appropriations from the SEC, SBE, and the lobbying registration and lobbying enforcement functions of the Secretary of State to the new State Board. The PCS requires the State Board to report initially by April 1, 2018, and again by March 1, 2019, to the Joint Legislative Commission on Government Operations, the Joint Legislative Elections Oversight Committee, and the Legislative Ethics Committee on any recommendations for statutory changes needed for implementation of this consolidation.

To establish the new State Board, the State party chairs would be directed to submit a list of nominees to the Governor no later than April 20, 2017, and the Governor to make appointments no later than May 1, 2017. The Executive Director of the SBE will serve as the Executive Director of the State Board until May 2019.

EFFECTIVE DATE: May 1, 2017, except as otherwise noted.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 68
Education/Higher Education Committee Substitute Adopted 3/14/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S68-PCS45400-STf-8

Short Title: Bipartisan Bd of Elections and Ethics Enforce. (Public)

Sponsors:

Referred to:

February 13, 2017

A BILL TO BE ENTITLED

AN ACT TO REPEAL G.S. 126-5(D)(2), AS ENACTED BY S.L. 2016-126; TO REPEAL S.L. 2016-125; AND TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE QUASI-JUDICIAL AND REGULATORY AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT.

Whereas, the functions of ethics, elections, and lobbying affect and regulate a similar group of persons; and

Whereas, the rights of that group of persons affected may include issues directly related to the First Amendment right of free speech; and

Whereas, the General Assembly finds it beneficial and conducive to consistency to establish one quasi-judicial and regulatory body with oversight authority for ethics, elections, and lobbying; and

Whereas, the General Assembly also finds it imperative to ensure protections of free speech rights and increase public confidence in the decisions to restrict free speech; and

Whereas, the General Assembly finds that voices from all major political parties should be heard in decisions relating to First Amendment rights of free speech; and

Whereas, the General Assembly finds that important governmental and First Amendment rights will be impacted in the decisions of the quasi-judicial and regulatory body regulating ethics, elections, and lobbying; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 126-5(d)(2), as enacted by Sections 7 and 8 of S.L. 2016-126, is repealed.

SECTION 2. Part I of S.L. 2016-125 is repealed.

SECTION 3. Recodification; Technical and Conforming Changes. – The Revisor of Statutes shall recodify Chapter 138A of the General Statutes, Chapter 120C of the General Statutes, as well as Chapter 163 of the General Statutes, as amended by this act, into a new Chapter 163A of the General Statutes to be entitled "Elections and Ethics Enforcement Act," as enacted by Section 4 of this act. The Revisor may also recodify into the new Chapter 163A of the General Statutes other existing statutory laws relating to elections and ethics enforcement that are located elsewhere in the General Statutes as the Revisor deems appropriate. The new Chapter 163A of the General Statutes shall have the following structure:

SUBCHAPTER I. GENERAL PROVISIONS.

Article 1. Bipartisan State Board of Elections and Ethics Enforcement.

SUBCHAPTER II. ETHICS AND LOBBYING.

Article 26. Legal Expense Funds.
Article 27. Municipal Elections.
Part 1. Municipal Election Procedure.
Part 2. Conduct of Municipal Elections.
Article 28. Nomination and Election of Appellate, Superior, and District Court Judges.

When recodifying, the Revisor is authorized to change all references to the State Ethics Commission, to the State Board of Elections, or to the Secretary of State, to instead be references to the Bipartisan State Board of Elections and Ethics Enforcement. The Revisor may separate subsections of existing statutory sections into new sections and, when necessary to organize relevant law into its proper place in the above structure, may rearrange sentences that currently appear within subsections. The Revisor may modify statutory citations throughout the General Statutes, as appropriate, and may modify any references to statutory divisions, such as "Chapter," "Subchapter," "Article," "Part," "section," and "subsection," adjust the order of lists of multiple statutes to maintain statutory order, correct terms and conform names and titles changed by this act, eliminate duplicative references to the Bipartisan State Board of Elections and Ethics Enforcement that result from the changes authorized by this section, and make conforming changes to catch lines and references to catch lines. The Revisor may also adjust subject and verb agreement and the placement of conjunctions. The Revisor shall consult with the State Ethics Commission, the State Board of Elections, the Secretary of State, and the new Bipartisan State Board of Elections and Ethics Enforcement on this recodification.

SECTION 4.(a) The General Statutes are amended by adding a new Chapter to read:

"Chapter 163A.
"**Elections and Ethics Enforcement Act.**"

SECTION 4.(b) Chapter 163A of the General Statutes, as enacted by this act, is amended by adding a new Subchapter to read:

"**SUBCHAPTER I. GENERAL PROVISIONS.**"

SECTION 4.(c) Subchapter I of Chapter 163A of the General Statutes, as enacted by this act, is amended by adding a new Article to read:

"Article 1.
"Bipartisan State Board of Elections and Ethics Enforcement.

"**§ 163A-1. Bipartisan State Board of Elections and Ethics Enforcement established.**

There is established the Bipartisan State Board of Elections and Ethics Enforcement, referred to as the State Board in this Chapter.

"**§ 163A-2. Membership.**

(a) The State Board shall consist of eight individuals registered to vote in North Carolina, appointed by the Governor, four of whom shall be of the political party with the highest number of registered affiliates and four of whom shall be of the political party with the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board. The Governor shall appoint four members each from a list of six nominees submitted by the State party chairs of the two political parties with the highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board.

(b) Members shall serve for two-year terms, beginning May 1 immediately following the election of the Governor.

(c) Members shall be removed by the Governor from the State Board only for misfeasance, malfeasance, or nonfeasance.

(d) Any vacancy occurring on the State Board shall be filled by an individual affiliated with the same political party of the vacating member. 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. The Governor shall fill the vacancy from a list of two names submitted by the State party chair of the political party with which the vacating member was affiliated if that list is submitted within 30 days of the occurrence of the vacancy.

(e) 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 Bipartisan State Board of Elections and Ethics Enforcement according to the best of my knowledge and ability, according to law, so help me God."

(f) At the first meeting in May, the State Board shall organize by electing one of its members chair and one of its members vice-chair, each to serve a two-year term as such.

(g) At the first meeting held after new appointments are made after taking the oath, the State Board shall elect one of its members secretary, to serve a two-year term as such.

(h) No person shall be eligible to serve as a member of the State Board who:

(1) Holds any elective or appointive office under the government of the United States, the State of North Carolina, or any political subdivision thereof.

(2) Holds any office in a political party or organization.

(3) Is a candidate for nomination or election to any office.

(4) Is a campaign manager or treasurer of any candidate in a primary or election.

(5) Has served two full consecutive terms.

(i) No person while serving on the State 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 8 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.

(j) Members of the State Board shall receive per diem, subsistence, and travel, as provided in G.S. 138-5 and G.S. 138-6.

"**§ 163A-3. Meetings; quorum; majority.**

(a) The State Board shall meet at least monthly and at other times as called by its chair or by a majority of its members. In the case of a vacancy in the chair, meetings may be called by the vice-chair.

(b) Five members of the State Board shall be present and shall constitute a quorum for the transaction of business.

(c) Unless otherwise specifically provided in this Chapter, a majority vote of the State Board shall require the following votes for the following types of actions:

(1) At least five votes for any action under Subchapter III of this Chapter, Election and Election Laws, except for actions under Articles 23, 24, 25, and 26 of that Subchapter.

(2) At least six votes for any action under Articles 23, 24, 25, and 26 of Subchapter III of this Chapter.

(3) At least six votes for any action under Articles 5, 6, 7, and 9 of Subchapter II of this Chapter.

(4) At least a majority of those present and voting for any other action.

"**§ 163A-4. Powers of the State Board in the execution of State Board duties.**

(a) In the performance of the duties enumerated in Article 8 of Subchapter II of this Chapter and Subchapter III of this Chapter, the State Board, upon a vote of five or more of its members, with at least two votes from each political party, shall have power to issue subpoenas, summon witnesses, and compel the production of papers, books, records, and other evidence. Such subpoenas for designated witnesses or identified papers, books, records, and other evidence shall be signed and issued by the chair.

(b) In the absence of the chair or upon the chair's refusal to act, the vice-chair may sign and issue subpoenas, summon witnesses, and compel the production of papers, books, records, and other evidence approved in accordance with subsection (a) of this section.

(c) In the performance of the duties enumerated in this Chapter, the State Board, acting through the chair, shall have the power to administer oaths. In the absence of the chair or upon the chair's refusal to act, any member of the State Board may administer oaths.

(d) Except as provided in subsection (a) of this section, the State Board, upon a vote of five or more of its members, may petition the Superior Court of Wake County for the approval to issue subpoenas and subpoenas duces tecum as necessary to conduct investigations of violations of the remainder this Chapter. The court shall authorize subpoenas under this subsection when the court determines they are necessary for the enforcement of this Chapter. Subpoenas issued under this subsection shall be enforceable by the court through contempt powers. Venue shall be with the Superior Court of Wake County for any nonresident person, or that person's agent, who makes a reportable expenditure under this Chapter, and personal jurisdiction may be asserted under G.S. 1-75.4.

"**§ 163A-5. Independent agency, staff, and offices.**

(a) 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, and authority and shall have all powers and duties conferred upon the heads of principal departments under G.S. 143B-10.

(b) The State Board may employ professional and clerical staff, including an Executive Director.

"**§ 163A-6. Executive Director of the State Board.**

(a) There is hereby created the position of Executive Director of the State Board, who shall perform all duties imposed by statute and such duties as may be assigned by the State Board.

(b) The State Board shall appoint an Executive Director for a term of two years with compensation to be determined by the Office of State Human Resources. The Executive Director shall serve beginning May 15 after the first meeting held after new appointments to the State Board are made, unless removed for cause, until a successor is appointed. In the event of a vacancy, the vacancy shall be filled for the remainder of the term.

(c) The Executive Director shall be responsible for staffing, administration, and execution of the State Board's decisions and orders and shall perform such other responsibilities as may be assigned by the State Board.

(d) The Executive Director shall be the chief State elections official."

SECTION 5.(a) G.S. 138A-6 is repealed.

SECTION 5.(b) G.S. 138A-7 is repealed.

SECTION 5.(c) G.S. 138A-8 is repealed.

SECTION 5.(d) G.S. 138A-9 is repealed.

SECTION 5.(e) G.S. 138A-12(r) is repealed.

SECTION 5.(f) G.S. 138A-13 reads as rewritten:

"§ 138A-13. Request for advice.

...

(a2) A request for a formal advisory opinion under subsection (a) of this section shall be in writing, electronic or otherwise. The ~~Commission~~ State Board shall issue formal advisory opinions having prospective application only. A public servant or legislative employee who relies upon the advice provided to that public servant or legislative employee on a specific matter addressed by the requested formal advisory opinion shall be immune from all of the following:

(1) Investigation by the ~~Commission,~~State Board, except for an inquiry under G.S. 138A-12(b)(3).

(2) Any adverse action by the employing entity.

~~(3) Investigation by the Secretary of State.~~

...

(b1) A request by a legislator for a recommended formal advisory opinion shall be in writing, electronic or otherwise. The ~~Commission~~ State Board shall issue recommended formal advisory opinions having prospective application only. Until action is taken by the Committee under G.S. 120-104, a legislator who relies upon the advice provided to that legislator on a specific matter addressed by the requested recommended formal advisory opinion shall be immune from all of the following:

(1) Investigation by the Committee or ~~Commission,~~ State Board, except for an inquiry under G.S. 138A-12(b)(3).

(2) Any adverse action by the house of which the legislator is a member.

~~(3) Investigation by the Secretary of State.~~

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 subsection shall not apply after the time the Committee modifies or overturns the advisory opinion of the Commission in accordance with G.S. 120-104.

...."

SECTION 6. Chapter 120C of the General Statutes reads as rewritten:

"Chapter 120C.

"Lobbying.

...

"§ 120C-101. Rules and forms.

(a) The ~~Commission~~ State Board shall adopt any rules or definitions necessary to interpret the provisions of this ~~Chapter~~ Article and adopt any rules necessary to administer the provisions of this ~~Chapter, except for Articles 2, 4 and 8 of this Chapter. The Secretary of State shall adopt any rules, orders, and forms as are necessary to administer the provisions of Articles 2, 4 and 8 of this Chapter. The Secretary of State may appoint a council to advise the Secretary in adopting rules under this section.~~Article.

(b) With respect to the forms adopted under subsection (a) of this section, the ~~Secretary of State~~ State Board shall adopt rules to protect from disclosure all confidential information under Chapter 132 of the General Statutes related to economic development initiatives or to industrial or business recruitment activities. The information shall remain confidential until the State, a unit of local government, or the business has announced a commitment by the business to expand or locate a specific project in this State or a final decision not to do so, and the business has communicated that commitment or decision to the State or local government agency involved with the project.

(c) In adopting rules under this ~~Chapter,~~ Article, the ~~Commission~~ State Board is exempt from the requirements of Article 2A of Chapter 150B of the General Statutes, except that the

~~Commission~~ State Board shall comply with G.S. 150B-21.2(d). At least 30 business days prior to adopting a rule, the ~~Commission~~ State Board shall:

(1) Publish the proposed rules in the North Carolina Register.

(2) Submit the rule and a notice of public hearing to the Codifier of Rules, and the Codifier of Rules shall publish the proposed rule and the notice of public hearing on the Internet to be posted within five business days.

(3) Notify those on the mailing list maintained in accordance with G.S. 150B-21.2(d) and any other interested parties of its intent to adopt a rule and of the public hearing.

(4) Accept written comments on the proposed rule for at least 15 business days prior to adoption of the rule.

(5) Hold at least one public hearing on the proposed rule no less than five days after the rule and notice have been published.

A rule adopted under this subsection becomes effective the first day of the month following the month the final rule is submitted to the Codifier of Rules for entry into the North Carolina Administrative Code, and applies prospectively. A rule adopted by the Commission that does not comply with the procedural requirements of this subsection shall be null, void, and without effect. For purposes of this subsection, a rule is any ~~Commission~~ State Board regulation, standard, or statement of general applicability that interprets an enactment by the General Assembly or Congress, or a regulation adopted by a federal agency, or that describes the procedure or practice requirements of the ~~Commission.~~State Board.

~~(d) For purposes of G.S. 150B-21.3(b2), a written objection filed by the Commission to a rule adopted by the Secretary of State pursuant to this Chapter shall be deemed written objections from 10 or more persons under that statute. Notwithstanding G.S. 150B-21.3(b2), a rule adopted by the Secretary of State pursuant to this Chapter objected to by the Commission under this subsection shall not become effective until an act of the General Assembly approving the rule has become law. If the General Assembly does not approve a rule under this subsection by the day of adjournment of the next regular session of the General Assembly that begins at least 25 days after the date the Rules Review Commission approves the rule, the permanent rule shall not become effective and any temporary rule associated with the permanent rule expires. If the General Assembly fails to approve a rule by the day of adjournment, the Secretary of State may initiate rulemaking for a new permanent rule, including by the adoption of a temporary rule.~~

"§ 120C-102. Request for advice.

(a) At the request of any person, State agency, or governmental unit affected by this ~~Chapter,~~ Article, the ~~Commission~~ State Board shall render advice on specific questions involving the meaning and application of this ~~Chapter~~ Article and that person's, State agency's, or any governmental unit's compliance therewith. Requests for advice and advice rendered in response to those requests shall relate to real or reasonably anticipated fact settings or circumstances.

(a1) A request for a formal opinion under subsection (a) of this section shall be in writing, electronic or otherwise. The ~~Commission~~ State Board shall issue formal advisory opinions having prospective application only. An individual, State agency, or governmental unit who relies upon the advice provided to that individual, State agency, or governmental unit on a specific matter addressed by a requested formal advisory opinion shall be immune from all of the following:

(1) Investigation by the ~~Commission.~~State Board.

(2) Any adverse action by the employing entity.

~~(3) Investigation by the Secretary of State.~~

(b) Staff to the ~~Commission~~ State Board may issue advice, but not formal advisory opinions, under procedures adopted by the ~~Commission.~~State Board.

(c) The ~~Commission~~ State Board shall publish its formal advisory opinions within 30 days of issuance, edited as necessary to protect the identities of the individuals requesting opinions.

(d) Except as provided under subsections (c) and (d1) of this section, a request for advice, any advice provided by ~~Commission~~ State Board staff, any formal advisory opinions, any supporting documents submitted or caused to be submitted to the ~~Commission~~ State Board or ~~Commission~~ State Board staff, and any documents prepared or collected by the ~~Commission~~ State Board or the ~~Commission~~ State Board staff in connection with a request for advice are confidential. The identity of the individual, State agency, or governmental unit 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, State agency, or governmental unit who requests advice or receives advice, including a 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.

~~(d1) Staff to the Commission may share all information and documents related to requests under subsection (a) and (a1) of this section with staff of the Office of the Secretary of State. The information and documents in the possession of the staff of the Office of the Secretary of State shall remain confidential and not public records. The Commission shall forward an unedited copy of each formal advisory opinion under this section to the Secretary of State at the time the formal advisory opinion is issued to the requestor, and the Secretary of State shall treat that unedited advisory opinion as confidential and not a public record.~~

(e) Requests for advisory opinions may be withdrawn by the requestor at any time prior to the issuance of a formal advisory opinion.

...

"§ 120C-601. Powers and duties of the ~~Commission.~~State Board.

(a) The ~~Commission~~ State Board may investigate complaints of violations of this ~~Chapter and shall refer complaints related solely to Articles 2, 4, or 8 of this Chapter to the Secretary of State.~~Article.

~~(b) The Commission may petition the Superior Court of Wake County for the approval to issue subpoenas and subpoenas duces tecum as necessary to conduct investigations of violations of this Chapter. The court shall authorize subpoenas under this subsection when the court determines they are necessary for the enforcement of this Chapter. Subpoenas issued under this subsection shall be enforceable by the court through contempt powers. Venue shall be with the Superior Court of Wake County for any nonresident person, or that person's agent, who makes a reportable expenditure under this Chapter, and personal jurisdiction may be asserted under G.S. 1-75.4.~~

(c) Complaints of violations of this ~~Chapter~~ Article and all other records accumulated in conjunction with the investigation of these complaints shall be considered confidential records and may be released only by order of a court of competent jurisdiction. Any information obtained by the ~~Commission~~ State Board from any law enforcement agency, administrative agency, or regulatory organization on a confidential or otherwise restricted basis in the course of an investigation shall be confidential and exempt from G.S. 132-6 to the same extent that it is confidential in the possession of the providing agency or organization.

(d) The ~~Commission~~ State Board shall publish annual statistics on complaints, including the number of complaints, the number of apparent violations of this ~~Chapter~~ Article referred to a district attorney, the number of dismissals, and the number and age of complaints pending.

"§ 120C-602. Punishment for violation.

(a) Whoever willfully violates any provision of ~~Article 2 or Article 3 of this Chapter~~ Part 2 or Part 3 of this Article shall be guilty of a Class 1 misdemeanor, except as provided in those Articles. In addition, no lobbyist who is convicted of a violation of the provisions of this ~~Chapter~~ Article shall in any way act as a lobbyist for a period of two years from the date of conviction.

(b) ~~In addition to the criminal penalties set forth in this section, the Secretary of State may levy civil fines for a violation of any provision of Articles 2, 4, or 8 of this Chapter up to five thousand dollars ($5,000) per violation.~~ In addition to the criminal penalties set forth in this section, the ~~Commission~~ State Board may levy civil fines for a violation of any provision of this ~~Chapter except Article 2, 4, or 8 of this Chapter~~ Article up to five thousand dollars ($5,000) per violation.

"§ 120C-603. Enforcement by district attorney and Attorney General.

(a) The ~~Commission or the Secretary of State, as appropriate,~~ State Board may investigate complaints of violations of this ~~Chapter~~ Article and shall report apparent violations of this ~~Chapter~~ Article 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 provisions of this ~~Chapter.~~Article.

(b) Complaints of violations of this ~~Chapter~~ Article involving the ~~Commission~~ State Board or any member employee of the ~~Commission~~ 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 provisions of this ~~Chapter.~~Article.

...."

SECTION 7.(a) G.S. 163-19 is repealed.

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

"§ 163-20. Meetings of Board; quorum; minutes.

~~(a) Call of Meeting. – The State Board of Elections shall meet at the call of the chairman whenever necessary to discharge the duties and functions imposed upon it by this Chapter. The chairman shall call a meeting of the Board upon the written application or applications of any two members thereof. If there is no chairman, or if the chairman does not call a meeting within three days after receiving a written request or requests from two members, any three members of the Board shall have power to call a meeting of the Board, and any duties imposed or powers conferred on the Board by this Chapter may be performed or exercised at that meeting, although the time for performing or exercising the same prescribed by this Chapter may have expired.~~

(b) Place of Meeting. – Except as provided in subsection (c), below, the State Board ~~of Elections~~ shall meet in its offices in the City of Raleigh, or at another place in Raleigh to be designated by the chairman. However, subject to the limitation imposed by subsection (c), below, upon the prior written request of ~~any four~~ a majority of its members, the State Board ~~of Elections~~ shall meet at any other place in the State designated by ~~the four~~ a majority of its members.

(c) Meetings to Investigate Alleged Violations of This Chapter. – When called upon to investigate or hear sworn alleged violations of this Chapter, the State Board ~~of Elections~~ shall meet and hear the matter in the county in which the violations are alleged to have occurred.

~~(d) Quorum. – A majority of the members constitutes a quorum for the transaction of business by the State Board of Elections. If any member of the 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 summarily remove any member failing to attend and appoint his successor.~~

(e) Minutes. – The State Board ~~of Elections~~ 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 Board in Raleigh."

SECTION 7.(c) G.S. 163-21 is repealed.

SECTION 7.(d) G.S. 163-23 is repealed.

SECTION 7.(e) G.S. 163-26 is repealed.

SECTION 7.(f) G.S. 163-27 is repealed.

SECTION 7.(g) G.S. 163-28 is repealed.

SECTION 7.(h) 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~~ four persons of good moral character who are registered voters in the county in which they are to act. ~~Members~~ Two of the members of the county board of elections shall be of the political party with the highest number of registered affiliates, and two shall be of the political party with the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board. In 2017, members of county boards of elections shall be appointed by the State Board on the second Tuesday in July. In 2019, 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 ~~chairman~~ chair 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,~~2017, and each two years thereafter, it shall be the duty of the State Board ~~of Elections~~ to appoint the county boards from the names thus recommended.

Whenever a vacancy occurs in the membership of a county board of elections for any cause the State ~~chairman~~ chair 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."

At the first meeting in July annually, the county boards shall organize by electing one of its members chair and one of its members vice-chair, each to serve a one-year term as such. In the odd-numbered year, the chair shall be a member of the political party with the highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board, and the vice-chair a member of the political party with the second highest number of registered affiliates. In the even-numbered year, the chair shall be a member of the political party with the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board, and the vice-chair a member of the political party with the highest number of registered affiliates.

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~~ chair of the board, and shall be paid the sum of twenty-five dollars ($25.00) per day for attending each of those meetings."

SECTION 7.(i) G.S. 163-31 reads as rewritten:

"§ 163-31. Meetings of county boards of elections; quorum; majority; minutes.

In each county of the State the members of the county board of elections shall meet at the courthouse or board office at noon on the Tuesday following the third Monday in July in the year of their appointment by the State Board ~~of Elections~~ and, after taking the oath of office provided in G.S. 163-30, they shall organize by electing one member ~~chairman~~ chair and another member secretary of the county board of elections. On the Tuesday following the third Monday in August of the year in which they are appointed the county board of elections shall meet and appoint precinct chief judges and judges of elections. The board may hold other meetings at such times as the ~~chairman~~ chair of the board, or any ~~two~~ three members thereof, may direct, for the performance of duties prescribed by law. ~~A majority of the~~ Three members shall constitute a quorum for the transaction of board business. Except where required by law to act unanimously, a majority vote for action of the board shall require three of the four members. The ~~chairman~~ chair shall notify, or cause to be notified, all members regarding every meeting to be held by the board.

The county board of elections 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 board office and it shall be the responsibility of the secretary, elected by the board, to keep the required minute book current and accurate. The secretary of the board may designate the director of elections to record and maintain the minutes under his or her supervision."

SECTION 7.(j) G.S. 163-182.13 reads as rewritten:

"§ 163-182.13. New elections.

(a) When State Board May Order New Election. – The State Board ~~of Elections~~ may order a new election, upon agreement of at least ~~four~~ six of its members, in the case of any one or more of the following:

(1) Ineligible voters sufficient in number to change the outcome of the election were allowed to vote in the election, and it is not possible from examination of the official ballots to determine how those ineligible voters voted and to correct the totals.

(2) Eligible voters sufficient in number to change the outcome of the election were improperly prevented from voting.

(3) Other irregularities affected a sufficient number of votes to change the outcome of the election.

(4) Irregularities or improprieties occurred to such an extent that they taint the results of the entire election and cast doubt on its fairness.

(b) State Board to Set Procedures. – The State Board ~~of Elections~~ shall determine when a new election shall be held and shall set the schedule for publication of the notice, preparation of absentee official ballots, and the other actions necessary to conduct the election.

(c) Eligibility to Vote in New Election. – Eligibility to vote in the new election shall be determined by the voter's eligibility at the time of the new election, except that in a primary, no person who voted in the initial primary of one party shall vote in the new election in the primary of another party. The State Board ~~of Elections~~ shall ~~promulgate~~ adopt rules to effect the provisions of this subsection.

(d) Jurisdiction in Which New Election Held. – The new election shall be held in the entire jurisdiction in which the original election was held.

(e) Which Candidates to Be on Official Ballot. – All the candidates who were listed on the official ballot in the original election shall be listed in the same order on the official ballot for the new election, except in either of the following:

(1) If a candidate dies or otherwise becomes ineligible between the time of the original election and the new election, that candidate may be replaced in the same manner as if the vacancy occurred before the original election.

(2) If the election is for a multiseat office, and the irregularities could not have affected the election of one or more of the candidates, the new election, upon agreement of at least ~~four~~ six members of the State Board, may be held among only those candidates whose election could have been affected by the irregularities.

(f) Tie Votes. – If ineligible voters voted in an election and it is possible to determine from the official ballots the way in which those votes were cast and to correct the results, and consequently the election ends in a tie, the provisions of G.S. 163-182.8 concerning tie votes shall apply."

SECTION 7.(k) G.S. 163-278.22(7) reads as rewritten:

"(7) To make investigations to the extent the State Board deems necessary with respect to statements filed under the provisions of this Article and with respect to alleged failures to file any statement required under the provisions of this Article or Article 22M of the General Statutes and, upon complaint under oath by any registered voter, with respect to alleged violations of any part of this Article or Article 22M of the General Statutes. The State Board shall conclude all investigations no later than one year from the date of the start of the investigation, unless the State Board has reported an apparent violation to the proper district attorney and additional investigation of the apparent violation is deemed necessary by the State Board."

SECTION 8. 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 Bipartisan State Board of Elections and Ethics Enforcement 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 Bipartisan State Board of Elections and Ethics Enforcement 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 9. Notwithstanding G.S. 163A-2, as enacted by Section 4 of this act, the chairs of the two political parties shall submit a list of names to the Governor on or before April 20, 2017, and the Governor shall make appointments from those lists no later than May 1, 2017. The State chairs of the two political parties shall not nominate, and the Governor shall not appoint, any individual who has served two or more full consecutive terms on the State Board of Elections or State Ethics Commission, as of April 30, 2017.

SECTION 10. Notwithstanding G.S. 163A-2, as enacted by Section 4 of this act, the Governor shall appoint a member of the State Board to serve as chair of the State Board until its first meeting in May 2019, at which time the State Board shall select its chairs in accordance with G.S. 163A-2.

SECTION 11. 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 Bipartisan State Board of Elections and Ethics Enforcement, as 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 Bipartisan State Board of Elections and Ethics Enforcement, as created in this act, is charged with exercising the functions of the former named entity.

SECTION 12. No action or proceeding pending on May 1, 2017, brought by or against the State Board of Elections, the 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 Bipartisan State Board of Elections and Ethics Enforcement, as created in this act. In these actions and proceedings, the Bipartisan State Board of Elections and Ethics Enforcement 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 Bipartisan State Board of Elections and Ethics Enforcement pertaining to or connected with the functions, powers, obligations, and duties set forth herein, which is pending on May 1, 2017, may be conducted and completed by the

Bipartisan State Board of Elections and Ethics Enforcement 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 13. 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 on May 1, 2017, shall be transferred to the Bipartisan State Board of Elections and Ethics Enforcement, as created by this act, on May 1, 2017. Prosecutions for offenses or violations committed before May 1, 2017, 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 14. Rules and forms adopted by the State Ethics Commission, Secretary of State related to lobbying, and the State Board of Elections shall remain in effect as provided in G.S. 150B-21.7. Policies, procedures, and guidance shall remain in effect until amended or repealed by the Bipartisan State Board of Elections and Ethics Enforcement. The list of covered boards adopted by the State Ethics Commission under G.S. 138A-11 as of April 30, 2017, shall continue in effect until amended or repealed by the Bipartisan State Board of Elections and Ethics Enforcement.

SECTION 15. 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 2016 shall remain in effect until amended or repealed by the Bipartisan State Board of Elections and Ethics Enforcement.

SECTION 16. 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 Bipartisan State Board of Elections and Ethics Enforcement, as created in 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 are transferred to the Bipartisan State Board of Elections and Ethics Enforcement, as created in 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 Bipartisan State Board of Elections and Ethics Enforcement, as created in this act. The Director of the Budget shall resolve any disputes arising out of this transfer.

SECTION 17. Notwithstanding G.S. 163A-6, the Bipartisan State Board of Elections and Ethics Enforcement shall not appoint an Executive Director until May 2019. Until such time as the Bipartisan State Board of Elections and Ethics Enforcement appoints an Executive Director in accordance with G.S. 163A-6, as enacted by this act, the Executive Director of the State Board of Elections under G.S. 163-26, as of December 31, 2016, shall be the Executive Director.

SECTION 18. The appropriations and resources of the State Ethics Commission is transferred to the Bipartisan State Board of Elections and Ethics Enforcement, and the transfer shall have all the elements of a Type I transfer under G.S. 143A-6.

SECTION 19. The appropriations and resources of the State Board of Elections, including any office space of the State Board of Elections, is transferred to the Bipartisan State Board of Elections and Ethics Enforcement, and the transfer shall have all the elements of a Type I transfer under G.S. 143A-6, with the Budget Code for the newly established State Board being the previous State Board of Elections Budget Code of 18025.

SECTION 20. The appropriations and resources of the lobbying registration and lobbying enforcement functions of the Secretary of State are transferred to the Bipartisan State Board of Elections and Ethics Enforcement, 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: Lobbying Compliance Director (Position 60008800), Law Enforcement Agent (Position 60008806), Administrative Assistant II (Position 60008801), Administrative Assistant II (Position 60008802), and Administrative Assistant II (Position 60008803).

SECTION 21. The Bipartisan State Board of Elections and Ethics Enforcement shall report to the Joint Legislative Commission on Governmental Operations, Joint Legislative Elections Oversight Committee, and the Legislative Ethics Committee on or before April 1, 2018, and again on or before March 1, 2019, as to recommendations for statutory changes necessary to further implement this consolidation.

SECTION 22. Notwithstanding the recodification in Section 3 of this act, the Bipartisan State Board of Elections and Ethics Enforcement shall not administer or enforce Part 1, Part 3, or Part 6 of Article 8 of Chapter 163A of the General Statutes, and the Secretary of State shall maintain the authority to administer and enforce Articles 2, 4, and 8 of Chapter 120C of the General Statutes, as those Articles existed on May 1, 2017, until October 1, 2017. Section 20 of this act becomes effective October 1, 2017. Sections 9 and 10 of this act become effective when it becomes law. G.S. 163-30, as amended by Section 7(h) of this act, and G.S. 163-31, as amended by Section 7(i) of this act, become effective July 1, 2017. G.S. 163-278.22(7), as amended by Section 7(k) of this act, becomes effective May 1, 2017, and applies to investigations initiated on or after that date. Except as otherwise provided, this act becomes effective May 1, 2017.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 68

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

S68-AST-6 [v.2]

Amends Title [NO]
Second Edition

Date _____,2017

Representative Lewis

moves to amend the bill on page 1, line 22, by deleting "Section 7" and substituting "Sections 7 and 8";

and on page 1, line 24, by inserting "Part I of" before "S.L. 2016-125" on that line;

and on page 3, lines 38, 39, and 41, by deleting "two" and substituting "four" on each of those lines;

and on page 3, line 42, by deleting "three" and substituting "six";

and on page 5, line 50, by deleting "as amended by S.L. 2016-125" and the appropriate punctuation;

and on page 6, lines 30 and 43, and on page 7, lines 30 and 31, and on page 8, line 46, and on page 9, lines 5, 6, 8, 9, and 15, by deleting "Chapter" and substituting "~~Chapter~~Article" with appropriate punctuation on those lines;

and on page 6, line 34, by deleting "Chapter." and substituting "Article.";

and on page 8, line 44, by deleting "Article 2 or Article 3 of this Chapter" and substituting "~~Article 2 or Article 3 of this Chapter~~Part 2 or Part 3 of this Article";

and on page 14, lines 12, 16, and 21, by deleting "Part I of" on those lines;

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 68

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

S68-AST-6 [v.2]

1 and on page 15, lines 4, 5, and 6, by deleting "Part" and substituting "Act" on those lines.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 68

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

S68-AST-7 [v.2]

Amends Title [NO]
Second Edition

Date _____,2017

Representative Lewis

moves to amend the bill on page 4, lines 18-24, by rewriting those lines to read:

"(h) No person shall be eligible to serve as a member of the State Board who:
(1) Holds any elective or appointive office under the government of the United States, the State of North Carolina, or any political subdivision thereof.
(2) Holds any office in a political party or organization.
(3) Is a candidate for nomination or election to any office.
(4) Is a campaign manager or treasurer of any candidate in a primary or election.
(5) Has served two full consecutive terms.
(i) No person while serving on the State Board shall:";

and on page 4, line 36, by deleting "(i)" and substituting "(j)";

and on page 13, line 12, by inserting at the end of the line:

"The State chairs of the two political parties shall not nominate, and the Governor shall not appoint, any individual who has served two or more full consecutive terms on the State Board of Elections or State Ethics Commission, as of April 30, 2017.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

S68-AST-7-V-2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 68

Education/Higher Education Committee Substitute Adopted 3/14/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S68-CSSTf-8 [v.3]
4/3/2017 10:23:12 PM

Short Title: Bipartisan Bd of Elections and Ethics Enforce. (Public)

Sponsors:

Referred to:

February 13, 2017

A BILL TO BE ENTITLED

AN ACT TO REPEAL G.S. 126-5(D)(2), AS ENACTED BY S.L. 2016-126; TO REPEAL S.L. 2016-125; AND TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE QUASI-JUDICIAL AND REGULATORY AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT.

Whereas, the functions of ethics, elections, and lobbying affect and regulate a similar group of persons; and

Whereas, the rights of that group of persons affected may include issues directly related to the First Amendment right of free speech; and

Whereas, the General Assembly finds it beneficial and conductive to consistency to establish one quasi-judicial and regulatory body with oversight authority for ethics, elections, and lobbying; and

Whereas the General Assembly also finds it imperative to ensure protections of free speech rights and increase public confidence in the decisions to restrict free speech; and

Whereas the General Assembly finds that voices from all major political parties should be heard in decisions relating to First Amendment rights of free speech; and

Whereas, the General Assembly finds that important governmental and First Amendment rights will be impacted in the decisions of the quasi-judicial and regulatory body regulating ethics, elections and lobbying; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 126-5(d)(2), as enacted by Section 7 of S.L. 2016-126, is repealed.

SECTION 2. S.L. 2016-125 is repealed.

SECTION 3. Recodification; Technical and Conforming Changes. – The Revisor of Statutes shall recodify Chapter 138A of the General Statutes, Chapter 120C of the General Statutes, as well as Chapter 163 of the General Statutes, as amended by this act, into a new Chapter 163A of the General Statutes to be entitled "Elections and Ethics Enforcement Act," as enacted by Section 4 of this act. The Revisor may also recodify into the new Chapter 163A of the General Statutes other existing statutory laws relating to elections and ethics enforcement that are located elsewhere in the General Statutes as the Revisor deems appropriate. The new Chapter 163A of the General Statutes shall have the following structure:

SUBCHAPTER I. GENERAL PROVISIONS

Article 1. Bipartisan State Board of Elections and Ethics Enforcement.

SUBCHAPTER II. ETHICS AND LOBBYING

Article 26. Legal Expense Funds.
Article 27. Municipal Elections.
Part 1. Municipal Election Procedure
Part 2. Conduct of Municipal Elections
Article 28. Nomination and Election of Appellate, Superior, and District Court Judges.

When recodifying, the Revisor is authorized to change all references to the State Ethics Commission, to the State Board of Elections, or to the Secretary of State, to instead be references to the Bipartisan State Board of Elections and Ethics Enforcement. The Revisor may separate subsections of existing statutory sections into new sections and, when necessary to organize relevant law into its proper place in the above structure, may rearrange sentences that currently appear within subsections. The Revisor may modify statutory citations throughout the General Statutes, as appropriate, and may modify any references to statutory divisions, such as "Chapter," "Subchapter," "Article," "Part," "section," and "subsection," adjust the order of lists of multiple statutes to maintain statutory order, correct terms and conform names and titles changed by this act, eliminate duplicative references to the Bipartisan State Board of Elections and Ethics Enforcement that result from the changes authorized by this section, and make conforming changes to catch lines and references to catch lines. The Revisor may also adjust subject and verb agreement and the placement of conjunctions. The Revisor shall consult with the State Ethics Commission, the State Board of Elections, the Secretary of State, and the new Bipartisan State Board of Elections and Ethics Enforcement on this recodification.

SECTION 4.(a) The General Statutes are amended by adding a new Chapter to read:

"Chapter 163A.

"**Elections and Ethics Enforcement Act.**"

SECTION 4.(b) Chapter 163A of the General Statutes, as enacted by this act, is amended by adding a new Subchapter to read:

"**SUBCHAPTER I. GENERAL PROVISIONS.**"

SECTION 4.(c) Subchapter I of Chapter 163A of the General Statutes, as enacted by this act, is amended by adding a new Article to read:

"Article 1.

"Bipartisan State Board of Elections and Ethics Enforcement.

"**§ 163A-1. Bipartisan State Board of Elections and Ethics Enforcement established.**

There is established the Bipartisan State Board of Elections and Ethics Enforcement, referred to as the State Board in this Chapter.

"**§ 163A-2. Membership.**

(a) The State Board shall consist of eight individuals registered to vote in North Carolina, appointed by the Governor, two of whom shall be of the political party with the highest number of registered affiliates and two of whom shall be of the political party with the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board. The Governor shall appoint two members each from a list of three nominees submitted by the State party chairs of the two political parties with the highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board.

(b) Members shall serve for two-year terms, beginning May 1 immediately following the election of the Governor.

(c) Members shall be removed by the Governor from the State Board only for misfeasance, malfeasance, or nonfeasance.

(d) Any vacancy occurring on the State Board shall be filled by an individual affiliated with the same political party of the vacating member. 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. The Governor shall fill the vacancy from a list of two names submitted by the State party chair of the political party with which the vacating member was affiliated if that list is submitted within 30 days of the occurrence of the vacancy.

(e) 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 Bipartisan State Board of Elections and Ethics Enforcement according to the best of my knowledge and ability, according to law, so help me God."

(f) At the first meeting in May, the State Board shall organize by electing one of its members chair and one of its members vice-chair, each to serve a two-year term as such.

(g) At the first meeting held after new appointments are made after taking the oath, the State Board shall elect one of its members secretary, to serve a two-year term as such.

(h) 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, 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 State 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 8 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.

(i) Members of the State Board shall receive per diem, subsistence, and travel, as provided in G.S. 138-5 and G.S. 138-6.

"**§ 163A-3. Meetings; quorum; majority.**

(a) The State Board shall meet at least monthly and at other times as called by its chair or by a majority of its members. In the case of a vacancy in the chair, meetings may be called by the vice-chair.

(b) Five members of the State Board shall be present and shall constitute a quorum for the transaction of business.

(c) Unless otherwise specifically provided in this Chapter, a majority vote of the State Board shall require the following votes for the following types of actions:

(1) At least five votes for any action under Subchapter III of this Chapter, Election and Election Laws, except for actions under Articles 23, 24, 25, and 26 of that Subchapter.

(2) At least six votes for any action under Articles 23, 24, 25, and 26 of Subchapter III of this Chapter.

(3) At least six votes for any action under Articles 5, 6, 7, and 9 of Subchapter II of this Chapter.

(4) At least a majority of those present and voting for any other action."

"**§ 163A-4. Powers of the State Board in the execution of State Board duties.**

(a) In the performance of the duties enumerated in Article 8 of Subchapter II of this Chapter and Subchapter III of this Chapter, the State Board, upon a vote of five or more of its members, with at least two votes from each political party, shall have power to issue subpoenas, summon witnesses, and compel the production of papers, books, records, and other evidence. Such subpoenas for designated witnesses or identified papers, books, records, and other evidence shall be signed and issued by the chair.

(b) In the absence of the chair or upon the chair's refusal to act, the vice-chair may sign and issue subpoenas, summon witnesses, and compel the production of papers, books, records, and other evidence approved in accordance with subsection (a) of this section.

(c) In the performance of the duties enumerated in this Chapter, the State Board, acting through the chair, shall have the power to administer oaths. In the absence of the chair or upon the chair's refusal to act, any member of the State Board may administer oaths.

(d) Except as provided in subsection (a) of this section, the State Board, upon a vote of five or more of its members, may petition the Superior Court of Wake County for the approval to issue subpoenas and subpoenas duces tecum as necessary to conduct investigations of violations of the remainder this Chapter. The court shall authorize subpoenas under this subsection when the court determines they are necessary for the enforcement of this Chapter. Subpoenas issued under this subsection shall be enforceable by the court through contempt powers. Venue shall be with the Superior Court of Wake County for any nonresident person, or that person's agent, who makes a reportable expenditure under this Chapter, and personal jurisdiction may be asserted under G.S. 1-75.4.

"**§ 163A-5. Independent agency, staff, and offices.**

(a) 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, and authority and shall have all powers and duties conferred upon the heads of principal departments under G.S. 143B-10.

(b) The State Board may employ professional and clerical staff, including an Executive Director.

"**§ 163A-6. Executive Director of the State Board.**

(a) There is hereby created the position of Executive Director of the State Board, who shall perform all duties imposed by statute and such duties as may be assigned by the State Board.

(b) The State Board shall appoint an Executive Director for a term of two years with compensation to be determined by the Office of State Human Resources. The Executive Director shall serve beginning May 15 after the first meeting held after new appointments to the State Board are made, unless removed for cause, until a successor is appointed. In the event of a vacancy, the vacancy shall be filled for the remainder of the term.

(c) The Executive Director shall be responsible for staffing, administration, execution of the State Board's decisions and orders, and shall perform such other responsibilities as may be assigned by the State Board.

(d) The Executive Director shall be the chief State elections official."

SECTION 5.(a) G.S. 138A-6 is repealed.

SECTION 5.(b) G.S. 138A-7 is repealed.

SECTION 5.(c) G.S. 138A-8 is repealed.

SECTION 5.(d) G.S. 138A-9 is repealed.

SECTION 5.(e) G.S. 138A-12(r), as amended by S.L. 2016-125, is repealed.

SECTION 5.(f) G.S. 138A-13 reads as rewritten:

"**§ 138A-13. Request for advice.**

...

(a2) A request for a formal advisory opinion under subsection (a) of this section shall be in writing, electronic or otherwise. The ~~Commission~~ State Board shall issue formal advisory opinions having prospective application only. A public servant or legislative employee who relies upon the advice provided to that public servant or legislative employee on a specific matter addressed by the requested formal advisory opinion shall be immune from all of the following:

(1) Investigation by the ~~Commission,~~State Board, except for an inquiry under G.S. 138A-12(b)(3).

(2) Any adverse action by the employing entity.

~~(3) Investigation by the Secretary of State.~~

...

(b1) A request by a legislator for a recommended formal advisory opinion shall be in writing, electronic or otherwise. The ~~Commission~~ State Board shall issue recommended formal advisory opinions having prospective application only. Until action is taken by the Committee under G.S. 120-104, a legislator who relies upon the advice provided to that legislator on a specific matter addressed by the requested recommended formal advisory opinion shall be immune from all of the following:

(1) Investigation by the Committee or ~~Commission,~~ State Board, except for an inquiry under G.S. 138A-12(b)(3).

(2) Any adverse action by the house of which the legislator is a member.

~~(3) Investigation by the Secretary of State.~~

...."

SECTION 6. Chapter 120C of the General Statutes reads as rewritten:

"...

"**§ 120C-101. Rules and forms.**

(a) The ~~Commission~~ State Board shall adopt any rules or definitions necessary to interpret the provisions of this Chapter and adopt any rules necessary to administer the provisions of this ~~Chapter, except for Articles 2, 4 and 8 of this Chapter. The Secretary of State shall adopt any rules, orders, and forms as are necessary to administer the provisions of Articles 2, 4 and 8 of this Chapter. The Secretary of State may appoint a council to advise the Secretary in adopting rules under this section.~~Chapter.

(b) With respect to the forms adopted under subsection (a) of this section, the ~~Secretary of State~~State Board shall adopt rules to protect from disclosure all confidential information under Chapter 132 of the General Statutes related to economic development initiatives or to industrial or business recruitment activities. The information shall remain confidential until the State, a unit of local government, or the business has announced a commitment by the business to expand or locate a specific project in this State or a final decision not to do so, and the business has communicated that commitment or decision to the State or local government agency involved with the project.

(c) In adopting rules under this Chapter, the ~~Commission~~ State Board is exempt from the requirements of Article 2A of Chapter 150B of the General Statutes, except that the ~~Commission~~ State Board shall comply with G.S. 150B-21.2(d). At least 30 business days prior to adopting a rule, the ~~Commission~~State Board shall:

(1) Publish the proposed rules in the North Carolina Register.

(2) Submit the rule and a notice of public hearing to the Codifier of Rules, and the Codifier of Rules shall publish the proposed rule and the notice of public hearing on the Internet to be posted within five business days.

(3) Notify those on the mailing list maintained in accordance with G.S. 150B-21.2(d) and any other interested parties of its intent to adopt a rule and of the public hearing.

(4) Accept written comments on the proposed rule for at least 15 business days prior to adoption of the rule.

(5) Hold at least one public hearing on the proposed rule no less than five days after the rule and notice have been published.

A rule adopted under this subsection becomes effective the first day of the month following the month the final rule is submitted to the Codifier of Rules for entry into the North Carolina Administrative Code, and applies prospectively. A rule adopted by the Commission that does not comply with the procedural requirements of this subsection shall be null, void, and without effect. For purposes of this subsection, a rule is any ~~Commission~~State Board regulation, standard, or statement of general applicability that interprets an enactment by the General Assembly or Congress, or a regulation adopted by a federal agency, or that describes the procedure or practice requirements of the ~~Commission.~~State Board.

~~(d) For purposes of G.S. 150B-21.3(b2), a written objection filed by the Commission to a rule adopted by the Secretary of State pursuant to this Chapter shall be deemed written objections from 10 or more persons under that statute. Notwithstanding G.S. 150B-21.3(b2), a rule adopted by the Secretary of State pursuant to this Chapter objected to by the Commission under this subsection shall not become effective until an act of the General Assembly approving the rule has become law. If the General Assembly does not approve a rule under this subsection by the day of adjournment of the next regular session of the General Assembly that begins at least 25 days after the date the Rules Review Commission approves the rule, the permanent rule shall not become effective and any temporary rule associated with the permanent rule expires. If the General Assembly fails to approve a rule by the day of adjournment, the Secretary of State may initiate rulemaking for a new permanent rule, including by the adoption of a temporary rule.~~

"§ 120C-102. Request for advice.

(a) At the request of any person, State agency, or governmental unit affected by this Chapter, the ~~Commission~~State Board shall render advice on specific questions involving the meaning and application of this Chapter and that person's, State agency's, or any governmental unit's compliance therewith. Requests for advice and advice rendered in response to those requests shall relate to real or reasonably anticipated fact settings or circumstances.

(a1) A request for a formal opinion under subsection (a) of this section shall be in writing, electronic or otherwise. The ~~Commission~~State Board shall issue formal advisory opinions having prospective application only. An individual, State agency, or governmental unit who relies upon the advice provided to that individual, State agency, or governmental unit on a specific matter addressed by a requested formal advisory opinion shall be immune from all of the following:

(1) Investigation by the ~~Commission.~~State Board.

(2) Any adverse action by the employing entity.

~~(3) Investigation by the Secretary of State.~~

(b) Staff to the ~~Commission~~State Board may issue advice, but not formal advisory opinions, under procedures adopted by the ~~Commission.~~State Board.

(c) The ~~Commission~~State Board shall publish its formal advisory opinions within 30 days of issuance, edited as necessary to protect the identities of the individuals requesting opinions.

(d) Except as provided under subsections (c) and (d1) of this section, a request for advice, any advice provided by ~~Commission~~State Board staff, any formal advisory opinions, any supporting documents submitted or caused to be submitted to the ~~Commission~~State Board or ~~Commission~~State Board staff, and any documents prepared or collected by the

~~Commission~~State Board or the ~~Commission~~State Board staff in connection with a request for advice are confidential. The identity of the individual, State agency, or governmental unit 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, State agency, or governmental unit who requests advice or receives advice, including a 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.

~~(d1) Staff to the Commission may share all information and documents related to requests under subsection (a) and (a1) of this section with staff of the Office of the Secretary of State. The information and documents in the possession of the staff of the Office of the Secretary of State shall remain confidential and not public records. The Commission shall forward an unedited copy of each formal advisory opinion under this section to the Secretary of State at the time the formal advisory opinion is issued to the requestor, and the Secretary of State shall treat that unedited advisory opinion as confidential and not a public record.~~

(e) Requests for advisory opinions may be withdrawn by the requestor at any time prior to the issuance of a formal advisory opinion.

...

"§ 120C-601. Powers and duties of the ~~Commission.~~State Board.

(a) The ~~Commission~~State Board may investigate complaints of violations of this ~~Chapter and shall refer complaints related solely to Articles 2, 4, or 8 of this Chapter to the Secretary of State.~~Article.

~~(b) The Commission may petition the Superior Court of Wake County for the approval to issue subpoenas and subpoenas duces tecum as necessary to conduct investigations of violations of this Chapter. The court shall authorize subpoenas under this subsection when the court determines they are necessary for the enforcement of this Chapter. Subpoenas issued under this subsection shall be enforceable by the court through contempt powers. Venue shall be with the Superior Court of Wake County for any nonresident person, or that person's agent, who makes a reportable expenditure under this Chapter, and personal jurisdiction may be asserted under G.S. 1-75.4.~~

(c) Complaints of violations of this ~~Chapter~~ Article and all other records accumulated in conjunction with the investigation of these complaints shall be considered confidential records and may be released only by order of a court of competent jurisdiction. Any information obtained by the ~~Commission~~State Board from any law enforcement agency, administrative agency, or regulatory organization on a confidential or otherwise restricted basis in the course of an investigation shall be confidential and exempt from G.S. 132-6 to the same extent that it is confidential in the possession of the providing agency or organization.

(d) The ~~Commission~~State Board shall publish annual statistics on complaints, including the number of complaints, the number of apparent violations of this ~~Chapter~~ Article referred to a district attorney, the number of dismissals, and the number and age of complaints pending.

"§ 120C-602. Punishment for violation.

(a) Whoever willfully violates any provision of Article 2 or Article 3 of this Chapter shall be guilty of a Class 1 misdemeanor, except as provided in those Articles. In addition, no lobbyist who is convicted of a violation of the provisions of this Chapter shall in any way act as a lobbyist for a period of two years from the date of conviction.

(b) ~~In addition to the criminal penalties set forth in this section, the Secretary of State may levy civil fines for a violation of any provision of Articles 2, 4, or 8 of this Chapter up to five thousand dollars ($5,000) per violation.~~ In addition to the criminal penalties set forth in this section, the ~~Commission~~State Board may levy civil fines for a violation of any provision of

this Chapter ~~except Article 2, 4, or 8 of this Chapter~~ up to five thousand dollars ($5,000) per violation.

"§ 120C-603. Enforcement by district attorney and Attorney General.

(a) The ~~Commission or the Secretary of State, as appropriate,~~ State Board may investigate complaints of violations of this Chapter and shall report apparent violations of this Chapter 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 provisions of this Chapter.

(b) Complaints of violations of this Chapter involving the ~~Commission~~State Board or any member employee of the ~~Commission~~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 provisions of this Chapter.

...."

SECTION 7.(a) G.S. 163-19 is repealed.

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

"§ 163-20. Meetings of Board; quorum; minutes.

~~(a) Call of Meeting. – The State Board of Elections shall meet at the call of the chairman whenever necessary to discharge the duties and functions imposed upon it by this Chapter. The chairman shall call a meeting of the Board upon the written application or applications of any two members thereof. If there is no chairman, or if the chairman does not call a meeting within three days after receiving a written request or requests from two members, any three members of the Board shall have power to call a meeting of the Board, and any duties imposed or powers conferred on the Board by this Chapter may be performed or exercised at that meeting, although the time for performing or exercising the same prescribed by this Chapter may have expired.~~

(b) Place of Meeting. – Except as provided in subsection (c), below, the State Board ~~of Elections~~ shall meet in its offices in the City of Raleigh, or at another place in Raleigh to be designated by the chairman. However, subject to the limitation imposed by subsection (c), below, upon the prior written request of ~~any four~~ a majority of its members, the State Board ~~of Elections~~ shall meet at any other place in the State designated by ~~the four~~ a majority of its members.

(c) Meetings to Investigate Alleged Violations of This Chapter. – When called upon to investigate or hear sworn alleged violations of this Chapter, the State Board ~~of Elections~~ shall meet and hear the matter in the county in which the violations are alleged to have occurred.

~~(d) Quorum. – A majority of the members constitutes a quorum for the transaction of business by the State Board of Elections. If any member of the 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 summarily remove any member failing to attend and appoint his successor.~~

(e) Minutes. – The State Board ~~of Elections~~ 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 Board in Raleigh."

SECTION 7.(c) G.S. 163-21 is repealed.

SECTION 7.(d) G.S. 163-23 is repealed.

SECTION 7.(e) G.S. 163-26 is repealed.

SECTION 7.(f) G.S. 163-27 is repealed.

SECTION 7.(g) G.S. 163-28 is repealed.

SECTION 7.(h) 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~~ four persons of good moral character who are registered voters in the county in which they are to act. Two of the members of the county board of elections shall be of the political party with the highest number of registered affiliates and two shall be of the political party with the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board. In 2017, members of county boards of elections shall be appointed by the State Board on the second Tuesday in July. ~~Members~~ In 2019, 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 ~~chairman~~ chair 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,~~2017, and each two years thereafter, it shall be the duty of the State Board ~~of Elections~~ to appoint the county boards from the names thus recommended.

Whenever a vacancy occurs in the membership of a county board of elections for any cause the State ~~chairman~~ chair 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."

At the first meeting in July annually, the county boards shall organize by electing one of its members chair and one of its members vice-chair, each to serve a one-year term as such. In the

odd-numbered year, the chair shall be a member of the political party with the highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board, and the vice-chair a member of the political party with the second highest number of registered affiliates. In the even-numbered year, the chair shall be a member of the political party with the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board, and the vice-chair a member of the political party with the highest number of registered affiliates.

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~~ chair of the board, and shall be paid the sum of twenty-five dollars ($25.00) per day for attending each of those meetings."

SECTION 7.(i) G.S. 163-31 reads as rewritten:

"**§ 163-31. Meetings of county boards of elections; quorum; majority; minutes.**

In each county of the State the members of the county board of elections shall meet at the courthouse or board office at noon on the Tuesday following the third Monday in July in the year of their appointment by the State Board ~~of Elections~~ and, after taking the oath of office provided in G.S. 163-30, they shall organize by electing one member ~~chairman~~chair and another member secretary of the county board of elections. On the Tuesday following the third Monday in August of the year in which they are appointed the county board of elections shall meet and appoint precinct chief judges and judges of elections. The board may hold other meetings at such times as the ~~chairman~~ chair of the board, or any ~~two~~ three members thereof, may direct, for the performance of duties prescribed by law. ~~A majority of the~~Three members shall constitute a quorum for the transaction of board business. Except where required by law to act unanimously, a majority vote for action of the board shall require three of the four members. The ~~chairman~~ chair shall notify, or cause to be notified, all members regarding every meeting to be held by the board.

The county board of elections 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 board office and it shall be the responsibility of the secretary, elected by the board, to keep the required minute book current and accurate. The secretary of the board may designate the director of elections to record and maintain the minutes under his or her supervision."

SECTION 7.(j) G.S. 163-182.13 reads as rewritten:

"**§ 163-182.13. New elections.**

(a) When State Board May Order New Election. – The State Board ~~of Elections~~ may order a new election, upon agreement of at least ~~four~~ six of its members, in the case of any one or more of the following:

(1) Ineligible voters sufficient in number to change the outcome of the election were allowed to vote in the election, and it is not possible from examination of the official ballots to determine how those ineligible voters voted and to correct the totals.

(2) Eligible voters sufficient in number to change the outcome of the election were improperly prevented from voting.

(3) Other irregularities affected a sufficient number of votes to change the outcome of the election.

(4) Irregularities or improprieties occurred to such an extent that they taint the results of the entire election and cast doubt on its fairness.

(b) State Board to Set Procedures. – The State Board ~~of Elections~~ shall determine when a new election shall be held and shall set the schedule for publication of the notice, preparation of absentee official ballots, and the other actions necessary to conduct the election.

(c) Eligibility to Vote in New Election. – Eligibility to vote in the new election shall be determined by the voter's eligibility at the time of the new election, except that in a primary, no

person who voted in the initial primary of one party shall vote in the new election in the primary of another party. The State Board ~~of Elections~~ shall ~~promulgate~~ adopt rules to effect the provisions of this subsection.

(d) Jurisdiction in Which New Election Held. – The new election shall be held in the entire jurisdiction in which the original election was held.

(e) Which Candidates to Be on Official Ballot. – All the candidates who were listed on the official ballot in the original election shall be listed in the same order on the official ballot for the new election, except in either of the following:

(1) If a candidate dies or otherwise becomes ineligible between the time of the original election and the new election, that candidate may be replaced in the same manner as if the vacancy occurred before the original election.

(2) If the election is for a multiseat office, and the irregularities could not have affected the election of one or more of the candidates, the new election, upon agreement of at least ~~four~~ six members of the State Board, may be held among only those candidates whose election could have been affected by the irregularities.

(f) Tie Votes. – If ineligible voters voted in an election and it is possible to determine from the official ballots the way in which those votes were cast and to correct the results, and consequently the election ends in a tie, the provisions of G.S. 163-182.8 concerning tie votes shall apply."

SECTION 7.(k) G.S. 163-278.22(7) reads as rewritten:

"(7) To make investigations to the extent the State Board deems necessary with respect to statements filed under the provisions of this Article and with respect to alleged failures to file any statement required under the provisions of this Article or Article 22M of the General Statutes and, upon complaint under oath by any registered voter, with respect to alleged violations of any part of this Article or Article 22M of the General Statutes. The State Board shall conclude all investigations no later than one year from the date of the start of the investigation, unless the State Board has reported an apparent violation to the proper district attorney and additional investigation of the apparent violation is deemed necessary by the State Board."

SECTION 8. 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 Bipartisan State Board of Elections and Ethics Enforcement 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 Bipartisan State Board of Elections and Ethics Enforcement 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 9. Notwithstanding G.S. 163A-2, as enacted by Section 4 of this act, the chairs of the two political parties shall submit a list of names to the Governor on or before April 20, 2017, and the Governor shall make appointments from those lists no later than May 1, 2017.

SECTION 10. Notwithstanding G.S. 163A-2, as enacted by Section 4 of this act, the Governor shall appoint a member of the State Board to serve as chair of the State Board until its first meeting in May 2019, at which time the State Board shall select its chairs in accordance with G.S. 163A-2.

SECTION 11. 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 Bipartisan State Board of Elections and Ethics Enforcement, as 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 Bipartisan State Board of Elections and Ethics Enforcement, as created in this act, is charged with exercising the functions of the former named entity.

SECTION 12. No action or proceeding pending on May 1, 2017, brought by or against the State Board of Elections, the 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 Bipartisan State Board of Elections and Ethics Enforcement, as created in this act. In these actions and proceedings, the Bipartisan State Board of Elections and Ethics Enforcement 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 Bipartisan State Board of Elections and Ethics Enforcement pertaining to or connected with the functions, powers, obligations, and duties set forth herein, which is pending on May 1, 2017, may be conducted and completed by the Bipartisan State Board of Elections and Ethics Enforcement 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 13. 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 on May 1, 2017, shall be transferred to the Bipartisan State Board of Elections and Ethics Enforcement, as created by this act, on May 1, 2017. Prosecutions for offenses or violations committed before May 1, 2017, 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 14. Rules and forms adopted by the State Ethics Commission, Secretary of State related to lobbying, and the State Board of Elections shall remain in effect as provided in G.S. 150B-21.7. Policies, procedures, and guidance shall remain in effect until amended or

repealed by the Bipartisan State Board of Elections and Ethics Enforcement. The list of covered boards adopted by the State Ethics Commission under G.S. 138A-11 as of April 30, 2017, shall continue in effect until amended or repealed by the Bipartisan State Board of Elections and Ethics Enforcement.

SECTION 15. 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 2016 shall remain in effect until amended or repealed by the Bipartisan State Board of Elections and Ethics Enforcement.

SECTION 16. 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 Bipartisan State Board of Elections and Ethics Enforcement, as created in Part I 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 are transferred to the Bipartisan State Board of Elections and Ethics Enforcement, as created in Part I 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 Bipartisan State Board of Elections and Ethics Enforcement, as created in Part I of this act. The Director of the Budget shall resolve any disputes arising out of this transfer.

SECTION 17. Notwithstanding G.S. 163A-6, the Bipartisan State Board of Elections and Ethics Enforcement shall not appoint an Executive Director until May 2019. Until such time as the Bipartisan State Board of Elections and Ethics Enforcement appoints an Executive Director in accordance with G.S. 163A-6 as enacted by this act, the Executive Director of the State Board of Elections under G.S. 163-26, as of December 31, 2016, shall be the Executive Director.

SECTION 18. The appropriations and resources of the State Ethics Commission is transferred to the Bipartisan State Board of Elections and Ethics Enforcement, and the transfer shall have all the elements of a Type I transfer under G.S. 143A-6.

SECTION 19. The appropriations and resources of the State Board of Elections, including any office space of the State Board of Elections, is transferred to the Bipartisan State Board of Elections and Ethics Enforcement, and the transfer shall have all the elements of a Type I transfer under G.S. 143A-6, with the Budget Code for the newly established State Board being the previous State Board of Elections budget code of 18025.

SECTION 20. The appropriations and resources of the lobbying registration and lobbying enforcement functions of the Secretary of State are transferred to the Bipartisan State Board of Elections and Ethics Enforcement, 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: Lobbying Compliance Director (Position 60008800), Law Enforcement Agent (Position 60008806), Administrative Assistant II (Position 60008801), Administrative Assistant II (Position 60008802), and Administrative Assistant II (Position 60008803).

SECTION 21. The Bipartisan State Board of Elections and Ethics Enforcement shall report to the Joint Legislative Commission on Governmental Operations, Joint Legislative Elections Oversight Committee, and the Legislative Ethics Committee on or before April 1, 2018, and again on or before March 1, 2019, as to recommendations for statutory changes necessary to further implement this consolidation.

SECTION 22. Notwithstanding the recodification in Section 3 of this Act, the Bipartisan State Board of Elections and Ethics Enforcement shall not administer or enforce Part 1, Part 3, or Part 6 of Article 8 of Chapter 163A of the General Statutes, and the Secretary of

State shall maintain the authority to administer and enforce Articles 2, 4, and 8 of Chapter 120C of the General Statutes, as those Articles existed on May 1, 2017, until October 1, 2017. Section 20 of this Act becomes effective October 1, 2017. Sections 9 and 10 of this Act become effective when it becomes law. G.S. 163-30, as amended by Section 7(h) of this Part and G.S. 163-31, as amended by Section 7(i) of this Part, becomes effective July 1, 2017. G.S. 163-278.22(7), as amended by Section 7(k) of this Part, becomes effective May 1, 2017, and applies to investigations initiated on or after that date. Except as otherwise provided, this Act becomes effective May 1, 2017.

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

ELECTIONS AND ETHICS LAW COMMITTEE REPORT
Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB AND RE-REFERRED

SB **68** **(CS#1)** Student Attendance/Page Program Recognition.

Draft Number:	S68-PCS45400-STf-8
Serial Referral:	None
Recommended Referral:	**FINANCE**
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 1

VISITOR REGISTRATION SHEET

Elections and Ethics Law
Name of Committee

Date 4/4/17

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mike Arnold	SOS
Haley Haynes	SOS
carlye wilker	Perkinson law Firm

VISITOR REGISTRATION SHEET

Elections and Ethics Law
Name of Committee

Date 4/4/17

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Emily Scarrell	SCCJ
Gerry Cohen	NM
Flint Benson	SEANC
David Collins	SEANC
Sarah Collins	NCLM
Amanda Donovan	KTS
Jane Powell	NCFPC
Erin Wynia	NCLM
[illegible]	[illegible]
S Gillooly	ACLU

House Committee on Elections and Ethics Law
Wednesday, April 26, 2017 at 9:00 AM
Room 544 of the Legislative Office Building

MINUTES

The House Committee on Elections and Ethics Law met at 9:00 AM on April 26, 2017 in Room 544 of the Legislative Office Building.

Representative David Lewis, Chair, presided. Chairman Lewis thanked the committee members for their attendance, the sergeant-at-arms staff and pages for their assistance.

The following bills were considered:

HB 8 [Even Year Municipal Election/Towns of Troy/Star]
Chairman Lewis recognized Representative Burr to explain the bill. Representative Burr explained the bill. There was no discussion on the bill. Chairman Lewis recognized Representative Warren for a motion. Representative Warren motioned for a favorable report on the bill. A vote was taken and the motion carried.

HB 290 [Abolish Columbus County Coroner]
Chairman Lewis recognized Representative Brenden Jones to explain the bill. After a brief discussion on the bill, Representative Floyd motioned for a favorable report on the bill. The motion carried and the bill passed.

HB 659 [Filling Vacancies/US Senate]
Chairman Lewis recognized Representative Burr to explain the bill. Representative Burr explained the bill. After a lengthy discussion on the bill, Representative Iler motioned for a favorable report. The motion carried and the bill passed.

HB 843 [Adjust Municipal Election Schedule]
Chairman Lewis recognized Co-Chair Representative Warren to chair the meeting. Chairman Warren then recognized Representative Lewis to present and explain the bill and PCS. Representative Lewis explained the PCS. There was brief discussion on the PCS. Guest speaker Kim Strach, Executive Director of the NC Board of Elections and Ethics Enforcement, explained why the PCS was helpful. Her presentation was followed by additional discussion. Chairman Warren recognized Representative Lewis for a motion. Representative Lewis moved for a motion favorable to the PCS, unfavorable to the original bill. The motion carried and the bill passed.

The meeting adjourned at 9:41 AM.

Representative David Lewis, Chair
Presiding

Laura W. Bone, Committee Clerk

House Committee on Elections and Ethics Law
Wednesday, April 26, 2017, 9:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 8	Even Yr Municipal Election/Towns of Troy/Star.	Representative Burr
HB 290	Abolish Columbus County Coroner.	Representative Brenden Jones
HB 659	Filling Vacancies/U.S. Senate.	Representative Burr Representative Saine Representative Bert Jones Representative K. Hall
HB 843	Municipal Election Schedule & Other Changes.	Representative Lewis

Adjournment

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Wednesday, April 26, 2017
TIME: **9:00 AM**
LOCATION: **544 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 8	Even Yr Municipal Election/Towns of Troy/Star.	Representative Burr
HB 290	Abolish Columbus County Coroner.	Representative Brenden Jones
HB 659	Filling Vacancies/U.S. Senate.	Representative Burr Representative Saine Representative Bert Jones Representative K. Hall
HB 843	Municipal Election Schedule & Other Changes.	Representative Lewis

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:53 AM on Thursday, June 29, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Laura Bone (Committee Assistant)

HOUSE BILL 8:
Even Yr Municipal Election/Towns of Troy/Star.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	April 26, 2017
Introduced by:	Rep. Burr	**Prepared by:**	Erika Churchill
Analysis of:	Second Edition		Jessica Sammons
			Committee Co-Counsel

OVERVIEW: House Bill 8 would change the regular municipal election cycle from odd-numbered years to even-numbered years for the Town of Troy and the Town of Star, extend the terms of the current mayor and commissioners in both towns to implement the new election schedule, and change the date of the next municipal election in Troy and Star to 2018.

[As introduced, this bill was identical to S19, as introduced by Sen. Dunn, which is currently in House State and Local Government I.]

CURRENT LAW: Generally, municipal elections are held in odd-numbered years (G.S. 163-279). In both Troy and Star, officers consist of a mayor and five commissioners, with the mayor serving for a two-year term, and commissioners serving staggered four-year terms. Elections are conducted on a nonpartisan basis, and the results are determined using the plurality method in G.S. 163-292. Nonpartisan elections that are determined by a simple plurality are held on the Tuesday after the first Monday in November (G.S. 163-279). Currently, in both towns, the mayor and three commissioners' terms expire in 2017, and the other two commissioners' terms expire in 2019.

BILL ANALYSIS:

Section 1: Would provide that, beginning in 2018, regular municipal elections for town officers for the Town of Troy must be held in even-numbered years.

To implement this change, municipal elections would not be conducted in 2017. The current mayor would serve until 2018. The next mayor would be elected in 2018, and biennially thereafter. Five town commissioners would be elected for staggered four-year terms. The current town commissioners whose terms would expire in 2017 would serve until 2018, and stand for election for a four-year term. The current town commissioners whose terms would expire in 2019 would serve until 2020, and stand for election for a four-year term.

Section 2: Would provide that, beginning in 2018, regular municipal elections for town officers for the Town of Star must be held in even-numbered years.

To implement this change, municipal elections would not be conducted in 2017. Section 2 makes changes identical to those made in Section 1 for Troy for the election and term limits of Star's mayor and commissioners.

EFFECTIVE DATE: House Bill 8 would be effective when it becomes law, and would apply to elections held on or after that day. The next municipal election in Troy and Star would occur in 208.

BACKGROUND: Both towns are located in Montgomery County. Troy has a population of 3,304. Star has a population of 856. All municipal elections in Montgomery County are currently held in odd-numbered years. The municipalities located in Montgomery County are: Biscoe, Candor, Mount Gilead, Star, and Troy.

Regular municipal elections in most municipalities are held in odd-numbered years. The following municipalities hold regular municipal elections in even-numbered years:

- Albemarle, Badin, Locust, Misenheimer, New London, Norwood, Oakboro, Red Cross, Richfield, Stanfield *(all municipalities in Stanly County)* (S.L. 2015-253)
- Archdale *(Randolph, Guilford Counties)* (S.L. 2007-41)
- Dobson *(Surry County)* (S.L. 2012-47)
- Elkin *(Surry, Wilkes Counties)* (S.L. 2014-35)
- Pilot Mountain *(Surry County)* (S.L. 2012-47)
- Winston-Salem *(Forsyth County)* (S.L. 2011-141)
- High Point *(Guilford, Davidson, Randolph, Forsyth Counties)* (S.L. 2006-171) – However, S.L. 2013-261 changes the method of election for municipal elections back to odd-numbered years, beginning with the 2017 election.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 2

HOUSE BILL 8*
Committee Substitute Favorable 2/15/17

Short Title: Even Yr Municipal Election/Towns of Troy/Star. (Local)

Sponsors:

Referred to:

January 26, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN BOTH THE TOWN OF TROY AND THE TOWN OF STAR SHALL BE HELD IN EVEN-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 125 of the 1957 Session Laws reads as rewritten:

"**Section 1.** ~~At the regular election for mayor and commissioners of the Town of Troy to be held May, 1957, there shall be elected a mayor and five commissioners.~~ The officers for the Town of Troy shall consist of a mayor and five commissioners. Beginning in 2018, regular municipal elections shall be held in each even-numbered year. The mayor shall serve for a term of two ~~years~~ years, except that the mayor whose term expires in 2017 shall continue to serve until 2018. In 2018, and biennially thereafter, the mayor shall be elected for a term of two years and shall serve until ~~his~~ the mayor's successor is elected and qualified. ~~At said election the three candidates receiving the highest number of votes shall serve for terms of four years, and the two candidates receiving the next highest number of votes shall serve for terms of two years. Thereafter, at the regular biennial elections, as their terms of office expire, the commissioners shall be elected and shall serve for terms of four years and until their successors are elected and qualified. At the biennial elections held subsequent to 1957, the mayor shall be elected for a term of two years and shall serve said term until his successor is elected and qualified.~~ The three commissioners whose terms expire in 2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, as their terms of office expire, three commissioners shall be elected to fill the expired seats and shall serve four-year terms. The two commissioners whose terms expire in 2019 shall continue to serve until 2020. In 2020, and quadrennially thereafter, as their terms of office expire, two commissioners shall be elected to fill the expired seats and shall serve four-year terms. Commissioners shall serve until their successors are elected and qualified."

SECTION 2. Section 1 of Chapter 448 of the 1957 Session Laws reads as rewritten:

"**Section 1.** ~~At the regular election for Mayor and Commissioners of the Town of Star to be held May, 1957, there shall be elected a mayor and five commissioners.~~ The officers for the Town of Star shall consist of a mayor and five commissioners. Beginning in 2018, regular municipal elections shall be held in each even-numbered year. The mayor shall serve for a term of two ~~years~~ years, except that the mayor whose term expires in 2017 shall continue to serve until 2018. In 2018, and biennially thereafter, the mayor shall be elected for a term of two years and shall serve until ~~his~~ the mayor's successor is elected and qualified. ~~At said election the three candidates receiving the highest number of votes shall serve for terms of four years, and the two candidates receiving the next highest number of votes shall serve for terms of two years. Thereafter, at the regular biennial elections, as their terms of office expire, the commissioners shall be elected and~~

~~shall serve for terms of four years and until their successors are elected and qualified. At the biennial elections held subsequent to 1957, the mayor shall be elected for a term of two years and shall serve said term until his successor is elected and qualified.~~The three commissioners whose terms expire in 2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, as their terms of office expire, three commissioners shall be elected to fill the expired seats and shall serve four-year terms. The two commissioners whose terms expire in 2019 shall continue to serve until 2020. In 2020, and quadrennially thereafter, as their terms of office expire, two commissioners shall be elected to fill the expired seats and shall serve four-year terms. Commissioners shall serve until their successors are elected and qualified."

SECTION 3. This act is effective when it becomes law and applies to elections held on or after that date. No municipal elections shall occur in the towns of Troy and Star in 2017, and municipal elections shall next occur in Troy and Star in 2018.

HOUSE BILL 290:
Abolish Columbus County Coroner.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	April 26, 2017
Introduced by:	Rep. Brenden Jones	**Prepared by:**	Erika Churchill
Analysis of:	First Edition		Jessica Sammons
			Committee Co-Counsel

OVERVIEW: House Bill 290 would abolish the office of coroner in Columbus County.

[As introduced, this bill was identical to S185, as introduced by Sen. Britt, which is currently in House Rules, Calendar, and Operations of the House.]

CURRENT LAW: Chapter 152 of the General Statutes sets out the duties of elected county coroners in the State.

BILL ANALYSIS: House Bill 290 would abolish the office of coroner in Columbus County. Chapter 152 of the General Statutes would not be applicable to Columbus County.

EFFECTIVE DATE: House Bill 290 would be effective when it becomes law.

BACKGROUND:

- From 1965-67, several local laws were enacted providing for the appointment of medical doctors as county medical examiners, and abolishing the office of coroner in several counties.
- In 1967, the General Assembly enacted S.L. 1967-1154, which established the State Office of Chief Medical Examiner, to provide for a Statewide system for postmortem examinations of deaths related to crimes, suicide, prison confinement, or other specified circumstances.
- Since the 1960s, the office of elected county coroner has been abolished in most counties.
- There are currently six counties in which the office of county coroner has not been abolished: Avery, Bladen, Cleveland, Columbus, Hoke, and Yadkin.

Giles Perry, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 1

HOUSE BILL 290*

Short Title:	Abolish Columbus County Coroner.	(Local)
Sponsors:	Representative Brenden Jones. *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	State and Local Government I, if favorable, Elections and Ethics Law	

March 9, 2017

A BILL TO BE ENTITLED

AN ACT ABOLISHING THE OFFICE OF CORONER IN COLUMBUS COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. The office of coroner in Columbus County is abolished.

SECTION 2. Chapter 152 of the General Statutes is not applicable to Columbus County.

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

HOUSE BILL 290:
Abolish Columbus County Coroner.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	April 26, 2017
Introduced by:	Rep. Brenden Jones	**Prepared by:**	Erika Churchill
Analysis of:	First Edition		Jessica Sammons
			Committee Co-Counsel

OVERVIEW: House Bill 290 would abolish the office of coroner in Columbus County.

[As introduced, this bill was identical to S185, as introduced by Sen. Britt, which is currently in House Rules, Calendar, and Operations of the House.]

CURRENT LAW: Chapter 152 of the General Statutes sets out the duties of elected county coroners in the State.

BILL ANALYSIS: House Bill 290 would abolish the office of coroner in Columbus County. Chapter 152 of the General Statutes would not be applicable to Columbus County.

EFFECTIVE DATE: House Bill 290 would be effective when it becomes law.

BACKGROUND:

- From 1965-67, several local laws were enacted providing for the appointment of medical doctors as county medical examiners, and abolishing the office of coroner in several counties.
- In 1967, the General Assembly enacted S.L. 1967-1154, which established the State Office of Chief Medical Examiner, to provide for a Statewide system for postmortem examinations of deaths related to crimes, suicide, prison confinement, or other specified circumstances.
- Since the 1960s, the office of elected county coroner has been abolished in most counties.
- There are currently six counties in which the office of county coroner has not been abolished: Avery, Bladen, Cleveland, Columbus, Hoke, and Yadkin.

Giles Perry, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.

HOUSE BILL 659:
Filling Vacancies/U.S. Senate.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	April 24, 2017
Introduced by:	Reps. Burr, Saine, Bert Jones, K. Hall	**Prepared by:**	Erika Churchill
Analysis of:	First Edition		Committee Counsel

OVERVIEW: House Bill 659 would require the Governor to appoint from a list of three nominees to fill a vacancy in the office of United States Senator submitted by the State executive committee of the political party , if the vacating member was the nominee of a political party.

CURRENT LAW: The 17th Amendment to the US Constitution provides that a vacancy in a United Seat Senate seat is to be filled by election. Each state is given latitude as to what to do in the interim period between the vacancy occurring and the election to fill the vacancy. "When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct."

If there is to be a temporary appointment, the United States constitution requires that it is the Governor who is to make the appointment. There are four states that require the seat to remain vacant until the election. There are 14 states that have a special election to fill the vacancy. There are 36 states where the Governor appoints someone to temporarily fill the vacancy, and the election is held at the next regularly scheduled statewide election. North Carolina is one of the 36, and the Governor is to appoint a person affiliated with the same political party, if the vacating member was elected as the nominee of a political party. There is only one state of the 36 that restricts the Governor to selecting from a list of three nominees submitted by the political party – Hawaii.[i]

BILL ANALYSIS: House Bill 659 would require the Governor, in filling the vacancy in a United States Senate seat until the next election for member of the General Assembly, to appoint from a list of three persons recommended by the State executive committee of the political party with which the vacating member was affiliated. In order to restrict the Governor's appointment to one of the three recommendees, the State executive committee is to make the recommendation within 30 days of the occurrence of the vacancy.

EFFECTIVE DATE: Effective when it becomes law and applies to vacancies in the United States Senate filled on or after that date.

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[i] http://www.ncsl.org/research/elections-and-campaigns/vacancies-in-the-united-states-senate.aspx

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 659

Short Title:	Filling Vacancies/U.S. Senate.	(Public)
Sponsors:	Representatives Burr, Saine, Bert Jones, and K. Hall (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Elections and Ethics Law	

April 11, 2017

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE MANNER IN WHICH VACANCIES ARE FILLED IN THE OFFICE OF UNITED STATES SENATOR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-12 reads as rewritten:

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

Whenever there shall be a vacancy in the office of United States Senator from this State, whether caused by death, resignation, or otherwise than by expiration of term, the Governor shall appoint to fill the vacancy until an election shall be held to fill the office. If the Senator was elected as the nominee of a political party, ~~the person appointed by the Governor shall be a person affiliated with that same political party.~~the Governor shall appoint from a list of three persons recommended by the State executive committee of the political party with which the vacating member was affiliated when elected if that party executive committee makes recommendations within 30 days of the occurrence of the vacancy. The Governor shall issue a writ for the election of a Senator to be held at the time of the first election for members of the General Assembly that is held more than 60 days after the vacancy occurs. The person elected shall hold the office for the remainder of the unexpired term. The election shall take effect from the date of the canvassing of the returns."

SECTION 2. This act is effective when it becomes law and applies to vacancies filled on or after that date.

HOUSE BILL 843:
Municipal Election Schedule & Other Changes.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	April 25, 2017
Introduced by:	Rep. Lewis	**Prepared by:**	Erika Churchill
Analysis of:	PCS to First Edition H843-CSST-17		Committee Counsel

OVERVIEW: The proposed committee substitute for House Bill 843 would address the following:

- ***The municipal election cycle to eliminate an overlap in time frames in certain partisan elections;***
- ***Adjust the time of appointment of the county boards of elections.***

Sections 1-2 – Adjust the Municipal Election Schedule

CURRENT LAW: G.S. 163-279 provides that the time for municipal, special, and sanitary district primaries and elections be held in odd-numbered years as follows:

- For nonpartisan plurality elections, elections on the Tuesday after the first Monday in November.
- For partisan elections, elections on the Tuesday after the first Monday in November, first primaries on the second Tuesday after Labor Day, and second primaries on the fourth Tuesday before the election.
- For nonpartisan primary and elections, elections on the Tuesday after the first Monday in November, and primaries on the fourth Tuesday before the election.
- For nonpartisan races using the election and runoff method, elections on the fourth Tuesday before the Tuesday after the first Monday in November, and the runoff election on the Tuesday after the first Monday in November.

With each election, the county board of elections is to canvass votes on the 10th day after the election. Each municipality may elect to allow absentee voting. If permitted, the absentee ballots are to be available 30 days prior to the general election. In partisan elections, the time frames overlap if there is a second primary on the fourth Tuesday before the election.

BILL ANALYSIS: Sections 1 and 2 of the PCS would shorten the time period for filing for municipal office by three days and eliminate the second primary, allowing for sufficient time for absentee ballots to be prepared and available within the required timeframe.

Section 3 – Time of Appointment of County Boards of Elections

CURRENT LAW: The county boards of elections are appointed by the State Board, for two-year terms. For 2017, that appointment is to take place on the second Tuesday in July. In 2019 and thereafter, the appointment would occur on the last Tuesday in June.

BILL ANALYSIS: The PCS would change the time of appointment in 2017 and thereafter to the second Tuesday in June, and make conforming changes.

EFFECTIVE DATE: Effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 843
PROPOSED COMMITTEE SUBSTITUTE H843-CSST-17 [v.4]
04/25/2017 10:10:53 PM

Short Title: Municipal Election Schedule & Other Changes. (Public)

Sponsors:

Referred to:

April 13, 2017

A BILL TO BE ENTITLED

AN ACT TO ADJUST THE MUNICIPAL ELECTION SCHEDULE IN ODD-NUMBERED YEARS SO AS TO NOT HAVE OVERLAPPING REQUIREMENTS OF THE COUNTY BOARDS OF ELECTIONS, AND TO CLARIFY THE TIME OF APPOINTMENT OF COUNTY BOARDS OF ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 163-294.5(c) reads as rewritten:

"(c) Candidates seeking municipal office shall file their notices of candidacy with the board of elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the ~~third Friday~~ second Tuesday following the first Friday in July preceding the election, except:

(1) In the year following a federal decennial census, candidates seeking municipal office in any city which elects members of its governing board on a district basis, or requires that candidates reside in a district in order to run, shall file their notices of candidacy with the board of elections no earlier than 12:00 noon on the fourth Monday in July and no later than 12:00 noon on the second Friday in August preceding the election; and

(2) In the second year following a federal decennial census, if the election is held then under G.S. 160A-23.1, candidates seeking municipal office shall file their notices of candidacy with the board of elections at the same time as notices of candidacy for county officers are required to be filed under G.S. 163-106.

Notices of candidacy which are mailed must be received by the board of elections before the filing deadline regardless of the time they were deposited in the mails."

SECTION 1.(b) G.S. 163-291 reads as rewritten:

"**§ 163-291. Partisan primaries and elections.**

The nomination of candidates for office in cities, towns, villages, and special districts whose elections are conducted on a partisan basis shall be governed by the provisions of this Chapter applicable to the nomination of county officers, and the terms "county board of elections," "chairman of the county board of elections," "county officers," and similar terms shall be construed with respect to municipal elections to mean the appropriate municipal officers and candidates, except that:

(1) The dates of primary and election shall be as provided in G.S. 163-279.

(2) A candidate seeking party nomination for municipal or district office shall file notice of candidacy with the board of elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the ~~third~~

~~Friday~~ second Tuesday following the first Friday in July preceding the election, except:

a. In the year following a federal decennial census, a candidate seeking party nomination for municipal or district office in any city which elects members of its governing board on a district basis, or requires that candidates reside in a district in order to run, shall file his notice of candidacy with the board of elections no earlier than 12:00 noon on the fourth Monday in July and no later than 12:00 noon on the second Friday in August preceding the election; and

b. In the second year following a federal decennial census, if the election is held then under G.S. 160A-23.1, a candidate seeking party nomination for municipal or district office shall file his notice of candidacy with the board of elections at the same time as notices of candidacy for county officers are required to be filed under G.S. 163-106.

No person may file a notice of candidacy for more than one municipal office at the same election. If a person has filed a notice of candidacy for one office with the county board of elections under this section, then a notice of candidacy may not later be filed for any other municipal office for that election unless the notice of candidacy for the first office is withdrawn first.

(3) The filing fee for municipal and district primaries shall be fixed by the governing board not later than the day before candidates are permitted to begin filing notices of candidacy. There shall be a minimum filing fee of five dollars ($5.00). The governing board shall have the authority to set the filing fee at not less than five dollars ($5.00) nor more than one percent (1%) of the annual salary of the office sought unless one percent (1%) of the annual salary of the office sought is less than five dollars ($5.00), in which case the minimum filing fee of five dollars ($5.00) will be charged. The fee shall be paid to the board of elections at the time notice of candidacy is filed.

(4) The municipal ballot may not be combined with any other ballot.

(5) The canvass of the ~~primary and second~~ primary shall be held on the seventh day following the ~~primary or second~~ primary. In accepting the filing of complaints concerning the conduct of an election, a board of elections shall be subject to the rules concerning Sundays and holidays set forth in G.S. 103-5.

~~(6) Candidates having the right to demand a second primary shall do so not later than 12:00 noon on the Thursday following the canvass of the first primary.~~"

SECTION 2. G.S. 163-279 reads as rewritten:

"**§ 163-279. Time of municipal primaries and elections.**

(a) Primaries and elections for offices filled by election of the people in cities, towns, incorporated villages, and special districts shall be held in 1973 and every two or four years thereafter as provided by municipal charter on the following days:

(1) If the election is nonpartisan and decided by simple plurality, the election shall be held on Tuesday after the first Monday in November.

(2) If the election is partisan, the election shall be held on Tuesday after the first Monday in November, the first primary shall be held on the second Tuesday after Labor ~~Day, and the second primary, if required, shall be held on the fourth Tuesday before the election.~~Day. G.S. 163-111 shall not apply, and no candidate may request a second primary and the State Board shall break any tie vote by a method of random selection to be determined by the State Board.

(3) If the election is nonpartisan and the nonpartisan primary method of election is used, the election shall be held on Tuesday after the first Monday in November and the nonpartisan primary shall be held on the ~~fourth Tuesday before the election.~~ second Tuesday after Labor Day.

(4) If the election is nonpartisan and the election and runoff election method of election is used, the election shall be held on the ~~fourth Tuesday before the Tuesday after the first Monday in November,~~ second Tuesday after Labor Day, and the runoff election, if required, shall be held on Tuesday after the first Monday in November.

(b) Repealed by Session Laws 2011-141, s. 1(a), effective July 1, 2011.

(c) Officers of sanitary districts elected in 1970 shall hold office until the first Monday in December, 1973, notwithstanding G.S. 130-126. Beginning in 1973, sanitary district elections shall be held at the times provided in this section or in G.S. 130A-50(b1)."

SECTION 3.(a) Section 22 of S.L. 2017-6 reads as rewritten:

"**SECTION 22.** Notwithstanding the recodification in Section 3 of this act, the Bipartisan State Board of Elections and Ethics Enforcement shall not administer or enforce Part 1, Part 3, or Part 6 of Article 8 of Chapter 163A of the General Statutes, and the Secretary of State shall maintain the authority to administer and enforce Articles 2, 4, and 8 of Chapter 120C of the General Statutes, as those Articles existed on May 1, 2017, until October 1, 2017. Section 20 of this act becomes effective October 1, 2017. Sections 9 and 10 of this act become effective when it becomes law. G.S. 163-30, as amended by Section 7(h) of this act, and G.S. 163-31, as amended by Section 7(i) of this act, become effective ~~July~~ May 1, 2017. G.S. 163-278.22(7), as amended by Section 7(k) of this act, becomes effective May 1, 2017, and applies to investigations initiated on or after that date. Except as otherwise provided, this act becomes effective May 1, 2017."

SECTION 3.(b) G.S. 163-30, as amended by S.L. 2017-6 and Section 3(a) of this act, 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 four persons of good moral character who are registered voters in the county in which they are to act. Two of the members of the county board of elections shall be of the political party with the highest number of registered affiliates, and two shall be of the political party with the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board. In 2017, and every two years thereafter, members of county boards of elections shall be appointed by the State Board on the second Tuesday in ~~July. In 2019, members of county boards of elections shall be appointed by the State Board on the last Tuesday in June and every two years thereafter,~~June and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified.

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 chair of each political party shall have the right to recommend to the State Board 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~~ second Tuesday in June 2017, and each two years thereafter, it shall be the duty of the State Board to appoint the county boards from the names thus recommended.

Whenever a vacancy occurs in the membership of a county board of elections for any cause the State chair 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 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."

At the first meeting in July annually, the county boards shall organize by electing one of its members chair and one of its members vice-chair, each to serve a one-year term as such. In the odd-numbered year, the chair shall be a member of the political party with the highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board, and the vice-chair a member of the political party with the second highest number of registered affiliates. In the even-numbered year, the chair shall be a member of the political party with the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board, and the vice-chair a member of the political party with the highest number of registered affiliates.

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 chair of the board, and shall be paid the sum of twenty-five dollars ($25.00) per day for attending each of those meetings."

SECTION 3.(c) G.S. 163-31, as amended by S.L. 2017-6 and Section 3(a) of this act, reads as rewritten:

"**§ 163-31. Meetings of county boards of elections; quorum; majority; minutes.**

In each county of the State the members of the county board of elections shall meet at the courthouse or board office at noon on the Tuesday following the ~~third~~last Monday in ~~July~~ June in the year of their appointment by the State Board and, after taking the oath of office provided in G.S. 163-30, they shall organize by electing one member chair and another member secretary of the county board of elections. On the Tuesday following the third Monday in ~~August~~ July of the year in which they are appointed the county board of elections shall meet and appoint precinct chief judges and judges of elections. The board may hold other meetings at such times as the chair of the board, or any three members thereof, may direct, for the performance of duties prescribed by law. Three members shall constitute a quorum for the transaction of board business. Except where required by law to act unanimously, a majority

vote for action of the board shall require three of the four members. The chair shall notify, or cause to be notified, all members regarding every meeting to be held by the board.

The county board of elections 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 board office and it shall be the responsibility of the secretary, elected by the board, to keep the required minute book current and accurate. The secretary of the board may designate the director of elections to record and maintain the minutes under his or her supervision."

SECTION 3.(d) G.S. 163-41(a), as amended by S.L. 2017-6, reads as rewritten:

"**§ 163-41. Precinct chief judges and judges of election; appointment; terms of office; qualifications; vacancies; oaths of office.**

(a) Appointment of Chief Judge and Judges. – At the meeting required by G.S. 163-31 to be held on the Tuesday following the third Monday in ~~August~~ July of the year in which they are appointed, the county board of elections shall appoint one person to act as chief judge and two other persons to act as judges of election for each precinct in the county. Their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified, except that if a nonresident of the precinct is appointed as chief judge or judge for a precinct, that person's term of office shall end if the board of elections appoints a qualified resident of the precinct of the same party to replace the nonresident chief judge or judge. It shall be their duty to conduct the primaries and elections within their respective precincts. Persons appointed to these offices must be registered voters and residents of the county in which the precinct is located, of good repute, and able to read and write. Not more than one judge in each precinct shall belong to the same political party as the chief judge.

The term "precinct official" shall mean chief judges and judges appointed pursuant to this section, and all assistants appointed pursuant to G.S. 163-42, unless the context of a statute clearly indicates a more restrictive meaning.

No person shall be eligible to serve as a precinct official, as that term is defined above, 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 shall be eligible to serve as a precinct official who is a candidate for nomination or election.

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

The chairman of each political party in the county where possible shall recommend two registered voters in each precinct who are otherwise qualified, are residents of the precinct, have good moral character, and are able to read and write, for appointment as chief judge in the precinct, and he shall also recommend where possible the same number of similarly qualified voters for appointment as judges of election in that precinct. If such recommendations are received by the county board of elections no later than the fifth day preceding the date on which appointments are to be made, it must make precinct appointments from the names of those recommended. Provided that if only one name is submitted by the fifth day preceding the date on which appointments are to be made, by a party for judge of election by the chairman of one of the two political parties in the county having the greatest numbers of registered voters in the State, the county board of elections must appoint that person.

If the recommendations of the party chairs for chief judge or judge in a precinct are insufficient, the county board of elections by unanimous vote of all of its members may name to serve as chief judge or judge 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 officials 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, provided that where possible the county board shall seek and adopt the recommendation of the county chairman of the political party affected. In making its appointments, the county board shall assure, wherever possible, that no precinct has a chief judge and judges 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 three positions of chief judge and judge in a precinct.

If, at any time other than on the day of a primary or election, a chief judge or judge of election shall be removed from office, or shall die or resign, or if for any other cause there be a vacancy in a precinct election office, the chairman of the county board of elections shall appoint another in his place, promptly notifying him of his appointment. If at all possible, the chairman of the county board of elections shall consult with the county chairman of the political party of the vacating official, and if the chairman of the county political party nominates a qualified voter of that precinct to fill the vacancy, the chairman of the county board of elections shall appoint that person. In filling such a vacancy, the chairman shall appoint a person who belongs to the same political party as that to which the vacating member belonged when appointed. If the chairman of the county board of elections did not appoint a person upon recommendation of the chairman of the party to fill such a vacancy, then the term of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county board of elections under this Chapter, and any successor must be a person nominated by the chairman of the party of the vacating officer.

If any person appointed chief judge shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the precinct judges of election shall appoint another to act as chief judge until such time as the chairman of the county board of elections shall appoint to fill the vacancy. If such appointment by the chairman of the county board of elections is not a person nominated by the county chairman of the political party of the vacating officer, then the term of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county board of elections under this Chapter. If a judge of election shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the chief judge shall appoint another to act as judge until such time as the chairman of the county board of elections shall appoint to fill the vacancy. Persons appointed to fill vacancies shall, whenever possible, be chosen from the same political party as the person whose vacancy is being filled, and all such appointees shall be sworn before acting.

As soon as practicable, following their training as prescribed in G.S. 163-82.24, each chief judge and judge of election shall take and subscribe the following oath of office to be administered by an officer authorized to administer oaths and file it with the county board of elections:

"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; that I will administer the duties of my office as chief judge of (judge of election in) _____precinct, _____County, without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition; and that I will not keep or make any memorandum of anything occurring within a voting booth, unless I am called upon to testify in a judicial proceeding for a violation of the election laws of this State; so help me, God."

Notwithstanding the previous paragraph, a person appointed chief judge by the judges of election under this section, or appointed judge of election by the chief judge under this section may take the oath of office immediately upon appointment.

Before the opening of the polls on the morning of the primary or election, the chief judge shall administer the oath set out in the preceding paragraph to each assistant, and any judge of election not previously sworn, substituting for the words "chief judge of" the words "assistant in" or "judge of election in" whichever is appropriate."

SECTION 4. This act is effective when it becomes law and applies to elections held on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

ELECTIONS AND ETHICS LAW COMMITTEE REPORT
Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

FAVORABLE

HB **8** **(CS#1)** Even Yr Municipal Election/Towns of Troy/Star.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Burr

HB **290** Abolish Columbus County Coroner.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Brenden Jones

HB **659** Filling Vacancies/U.S. Senate.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Burr

TOTAL REPORTED: 3

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

ELECTIONS AND ETHICS LAW COMMITTEE REPORT
Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **843** Adjust Municipal Election Schedule.

Draft Number:	H843-PCS40560-ST-17
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 1

Rm. 544

VISITOR REGISTRATION SHEET

Comm. on Elections & Ethics Law
Name of Committee

Date 04/26/2017

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kim Strach	SBE
[illegible]	[illegible]
Perry [illegible]	SOG
Amanda Donovan	KTS
Sarah Collins	NCLM
Emma Shelby	TPG
Sarah McQuillan	KGANC

Rm. 544

VISITOR REGISTRATION SHEET

Comm. on Elections & Ethics Law
Name of Committee

Date 04/26/2017

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Josh Lanier	SML
AMcadows	NCGA
Katie Gammon	Governor's office

House Committee on Elections and Ethics Law
Thursday, May 4, 2017 at 9:00 AM
643 Legislative Office Building

MINUTES

The House Committee on Elections and Ethics Law met at 9:00 AM on Thursday, May 4, 2017 in Room 643 of the Legislative Office Building. Representatives Bert Jones, Lewis, Michaux, Szoka, Warren, Adams, Blust, Boswell, Burr, Conrad, Davis, Dixon, Faircloth, Fisher, Floyd, Ford, G. Graham, Destin Hall, Hardister, Harrison, Hunter, Iler, Jackson, G. Martin, S. Martin, B. Richardson, Riddell, Speciale, Watford, and Willingham attended.

Rep. Lewis presided.

The 2016 Election Recap was presented by Kim W. Strach, Executive Director of the NC State Board of Elections and Ethics Enforcement.

No bills were discussed.

The meeting adjourned at 10:45 AM.

David R. Lewis
Chairman David R. Lewis
Presiding

Mark Coggins
Mark Coggins, Committee Clerk

ATTENDANCE

House Committee on Ethics and Elections Law

(Name of Committee)

DATES / MEMBERS	5-4-17													
Bert Jones	X													
Lewis	X													
Michaux	X													
Szoka	X													
Warren	X													
Adams	X													
Blust	X													
Boswell	X													
Burr	X													
Conrad	X													
Davis	X													
Dixon	X													
Faircloth	X													
Fisher	X													
Floyd	X													
Ford	X													
G. Graham	X													
Destin Hall	X													
Hardister	X													
Harrison	X													
Hunter	X													
Iler	X													
Jackson	X													
G. Martin	X													
S. Martin	X													
B. Richardson	X													

Riddell	X														
Speciale	X														
Watford	X														
Willingham	X														

Corrected #1:

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Thursday, May 4, 2017
TIME: **9:00 AM**
LOCATION: **643 LOB**
COMMENTS: **2016 Election Recap**

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:55 AM on Thursday, June 29, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Laura Bone (Committee Assistant)

House Committee on Elections and Ethics Law
Thursday, May 4, 2017, 9:00 AM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks by Chair, Representative David Lewis

Introduction of Pages by Chair, Representative David Lewis

Presentations:
The 2016 Elections recap will be presented by Kim W. Strach, Executive Director of the NC State Board of Elections and Ethics Enforcement. No bills will be discussed.

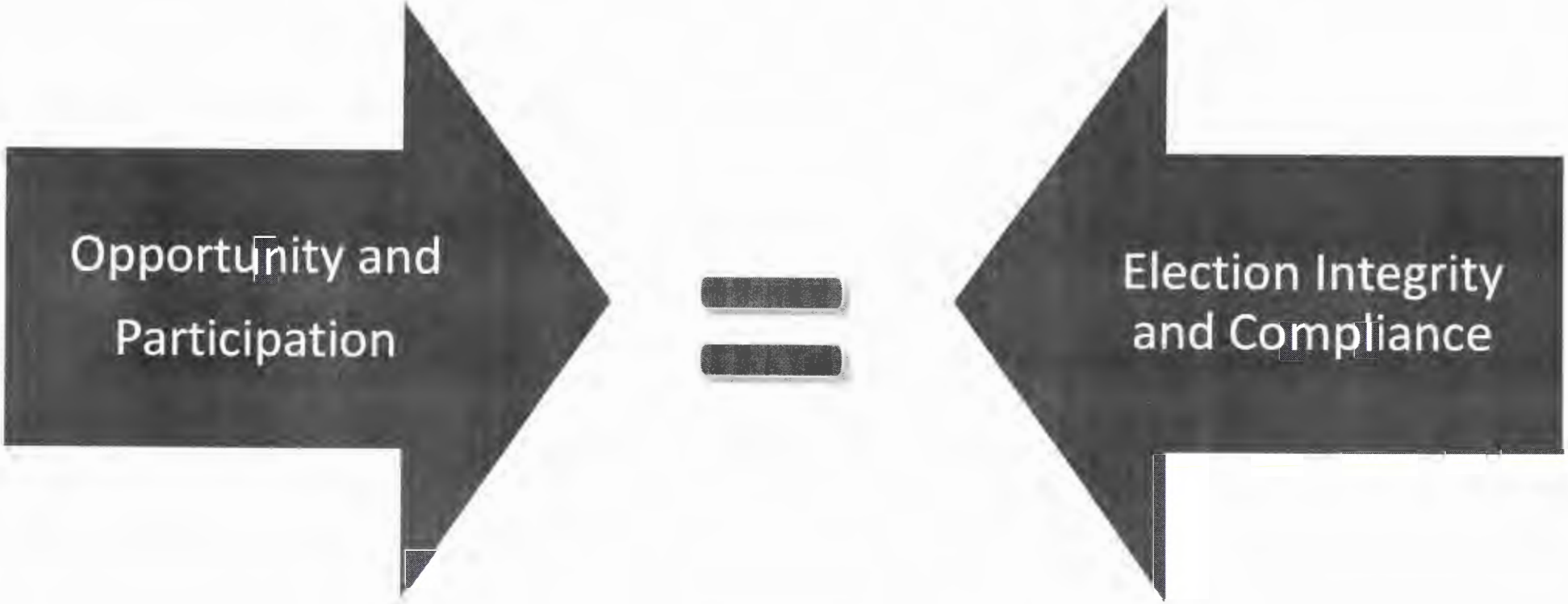
Adjournment

State Board of Elections

Review and Status

2016 Elections

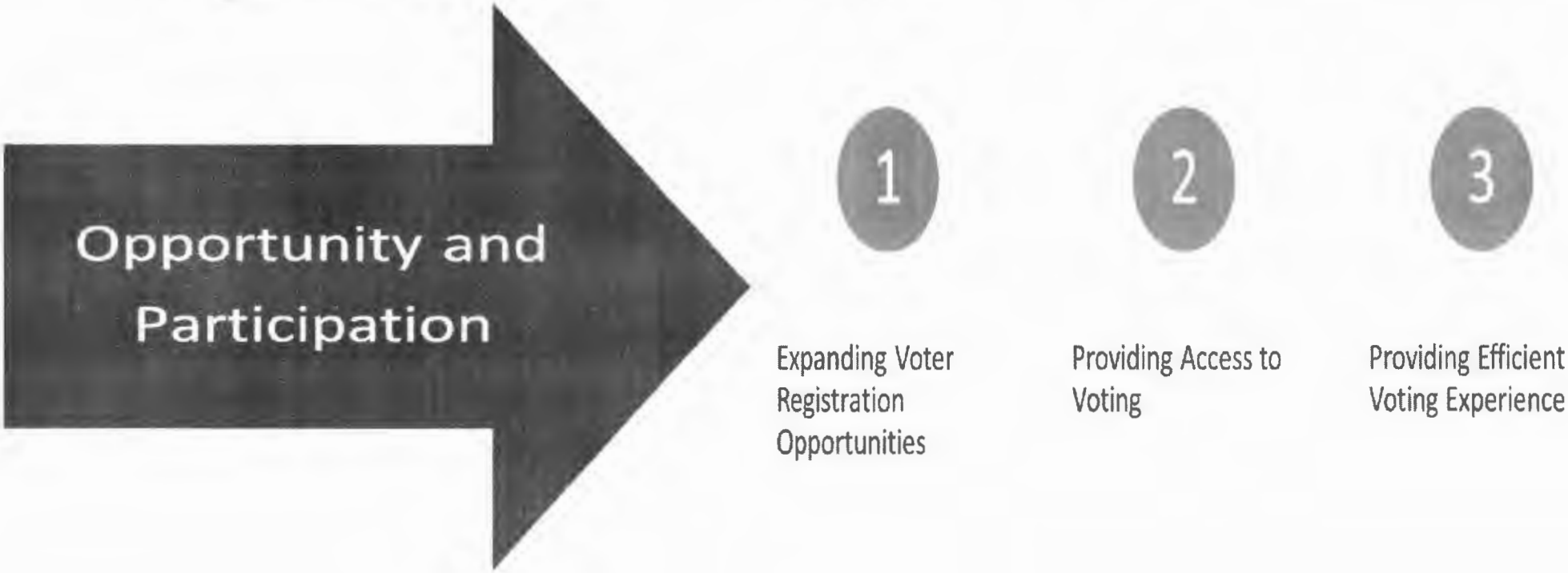
Mission Driven:



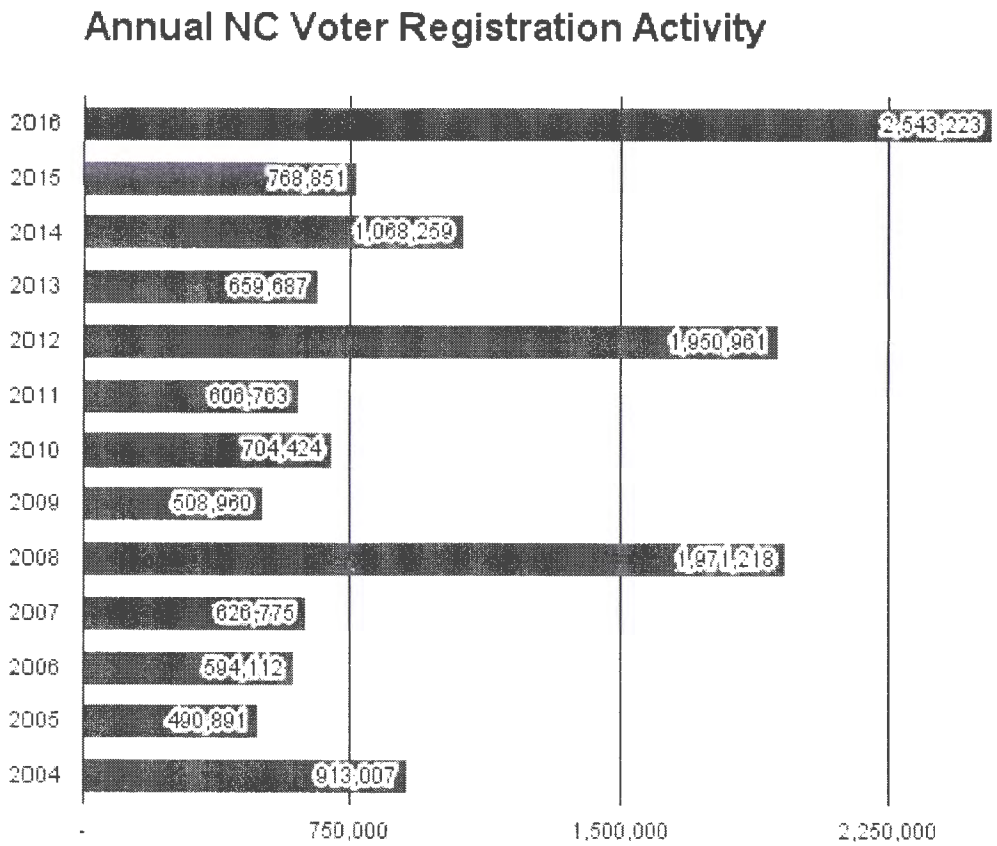
Gauging Progress

Are we accomplishing our mission?

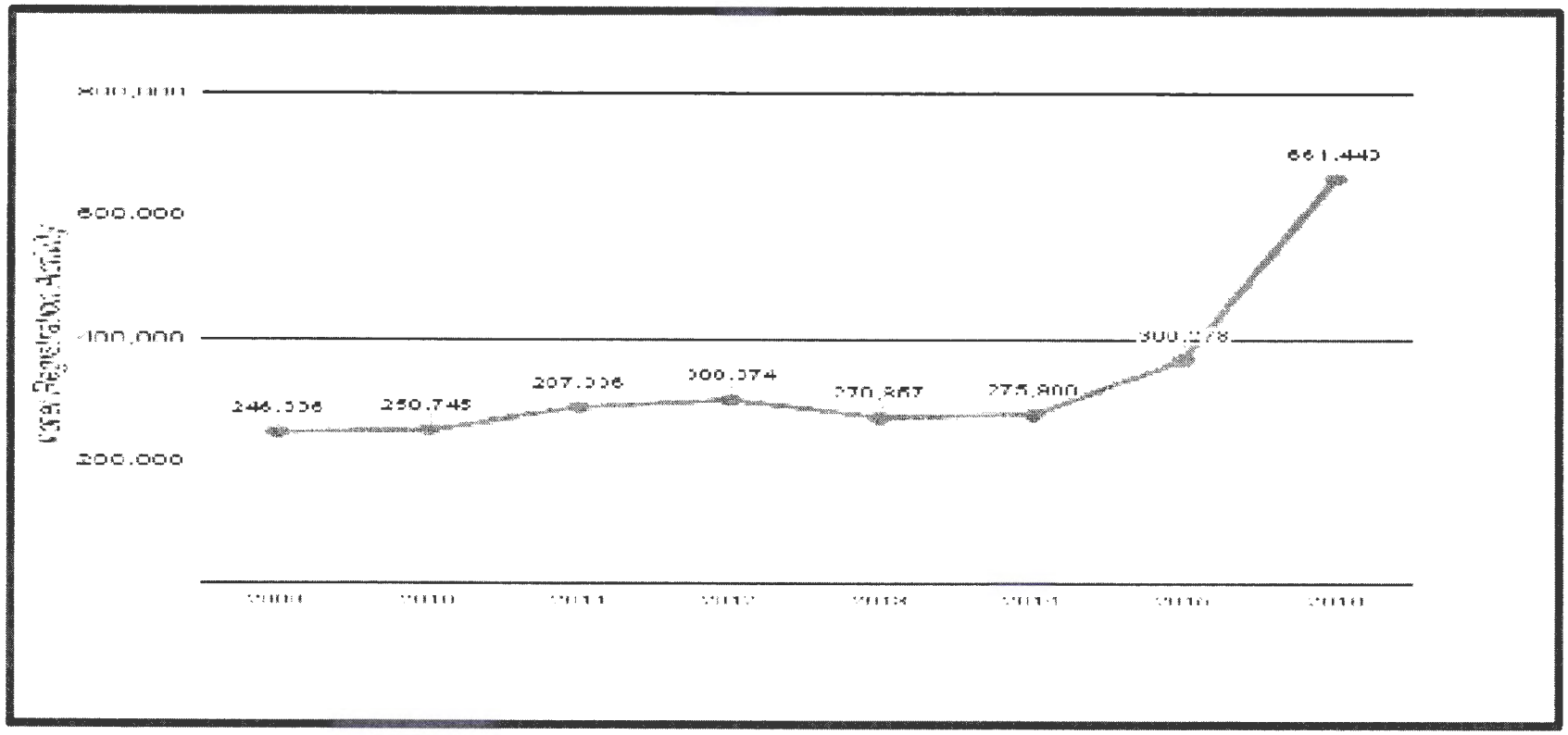
Goal: To Increase Eligible Voter Registrations and Participation.



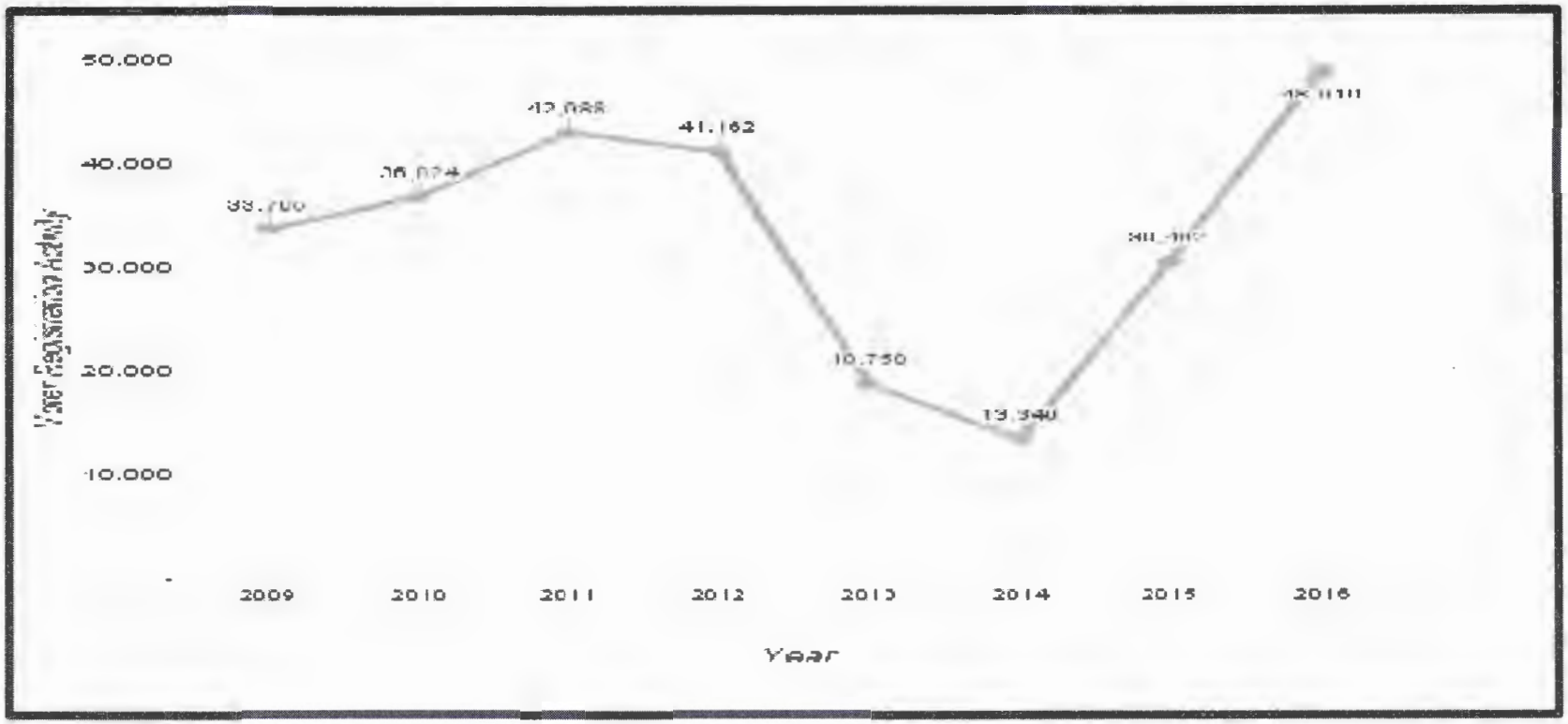
1 Voter Registration Activity



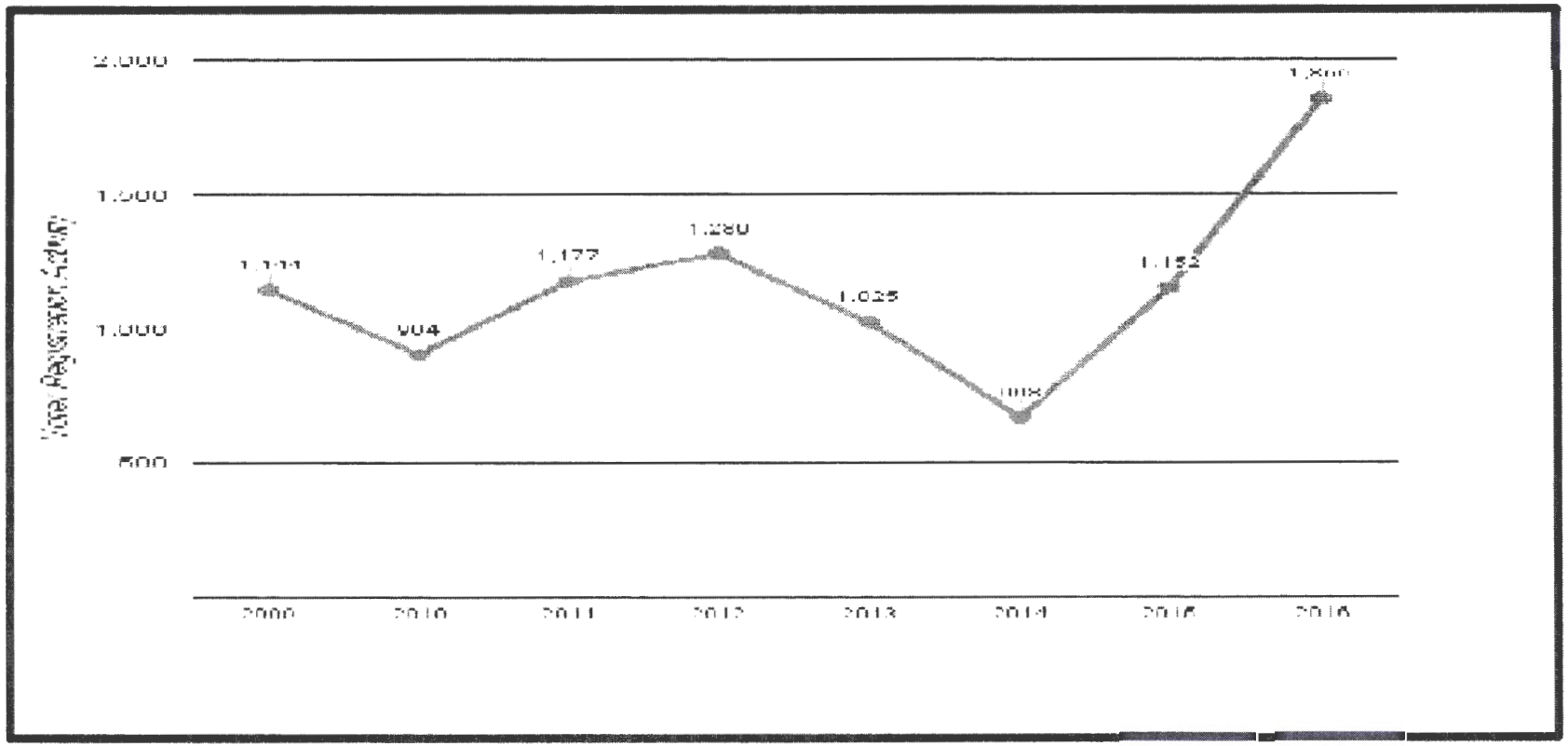
DMV Voter Registrations



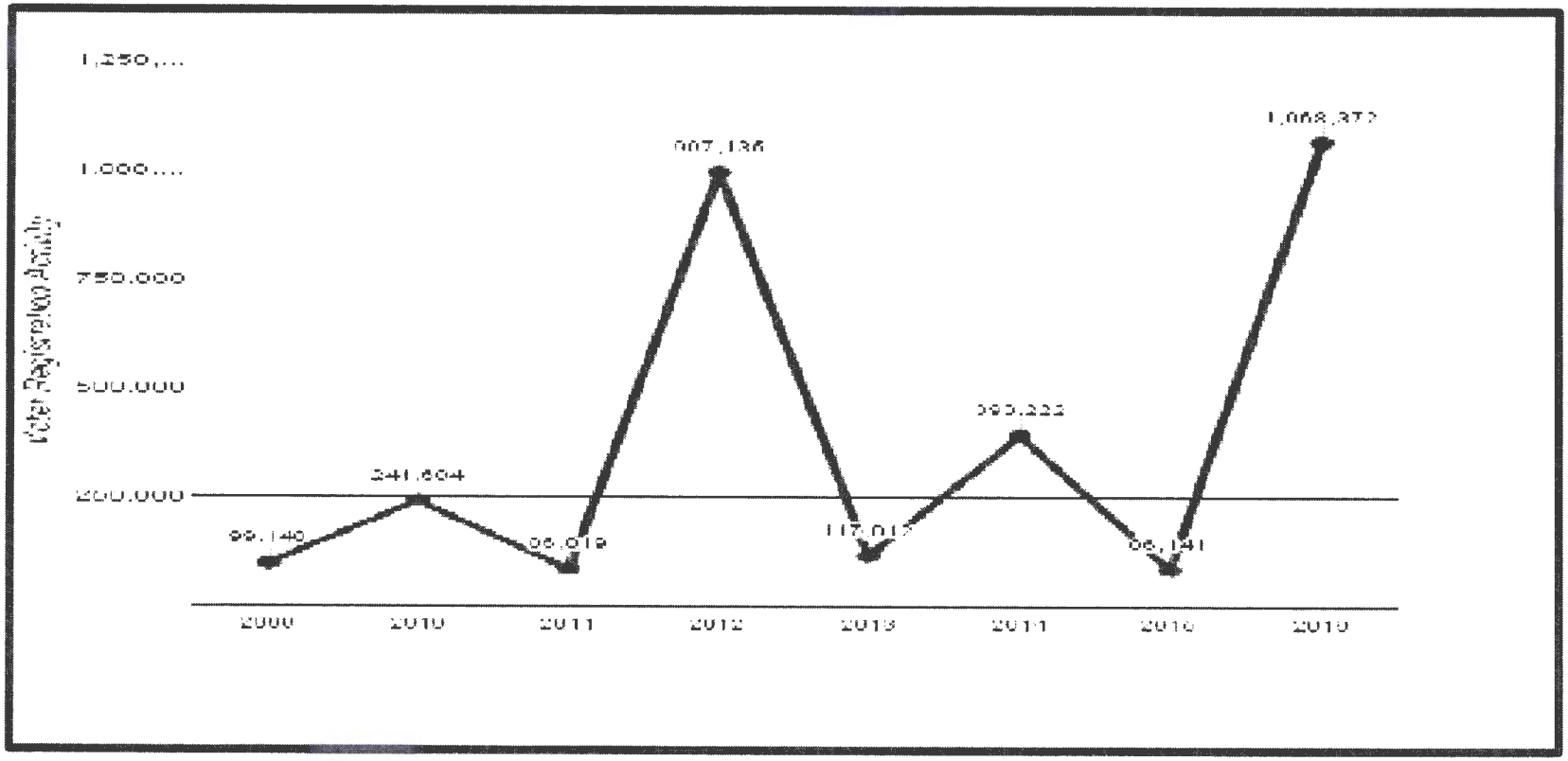
Public Assistance Agencies



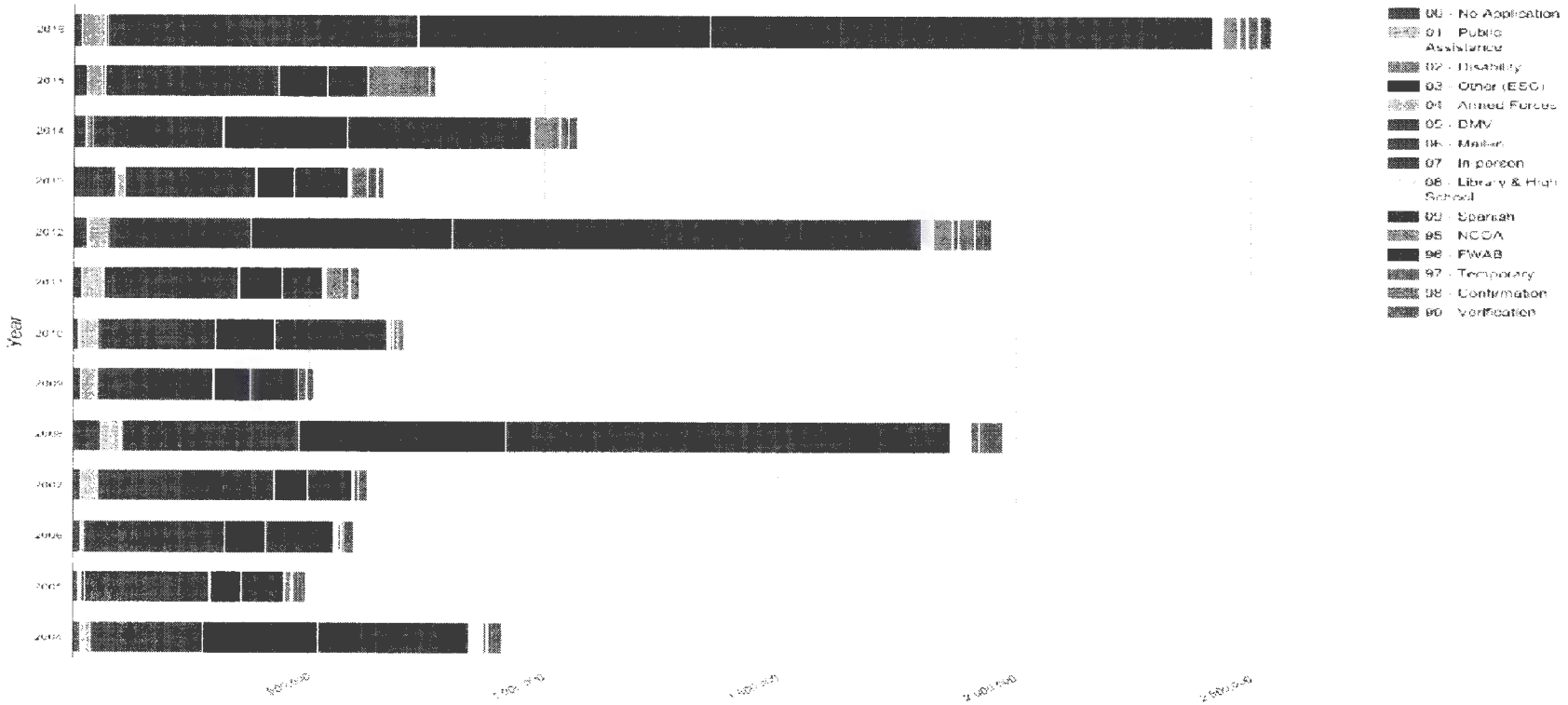
Disability Agencies



In-Person Registrations



A Complete Look at Voter Registration Activity



Activity: New Registration, Change of Information, and Duplicate Registration

Continuing to Expand Opportunities

Tools for Expansion

Outreach


Community Events
Voter Education Events
Webinars
Social Media
Underserved Populations

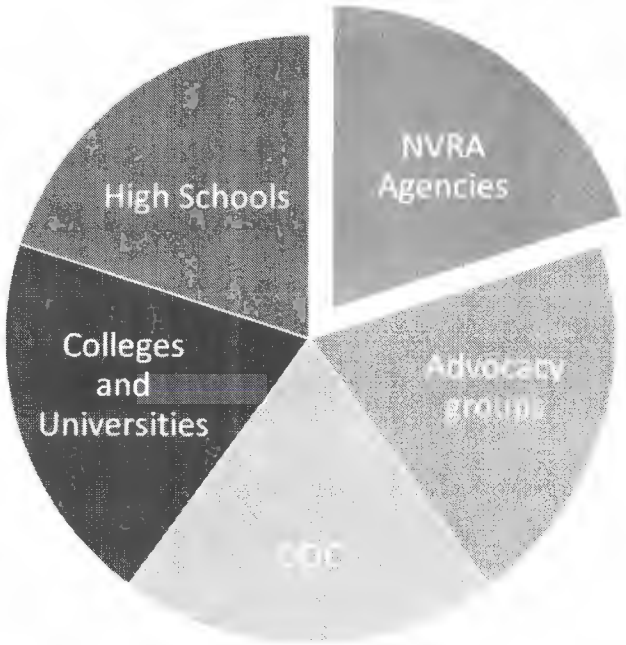
Technology

DMV

NC SBE

NVRA Agencies

Partnerships

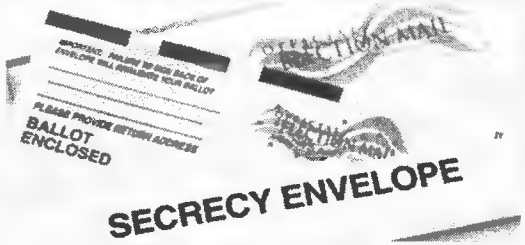


2

Voter Opportunities and Participation

Providing greater access to ensure greater participation.

Opportunities to Cast a Ballot



By Mail

Early Voting

Election Day

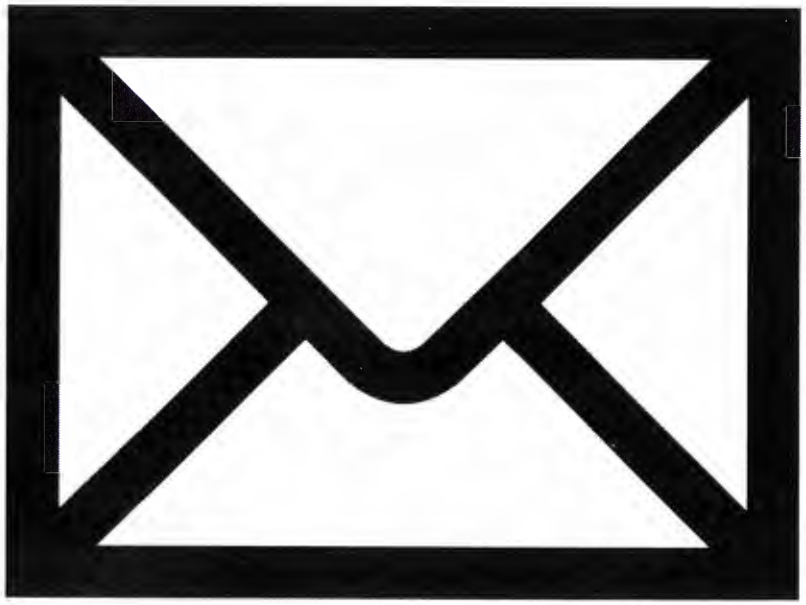
Increasing opportunities to vote by mail:

Statewide Distribution of Request Form

MAT: Multi-Partisan Assistance Teams

Outreach

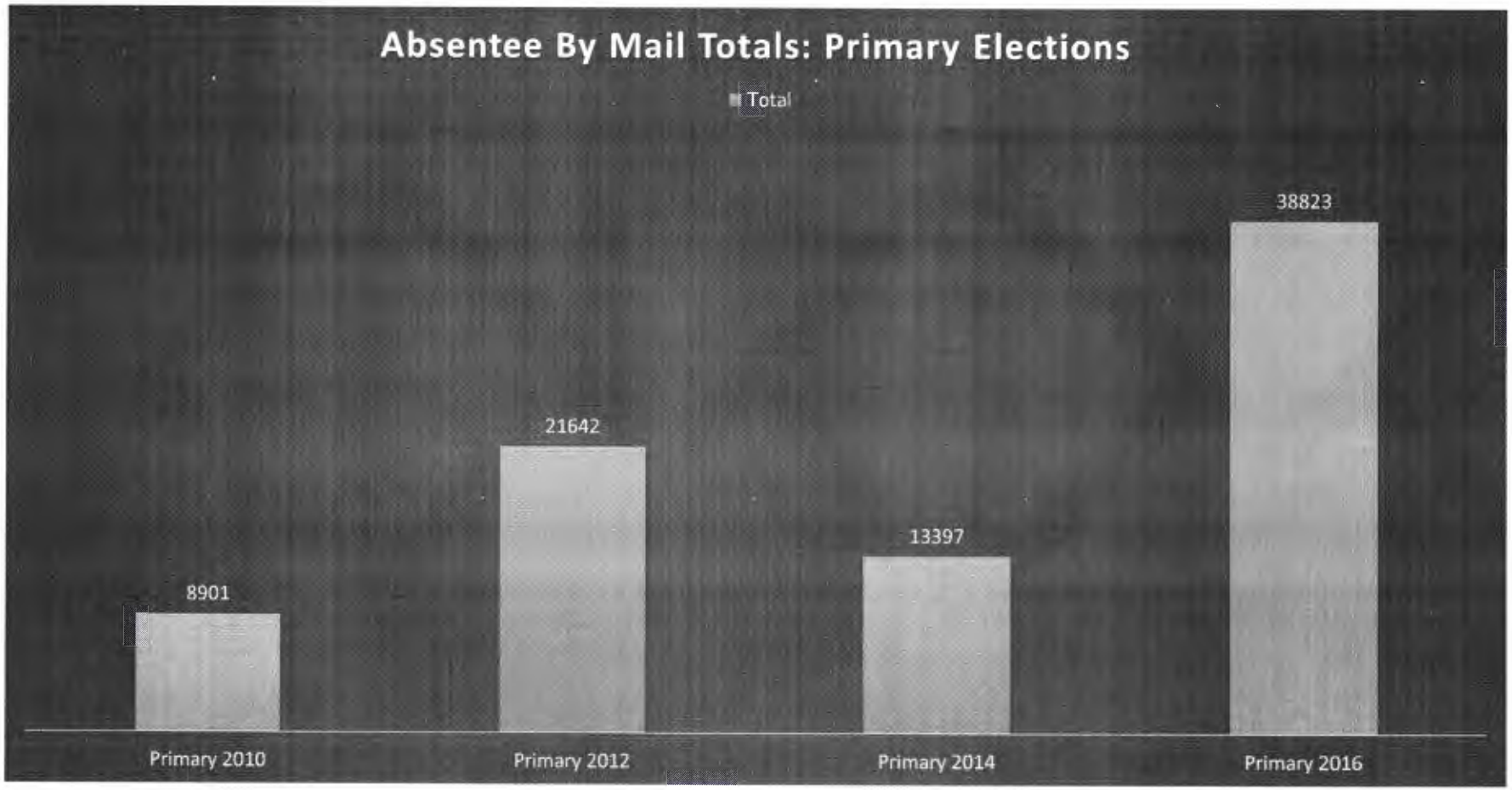
Addressing Incorrect Outreach Information

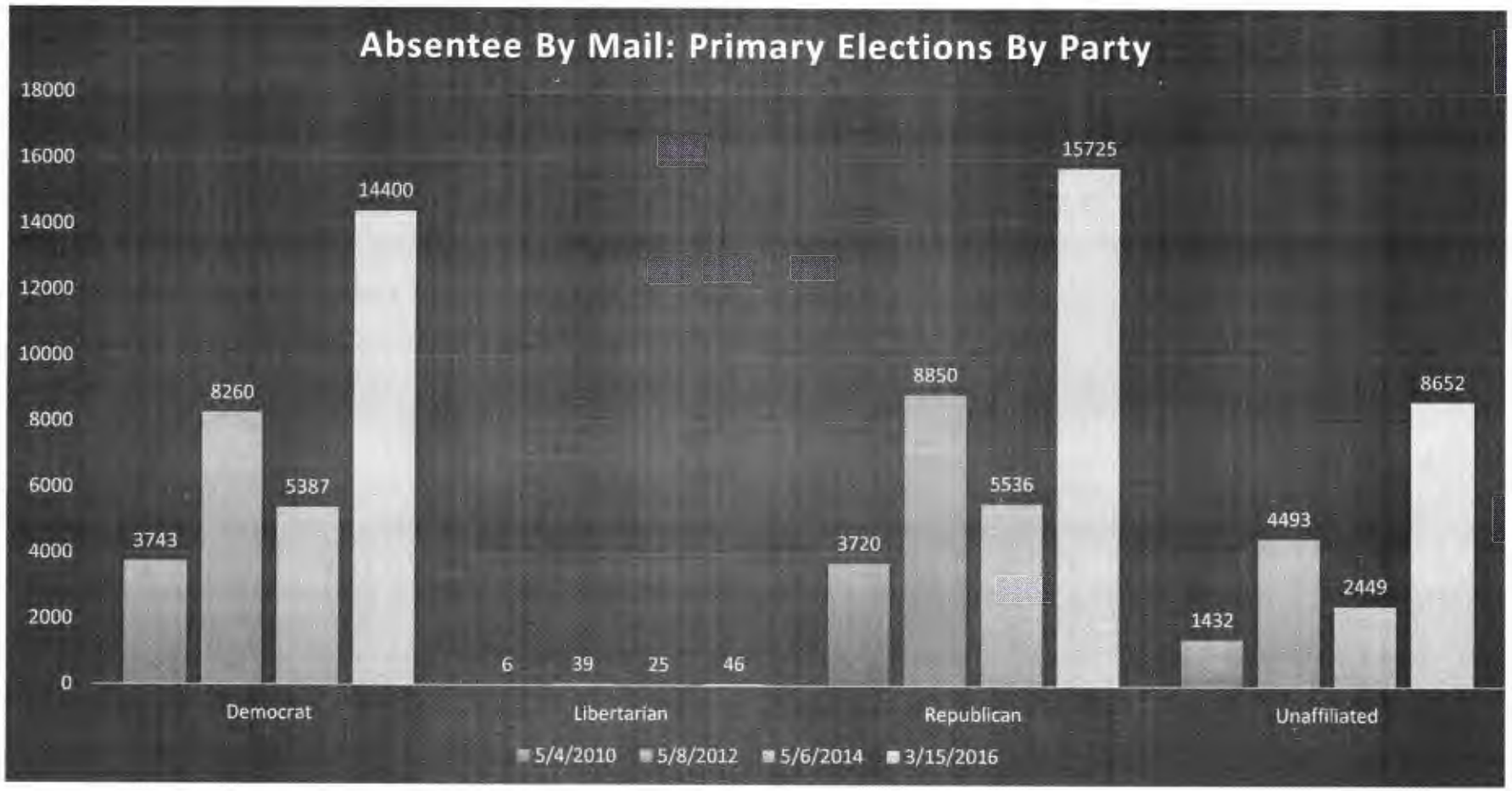


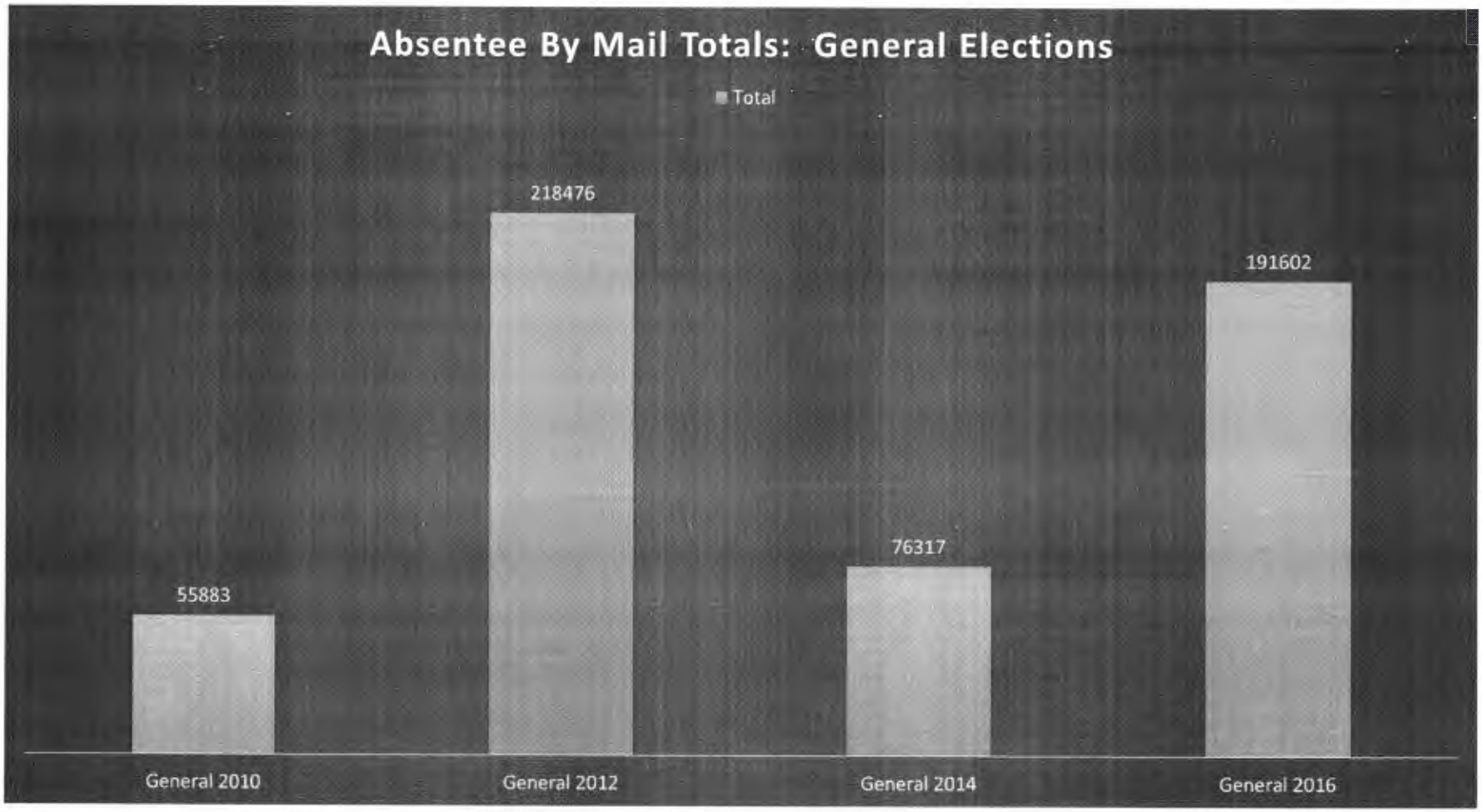
By Mail Stats

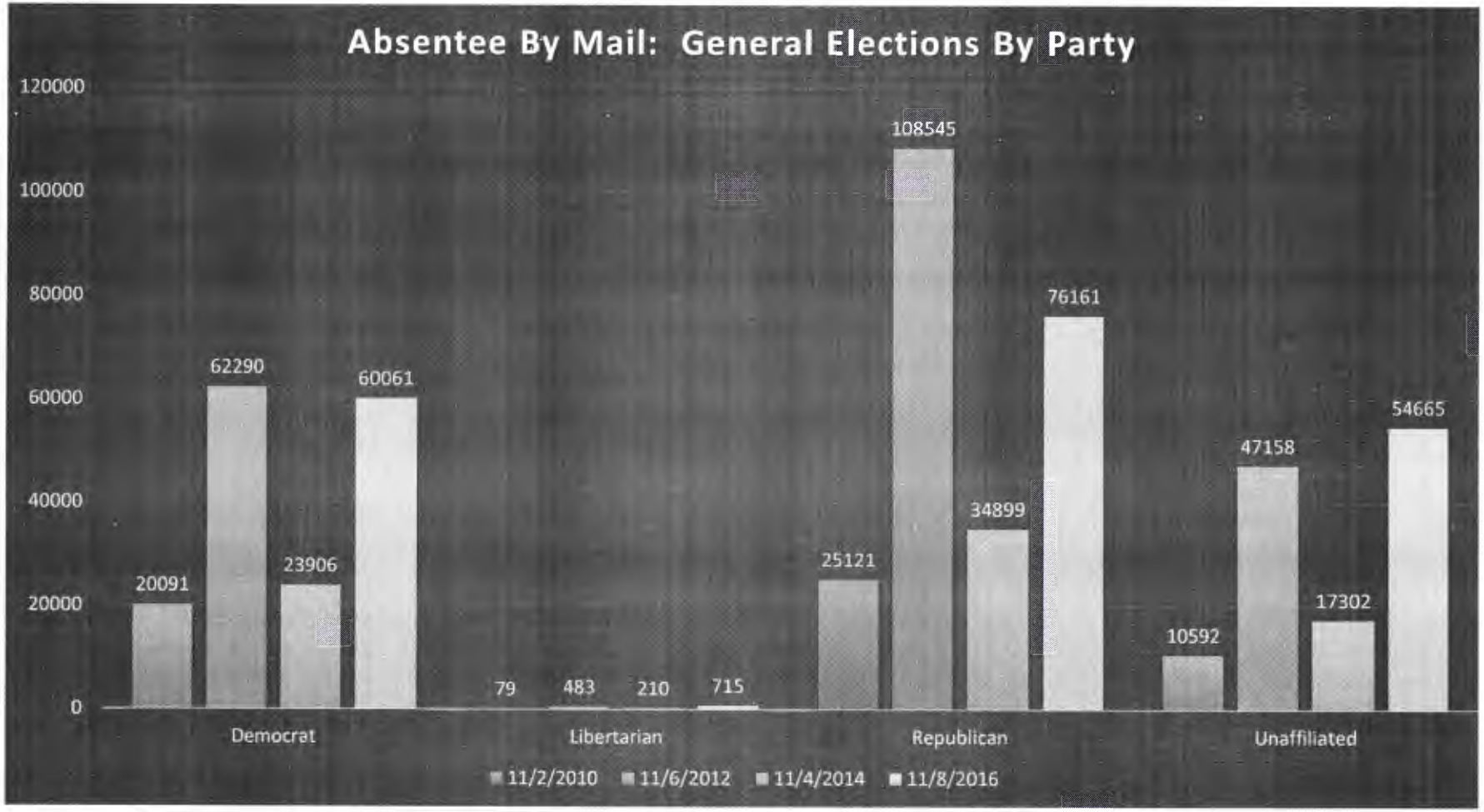
March Presidential Preference Primary 2016	November General Election 2016
38,823 of 2,332,459	191,603 of 4,768,081

How does this compare to previous elections?


Absentee By Mail Totals: Primary Elections
Total
8901
21642
13397
38823
Primary 2010
Primary 2012
Primary 2014
Primary 2016


Absentee By Mail: Primary Elections By Party
18000
16000
14000
12000
10000
8000
6000
4000
2000
0
3743
8260
5387
14400
6
39
25
46
3720
8850
5536
15725
1432
4493
2449
8652
Democrat
Libertarian
Republican
Unaffiliated
5/4/2010
5/8/2012
5/6/2014
3/15/2016


Absentee By Mail Totals: General Elections
Total
55883
218476
76317
191602
General 2010
General 2012
General 2014
General 2016


Absentee By Mail: General Elections By Party
120000
100000
80000
60000
40000
20000
0
20091
62290
23906
60061
79
483
210
715
25121
108545
34899
76161
10592
47158
17302
54665
Democrat
Libertarian
Republican
Unaffiliated
11/2/2010
11/6/2012
11/4/2014
11/8/2016

Early Voting

10 days
Matching hours
Photo ID requirements

10 days
No matching hours
Photo ID requirements

17 days
No matching hours
No Photo ID requirements

Ensuring opportunities and access to voting regardless of the rules

Early (One-Stop)Voting Stats

March Presidential Preference Primary	November General Election
685,762 of 2,332,459	2,955,567 of 4,768,081

Let's drill down to the specifics…

Voting Sites

Early Voting: March Presidential Preference Primary

Voting Site Data Comparison

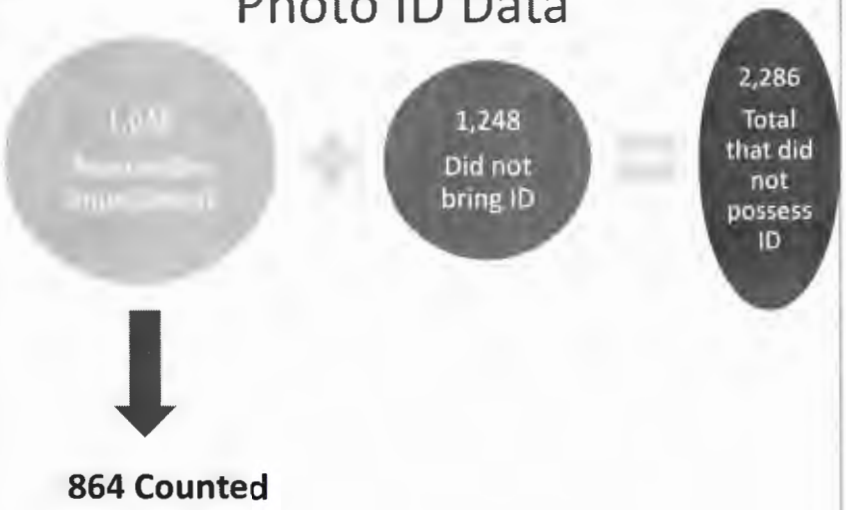
	2012	2016	Difference	% Change
Early Voting Hours	24,603.5	25,137.5	534	**+2.2%**
*Evening**	1,942	3,262.75	1,320.75	**+68.0%**
Saturday	1,967	3,258.75	1,291.75	**+65.7%**
Sunday	182	219	37	**+20.3%**
Early Voting Sites	269	361	92	**+34.2%**

* "Evening" hours begin at 5:00 p.m.

Photo ID

Early Voting: March Presidential Preference Primary

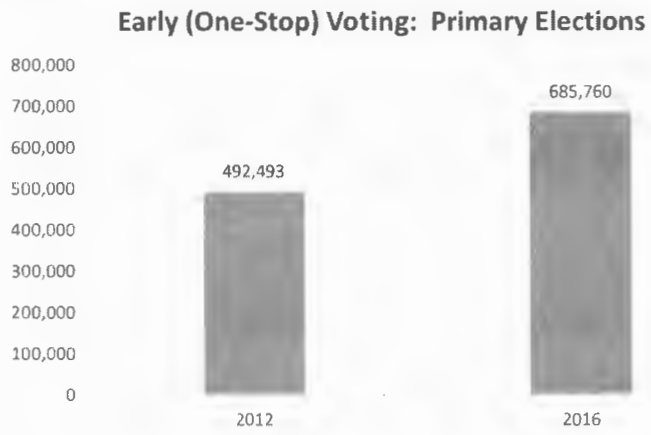
Photo ID Data

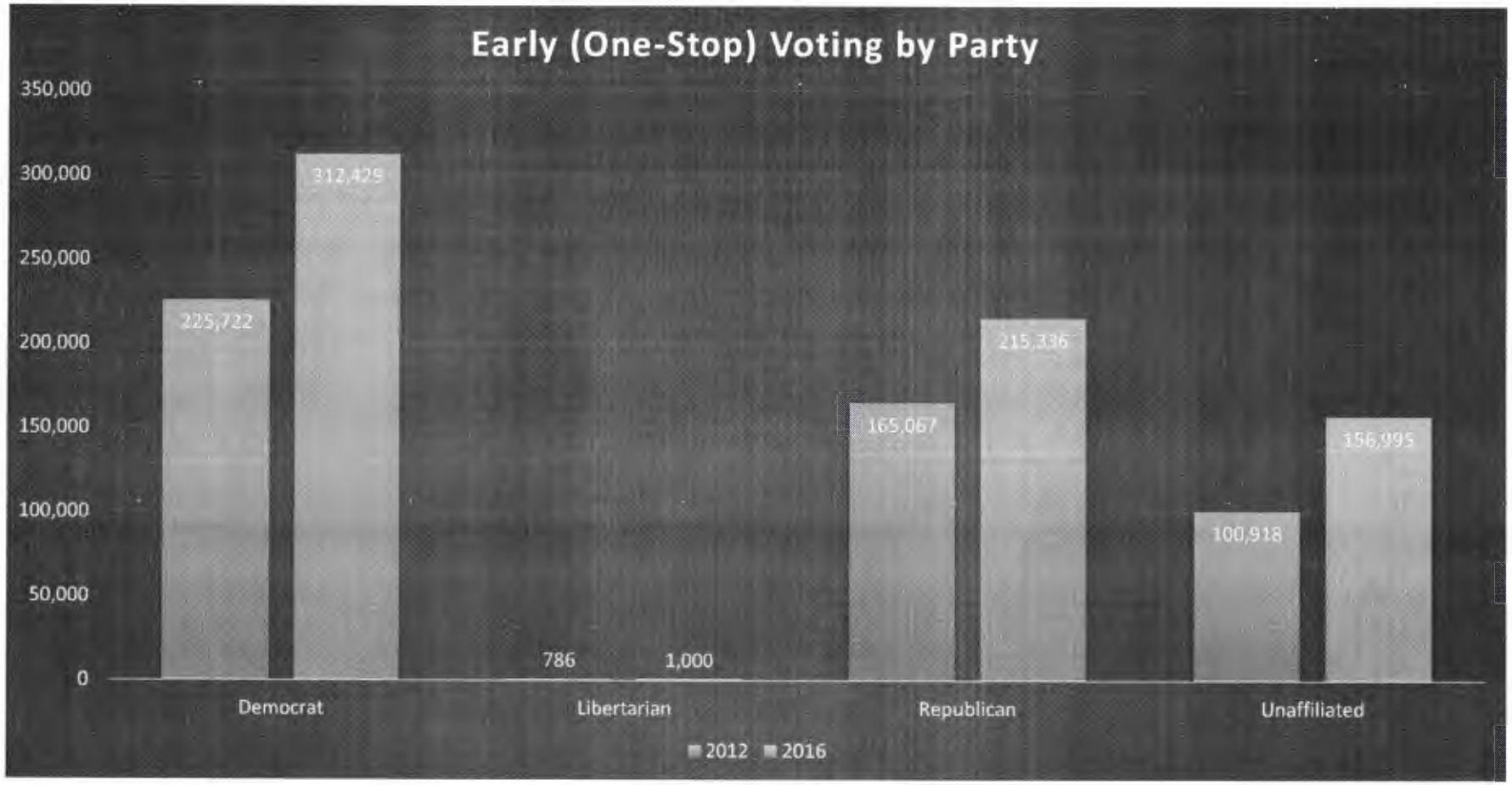


Turnout

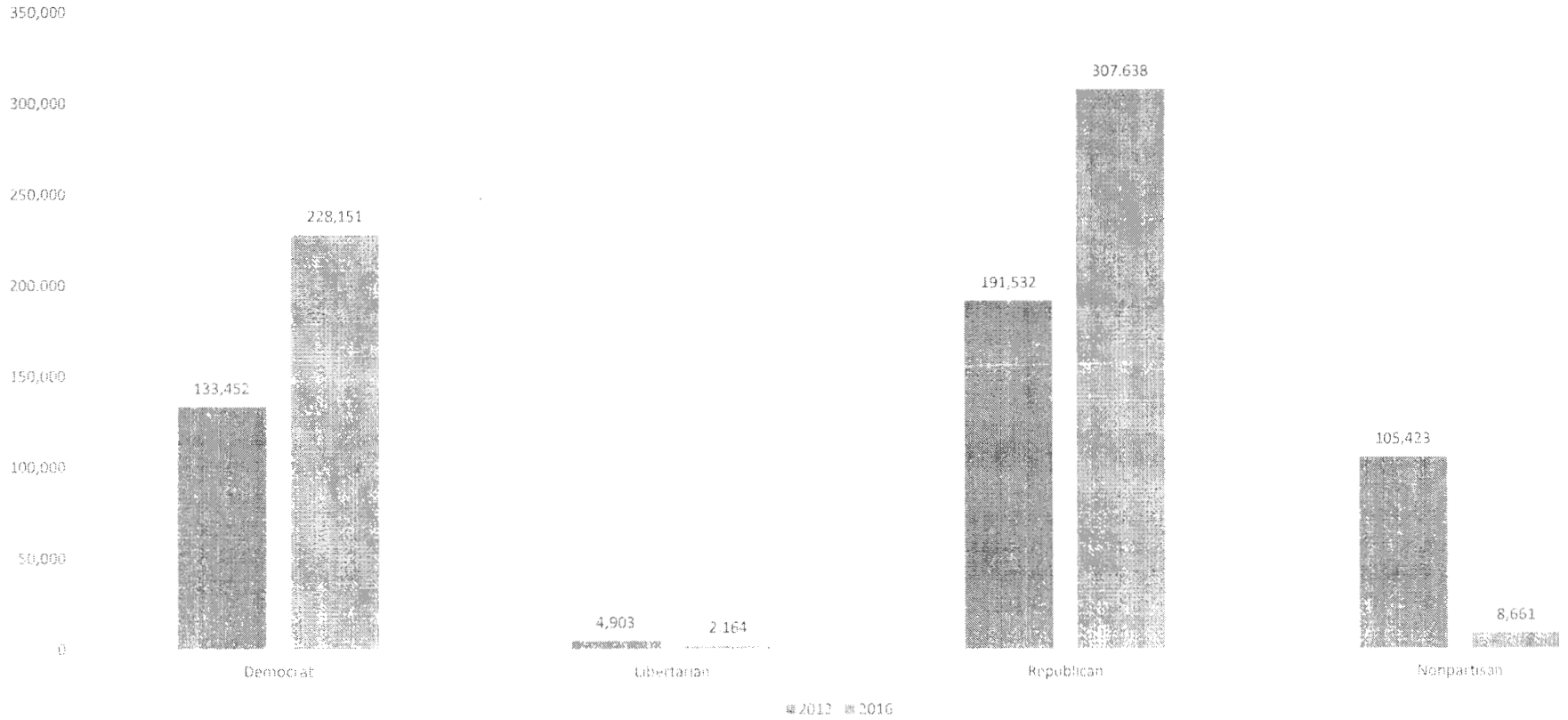
Early Voting: March Presidential Preference Primary

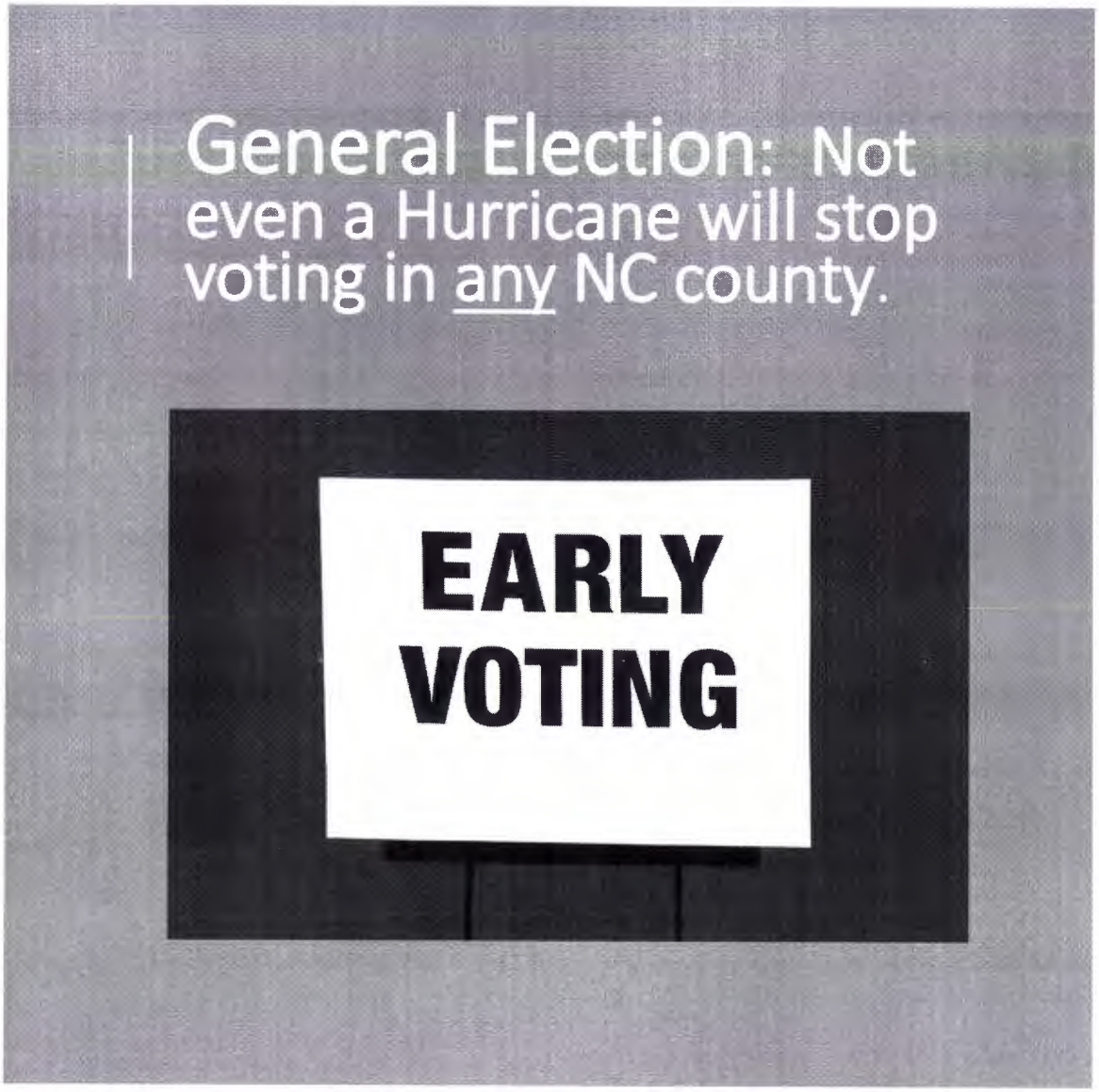
Turnout Data Comparison




Early (One-Stop) Voting by Party
350,000
300,000
250,000
200,000
150,000
100,000
50,000
0
225,722
312,429
786
1,000
165,067
215,336
100,918
156,995
Democrat
Libertarian
Republican
Unaffiliated
2012
2016

Which party ballot did Unaffiliated voters choose?





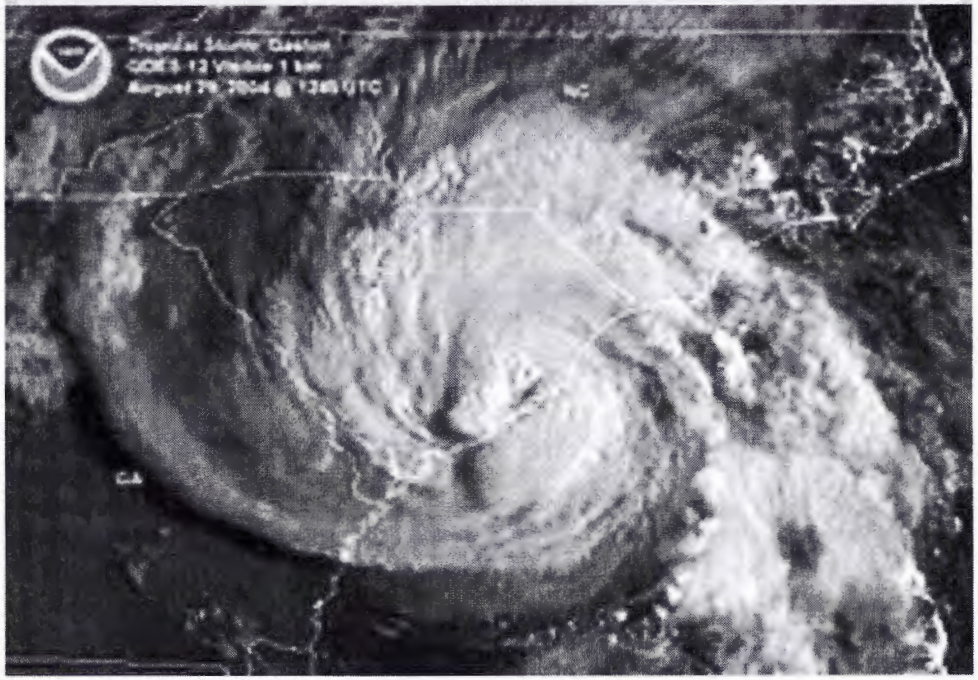
37 Counties

Row Labels	Sum of 2012	Sum of 2016	Sum of diff
BEAUFORT	12168	13236	1068
BERTIE	5434	4918	-516
BLADEN	8997	8830	-167
BRUNSWICK	36587	47485	10898
CAMDEN	2101	2569	468
CARTERET	18769	23567	4798
CHOWAN	4481	4482	1
COLUMBUS	11747	11754	7
CRAVEN	26646	30740	4094
CUMBERLAND	70968	75375	4407
CURRITUCK	2922	4504	1582
DARE	6866	10054	3188
DUPLIN	8613	10212	1599
EDGECOMBE	16763	15121	-1642
GATES	1952	2132	180
GREENE	4371	4272	-99
HARNETT	19161	22650	3489
HOKE	9172	10526	1354
HYDE	599	687	88
JOHNSTON	37622	48657	11035
JONES	2010	2254	244
LENOIR	17496	18027	531
MARTIN	5390	5485	95
NASH	27851	29750	1899
NEW HANOVER	56576	66365	9789
ORANGE	45155	55982	10827
PAMLICO	3883	4141	258
PASQUOTANK	11205	10531	-674
PENDER	15327	18352	3025
PERQUIMANS	3363	3789	426
PITT	45946	50410	4464
ROBESON	16107	16966	859
SAMPSON	12570	14145	1575
TYRRELL	793	850	57
WASHINGTON	3573	3396	-177
WAYNE	33533	33672	139
WILSON	23161	23016	-145
Grand Total	**629878**	**708902**	**79024**

October 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6 Mock Election	7	8
9	10	11	12	13	14 VR Deadline	15 OS Observer List Due
	Processing Mail (VR and ABS applications/requests)					
16	17	18 ABS Board Meeting	19	20 Early (OS) Voting Begins	21 Early (OS) Voting	22 Early (OS) Voting
23 Early (OS) Voting	24 Early (OS) Voting	25 Early (OS) Voting ABS Board Meeting	26 Early (OS) Voting	27 Early (OS) Voting	28 Early (OS) Voting	29 Early (OS) Voting
30 Early (OS) Voting	31 Early (OS) Voting					

Hurricane Matthew Devastates NC



Voting Sites

Early Voting: General Election

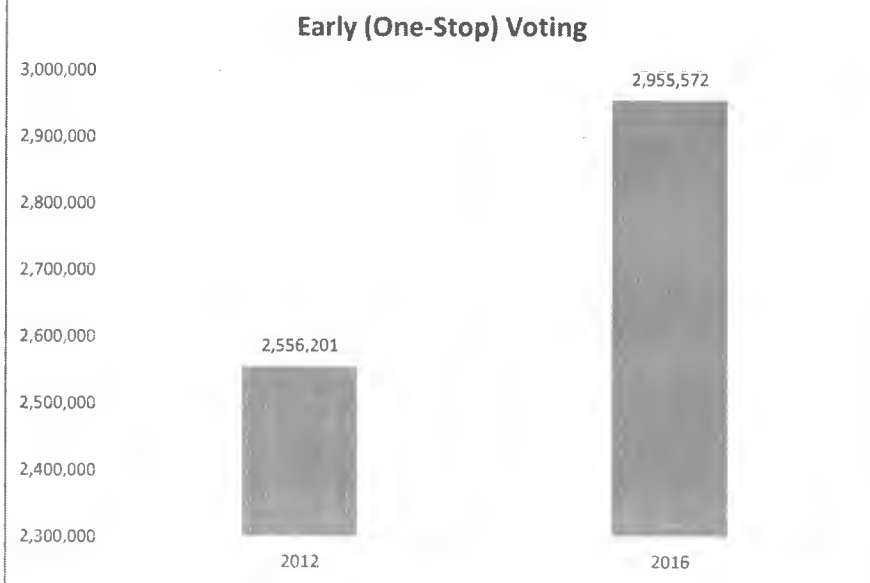
Voting Site Data Comparison

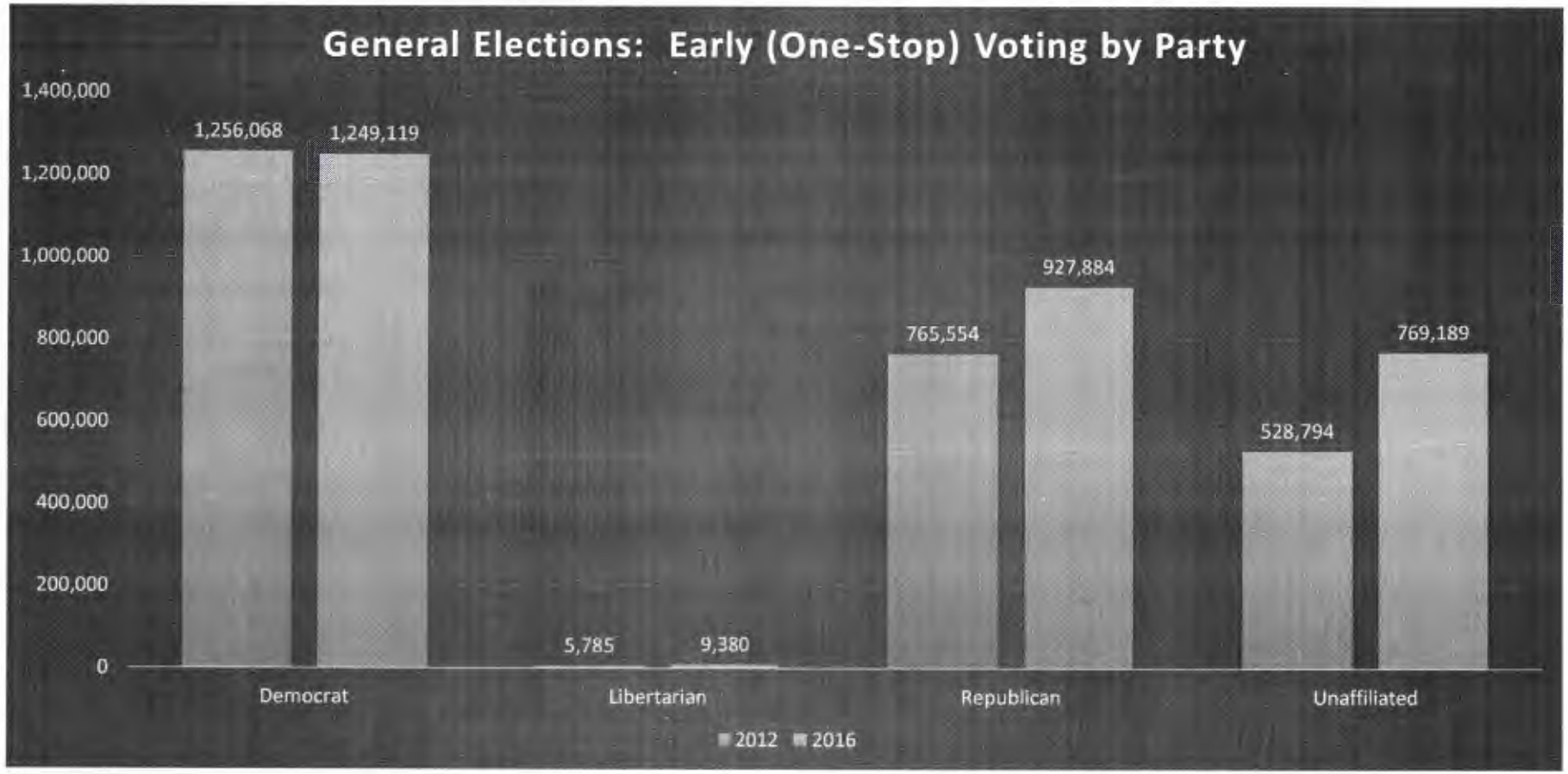
	2012	2016	Difference	% Change
Early Voting Hours	36,624.75	42,492.75	5,868	+16.0%
Evening	3,868.5	5,101.5	1,233	+31.9%
Saturday	4,255.25	5,259.25	1,004	+23.6%
Sunday	699	766.5	67.5	+9.7%
Early Voting Sites	366	444	78	+21.3%

Turnout

Early Voting: General Election

Turnout Data Comparison



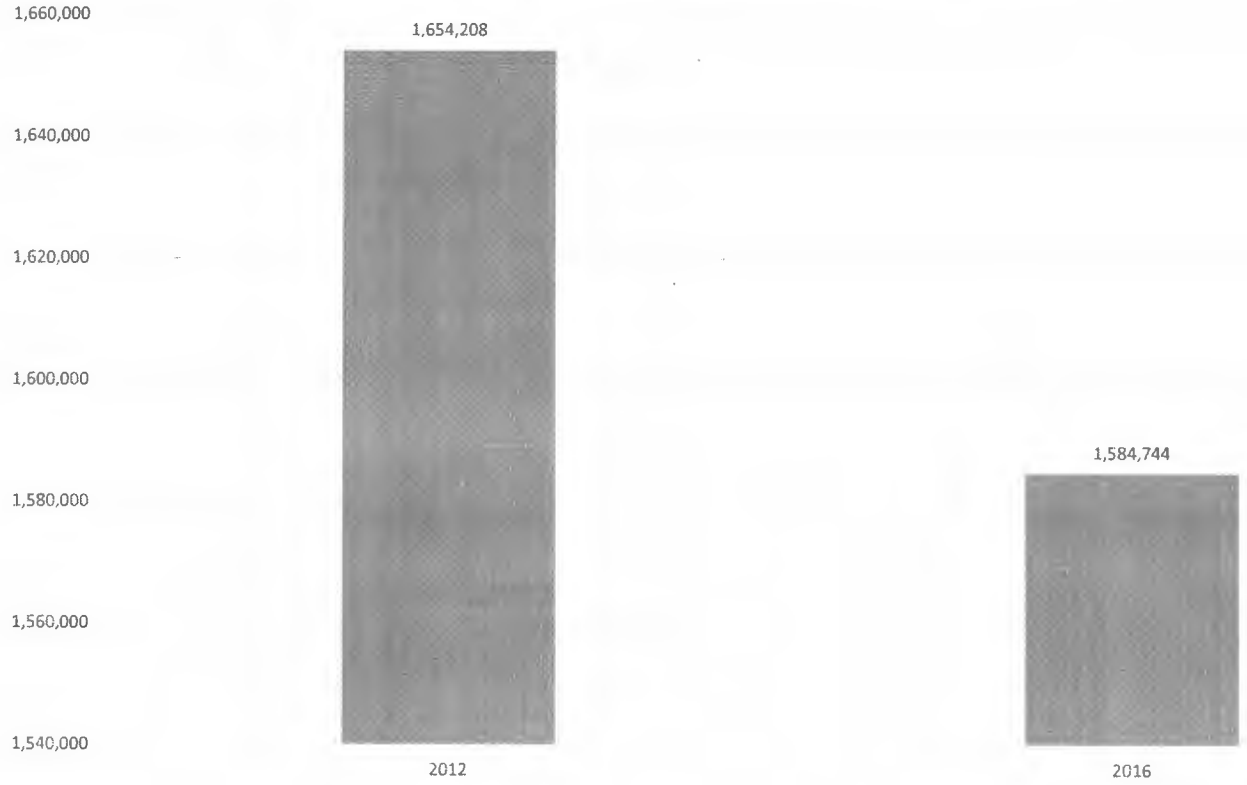

General Elections: Early (One-Stop) Voting by Party
1,400,000
1,200,000
1,000,000
800,000
600,000
400,000
200,000
0
1,256,068
1,249,119
5,785
9,380
765,554
927,884
528,794
769,189
Democrat
Libertarian
Republican
Unaffiliated
2012
2016

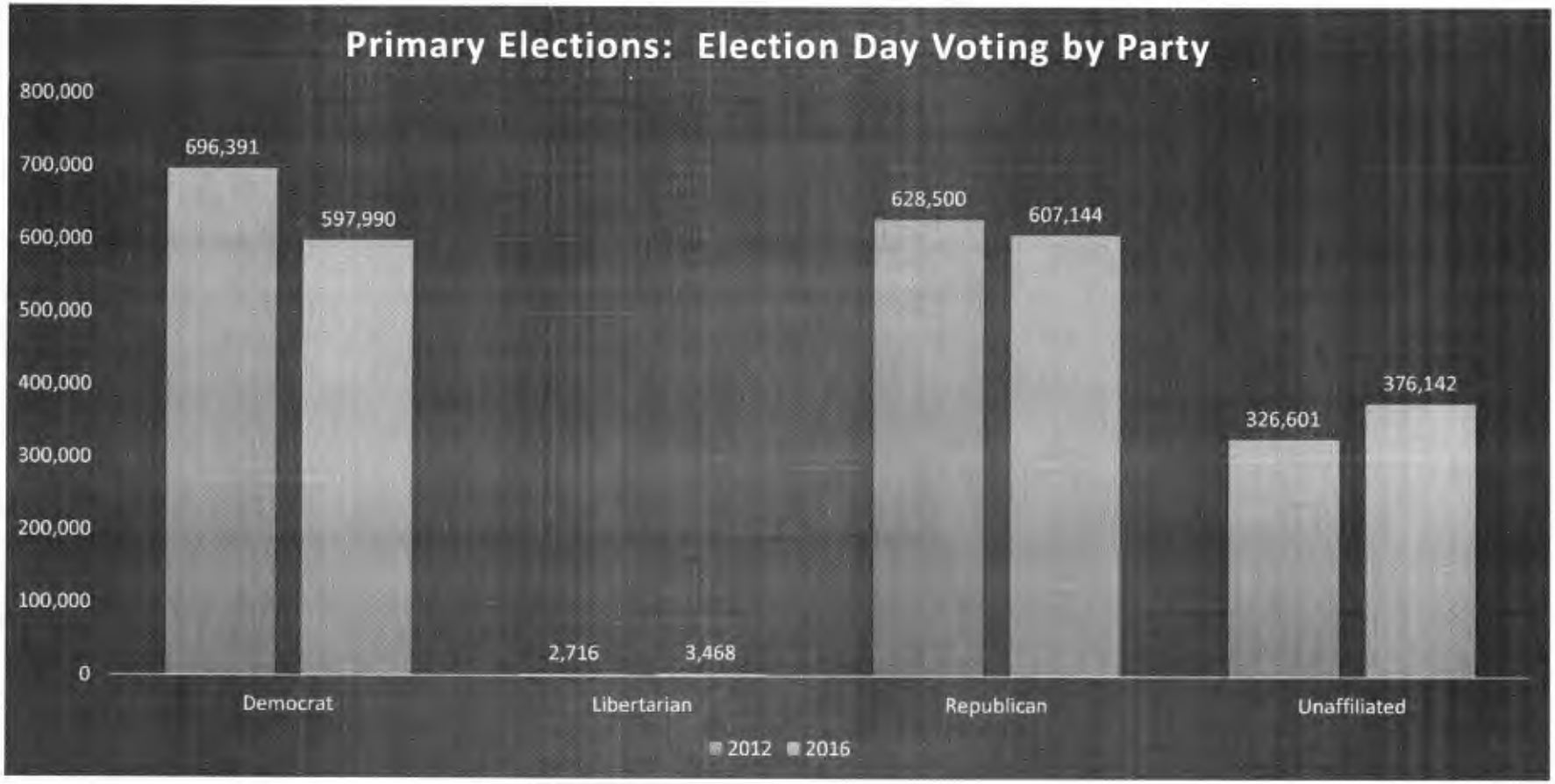
Election Day Stats

March Presidential Preference Primary	November General Election
1,584,744 of 2,332,459	1,594,200 of 4,768,081

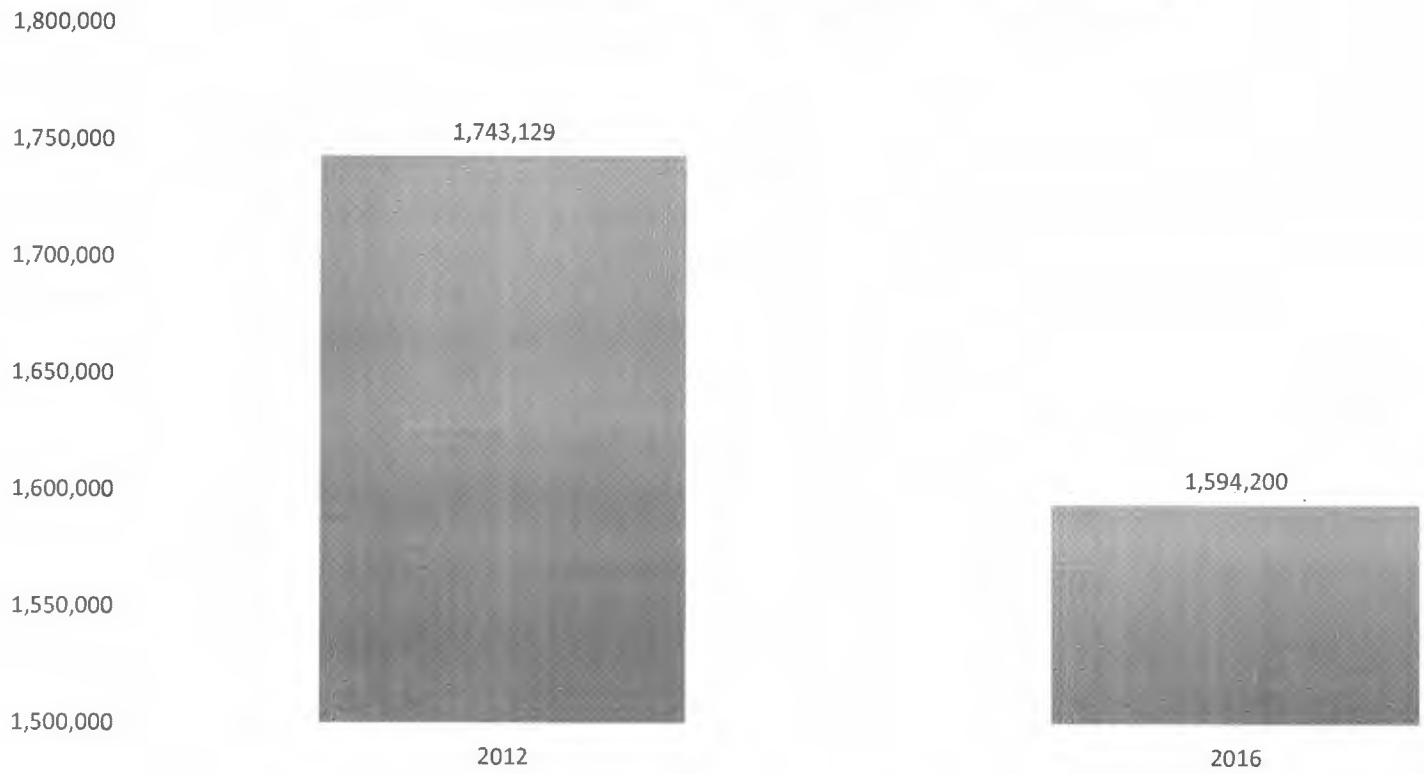
How does this compare to 2012?

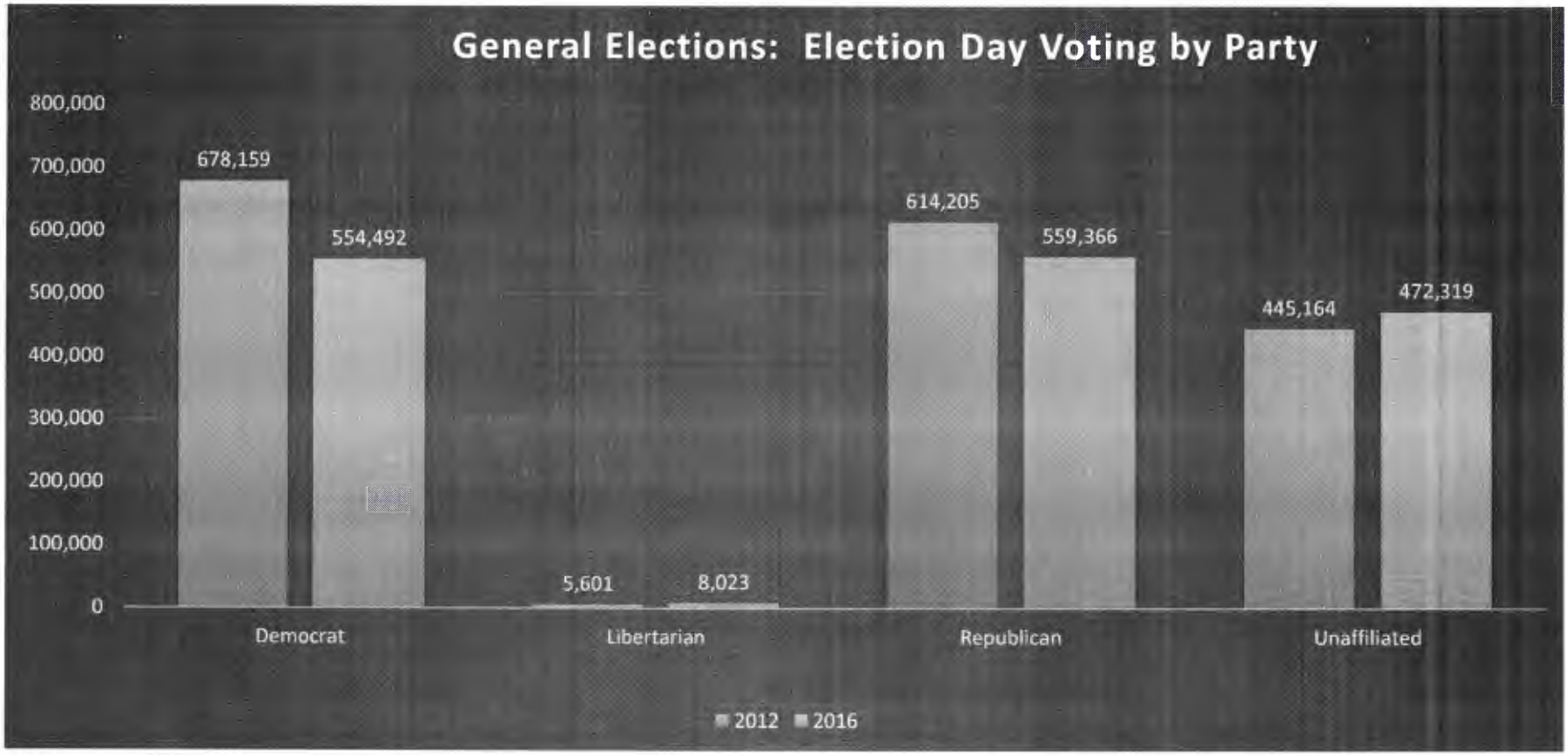
Primary Elections: Election Day Voting




Primary Elections: Election Day Voting by Party
800,000
700,000
600,000
500,000
400,000
300,000
200,000
100,000
0
696,391
597,990
2,716
3,468
628,500
607,144
326,601
376,142
Democrat
Libertarian
Republican
Unaffiliated
2012
2016

General Elections: Election Day Voting




General Elections: Election Day Voting by Party
800,000
700,000
600,000
500,000
400,000
300,000
200,000
100,000
0
678,159
554,492
5,601
8,023
614,205
559,366
445,164
472,319
Democrat
Libertarian
Republican
Unaffiliated
2012
2016

3 An Efficient Voting Experience

Efficiency Plan

Pre-Voting

- Educating voters
- Voting site preparations

Voting

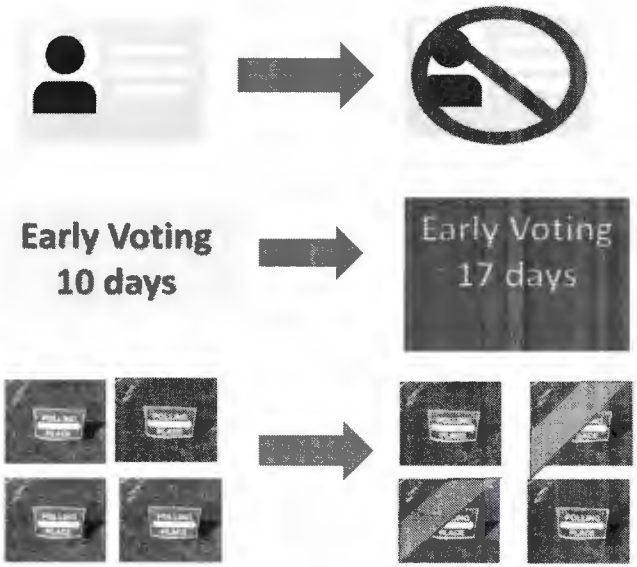
- Efficient use of voting site
- Uniform voting process

Measuring

- Turnout
- Wait times
- Provisional reasons

Pre-Voting

Challenge: The Rules Changed.



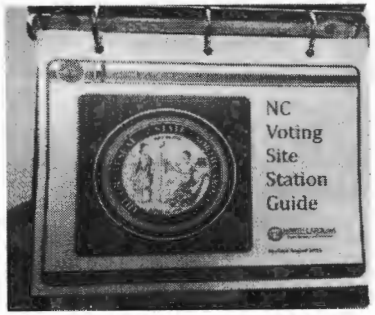
Overcoming Challenges

[redacted]

Voting

Overcoming Challenges

Challenge: The Rules and the Weather



Challenge: How changes affect our ability to measure results.

Measuring

Overcoming Challenges

Goal: To Ensure Integrity in our Records, Processes and Results

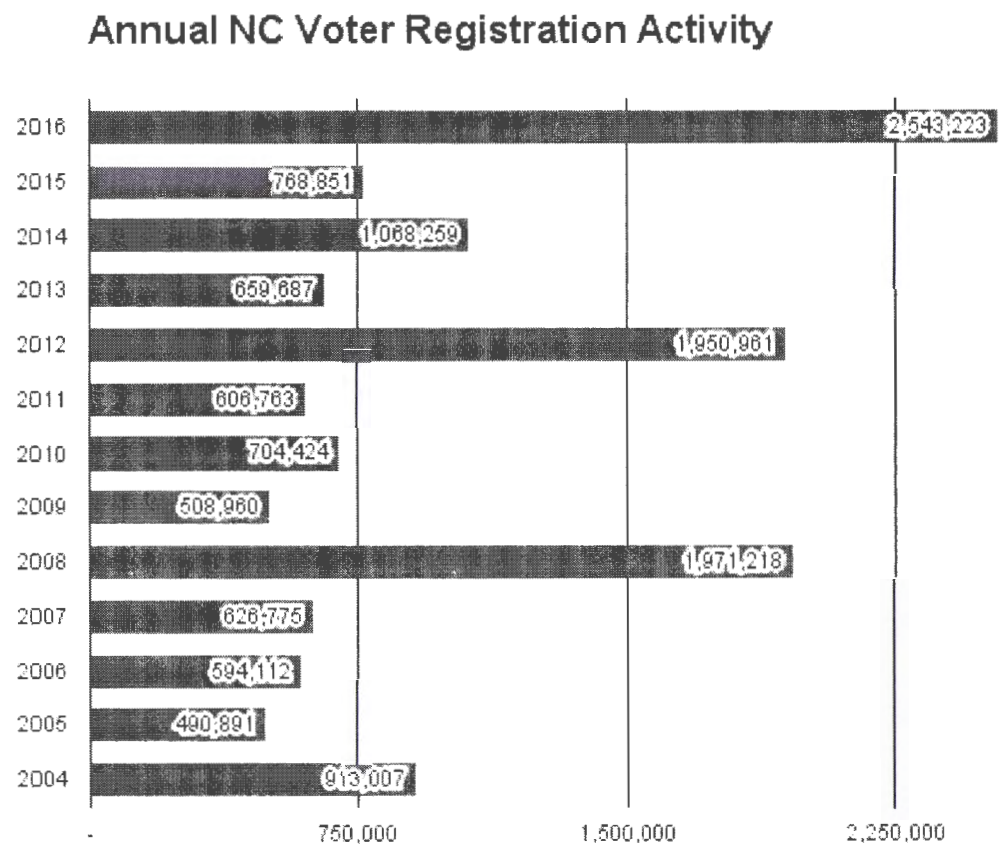
Maintaining Accurate Voter Registration Rolls

Ensuring eligible voters are included and ineligible voters are excluded.

Why are accurate voter rolls important?

- Ensures eligible voters are on rolls and receiving correct ballots.
- Ensures ineligible voters are not included on poll books.
- Reduces poll worker error.
- Prevents opportunity for fraud.

Ensuring these voters are properly added to the registration rolls.



Ensuring Election Administration Compliance

Election Official Accountability

Election Officials must all be on the same page.

SBE → CBE → Precinct

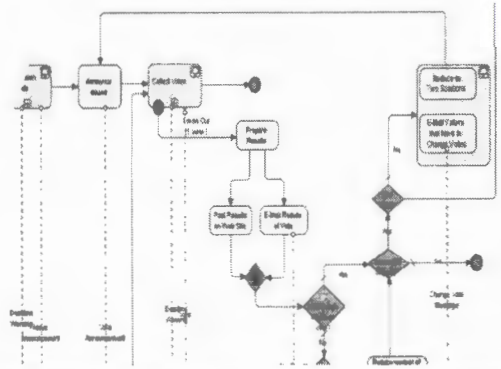
Uniformity

What have we done?

Ensuring policies can be applied uniformly	Providing Uniform Guidance and Tools
• Rulemaking • Learning from county experiences	• Numbered Memos • Voting site tools • State Board Order providing counties guidance on uniform handling of protests in general election.

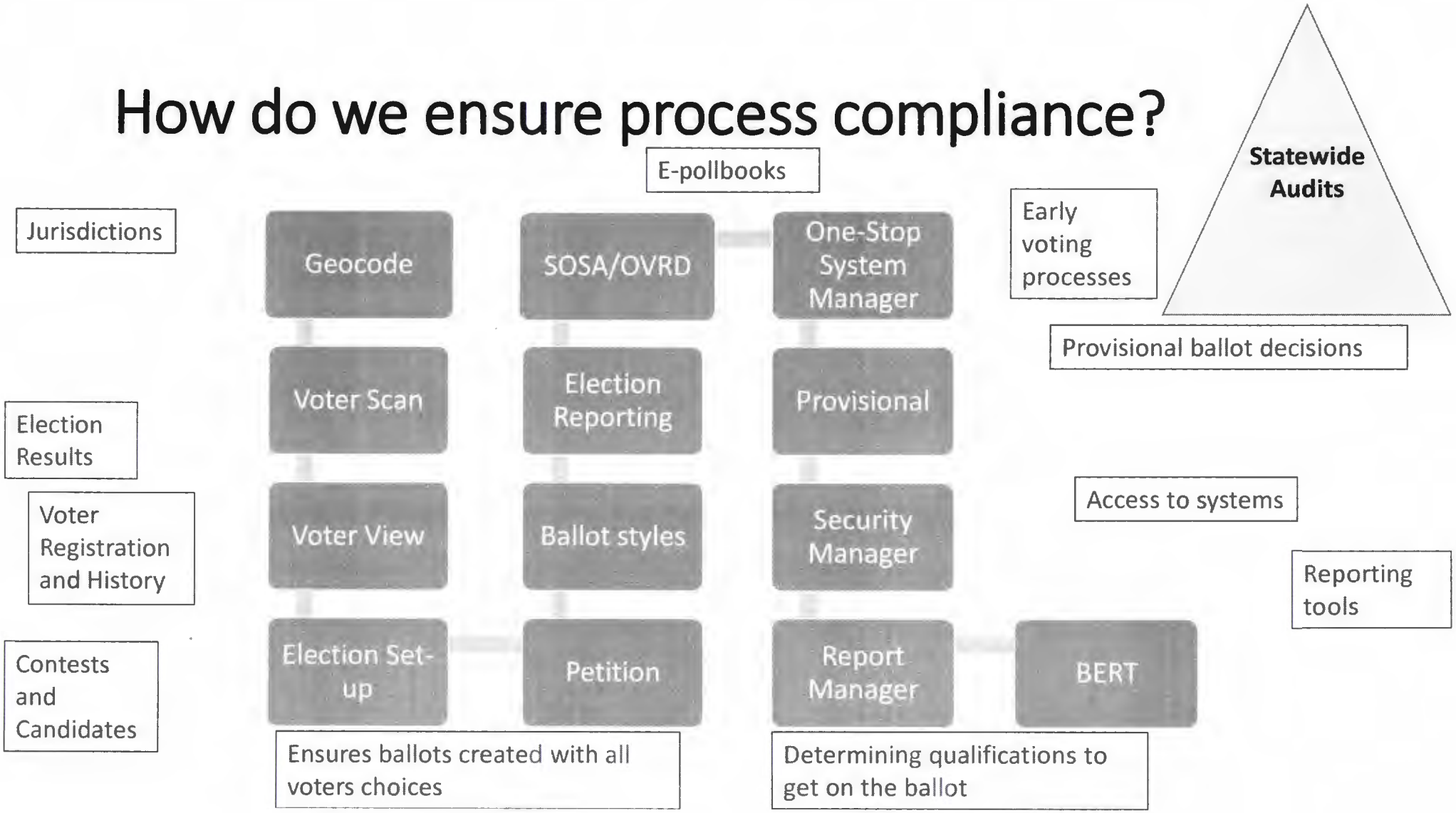
Process matters.

State Topical Election Processes & Procedures (STEPP):
CBE Office Planning Guide

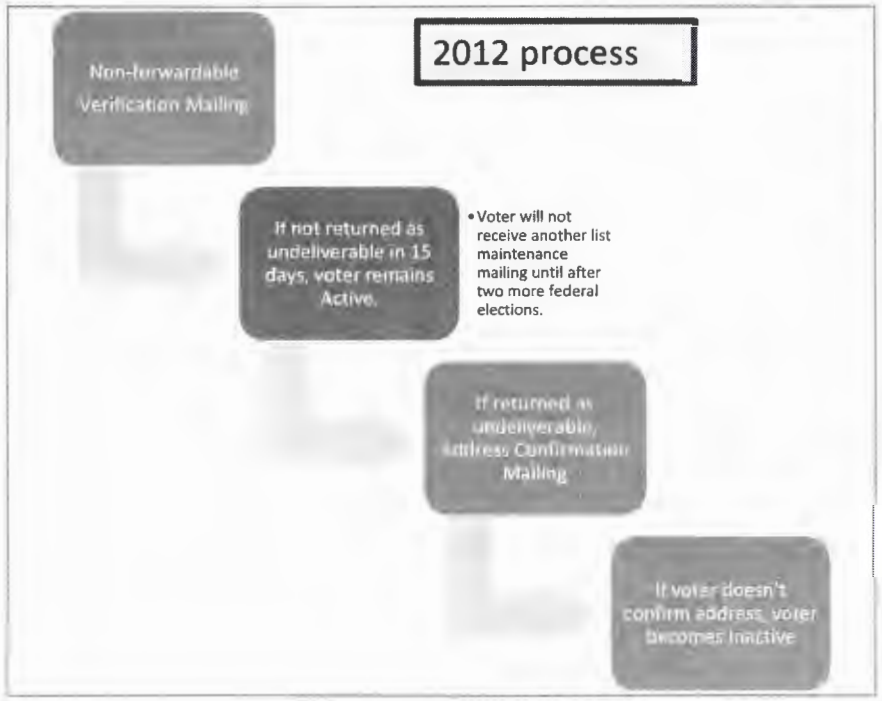


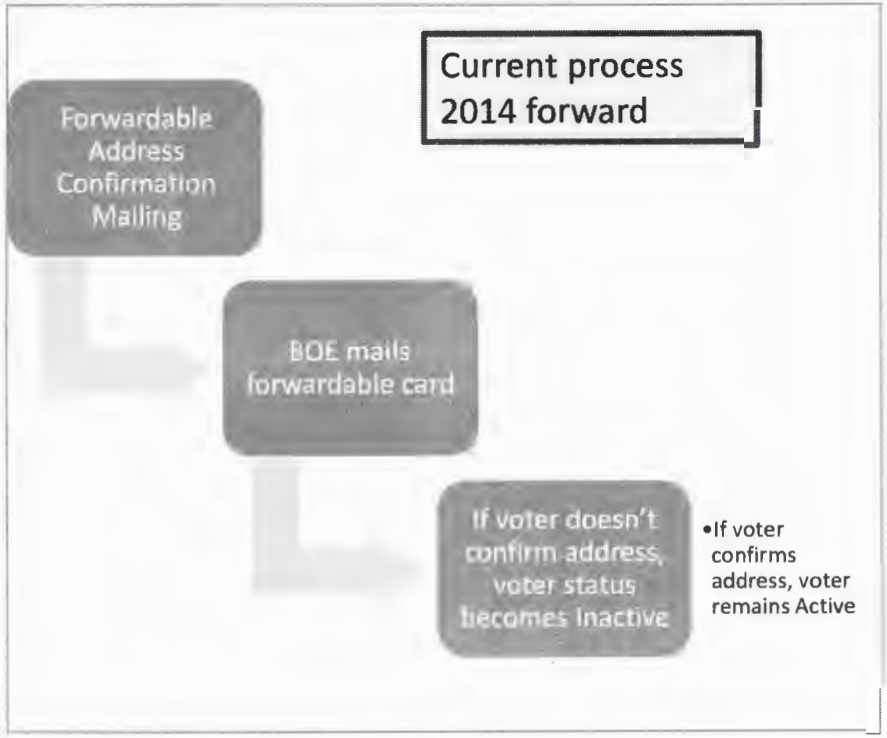
Process Compliance

How do we ensure process compliance?



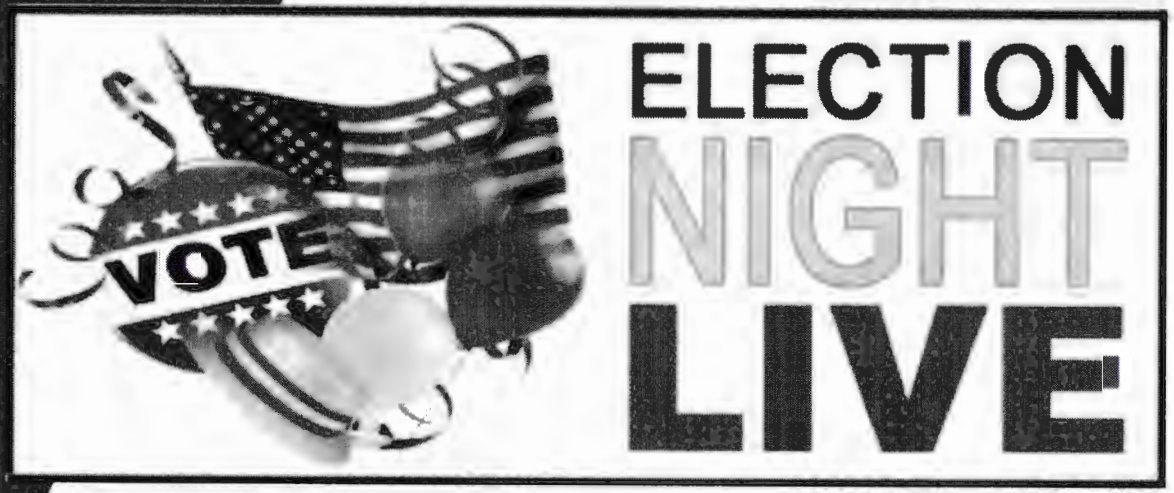
Why process matters to the accuracy of our voter registration rolls.

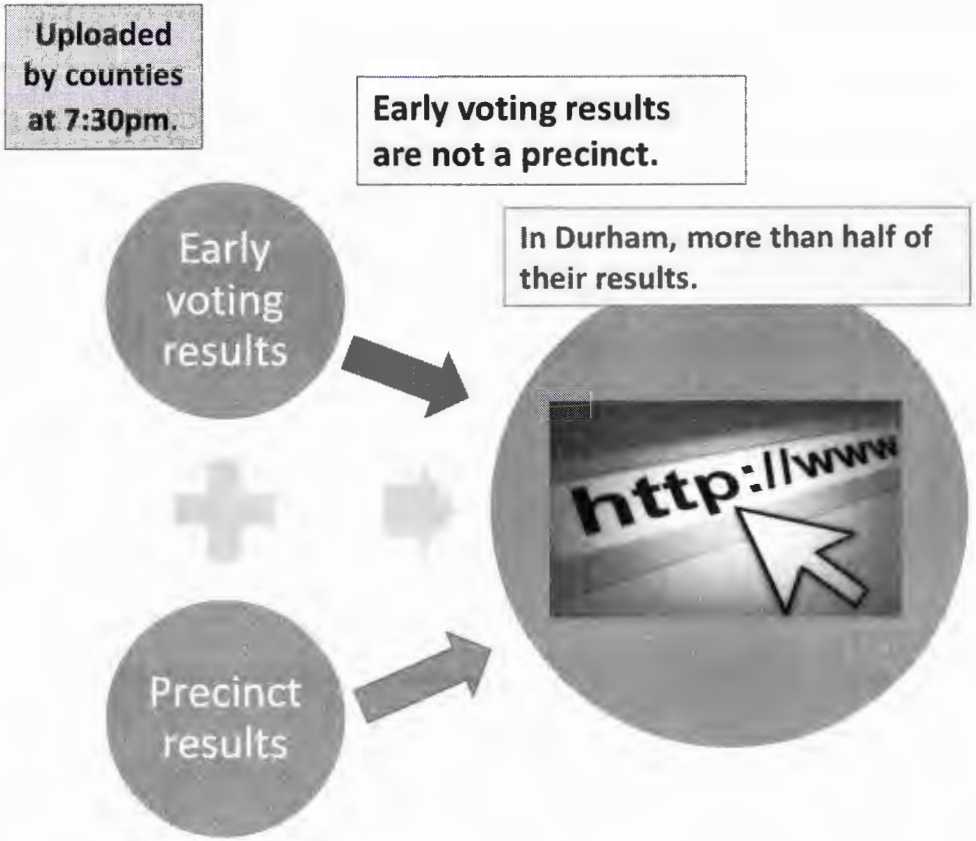




Close elections highlight the importance of every process we put in place: Durham County

- 11:45 pm: Results from more than 50 of the 57 precincts in Durham County were uploaded and reporting on the website.
- Former Governor McCrory was leading Governor Cooper statewide.
- Shortly before midnight, Durham County completed a manual entry of their early (one-stop) voting results, more than 90,000 ballots.
- As a result, Governor Cooper took more than a 4,000-vote lead on Election Night.
- Durham County followed the proper protocol but the process raised concerns.





"Precincts Reporting" was the indicator of result progress.

***Example*: 50 of 57 precincts reporting**

So, if all precincts have been uploaded and reported but the early voting results have not been uploaded and reported, it will appear as though the county has fully reported.

Solution: Process change

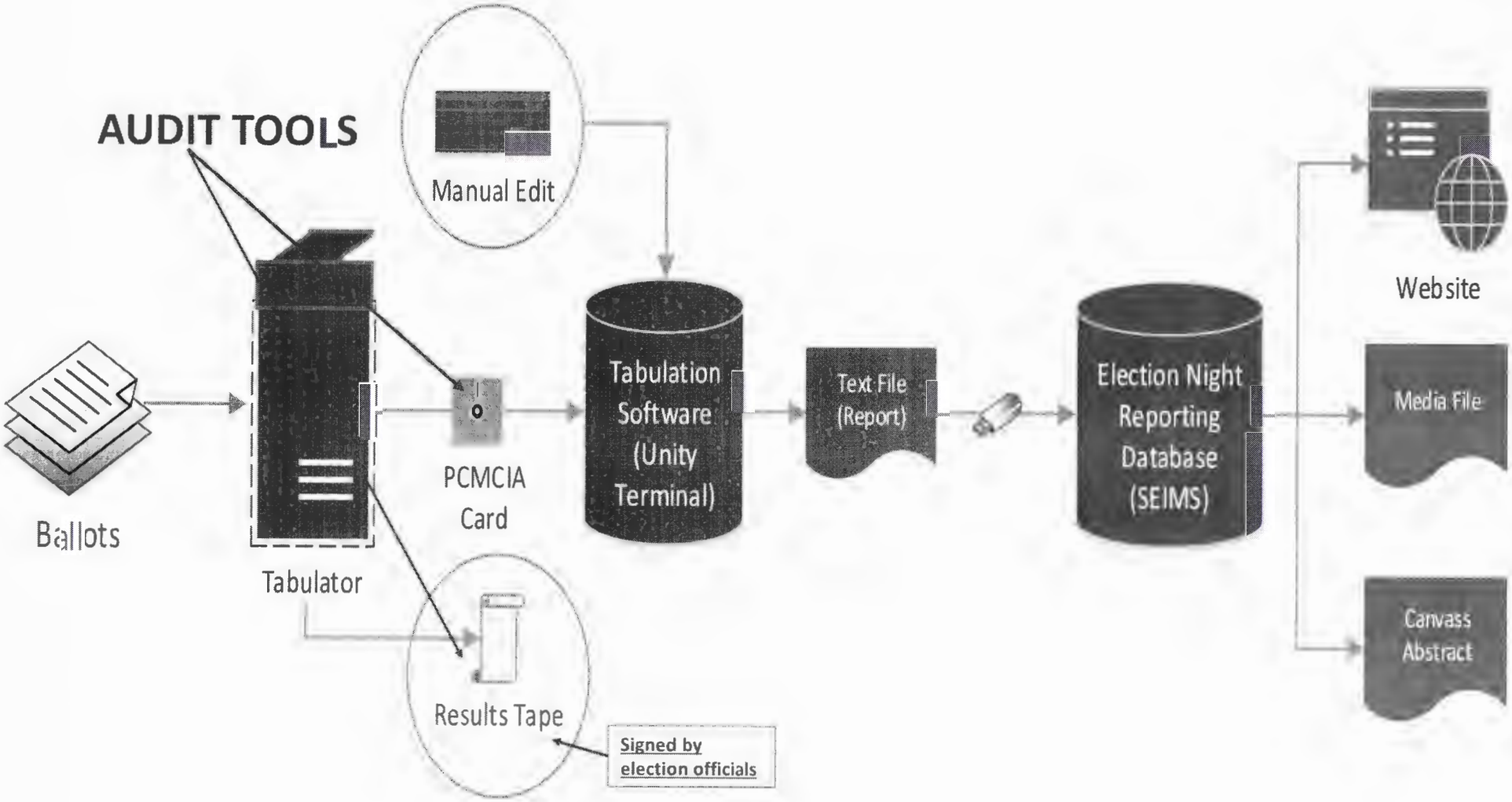
Website will provide an indicator as to whether one-stop early voting results are included in the totals.

We <u>must</u> have confidence in the accuracy of our election results.

Result Assurance

How do we accomplish this critical task?

Provisional Audit: For the 2016 general election, this audit resulted in 428 voters statewide whose provisional ballots were counted in accordance with current election law. Those ballots wouldn't have been counted otherwise.


AUDIT TOOLS
Manual Edit
Ballots
Tabulator
PCMCIA Card
Tabulation Software (Unity Terminal)
Text File (Report)
Election Night Reporting Database (SEIMS)
Website
Media File
Canvass Abstract
Results Tape
Signed by election officials

Ensuring Voter Compliance

Protecting our elections from ineligible ballots.

Which do we care about?

Fraud:	**Ineligible Voter:**
Illegal interference with the process of an election.	A voter not qualified to cast a ballot for a particular contest.

= Ineligible votes

Fraud	Ineligible voter

How do we address the issue?

List Maintenance

Daily

New Registrations
- VR Applications

Registration Changes
- VR Applications
- Voter Cards
- Other Change Forms

Cancellation Notices
- VR Applications
- Cancellation notices
- Death Notifications

Monthly

Deaths
- DHHS

Felony Convictions
- Corrections

Duplicate Registrations
- SBOE Report (potential matches)

Quarterly

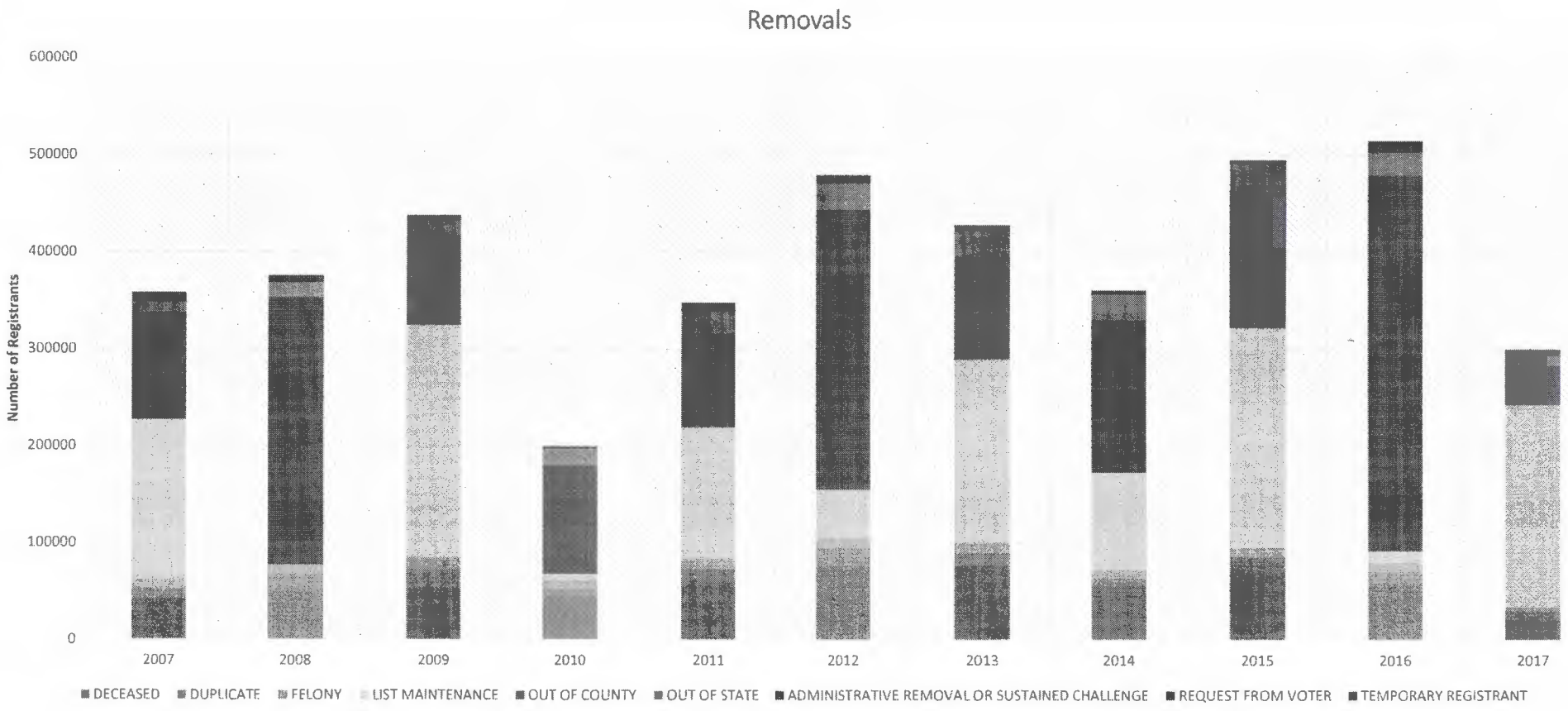
Felony Convictions
- US Attorneys Offices

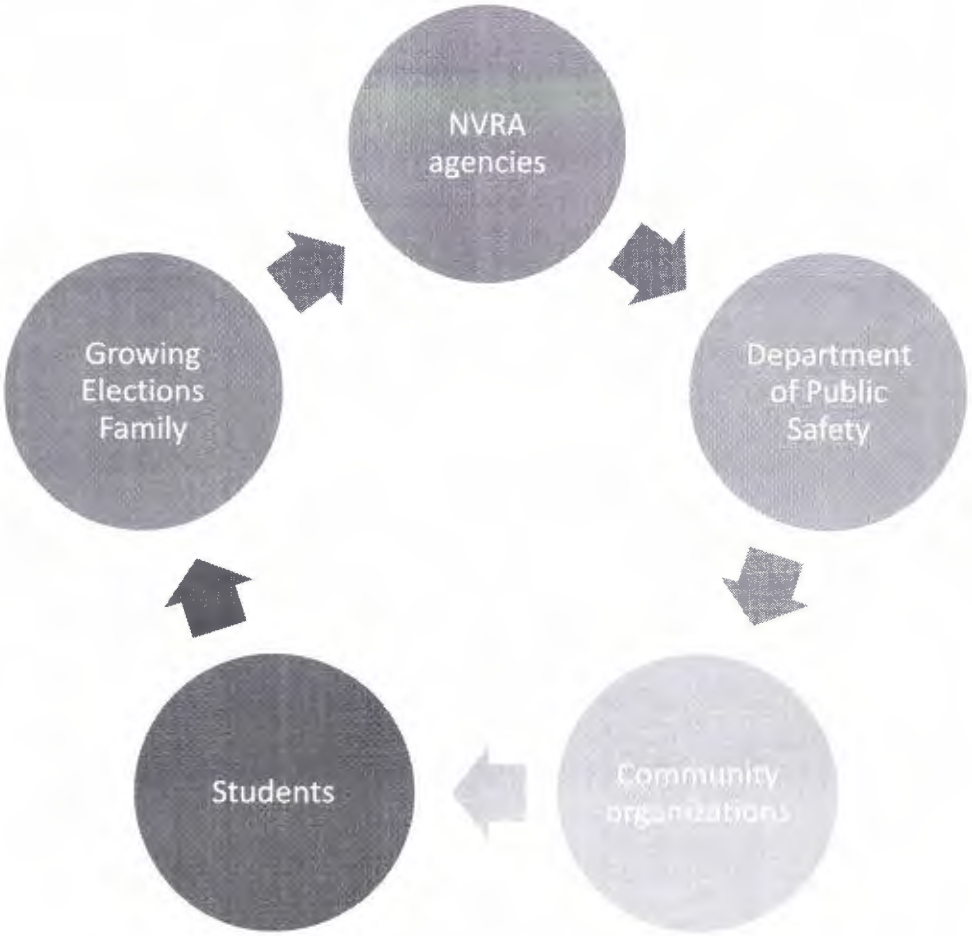
Semi-annual

Unreported Moves
- NCOA Data

Biennial List Maintenance

No-contact
- Voter Registration/History Data


Removals
Number of Registrants
600000
500000
400000
300000
200000
100000
0
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
DECEASED
DUPLICATE
FELONY
LIST MAINTENANCE
OUT OF COUNTY
OUT OF STATE
ADMINISTRATIVE REMOVAL OR SUSTAINED CHALLENGE
REQUEST FROM VOTER
TEMPORARY REGISTRANT


NVRA agencies
Department of Public Safety
Community organizations
Students
Growing Elections Family

Education

Post-Election Audit Report

April 21, 2017

441 open cases of voting by suspected active felons. The State Constitution disqualifies current felons from voting until their sentence is completed, including probation or parole. Investigators were able to rule out more than 100 voters initially flagged as ineligible through the audit, further supporting the need for investigative review of data audits. These new processes are being implemented to ensure those serving felony sentences do not remain on the voter rolls and that all registrants are checked against the current felons' database at the time of registration. New processes fill gaps in the list maintenance process outlined in G.S. § 163-82.14(c).

41 non-citizens with legal status (green card, etc.) cast ballots. The State Constitution only permits U.S. citizens to register and to vote. The audit pairing state and federal databases identified an additional 34 voters who provided documents showing they *are* U.S. citizens. Investigators continue to review 61 additional records.

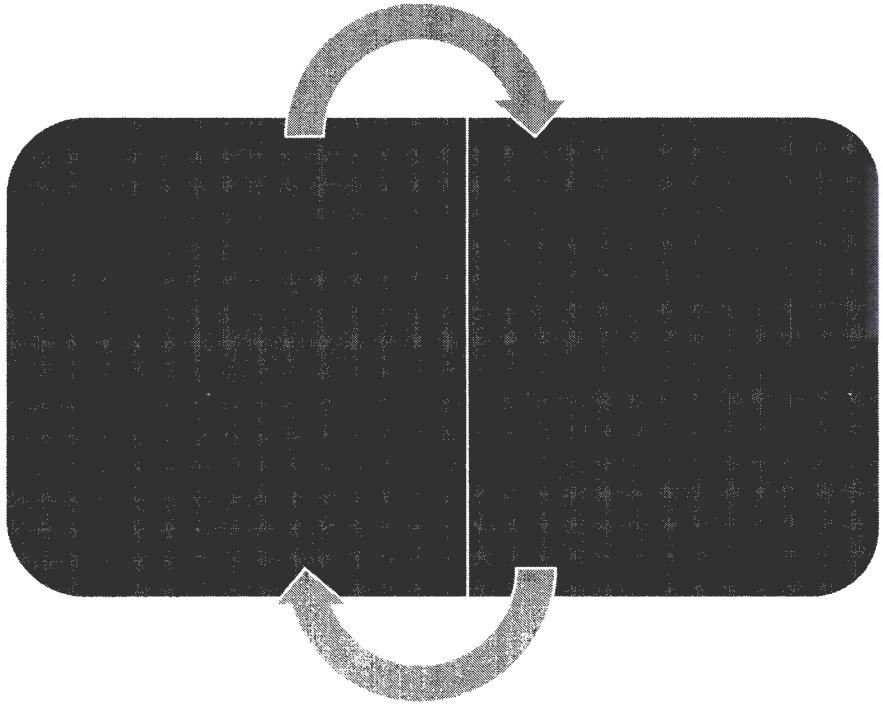
24 substantiated cases of double-voting initiated through tips and data audits. An initial audit identified a few dozen additional voter records that remain under review, though administrative errors by poll workers can lead to voter history being assigned to the wrong people; this may lead to false positives in audits that can only be detected by more detailed review.

Two cases of voter impersonation referred to prosecutors. NCSBE is conducting additional review using death data and double-voting audits to identify whether additional cases should be investigated. Of the two cases referred, one involves voting by mail, and the other involves voting in person. Both involve family members voting in the place of a recently deceased loved one, forgery of the deceased voter's signature, and subsequent admissions to investigators.

Irregularities affecting absentee by-mail voting in Bladen County. The State Board voted unanimously late last year to refer an investigation into suspected criminal activity to federal prosecutors.

No evidence of ballot stuffing or equipment tampering. NCSBE was among the first states to partner with the U.S. Department of Homeland Security in an effort last year to prevent cyber hacking. A separate audit of voting systems logs presented no evidence of administrative fraud, including in Durham County (where an investigation in the March primary was referred to local prosecutors).

We need to change the conversation…



All of these *may* affect the outcome of elections.

- Turnout
- Ineligible voters
- Election official error

This is our focus.

Turnout

Ineligible voters

Election official error

House Committee on Elections and Ethics Law
Thursday, May 25, 2017 at 10:30 AM
Room 1228/1327 of the Legislative Building

MINUTES

The House Committee on Elections and Ethics Law met at 10:37 AM on May 25, 2017 in Room 1228/1327 of the Legislative Building. Representatives Adams, Blust, Boswell, Conrad, Davis, Fisher, Floyd, Ford, Graham, Dustin Hall, Hardister, Harrison, Hunter, Jones, Susan Martin, Michaux, Bobbie Richardson, Speciale, Warren, Watford, and Willingham attended.

Representative David Lewis, Chair, presided. Chairman Lewis thanked the sergeant-at-arms staff and pages for their assistance.

Chairman Lewis also announced that SB 655 [Change Date When Primary Elections Held] was being removed from the agenda and would not be heard at the meeting.

The following bill was considered:

HB 843 [Municipal Election Schedule & Other Changes]
Chairman Lewis recognized Vice-Chair, Representative Warren, to chair the meeting. At that point, Representative Warren recognized Representative Lewis to explain the bill and Representative Lewis requested to send forth 2 amendments. Representative Lewis explained the first amendment, H843-AST-27 [v.2]. Chairman Warren recognized Representative Lewis to make a motion. Representative Lewis motioned for the adoption of the amendment. The motion carried and the amendment was adopted. Representative Lewis then explained the second amendment, H843-AST-28 [v.1]. Representative Lewis explained the amendment. After a brief discussion on the amendment, Chairman Warren recognized Representative Lewis to make a motion. Representative Lewis motioned for an adoption on the amendment. The motion carried and the amendment was adopted. Chairman Warren then recognized Representative Lewis for a motion. Representative Lewis motioned that the amendments be rolled into the PCS, to report favorable for the PCS, unfavorable to the original bill. At this point there was brief discussion again on the last amendment. Staff was recognized to answer questions that a couple of the committee members had regarding the amendment. Afterwards, again the motion was made to roll the amendments into a PCS, to find the PCS favorable and unfavorable to the original bill. The motion was carried, the vote was taken and the bill passed.

The meeting adjourned at 10:56 AM.

Representative David Lewis, Chair
Presiding

Laura W. Bone, Committee Clerk

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Thursday, May 25, 2017
TIME: **10:30 AM**
LOCATION: **1228/1327 LB**
COMMENTS: **SB 655 will also be considered.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 843	Municipal Election Schedule & Other Changes.	Representative Lewis

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:55 AM on Thursday, June 29, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Laura Bone (Committee Assistant)

House Committee on Elections and Ethics Law
Thursday, May 25, 2017, 10:30 AM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 843	Municipal Election Schedule & Other Changes.	Representative Lewis
SB 655	Change Date When Primary Elections Held.	Senator Brock

Adjournment

HOUSE BILL 843:
Municipal Election Schedule & Other Changes.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	April 25, 2017
Introduced by:	Rep. Lewis	**Prepared by:**	Erika Churchill
Analysis of:	PCS to First Edition H843-CSST-17		Committee Counsel

OVERVIEW: The proposed committee substitute for House Bill 843 would address the following:

- ***The municipal election cycle to eliminate an overlap in time frames in certain partisan elections;***
- ***Adjust the time of appointment of the county boards of elections.***

Sections 1-2 – Adjust the Municipal Election Schedule

CURRENT LAW: G.S. 163-279 provides that the time for municipal, special, and sanitary district primaries and elections be held in odd-numbered years as follows:

- For nonpartisan plurality elections, elections on the Tuesday after the first Monday in November.
- For partisan elections, elections on the Tuesday after the first Monday in November, first primaries on the second Tuesday after Labor Day, and second primaries on the fourth Tuesday before the election.
- For nonpartisan primary and elections, elections on the Tuesday after the first Monday in November, and primaries on the fourth Tuesday before the election.
- For nonpartisan races using the election and runoff method, elections on the fourth Tuesday before the Tuesday after the first Monday in November, and the runoff election on the Tuesday after the first Monday in November.

With each election, the county board of elections is to canvass votes on the 10th day after the election. Each municipality may elect to allow absentee voting. If permitted, the absentee ballots are to be available 30 days prior to the general election. In partisan elections, the time frames overlap if there is a second primary on the fourth Tuesday before the election.

BILL ANALYSIS: Sections 1 and 2 of the PCS would shorten the time period for filing for municipal office by three days and eliminate the second primary, allowing for sufficient time for absentee ballots to be prepared and available within the required timeframe.

Section 3 – Time of Appointment of County Boards of Elections

CURRENT LAW: The county boards of elections are appointed by the State Board, for two-year terms. For 2017, that appointment is to take place on the second Tuesday in July. In 2019 and thereafter, the appointment would occur on the last Tuesday in June.

BILL ANALYSIS: The PCS would change the time of appointment in 2017 and thereafter to the second Tuesday in June, and make conforming changes.

EFFECTIVE DATE: Effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 843
PROPOSED COMMITTEE SUBSTITUTE H843-CSST-17 [v.4]
04/25/2017 10:10:53 PM

Short Title: Municipal Election Schedule & Other Changes. (Public)

Sponsors:

Referred to:

April 13, 2017

A BILL TO BE ENTITLED

AN ACT TO ADJUST THE MUNICIPAL ELECTION SCHEDULE IN ODD-NUMBERED YEARS SO AS TO NOT HAVE OVERLAPPING REQUIREMENTS OF THE COUNTY BOARDS OF ELECTIONS, AND TO CLARIFY THE TIME OF APPOINTMENT OF COUNTY BOARDS OF ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 163-294.5(c) reads as rewritten:

"(c) Candidates seeking municipal office shall file their notices of candidacy with the board of elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the ~~third Friday~~ second Tuesday following the first Friday in July preceding the election, except:

(1) In the year following a federal decennial census, candidates seeking municipal office in any city which elects members of its governing board on a district basis, or requires that candidates reside in a district in order to run, shall file their notices of candidacy with the board of elections no earlier than 12:00 noon on the fourth Monday in July and no later than 12:00 noon on the second Friday in August preceding the election; and

(2) In the second year following a federal decennial census, if the election is held then under G.S. 160A-23.1, candidates seeking municipal office shall file their notices of candidacy with the board of elections at the same time as notices of candidacy for county officers are required to be filed under G.S. 163-106.

Notices of candidacy which are mailed must be received by the board of elections before the filing deadline regardless of the time they were deposited in the mails."

SECTION 1.(b) G.S. 163-291 reads as rewritten:

"**§ 163-291. Partisan primaries and elections.**

The nomination of candidates for office in cities, towns, villages, and special districts whose elections are conducted on a partisan basis shall be governed by the provisions of this Chapter applicable to the nomination of county officers, and the terms "county board of elections," "chairman of the county board of elections," "county officers," and similar terms shall be construed with respect to municipal elections to mean the appropriate municipal officers and candidates, except that:

(1) The dates of primary and election shall be as provided in G.S. 163-279.

(2) A candidate seeking party nomination for municipal or district office shall file notice of candidacy with the board of elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the ~~third~~

~~Friday~~ second Tuesday following the first Friday in July preceding the election, except:

a. In the year following a federal decennial census, a candidate seeking party nomination for municipal or district office in any city which elects members of its governing board on a district basis, or requires that candidates reside in a district in order to run, shall file his notice of candidacy with the board of elections no earlier than 12:00 noon on the fourth Monday in July and no later than 12:00 noon on the second Friday in August preceding the election; and

b. In the second year following a federal decennial census, if the election is held then under G.S. 160A-23.1, a candidate seeking party nomination for municipal or district office shall file his notice of candidacy with the board of elections at the same time as notices of candidacy for county officers are required to be filed under G.S. 163-106.

No person may file a notice of candidacy for more than one municipal office at the same election. If a person has filed a notice of candidacy for one office with the county board of elections under this section, then a notice of candidacy may not later be filed for any other municipal office for that election unless the notice of candidacy for the first office is withdrawn first.

(3) The filing fee for municipal and district primaries shall be fixed by the governing board not later than the day before candidates are permitted to begin filing notices of candidacy. There shall be a minimum filing fee of five dollars ($5.00). The governing board shall have the authority to set the filing fee at not less than five dollars ($5.00) nor more than one percent (1%) of the annual salary of the office sought unless one percent (1%) of the annual salary of the office sought is less than five dollars ($5.00), in which case the minimum filing fee of five dollars ($5.00) will be charged. The fee shall be paid to the board of elections at the time notice of candidacy is filed.

(4) The municipal ballot may not be combined with any other ballot.

(5) The canvass of the ~~primary and second~~ primary shall be held on the seventh day following the ~~primary or second~~ primary. In accepting the filing of complaints concerning the conduct of an election, a board of elections shall be subject to the rules concerning Sundays and holidays set forth in G.S. 103-5.

~~(6) Candidates having the right to demand a second primary shall do so not later than 12:00 noon on the Thursday following the canvass of the first primary.~~"

SECTION 2. G.S. 163-279 reads as rewritten:

"**§ 163-279. Time of municipal primaries and elections.**

(a) Primaries and elections for offices filled by election of the people in cities, towns, incorporated villages, and special districts shall be held in 1973 and every two or four years thereafter as provided by municipal charter on the following days:

(1) If the election is nonpartisan and decided by simple plurality, the election shall be held on Tuesday after the first Monday in November.

(2) If the election is partisan, the election shall be held on Tuesday after the first Monday in November, the first primary shall be held on the second Tuesday after Labor ~~Day, and the second primary, if required, shall be held on the fourth Tuesday before the election.~~Day. G.S. 163-111 shall not apply, and no candidate may request a second primary and the State Board shall break any tie vote by a method of random selection to be determined by the State Board.

(3) If the election is nonpartisan and the nonpartisan primary method of election is used, the election shall be held on Tuesday after the first Monday in November and the nonpartisan primary shall be held on the ~~fourth Tuesday before the election.~~ second Tuesday after Labor Day.

(4) If the election is nonpartisan and the election and runoff election method of election is used, the election shall be held on the ~~fourth Tuesday before the Tuesday after the first Monday in November,~~ second Tuesday after Labor Day, and the runoff election, if required, shall be held on Tuesday after the first Monday in November.

(b) Repealed by Session Laws 2011-141, s. 1(a), effective July 1, 2011.

(c) Officers of sanitary districts elected in 1970 shall hold office until the first Monday in December, 1973, notwithstanding G.S. 130-126. Beginning in 1973, sanitary district elections shall be held at the times provided in this section or in G.S. 130A-50(b1)."

SECTION 3.(a) Section 22 of S.L. 2017-6 reads as rewritten:

"**SECTION 22.** Notwithstanding the recodification in Section 3 of this act, the Bipartisan State Board of Elections and Ethics Enforcement shall not administer or enforce Part 1, Part 3, or Part 6 of Article 8 of Chapter 163A of the General Statutes, and the Secretary of State shall maintain the authority to administer and enforce Articles 2, 4, and 8 of Chapter 120C of the General Statutes, as those Articles existed on May 1, 2017, until October 1, 2017. Section 20 of this act becomes effective October 1, 2017. Sections 9 and 10 of this act become effective when it becomes law. G.S. 163-30, as amended by Section 7(h) of this act, and G.S. 163-31, as amended by Section 7(i) of this act, become effective ~~July~~ May 1, 2017. G.S. 163-278.22(7), as amended by Section 7(k) of this act, becomes effective May 1, 2017, and applies to investigations initiated on or after that date. Except as otherwise provided, this act becomes effective May 1, 2017."

SECTION 3.(b) G.S. 163-30, as amended by S.L. 2017-6 and Section 3(a) of this act, 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 four persons of good moral character who are registered voters in the county in which they are to act. Two of the members of the county board of elections shall be of the political party with the highest number of registered affiliates, and two shall be of the political party with the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board. In 2017, and every two years thereafter, members of county boards of elections shall be appointed by the State Board on the second Tuesday in ~~July. In 2019, members of county boards of elections shall be appointed by the State Board on the last Tuesday in June and every two years thereafter,~~June and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified.

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 chair of each political party shall have the right to recommend to the State Board 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~~ second Tuesday in June 2017, and each two years thereafter, it shall be the duty of the State Board to appoint the county boards from the names thus recommended.

Whenever a vacancy occurs in the membership of a county board of elections for any cause the State chair 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 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."

At the first meeting in July annually, the county boards shall organize by electing one of its members chair and one of its members vice-chair, each to serve a one-year term as such. In the odd-numbered year, the chair shall be a member of the political party with the highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board, and the vice-chair a member of the political party with the second highest number of registered affiliates. In the even-numbered year, the chair shall be a member of the political party with the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board, and the vice-chair a member of the political party with the highest number of registered affiliates.

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 chair of the board, and shall be paid the sum of twenty-five dollars ($25.00) per day for attending each of those meetings."

SECTION 3.(c) G.S. 163-31, as amended by S.L. 2017-6 and Section 3(a) of this act, reads as rewritten:

"**§ 163-31. Meetings of county boards of elections; quorum; majority; minutes.**

In each county of the State the members of the county board of elections shall meet at the courthouse or board office at noon on the Tuesday following the ~~third~~last Monday in ~~July~~ June in the year of their appointment by the State Board and, after taking the oath of office provided in G.S. 163-30, they shall organize by electing one member chair and another member secretary of the county board of elections. On the Tuesday following the third Monday in ~~August~~ July of the year in which they are appointed the county board of elections shall meet and appoint precinct chief judges and judges of elections. The board may hold other meetings at such times as the chair of the board, or any three members thereof, may direct, for the performance of duties prescribed by law. Three members shall constitute a quorum for the transaction of board business. Except where required by law to act unanimously, a majority

vote for action of the board shall require three of the four members. The chair shall notify, or cause to be notified, all members regarding every meeting to be held by the board.

The county board of elections 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 board office and it shall be the responsibility of the secretary, elected by the board, to keep the required minute book current and accurate. The secretary of the board may designate the director of elections to record and maintain the minutes under his or her supervision."

SECTION 3.(d) G.S. 163-41(a), as amended by S.L. 2017-6, reads as rewritten:

"**§ 163-41. Precinct chief judges and judges of election; appointment; terms of office; qualifications; vacancies; oaths of office.**

(a) Appointment of Chief Judge and Judges. – At the meeting required by G.S. 163-31 to be held on the Tuesday following the third Monday in ~~August~~ July of the year in which they are appointed, the county board of elections shall appoint one person to act as chief judge and two other persons to act as judges of election for each precinct in the county. Their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified, except that if a nonresident of the precinct is appointed as chief judge or judge for a precinct, that person's term of office shall end if the board of elections appoints a qualified resident of the precinct of the same party to replace the nonresident chief judge or judge. It shall be their duty to conduct the primaries and elections within their respective precincts. Persons appointed to these offices must be registered voters and residents of the county in which the precinct is located, of good repute, and able to read and write. Not more than one judge in each precinct shall belong to the same political party as the chief judge.

The term "precinct official" shall mean chief judges and judges appointed pursuant to this section, and all assistants appointed pursuant to G.S. 163-42, unless the context of a statute clearly indicates a more restrictive meaning.

No person shall be eligible to serve as a precinct official, as that term is defined above, 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 shall be eligible to serve as a precinct official who is a candidate for nomination or election.

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

The chairman of each political party in the county where possible shall recommend two registered voters in each precinct who are otherwise qualified, are residents of the precinct, have good moral character, and are able to read and write, for appointment as chief judge in the precinct, and he shall also recommend where possible the same number of similarly qualified voters for appointment as judges of election in that precinct. If such recommendations are received by the county board of elections no later than the fifth day preceding the date on which appointments are to be made, it must make precinct appointments from the names of those recommended. Provided that if only one name is submitted by the fifth day preceding the date on which appointments are to be made, by a party for judge of election by the chairman of one of the two political parties in the county having the greatest numbers of registered voters in the State, the county board of elections must appoint that person.

If the recommendations of the party chairs for chief judge or judge in a precinct are insufficient, the county board of elections by unanimous vote of all of its members may name to serve as chief judge or judge 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 officials 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, provided that where possible the county board shall seek and adopt the recommendation of the county chairman of the political party affected. In making its appointments, the county board shall assure, wherever possible, that no precinct has a chief judge and judges 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 three positions of chief judge and judge in a precinct.

If, at any time other than on the day of a primary or election, a chief judge or judge of election shall be removed from office, or shall die or resign, or if for any other cause there be a vacancy in a precinct election office, the chairman of the county board of elections shall appoint another in his place, promptly notifying him of his appointment. If at all possible, the chairman of the county board of elections shall consult with the county chairman of the political party of the vacating official, and if the chairman of the county political party nominates a qualified voter of that precinct to fill the vacancy, the chairman of the county board of elections shall appoint that person. In filling such a vacancy, the chairman shall appoint a person who belongs to the same political party as that to which the vacating member belonged when appointed. If the chairman of the county board of elections did not appoint a person upon recommendation of the chairman of the party to fill such a vacancy, then the term of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county board of elections under this Chapter, and any successor must be a person nominated by the chairman of the party of the vacating officer.

If any person appointed chief judge shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the precinct judges of election shall appoint another to act as chief judge until such time as the chairman of the county board of elections shall appoint to fill the vacancy. If such appointment by the chairman of the county board of elections is not a person nominated by the county chairman of the political party of the vacating officer, then the term of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county board of elections under this Chapter. If a judge of election shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the chief judge shall appoint another to act as judge until such time as the chairman of the county board of elections shall appoint to fill the vacancy. Persons appointed to fill vacancies shall, whenever possible, be chosen from the same political party as the person whose vacancy is being filled, and all such appointees shall be sworn before acting.

As soon as practicable, following their training as prescribed in G.S. 163-82.24, each chief judge and judge of election shall take and subscribe the following oath of office to be administered by an officer authorized to administer oaths and file it with the county board of elections:

"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; that I will administer the duties of my office as chief judge of (judge of election in) _____precinct, _____County, without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition; and that I will not keep or make any memorandum of anything occurring within a voting booth, unless I am called upon to testify in a judicial proceeding for a violation of the election laws of this State; so help me, God."

Notwithstanding the previous paragraph, a person appointed chief judge by the judges of election under this section, or appointed judge of election by the chief judge under this section may take the oath of office immediately upon appointment.

Before the opening of the polls on the morning of the primary or election, the chief judge shall administer the oath set out in the preceding paragraph to each assistant, and any judge of election not previously sworn, substituting for the words "chief judge of" the words "assistant in" or "judge of election in" whichever is appropriate."

SECTION 4. This act is effective when it becomes law and applies to elections held on or after that date.

HOUSE BILL 843:
Municipal Election Schedule & Other Changes.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	May 24, 2017
Introduced by:	Rep. Lewis	**Prepared by:**	Erika Churchill
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: House Bill 843 would address the following:

- ***The municipal election cycle to eliminate an overlap in time frames in certain partisan elections;***
- ***Adjust the time of appointment of the county boards of elections.***

Sections 1-2 – Adjust the Municipal Election Schedule

CURRENT LAW: G.S. 163-279 provides that the time for municipal, special, and sanitary district primaries and elections be held in odd-numbered years as follows:

- For nonpartisan plurality elections, elections on the Tuesday after the first Monday in November.
- For partisan elections, elections on the Tuesday after the first Monday in November, first primaries on the second Tuesday after Labor Day, and second primaries on the fourth Tuesday before the election.
- For nonpartisan primary and elections, elections on the Tuesday after the first Monday in November, and primaries on the fourth Tuesday before the election.
- For nonpartisan races using the election and runoff method, elections on the fourth Tuesday before the Tuesday after the first Monday in November, and the runoff election on the Tuesday after the first Monday in November.

With each election, the county board of elections is to canvass votes on the 10th day after the election. Each municipality may elect to allow absentee voting. If permitted, the absentee ballots are to be available 30 days prior to the general election. In partisan elections, the time frames overlap if there is a second primary on the fourth Tuesday before the election.

BILL ANALYSIS: Sections 1 and 2 would shorten the time period for filing for municipal office by three days and eliminate the second primary, allowing for sufficient time for absentee ballots to be prepared and available within the required timeframe.

Section 3 – Time of Appointment of County Boards of Elections

CURRENT LAW: The county boards of elections are appointed by the State Board, for two-year terms. For 2017, that appointment is to take place on the second Tuesday in July. In 2019 and thereafter, the appointment would occur on the last Tuesday in June.

BILL ANALYSIS: Section 3 would change the time of appointment in 2017 and thereafter to the second Tuesday in June, and make conforming changes.

EFFECTIVE DATE: Effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 2

HOUSE BILL 843
Committee Substitute Favorable 4/26/17

Short Title: Municipal Election Schedule & Other Changes. (Public)

Sponsors:

Referred to:

April 13, 2017

A BILL TO BE ENTITLED

AN ACT TO ADJUST THE MUNICIPAL ELECTION SCHEDULE IN ODD-NUMBERED YEARS SO AS TO NOT HAVE OVERLAPPING REQUIREMENTS OF THE COUNTY BOARDS OF ELECTIONS AND TO CLARIFY THE TIME OF APPOINTMENT OF COUNTY BOARDS OF ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 163-294.5(c) reads as rewritten:

"(c) Candidates seeking municipal office shall file their notices of candidacy with the board of elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the ~~third Friday~~ second Tuesday following the first Friday in July preceding the election, except:

(1) In the year following a federal decennial census, candidates seeking municipal office in any city which elects members of its governing board on a district basis, or requires that candidates reside in a district in order to run, shall file their notices of candidacy with the board of elections no earlier than 12:00 noon on the fourth Monday in July and no later than 12:00 noon on the second Friday in August preceding the election; and

(2) In the second year following a federal decennial census, if the election is held then under G.S. 160A-23.1, candidates seeking municipal office shall file their notices of candidacy with the board of elections at the same time as notices of candidacy for county officers are required to be filed under G.S. 163-106.

Notices of candidacy which are mailed must be received by the board of elections before the filing deadline regardless of the time they were deposited in the mails."

SECTION 1.(b) G.S. 163-291 reads as rewritten:

"**§ 163-291. Partisan primaries and elections.**

The nomination of candidates for office in cities, towns, villages, and special districts whose elections are conducted on a partisan basis shall be governed by the provisions of this Chapter applicable to the nomination of county officers, and the terms "county board of elections," "chairman of the county board of elections," "county officers," and similar terms shall be construed with respect to municipal elections to mean the appropriate municipal officers and candidates, except that:

(1) The dates of primary and election shall be as provided in G.S. 163-279.

(2) A candidate seeking party nomination for municipal or district office shall file notice of candidacy with the board of elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the ~~third~~

~~Friday~~ second Tuesday following the first Friday in July preceding the election, except:

a. In the year following a federal decennial census, a candidate seeking party nomination for municipal or district office in any city which elects members of its governing board on a district basis, or requires that candidates reside in a district in order to run, shall file his notice of candidacy with the board of elections no earlier than 12:00 noon on the fourth Monday in July and no later than 12:00 noon on the second Friday in August preceding the election; and

b. In the second year following a federal decennial census, if the election is held then under G.S. 160A-23.1, a candidate seeking party nomination for municipal or district office shall file his notice of candidacy with the board of elections at the same time as notices of candidacy for county officers are required to be filed under G.S. 163-106.

No person may file a notice of candidacy for more than one municipal office at the same election. If a person has filed a notice of candidacy for one office with the county board of elections under this section, then a notice of candidacy may not later be filed for any other municipal office for that election unless the notice of candidacy for the first office is withdrawn first.

(3) The filing fee for municipal and district primaries shall be fixed by the governing board not later than the day before candidates are permitted to begin filing notices of candidacy. There shall be a minimum filing fee of five dollars ($5.00). The governing board shall have the authority to set the filing fee at not less than five dollars ($5.00) nor more than one percent (1%) of the annual salary of the office sought unless one percent (1%) of the annual salary of the office sought is less than five dollars ($5.00), in which case the minimum filing fee of five dollars ($5.00) will be charged. The fee shall be paid to the board of elections at the time notice of candidacy is filed.

(4) The municipal ballot may not be combined with any other ballot.

(5) The canvass of the ~~primary and second~~ primary shall be held on the seventh day following the ~~primary or second~~ primary. In accepting the filing of complaints concerning the conduct of an election, a board of elections shall be subject to the rules concerning Sundays and holidays set forth in G.S. 103-5.

~~(6) Candidates having the right to demand a second primary shall do so not later than 12:00 noon on the Thursday following the canvass of the first primary.~~"

SECTION 2. G.S. 163-279 reads as rewritten:

"**§ 163-279. Time of municipal primaries and elections.**

(a) Primaries and elections for offices filled by election of the people in cities, towns, incorporated villages, and special districts shall be held in 1973 and every two or four years thereafter as provided by municipal charter on the following days:

(1) If the election is nonpartisan and decided by simple plurality, the election shall be held on Tuesday after the first Monday in November.

(2) If the election is partisan, the election shall be held on Tuesday after the first Monday in November, the first primary shall be held on the second Tuesday after Labor ~~Day, and the second primary, if required, shall be held on the fourth Tuesday before the election.~~Day. G.S. 163-111 shall not apply, and no candidate may request a second primary, and the State Board shall break any tie vote by a method of random selection to be determined by the State Board.

(3) If the election is nonpartisan and the nonpartisan primary method of election is used, the election shall be held on Tuesday after the first Monday in November and the nonpartisan primary shall be held on the ~~fourth Tuesday before the election.~~second Tuesday after Labor Day.

(4) If the election is nonpartisan and the election and runoff election method of election is used, the election shall be held on the ~~fourth Tuesday before the Tuesday after the first Monday in November,~~ second Tuesday after Labor Day, and the runoff election, if required, shall be held on Tuesday after the first Monday in November.

(b) Repealed by Session Laws 2011-141, s. 1(a), effective July 1, 2011.

(c) Officers of sanitary districts elected in 1970 shall hold office until the first Monday in December, 1973, notwithstanding G.S. 130-126. Beginning in 1973, sanitary district elections shall be held at the times provided in this section or in G.S. 130A-50(b1)."

SECTION 3.(a) Section 22 of S.L. 2017-6 reads as rewritten:

"**SECTION 22.** Notwithstanding the recodification in Section 3 of this act, the Bipartisan State Board of Elections and Ethics Enforcement shall not administer or enforce Part 1, Part 3, or Part 6 of Article 8 of Chapter 163A of the General Statutes, and the Secretary of State shall maintain the authority to administer and enforce Articles 2, 4, and 8 of Chapter 120C of the General Statutes, as those Articles existed on May 1, 2017, until October 1, 2017. Section 20 of this act becomes effective October 1, 2017. Sections 9 and 10 of this act become effective when it becomes law. G.S. 163-30, as amended by Section 7(h) of this act, and G.S. 163-31, as amended by Section 7(i) of this act, become effective ~~July~~ May 1, 2017. G.S. 163-278.22(7), as amended by Section 7(k) of this act, becomes effective May 1, 2017, and applies to investigations initiated on or after that date. Except as otherwise provided, this act becomes effective May 1, 2017."

SECTION 3.(b) G.S. 163-30, as amended by S.L. 2017-6 and Section 3(a) of this act, 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 four persons of good moral character who are registered voters in the county in which they are to act. Two of the members of the county board of elections shall be of the political party with the highest number of registered affiliates, and two shall be of the political party with the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board. In 2017, and every two years thereafter, members of county boards of elections shall be appointed by the State Board on the second Tuesday in ~~July. In 2019, members of county boards of elections shall be appointed by the State Board on the last Tuesday in June and every two years thereafter.~~June and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified.

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 chair of each political party shall have the right to recommend to the State Board 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~~ second Tuesday in June 2017, and each two years thereafter, it shall be the duty of the State Board to appoint the county boards from the names thus recommended.

Whenever a vacancy occurs in the membership of a county board of elections for any cause the State chair 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 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."

At the first meeting in July annually, the county boards shall organize by electing one of its members chair and one of its members vice-chair, each to serve a one-year term as such. In the odd-numbered year, the chair shall be a member of the political party with the highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board, and the vice-chair a member of the political party with the second highest number of registered affiliates. In the even-numbered year, the chair shall be a member of the political party with the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board, and the vice-chair a member of the political party with the highest number of registered affiliates.

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 chair of the board, and shall be paid the sum of twenty-five dollars ($25.00) per day for attending each of those meetings."

SECTION 3.(c) G.S. 163-31, as amended by S.L. 2017-6 and Section 3(a) of this act, reads as rewritten:

"**§ 163-31. Meetings of county boards of elections; quorum; majority; minutes.**

In each county of the State the members of the county board of elections shall meet at the courthouse or board office at noon on the Tuesday following the ~~third~~ last Monday in ~~July~~ June in the year of their appointment by the State Board and, after taking the oath of office provided in G.S. 163-30, they shall organize by electing one member chair and another member secretary of the county board of elections. On the Tuesday following the third Monday in ~~August~~ July of the year in which they are appointed the county board of elections shall meet and appoint precinct chief judges and judges of elections. The board may hold other meetings at such times as the chair of the board, or any three members thereof, may direct, for the performance of duties prescribed by law. Three members shall constitute a quorum for the transaction of board business. Except where required by law to act unanimously, a majority

vote for action of the board shall require three of the four members. The chair shall notify, or cause to be notified, all members regarding every meeting to be held by the board.

The county board of elections 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 board office and it shall be the responsibility of the secretary, elected by the board, to keep the required minute book current and accurate. The secretary of the board may designate the director of elections to record and maintain the minutes under his or her supervision."

SECTION 3.(d) G.S. 163-41(a), as amended by S.L. 2017-6, reads as rewritten:

"**§ 163-41. Precinct chief judges and judges of election; appointment; terms of office; qualifications; vacancies; oaths of office.**

(a) Appointment of Chief Judge and Judges. – At the meeting required by G.S. 163-31 to be held on the Tuesday following the third Monday in ~~August~~ July of the year in which they are appointed, the county board of elections shall appoint one person to act as chief judge and two other persons to act as judges of election for each precinct in the county. Their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified, except that if a nonresident of the precinct is appointed as chief judge or judge for a precinct, that person's term of office shall end if the board of elections appoints a qualified resident of the precinct of the same party to replace the nonresident chief judge or judge. It shall be their duty to conduct the primaries and elections within their respective precincts. Persons appointed to these offices must be registered voters and residents of the county in which the precinct is located, of good repute, and able to read and write. Not more than one judge in each precinct shall belong to the same political party as the chief judge.

The term "precinct official" shall mean chief judges and judges appointed pursuant to this section, and all assistants appointed pursuant to G.S. 163-42, unless the context of a statute clearly indicates a more restrictive meaning.

No person shall be eligible to serve as a precinct official, as that term is defined above, 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 shall be eligible to serve as a precinct official who is a candidate for nomination or election.

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

The chairman of each political party in the county where possible shall recommend two registered voters in each precinct who are otherwise qualified, are residents of the precinct, have good moral character, and are able to read and write, for appointment as chief judge in the precinct, and he shall also recommend where possible the same number of similarly qualified voters for appointment as judges of election in that precinct. If such recommendations are received by the county board of elections no later than the fifth day preceding the date on which appointments are to be made, it must make precinct appointments from the names of those recommended. Provided that if only one name is submitted by the fifth day preceding the date on which appointments are to be made, by a party for judge of election by the chairman of one of the two political parties in the county having the greatest numbers of registered voters in the State, the county board of elections must appoint that person.

If the recommendations of the party chairs for chief judge or judge in a precinct are insufficient, the county board of elections by unanimous vote of all of its members may name to serve as chief judge or judge 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 officials 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, provided that where possible the county board shall seek and adopt the recommendation of the county chairman of the political party affected. In making its appointments, the county board shall assure, wherever possible, that no precinct has a chief judge and judges 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 three positions of chief judge and judge in a precinct.

If, at any time other than on the day of a primary or election, a chief judge or judge of election shall be removed from office, or shall die or resign, or if for any other cause there be a vacancy in a precinct election office, the chairman of the county board of elections shall appoint another in his place, promptly notifying him of his appointment. If at all possible, the chairman of the county board of elections shall consult with the county chairman of the political party of the vacating official, and if the chairman of the county political party nominates a qualified voter of that precinct to fill the vacancy, the chairman of the county board of elections shall appoint that person. In filling such a vacancy, the chairman shall appoint a person who belongs to the same political party as that to which the vacating member belonged when appointed. If the chairman of the county board of elections did not appoint a person upon recommendation of the chairman of the party to fill such a vacancy, then the term of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county board of elections under this Chapter, and any successor must be a person nominated by the chairman of the party of the vacating officer.

If any person appointed chief judge shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the precinct judges of election shall appoint another to act as chief judge until such time as the chairman of the county board of elections shall appoint to fill the vacancy. If such appointment by the chairman of the county board of elections is not a person nominated by the county chairman of the political party of the vacating officer, then the term of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county board of elections under this Chapter. If a judge of election shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the chief judge shall appoint another to act as judge until such time as the chairman of the county board of elections shall appoint to fill the vacancy. Persons appointed to fill vacancies shall, whenever possible, be chosen from the same political party as the person whose vacancy is being filled, and all such appointees shall be sworn before acting.

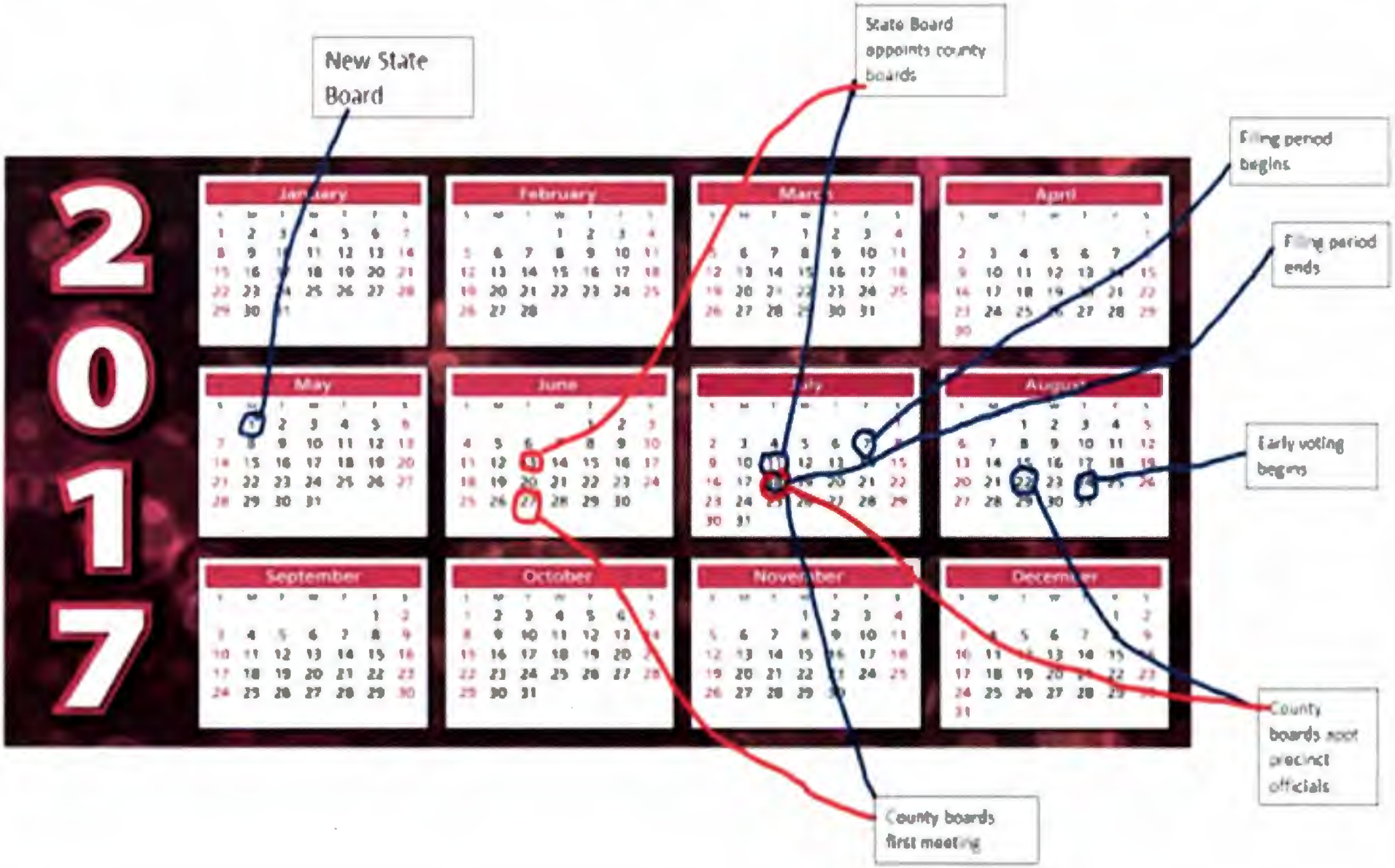
As soon as practicable, following their training as prescribed in G.S. 163-82.24, each chief judge and judge of election shall take and subscribe the following oath of office to be administered by an officer authorized to administer oaths and file it with the county board of elections:

"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; that I will administer the duties of my office as chief judge of (judge of election in) _____precinct, _____County, without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition; and that I will not keep or make any memorandum of anything occurring within a voting booth, unless I am called upon to testify in a judicial proceeding for a violation of the election laws of this State; so help me, God."

Notwithstanding the previous paragraph, a person appointed chief judge by the judges of election under this section, or appointed judge of election by the chief judge under this section may take the oath of office immediately upon appointment.

Before the opening of the polls on the morning of the primary or election, the chief judge shall administer the oath set out in the preceding paragraph to each assistant, and any judge of election not previously sworn, substituting for the words "chief judge of" the words "assistant in" or "judge of election in" whichever is appropriate."

SECTION 4. This act is effective when it becomes law and applies to elections held on or after that date.


2017
January
February
March
April
May
June
July
August
September
October
November
December
New State Board
State Board appoints county boards
Filing period begins
Filing period ends
Early voting begins
County boards appoint precinct officials
County boards first meeting

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 843

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

H843-AST-27 [v.2]

Amends Title [YES]
Second Edition

Date May 25 ,2017

Representative _____

moves to amend the bill on page 1, line 4, by deleting "ELECTIONS AND" and substituting "ELECTIONS;" ;

and on page 1, line 5, by deleting "ELECTIONS." and substituting "ELECTIONS; AND TO APPROPRIATE FUNDS FOR PERSONNEL." ;

and on page 7, lines 7-8, by inserting the following between those lines:

"**SECTION 4.** There is appropriated from the General Fund to the State Board of Elections the sum of seventy-five thousand dollars ($75,000) plus benefits for the 2017-2018 fiscal years in recurring funds to support cost associated with a new personnel position at the State Board of Elections to advance precinct uniformity and data integrity audits at the State Board." ;

and renumbering the remaining sections accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

H843-AST-27-V-2

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 843

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

H843-AST-28 [v.1]

Amends Title [NO]
Second Edition

Date May 25 ,2017

Representative _____

moves to amend the bill on page 7, lines 7-8, by inserting the following between those lines:

"**SECTION 4.** Any reference to the State Board of Elections in this act does not constitute a waiver by the General Assembly regarding the validity and constitutionality of S.L. 2017-6." ;

and numbering the bill sections accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

ELECTIONS AND ETHICS LAW COMMITTEE REPORT
Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

FAVORABLE COM SUB NO. 2, UNFAVORABLE COM SUB NO. 1

HB **843** **(CS#1)** Municipal Election Schedule & Other Changes.

Draft Number:	H843-PCS10360-ST-24
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 1

VISITOR REGISTRATION SHEET

H C on Elections and Ethics Law — 5/25/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Penny Hauptfuhrer	SOS
Bob Phillips	CCNC
Dustin Chenault Bryan	BCSJ
Rose Williams	NCLM
Seth Poler	NCR
Isabel Villar Garcia	NCR
Cady Thomas	FOCUS
Joseph Newling	Shadow
Allison Aiber	Rep. Belk
Logan Jackson	Rep. Jackson
Julie White	NCAMC

VISITOR REGISTRATION SHEET

H C on Elections and Ethics Law — 5/25/2017

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sarah Collins	NCLM
CHRIS DILLON	WAKE
Sarah McQuillan	KCANC
SAM WATTS	NCDST

VISITOR REGISTRATION SHEET

H C on Elections and Ethics Law 5/25/2017

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mark Hammonds	Clerk of Court Wilkesboro, NC
Jamie Lassiter	Conf of Clerks
J. R. ROWELL	CSC-UNION
Amanda Donovan	KTS
Thomas McCormick	City of Raleigh
Corey Atkins	Asheville Chamber
[illegible]	[illegible]
David Hatcher	NC Nonprofits
Emily Walter	Intern Rep. Fisher
Cara Meyer	NC AJ
Sarah Gillooly	ACLU
[illegible]	MWC

House Committee on Elections and Ethics Law
Thursday, June 1, 2017
10:00 AM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 655	Change Date When Primary Elections Held.	Senator Brock

Other Business

Adjournment

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Thursday, June 1, 2017
TIME: **10:00 AM**
LOCATION: **643 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 655	Change Date When Primary Elections Held.	Senator Brock

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:56 AM on Thursday, June 29, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Laura Bone (Committee Assistant)

House Committee on Elections and Ethics Law
Thursday, June 1, 2017 at 10:00 AM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Elections and Ethics Law met at 10:06 AM on June 1, 2017 in Room 643 of the Legislative Office Building. Representatives Adams, Blust, Boswell, Conrad, Davis, Fisher, Floyd, Ford, Graham, Dustin Hall, Hardister, Harrison, Hunter, Lewis, Susan Martin, Michaux, Bobbie Richardson, Speciale, Warren, Watford, and Willingham attended.

Representative Bert Jones, Chair, presided. Chairman Jones thanked the sergeant-at-arms staff and pages for their assistance.

The following bill was considered:

SB 655 [Change Date When Primary Elections Held]
Chairman Jones recognized Senator Brock to explain the bill. Senator Brock explained the bill. There were no questions from the committee members. Chairman Jones recognized Representative Davis to make a motion. Representative Davis motioned for a favorable report on the bill. The motion was carried, the vote was taken and the bill passed.

The meeting adjourned at 10:10 AM.

Representative Bert Jones, Chair
Presiding

Laura W. Bone, Committee Clerk

SENATE BILL 655:
Change Date When Primary Elections Held.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	June 1, 2017
Introduced by:	Sen. Brock	**Prepared by:**	Kara McCraw and Jessica Sammons Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: ***Senate Bill 655 would move the date of the general primary election and the presidential preference primary to March and provide for notices of candidacy in primary elections to be filed in December.***

CURRENT LAW & BILL ANALYSIS:

Section 1 – General Primary Date: Article 1 of Chapter 163 provides for the time of primaries and elections. The general primary date is the Tuesday after the first Monday in May before each general election held in November in even-numbered years.

Section 1 of Senate Bill 655 would move the date of the primary election to the Tuesday after the first Monday in March before each general election held in November in even-numbered years.

Section 2 – Party Primary Nominations: Article 10 of Chapter 163 provides that candidates seeking party primary nominations must file their notice of candidacy in February prior to the primary election.

Section 2 of Senate Bill 655 would provide for filing of notice of candidacy in December prior to the primary election.

Section 3 – Presidential Preference Primary: Article 18A of Chapter 163 establishes the Presidential Preference Primary Act. The presidential primary is held in presidential election years on the Tuesday after the first Monday in May, unless South Carolina holds its presidential primary before the 15th day of March. In that case, the North Carolina presidential preference primary is held on the Tuesday after the first South Carolina presidential preference primary of that year.

Section 3 of Senate Bill 655 would move the date of the presidential preference primary in presidential election years to the Tuesday after the first Monday in March, beginning with the 2020 presidential election.

EFFECTIVE DATE: Senate Bill 655 would be effective when it becomes law and apply to elections held on or after that date.

ren Cochrane-Brown
Director

S655-SMBK-74 E1 -V-4

Legislative Analysis Division
919-733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

SENATE BILL 655

Short Title:	Change Date When Primary Elections Held.	(Public)
Sponsors:	Senator Brock (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

April 5, 2017

A BILL TO BE ENTITLED

AN ACT CHANGING THE DATE ON WHICH PRIMARY ELECTIONS ARE HELD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-1(b), as amended by Section 2 of S.L. 2017-3, reads as rewritten:

"(b) On Tuesday next after the first Monday in ~~May~~ March 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."

SECTION 2. G.S. 163-106(c), as amended by Section 21(a) of S.L. 2016-125 and Section 5 of S.L. 2017-3, 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~~ first Monday in ~~February~~ December and no later than 12:00 noon on the ~~last business day in February~~ third Friday in December 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 court
Judges of the district court
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~~ first Monday in ~~February~~ December and no later than 12:00 noon on the ~~last business day in February~~third Friday in December preceding the primary:

State Senators
Members of the State House of Representatives
All county offices."

SECTION 3. G.S. 163-213.2 reads as rewritten:

"**§ 163-213.2. Primary to be held; date; qualifications and registration of voters.**

On the Tuesday after the first Monday in ~~May, 1992.~~March, 2020, and every four years thereafter, the voters of this State shall be given an opportunity to express their preference for the person to be the presidential candidate of their political ~~party, except that if South Carolina holds its presidential primary before the 15th day of March, the North Carolina presidential preference primary shall be held on the Tuesday after the first South Carolina presidential preference primary of that year.~~party.

Any person otherwise qualified who will become qualified by age to vote in the general election held in the same year of the presidential preference primary shall be entitled to register and vote in the presidential preference primary. Such persons may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6 prior to the said 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."

SECTION 4. This act is effective when it becomes law and applies to elections held on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

ELECTIONS AND ETHICS LAW COMMITTEE REPORT
Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

FAVORABLE

SB **655** Change Date When Primary Elections Held.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Bert Jones

TOTAL REPORTED: 1

House Pages
Assignments
Thursday, June 01, 2017
Session: 11:00 AM

Committee	Room	Time	Staff	Comments	Member
Elections	643	10:00 AM	William Blount		Rep. Greg Murphy
			Joy Thompson		Rep. Pricey Harrison
			Samuel Thurman, III		Rep. Pricey Harrison
			Ian Tisdale		Rep. Jean Farmer-Butterfield
			Sophia Woodall		Rep. Dennis Riddell

Committee Sergeants at Arms

NAME OF COMMITTEE H.C. on Elections and Ethics Law

DATE: 06/01/17 Room: 643

House Sgt-At Arms:

1. Name: Young Bae
2. Name: Jim Moran
3. Name: Jonas Cherry
4. Name: Dean Marshbourne
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

VISITOR REGISTRATION SHEET

H.C. on Elections and Ethics Law 06/01/17

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
AMES SIMMONS	EQUALITY NC
Marian Lewin	LWV - Wake county
Melissa Rhue Krumm	NCVCE
Lillie Rhodes	COC
Jamie Lassiter	Conf of Clerks
BRUCE THOMPSON	PARKER POE

VISITOR REGISTRATION SHEET

H.C. on Elections and Ethics Law 06/01/17

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Scott Laster	KGANC
Bob Phillips	CCNC
Rachel Dixon	Smith Anderson
Robert Sparks	Daily Bulletin
Chris Hailey, Jr.	NCGA

Corrected #1: **Time Change**

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Wednesday, June 21, 2017
TIME: **9:30 AM**
LOCATION: **643 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 407	Cabarrus County Commissioners Redistricting.	Representative Pittman
SB 285	Equal Representation for Asheville.	Senator Edwards
SB 656	Electoral Freedom Act of 2017.	Senator Brock

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:59 AM on Thursday, June 29, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Laura Bone (Committee Assistant)

House Committee on Elections and Ethics Law
Wednesday, June 21, 2017, 8:30 AM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 407	Cabarrus County Commissioners Redistricting.	Representative Pittman
SB 285	Equal Representation for Asheville.	Senator Edwards
SB 656	Electoral Freedom Act of 2017.	Senator Brock

Adjournment

House Committee on Elections and Ethics Law
Wednesday, June 21, 2017 at 9:30 am
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Elections and Ethics Law met at 9:33am on June 21, 2017 in Room 643 of the Legislative Office Building. Representatives Boswell, Burr, Conrad, Dixon, Faircloth, Fisher, Floyd, Ford, G. Graham, Destin Hall, Hardister, Hunter, Iler, Jackson, Lewis, G. Martin, S. Martin, Michaux, Richardson, Riddell, Speciale, Szoka, Warren, Watford, and Willingham attended.

Representative Bert Jones, Chair, presided.

The following bills were considered:

SB407 [Cabarrus County Commissioners Redistricting]
Representative Pittman presented the bill before the committee. After a brief discussion on the bill, Representative Dixon moved for a favorable report. The motion carried and the bill passed.

SB285 [Equal Representation for Asheville]
Senator Edwards presented the bill. Representative Jones opened the floor for public comment. Each speaker was given 2 minutes to speak.

- Shelia Surrett of Asheville
- Dusty Pless of Asheville
- Dr. Joe Dunn of Asheville

Each of the above speakers spoke in favor of the bill.

Another speaker, Philip Isley, a registered lobbyist for the City of Asheville, spoke in opposition of the bill.

Representative Lewis also brought a letter from Matthew Burril, an Asheville resident, to the attention of the committee members. Mr. Burril wrote a letter to the committee advising of his support and the reasons for his support of the bill.

Representative Dixon made a motion for a favorable report. The motion carried.

SB656 [Electoral Freedom Act of 2017]
Representative Lewis made a motion to hear the PCS. Senator Brock presented the bill and the explained the PCS. There was brief discussion on the bill.

Representative Jones welcomed the opportunity for public discussion on the bill. There was an opposing public comment on the bill made by Brian Irving of the Libertarian and Green Party.

Representative Hardister made a motion for a favorable report on the PCS, unfavorable to the original bill. The motion carried.

With no further business before the committee, the committee adjourned at 10:29 am.

Representative Bert Jones, Chair
Presiding

Laura W. Bone, Committee Clerk

HOUSE BILL 407:
Cabarrus County Commissioners Redistricting.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law. If favorable, re-refer to State and Local Government I	**Date:**	June 21, 2017
Introduced by:	Rep. Pittman	**Prepared by:**	Erika Churchill and Jessica Sammons, Committee Co-Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 407 would, subject to voter approval in a county-wide referendum on November 6, 2018, increase the Cabarrus County Board of Commissioners from five members to seven members, consisting of six members elected from single-member electoral districts and one at-large member.

CURRENT LAW: Currently, the Cabarrus County Board of Commissioners consists of five members who serve staggered four-year terms. Members are elected on a partisan basis from the county at-large. Elections occur in November of even-numbered years, and the Board takes office on the first Monday in December. Two members were elected in 2016 and their terms expire in December 2020. Three members were elected in 2014 and their terms expire in December 2018.

BILL ANALYSIS: House Bill 407 would provide for a county-wide referendum to be conducted by the Cabarrus County Board on Elections on November 6, 2018. The referendum would determine whether a majority of the qualified voters of Cabarrus County approve of increasing the membership of the Cabarrus County Board of Commissioners from five members to seven members beginning in 2020, consisting of six electoral districts and one at-large seat.

If the referendum is approved, the following changes would become effective upon ratification:

- Six single-member electoral districts would be established.[1]
- The three members to be elected in 2018 would serve a two-year term, expiring in 2020.
- Beginning in 2020, the Board would consist of seven members: six members elected from the single-member electoral districts and one at-large member.
- To implement the staggering of terms, the following would apply:
  - In 2020, members from Districts 1, 2, 3, and 4 would be elected for a two-year term. In 2022, members from these districts would stand for election for a four-year term.
  - In 2020, members from Districts 5 and 6 and the at-large member would stand for election for a four-year term.

EFFECTIVE DATE: The provision calling for a county-wide referendum would be effective when the act becomes law. The changes to local session law would become effective upon ratification of the approval by the voters of the referendum.

[1] See the provided map and associated stat pack for the districts for further information.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H 1

HOUSE BILL 407

Short Title: Cabarrus County Commissioners Redistricting. (Local)

Sponsors: Representative Pittman.
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Elections and Ethics Law, if favorable, State and Local Government I

March 21, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM TO INCREASE THE SIZE OF THE BOARD OF COMMISSIONERS OF CABARRUS COUNTY AND TO PROVIDE FOR SIX ELECTORAL DISTRICTS AND ONE AT-LARGE SEAT FOR THAT BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 205 of the Session Laws of 1977 reads as rewritten:

"**Section 1.** ~~The~~(a) Effective the first Monday in December of 2020, the Board of County Commissioners of Cabarrus County shall consist of ~~five~~ seven members who shall serve for staggered terms of four ~~years as herein provided.~~years.

~~Beginning with the regular primary and general election for county officers to be held in 1978, there shall be nominated and elected five commissioners who shall be nominated and elected by the voters of the entire county. In the 1978 general election, the three candidates receiving the highest number of votes shall be elected for terms of four years, and the two candidates receiving the next highest number of votes shall be elected for terms of two years. Thereafter, as the terms of the members expire, their successors shall be elected for terms of four years.~~

(b) Beginning with the 2020 election cycle, six members of the Board of County Commissioners of Cabarrus County shall be elected from single-member districts as set out in subsection (d) of this section and one member shall be elected from the county at large. The qualified voters of each district shall elect the member of the Board for that district. Only voters residing in that district may vote for the member from that district, and each candidate for a district seat shall reside in the district in which the candidate seeks election. The qualified voters of the entire county shall elect the at-large member. The at-large member shall be a resident of Cabarrus County.

(c) In the 2020 general election, members for Districts 1, 2, 3, and 4 shall be elected for two-year terms and members for Districts 5 and 6 and the at-large member shall be elected for four-year terms. In 2022, and quadrennially thereafter, members from Districts 1, 2, 3, and 4 shall be elected for four-year terms. In 2024, and quadrennially thereafter, members from Districts 5 and 6 and the at-large member shall be elected for four-year terms.

(d) The six single-member districts are as follows:

District 1: Cabarrus County: VTD: 11-02, VTD: 12-01, VTD: 12-02, VTD: 12-03, VTD: 12-04, VTD: 12-05, VTD: 12-06, VTD: 12-07, VTD: 12-10, VTD: 12-11.

District 2: Cabarrus County: VTD: 02-01, VTD: 02-06, VTD: 02-08, VTD: 03-00, VTD: 04-08, VTD: 04-09, VTD: 12-08.

District 3: Cabarrus County: VTD: 02-02, VTD: 02-03, VTD: 02-05, VTD: 02-07, VTD: 02-09.

District 4: Cabarrus County: VTD: 01-02, VTD: 01-04, VTD: 01-06, VTD: 01-07, VTD: 01-08, VTD: 01-09, VTD: 01-10, VTD: 12-09, VTD: 12-12.
District 5: Cabarrus County: VTD: 05-00, VTD: 06-00, VTD: 07-00, VTD: 08-00, VTD: 09-00, VTD: 10-00, VTD: 11-01.
District 6: Cabarrus County: VTD: 04-01, VTD: 04-02, VTD: 04-03, VTD: 04-04, VTD: 04-05, VTD: 04-06, VTD: 04-07, VTD: 04-10."

SECTION 2. Section 1 of this act becomes effective only if approved by a majority of the qualified voters of Cabarrus County in a referendum. The election shall be conducted by the Cabarrus County Board of Elections on November 6, 2018. The question on the ballot shall be:

"[ ] FOR [ ] AGAINST

Increasing the membership of the Cabarrus County Board of Commissioners from five members to seven members beginning in 2020 by establishing six electoral districts and reducing the number of at-large members from five to one."

SECTION 3. Section 1 of this act becomes effective upon ratification of the approval by the voters of the referendum set forth in Section 2 of this act. If the voters approve the referendum set forth in Section 2 of this act, in the 2018 general election, the three members whose terms would expire in 2022 shall be nominated and elected by the voters of the entire county as provided in Section 1 of Chapter 205 of the Session Laws of 1977 and shall serve two-year terms. If the voters do not approve the referendum set forth in Section 2 of this act, in the 2018 general election, the three members whose terms would expire in 2022 shall be nominated and elected by the voters of the entire county as provided in Section 1 of Chapter 205 of the Session Laws of 1977 and shall serve four-year terms. The remainder of this act is effective when it becomes law.

SENATE BILL 285:
Equal Representation for Asheville.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	June 21, 2017
Introduced by:	Sen. Edwards	**Prepared by:**	Erika Churchill and Jessica Sammons, Committee Co-Counsel
Analysis of:	Third Edition		

OVERVIEW: Senate Bill 285 would direct the City of Asheville to create six single-member electoral districts for city council members, for use in the 2019 municipal elections, by November 1, 2017; otherwise, Senate Bill 285 would direct the General Assembly to establish such electoral districts during the 2018 Regular Session.

CURRENT LAW: The City Council of the City of Asheville consists of six members and a mayor, all elected at-large for staggered four-year terms. Each odd-numbered year, three members of the city council are elected. Elections are conducted on a nonpartisan basis, and the results are determined using the nonpartisan primary and election method.

BILL ANALYSIS: Senate Bill 285 would direct the City of Asheville, by November 1, 2017, to amend its charter to create six single-member electoral districts for the election of City Council members. These districts would be used during the 2019 municipal election cycle. The member would be required to reside in, and be elected from, that district.

The districts must comply with State and federal law and with all of the following requirements:

- Be reasonably compact and geographically diverse.
- Be contiguous.
- Have a population deviation of no more than plus or minus 5%.

By November 15, 2017, the City would be required to file a copy of its charter amendments and a report of the completed plans to the Joint Legislative Elections Oversight Committee, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

If the City of Asheville does not establish six single-member electoral districts, the bill would direct the North Carolina General Assembly to establish electoral districts for the City of Asheville in the 2018 Short Session.

EFFECTIVE DATE: Effective when it becomes law and applies to elections held on or after that.

Karen Cochrane-Brown
Director

Legislative Analysis
Division
919-733-2578

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 3

SENATE BILL 285

Select Committee on Elections Committee Substitute Adopted 4/25/17
Third Edition Engrossed 4/26/17

Short Title: Equal Representation for Asheville. (Local)

Sponsors:

Referred to:

March 16, 2017

A BILL TO BE ENTITLED

AN ACT DIRECTING THE CITY OF ASHEVILLE TO CREATE ELECTORAL DISTRICTS AND, IF ELECTORAL DISTRICTS ARE NOT TIMELY CREATED, PROVIDING FOR THE CREATION OF THOSE DISTRICTS.

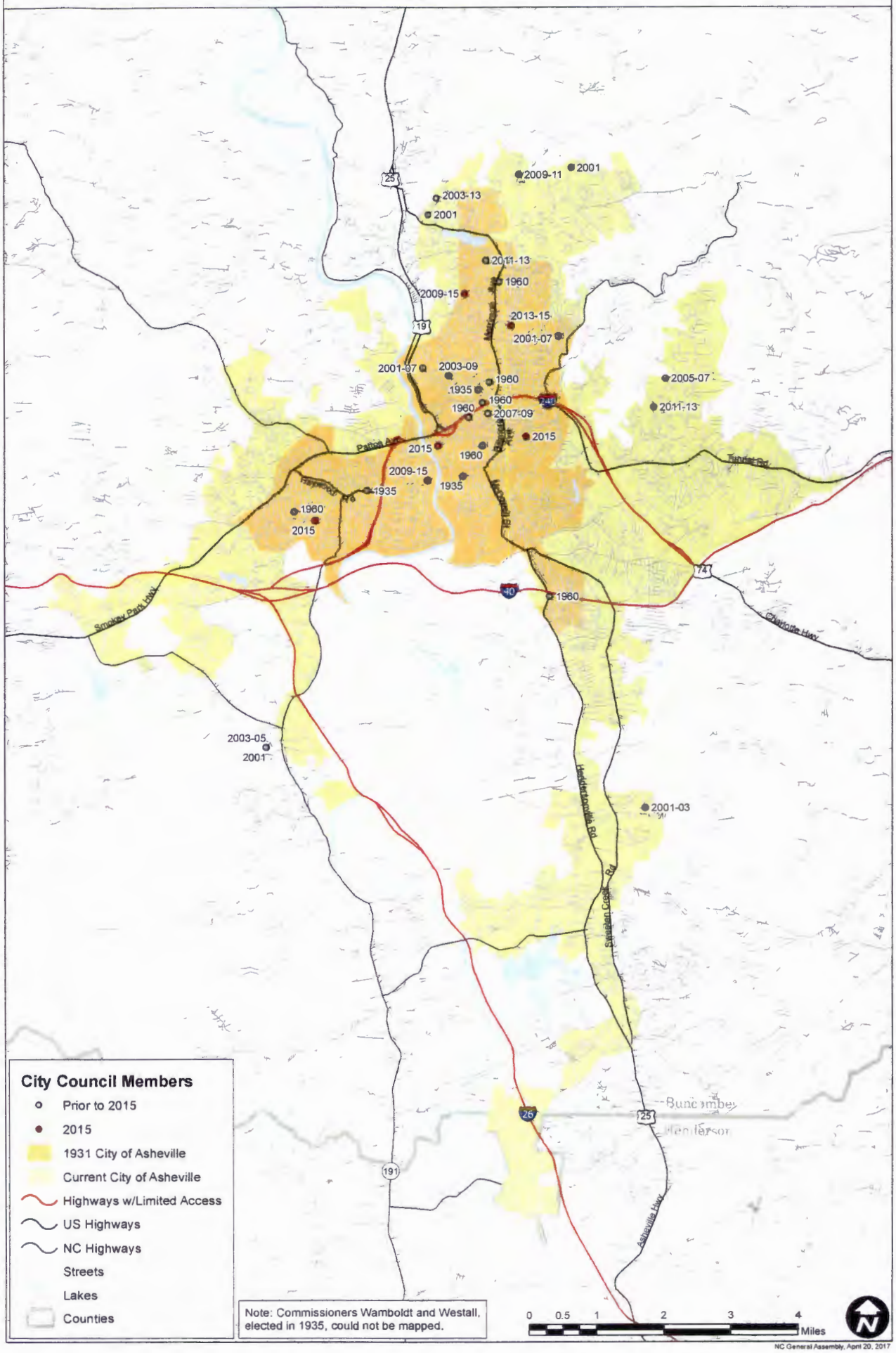
The General Assembly of North Carolina enacts:

SECTION 1. Creation of Electoral Districts. – By November 1, 2017, the City of Asheville shall amend its charter to create six single-member electoral districts governing the nomination and election of City Council members. Electoral districts established pursuant to this section shall be for use in the 2019 municipal elections. The City shall create districts that comply with State and federal law and (i) are reasonably compact and geographically diverse, (ii) are contiguous, and (iii) have a population deviation of no more than plus or minus five percent (5%). A candidate who seeks office shall represent the district in which the candidate resides. Only the qualified voters in the district shall nominate and elect candidates residing in the district. The mayor shall be nominated and elected from the City at large in accordance with G.S. 160A-101(8)a. Upon creating electoral districts, the City shall file a copy of its charter amendments in accordance with G.S. 160A-111 and submit a report of the completed plans to the Joint Legislative Elections Oversight Committee, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives by November 15, 2017.

SECTION 2. If the City of Asheville fails to create electoral districts as required by Section 1 of this act, the North Carolina General Assembly, in the 2018 Regular Session of the 2017 General Assembly, shall establish electoral districts for the City of Asheville.

SECTION 3. This act is effective when it becomes law and applies to elections held on or after that date.

Asheville City Council By Home Address 1935 - 2015



NC General Assembly, April 20, 2017

Asheville Citizen-Times

City primary votes yield clues

NOVEMBER 3, 2005

The Oct. 11 primary election in Asheville gives a glimpse of voting patterns in the city. Here's a look at the percentage of the candidates' total city-wide votes that came from each region.

Mayor

Terry Bellamy

Center-South	32.9%
Near & South East	11.6%
Far East	7.4%
North	20.0%
West	18.7%
Annex	0.8%
Other*	8.7%

Joe Dunn

Center-South	6.4%
Near & South East	17.2%
Far East	14.9%
North	27.8%
West	22.2%
Annex	2.7%
Other*	8.8%

City Council

Robin Cape

Center-South	22.9%
Near & South East	11.8%
Far East	7.4%
North	26.4%
West	20.2%
Annex	0.7%
Other*	10.6%

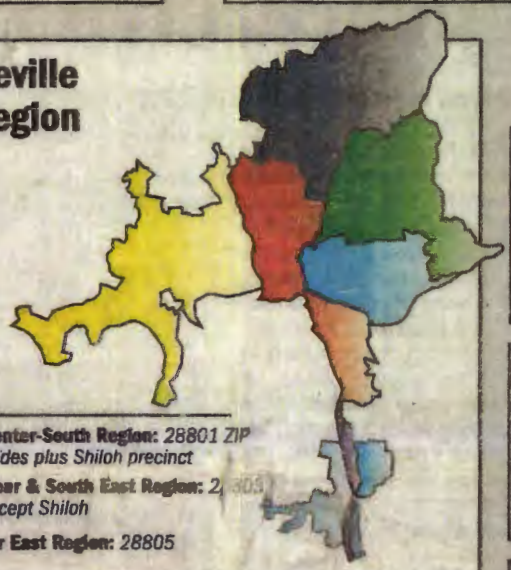
Bryan Freeborn

Center-South	26.8%
Near & South East	8.5%
Far East	4.6%
North	18.3%
West	33.5%
Annex	0.7%
Other*	7.6%

Holly Jones

Center-South	24.4%
Near & South East	12.4%
Far East	8.3%
North	26.3%
West	18.1%
Annex	1.0%
Other*	9.5%

Asheville by region



KEY

- **Center-South Region:** *28801 ZIP codes plus Shiloh precinct*
- **Near & South East Region:** 2[illegible] *except Shiloh*
- **Far East Region:** *28805*
- **North Region:** *28804*
- **West Region:** *28806*
- **Annex Region:** *287__*

**Combined vote total of Absentee, One-stop, and Election Day Transfer ballots*

Keith Thomson

Center-South	16.0%
Near & South East	13.0%
Far East	8.6%
North	35.1%
West	15.1%
Annex	0.9%
Other*	11.3%

Chris Pelly

Center-South	11.7%
Near & South East	14.0%
Far East	20.0%
North	26.8%
West	15.5%
Annex	1.0%
Other*	11.0%

Carl Mumpower

Center-South	12.2%
Near & South East	16.6%
Far East	13.0%
North	26.7%
West	20.4%
Annex	2.7%
Other*	8.4%

Source: UNCA political science professor Bill Sabo, Buncombe County Board of Elections; chart by R. Bradley/CITIZEN-TIMES

Results offer insight into candidates, but general election tough to call

By John Boyle
SENIOR WRITER

ASHEVILLE — Numbers, numbers, numbers.

Politicians, professors and activists love to analyze them, especially from a primary election. But can you really extract a pattern from the Oct. 11 Asheville primary — in which just 17 percent of registered voters cast a ballot — and expect it to hold true in the general election?

That depends on how you did in the primary. Councilwoman **Terry Bellamy**, who won 10 of 27 precincts in the race for mayor, had widespread support and extremely strong tallies in the center of town and the Shiloh area.

"I think it shows my message resonates with different parts of the community and in different sectors," said Bellamy, the top finisher with 4,383 votes, or 45 percent. "I feel pretty safe. I feel my message has crossed party lines."

Fellow councilman **Joe Dunn** won 16 of 37 precincts and garnered 2,905 votes overall, with a good showing in some north precincts and the south side of town where he lives. He takes solace in the poor turnout — overall,

Please see VOTES on A4

Continuing coverage

This is part of a series of reports on Western North Carolina's local election races and the issues in those races. The reports will run daily through Sunday, followed by coverage of Tuesday's general election.

Digging deeper on elections

INSIDE: A breakdown of precincts by geographic region for the graphic above. **Page A4**

webextra CITIZEN-TIMES.COM

Log on to **CITIZEN-TIMES.com** to view the full charts compiled by UNC Asheville professor Bill Sabo, and for a precinct-by-precinct voting chart. Also, find continuing local election coverage.

Get out and vote

Early voting ends at 1 p.m. Saturday. The only location for early voting in Buncombe County is at Board of Elections offices at 189 College St. For more information, call the Board of Elections at 250-4200.

Danielle Plourd (Sen. Chuck Edwards)

Subject: FW: Asheville Redtristricting Bill Comments

From: Matthew Burril
Date: 6/19/17 5:08 PM (GMT-05:00)

Dear Representatives Jones, Lewis, Michaux, Szoka, and Warren:

My name is Matthew Burril.

I am a NC native and 50 year resident of Asheville. I was planning on attending your committee meeting tomorrow, but have cancelled due to the meeting not being confirmed until such a late time.

So instead of traveling the 4 hours to Raleigh without a firm confirmation that your committee will be taking up the bill, I am writing to express my interest in you passing Senate Bill 285 onto the House for vote.

I fully understand your situation and hope you too will understand that even though I am not there in person, I wanted you to know how important Senate Bill 285 is to us in Asheville.

A few quick bullet points...

1. The City of Asheville has annexed property 82 times since the year 2000. Only 12 of those annexations have been on property north of I-40.
2. The remaining 70 property annexations have taken place in south Asheville along our high growth commercial and residential corridors all the way to our most southern border with Hendersonville County and has taken in millions and millions of dollars of taxable commercial and residential property tax that has gone to the City of Asheville.
3. All current Asheville City Council members live north of I-40. This is true of the most of the past Asheville City Council members since the year 2000.
4. Buncombe County Board of Elections data shows definitively that voter participation has increased all across Buncombe County voter precincts and also in the downtown City of Asheville precincts since Buncombe County created voting districts in 2012. Senator Edwards has that data.
5. Many requests have been made to Asheville City Council to create voting districts and follow Buncombe County's lead in order to achieve greater voter participation and broader representation in the city limits.
6. Many Asheville residents would prefer to handle this matter locally rather than passing it along to the state legislature.
7. Senate Bill 285 is the result of local level frustration to get current Asheville City Council members to consider voting districts that would encourage wider voter involvement and include voters in the newer annexed precincts representation on Asheville City Council seats.

Gentlemen, please know that this is a very important issue that will shape our city for many years. Our City government election template has been in place since the mid-1930s and is due for updating that acknowledges our city's prosperity and importance to the western part of our state. Your passage to the House for a vote will allow public debate and allow our elected House representatives to hear from their constituents knowing that the issue is at hand and available for a decision. Please pass Senate Bill 285 to the House floor.

Thank you,
Matthew C. Burril
828-231-1827

Cabarrus County Commisioner Districts

House Bill 407, Edition 1

Legend

Districts

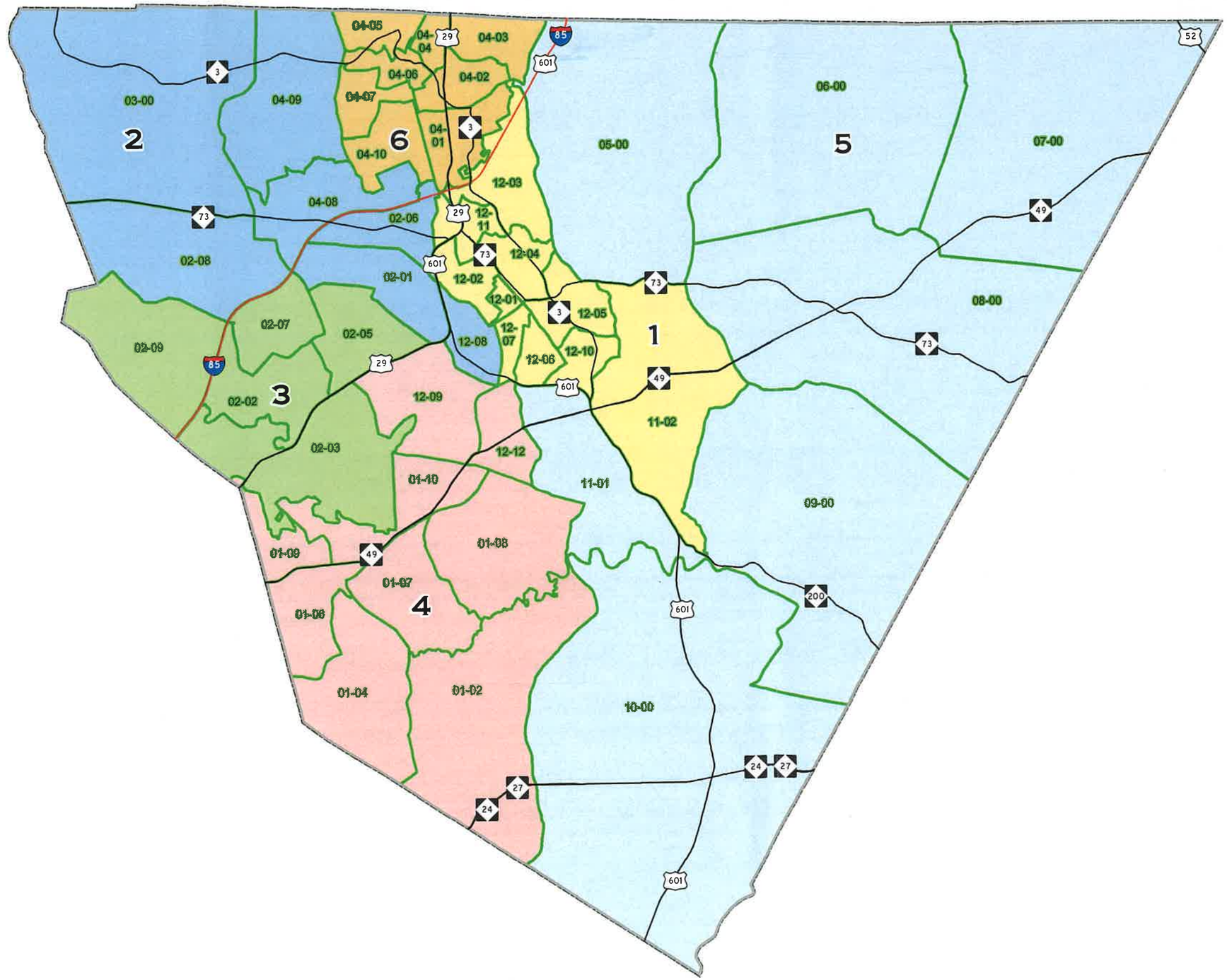
- 1
- 2
- 3
- 4
- 5
- 6

- Interstate
- US Highway
- NC Highway
- County
- VTDs

0 ½ 1 2 3 4 5

Miles

Produced by North Carolina General Assembly, June 15, 2017.



Population Deviation: HB 407 First Edition 2017

District	2010 Pop	Ideal Pop	Deviation	Deviation %
1	28,208	29,668	-1,460	-4.92%
2	29,927	29,668	259	0.87%
3	29,469	29,668	-199	-0.67%
4	30,867	29,668	1,199	4.04%
5	31,132	29,668	1,464	4.93%
6	28,408	29,668	-1,260	-4.25%
X	9,357,472	29,668	9,327,804	31440.62%
Total:	**9,535,483**			

District plan definition file: 'HB 407 First Edition 2017.asc', modified 06/14/2017 10:26:15 AM
Data Source: 2010 Census Redistricting Data (Public Law 94-171) Summary File.

Total Population by Race and Ethnicity: HB 407 First Edition 2017

		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	28,208	18,725	66.38%	5,845	20.72%	91	0.32%	271	0.96%	2,677	9.49%	599	2.12%	351	1.24%	6,196	21.97%	4,348	15.41%	23,860	84.59%	17,397	61.67%
2	29,927	22,614	75.56%	4,440	14.84%	107	0.36%	738	2.47%	1,329	4.44%	699	2.34%	376	1.26%	4,816	16.09%	2,736	9.14%	27,191	90.86%	21,489	71.80%
3	29,469	22,652	76.87%	3,814	12.94%	85	0.29%	1,300	4.41%	1,042	3.54%	576	1.95%	252	0.86%	4,066	13.80%	2,538	8.61%	26,931	91.39%	21,323	72.36%
4	30,867	24,491	79.34%	4,288	13.89%	133	0.43%	773	2.50%	546	1.77%	636	2.06%	350	1.13%	4,638	15.03%	1,576	5.11%	29,291	94.89%	23,651	76.62%
5	31,132	26,775	86.00%	2,343	7.53%	156	0.50%	195	0.63%	1,117	3.59%	546	1.75%	240	0.77%	2,583	8.30%	2,293	7.37%	28,839	92.63%	25,826	82.96%
6	28,408	18,892	66.50%	6,489	22.84%	87	0.31%	301	1.06%	1,953	6.87%	686	2.41%	399	1.40%	6,888	24.25%	3,276	11.53%	25,132	88.47%	17,840	62.80%
X	9,357,472	6,394,801	68.34%	2,021,409	21.60%	121,451	1.30%	211,988	2.27%	405,366	4.33%	202,457	2.16%	100,860	1.08%	2,122,269	22.68%	783,353	8.37%	8,574,119	91.63%	6,096,469	65.15%
Totals:	**9,535,483**	**6,528,950**	**68.47%**	**2,048,628**	**21.48%**	**122,110**	**1.28%**	**215,566**	**2.26%**	**414,030**	**4.34%**	**206,199**	**2.16%**	**102,828**	**1.08%**	**2,151,456**	**22.56%**	**800,120**	**8.39%**	**8,735,363**	**91.61%**	**6,223,995**	**65.27%**

District plan definition file: 'HB 407 First Edition 2017.asc', modified 06/14/2017 10:26:15 AM
Data Source: 2010 Census Redistricting Data (Public Law 94-171) Summary File. 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 and Ethnicity: HB 407 First Edition 2017

		Voting Age Population by Race																Voting Age 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	21,044	14,813	70.39%	4,097	19.47%	68	0.32%	209	0.99%	1,573	7.47%	284	1.35%	136	0.65%	4,233	20.11%	2,559	12.16%	18,485	87.84%	14,035	66.69%
2	21,588	16,891	78.24%	3,041	14.09%	81	0.38%	508	2.35%	805	3.73%	262	1.21%	110	0.51%	3,151	14.60%	1,583	7.33%	20,005	92.67%	16,251	75.28%
3	20,499	16,197	79.01%	2,564	12.51%	58	0.28%	868	4.23%	599	2.92%	213	1.04%	63	0.31%	2,627	12.82%	1,427	6.96%	19,072	93.04%	15,458	75.41%
4	22,021	18,091	82.15%	2,733	12.41%	96	0.44%	518	2.35%	342	1.55%	241	1.09%	95	0.43%	2,828	12.84%	959	4.35%	21,062	95.65%	17,562	79.75%
5	23,142	20,409	88.19%	1,620	7.00%	107	0.46%	124	0.54%	657	2.84%	225	0.97%	67	0.29%	1,687	7.29%	1,314	5.68%	21,828	94.32%	19,872	85.87%
6	20,936	14,827	70.82%	4,431	21.16%	63	0.30%	221	1.06%	1,137	5.43%	257	1.23%	108	0.52%	4,539	21.68%	1,881	8.98%	19,055	91.02%	14,220	67.92%
X	7,124,618	5,054,528	70.94%	1,478,967	20.76%	86,638	1.22%	156,282	2.19%	251,416	3.53%	96,787	1.36%	38,201	0.54%	1,517,168	21.29%	482,607	6.77%	6,642,011	93.23%	4,866,927	68.31%
Totals:	**7,253,848**	**5,155,756**	**71.08%**	**1,497,453**	**20.64%**	**87,111**	**1.20%**	**158,730**	**2.19%**	**256,529**	**3.54%**	**98,269**	**1.35%**	**38,780**	**0.53%**	**1,536,233**	**21.18%**	**492,330**	**6.79%**	**6,761,518**	**93.21%**	**4,964,325**	**68.44%**

District plan definition file: 'HB 407 First Edition 2017.asc', modified 06/14/2017 10:26:15 AM
Data Source: 2010 Census Redistricting Data (Public Law 94-171) Summary File. 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)

Voter Registration by Party and Race: HB 407 First Edition 2017

		Registration by Party																Registration by Race Without Regard to Party			
		% D	Racial %s among D's				% R	Racial %s among R's				% U	Racial %s among U's				% L				
District	Total		White % of D	Black % of D	NA % of D	Other % of D		White % of R	Black % of R	NA % of R	Other % of R		White % of U	Black % of U	NA % of U	Other % of U		% White	% Black	% NA	% Other
1	18,743	37.21%	42.87%	50.34%	0.14%	6.64%	31.56%	94.37%	2.70%	0.25%	2.67%	30.84%	76.51%	12.16%	0.36%	10.97%	0.39%	69.67%	23.35%	0.25%	6.73%
2	23,625	30.85%	45.38%	44.95%	0.25%	9.43%	36.74%	94.20%	1.24%	0.20%	4.36%	31.78%	76.32%	10.10%	0.36%	13.23%	0.63%	73.33%	17.62%	0.27%	8.78%
3	23,262	28.10%	46.86%	42.22%	0.29%	10.63%	38.58%	94.64%	1.01%	0.12%	4.22%	32.79%	74.16%	10.10%	0.45%	15.30%	0.53%	74.39%	15.61%	0.28%	9.72%
4	24,435	28.61%	50.34%	39.76%	0.29%	9.61%	38.79%	95.14%	0.99%	0.25%	3.62%	32.09%	77.51%	9.61%	0.26%	12.62%	0.50%	76.61%	14.89%	0.26%	8.24%
5	22,266	25.04%	65.51%	28.16%	0.39%	5.94%	44.35%	97.12%	0.55%	0.18%	2.15%	30.14%	85.17%	6.08%	0.36%	8.39%	0.47%	85.58%	9.14%	0.29%	5.00%
6	18,911	40.19%	38.97%	54.38%	0.24%	6.41%	31.67%	95.13%	2.24%	0.18%	2.45%	27.66%	73.77%	14.68%	0.25%	11.30%	0.48%	66.53%	26.69%	0.23%	6.55%
X	6,690,976	39.69%	46.06%	46.16%	1.20%	6.58%	30.10%	94.03%	1.81%	0.40%	3.76%	29.74%	75.39%	11.41%	0.73%	12.47%	0.46%	69.38%	22.30%	0.82%	7.50%
Totals:	**6,822,218**	**39.52%**	**46.08%**	**46.13%**	**1.19%**	**6.60%**	**30.24%**	**94.05%**	**1.80%**	**0.40%**	**3.75%**	**29.77%**	**75.43%**	**11.39%**	**0.72%**	**12.47%**	**0.46%**	**69.48%**	**22.21%**	**0.81%**	**7.51%**

District plan definition file: 'HB 407 First Edition 2017.asc', modified 06/14/2017 10:26:15 AM

Data Source: North Carolina State Board of Elections. Voter registration snapshot as of November 12, 2016. Note that voter records that could not be associated with a geographic location were excluded.

D = Democratic, R = Republican, L = Libertarian, NA = Native American. In this chart, the 'Other' race categories also include multi-race voters and those voters for whom a race indicator was not present in the source data.

Voter Registration by Gender, Age, and Ethnicity: HB 407 First Edition 2017

		Voter Registration by Gender						Voter Registration by Age								Voter Registration by Ethnicity					
District	Total	Male	% Male	Female	% Female	Undesig.	% Undesig.	18-25	% 18-25	26-40	% 26-40	41-65	% 41-65	66+	% 66+	Hispanic	% Hisp	Non-Hisp	% Non-Hisp	Undesig.	% Undesig.
1	18,743	8,121	43.33%	10,213	54.49%	409	2.18%	2,164	11.55%	4,749	25.34%	7,980	42.58%	3,850	20.54%	569	3.04%	14,297	76.28%	3,877	20.69%
2	23,625	10,593	44.84%	12,449	52.69%	583	2.47%	2,722	11.52%	6,552	27.73%	10,822	45.81%	3,529	14.94%	794	3.36%	17,730	75.05%	5,101	21.59%
3	23,262	10,611	45.62%	12,146	52.21%	505	2.17%	2,725	11.71%	5,583	24.00%	11,600	49.87%	3,354	14.42%	737	3.17%	17,479	75.14%	5,046	21.69%
4	24,435	11,177	45.74%	12,736	52.12%	522	2.14%	2,825	11.56%	5,793	23.71%	12,140	49.68%	3,677	15.05%	637	2.61%	18,806	76.96%	4,992	20.43%
5	22,266	10,352	46.49%	11,587	52.04%	327	1.47%	2,516	11.30%	5,368	24.11%	10,325	46.37%	4,057	18.22%	466	2.09%	18,006	80.87%	3,794	17.04%
6	18,911	8,092	42.79%	10,485	55.44%	334	1.77%	2,158	11.41%	5,015	26.52%	8,120	42.94%	3,618	19.13%	619	3.27%	14,337	75.81%	3,955	20.91%
X	6,690,976	2,996,921	44.79%	3,544,898	52.98%	149,157	2.23%	819,322	12.25%	1,671,753	24.99%	2,877,627	43.01%	1,322,274	19.76%	159,841	2.39%	5,222,786	78.06%	1,308,349	19.55%
Totals:	**6,822,218**	**3,055,867**	**44.79%**	**3,614,514**	**52.98%**	**151,837**	**2.23%**	**834,432**	**12.23%**	**1,704,813**	**24.99%**	**2,938,614**	**43.07%**	**1,344,359**	**19.71%**	**163,663**	**2.40%**	**5,323,441**	**78.03%**	**1,335,114**	**19.57%**

District plan definition file: 'HB 407 First Edition 2017.asc', modified 06/14/2017 10:26:15 AM

Data Source: North Carolina State Board of Elections. Voter registration snapshot as of November 12, 2016. Note that voter records that could not be associated with a geographic location were excluded.

2016 General Election - PR, USS, and GV: HB 407 First Edition 2017

District	US President: Trump-Clinton-Johnson-Write-in								US Senate: Burr-Ross-Haugh						Governor: Cooper-McCrory-Cecil					
	Rep	Rep %	Dem	Dem %	Lib	Lib %	WI	WI %	Rep	Rep %	Dem	Dem %	Lib	Lib %	Dem	Dem %	Rep	Rep %	Lib	Lib %
1	6,324	50.84%	5,554	44.65%	393	3.16%	168	1.35%	6,327	51.47%	5,356	43.57%	609	4.95%	5,879	47.54%	6,160	49.81%	327	2.64%
2	9,432	56.18%	6,606	39.35%	537	3.20%	213	1.27%	9,400	56.63%	6,371	38.38%	828	4.99%	7,011	42.00%	9,171	54.94%	510	3.06%
3	9,229	53.88%	7,106	41.48%	564	3.29%	231	1.35%	9,570	56.37%	6,738	39.69%	670	3.95%	7,572	44.35%	9,088	53.23%	412	2.41%
4	10,580	57.15%	7,049	38.07%	619	3.34%	266	1.44%	10,617	57.95%	6,807	37.15%	898	4.90%	7,482	40.57%	10,479	56.82%	480	2.60%
5	11,617	73.16%	3,737	23.53%	377	2.37%	148	0.93%	11,322	71.85%	3,717	23.59%	719	4.56%	4,260	26.90%	11,204	70.76%	370	2.34%
6	6,636	52.92%	5,470	43.62%	296	2.36%	137	1.09%	6,486	52.21%	5,279	42.49%	659	5.30%	5,715	45.77%	6,429	51.49%	342	2.74%
X	2,305,931	49.74%	2,144,794	46.26%	127,143	2.74%	58,234	1.26%	2,338,717	50.99%	2,085,428	45.46%	162,807	3.55%	2,262,462	49.12%	2,243,508	48.71%	100,288	2.18%
Totals:	**2,359,749**	**49.90%**	**2,180,316**	**46.10%**	**129,929**	**2.75%**	**59,397**	**1.26%**	**2,392,439**	**51.13%**	**2,119,696**	**45.30%**	**167,190**	**3.57%**	**2,300,381**	**48.95%**	**2,296,039**	**48.86%**	**102,729**	**2.19%**

District plan definition file: 'HB 407 First Edition 2017.asc', modified 06/14/2017 10:26:15 AM

Data Source: North Carolina State Board of Elections. Votes that could not be associated with a specific precinct were excluded. Reported statewide totals may therefore be marginally lower than official contest results.

2016 General Election - LG, AG, AD, CA, and CI: HB 407 First Edition 2017

District	Lieutenant Governor: Forest-Coleman-Cole						Attorney General: Stein-Newton				Auditor: Wood-Stuber				Comm. of Agriculture: Troxler-Smith				Comm. of Insurance: Causey-Goodwin			
	Rep	Rep %	Dem	Dem %	Lib	Lib %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %
1	6,482	53.49%	5,217	43.05%	420	3.47%	5,923	49.34%	6,081	50.66%	5,851	49.93%	5,867	50.07%	6,845	57.83%	4,992	42.17%	6,032	51.33%	5,720	48.67%
2	9,573	58.55%	6,158	37.66%	619	3.79%	7,015	43.26%	9,200	56.74%	6,822	42.93%	9,068	57.07%	9,846	61.52%	6,159	38.48%	9,212	57.91%	6,696	42.09%
3	9,767	58.56%	6,433	38.57%	478	2.87%	7,264	44.02%	9,239	55.98%	6,951	43.08%	9,185	56.92%	10,031	61.89%	6,178	38.11%	9,289	57.65%	6,825	42.35%
4	10,823	60.11%	6,598	36.65%	584	3.24%	7,493	41.96%	10,365	58.04%	7,273	41.65%	10,190	58.35%	11,090	63.12%	6,479	36.88%	10,288	58.80%	7,209	41.20%
5	11,553	74.24%	3,588	23.06%	420	2.70%	4,516	29.30%	10,897	70.70%	4,390	29.10%	10,695	70.90%	11,808	77.06%	3,515	22.94%	10,797	71.20%	4,367	28.80%
6	6,643	54.10%	5,233	42.61%	404	3.29%	5,988	49.11%	6,205	50.89%	5,856	48.68%	6,174	51.32%	6,828	56.57%	5,243	43.43%	6,284	52.18%	5,759	47.82%
X	2,335,778	51.71%	2,051,748	45.42%	129,435	2.87%	2,256,656	50.36%	2,224,289	49.64%	2,213,521	50.16%	2,199,517	49.84%	2,465,029	55.48%	1,977,886	44.52%	2,216,240	50.30%	2,189,719	49.70%
Totals:	**2,390,619**	**51.88%**	**2,084,975**	**45.25%**	**132,360**	**2.87%**	**2,294,855**	**50.20%**	**2,276,276**	**49.80%**	**2,250,664**	**50.00%**	**2,250,696**	**50.00%**	**2,521,477**	**55.64%**	**2,010,452**	**44.36%**	**2,268,142**	**50.47%**	**2,226,295**	**49.53%**

District plan definition file: 'HB 407 First Edition 2017.asc', modified 06/14/2017 10:26:15 AM

Data Source: North Carolina State Board of Elections. Votes that could not be associated with a specific precinct were excluded. Reported statewide totals may therefore be marginally lower than official contest results.

2016 General Election - CL, SS, SPI, TR, and SC: HB 407 First Edition 2017

District	Commissioner of Labor: Berry-Meeker-Write-in						Secretary of State: Marshall-LaPaglia				Sup. of Public Instruc.: Johnson-Atkinson				Treasurer: Folwell-Blue				Supreme Court Justice: Morgan-Edmunds			
	Rep	Rep %	Dem	Dem %	Wi	Wi %	Dem	Dem %	Rep	Rep %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Morgan	Morgan %	Edmunds	Edmunds %
1	6,815	57.35%	5,055	42.54%	13	0.11%	6,067	51.33%	5,752	48.67%	6,204	52.72%	5,564	47.28%	6,338	53.73%	5,458	46.27%	5,280	50.34%	5,209	49.66%
2	10,072	62.70%	5,974	37.19%	18	0.11%	7,067	44.17%	8,931	55.83%	9,351	58.81%	6,550	41.19%	9,471	59.53%	6,439	40.47%	7,236	51.65%	6,774	48.35%
3	10,214	62.49%	6,115	37.41%	15	0.09%	7,224	44.37%	9,057	55.63%	9,389	57.85%	6,840	42.15%	9,704	60.02%	6,463	39.98%	6,890	48.86%	7,212	51.14%
4	11,332	64.03%	6,346	35.86%	19	0.11%	7,527	42.74%	10,086	57.26%	10,526	60.11%	6,984	39.89%	10,671	60.97%	6,830	39.03%	7,544	48.62%	7,972	51.38%
5	11,652	76.37%	3,592	23.54%	14	0.09%	4,640	30.58%	10,535	69.42%	11,146	73.57%	4,005	26.43%	11,073	73.16%	4,063	26.84%	6,239	45.78%	7,390	54.22%
6	6,925	57.23%	5,161	42.65%	14	0.12%	5,995	49.67%	6,075	50.33%	6,455	53.58%	5,592	46.42%	6,437	53.47%	5,602	46.53%	5,875	54.09%	4,987	45.91%
X	2,445,532	55.09%	1,988,622	44.80%	4,957	0.11%	2,320,910	52.38%	2,110,182	47.62%	2,229,970	50.48%	2,187,835	49.52%	2,316,507	52.61%	2,086,428	47.39%	2,112,958	54.55%	1,760,191	45.45%
Totals:	**2,502,542**	**55.26%**	**2,020,865**	**44.63%**	**5,050**	**0.11%**	**2,359,430**	**52.20%**	**2,160,618**	**47.80%**	**2,283,041**	**50.66%**	**2,223,370**	**49.34%**	**2,370,201**	**52.77%**	**2,121,283**	**47.23%**	**2,152,022**	**54.46%**	**1,799,735**	**45.54%**

District plan definition file: 'HB 407 First Edition 2017.asc', modified 06/14/2017 10:26:15 AM

Data Source: North Carolina State Board of Elections. Votes that could not be associated with a specific precinct were excluded. Reported statewide totals may therefore be marginally lower than official contest results.

2016 General Election - Court of Appeals: HB 407 First Edition 2017

District	Dietz Seat: Dietz-Rozier				Geer Seat: Murphy-Eagles-Buie						Hunter Seat: Hunter-Jones				Stephens Seat: Berger-Stephens				Zachary Seat: Zachary-Mitchell			
	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Una	Una %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %	Rep	Rep %	Dem	Dem %
1	6,474	55.89%	5,109	44.11%	5,737	49.19%	5,100	43.73%	825	7.07%	6,577	56.58%	5,047	43.42%	6,039	51.52%	5,682	48.48%	6,471	55.96%	5,092	44.04%
2	9,596	60.85%	6,173	39.15%	8,728	55.02%	5,963	37.59%	1,171	7.38%	9,684	61.21%	6,138	38.79%	9,168	57.60%	6,748	42.40%	9,633	61.13%	6,124	38.87%
3	9,701	60.76%	6,266	39.24%	8,770	54.60%	6,256	38.95%	1,037	6.46%	9,830	61.37%	6,188	38.63%	9,196	56.92%	6,961	43.08%	9,818	61.59%	6,124	38.41%
4	10,744	62.08%	6,563	37.92%	9,766	56.03%	6,386	36.64%	1,277	7.33%	10,888	62.69%	6,481	37.31%	10,304	58.82%	7,213	41.18%	10,867	62.83%	6,428	37.17%
5	11,214	75.10%	3,718	24.90%	10,429	69.58%	3,565	23.78%	995	6.64%	11,382	75.81%	3,632	24.19%	10,753	72.26%	4,129	27.74%	11,207	75.22%	3,691	24.78%
6	6,626	55.49%	5,314	44.51%	6,031	50.29%	5,068	42.26%	893	7.45%	6,731	56.21%	5,243	43.79%	6,343	52.90%	5,648	47.10%	6,649	55.70%	5,289	44.30%
X	2,296,445	53.36%	2,006,957	46.64%	2,107,227	48.62%	1,981,248	45.71%	246,027	5.68%	2,345,077	54.28%	1,975,622	45.72%	2,179,246	50.14%	2,166,806	49.86%	2,303,820	53.70%	1,986,060	46.30%
Totals:	**2,350,800**	**53.54%**	**2,040,100**	**46.46%**	**2,156,688**	**48.77%**	**2,013,586**	**45.53%**	**252,225**	**5.70%**	**2,400,169**	**54.44%**	**2,008,351**	**45.56%**	**2,231,049**	**50.31%**	**2,203,187**	**49.69%**	**2,358,465**	**53.88%**	**2,018,808**	**46.12%**

District plan definition file: 'HB 407 First Edition 2017.asc', modified 06/14/2017 10:26:15 AM
Data Source: North Carolina State Board of Elections. Votes that could not be associated with a specific precinct were excluded. Reported statewide totals may therefore be marginally lower than official contest results.

SENATE BILL 656:
Electoral Freedom Act of 2017.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	June 21, 2017
Introduced by:	Sen. Brock	**Prepared by:**	Erika Churchill, Kara McCraw, and Jessica Sammons Committee Co-Counsel
Analysis of:	PCS to Second Edition S656-CSTC-48		

OVERVIEW: The PCS to Senate Bill 656 would:

- ***Amend the qualifications for a group of voters to be recognized as a political party.***
- ***Lower the number of signatures required on petitions for unaffiliated candidates to be included on the general election ballot.***
- ***Change the deadline for filing petitions for unaffiliated candidates.***
- ***Lower the threshold for a substantial plurality in primary elections to 30% of the vote.***

Section 1 – Political Parties

CURRENT LAW: Under G.S. 163-96, a group of voters is recognized as a political party if that group:

1) Received 2% of the vote cast in the State for Governor or President in the most recent election.
2) 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 in the most recent election, with at least 200 signatures from registered voters from each of four congressional districts. Petitions must be submitted to the State Board prior to noon on June 1 preceding the first general State election in which the new political party desires to participate.

   In the 2016 general election, there were 4,769,640 ballots cast for Governor. Two percent of the vote is equal to 95,393 signatures needed.

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.

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. 163-41: Permits party chair to recommend precinct officials.
- G.S. 163-82.13: Provides free copy of statewide computerized voter registration file to party.
- G.S. 163-165.5: Places political party nominees prior to unaffiliated candidates on general ballot.

A political party is terminated when it fails to obtain 2% of the vote for Governor.

BILL ANALYSIS: The PCS to Senate Bill 656 would lower the number of signatures required on the petition to form a new political party to at least 10,000 signatures from registered and qualified voters in the State, with at least 200 signatures from registered voters from at least three congressional districts.

The PCS would also authorize a party to participate in the presidential election process if the party provides documentation no later than 120 days preceding the North Carolina presidential preference primary that the party was included on the general election ballot in 80% of the states in the prior Presidential election.

Section 2 – Unaffiliated Candidates

CURRENT LAW & BILL ANALYSIS: G.S. 163-122 permits qualified voters to have their name printed on the general election ballot as an unaffiliated candidate by filing a petition with the appropriate board of elections. The following chart summarizes the number of signatures required on the filed petition under current law and the PCS:

	Current Law	**PCS to Senate Bill 656**
Statewide office	2% of the vote for Governor in most recent election, with 200 signatures from each of four congressional districts	At least 5,000 qualified voters of the State, with 200 signatures from registered voters from at least three congressional districts
District office	4% of the total number of registered voters in the district	3% of the total number of registered voters in the district
County office or single county legislative office	4% of the total number of registered voters in the county	3% of the total number of registered voters in the county
Partisan municipal office	4% of the total number of registered voters in that municipality	3% of the total number of registered voters in that municipality
Superior Court or District Court Judge	2% of the total number of registered voters in the district	*No change*

Under current law, except for partisan municipal office, the petition is due by noon on the second Wednesday prior to the primary election. For partisan municipal office, the petition is due by noon on Friday before 7th Saturday before the election.

The PCS would change back the deadline for filing the petition for all offices except for partisan municipal office to the last Friday in June preceding the general election, in compliance with the holding in *Greaves v. State Bd. of Elections of North Carolina.*

Section 3 – Primary Determination

CURRENT LAW: G.S. 163-111 requires that nominations in primary elections be determined by a substantial plurality, which requires a candidate receive more than 40% of the vote to be declared the nominee. If no candidate receives a substantial plurality, a second primary may be requested.

BILL ANALYSIS: The PCS to Senate Bill 656 would lower the threshold for a substantial plurality, requiring a candidate to receive 30% of the vote to be declared the nominee.

EFFECTIVE DATE: January 1, 2018, and applies to primaries and elections held on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 2

SENATE BILL 656
Select Committee on Elections Committee Substitute Adopted 4/25/17

Short Title: Electoral Freedom Act of 2017. (Public)

Sponsors:

Referred to:

April 5, 2017

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY AND FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY, AND TO REDUCE THE THRESHOLD FOR A SUBSTANTIAL PLURALITY TO THIRTY PERCENT.

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, or for presidential electors, at least two percent (2%) of the entire vote cast in the State for Governor or for presidential electors; 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 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), as amended by Section 10 of S.L. 2017-3, reads as rewritten:

"(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. – Any qualified voter who seeks to have the voter's 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 the 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 second Wednesday prior to the primary election and must be

signed by at least 5,000 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.~~State. Also, the petition must be signed by at least 200 registered voters from ~~each of four~~ at least three congressional districts in North Carolina. The petitions shall be divided into sections based on the county in which the signatures were obtained. Provided the petitions are timely filed, the State Board of Elections shall require the filed petition be verified no later than 15 business days after canvass of the primary in one of the following ways:

a. The Executive Director 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 designated 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 each county.

b. The chair 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 chair's county and shall attach to the petition the chair's 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 chair's county. The chair shall return the petition and certificate to the State Board.

The State Board shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the State Board.

(2) Except as provided in this subsection, 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 second Wednesday prior to the primary election and must be signed by qualified voters of the district equal in number to ~~four~~ three percent ~~(4%)~~(3%) 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. The petitions shall be divided into sections based on the county in which the signatures were obtained. The petitions shall be verified as specified in subdivision (1) of this subsection.

(3) If the office is a county office or a single county legislative district, file written petitions with the chair or director of the county board of elections supporting the voter's 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 second Wednesday prior to the primary election and must be signed by qualified voters of the county equal in number to ~~four~~ three percent ~~(4%)~~(3%) 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~~ three percent

~~(4%)~~(3%) 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 chair or director of the county board of elections shall verify the filed petition no later than 15 business days after canvass as provided in sub-subdivision b. of subdivision (1) of this subsection, and shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the county board of elections.

(4) If the office is a partisan municipal office, file written petitions with the chair or director of the county board of elections in the county wherein the municipality is located supporting the voter's 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 chair or director of the county board of elections shall verify the filed petition no later than 15 business days after canvass as provided in sub-subdivision b. of subdivision (1) of this subsection, and shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the county board of elections.

(5) If the office is a superior court judge or a district court judge, regardless of whether the district lies entirely in one county or in more than one county, 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 second Wednesday prior to the primary election and must be signed by qualified voters of the district equal in number to two percent (2%) 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. The petitions shall be divided into sections based on the county in which the signatures were obtained. The petitions shall be verified as specified in subdivision (1) of this subsection.

Upon compliance with the provisions of subdivisions (1), (2), (3), (4), or (5) 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."

SECTION 2.5. G.S. 163-111(a) reads as rewritten:

"(a) Nomination Determined by Substantial Plurality; Definition of Substantial Plurality. – Except as otherwise provided in this section, nominations in primary elections shall be determined by a substantial plurality of the votes cast. A substantial plurality within the meaning of this section shall be determined as follows:

(1) If a nominee for a single office is to be selected, and there is more than one person seeking nomination, the substantial plurality shall be ascertained by multiplying the total vote cast for all aspirants by ~~forty percent (40%).~~thirty percent (30%). Any excess of the sum so ascertained shall be a substantial plurality, and the aspirant who obtains a substantial plurality shall be declared the nominee. If two candidates receive a substantial plurality, the candidate receiving the highest vote shall be declared the nominee.

(2) If nominees for two or more offices (constituting a group) are to be selected, and there are more persons seeking nomination than there are offices, the substantial plurality shall be ascertained by dividing the total vote cast for all

aspirants by the number of positions to be filled, and by multiplying the result by ~~forty percent (40%).~~thirty percent (30%). Any excess of the sum so ascertained shall be a substantial plurality, and the aspirants who obtain a substantial plurality shall be declared the nominees. If more candidates obtain a substantial plurality than there are positions to be filled, those having the highest vote (equal to the number of positions to be filled) shall be declared the nominees."

SECTION 3. This act becomes effective January 1, 2018, and applies to all primaries and elections held on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 656

Select Committee on Elections Committee Substitute Adopted 4/25/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S656-CSTC-48 [v.5]
06/20/2017 8:48:08 PM

Short Title: Electoral Freedom Act of 2017. (Public)

Sponsors:

Referred to:

April 5, 2017

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY AND FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY; TO AUTHORIZE PARTICIPATION BY POLITICAL PARTIES IN PRESIDENTIAL PRIMARIES AND ELECTIONS FOR PARTIES RECOGNIZED IN A SUBSTANTIAL NUMBER OF STATES IN THE PRIOR PRESIDENTIAL ELECTION; TO CORRECT TIMING OF FILING OF PETITIONS; AND TO REDUCE THE THRESHOLD FOR A SUBSTANTIAL PLURALITY TO THIRTY PERCENT.

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:~~one of the following:

(1) Any group of voters which, at the last preceding general State election, polled for its candidate for Governor, or for presidential electors, at least two percent (2%) of the entire vote cast in the State for Governor or for presidential ~~electors; or~~electors.

(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~~ at least 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 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.

(3) Any group of voters which shall have filed with the State Board of Elections documentation that the group of voters had a candidate nominated by that group on the general election ballot of at least eighty percent (80%) of the states in the prior Presidential election. To be effective, the group of voters must file their documentation with the State Board of Elections no later than 120 days

preceding the North Carolina presidential preference primary. The State Board of Elections shall forthwith verify the documentation filed with it and shall immediately communicate its determination to the State chairman of the proposed new political party. A political party recognized as provided in this subdivision shall be eligible to participate only in the presidential preference primary as provided in Article 18A of this Chapter and the election of presidential electors as provided in Article 18 of this Chapter."

SECTION 2.(a) G.S. 163-122(a), as amended by Section 10 of S.L. 2017-3, reads as rewritten:

"(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. – Any qualified voter who seeks to have the voter's 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 the 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 ~~second Wednesday prior to the primary election~~ last Friday in June preceding the general election and must be signed by at least 5,000 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.~~State. Also, the petition must be signed by at least 200 registered voters from ~~each of four~~ at least three congressional districts in North Carolina. The petitions shall be divided into sections based on the county in which the signatures were obtained. Provided the petitions are timely filed, the State Board of Elections shall require the filed petition be verified ~~no later than 15 business days after canvass of the primary~~ within two weeks from the date such petitions are presented in one of the following ways:

a. The Executive Director 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 designated 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 each county.

b. The chair 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 chair's county and shall attach to the petition the chair's 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 chair's county. The chair shall return the petition and certificate to the State Board.

The State Board shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the State Board.

(2) Except as provided in this subsection, 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 ~~second Wednesday prior to the primary election~~ last Friday in June preceding the general election and must be signed by qualified voters of the district equal in number to ~~four~~ three percent

~~(4%)~~(3%) 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. The petitions shall be divided into sections based on the county in which the signatures were obtained. The petitions shall be verified as specified in subdivision (1) of this subsection.

(3) If the office is a county office or a single county legislative district, file written petitions with the chair or director of the county board of elections supporting the voter's 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 ~~second Wednesday prior to the primary election~~ last Friday in June preceding the general election and must be signed by qualified voters of the county equal in number to ~~four~~ three percent ~~(4%)~~(3%) 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~~ three percent ~~(4%)~~(3%) 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 chair or director of the county board of elections shall verify the filed petition ~~no later than 15 business days after canvass~~ within two weeks from the date such petitions are presented as provided in sub-subdivision b. of subdivision (1) of this subsection, and shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the county board of elections.

(4) If the office is a partisan municipal office, file written petitions with the chair or director of the county board of elections in the county wherein the municipality is located supporting the voter's 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 chair or director of the county board of elections shall verify the filed petition ~~no later than 15 business days after canvass~~ within two weeks from the date such petitions are presented as provided in sub-subdivision b. of subdivision (1) of this subsection, and shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the county board of elections.

(5) If the office is a superior court judge or a district court judge, regardless of whether the district lies entirely in one county or in more than one county, 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 ~~second Wednesday prior to the primary election~~ last Friday in June preceding the general election and must be signed by qualified voters of the district equal in number to two percent (2%) 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. The petitions shall be divided into sections based on the county in which the signatures were obtained. The petitions shall be verified as specified in subdivision (1) of this subsection.

Upon compliance with the provisions of subdivisions (1), (2), (3), (4), or (5) 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."

SECTION 2.(b) 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 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%)~~three percent (3%) 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. 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%)~~three percent (3%) of the voters qualified to vote for that office."

SECTION 3. G.S. 163-111(a) reads as rewritten:

"(a) Nomination Determined by Substantial Plurality; Definition of Substantial Plurality. – Except as otherwise provided in this section, nominations in primary elections shall be determined by a substantial plurality of the votes cast. A substantial plurality within the meaning of this section shall be determined as follows:

(1) If a nominee for a single office is to be selected, and there is more than one person seeking nomination, the substantial plurality shall be ascertained by multiplying the total vote cast for all aspirants by ~~forty percent (40%).~~thirty percent (30%). Any excess of the sum so ascertained shall be a substantial plurality, and the aspirant who obtains a substantial plurality shall be declared the nominee. If two candidates receive a substantial plurality, the candidate receiving the highest vote shall be declared the nominee.

(2) If nominees for two or more offices (constituting a group) are to be selected, and there are more persons seeking nomination than there are offices, the substantial plurality shall be ascertained by dividing the total vote cast for all aspirants by the number of positions to be filled, and by multiplying the result by ~~forty percent (40%).~~thirty percent (30%). Any excess of the sum so ascertained shall be a substantial plurality, and the aspirants who obtain a substantial plurality shall be declared the nominees. If more candidates obtain a substantial plurality than there are positions to be filled, those having the highest vote (equal to the number of positions to be filled) shall be declared the nominees."

SECTION 4. This act becomes effective January 1, 2018, and applies to all primaries and elections held on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

ELECTIONS AND ETHICS LAW COMMITTEE REPORT
Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

FAVORABLE

SB **285** **(CS#1)** Equal Representation for Asheville.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McGrady

FAVORABLE AND RE-REFERRED

HB **407** Cabarrus County Commissioners Redistricting.

Draft Number:	None
Serial Referral:	**STATE AND LOCAL GOVERNMENT I**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Pittman

TOTAL REPORTED: 2

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

ELECTIONS AND ETHICS LAW COMMITTEE REPORT
Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE SENATE COM SUB

SB **656** **(CS#1)** Electoral Freedom Act of 2017.

Draft Number:	S656-PCS15226-TC-48
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 1

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

ELECTIONS AND ETHICS LAW COMMITTEE REPORT
Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

FAVORABLE

SB **285** **(CS#1)** Equal Representation for Asheville.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	McGrady

FAVORABLE AND RE-REFERRED

HB **407** Cabarrus County Commissioners Redistricting.

Draft Number:	None
Serial Referral:	**STATE AND LOCAL GOVERNMENT I**
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Pittman

TOTAL REPORTED: 2

Committee Sergeants at Arms

NAME OF COMMITTEE House Comm. on Elections

DATE: 06/21/17 Room: 643

House Sgt-At Arms:

1. Name: Young Bae
2. Name: Jim Moran
3. Name: Warren Hawkins
4. Name: Malachi McCullough
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Wednesday, June 21, 2017
Session: 12:00 PM

Committee	Room	Time	Staff	Comments	Member
Finance, Subcommittee on Annexation and Deannexation	544	8:30 AM	Noah Berg		Rep. Speaker Tim Moore
			Ian Dollar		Rep. Nelson Dollar
			Alexander Lycan		Rep. Linda Hunt-Williams
			Kai Marshall		Rep. Jon Hardister
			Emily Pate		Rep. John Bell
Finance	544	9:00 AM	Kari Davis		Rep. Nelson Dollar
			John Hinkle		Rep. Larry Potts
			Audrey Meigs		Rep. John Ager
			Evan Morris		Rep. Verla Insko
Elections and Ethics	643	9:30 AM	Margaret Deng		Rep. Joe John
			Ross Doyle		Rep. Donna White
			Jack Jackson		Rep. David Lewis
			Courtney Lysiak		Rep. John Faircloth
Education - K-12	1228/1327	10:00 AM	Reed Dixon		Rep. John Bradford
			Allison Gallagher		Rep. Greg Murphy, MD
			Sarah Wallace		Rep. Cynthia Ball
Judiciary I	415	10:00 AM	Reid Barber		Rep. Speaker Tim Moore
			Lexy DeVaney		Rep. Jon Hardister
			James Hodges		Rep. Graig Meyer

House Pages
Assignments
Wednesday, June 21, 2017

Committee	Room	Time	Staff	Comments	Member
State and Local Government II	544	10:00 AM	Vince Graham		Rep. Charles Graham
			Fischer Pearson		Rep. John Sauls
State and Local Government	423	10:00 AM	Isaac Brooks		Rep. Mike Clampitt
			Carter Brown		Rep. John Torbett
			Logan Martin		Rep. Verla Insko
Health	643	11:00 AM	Kari Davis		Rep. Nelson Dollar
			Evan Morris		Rep. Verla Insko
Wildlife Resources	1228/1327	11:00 AM	Alexis Oliver		Rep. Rosa Gill
			Rollie Tillman, IV		Rep. Kelly Alexander

VISITOR REGISTRATION SHEET

House Comm. on Elections — 06/21/17

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lexi Arthur	NCRMA
Brian Irving	LPNC
Johanna Reese	NCAFCC
Caitlin Little	UNC SOG
Rose Williams	NCLM
Emily Sewell	SCSJ
Destiny Chiarel-Bazard	SCSJ
Laura Williamson	SCSJ
David Collins	SEANC
Rachel Bent	PBLaw
Graham Jackson	NCLCV

VISITOR REGISTRATION SHEET

House Comm. on Elections — 06/21/17

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	SEA
Sheila Surrett	S285
John Miller	S285
Dusty [illegible]	S285
DR. Joe DUNN	S 285
Mike Plemmons	S285
Susanne Bishop	ACLU-NC
[illegible]	[illegible] AUL
La Pa[illegible]	MWC

VISITOR REGISTRATION SHEET

House Comm. on Elections 06/21/17

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Denise Hallett	Vulcan Matls · 4401 N. Patterson Ave Winston Salem 27105
Hugh Johnson	NCAC
Julie White	NCMC
Sam Watts	NC DOT

Speaker ~~VISITOR~~ REGISTRATION SHEET

House Committee on Elections + Ethics Law
(Committee Name)

June 21, 2017
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY AND ADDRESS
✓1	Shelia Surrett S285 for	90 Patton Ave unit 204 Asheville NC 28801
✓3	Dusty Pless S285 for	1921 Hendersonville Rd Asheville NC
✓4	DR. JOE DUNN S 285 for	17 GARDENWOOD LN - Asheville, NC
	Brian Irving S656 for	Libertarian & Green Party ✓

09-21-201

speaker

~~VISITOR~~ REGISTRATION SHEET

House Committee on Elections & Ethics Law
(Committee Name)

6-21-2017
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
✓2 Philip Isley	Asheville Contract Lobbyist - oppose S285

09-21-201

Corrected #2: time change back to 11:00

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Wednesday, June 28, 2017
TIME: **11:00 AM**
LOCATION: **643 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 656	Electoral Freedom Act of 2017.	Senator Brock.

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:59 AM on Thursday, June 29, 2017.

___ Principal Clerk
___ Reading Clerk – House Chamber

Laura Bone (Committee Assistant)

House Committee on Elections and Ethics Law
Wednesday, June 28, 2017, 11:00 AM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 656	Electoral Freedom Act of 2017.	Senator Brock

Adjournment

House Committee on Elections and Ethics Law
Wednesday, June 28, 2017 at 11:00 am
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Elections and Ethics Law met at 11:10am on June 28, 2017 in Room 643 of the Legislative Office Building. Representatives Adams, Blust, Boswell, Burr, Conrad, Davis, Dixon, Faircloth, Fisher, Floyd, Ford, Graham, D. Hall, Hardister, Harrison, Hunter, Iler, Jackson, G. Martin, S. Martin, Michaux, Richardson, Riddell, Speciale, Szoka, Warren, Watford, and Willingham attended.

Representative Bert Jones, Chair, presided.

The following bill was considered:

SB656 [Electoral Freedom Act of 2017]
Representative Jones advised that the bill had been in the committee prior but was back because there was another PCS before the committee. Jessica Sammons, committee staff member explained the changes in the PCS and Senator Brock presented the PCS. There was lengthy discussion on the PCS and Senator Brock and committee staff member, Jessica Sammons, responded to the questions of the committee members.

There were 2 amendments that were sent forth. Representative Burr presented and explained amendment S656-ABK-27 [v.3]. After brief discussion on the amendment, Representative Burr made a motion for the adoption of the amendment. The motion carried and the amendment passed.

Representative Conrad presented and explained the second amendment, S656-ATC-114 [v.1]. After brief discussion on the amendment, Representative Conrad made a motion for the adoption of the amendment. The motion carried and the amendment passed.

Representative Warren made a motion for a favorable vote for the PCS as amended, rolled into a new PCS, and unfavorable to the original bill.

With no further business before the committee, the committee adjourned at 11:45 am.

Representative Bert Jones, Chair
Presiding

Laura W. Bone, Committee Clerk

SENATE BILL 656:
Electoral Freedom Act of 2017.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	June 28, 2017
Introduced by:	Sen. Brock	**Prepared by:**	Erika Churchill, Kara McCraw, and Jessica Sammons Committee Co-Counsel
Analysis of:	PCS to Third Edition S656-CSBK-30		

OVERVIEW: The 3rd Edition of Senate Bill 656 would:

- ***Amend the qualifications for a group of voters to be recognized as a political party.***
- ***Lower the number of signatures required on petitions for unaffiliated candidates to be included on the general election ballot.***
- ***Change the deadline for filing petitions for unaffiliated candidates.***
- ***Lower the threshold for a substantial plurality in primary elections to 30% of the vote.***

The PCS for SB 656 would establish the signature requirements for new parties and unaffiliated statewide candidates at one-quarter of one percent of the vote for Governor in most recent election.

Section 1 – Political Parties

CURRENT LAW: Under G.S. 163-96, a group of voters is recognized as a political party if that group:

1) Received 2% of the vote cast in the State for Governor or President in the most recent election.
2) 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 in the most recent election, with at least 200 signatures from registered voters from each of four congressional districts. Petitions must be submitted to the State Board prior to noon on June 1 preceding the first general State election in which the new political party desires to participate.

   In the 2016 general election, there were 4,769,640 ballots cast for Governor. Two percent of the vote is equal to 95,393 signatures needed.

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.

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. 163-41: Permits party chair to recommend precinct officials.
- G.S. 163-82.13: Provides free copy of statewide computerized voter registration file to party.
- G.S. 163-165.5: Places political party nominees prior to unaffiliated candidates on general ballot.

A political party is terminated when it fails to obtain 2% of the vote for Governor.

BILL ANALYSIS: The PCS to Senate Bill 656 would lower the number of signatures required on the petition to form a new political party to 0.25% of the vote for Governor in the most recent election, with at least 200 signatures from registered voters from at least three congressional districts.

The PCS would also authorize a party to participate in the presidential election process if the party provides documentation no later than 120 days preceding the North Carolina presidential preference primary that the party was included on the general election ballot in 80% of the states in the prior Presidential election.

Section 2 – Unaffiliated Candidates

CURRENT LAW & BILL ANALYSIS: G.S. 163-122 permits qualified voters to have their name printed on the general election ballot as an unaffiliated candidate by filing a petition with the appropriate board of elections. The following chart summarizes the number of signatures required on the filed petition under current law and the PCS:

	Current Law	**PCS to Senate Bill 656**
Statewide office	2% of the vote for Governor in most recent election, with 200 signatures from each of four congressional districts	0.25% of the vote for Governor in the most recent election, with 200 signatures from at least three congressional districts
District office	4% of the total number of registered voters in the district	3% of the total number of registered voters in the district
County office or single county legislative office	4% of the total number of registered voters in the county	3% of the total number of registered voters in the county
Partisan municipal office	4% of the total number of registered voters in that municipality	3% of the total number of registered voters in that municipality
Superior Court or District Court Judge	2% of the total number of registered voters in the district	*No change*

Under current law, except for partisan municipal office, the petition is due by noon on the second Wednesday prior to the primary election. For partisan municipal office, the petition is due by noon on Friday before 7th Saturday before the election.

The PCS would change back the deadline for filing the petition for all offices except for partisan municipal office to the last Friday in June preceding the general election, in compliance with the holding in *Greaves v. State Bd. of Elections of North Carolina.*

Section 3 – Primary Determination

CURRENT LAW: G.S. 163-111 requires that nominations in primary elections be determined by a substantial plurality, which requires a candidate receive more than 40% of the vote to be declared the nominee. If no candidate receives a substantial plurality, a second primary may be requested.

BILL ANALYSIS: The PCS to Senate Bill 656 would lower the threshold for a substantial plurality, requiring a candidate to receive 30% of the vote to be declared the nominee.

EFFECTIVE DATE: January 1, 2018, and applies to primaries and elections held on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 3

SENATE BILL 656

Select Committee on Elections Committee Substitute Adopted 4/25/17
House Committee Substitute Favorable 6/21/17

Short Title: Electoral Freedom Act of 2017. (Public)

Sponsors:

Referred to:

April 5, 2017

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY AND FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY; TO AUTHORIZE PARTICIPATION BY POLITICAL PARTIES IN PRESIDENTIAL PRIMARIES AND ELECTIONS FOR PARTIES RECOGNIZED IN A SUBSTANTIAL NUMBER OF STATES IN THE PRIOR PRESIDENTIAL ELECTION; TO CORRECT TIMING OF FILING OF PETITIONS; AND TO REDUCE THE THRESHOLD FOR A SUBSTANTIAL PLURALITY TO THIRTY PERCENT.

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:~~one of the following:

(1) Any group of voters which, at the last preceding general State election, polled for its candidate for Governor, or for presidential electors, at least two percent (2%) of the entire vote cast in the State for Governor or for presidential ~~electors; or~~electors.

(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~~ at least 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 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.

(3) Any group of voters which shall have filed with the State Board of Elections documentation that the group of voters had a candidate nominated by that group on the general election ballot of at least eighty percent (80%) of the states in the prior Presidential election. To be effective, the group of voters

must file their documentation with the State Board of Elections no later than 120 days preceding the North Carolina presidential preference primary. The State Board of Elections shall forthwith verify the documentation filed with it and shall immediately communicate its determination to the State chairman of the proposed new political party. A political party recognized as provided in this subdivision shall be eligible to participate only in the presidential preference primary as provided in Article 18A of this Chapter and the election of presidential electors as provided in Article 18 of this Chapter."

SECTION 2.(a) G.S. 163-122(a), as amended by Section 10 of S.L. 2017-3, reads as rewritten:

"(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. – Any qualified voter who seeks to have the voter's 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 the 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 ~~second Wednesday prior to the primary election~~ last Friday in June preceding the general election and must be signed by at least 5,000 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.~~State. Also, the petition must be signed by at least 200 registered voters from ~~each of four~~ at least three congressional districts in North Carolina. The petitions shall be divided into sections based on the county in which the signatures were obtained. Provided the petitions are timely filed, the State Board of Elections shall require the filed petition be verified ~~no later than 15 business days after canvass of the primary~~ within two weeks from the date such petitions are presented in one of the following ways:

a. The Executive Director 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 designated 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 each county.

b. The chair 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 chair's county and shall attach to the petition the chair's 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 chair's county. The chair shall return the petition and certificate to the State Board.

The State Board shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the State Board.

(2) Except as provided in this subsection, 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 ~~second Wednesday prior~~

~~to the primary election~~ last Friday in June preceding the general election and must be signed by qualified voters of the district equal in number to ~~four~~ three percent ~~(4%)~~(3%) 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. The petitions shall be divided into sections based on the county in which the signatures were obtained. The petitions shall be verified as specified in subdivision (1) of this subsection.

(3) If the office is a county office or a single county legislative district, file written petitions with the chair or director of the county board of elections supporting the voter's 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 ~~second Wednesday prior to the primary election~~ last Friday in June preceding the general election and must be signed by qualified voters of the county equal in number to ~~four~~ three percent ~~(4%)~~(3%) 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~~ three percent ~~(4%)~~(3%) 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 chair or director of the county board of elections shall verify the filed petition ~~no later than 15 business days after canvass~~ within two weeks from the date such petitions are presented as provided in sub-subdivision b. of subdivision (1) of this subsection, and shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the county board of elections.

(4) If the office is a partisan municipal office, file written petitions with the chair or director of the county board of elections in the county wherein the municipality is located supporting the voter's 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 chair or director of the county board of elections shall verify the filed petition ~~no later than 15 business days after canvass~~ within two weeks from the date such petitions are presented as provided in sub-subdivision b. of subdivision (1) of this subsection, and shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the county board of elections.

(5) If the office is a superior court judge or a district court judge, regardless of whether the district lies entirely in one county or in more than one county, 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 ~~second Wednesday prior to the primary election~~ last Friday in June preceding the general election and must be signed by qualified voters of the district equal in number to two percent (2%) 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. The petitions shall be divided into sections based on the county in which the signatures were obtained. The petitions shall be verified as specified in subdivision (1) of this subsection.

Upon compliance with the provisions of subdivisions (1), (2), (3), (4), or (5) 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."

SECTION 2.(b) 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 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%)~~three percent (3%) 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. 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%)~~three percent (3%) of the voters qualified to vote for that office."

SECTION 3. G.S. 163-111(a) reads as rewritten:

"(a) Nomination Determined by Substantial Plurality; Definition of Substantial Plurality. – Except as otherwise provided in this section, nominations in primary elections shall be determined by a substantial plurality of the votes cast. A substantial plurality within the meaning of this section shall be determined as follows:

(1) If a nominee for a single office is to be selected, and there is more than one person seeking nomination, the substantial plurality shall be ascertained by multiplying the total vote cast for all aspirants by ~~forty percent (40%).~~thirty percent (30%). Any excess of the sum so ascertained shall be a substantial plurality, and the aspirant who obtains a substantial plurality shall be declared the nominee. If two candidates receive a substantial plurality, the candidate receiving the highest vote shall be declared the nominee.

(2) If nominees for two or more offices (constituting a group) are to be selected, and there are more persons seeking nomination than there are offices, the substantial plurality shall be ascertained by dividing the total vote cast for all aspirants by the number of positions to be filled, and by multiplying the result by ~~forty percent (40%).~~thirty percent (30%). Any excess of the sum so ascertained shall be a substantial plurality, and the aspirants who obtain a substantial plurality shall be declared the nominees. If more candidates obtain a substantial plurality than there are positions to be filled, those having the highest vote (equal to the number of positions to be filled) shall be declared the nominees."

SECTION 4. This act becomes effective January 1, 2018, and applies to all primaries and elections held on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 656

Select Committee on Elections Committee Substitute Adopted 4/25/17
House Committee Substitute Favorable 6/21/17
PROPOSED HOUSE COMMITTEE SUBSTITUTE S656-CSBK-30 [v.3]
06/27/2017 6:44:50 PM

Short Title: Electoral Freedom Act of 2017. (Public)

Sponsors:

Referred to:

April 5, 2017

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY AND FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY; TO AUTHORIZE PARTICIPATION BY POLITICAL PARTIES IN PRESIDENTIAL PRIMARIES AND ELECTIONS FOR PARTIES RECOGNIZED IN A SUBSTANTIAL NUMBER OF STATES IN THE PRIOR PRESIDENTIAL ELECTION; TO CORRECT TIMING OF FILING OF PETITIONS; AND TO REDUCE THE THRESHOLD FOR A SUBSTANTIAL PLURALITY TO THIRTY PERCENT.

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:~~one of the following:

(1) Any group of voters which, at the last preceding general State election, polled for its candidate for Governor, or for presidential electors, at least two percent (2%) of the entire vote cast in the State for Governor or for presidential ~~electors; or~~electors.

(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 registered and qualified voters in this State equal in number to ~~two percent (2%)~~ one-quarter of one percent (0.25%) 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~~ at least 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 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.

(3) Any group of voters which shall have filed with the State Board of Elections documentation that the group of voters had a candidate nominated by that group on the general election ballot of at least eighty percent (80%) of the

states in the prior Presidential election. To be effective, the group of voters must file their documentation with the State Board of Elections no later than 120 days preceding the North Carolina presidential preference primary. The State Board of Elections shall forthwith verify the documentation filed with it and shall immediately communicate its determination to the State chairman of the proposed new political party. A political party recognized as provided in this subdivision shall be eligible to participate only in the presidential preference primary as provided in Article 18A of this Chapter and the election of presidential electors as provided in Article 18 of this Chapter."

SECTION 2.(a) G.S. 163-122(a), as amended by Section 10 of S.L. 2017-3, reads as rewritten:

"(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. – Any qualified voter who seeks to have the voter's 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 the 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 ~~second Wednesday prior to the primary election~~ 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%)~~ one-quarter of one percent (0.25%) 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~~ at least three congressional districts in North Carolina. The petitions shall be divided into sections based on the county in which the signatures were obtained. Provided the petitions are timely filed, the State Board of Elections shall require the filed petition be verified ~~no later than 15 business days after canvass of the primary~~ within two weeks from the date such petitions are presented in one of the following ways:

a. The Executive Director 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 designated 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 each county.

b. The chair 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 chair's county and shall attach to the petition the chair's 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 chair's county. The chair shall return the petition and certificate to the State Board.

The State Board shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the State Board.

(2) Except as provided in this subsection, 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 ~~second Wednesday prior to the primary election~~ last Friday in June preceding the general election and must be signed by qualified voters of the district equal in number to ~~four~~ three percent ~~(4%)~~(3%) 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. The petitions shall be divided into sections based on the county in which the signatures were obtained. The petitions shall be verified as specified in subdivision (1) of this subsection.

(3) If the office is a county office or a single county legislative district, file written petitions with the chair or director of the county board of elections supporting the voter's 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 ~~second Wednesday prior to the primary election~~ last Friday in June preceding the general election and must be signed by qualified voters of the county equal in number to ~~four~~ three percent ~~(4%)~~(3%) 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~~ three percent ~~(4%)~~(3%) 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 chair or director of the county board of elections shall verify the filed petition ~~no later than 15 business days after canvass~~ within two weeks from the date such petitions are presented as provided in sub-subdivision b. of subdivision (1) of this subsection, and shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the county board of elections.

(4) If the office is a partisan municipal office, file written petitions with the chair or director of the county board of elections in the county wherein the municipality is located supporting the voter's 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 chair or director of the county board of elections shall verify the filed petition ~~no later than 15 business days after canvass~~ within two weeks from the date such petitions are presented as provided in sub-subdivision b. of subdivision (1) of this subsection, and shall return a copy of each petition, together with a copy of the certificate required in this section, to the person who presented it to the county board of elections.

(5) If the office is a superior court judge or a district court judge, regardless of whether the district lies entirely in one county or in more than one county, 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 ~~second Wednesday prior to the primary election~~ last Friday in June preceding the general election and

must be signed by qualified voters of the district equal in number to two percent (2%) 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. The petitions shall be divided into sections based on the county in which the signatures were obtained. The petitions shall be verified as specified in subdivision (1) of this subsection.

Upon compliance with the provisions of subdivisions (1), (2), (3), (4), or (5) 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."

SECTION 2.(b) 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 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%)~~three percent (3%) 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. 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%)~~three percent (3%) of the voters qualified to vote for that office."

SECTION 3. G.S. 163-111(a) reads as rewritten:

"(a) Nomination Determined by Substantial Plurality; Definition of Substantial Plurality. – Except as otherwise provided in this section, nominations in primary elections shall be determined by a substantial plurality of the votes cast. A substantial plurality within the meaning of this section shall be determined as follows:

(1) If a nominee for a single office is to be selected, and there is more than one person seeking nomination, the substantial plurality shall be ascertained by multiplying the total vote cast for all aspirants by ~~forty percent (40%).~~thirty percent (30%). Any excess of the sum so ascertained shall be a substantial plurality, and the aspirant who obtains a substantial plurality shall be declared the nominee. If two candidates receive a substantial plurality, the candidate receiving the highest vote shall be declared the nominee.

(2) If nominees for two or more offices (constituting a group) are to be selected, and there are more persons seeking nomination than there are offices, the substantial plurality shall be ascertained by dividing the total vote cast for all aspirants by the number of positions to be filled, and by multiplying the result by ~~forty percent (40%).~~thirty percent (30%). Any excess of the sum so ascertained shall be a substantial plurality, and the aspirants who obtain a substantial plurality shall be declared the nominees. If more candidates obtain a substantial plurality than there are positions to be filled, those having the highest vote (equal to the number of positions to be filled) shall be declared the nominees."

SECTION 4. This act becomes effective January 1, 2018, and applies to all primaries and elections held on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 656

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

S656-ABK-27 [v.3]

Amends Title [NO]
Third Edition

Date _____,2017

Representative Burr

moves to amend the bill on page 1, line 8, by rewriting that line to read:

"PRESIDENTIAL ELECTION; TO CHANGE TIMING OF FILING OF PETITIONS;";

and on page 2, lines 19-20, by rewriting those lines to read:

> "noon on the ~~second Wednesday prior to~~ day of the primary election and must be signed by qualified voters of";

and on page 2, lines 28-29, by rewriting those lines to read:

> "verified no later than 15 business days after canvass of the primary in one of the following";

and on page 3, lines 2-3, by rewriting those lines to read:

> "Board of Elections on or before 12:00 noon on the ~~second Wednesday prior to~~day of the primary election and";

and on page 3, lines 15-16, by rewriting those lines to read:

> "noon on the ~~second Wednesday prior to~~day of the primary election and must be signed by qualified voters of";

and on page 3, lines 28-30, by rewriting those lines to read:

> "board of elections shall verify the filed petition no later than 15 business days after canvass as provided in sub-subdivision b. of subdivision (1) of this ";

and on page 3, lines 41-42, by rewriting those lines to read:

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 656

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

S656-ABK-27 [v.3]

"petition no later than 15 business days after canvass as provided in sub-subdivision b. of";

and on page 3, lines 50-51, by rewriting those lines to read:

"Board of Elections on or before 12:00 noon on the ~~second Wednesday prior to~~day of the primary election and".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 656

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

S656-ATC-114 [v.1]

Amends Title [NO]
Third Edition

Date _____,2017

Representative Conrad

moves to amend the bill on page 2, lines 21-22, by rewriting those lines to read:

"the State equal in number to ~~two percent (2%)~~ one and a half percent (1.5%) of the total number of voters who voted in the most recent general".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

ELECTIONS AND ETHICS LAW COMMITTEE REPORT
Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

FAVORABLE HOUSE COM SUB NO. 2, UNFAVORABLE HOUSE COM SUB NO. 1

SB **656** **(HCS#1)** Electoral Freedom Act of 2017.

Draft Number:	S656-PCS45473-TC-49
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 1

VISITOR REGISTRATION SHEET

HC on Elections and Ethics Law — 06/28/17

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chris Broughton	MWC
[illegible]	ICUCE
Emily Scavel	SCSJ
Jasmine Nethels	SCSJ
[illegible]	SCSJ
GERRY OWEN	NM
Bill Rand	NC Justice Center
Jamie Lasater	Coal of Clerks
Sunila Chilukuri	Democracy NC
Isela Gutierrez	Democracy NC
Tony McEwen	City of Wilmington

VISITOR REGISTRATION SHEET

HC on Elections and Ethics Law 06/28/17

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jillian Tolman	MWC LLC
[illegible]	NCCR

VISITOR REGISTRATION SHEET

HC on Elections and Ethics Law — 06/28/17

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Hamen	NC Nonprofits
Anna Stearns	B Turner
Hayley Lumpkin	B Turner
Brian Irving	Libertarian Party
Kevin Hayes	Constitution party
Justin Clayton	Governor
Wayne Hardister	Rep Jon Hardister
Michael Moody	Rep Jon Hardister
Robert Sparks	Daily Bulletin
Julie Usella	Speakers office

VISITOR REGISTRATION SHEET

HC on Elections and Ethics Law 06/28/17

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Emily McGovern	Speaker's office with Julie Lisella
Sarah collins	NCLM

House Pages
Assignments
Wednesday, June 28, 2017
Session: 10:00 AM

Committee	Room	Time	Staff	Comments	Member
Appropriations	643	8:30 AM	Lucas Boyd		Rep. John Szoka
			Andrew Lavine		Rep. Greg Murphy
			Amelia Todd		Rep. Deb Butler
			Matthew Tripp		Rep. Jay Adams
			Nathaniel Ward		Rep. John Szoka
Finance	544	8:30 AM	Taylar Frye		Rep. Donny Lambeth
			Timothy Harris, III		Speaker Tim Moore
			Addison Leinwand		Rep. Donna White
			Mackenzie Murtha		Rep. Greg Murphy
			Cameron Simmons		Rep. Donny Lambeth
Elections and Ethics Law	643	11:00 AM	Arthur Abrams		Rep. John Bell, IV
			Leah Campbell		Rep. John R. Bell, IV
			Makayla Carmichael		Rep. Carla Cunningham
			Taylor Pope		Speaker Tim Moore
			Dylan Skinner		Rep. Susan Martin
Judiciary IV	423	12:00 PM	Anna Blount		Rep. William Brisson
			John Hollowell		Rep. George W. Graham, Jr.
			Dalton McLamb		Rep. John Blust
			Aryana Thompson		Rep. Frank Iler
			Kayla Rivera		Speaker Tim Moore

Committee Sergeants at Arms

NAME OF COMMITTEE HC on Elections and Ethics Law

DATE: 06/28/17 Room: 643

House Sgt-At Arms:

1. Name: Young Bae
2. Name: Jim Moran
3. Name: Warren Hawkins
4. Name: Malachi McCullough
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Committee on Elections and Ethics Law

2018 Short Session

Chairs

Representative Bert Jones

Representative David Lewis

Vice-Chairs

Representative Mickey Michaux

Representative John Szoka

Representative Harry Warren

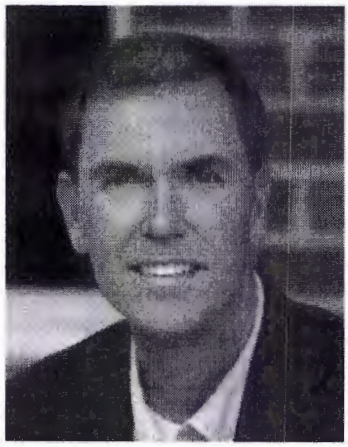
Committee Clerks

Theresa Lopez

Neal Inman

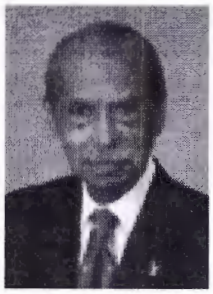
HOUSE COMMITTEE ON ELECTIONS and ETHICS LAW
2017-2018 SESSION

Clerks: Neal Inman, Theresa Lopez



Rep. Bert Jones, Chairman

Rep. David Lewis, Chaiman



Rep. Mickey Michaux
Vice-Chair

Rep. John Szoka
Vice-Chair

Rep. Harry Warren
Vice-Chair

Rep. Jay Adams

Rep. John Blust

Rep. Beverly Boswell

Rep. Justin Burr

Rep. Debra Conrad

Rep. Ted Davis

Rep. Jimmy Dixon

Rep. John Faircloth

Rep. Susan Fisher

Rep. Elmer Floyd

Rep. Carl Ford

Rep. George Graham

Rep. Destin Hall

Rep. Jon Hardister

Rep. Pricey Harrison

Rep. Howard Hunter

Rep. Frank Iler

Rep. Darren Jackson

Rep. Grier Martin

Rep. Susan Martin

Rep. Bobbie Richardson

Rep. Dennis Riddell

Rep. Michael Speciale

Rep. Sam Watford

Rep. Shelly Willingham

HOUSE COMMITTEE ON ELECTIONS and ETHICS LAW
2017-2018 SESSION

MEMBER		ASSISTANT	PHONE	OFFICE	SEAT
Rep. Bert Jones	Chairman	Theresa Lopez	733-5779	416A	54
Rep. David Lewis	Chairman	Grace Rogers	715-3015	2301	6
Rep. Mickey Michaux	Vice-Chair	Anita Wilder	715-2528	1227	11
Rep. John Szoka	Vice-Chair	Beverly Slagle	733-9892	2207	30
Rep. Harry Warren	Vice-Chair	Cristy Yates	733-5784	611	56
Rep. Jay Adams		Susan Phillips	733-5988	2223	73
Rep. John Blust		Gennie Thurlow	733-5781	2208	49
Rep. Beverly Boswell		Beth Strandberg	733-5906	531	97
Rep. Justin Burr		Dina Long	733-5908	307A	16
Rep. Debra Conrad		Danielle Brinton	733-5787	416B	44
Rep. Ted Davis		Andrew Bowers	733-5786	417B	27
Rep. Jimmy Dixon		Michael Wiggins	715-3021	2226	18
Rep. John Faircloth		Becky Bauerband	733-5877	613	28
Rep. Susan Fisher		Cindy Garrison	715-2013	504	69
Rep. Elmer Floyd		Dorothy McLean	733-5959	1325	83
Rep. Carl Ford		Olivia Baumann	733-5881	608	64
Rep. George Graham		Linda Layton	715-0875	1309	79
Rep. Destin Hall		Katelyn Garlow	733-5931	306C	87
Rep. Jon Hardister		Jayne Nelson	733-5191	638	39
Rep. Pricey Harrison		Rita Harris	733-5771	1218	70
Rep. Howard Hunter		Brenda Bennett	733-5780	1307	46
Rep. Frank Iler		Carla Langdon	301-1450	639	14
Rep. Darren Jackson		Angela McMillan	733-5974	506	57

Rep. Grier Martin	Chris Hailey	733-5773	1023	94
Rep. Susan Martin	Susie Farrell	715-3023	526	29
Rep. Bobbie Richardson	Anna Meadows	715-3032	1217	81
Rep. Dennis Riddell	Polly Riddell	733-5905	533	99
Rep. Michael Speciale	Hazel Speciale	733-5853	1008	50
Rep. Sam Watford	Regina Irwin	715-2526	2121	76
Rep. Shelly Willingham	Johnna Smith	715-3024	513	96

STAFF

Erika Churchill	733-2578	200
Kara McCraw	733-2578	545
Jessica Sammons	733-2578	200

ATTENDANCE

ELECTIONS and ETHICS LAW

DATES	05/30/2018														
Rep. Bert Jones - Chairman	X														
Rep. David Lewis - Chairman	X														
Rep. Mickey Michaux – Vice-Chair	X														
Rep. John Szoka – Vice Chair	X														
Rep. Harry Warren – Vice-Chair	X														
Rep. Jay Adams	X														
Rep. John Blust															
Rep. Beverly Boswell	X														
Rep. Justin Burr	X														
Rep. Debra Conrad	X														
Rep. Ted Davis	X														
Rep. Jimmy Dixon	X														
Rep. John Faircloth	X														
Rep. Susan Fisher	X														
Rep. Elmer Floyd	X														
Rep. Carl Ford	X														
Rep. George Graham	X														
Rep. Destin Hall	X														
Rep. Jon Hardister	X														
Rep. Pricey Harrison	X														
Rep. Howard Hunter	X														
Rep. Frank Iler	X														
Rep. Darren Jackson	X														
Rep. Grier Martin	X														

ATTENDANCE

ELECTIONS and ETHICS LAW

DATES	05/30/2018														
Rep. Susan Martin	X														
Rep. Bobbie Richardson	X														
Rep. Dennis Riddell	X														
Rep. Michael Speciale	X														
Rep. Sam Watford	X														
Rep. Shelly Willingham	X														

ATTENDANCE

ELECTIONS and ETHICS LAW

DATES	05/30/2018														
Rep. Bert Jones - Chairman	X														
Rep. David Lewis - Chairman	X														
Rep. Mickey Michaux – Vice-Chair	X														
Rep. John Szoka – Vice Chair															
Rep. Harry Warren – Vice-Chair	X														
Rep. Jay Adams	X														
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Rep. Ted Davis	X														
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Rep. John Faircloth	X														
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Rep. Carl Ford	X														
Rep. George Graham	X														
Rep. Destin Hall	X														
Rep. Jon Hardister	X														
Rep. Pricey Harrison	X														
Rep. Howard Hunter	X														
Rep. Frank Iler	X														
Rep. Darren Jackson	X														
Rep. Grier Martin															

ATTENDANCE

ELECTIONS and ETHICS LAW

DATES	05/30/2018														
Rep. Susan Martin															
Rep. Bobbie Richardson	X														
Rep. Dennis Riddell	X														
Rep. Michael Speciale	X														
Rep. Sam Watford	X														
Rep. Shelly Willingham	X														

ATTENDANCE

ELECTIONS and ETHICS LAW

DATES	06/12/2018														
Rep. Bert Jones - Chairman	X														
Rep. David Lewis - Chairman	X														
Rep. Mickey Michaux – Vice-Chair	X														
Rep. John Szoka – Vice Chair	X														
Rep. Harry Warren – Vice-Chair	X														
Rep. Jay Adams	X														
Rep. John Blust															
Rep. Beverly Boswell	X														
Rep. Justin Burr	X														
Rep. Debra Conrad	X														
Rep. Ted Davis	X														
Rep. Jimmy Dixon	X														
Rep. John Faircloth	X														
Rep. Susan Fisher	X														
Rep. Elmer Floyd	X														
Rep. Carl Ford	X														
Rep. George Graham															
Rep. Destin Hall	X														
Rep. Jon Hardister	X														
Rep. Pricey Harrison	X														
Rep. Howard Hunter															
Rep. Frank Iler	X														
Rep. Darren Jackson	X														
Rep. Grier Martin	X														

ATTENDANCE

ELECTIONS and ETHICS LAW

DATES	06/12/2018														
Rep. Susan Martin	X														
Rep. Bobbie Richardson															
Rep. Dennis Riddell	X														
Rep. Michael Speciale	X														
Rep. Sam Watford															
Rep. Shelly Willingham	X														

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Wednesday, May 30, 2018
TIME: **9:00 AM**
LOCATION: **643 LOB**
COMMENTS: **A modified PCS will be provided to members in advance of the meeting.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 486	Uniform Voting Hours Act.	Senator Brock Senator Daniel Senator Tillman

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:21 PM on Monday, May 28, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

House Committee on Elections and Ethics Law
Wednesday, May 30, 2018, 9:00 AM
643 Legislative Office Building

Rep. David R. Lewis **Rep. Bert Jones**

AGENDA

Welcome and Opening Remarks

Introduction of Pages & Sgt. At Arms

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 486	Uniform Voting Hours Act.	Senator Brock Senator Daniel Senator Tillman

Discussion and Vote on SB486

Adjournment

House Committee on Elections and Ethics Law
Wednesday, May 30, 2018 at 9:00 AM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Elections and Ethics Law met at 9:00 AM on May 30, 2018 in Room 643 of the Legislative Office Building. Representatives Adams, Boswell, Burr, Conrad, Davis, Dixon, Faircloth, Fisher, Floyd, Ford, G. Graham, Destin Hall, Hardister, Harrison, Hunter, Iler, Jackson, Bert Jones, Lewis, G. Martin, S. Martin, Michaux, B. Richardson, Riddell, Speciale, Szoka, Warren, Watford, and Willingham attended.

Representative Bert Jones, Chair, presided.

The following bills were considered:

SB 486 The Elections Security and Transparency Act. (Senators Brock, Daniel, Tillman)

Chairman Jones motioned for the PCS for S486 to be set before the committee the motion passes.

Chairman Jones recognized Representative Lewis to explain SB486. The PCS for S486 would do the following. Authorizing criminal record checks for certain employees and contractors of the State Board of Elections and Ethics Enforcement (State Board) and certain employees of county boards of elections. • Requiring additional information for voters related to judicial elections be included on the 2018 general election ballot. • Authorizing the State Board to seek judicial review of temporary restraining orders and preliminary injunctions issued by the Office of Administrative Hearings. • Requiring county boards of elections to provide any requested information in the board's possession to the State Board. • Authorizing the chair and vice-chair of the State Board to designate a staff member to act when the Executive Director has a conflict related to hiring or dismissal of a county director of elections. • Prohibiting a new party from selecting a candidate on a primary ballot in that year as their candidate for the general election ballot at the party convention. • Clarifying the ballot order for judicial offices. • Authorizing the State Board to establish a limit for bonds or letters of credit for defects in voting systems. • Requires electronic poll books and ballot duplication systems to be either certified by or developed and maintained by the State Board, and requires vendors to meet certain statutory elements for certification by the State Board. • Clarifying that certification of electronic poll books and voting systems by the State Board does not constitute a license under the Administrative Procedures Act. • Authorizing the State Board to decertify and halt the use of electronic poll books. • Forbidding the connection of any voting system used in an election to a network. • Creating a Class 2 misdemeanor for any person not an elections official or otherwise authorized by law to retain information from a voter registration form. • Clarifying when a candidate must appoint a treasurer. • Delaying the decertification of direct record electronic voting systems until December 1, 2019. • Authorizing a policeman, chief of police, or auxiliary policeman as offices that may be held concurrently with other elective offices.

Chairman Jones recognized Representative Hardister to send forth 2 amendments (Attachment 1 and 2). Representative Hardister made the motion of the adoption of the amendments. The amendments were adopted.

The meeting recessed at 9:50am to reconvene at 4:00pm.

Bert Jones

Representative Bert Jones, Chair
Presiding

Theresa Lopez, Committee Clerk

(1)

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 486

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

S486-ATC-148 [v.1]

Amends Title [NO]
S486-CSTCf-55[v4]

Date _____,2018

Representative Hardister

moves to amend the bill on page 7, line 25, by deleting the word "two" and substituting the word "four".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 1

S486-ATC-148-V-1

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 486

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

S486-ATC-149 [v.1]

Amends Title [NO]
S486-CSTCf-55[v4]

Date _____ ,2018

Representative Hardister

moves to amend the bill on page 10, line 38, by inserting the words "completed or partially completed" before the word "form" on that line.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Attachment 2

SENATE BILL 486:
The Elections Security and Transparency Act.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	May 30, 2018
Introduced by:	Sens. Brock, Daniel, Tillman	**Prepared by:**	Kara McCraw, Erika Churchill, and Jessica Sammons Staff Attorneys
Analysis of:	PCS to First Edition S486-CSTCf-55		

OVERVIEW: SB 486 would require that in any election, the extension of voting hours at one voting place would apply to all voting places open for that same election.

The PCS for SB 486 would replace the contents of the original bill with other changes to elections laws, including:

- ***Authorizing criminal record checks for certain employees and contractors of the State Board of Elections and Ethics Enforcement (State Board) and certain employees of county boards of elections.***
- ***Requiring additional information for voters related to judicial elections be included on the 2018 general election ballot.***
- ***Authorizing the State Board to seek judicial review of temporary restraining orders and preliminary injunctions issued by the Office of Administrative Hearings.***
- ***Requiring county boards of elections to provide any requested information in the board's possession to the State Board.***
- ***Authorizing the chair and vice-chair of the State Board to designate a staff member to act when the Executive Director has a conflict related to hiring or dismissal of a county director of elections.***
- ***Prohibiting a new party from selecting a candidate on a primary ballot in that year as their candidate for the general election ballot at the party convention.***
- ***Clarifying the definition of voting system.***
- ***Clarifying the ballot order for judicial offices.***
- ***Authorizing the State Board to establish a limit for bonds or letters of credit for defects in voting systems.***
- ***Requires electronic poll books and ballot duplication systems to be either certified by or developed and maintained by the State Board, and requires vendors to meet certain statutory elements for certification by the State Board.***
- ***Clarifying that certification of electronic poll books and voting systems by the State Board does not constitute a license under the Administrative Procedures Act.***
- ***Authorizing the State Board to decertify and halt the use of electronic poll books.***
- ***Forbidding the connection of any voting system used in an election to a network.***
- ***Creating a Class 2 misdemeanor for any person to duplicate a voter registration form or record certain information from that form except for election officials and others authorized by law.***
- ***Clarifying when a candidate must appoint a treasurer.***
- ***Delaying the decertification of direct record electronic voting systems until December 1, 2019.***

- ***Authorizing a policeman, chief of police, or auxiliary policeman as offices that may be held concurrently with other elective offices.***
- ***Reenacting all of the previously enjoined G.S. 163A-2, to provide effective language on the terms of office, eligibility requirements, prohibitions during service, and per diem, subsistence and travel expenses for the State Board.***

CURRENT LAW AND BILL ANALYSIS:

Part I: Criminal Record Checks for State Board of Elections and Ethics Enforcement (State Board)

Current Law: The State Board and county boards of elections (county boards) do not have authority to conduct fingerprint criminal background checks through the Department of Public Safety.

Bill Analysis: Requires the State Board to conduct fingerprint criminal history record checks on all current and prospective employees of the State Board and county directors of elections, employees of contractors, and anyone else engaged by the State Board with the capability to update, modify, or change elections systems, confidential elections, or ethics data. Requires county boards to conduct fingerprint criminal history record checks on all current and prospective employees of the county boards with access to the statewide computerized voter registration system and any additional positions or functions designated by the State Board. A fee may be charged for the checks. Information from the criminal history record checks may be just cause for not selecting a person for employment or for terminating employment. The sections do not authorize criminal history record checks for precinct officials or assistant that will have access to statewide computerized voter registration system information that is not connected to a network.

For county directors of elections, the Executive Director of the State Board (ED) may determine, based on the criminal history records check, that a letter of appointment for that county director should not be issued. This decision may be deferred by the State Board with 10 days of the ED's decision, and the State Board may make a final decision and direct issuance of the letter of appointment. If an ED is recused due a conflict in the county director appointment process, the chair and vice-chair of the State Board must designate a staff member to fulfill the duties.

Effective Date: This section would become effective August 1, 2018.

Part II: Judicial Elections Ballot Information

Current Law: S.L. 2017-214 eliminated party primaries for candidates for Justice of the Supreme Court, and Judges of the Court of Appeals, superior courts, and districts courts seeking office in the general election held on November 6, 2018.

Bill Analysis: Section 2 would make findings that additional time was needed to consider changes to judicial redistricting, resulting in changes to the 2018 process for election of judges. Further, the General Assembly would find that additional ballot language is needed for the 2018 general election to clarify that the self-identification with a party by a candidate for judicial office is not an endorsement of that party.

Section 2 would require that the four judicial offices be grouped together at the end of the partisan races on the 2018 general election ballot, and that immediately prior to those races, language be added to the ballot explaining that no primary was held for those offices, and that the party affiliation or unaffiliated status next to each candidate's name only reflects the candidate's affiliation at the time of filing.

This section would become effective when it becomes law, and would apply to the 2018 general election.

Part III: Other Election Changes

Section 3.1.

Current Law: The Administrative Procedures Act provides for judicial review of final agency decisions, but does not provide for judicial review of interlocutory orders, including temporary restraining orders and preliminary injunctions, entered before the final agency decision.

Bill Analysis: Would authorize the State Board to obtain judicial review of a temporary restraining order or preliminary injunction in the superior court of the county where the person aggrieved by the administration resides or, if the person resides outside the State, in the county where the contested case was filed.

Section 3.2

Current Law: The State Board is authorized to investigate the administration of election laws, frauds and irregularities in all elections and report violations to the appropriate judicial officer for further investigation and prosecution. County personnel records are confidential, except for certain information authorized as public record by statute.

Bill Analysis: Would require county boards of elections to give to the State Board, upon request, any requested information, including internal investigations and personnel documentation. Disclosure of county employee personnel records otherwise held confidential would be authorized when requested by the State Board. The county board would also be required to make available any county board employee for interview and to produce any equipment, hardware, or software for inspection pursuant to the State Board's investigation of an election.

Section 3.3

Current Law: The Executive Director of the State Board (ED), following a petition from the county board of elections, is responsible for rendering a decision on the termination or retention of a county director of elections, subject to deferral by the State Board.

Bill Analysis: If an ED is recused due a conflict in the termination process for the county director of elections, the chair and vice-chair of the State Board must designate a staff member to fulfill the ED's duties.

Section 3.4

Current Law: Individuals whose names have previously appeared on the ballot in a primary election preliminary to the general election are not permitted to be listed as an unaffiliated candidate or to submit a petition for recognition as a write-in candidate.

Bill Analysis: Would prohibit new parties who select candidates by party convention for the general election from selecting as a candidates an individual whose name had appeared on the ballot in the primary election preliminary to the general election.

Section 3.5

Current Law: The term "voting system" is defined to include systems of paper ballots counted by hand and systems utilizing mechanical and electronic voting equipment.

Bill Analysis: Clarifies that the term voting system does not include any system developed or maintained by the State Board.

Section 3.6

Current Law: Ballot order of offices requires that offices in the same class be listed in alphabetical order by office name, or numerical or alphabetical order by district name, and specifies certain offices to be listed first, such as Governor and Lt. Governor before other Council of State races.

Bill Analysis: Would require that the Supreme Court be listed before the Court of Appeals, and that judicial offices and district attorney be listed, in that order, after other offices in the same class.

Section 3.6A

Current Law: A requirement for certification of voting systems is that a vendor must post a bond or letter of credit to cover damages resulting from a defect in the voting system.

Bill Analysis: Would require the bond or letter of credit be maintained in the amount determined by the State Board as sufficient for the cost of a new statewide election.

Section 3.7

Current Law: Only electronic poll books certified by the State Board are permitted for use in elections in the State.

Bill Analysis: Would require electronic poll books or ballot duplication systems be either certified by or developed or maintained by the State Board to be used in elections. Would require the State Board to include certain statutory elements in certification requirements for vendors, including a bonding requirement, access to certain information in escrow, uniform statewide pricing, and separate agreements with purchasing counties to turn over source code under certain conditions.

Section 3.8

Current Law: For purposes of the Administrative Procedures Act, a license is defined as any certificate, permit or other evidence, by whatever name called, of a right or privilege to engage in any activity.

Bill Analysis: Would clarify that certification of poll books or voting systems by the State Board does not constitute a license for purposes of the Administrative Procedures Act. Would authorize the State Board to decertify or halt use of electronic poll books in North Carolina. Would prohibit connection of voting systems in elections to networks, including the Internet, fax, telephone line, modem, or other wired or wireless connections.

Section 3.9

Bill Analysis: Would create a Class 2 misdemeanor for duplication of voter registration forms or recording or certain information on those forms, including voter's signature, social security numbers, birth dates, public agency where registration was conducted, email address, or drivers license number by anyone who is not an election official or not otherwise authorized by law. This section would become effective December 1, 2018.

Section 3.10

Current Law: G.S. 163A-1412(a) requires candidates, political committees, and referendum committees to appoint a treasurer.

Bill Analysis: Would clarify that a candidate must appoint a treasurer if that candidate has received funds, made payments, or consented to anyone else receiving funds or transferring anything of value for the purpose of bringing about that individual's nomination or election for office.

Section 3.11

Current Law: Direct record electronic voting systems (DREs) that do not use paper ballots must be decertified and cannot be used in elections after September 1, 2019 for counties that used DREs on Election Day as of January 1, 2015, and January 1, 2018, for all other counties.

Bill Analysis: Would change the date after which DREs cannot be used in elections in all counties to December 1, 2019.

Part 4:

Current Law: An individual may not hold more than one elected and one appointed office at a time.

Bill Analysis: Would allow the office of policeman, chief of police, or auxiliary policeman to also be held concurrently with any other elective office.

Effective Date: This section would become effective when it becomes law, and any policeman or chief of police taking the oath of office to any elective office prior to the effective date of the section would be deemed to have not resigned the position as a law enforcement officer due to the elective office.

Part 5:

Current Law: G.S. 163A-2 was enjoined as part of the legal challenge to S.L. 2017-6 (Cooper v. Berger, 370 N.C. 392 (2018)). That statute specifies the membership of the State Board of Elections and Ethics Enforcement. The General Assembly modified portions of that statute related to the composition and appointing authority, vacancies, removal, and initial meetings in S.L. 2018-2. These changes are current law but have not yet been engrossed in the General Statutes in the printed volumes or online.

Bill Analysis: Would make minor technical changes to the following subsections previously enjoined to provide current effective law on those topics:

- Subsection (c) – Previously the statute read:
  "Members shall serve for two year terms, beginning May 1 of the odd numbered year."
  The statute would now read:
  "Beginning on May 1 of the odd-numbered year, members shall serve for two year terms."
- Subsection (i) – Previously, the introductory language of the subsection read:
  "No person shall be eligible to serve as a member of the State Board who:"
  The statute would now read:
  "No person shall be eligible to serve as a member of the State Board who meets any of the following criteria:"
- Subsection (j) – Previously, the introductory language of the subsection read:
  "No person while serving on the State Board shall:"
  The statute would now read:
  "No person while serving on the State Board shall do any of the following:"
- Subsection (k) – Previously the statute read:
  "Members of the State Board shall"
  The statute would now read:
  "State Board members shall"

Part 6: Severability Cause. Would make all sections and provisions of the act severable if any portion of the act is declared unconstitutional or invalid by the courts.

EFFECTIVE DATE: Except as otherwise provided, the PCS for SB 468 would become effective when it becomes law and would apply to elections held on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

SENATE BILL 486

Short Title:	Uniform Voting Hours Act.	(Public)
Sponsors:	Senators Brock, Daniel, Tillman (Primary Sponsors); Hise, Rabin, and Sanderson.	
Referred to:	Rules and Operations of the Senate	

March 30, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT WHEN VOTING HOURS ARE EXTENDED FOR ONE PRECINCT IN AN ELECTION, VOTING HOURS IN EVERY PRECINCT ARE TO BE EXTENDED IN THAT SAME ELECTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-166.01 reads as rewritten:

"**§ 163-166.01. Hours for voting.**

In every election, the voting place shall be open at 6:30 A.M. and shall be closed at 7:30 P.M. If the polls are delayed in opening for more than 15 minutes, or are interrupted for more than 15 minutes after opening, the State Board of Elections may extend the closing time by an equal number of minutes. <u>However, the State Board of Elections, a county board of elections, or a State court is not authorized to extend voting hours in one precinct unless voting hours are extended in every precinct in that same election.</u> As authorized by law, the State Board of Elections shall be available either in person or by teleconference on the day of election to approve any such extension. If any voter is in line to vote at the time the polls are closed, that voter shall be permitted to vote. No voter shall be permitted to vote who arrives at the voting place after the closing of the polls.

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

SECTION 2. This act is effective when it becomes law and applies to elections held on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 486
PROPOSED HOUSE COMMITTEE SUBSTITUTE S486-CSTCf-55 [v.4]
05/29/2018 03:27:47 PM

Short Title: The Elections Security and Transparency Act. (Public)

Sponsors:

Referred to:

March 30, 2017

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES RELATED TO ELECTION LAWS.
The General Assembly of North Carolina enacts:

PART I. CRIMINAL RECORD CHECKS FOR STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT

SECTION 1.(a) Subpart D of Part 4 of Article 13 of Chapter 143B is amended by adding a new section to read:

"**§ 143B-968. Criminal record checks for employees and contractors of the State Board of Elections and Ethics Enforcement and county directors of elections.**

(a) As used in this section, the term:

(1) "Current or prospective employee" means any of the following:

a. A current or prospective permanent or temporary employee of the State Board or a current or prospective county director of elections.

b. A current or prospective contractor with the State Board.

c. An employee or agent of a current or prospective contractor with the State Board.

d. Any other individual otherwise engaged by the State Board who has or will have the capability to update, modify, or change elections systems or confidential elections or ethics data.

(2) "State Board" means the State Board of Elections and Ethics Enforcement.

(b) The Department of Public Safety may provide to the Executive Director of the State Board a current or prospective employee's criminal history from the State and National Repositories of Criminal Histories. The Executive Director shall provide to the Department of Public Safety, along with the request, the fingerprints of the current or prospective employee, a form signed by the current or prospective employee consenting to the criminal record check and use of fingerprints and other identifying information required by the State and National Repositories, and any additional information required by the Department of Public Safety. The fingerprints of the current or prospective employee shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

(c) The Department of Public Safety may charge a fee to offset the cost incurred by it to conduct a criminal record check under this section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information.

(d) The criminal history report shall be provided to the Executive Director of the State Board, who shall keep all information obtained pursuant to this section confidential to the State Board. A criminal history report obtained as provided in this section is not a public record under Chapter 132 of the General Statutes."

SECTION 1.(b) Subpart D of Part 4 of Article 13 of Chapter 143B is amended by adding a new section to read:

"**§ 143B-969. Criminal record checks for employees of county boards of elections.**

(a) As used in this section, the term:

(1) "Current or prospective employee" means a current or prospective permanent or temporary employee of a county board of elections.

(2) "State Board" means the State Board of Elections and Ethics Enforcement.

(b) The Department of Public Safety may provide to a county board of elections a current or prospective employee's criminal history from the State and National Repositories of Criminal Histories. The county board of elections shall provide to the Department of Public Safety, along with the request, the fingerprints of the current or prospective employee, a form signed by the current or prospective employee consenting to the criminal record check and use of fingerprints and other identifying information required by the State and National Repositories, and any additional information required by the Department of Public Safety. The fingerprints of the current or prospective employee shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

(c) The Department of Public Safety may charge a fee to offset the cost incurred by it to conduct a criminal record check under this section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information.

(d) The criminal history report shall be provided to the county board of elections, who shall keep all information obtained pursuant to this section confidential to the county board of elections, the county director of elections, the State Board, and the Executive Director of the State Board. A criminal history report obtained as provided in this section is not a public record under Chapter 132 of the General Statutes."

SECTION 1.(c) Article 1 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-7. Criminal history record checks of current and prospective employees of the State Board and county directors of elections.**

(a) As used in this section, the term:

(1) "Current or prospective employee" means any of the following:

a. A current or prospective permanent or temporary employee of the State Board or a current or prospective county director of elections.

b. An employee or agent of a current or prospective contractor with the State Board.

c. Any other individual otherwise engaged by the State Board who has or will have the capability to update, modify, or change elections systems or confidential elections or ethics data.

(2) "Criminal history" means a State or federal history of conviction of a crime, whether a misdemeanor or felony, that bears upon a current or prospective employee's fitness for employment by the State Board. The crimes include, but are not limited to, criminal offenses as set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and Legislative, and Court Officers; Article 6, Homicide; Article 7B, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and

Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots, Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302, or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5.

(b) A criminal history record check shall be required of all current or prospective permanent or temporary employees of the State Board and all current or prospective county directors of elections, which shall be conducted by the Department of Public Safety as provided in G.S. 143B-968. The criminal history report shall be provided to the Executive Director, who shall keep all information obtained pursuant to this section confidential to the State Board, as provided in G.S. 143B-968(d). A criminal history report provided under this subsection is not a public record under Chapter 132 of the General Statutes.

(c) If the current or prospective employee's verified criminal history record check reveals one or more convictions listed in subdivision (2) of subsection (a) of this section, the conviction shall constitute just cause for not selecting the person for employment, or for dismissing the person from current employment. The conviction shall not automatically prohibit employment; however, the following factors shall be considered, if readily ascertainable, in determining whether employment shall be denied or the employee shall be dismissed:

(1) The level and seriousness of the crime.
(2) The date of the crime.
(3) The age of the current or prospective employee at the time of the conviction.
(4) The circumstances surrounding the commission of the crime, if known.
(5) The nexus between the criminal conduct of the current or prospective employee and job duties of the employee.
(6) The prison, jail, probation, parole, rehabilitation, and employment records of the current or prospective employee since the date the crime was committed.
(7) The current or prospective employee's candor in disclosing the circumstances surrounding the conviction.
(8) The subsequent commission by the current or prospective employee of a crime listed in subdivision (2) of subsection (a) of this section.

(d) A prospective employee may be denied employment or a current employee may be dismissed from employment for refusal to consent to a criminal history record check or to submit fingerprints or to provide other identifying information required by the State or National Repositories of Criminal Histories. Any such refusal shall constitute just cause for the employment denial or the dismissal from employment.

(e) A conditional offer of employment or appointment may be extended pending the results of a criminal history record check authorized by this section.

(f) A county board of elections shall require a criminal history record check of all current or prospective employees of the county board of elections, as defined in G.S. 163A-778(a)(1), who have or will have access to the statewide computerized voter registration system maintained under G.S. 163A-874 and for any additional position or function as the State Board may designate. The county director of elections shall provide the criminal history record of all current or prospective employees of the county board of elections required by this subsection or in designated positions to the Executive Director and State Board.

(g) Nothing in this section shall authorize the requirement of criminal history record checks of any current or prospective precinct official or assistant appointed under Part 4 of Article 16 of this Chapter that has or will have access to statewide computerized voter registration system information that is not connected to a network."

SECTION 1.(d) Part 2 of Article 16 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-778. Criminal history record checks of current and prospective employees of county boards of elections.**

(a) As used in this section, the term:

(1) "Current or prospective employee" means a current or prospective permanent or temporary employee of a county board of elections who has or will have access to the statewide computerized voter registration system maintained under G.S. 163A-874 or has a position or function designated by the State Board as provided in G.S. 163A-7(f).

(2) "Criminal history" means a State or federal history of conviction of a crime, whether a misdemeanor or felony, that bears upon a current or prospective employee's fitness for employment by a county board of elections. The crimes include, but are not limited to, criminal offenses as set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and Legislative, and Court Officers; Article 6, Homicide; Article 7B, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots, Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302, or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5.

(b) The county board of elections shall require a criminal history record check of all current or prospective employees, which shall be conducted by the Department of Public Safety as provided in G.S. 143B-969. The criminal history report shall be provided to the county board of elections. A county board of elections shall provide the criminal history record of all

current or prospective employees required by G.S. 163A-7 to the Executive Director and the State Board. The criminal history report shall be kept confidential as provided in G.S. 143B-969(d) and is not a public record under Chapter 132 of the General Statutes.

(c) If the current or prospective employee's verified criminal history record check reveals one or more convictions listed in subdivision (2) of subsection (a) of this section, the conviction shall constitute just cause for not selecting the person for employment, or for dismissing the person from current employment. The conviction shall not automatically prohibit employment; however, the following factors shall be considered, if readily ascertainable, by the county board of elections in determining whether employment shall be denied or the employee shall be dismissed:

(1) The level and seriousness of the crime.
(2) The date of the crime.
(3) The age of the current or prospective employee at the time of the conviction.
(4) The circumstances surrounding the commission of the crime, if known.
(5) The nexus between the criminal conduct of the current or prospective employee and job duties of the employee.
(6) The prison, jail, probation, parole, rehabilitation, and employment records of the current or prospective employee since the date the crime was committed.
(7) The current or prospective employee's candor in disclosing the circumstances surrounding the conviction.
(8) The subsequent commission by the current or prospective employee of a crime listed in subdivision (2) of subsection (a) of this section.
(9) The recommendation of the State Board or the Executive Director, if provided.

(d) The county board of elections may deny employment to or dismiss from employment a current or prospective employee who refuses to consent to a criminal history record check or to submit fingerprints or to provide other identifying information required by the State or National Repositories of Criminal Histories. Any such refusal shall constitute just cause for the employment denial or the dismissal from employment.

(e) The county board of elections may extend a conditional offer of employment or appointment pending the results of a criminal history record check authorized by this section.

(f) Nothing in this section shall authorize the requirement of criminal history record checks of any current or prospective precinct official or assistant appointed under Part 4 of Article 16 of this Chapter that has or will have access to statewide computerized voter registration system information that is not connected to a network."

SECTION 1.(e) G.S. 163A-774(b) reads as rewritten:

"(b) Appointment, Duties; Termination. – Upon receipt of a nomination from the county board of elections stating that the nominee for director of elections is submitted for appointment upon majority selection by the county board of elections the Executive Director shall issue a letter of appointment of such nominee to the chairman of the county board of elections within 10 days after receipt of the ~~nomination.~~nomination, unless good cause exists to decline the appointment. The Executive Director may delay the issuance of appointment for a reasonable time if necessary to obtain a criminal history records check sought under G.S. 143B-968. The Executive Director shall apply the standards provided in G.S. 163A-7 in determining whether a nominee with a criminal history shall be selected. If the Executive Director determines a nominee shall not be selected and does not issue a letter of appointment, the decision of the Executive Director of the State Board shall be final unless the decision is, within ten days from the official date on which it was made, deferred by the State Board. If the State Board defers the decision, then the State Board shall make a final decision on appointment of the director of elections and may direct the Executive Director to issue a letter of appointment. ~~Thereafter,~~If an Executive Director issues a letter of appointment, the county board of elections shall enter in its official minutes the specified duties, responsibilities and designated authority assigned to the director by

the county board of elections. The specified duties and responsibilities shall include adherence to the duties delegated to the county board of elections pursuant to G.S. 163A-769. A copy of the specified duties, responsibilities and designated authority assigned to the director shall be filed with the State Board. In the event the Executive Director is recused due to an actual or apparent conflict of interest from rendering a decision under this section, the chair and vice-chair of the State Board shall designate a member of staff to fulfill those duties."

SECTION 1.(f) This section becomes effective August 1, 2018.

PART II. 2018 JUDICIAL ELECTIONS BALLOT INFORMATION

SECTION 2.(a) The General Assembly finds that both chambers of the General Assembly have carefully examined judicial redistricting and the forms of judicial selection, with multiple committees considering various proposals of selection and new judicial district maps. The General Assembly finds that, to allow for more time to thoughtfully consider these changes, the General Assembly enacted S.L. 2017-214, the Electoral Freedom Act of 2017, which, among other items, provided for a one time cancellation of partisan primaries for the offices of district court judge, superior court judge, judges of the Court of Appeals, and Supreme Court justices for the 2018 election cycle. The General Assembly finds that all elections for judges in 2018 were to be treated uniformly under S.L. 2017-214, the Electoral Freedom Act of 2017, while those changes were considered.

The General Assembly notes that election to these offices will be held under a plurality election system, with candidates running under a political party label on the ballot, without having gone through a party primary. The General Assembly finds that ballot language above the sections of election ballots regarding these impacted offices setting forth that the listed party affiliation is only the self-identified party of a candidate at the time of filing will aid voters' understanding of the 2018 judicial races.

SECTION 2.(b) For the 2018 general election, the State Board of Elections and Ethics Enforcement shall, notwithstanding G.S. 163A-1114(b)(2), list the following judicial offices at the end of all partisan offices listed on the general election ballot:

Justices of the Supreme Court.
Judges of the Court of Appeals.
Judges of the superior courts.
Judges of the district courts.

SECTION 2.(c) Notwithstanding G.S. 163A-1112, immediately prior to the placement of the judicial offices listed in subsection (b) of this section on the ballot, the following information shall be printed:

"No primaries for judicial office were held in 2018. The information listed by each of the following candidates' names indicates only the candidates' party affiliation or unaffiliated status on their voter registration at the time they filed to run for office."

SECTION 2.(d) Except as provided in this section, ballot order for the judicial offices listed in subsection (b) of this section shall be as provided in Section 4.(j) of S.L. 2017-214.

SECTION 2.(e) This section is effective when it becomes law and applies to the 2018 general election.

PART III. OTHER ELECTION CHANGES

SECTION 3.1. G.S. 150B-45 reads as rewritten:

"**§ 150B-45. Procedure for seeking review; waiver.**

(a) Procedure. – To obtain judicial review of a final decision under this Article, the person seeking review must file a petition within 30 days after the person is served with a written copy of the decision. The petition must be filed as follows:

(1) Contested tax cases. – A petition for review of a final decision in a contested tax case arising under G.S. 105-241.15 must be filed in the Superior Court of Wake County.

(2) Other final decisions. – A petition for review of any other final decision under this Article must be filed in the superior court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed.

(b) Waiver. – A person who fails to file a petition within the required time waives the right to judicial review under this Article. For good cause shown, however, the superior court may accept an untimely petition.

(c) Judicial Review for State Board of Elections and Ethics Enforcement. – For a stay entered pursuant to G.S. 150B-33(b)(6), the State Board of Elections and Ethics Enforcement may obtain judicial review of the temporary restraining order or preliminary injunction in the superior court of the county designated in subsection (a) of this section."

SECTION 3.2.(a) G.S. 163A-741 is amended by adding a new subsection to read:

"(j1) Notwithstanding G.S. 153A-98 or any other provision of law, all officers, employees, and agents of a county board of elections are required to give to the State Board, upon request, all information, documents, and data within their possession, or ascertainable from their records, including any internal investigation or personnel documentation; and are required to make available, upon request pursuant to an investigation under subsection (d) of this section, any county board employee for interview and to produce any equipment, hardware, or software for inspection. These requirements are mandatory and shall be timely complied with as specified in a request made by any two members of the State Board."

SECTION 3.2.(b) G.S. 153A-98 is amended by adding a new subsection to read:

"(c5) Notwithstanding the requirements of this section, information shall be provided to the State Board of Elections and Ethics Enforcement from employee personnel records as provided in G.S. 163A-741."

SECTION 3.3. G.S. 163A-775 is amended by adding a new subsection to read:

"(e) In the event the Executive Director is recused due to an actual or apparent conflict of interest from rendering a decision under this section, the chair and vice-chair of the State Board shall designate a member of staff to fulfill those duties."

SECTION 3.4. G.S. 163A-953 reads as rewritten:

"**§ 163A-953. General election participation by new political party.**

In the first general election following the date on which a new political party qualifies under the provisions of G.S. 163A-950, 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. 163A-979 or upon complying with the alternative available to candidates for the office in G.S. 163A-980.

For the first general election following the date on which it qualifies under G.S. 163A-950, a new political party shall select its candidates by party convention. 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 a candidate for the new political party for the same office in that year. 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 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. 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 new party. The State Board shall send to each county board of elections the list of any new party candidates so that the county board can add those names to the appropriate ballot."

SECTION 3.5. G.S. 163A-1095(11) reads as rewritten:

"(11) "Voting system" means a system of casting and tabulating ballots. The term includes systems of paper ballots counted by hand as well as systems utilizing mechanical and electronic voting equipment. The term does not include any system developed or maintained by the State Board."

SECTION 3.6. G.S. 163A-1114(b)(4) reads as rewritten:

"(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. The Supreme Court shall be listed before the Court of Appeals. Judicial offices and district attorney shall be listed, in that order, after other offices in the same class. 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."

SECTION 3.6A. G.S. 163A-1115(a)(1) reads as rewritten:

"(1) That the vendor post a bond or letter of credit to cover damages resulting from defects in the voting system. Damages may include, among other items, any costs of conducting a new election attributable to those defects. The bond or letter of credit shall be maintained in the amount determined by the State Board as sufficient for the cost of a new statewide election."

SECTION 3.7.(a) G.S. 163A-1115(c) reads as rewritten:

"(c) Only electronic poll books or ballot duplication systems that have been certified by the State Board in accordance with procedures and subject to standards adopted by the State ~~Board~~ Board, or which have been developed or maintained by the State Board, shall be permitted for use in elections in this State. Among other requirements as set by the State Board, the certification requirements shall require that a vendor meet at least all of the following elements:

(1) That the vendor post a bond or letter of credit to cover damages resulting from defects in the electronic poll book or ballot duplication system. Damages may include, among other items, any costs of conducting a new election attributable to those defects.

(2) That the vendor provide access to all of any information required to be placed in escrow by a vendor pursuant to G.S. 163A-1118 for review and examination by the State Board; the Department of Information Technology; the State chairs of each political party recognized under G.S. 163A-950; the purchasing county; and designees as provided in subdivision (9) of subsection (f) of this section.

(3) That the vendor must quote a statewide uniform price for each unit of the equipment.

(4) That the vendor must separately agree with the purchasing county that if it is granted a contract to provide software for an electronic poll books or ballot duplication system but fails to debug, modify, repair, or update the software as agreed or in the event of the vendor having bankruptcy filed for or against it, the source code described in G.S. 163A-1118(a) shall be turned over to the purchasing county by the escrow agent chosen under G.S. 163A-1118(a)(1) for the purposes of continuing use of the software for the period of the contract

and for permitting access to the persons described in subdivision (2) of this subsection for the purpose of reviewing the source code."

SECTION 3.7.(b). G.S. 163A-1118 is amended by adding a new subsection to read:

"(c) Definitions. – For the purposes of this section, the term "voting system" shall include an electronic poll book or a ballot duplication system."

SECTION 3.8.(a). G.S. 163A-1115 is amended by adding the following new subsections to read:

"(h) Neither certification of electronic poll books, ballot duplication systems, or voting systems under this section shall constitute a license under Chapter 150B of the General Statutes.

(i) The State Board in writing may decertify or otherwise halt the use of electronic poll books in North Carolina. Any such action is appealable only to the Superior Court of Wake County.

(j) No voting system used in any election in this State shall be connected to a network, and any feature allowing connection to a network shall be disabled. Prohibited network connections include the Internet, intranet, fax, telephone line, networks established via modem, or any other wired or wireless connection."

SECTION 3.8.(b). G.S. 150B-2(3) reads as rewritten:

"(3) "License" means any certificate, permit or other evidence, by whatever name called, of a right or privilege to engage in any activity, except licenses issued under Chapter 20 and Subchapter I of Chapter 105 of the General ~~Statutes~~ Statutes, ~~and~~ occupational ~~licenses.~~licenses, and certifications of electronic poll books, ballot duplication systems, or voting systems under G.S. 163A-1115."

SECTION 3.9.(a) G.S. 163A-1388(a) reads as rewritten:

(a) Class 2 Misdemeanors. — Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this subsection to be unlawful, shall be guilty of a Class 2 misdemeanor. It shall be ~~unlawful:~~unlawful to do any of the following:

(1) For any person to fail, as an officer or as a judge or chief judge of a primary or election, or as a member of any board of elections, to prepare the books, ballots, and return blanks which it is ~~his~~ the person's duty under the law to prepare, or to distribute the same as required by law, or to perform any other duty imposed upon ~~him~~ that person within the time and in the manner required by ~~law;~~law.

(2) For any member, director, or employee of a board of elections to alter a voter registration application or other voter registration record without either the written authorization of the applicant or voter or the written authorization of the State ~~Board;~~Board.

(3) For any person to continue or attempt to act as a judge or chief judge of a primary or election, or as a member of any board of elections, after having been legally removed from such position and after having been given notice of such ~~removal;~~removal.

(4) For any person to break up or by force or violence to stay or interfere with the holding of any primary or election, to interfere with the possession of any ballot box, election book, ballot, or return sheet by those entitled to possession of the same under the law, or to interfere in any manner with the performance of any duty imposed by law upon any election officer or member of any board of ~~elections;~~elections.

(5) For any person to be guilty of any boisterous conduct so as to disturb any member of any election board or any chief judge or judge of election in the performance of ~~his~~ that person's duties as imposed by ~~law;~~law.

(6) For any person to bet or wager any money or other thing of value on any ~~election;~~election.

(7) For any person, directly or indirectly, to discharge or threaten to discharge from employment, or otherwise intimidate or oppose any legally qualified voter on account of any vote such voter may cast or consider or intend to cast, or not to cast, or which ~~he~~ that voter may have failed to ~~cast;~~cast.

(8) For any person to publish in a newspaper or pamphlet or otherwise, any charge derogatory to any candidate or calculated to affect the candidate's chances of nomination or election, unless such publication be signed by the party giving publicity to and being responsible for such ~~charge;~~charge.

(9) For any person to publish or cause to be circulated derogatory reports with reference to any candidate in any primary or election, knowing such report to be false or in reckless disregard of its truth or falsity, when such report is calculated or intended to affect the chances of such candidate for nomination or ~~election;~~election.

(10) For any person to give or promise, in return for political support or influence, any political appointment or support for political ~~office;~~office.

(11) For any ~~chairman~~ chair of a county board of elections or other returning officer to fail or neglect, willfully or of malice, to perform any duty, act, matter or thing required or directed in the time, manner and form in which said duty, matter or thing is required to be performed in relation to any primary, general or special election and the returns ~~thereof;~~thereof.

(12) For any clerk of the superior court to refuse to make and give to any person applying in writing for the same a duly certified copy of the returns of any primary or election or of a tabulated statement to a primary or election, the returns of which are by law deposited in his office, upon the tender of the fees ~~therefor;~~therefor.

(13) For any person willfully and knowingly to impose upon any blind or illiterate voter a ballot in any primary or election contrary to the wish or desire of such voter, by falsely representing to such voter that the ballot proposed to ~~him~~ the voter is such as ~~he desires; or~~the voter desires.

(14) Except as authorized by G.S. 163A-878, for any person to provide false information, or sign the name of any other person, to a written report under ~~G.S. 163A-878; [or]~~G.S. 163A-878.

(15) For any person to be compensated based on the number of forms submitted for assisting persons in registering to vote.

(16) For any person who is not an elections official or who is not otherwise authorized by law to duplicate any form described in G.S. 163A-862 or to otherwise record from that form a registrant's signature, full or partial social security number, date of birth, the identity of the public agency at which the registrant registered under G.S. 163A-884, any electronic mail address submitted under Part 2 of Article 17 of this Chapter, or drivers license number."

SECTION 3.9.(b). This section is effective December 1, 2018, and applies to offenses committed on or after that date.

SECTION 3.10. G.S. 163A-1412(a) reads as rewritten:

"(a) Each ~~candidate,~~ candidate who has received funds or made payments or given consent for anyone else to receive funds or transfer anything of value for the purpose of bringing about that individual's nomination or election for office, political committee, and referendum committee shall appoint a treasurer and, under verification, report the name and address of the treasurer to the Board. Only an individual who resides in North Carolina shall be appointed as a

treasurer. A candidate may appoint himself or herself or any other individual, including any relative except his or her spouse, as ~~his~~ the candidate's treasurer, and, upon failure to file report designating a treasurer, the candidate shall be concluded to have appointed himself or herself as treasurer and shall be required to personally fulfill the duties and responsibilities imposed upon the appointed treasurer and subject to the penalties and sanctions hereinafter provided."

SECTION 3.11.(a) S.L. 2013-281, Sec. 30.8, as amended by S.L. 2015-103, Sec. 6.(a), reads as rewritten:

"**SECTION 30.8.** Any direct record electronic (DRE) voting systems currently certified by the State Board of Elections and Ethics Enforcement which do not use paper ballots shall be decertified and shall not be used in any election held on or after ~~September 1, 2019, for counties that use direct record electronic voting machines on election day as of January 1, 2015, and January 1, 2018, for all other counties.~~December 1, 2019. Decertification of a DRE voting system that does not use paper ballots may not be appealed to the Superior Court of Wake County pursuant to ~~G.S. 163-165.7(b).~~G.S. 163A-1115(d)."

SECTION 3.11.(b) S.L. 2013-281, Sec. 30.9, as amended by S.L. 2015-103, Sec. 6.(b), reads as rewritten:

"**SECTION 30.9.** This Part becomes effective ~~September 1, 2019,~~December 1, 2019, for counties that use direct record electronic voting ~~machines on election day as of January 1, 2015. This Part becomes effective for all other counties January 1, 2018.~~machines."

PART IV. DUAL OFFICE HOLDING CHANGES

SECTION 4.(a) G.S. 160A-284 reads as rewritten:

"**§ 160A-284. Oath of office; holding other offices.**

(a) Each person appointed or employed as chief of police, policeman, or auxiliary policeman shall take and subscribe before some person authorized by law to administer oaths the oath of office required by Article VI, Sec. 7, of the Constitution. The oath shall be filed with the city clerk.

(b) The offices of ~~policeman,~~policeman and chief of ~~police, and auxiliary policeman~~ police are hereby declared to be offices that may be held concurrently with any other appointive office pursuant to Article VI, Sec. 9, of the Constitution. The offices of policeman and chief of police are hereby declared to be offices that may be held concurrently with any elective office, other than elective office in the municipality employing the policeman or chief of police, pursuant to Article VI, Sec. 9, of the Constitution.

(c) The office of auxiliary policeman is hereby declared to be an office that may be held concurrently with any elective office or appointive office pursuant to Article VI, Sec. 9, of the Constitution."

SECTION 4.(b) This section is effective when it becomes law. Any policeman or chief of police having taken an oath of office to any elective office in this State prior to the effective date is not deemed to have resigned his or her position as a law enforcement officer due to the elective office.

PART V. TECHNICAL CHANGES TO G.S. 163A-2.

SECTION 5. G.S. 163A-2 is rewritten to read:

"**§ 163A-2. Membership.**

(a) The State Board shall consist of nine individuals registered to vote in North Carolina, appointed by the Governor, as follows:

(1) Four individuals registered with the political party with the highest number of registered affiliates in the State, from a list of six nominees submitted by the State party chairs of that party.

(2) Four individuals registered with the political party with the second highest number of registered affiliates in the State, from a list of six nominees submitted by the State party chairs of that party.

(3) One individual not registered with either the political party with the largest number of registered affiliates in the State or of the political party with the second-largest number of registered affiliates in the State, from a list of two nominees selected by the other eight members of the State Board.

The number of registered affiliates shall be as reflected by the latest registration statistics published by the State Board. The Governor shall make all appointments promptly upon receipt of the list of nominees from each nominating entity and in no instance shall appoint later than 30 days after receipt of the list.

(b) Within 14 days of appointment by the Governor of the eight members appointed under subdivisions (1) and (2) of subsection (a) of this section, the eight members shall hold an initial appointment selection meeting for the sole purpose of selecting two nominees who meet the qualifications for appointment under subdivision (3) of subsection (a) of this section and shall promptly submit those names to the Governor. No additional actions, other than the oath of office, shall be taken by the eight members appointed under subdivisions (1) and (2) of subsection (a) of this section at the appointment selection meeting.

(c) Beginning on May 1 of the odd-numbered year, members shall serve for two-year terms.

(d) Members may be removed from the State Board by the Governor, acting in the Governor's discretion. Vacancies created on the State Board by removal from office by the Governor shall be filled in accordance with subsection (e) of this section.

(e) Any vacancy occurring on the State Board shall be filled by an individual meeting the same appointment criteria under subsection (a) of this section as the vacating member. Any vacancy occurring in the State Board shall be filled by the Governor, and the person so appointed shall fill the unexpired term. The Governor shall fill vacancies as follows:

(1) For a vacancy for an appointment under subdivision (1) or (2) of subsection (a) of this section, the Governor shall fill the vacancy from a list of two names submitted by the State party chair of the political party with which the vacating member was affiliated if that list is submitted within 30 days of the occurrence of the vacancy.

(2) For a vacancy for an appointment under subdivision (3) of subsection (a) of this section, the Governor shall fill the vacancy from a list of two names submitted by the remaining members of the State Board if that list is submitted within 30 days of the occurrence of the vacancy. The State Board shall hold a meeting within 21 days of the occurrence of the vacancy for the purpose of selecting two nominees for submission to the Governor to fill the vacancy.

(f) At the first meeting held after any 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 Bipartisan State Board of Elections and Ethics Enforcement according to the best of my knowledge and ability, according to law, so help me God."

(g) At the first meeting held after the appointment of the member under subdivision (3) of subsection (a) of this section, the State Board shall organize by electing one of its members chair and one of its members vice-chair, each to serve a two-year term as such. In 2017 and every four years thereafter, the chair shall be a member of the political party with the highest number

of registered affiliates, as reflected by the latest registration statistics published by the State Board, and the vice-chair a member of the political party with the second highest number of registered affiliates. In 2019 and every four years thereafter, the chair shall be a member of the political party with the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board, and the vice-chair a member of the political party with the highest number of registered affiliates.

(h) At the first meeting held after the appointment under subdivision (3) of subsection (a) of this section, the State Board shall elect one of its members as secretary, to serve a two-year term as such.

(i) No person shall be eligible to serve as a member of the State Board who meets any of the following criteria:

(1) Holds any elective or appointive office under the government of the United States, the State of North Carolina, or any political subdivision thereof.
(2) Holds any office in a political party or organization.
(3) Is a candidate for nomination or election to any office.
(4) Is a campaign manager or treasurer of any candidate in a primary or election.
(5) Has served two full consecutive terms.

(j) No person while serving on the State Board shall do any of the following:

(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 8 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.

(k) State Board members shall receive per diem, subsistence, and travel, as provided in G.S. 138-5 and G.S. 138-6."

PART VI. SEVERABILITY CLAUSE

SECTION 6. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

PART VII. EFFECTIVE DATE

SECTION 7. Except as otherwise provided herein, this act is effective when it becomes law and applies to elections held on or after that date.

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Elections and Ethics Law

DATE: 05/30/2018 Room: 643

House Sgt-At Arms:

1. Name: Terry McCraw
2. Name: David Linthicum
3. Name: Joe Crook
4. Name: Jim Moran
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Tuesday, May 29, 2018
Session: 12:30 PM

Committee	Room	Time	Staff	Comments	Member
Ethics	643	9:00 PM	Alyson Thompson		Rep. Edward Hanes, Jr.
			Bailey Sloop		Rep. Garland E. Pierce
			Bailey Thomas		Rep. Scott Stone
			Quinn Rollar		Speaker Tim Moore

Morning

VISITOR REGISTRATION SHEET

House Committee Elections and Ethics Law — May 30, 2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JERRY COHEN	Self 8909 TRUMGUIN CT RAL NC 27613
Molly Masich	OAH
GREG FLYNN	SELF
Tomas Lopez	Democracy North Carolina 1821 Green St Durham NC 27705
Isela Gutierrez	"
[illegible]	"
Maggie Pollard	NCAJ
Wendy Callahan	DPS
Beth Hanrahan	DPS
David Hess	NC Newspaper

Morning

VISITOR REGISTRATION SHEET

House Committee Elections and Ethics Law — May 30, 2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kim Strach	NC State Board of Elections/Ethics
JOSH LAWSON	" "
[illegible]	SOS
Susanna Ronderos	ACLU-NC
Flint Benson	SEA NC
Cameron [illegible]	MVA
LYNDA LOVELAND	NC FARM BUREAU
Paul Sherman	NCFB
Rick Zechini	Williams Mullen
Amber Harris	NCACC
Bradford Sneeden	NCDOJ

Morning

VISITOR REGISTRATION SHEET

House Committee Elections and Ethics Law — May 30, 2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Leo John	Secretary of State
[illegible]	MWC

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Wednesday, May 30, 2018
TIME: **4:00 PM**
LOCATION: **544 LOB**
COMMENTS: **The committee will continue considering the PCS.**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 486	Uniform Voting Hours Act.	Senator Brock Senator Daniel Senator Tillman

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:53 AM on Wednesday, May 30, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

House Committee on Elections and Ethics Law
Wednesday, May 30, 2018, 4:00 PM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 486	The Elections Security and Transparency Act.	Senator Brock Senator Daniel Senator Tillman

Presentations

Other Business

Adjournment

House Committee on Elections and Ethics Law
Wednesday, May 30, 2018 at 4:00 PM
Room 544 of the Legislative Office Building

MINUTES

The House Committee on Elections and Ethics Law met at 4:15 PM on May 30, 2018 in Room 544 of the Legislative Office Building. Representatives Adams, Boswell, Burr, Conrad, Davis, Dixon, Faircloth, Fisher, Floyd, Ford, G. Graham, Destin Hall, Hardister, Harrison, Hunter, Iler, Jackson, Bert Jones, Lewis, Michaux, B. Richardson, Riddell, Speciale, Warren, Watford, and Willingham attended.

Representative Bert Jones, Chair, presided.

The following bill was continued from the morning meeting.

SB 486 The Elections Security and Transparency Act. (Senators Brock, Daniel, Tillman)

Chairman Jones recognized Representative Lewis for amendment S486-ABK-74 v.2 (Attachment 1). Representative Lewis motion for the adoption of the amendment. The amendment was adopted.

Representative Warren was recognized to send forth an amendment S486-AST-115 v.3 (Attachment 2). Representative Warren moved for the adoption of the amendment and the amendment was adopted.

Representative Speciale was recognized to send forth an amendment S486-AST-110 v.3 (Attachment 3). Representative Speciale moved for the adoption of the amendment. The amendment failed.

Chairman Jones recognized Representative Speciale for amendment S486-ABK-75 v.1 (Attachment 4). Representative Speciale moved for the adoption of the amendment and the amendment was adopted.

Representative Michaux was recognized to send forth his amendment S486-AST-116 v.1 (Attachment 5). Representative Michaux moved for the adoption and the amendment was adopted.

Chairman Jones recognized Representative Jackson was recognized to send forth an amendment S486-ABK-69 v.5 (Attachment 6). Representative Jacksons moved for the adoption. The amendment failed.

Representative Jackson was recognized to send forth an amendment S486-ABK-70 v.3 (Attachment 7). Representative Jackson moved for the adoption of the amendment. The amendment failed.

Chairman Jones recognized Representative Jackson to send forth an amendment S486-ABK-71 v.3 (Attachment 8). Representative Jackson moved for the adoption of the amendment. The amendment failed.

Representative Jackson was recognized to send forth an amendment S486-AST-114 v.1 (Attachment 9). Representative Jackson moved for the adoption of the amendment. The amendment failed.

After discussion from the committee Representative Lewis motion for a favorable report to the PCS as amended and rolled into a new PCS, unfavorable to the original bill. The motion passes.

The meeting adjourned at 4:37.

Bert Jones

Representative Bert Jones, Chair
Presiding

Theresa Lopez, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

ELECTIONS AND ETHICS LAW COMMITTEE REPORT
Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB **486** Uniform Voting Hours Act.

Draft Number:	S486-PCS15296-TCf-55
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Lewis

TOTAL REPORTED: 1

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 486

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

S486-ABK-74 [v.2]

Amends Title [NO]
S486-CSTCf-55 v.4

Date _____ ,2018

Representative Lewis

moves to amend the bill on page 4, lines 8-11, by rewriting the lines to read:

"(g) Neither appointment as a precinct official or assistant under Part 4 of Article 16 of this Chapter nor employment at a one-stop early voting location shall require a criminal history record check unless the official, assistant, or employee performs a function designated by the State Board pursuant to subsection (f) of this section."";

and on page 5, lines 31-34, by rewriting the lines to read:

"(f) Neither appointment as a precinct official or assistant under Part 4 of Article 16 of this Chapter nor employment at a one-stop early voting location shall require a criminal history record check unless the official, assistant, or employee performs a function designated by the State Board pursuant to G.S. 163A-7(f)."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 1

S486-ABK-74-V-2

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 486

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

S486-AST-115 [v.3]

Amends Title [NO]
S486-CSTCf-55v4

Date _____ ,2018

Representative Warren

moves to amend the bill on page 2, lines 35-36, by rewriting those lines to read:
"(a) As used in this section, the term "Current or prospective employee" means any of the following:";

and on page 2, line 44 through page 3, line 18, by deleting those lines;

and page 3, lines 26-43, by rewriting those lines to read:
"(c) If the current or prospective employee's verified criminal history record check reveals one or more convictions, the conviction shall constitute just cause for not selecting the person for employment, or for dismissing the person from current employment. The conviction shall not automatically prohibit employment.";

and on page 4, lines 16-17, by rewriting those lines to read:
"(a) As used in this section, the term "Current or prospective employee" means any of the following:";

and on page 4, lines 22-47, by deleting those lines;

and page 5, lines 4-23, by rewriting those lines to read:
"(c) If the current or prospective employee's verified criminal history record check reveals one or more convictions, the conviction shall constitute just cause for not selecting the person for employment, or for dismissing the person from current employment. The conviction shall not automatically prohibit employment.";

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 2

2

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 486

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

S486-AST-110 [v.2]

Amends Title [NO]
S486-CSTCf-55 v.4

Date _____ ,2018

Representative Speciale

moves to amend the bill on page 7, line 35, by deleting "**SECTION 3.4.**" and substituting "**SECTION 3.4.(a)**";

and on page 8, lines 4-5, by inserting the following between those lines:
"**SECTION 3.4.(b)** This section becomes effective January 1, 2019, and applies to elections held on or after that date.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ _____ TABLED _____

S486-AST-110-V-2

Attachment 3

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 486

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

S486-ABK-75 [v.1]

Amends Title [NO]
S486-CSTCf-55 v. 4

Date _____,2018

Representative Speciale

1 moves to amend the bill on page 8, lines 5-9, by deleting the lines.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 4

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 486

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

S486-AST-116 [v.1]

Amends Title [NO]
S486-CSTC55f-55v.4

Date _____ ,2018

Representative Michaux

moves to amend the bill on page 10, lines 37-43, by rewriting those lines to read:

"(16) For any person who is not an elections official or who is not otherwise authorized by law to retain a registrant's signature, full or partial social security number, date of birth, or the identity of the public agency at which the registrant registered under G.S. 163A-884, any electronic mail address submitted under Part 2 of Article 17 of this Chapter, or drivers license number from any form described in G.S. 163-862 after submission of the form to the county board of elections or elections official.""

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 5

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 486

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

S486-ABK-69 [v.5]

Amends Title [NO]
S486-CSTCf-55 v.4

Date _____ ,2018

Representative Jackson

moves to amend the bill on page 6, lines 27-32, by rewriting the lines to read:

"Ethics Enforcement shall, notwithstanding G.S. 163A-1114(b)(2) and G.S. 163A-1114(b)(3), list the offices for Justices of the Supreme Court and Judges of the Court of Appeals, in that order, at the end of all partisan statewide offices listed on the general election ballot, and list the offices for judges of the superior and district courts, in that order, at the end of all partisan offices listed on the general election ballot.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ TABLED _____

Attachment 6

S486-ABK-69-V-5

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 486

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

S486-ABK-70 [v.3]

Amends Title [NO]
S486-CSTCf-55 v.4

Date _____,2018

Representative Jackson

moves to amend the bill on page 6, lines 33-38, by rewriting those lines to read:

"**SECTION 2.(c)** Notwithstanding G.S. 163A-1112, the State Board of Elections and Ethics Enforcement shall comply with the following:

(1) Immediately prior to the placement of any of the judicial offices listed in subsection (b) of this section on the ballot, the following information shall be printed:
"No primaries for judicial office were held in 2018. The information listed by each of the following candidates' names indicates only the candidates' party affiliation or unaffiliated status on their voter registration at the time they filed to run for office."

(2) Immediately after the name of any individual candidate endorsed by the State Executive Committee of any political party in this State, the following information shall be printed:
"As endorsed by the [insert appropriate political party name].";

and on page 6, line 43, by inserting the following at the end of that line:

"On or before August 1, 2018, each State Executive Committee of any political party in this State shall submit to the State Board any endorsements of individual candidates for printing on the general election ballot.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ TABLED

Attachment 7

S486-ABK-70-V-3

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 486

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

S486-ABK-71 [v.3]

Amends Title [NO]
S486-CSTCf-55 v.4

Date _____ ,2018

Representative Jackson

moves to amend the bill on page 11, lines 19-20, by inserting the following between those lines:

"**SECTION 3.13.** G.S. 163A-1389 reads as rewritten:

"**§ 163A-1389. Certain acts declared felonies.**

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

...

(5) For any person convicted of a crime which excludes the person from the right of suffrage, to vote with intent to commit a fraud at any primary or election without having been restored to the right of citizenship in due course and by the method provided by law.

...."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ TABLED _____

S486-ABK-71-V-3

Attachment 8

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 486

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

S486-AST-114 [v.1]

Amends Title [NO]
S486-CSTCf-55

Date _____ ,2018

Representative Jackson

1 moves to amend the bill on page 6, lines 10-25, by deleting those lines.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED X TABLED _____

S486-AST-114-V-1

Attachment 9

SENATE BILL 486:
The Elections Security and Transparency Act.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	May 30, 2018
Introduced by:	Sens. Brock, Daniel, Tillman	**Prepared by:**	Kara McCraw, Erika Churchill, and Jessica Sammons Staff Attorneys
Analysis of:	PCS to First Edition S486-CSTCf-55		

***OVERVIEW:** SB 486 would require that in any election, the extension of voting hours at one voting place would apply to all voting places open for that same election.*

The PCS for SB 486 would replace the contents of the original bill with other changes to elections laws, including:

- ***Authorizing criminal record checks for certain employees and contractors of the State Board of Elections and Ethics Enforcement (State Board) and certain employees of county boards of elections.***
- ***Requiring additional information for voters related to judicial elections be included on the 2018 general election ballot.***
- ***Authorizing the State Board to seek judicial review of temporary restraining orders and preliminary injunctions issued by the Office of Administrative Hearings.***
- ***Requiring county boards of elections to provide any requested information in the board's possession to the State Board.***
- ***Authorizing the chair and vice-chair of the State Board to designate a staff member to act when the Executive Director has a conflict related to hiring or dismissal of a county director of elections.***
- ***Prohibiting a new party from selecting a candidate on a primary ballot in that year as their candidate for the general election ballot at the party convention.***
- ***Clarifying the definition of voting system.***
- ***Clarifying the ballot order for judicial offices.***
- ***Authorizing the State Board to establish a limit for bonds or letters of credit for defects in voting systems.***
- ***Requires electronic poll books and ballot duplication systems to be either certified by or developed and maintained by the State Board, and requires vendors to meet certain statutory elements for certification by the State Board.***
- ***Clarifying that certification of electronic poll books and voting systems by the State Board does not constitute a license under the Administrative Procedures Act.***
- ***Authorizing the State Board to decertify and halt the use of electronic poll books.***
- ***Forbidding the connection of any voting system used in an election to a network.***
- ***Creating a Class 2 misdemeanor for any person to duplicate a voter registration form or record certain information from that form except for election officials and others authorized by law.***
- ***Clarifying when a candidate must appoint a treasurer.***
- ***Delaying the decertification of direct record electronic voting systems until December 1, 2019.***

Karen Cochrane-Brown
Director

Legislative Analysis Division
919-733-2578

- ***Authorizing a policeman, chief of police, or auxiliary policeman as offices that may be held concurrently with other elective offices.***
- ***Reenacting all of the previously enjoined G.S. 163A-2, to provide effective language on the terms of office, eligibility requirements, prohibitions during service, and per diem, subsistence and travel expenses for the State Board.***

CURRENT LAW AND BILL ANALYSIS:

Part I: Criminal Record Checks for State Board of Elections and Ethics Enforcement (State Board)

Current Law: The State Board and county boards of elections (county boards) do not have authority to conduct fingerprint criminal background checks through the Department of Public Safety.

Bill Analysis: Requires the State Board to conduct fingerprint criminal history record checks on all current and prospective employees of the State Board and county directors of elections, employees of contractors, and anyone else engaged by the State Board with the capability to update, modify, or change elections systems, confidential elections, or ethics data. Requires county boards to conduct fingerprint criminal history record checks on all current and prospective employees of the county boards with access to the statewide computerized voter registration system and any additional positions or functions designated by the State Board. A fee may be charged for the checks. Information from the criminal history record checks may be just cause for not selecting a person for employment or for terminating employment. The sections do not authorize criminal history record checks for precinct officials or assistant that will have access to statewide computerized voter registration system information that is not connected to a network.

For county directors of elections, the Executive Director of the State Board (ED) may determine, based on the criminal history records check, that a letter of appointment for that county director should not be issued. This decision may be deferred by the State Board with 10 days of the ED's decision, and the State Board may make a final decision and direct issuance of the letter of appointment. If an ED is recused due a conflict in the county director appointment process, the chair and vice-chair of the State Board must designate a staff member to fulfill the duties.

Effective Date: This section would become effective August 1, 2018.

Part II: Judicial Elections Ballot Information

Current Law: S.L. 2017-214 eliminated party primaries for candidates for Justice of the Supreme Court, and Judges of the Court of Appeals, superior courts, and districts courts seeking office in the general election held on November 6, 2018.

Bill Analysis: Section 2 would make findings that additional time was needed to consider changes to judicial redistricting, resulting in changes to the 2018 process for election of judges. Further, the General Assembly would find that additional ballot language is needed for the 2018 general election to clarify that the self-identification with a party by a candidate for judicial office is not an endorsement of that party.

Section 2 would require that the four judicial offices be grouped together at the end of the partisan races on the 2018 general election ballot, and that immediately prior to those races, language be added to the ballot explaining that no primary was held for those offices, and that the party affiliation or unaffiliated status next to each candidate's name only reflects the candidate's affiliation at the time of filing.

This section would become effective when it becomes law, and would apply to the 2018 general election.

Part III: Other Election Changes

Section 3.1.

Current Law: The Administrative Procedures Act provides for judicial review of final agency decisions, but does not provide for judicial review of interlocutory orders, including temporary restraining orders and preliminary injunctions, entered before the final agency decision.

Bill Analysis: Would authorize the State Board to obtain judicial review of a temporary restraining order or preliminary injunction in the superior court of the county where the person aggrieved by the administration resides or, if the person resides outside the State, in the county where the contested case was filed.

Section 3.2

Current Law: The State Board is authorized to investigate the administration of election laws, frauds and irregularities in all elections and report violations to the appropriate judicial officer for further investigation and prosecution. County personnel records are confidential, except for certain information authorized as public record by statute.

Bill Analysis: Would require county boards of elections to give to the State Board, upon request, any requested information, including internal investigations and personnel documentation. Disclosure of county employee personnel records otherwise held confidential would be authorized when requested by the State Board. The county board would also be required to make available any county board employee for interview and to produce any equipment, hardware, or software for inspection pursuant to the State Board's investigation of an election.

Section 3.3

Current Law: The Executive Director of the State Board (ED), following a petition from the county board of elections, is responsible for rendering a decision on the termination or retention of a county director of elections, subject to deferral by the State Board.

Bill Analysis: If an ED is recused due a conflict in the termination process for the county director of elections, the chair and vice-chair of the State Board must designate a staff member to fulfill the ED's duties.

Section 3.4

Current Law: Individuals whose names have previously appeared on the ballot in a primary election preliminary to the general election are not permitted to be listed as an unaffiliated candidate or to submit a petition for recognition as a write-in candidate.

Bill Analysis: Would prohibit new parties who select candidates by party convention for the general election from selecting as a candidates an individual whose name had appeared on the ballot in the primary election preliminary to the general election.

Section 3.5

Current Law: The term "voting system" is defined to include systems of paper ballots counted by hand and systems utilizing mechanical and electronic voting equipment.

Bill Analysis: Clarifies that the term voting system does not include any system developed or maintained by the State Board.

Section 3.6

Current Law: Ballot order of offices requires that offices in the same class be listed in alphabetical order by office name, or numerical or alphabetical order by district name, and specifies certain offices to be listed first, such as Governor and Lt. Governor before other Council of State races.

Bill Analysis: Would require that the Supreme Court be listed before the Court of Appeals, and that judicial offices and district attorney be listed, in that order, after other offices in the same class.

Section 3.6A

Current Law: A requirement for certification of voting systems is that a vendor must post a bond or letter of credit to cover damages resulting from a defect in the voting system.

Bill Analysis: Would require the bond or letter of credit be maintained in the amount determined by the State Board as sufficient for the cost of a new statewide election.

Section 3.7

Current Law: Only electronic poll books certified by the State Board are permitted for use in elections in the State.

Bill Analysis: Would require electronic poll books or ballot duplication systems be either certified by or developed or maintained by the State Board to be used in elections. Would require the State Board to include certain statutory elements in certification requirements for vendors, including a bonding requirement, access to certain information in escrow, uniform statewide pricing, and separate agreements with purchasing counties to turn over source code under certain conditions.

Section 3.8

Current Law: For purposes of the Administrative Procedures Act, a license is defined as any certificate, permit or other evidence, by whatever name called, of a right or privilege to engage in any activity.

Bill Analysis: Would clarify that certification of poll books or voting systems by the State Board does not constitute a license for purposes of the Administrative Procedures Act. Would authorize the State Board to decertify or halt use of electronic poll books in North Carolina. Would prohibit connection of voting systems in elections to networks, including the Internet, fax, telephone line, modem, or other wired or wireless connections.

Section 3.9

Bill Analysis: Would create a Class 2 misdemeanor for duplication of voter registration forms or recording or certain information on those forms, including voter's signature, social security numbers, birth dates, public agency where registration was conducted, email address, or drivers license number by anyone who is not an election official or not otherwise authorized by law. This section would become effective December 1, 2018.

Section 3.10

Current Law: G.S. 163A-1412(a) requires candidates, political committees, and referendum committees to appoint a treasurer.

Bill Analysis: Would clarify that a candidate must appoint a treasurer if that candidate has received funds, made payments, or consented to anyone else receiving funds or transferring anything of value for the purpose of bringing about that individual's nomination or election for office.

Section 3.11

Current Law: Direct record electronic voting systems (DREs) that do not use paper ballots must be decertified and cannot be used in elections after September 1, 2019 for counties that used DREs on Election Day as of January 1, 2015, and January 1, 2018, for all other counties.

Bill Analysis: Would change the date after which DREs cannot be used in elections in all counties to December 1, 2019.

Part 4:

Current Law: An individual may not hold more than one elected and one appointed office at a time.

Bill Analysis: Would allow the office of policeman, chief of police, or auxiliary policeman to also be held concurrently with any other elective office.

Effective Date: This section would become effective when it becomes law, and any policeman or chief of police taking the oath of office to any elective office prior to the effective date of the section would be deemed to have not resigned the position as a law enforcement officer due to the elective office.

Part 5:

Current Law: G.S. 163A-2 was enjoined as part of the legal challenge to S.L. 2017-6 (Cooper v. Berger, 370 N.C. 392 (2018)). That statute specifies the membership of the State Board of Elections and Ethics Enforcement. The General Assembly modified portions of that statute related to the composition and appointing authority, vacancies, removal, and initial meetings in S.L. 2018-2. These changes are current law but have not yet been engrossed in the General Statutes in the printed volumes or online.

Bill Analysis: Would make minor technical changes to the following subsections previously enjoined to provide current effective law on those topics:

- Subsection (c) – Previously the statute read:
  "Members shall serve for two year terms, beginning May 1 of the odd numbered year."
  The statute would now read:
  "Beginning on May 1 of the odd-numbered year, members shall serve for two year terms."
- Subsection (i) – Previously, the introductory language of the subsection read:
  "No person shall be eligible to serve as a member of the State Board who:"
  The statute would now read:
  "No person shall be eligible to serve as a member of the State Board who meets any of the following criteria:"
- Subsection (j) – Previously, the introductory language of the subsection read:
  "No person while serving on the State Board shall:"
  The statute would now read:
  "No person while serving on the State Board shall do any of the following:"
- Subsection (k) – Previously the statute read:
  "Members of the State Board shall"
  The statute would now read:
  "State Board members shall"

Part 6: Severability Cause. Would make all sections and provisions of the act severable if any portion of the act is declared unconstitutional or invalid by the courts.

EFFECTIVE DATE: Except as otherwise provided, the PCS for SB 468 would become effective when it becomes law and would apply to elections held on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S D

SENATE BILL 486
PROPOSED HOUSE COMMITTEE SUBSTITUTE S486-CSTCf-55 [v.4]
05/29/2018 03:27:47 PM

Short Title: The Elections Security and Transparency Act. (Public)

Sponsors:

Referred to:

March 30, 2017

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES RELATED TO ELECTION LAWS.
The General Assembly of North Carolina enacts:

PART I. CRIMINAL RECORD CHECKS FOR STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT

SECTION 1.(a) Subpart D of Part 4 of Article 13 of Chapter 143B is amended by adding a new section to read:

"**§ 143B-968. Criminal record checks for employees and contractors of the State Board of Elections and Ethics Enforcement and county directors of elections.**

(a) As used in this section, the term:

(1) "Current or prospective employee" means any of the following:

a. A current or prospective permanent or temporary employee of the State Board or a current or prospective county director of elections.

b. A current or prospective contractor with the State Board.

c. An employee or agent of a current or prospective contractor with the State Board.

d. Any other individual otherwise engaged by the State Board who has or will have the capability to update, modify, or change elections systems or confidential elections or ethics data.

(2) "State Board" means the State Board of Elections and Ethics Enforcement.

(b) The Department of Public Safety may provide to the Executive Director of the State Board a current or prospective employee's criminal history from the State and National Repositories of Criminal Histories. The Executive Director shall provide to the Department of Public Safety, along with the request, the fingerprints of the current or prospective employee, a form signed by the current or prospective employee consenting to the criminal record check and use of fingerprints and other identifying information required by the State and National Repositories, and any additional information required by the Department of Public Safety. The fingerprints of the current or prospective employee shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

(c) The Department of Public Safety may charge a fee to offset the cost incurred by it to conduct a criminal record check under this section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information.

(d) The criminal history report shall be provided to the Executive Director of the State Board, who shall keep all information obtained pursuant to this section confidential to the State Board. A criminal history report obtained as provided in this section is not a public record under Chapter 132 of the General Statutes."

SECTION 1.(b) Subpart D of Part 4 of Article 13 of Chapter 143B is amended by adding a new section to read:

"**§ 143B-969. Criminal record checks for employees of county boards of elections.**

(a) As used in this section, the term:

(1) "Current or prospective employee" means a current or prospective permanent or temporary employee of a county board of elections.

(2) "State Board" means the State Board of Elections and Ethics Enforcement.

(b) The Department of Public Safety may provide to a county board of elections a current or prospective employee's criminal history from the State and National Repositories of Criminal Histories. The county board of elections shall provide to the Department of Public Safety, along with the request, the fingerprints of the current or prospective employee, a form signed by the current or prospective employee consenting to the criminal record check and use of fingerprints and other identifying information required by the State and National Repositories, and any additional information required by the Department of Public Safety. The fingerprints of the current or prospective employee shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

(c) The Department of Public Safety may charge a fee to offset the cost incurred by it to conduct a criminal record check under this section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information.

(d) The criminal history report shall be provided to the county board of elections, who shall keep all information obtained pursuant to this section confidential to the county board of elections, the county director of elections, the State Board, and the Executive Director of the State Board. A criminal history report obtained as provided in this section is not a public record under Chapter 132 of the General Statutes."

SECTION 1.(c) Article 1 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-7. Criminal history record checks of current and prospective employees of the State Board and county directors of elections.**

(a) As used in this section, the term:

(1) "Current or prospective employee" means any of the following:

a. A current or prospective permanent or temporary employee of the State Board or a current or prospective county director of elections.

b. An employee or agent of a current or prospective contractor with the State Board.

c. Any other individual otherwise engaged by the State Board who has or will have the capability to update, modify, or change elections systems or confidential elections or ethics data.

(2) "Criminal history" means a State or federal history of conviction of a crime, whether a misdemeanor or felony, that bears upon a current or prospective employee's fitness for employment by the State Board. The crimes include, but are not limited to, criminal offenses as set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and Legislative, and Court Officers; Article 6, Homicide; Article 7B, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and

Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots, Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302, or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5.

(b) A criminal history record check shall be required of all current or prospective permanent or temporary employees of the State Board and all current or prospective county directors of elections, which shall be conducted by the Department of Public Safety as provided in G.S. 143B-968. The criminal history report shall be provided to the Executive Director, who shall keep all information obtained pursuant to this section confidential to the State Board, as provided in G.S. 143B-968(d). A criminal history report provided under this subsection is not a public record under Chapter 132 of the General Statutes.

(c) If the current or prospective employee's verified criminal history record check reveals one or more convictions listed in subdivision (2) of subsection (a) of this section, the conviction shall constitute just cause for not selecting the person for employment, or for dismissing the person from current employment. The conviction shall not automatically prohibit employment; however, the following factors shall be considered, if readily ascertainable, in determining whether employment shall be denied or the employee shall be dismissed:

(1) The level and seriousness of the crime.
(2) The date of the crime.
(3) The age of the current or prospective employee at the time of the conviction.
(4) The circumstances surrounding the commission of the crime, if known.
(5) The nexus between the criminal conduct of the current or prospective employee and job duties of the employee.
(6) The prison, jail, probation, parole, rehabilitation, and employment records of the current or prospective employee since the date the crime was committed.
(7) The current or prospective employee's candor in disclosing the circumstances surrounding the conviction.
(8) The subsequent commission by the current or prospective employee of a crime listed in subdivision (2) of subsection (a) of this section.

(d) A prospective employee may be denied employment or a current employee may be dismissed from employment for refusal to consent to a criminal history record check or to submit fingerprints or to provide other identifying information required by the State or National Repositories of Criminal Histories. Any such refusal shall constitute just cause for the employment denial or the dismissal from employment.

(e) A conditional offer of employment or appointment may be extended pending the results of a criminal history record check authorized by this section.

(f) A county board of elections shall require a criminal history record check of all current or prospective employees of the county board of elections, as defined in G.S. 163A-778(a)(1), who have or will have access to the statewide computerized voter registration system maintained under G.S. 163A-874 and for any additional position or function as the State Board may designate. The county director of elections shall provide the criminal history record of all current or prospective employees of the county board of elections required by this subsection or in designated positions to the Executive Director and State Board.

(g) Nothing in this section shall authorize the requirement of criminal history record checks of any current or prospective precinct official or assistant appointed under Part 4 of Article 16 of this Chapter that has or will have access to statewide computerized voter registration system information that is not connected to a network."

SECTION 1.(d) Part 2 of Article 16 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-778. Criminal history record checks of current and prospective employees of county boards of elections.**

(a) As used in this section, the term:

(1) "Current or prospective employee" means a current or prospective permanent or temporary employee of a county board of elections who has or will have access to the statewide computerized voter registration system maintained under G.S. 163A-874 or has a position or function designated by the State Board as provided in G.S. 163A-7(f).

(2) "Criminal history" means a State or federal history of conviction of a crime, whether a misdemeanor or felony, that bears upon a current or prospective employee's fitness for employment by a county board of elections. The crimes include, but are not limited to, criminal offenses as set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and Legislative, and Court Officers; Article 6, Homicide; Article 7B, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots, Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302, or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5.

(b) The county board of elections shall require a criminal history record check of all current or prospective employees, which shall be conducted by the Department of Public Safety as provided in G.S. 143B-969. The criminal history report shall be provided to the county board of elections. A county board of elections shall provide the criminal history record of all

current or prospective employees required by G.S. 163A-7 to the Executive Director and the State Board. The criminal history report shall be kept confidential as provided in G.S. 143B-969(d) and is not a public record under Chapter 132 of the General Statutes.

(c) If the current or prospective employee's verified criminal history record check reveals one or more convictions listed in subdivision (2) of subsection (a) of this section, the conviction shall constitute just cause for not selecting the person for employment, or for dismissing the person from current employment. The conviction shall not automatically prohibit employment; however, the following factors shall be considered, if readily ascertainable, by the county board of elections in determining whether employment shall be denied or the employee shall be dismissed:

(1) The level and seriousness of the crime.
(2) The date of the crime.
(3) The age of the current or prospective employee at the time of the conviction.
(4) The circumstances surrounding the commission of the crime, if known.
(5) The nexus between the criminal conduct of the current or prospective employee and job duties of the employee.
(6) The prison, jail, probation, parole, rehabilitation, and employment records of the current or prospective employee since the date the crime was committed.
(7) The current or prospective employee's candor in disclosing the circumstances surrounding the conviction.
(8) The subsequent commission by the current or prospective employee of a crime listed in subdivision (2) of subsection (a) of this section.
(9) The recommendation of the State Board or the Executive Director, if provided.

(d) The county board of elections may deny employment to or dismiss from employment a current or prospective employee who refuses to consent to a criminal history record check or to submit fingerprints or to provide other identifying information required by the State or National Repositories of Criminal Histories. Any such refusal shall constitute just cause for the employment denial or the dismissal from employment.

(e) The county board of elections may extend a conditional offer of employment or appointment pending the results of a criminal history record check authorized by this section.

(f) Nothing in this section shall authorize the requirement of criminal history record checks of any current or prospective precinct official or assistant appointed under Part 4 of Article 16 of this Chapter that has or will have access to statewide computerized voter registration system information that is not connected to a network."

SECTION 1.(e) G.S. 163A-774(b) reads as rewritten:

"(b) Appointment, Duties; Termination. – Upon receipt of a nomination from the county board of elections stating that the nominee for director of elections is submitted for appointment upon majority selection by the county board of elections the Executive Director shall issue a letter of appointment of such nominee to the chairman of the county board of elections within 10 days after receipt of the ~~nomination.~~nomination, unless good cause exists to decline the appointment. The Executive Director may delay the issuance of appointment for a reasonable time if necessary to obtain a criminal history records check sought under G.S. 143B-968. The Executive Director shall apply the standards provided in G.S. 163A-7 in determining whether a nominee with a criminal history shall be selected. If the Executive Director determines a nominee shall not be selected and does not issue a letter of appointment, the decision of the Executive Director of the State Board shall be final unless the decision is, within ten days from the official date on which it was made, deferred by the State Board. If the State Board defers the decision, then the State Board shall make a final decision on appointment of the director of elections and may direct the Executive Director to issue a letter of appointment. ~~Thereafter,~~If an Executive Director issues a letter of appointment, the county board of elections shall enter in its official minutes the specified duties, responsibilities and designated authority assigned to the director by

the county board of elections. The specified duties and responsibilities shall include adherence to the duties delegated to the county board of elections pursuant to G.S. 163A-769. A copy of the specified duties, responsibilities and designated authority assigned to the director shall be filed with the State Board. In the event the Executive Director is recused due to an actual or apparent conflict of interest from rendering a decision under this section, the chair and vice-chair of the State Board shall designate a member of staff to fulfill those duties."

SECTION 1.(f) This section becomes effective August 1, 2018.

PART II. 2018 JUDICIAL ELECTIONS BALLOT INFORMATION

SECTION 2.(a) The General Assembly finds that both chambers of the General Assembly have carefully examined judicial redistricting and the forms of judicial selection, with multiple committees considering various proposals of selection and new judicial district maps. The General Assembly finds that, to allow for more time to thoughtfully consider these changes, the General Assembly enacted S.L. 2017-214, the Electoral Freedom Act of 2017, which, among other items, provided for a one time cancellation of partisan primaries for the offices of district court judge, superior court judge, judges of the Court of Appeals, and Supreme Court justices for the 2018 election cycle. The General Assembly finds that all elections for judges in 2018 were to be treated uniformly under S.L. 2017-214, the Electoral Freedom Act of 2017, while those changes were considered.

The General Assembly notes that election to these offices will be held under a plurality election system, with candidates running under a political party label on the ballot, without having gone through a party primary. The General Assembly finds that ballot language above the sections of election ballots regarding these impacted offices setting forth that the listed party affiliation is only the self-identified party of a candidate at the time of filing will aid voters' understanding of the 2018 judicial races.

SECTION 2.(b) For the 2018 general election, the State Board of Elections and Ethics Enforcement shall, notwithstanding G.S. 163A-1114(b)(2), list the following judicial offices at the end of all partisan offices listed on the general election ballot:

Justices of the Supreme Court.
Judges of the Court of Appeals.
Judges of the superior courts.
Judges of the district courts.

SECTION 2.(c) Notwithstanding G.S. 163A-1112, immediately prior to the placement of the judicial offices listed in subsection (b) of this section on the ballot, the following information shall be printed:

"No primaries for judicial office were held in 2018. The information listed by each of the following candidates' names indicates only the candidates' party affiliation or unaffiliated status on their voter registration at the time they filed to run for office."

SECTION 2.(d) Except as provided in this section, ballot order for the judicial offices listed in subsection (b) of this section shall be as provided in Section 4.(j) of S.L. 2017-214.

SECTION 2.(e) This section is effective when it becomes law and applies to the 2018 general election.

PART III. OTHER ELECTION CHANGES

SECTION 3.1. G.S. 150B-45 reads as rewritten:

"**§ 150B-45. Procedure for seeking review; waiver.**

(a) Procedure. – To obtain judicial review of a final decision under this Article, the person seeking review must file a petition within 30 days after the person is served with a written copy of the decision. The petition must be filed as follows:

(1) Contested tax cases. – A petition for review of a final decision in a contested tax case arising under G.S. 105-241.15 must be filed in the Superior Court of Wake County.

(2) Other final decisions. – A petition for review of any other final decision under this Article must be filed in the superior court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed.

(b) Waiver. – A person who fails to file a petition within the required time waives the right to judicial review under this Article. For good cause shown, however, the superior court may accept an untimely petition.

(c) Judicial Review for State Board of Elections and Ethics Enforcement. – For a stay entered pursuant to G.S. 150B-33(b)(6), the State Board of Elections and Ethics Enforcement may obtain judicial review of the temporary restraining order or preliminary injunction in the superior court of the county designated in subsection (a) of this section."

SECTION 3.2.(a) G.S. 163A-741 is amended by adding a new subsection to read:

"(j1) Notwithstanding G.S. 153A-98 or any other provision of law, all officers, employees, and agents of a county board of elections are required to give to the State Board, upon request, all information, documents, and data within their possession, or ascertainable from their records, including any internal investigation or personnel documentation; and are required to make available, upon request pursuant to an investigation under subsection (d) of this section, any county board employee for interview and to produce any equipment, hardware, or software for inspection. These requirements are mandatory and shall be timely complied with as specified in a request made by any two members of the State Board."

SECTION 3.2.(b) G.S. 153A-98 is amended by adding a new subsection to read:

"(c5) Notwithstanding the requirements of this section, information shall be provided to the State Board of Elections and Ethics Enforcement from employee personnel records as provided in G.S. 163A-741."

SECTION 3.3. G.S. 163A-775 is amended by adding a new subsection to read:

"(e) In the event the Executive Director is recused due to an actual or apparent conflict of interest from rendering a decision under this section, the chair and vice-chair of the State Board shall designate a member of staff to fulfill those duties."

SECTION 3.4. G.S. 163A-953 reads as rewritten:

"§ 163A-953. General election participation by new political party.

In the first general election following the date on which a new political party qualifies under the provisions of G.S. 163A-950, 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. 163A-979 or upon complying with the alternative available to candidates for the office in G.S. 163A-980.

For the first general election following the date on which it qualifies under G.S. 163A-950, a new political party shall select its candidates by party convention. 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 a candidate for the new political party for the same office in that year. 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 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. 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 new party. The State Board shall send to each county board of elections the list of any new party candidates so that the county board can add those names to the appropriate ballot."

SECTION 3.5. G.S. 163A-1095(11) reads as rewritten:

"(11) "Voting system" means a system of casting and tabulating ballots. The term includes systems of paper ballots counted by hand as well as systems utilizing mechanical and electronic voting equipment. The term does not include any system developed or maintained by the State Board."

SECTION 3.6. G.S. 163A-1114(b)(4) reads as rewritten:

"(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. The Supreme Court shall be listed before the Court of Appeals. Judicial offices and district attorney shall be listed, in that order, after other offices in the same class. 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."

SECTION 3.6A. G.S. 163A-1115(a)(1) reads as rewritten:

"(1) That the vendor post a bond or letter of credit to cover damages resulting from defects in the voting system. Damages may include, among other items, any costs of conducting a new election attributable to those defects. The bond or letter of credit shall be maintained in the amount determined by the State Board as sufficient for the cost of a new statewide election."

SECTION 3.7.(a) G.S. 163A-1115(c) reads as rewritten:

"(c) Only electronic poll books or ballot duplication systems that have been certified by the State Board in accordance with procedures and subject to standards adopted by the State ~~Board~~ Board, or which have been developed or maintained by the State Board, shall be permitted for use in elections in this State. Among other requirements as set by the State Board, the certification requirements shall require that a vendor meet at least all of the following elements:

(1) That the vendor post a bond or letter of credit to cover damages resulting from defects in the electronic poll book or ballot duplication system. Damages may include, among other items, any costs of conducting a new election attributable to those defects.

(2) That the vendor provide access to all of any information required to be placed in escrow by a vendor pursuant to G.S. 163A-1118 for review and examination by the State Board; the Department of Information Technology; the State chairs of each political party recognized under G.S. 163A-950; the purchasing county; and designees as provided in subdivision (9) of subsection (f) of this section.

(3) That the vendor must quote a statewide uniform price for each unit of the equipment.

(4) That the vendor must separately agree with the purchasing county that if it is granted a contract to provide software for an electronic poll books or ballot duplication system but fails to debug, modify, repair, or update the software as agreed or in the event of the vendor having bankruptcy filed for or against it, the source code described in G.S. 163A-1118(a) shall be turned over to the purchasing county by the escrow agent chosen under G.S. 163A-1118(a)(1) for the purposes of continuing use of the software for the period of the contract

and for permitting access to the persons described in subdivision (2) of this subsection for the purpose of reviewing the source code."

SECTION 3.7.(b). G.S. 163A-1118 is amended by adding a new subsection to read:

"(c) Definitions. – For the purposes of this section, the term "voting system" shall include an electronic poll book or a ballot duplication system."

SECTION 3.8.(a). G.S. 163A-1115 is amended by adding the following new subsections to read:

"(h) Neither certification of electronic poll books, ballot duplication systems, or voting systems under this section shall constitute a license under Chapter 150B of the General Statutes.

(i) The State Board in writing may decertify or otherwise halt the use of electronic poll books in North Carolina. Any such action is appealable only to the Superior Court of Wake County.

(j) No voting system used in any election in this State shall be connected to a network, and any feature allowing connection to a network shall be disabled. Prohibited network connections include the Internet, intranet, fax, telephone line, networks established via modem, or any other wired or wireless connection."

SECTION 3.8.(b). G.S. 150B-2(3) reads as rewritten:

"(3) "License" means any certificate, permit or other evidence, by whatever name called, of a right or privilege to engage in any activity, except licenses issued under Chapter 20 and Subchapter I of Chapter 105 of the General ~~Statutes~~ Statutes, ~~and~~ occupational ~~licenses.~~licenses, and certifications of electronic poll books, ballot duplication systems, or voting systems under G.S. 163A-1115."

SECTION 3.9.(a) G.S. 163A-1388(a) reads as rewritten:

(a) Class 2 Misdemeanors. — Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this subsection to be unlawful, shall be guilty of a Class 2 misdemeanor. It shall be ~~unlawful:~~unlawful to do any of the following:

(1) For any person to fail, as an officer or as a judge or chief judge of a primary or election, or as a member of any board of elections, to prepare the books, ballots, and return blanks which it is ~~his~~ the person's duty under the law to prepare, or to distribute the same as required by law, or to perform any other duty imposed upon ~~him~~ that person within the time and in the manner required by ~~law;~~law.

(2) For any member, director, or employee of a board of elections to alter a voter registration application or other voter registration record without either the written authorization of the applicant or voter or the written authorization of the State ~~Board;~~Board.

(3) For any person to continue or attempt to act as a judge or chief judge of a primary or election, or as a member of any board of elections, after having been legally removed from such position and after having been given notice of such ~~removal;~~removal.

(4) For any person to break up or by force or violence to stay or interfere with the holding of any primary or election, to interfere with the possession of any ballot box, election book, ballot, or return sheet by those entitled to possession of the same under the law, or to interfere in any manner with the performance of any duty imposed by law upon any election officer or member of any board of ~~elections;~~elections.

(5) For any person to be guilty of any boisterous conduct so as to disturb any member of any election board or any chief judge or judge of election in the performance of ~~his~~ that person's duties as imposed by ~~law;~~law.

(6) For any person to bet or wager any money or other thing of value on any ~~election;~~election.

(7) For any person, directly or indirectly, to discharge or threaten to discharge from employment, or otherwise intimidate or oppose any legally qualified voter on account of any vote such voter may cast or consider or intend to cast, or not to cast, or which ~~he~~ that voter may have failed to ~~cast;~~cast.

(8) For any person to publish in a newspaper or pamphlet or otherwise, any charge derogatory to any candidate or calculated to affect the candidate's chances of nomination or election, unless such publication be signed by the party giving publicity to and being responsible for such ~~charge;~~charge.

(9) For any person to publish or cause to be circulated derogatory reports with reference to any candidate in any primary or election, knowing such report to be false or in reckless disregard of its truth or falsity, when such report is calculated or intended to affect the chances of such candidate for nomination or ~~election;~~election.

(10) For any person to give or promise, in return for political support or influence, any political appointment or support for political ~~office;~~office.

(11) For any ~~chairman~~ chair of a county board of elections or other returning officer to fail or neglect, willfully or of malice, to perform any duty, act, matter or thing required or directed in the time, manner and form in which said duty, matter or thing is required to be performed in relation to any primary, general or special election and the returns ~~thereof;~~thereof.

(12) For any clerk of the superior court to refuse to make and give to any person applying in writing for the same a duly certified copy of the returns of any primary or election or of a tabulated statement to a primary or election, the returns of which are by law deposited in his office, upon the tender of the fees ~~therefor;~~therefor.

(13) For any person willfully and knowingly to impose upon any blind or illiterate voter a ballot in any primary or election contrary to the wish or desire of such voter, by falsely representing to such voter that the ballot proposed to ~~him~~ the voter is such as ~~he desires; or~~the voter desires.

(14) Except as authorized by G.S. 163A-878, for any person to provide false information, or sign the name of any other person, to a written report under ~~G.S. 163A-878; [or]~~G.S. 163A-878.

(15) For any person to be compensated based on the number of forms submitted for assisting persons in registering to vote.

(16) For any person who is not an elections official or who is not otherwise authorized by law to duplicate any form described in G.S. 163A-862 or to otherwise record from that form a registrant's signature, full or partial social security number, date of birth, the identity of the public agency at which the registrant registered under G.S. 163A-884, any electronic mail address submitted under Part 2 of Article 17 of this Chapter, or drivers license number."

SECTION 3.9.(b). This section is effective December 1, 2018, and applies to offenses committed on or after that date.

SECTION 3.10. G.S. 163A-1412(a) reads as rewritten:

"(a) Each ~~candidate,~~ candidate who has received funds or made payments or given consent for anyone else to receive funds or transfer anything of value for the purpose of bringing about that individual's nomination or election for office, political committee, and referendum committee shall appoint a treasurer and, under verification, report the name and address of the treasurer to the Board. Only an individual who resides in North Carolina shall be appointed as a

treasurer. A candidate may appoint himself or herself or any other individual, including any relative except his or her spouse, as ~~his~~ the candidate's treasurer, and, upon failure to file report designating a treasurer, the candidate shall be concluded to have appointed himself or herself as treasurer and shall be required to personally fulfill the duties and responsibilities imposed upon the appointed treasurer and subject to the penalties and sanctions hereinafter provided."

SECTION 3.11.(a) S.L. 2013-281, Sec. 30.8, as amended by S.L. 2015-103, Sec. 6.(a), reads as rewritten:

"**SECTION 30.8.** Any direct record electronic (DRE) voting systems currently certified by the State Board of Elections and Ethics Enforcement which do not use paper ballots shall be decertified and shall not be used in any election held on or after ~~September 1, 2019, for counties that use direct record electronic voting machines on election day as of January 1, 2015, and January 1, 2018, for all other counties.~~December 1, 2019. Decertification of a DRE voting system that does not use paper ballots may not be appealed to the Superior Court of Wake County pursuant to ~~G.S. 163-165.7(b).~~G.S. 163A-1115(d)."

SECTION 3.11.(b) S.L. 2013-281, Sec. 30.9, as amended by S.L. 2015-103, Sec. 6.(b), reads as rewritten:

"**SECTION 30.9.** This Part becomes effective ~~September 1, 2019,~~December 1, 2019, for counties that use direct record electronic voting ~~machines on election day as of January 1, 2015. This Part becomes effective for all other counties January 1, 2018.~~machines."

PART IV. DUAL OFFICE HOLDING CHANGES

SECTION 4.(a) G.S. 160A-284 reads as rewritten:

"**§ 160A-284. Oath of office; holding other offices.**

(a) Each person appointed or employed as chief of police, policeman, or auxiliary policeman shall take and subscribe before some person authorized by law to administer oaths the oath of office required by Article VI, Sec. 7, of the Constitution. The oath shall be filed with the city clerk.

(b) The offices of ~~policeman,~~policeman and chief of ~~police, and auxiliary policeman~~ police are hereby declared to be offices that may be held concurrently with any other appointive office pursuant to Article VI, Sec. 9, of the Constitution. The offices of policeman and chief of police are hereby declared to be offices that may be held concurrently with any elective office, other than elective office in the municipality employing the policeman or chief of police, pursuant to Article VI, Sec. 9, of the Constitution.

(c) The office of auxiliary policeman is hereby declared to be an office that may be held concurrently with any elective office or appointive office pursuant to Article VI, Sec. 9, of the Constitution."

SECTION 4.(b) This section is effective when it becomes law. Any policeman or chief of police having taken an oath of office to any elective office in this State prior to the effective date is not deemed to have resigned his or her position as a law enforcement officer due to the elective office.

PART V. TECHNICAL CHANGES TO G.S. 163A-2.

SECTION 5. G.S. 163A-2 is rewritten to read:

"**§ 163A-2. Membership.**

(a) The State Board shall consist of nine individuals registered to vote in North Carolina, appointed by the Governor, as follows:

(1) Four individuals registered with the political party with the highest number of registered affiliates in the State, from a list of six nominees submitted by the State party chairs of that party.

(2) Four individuals registered with the political party with the second highest number of registered affiliates in the State, from a list of six nominees submitted by the State party chairs of that party.

(3) One individual not registered with either the political party with the largest number of registered affiliates in the State or of the political party with the second-largest number of registered affiliates in the State, from a list of two nominees selected by the other eight members of the State Board.

The number of registered affiliates shall be as reflected by the latest registration statistics published by the State Board. The Governor shall make all appointments promptly upon receipt of the list of nominees from each nominating entity and in no instance shall appoint later than 30 days after receipt of the list.

(b) Within 14 days of appointment by the Governor of the eight members appointed under subdivisions (1) and (2) of subsection (a) of this section, the eight members shall hold an initial appointment selection meeting for the sole purpose of selecting two nominees who meet the qualifications for appointment under subdivision (3) of subsection (a) of this section and shall promptly submit those names to the Governor. No additional actions, other than the oath of office, shall be taken by the eight members appointed under subdivisions (1) and (2) of subsection (a) of this section at the appointment selection meeting.

(c) Beginning on May 1 of the odd-numbered year, members shall serve for two-year terms.

(d) Members may be removed from the State Board by the Governor, acting in the Governor's discretion. Vacancies created on the State Board by removal from office by the Governor shall be filled in accordance with subsection (e) of this section.

(e) Any vacancy occurring on the State Board shall be filled by an individual meeting the same appointment criteria under subsection (a) of this section as the vacating member. Any vacancy occurring in the State Board shall be filled by the Governor, and the person so appointed shall fill the unexpired term. The Governor shall fill vacancies as follows:

(1) For a vacancy for an appointment under subdivision (1) or (2) of subsection (a) of this section, the Governor shall fill the vacancy from a list of two names submitted by the State party chair of the political party with which the vacating member was affiliated if that list is submitted within 30 days of the occurrence of the vacancy.

(2) For a vacancy for an appointment under subdivision (3) of subsection (a) of this section, the Governor shall fill the vacancy from a list of two names submitted by the remaining members of the State Board if that list is submitted within 30 days of the occurrence of the vacancy. The State Board shall hold a meeting within 21 days of the occurrence of the vacancy for the purpose of selecting two nominees for submission to the Governor to fill the vacancy.

(f) At the first meeting held after any 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 Bipartisan State Board of Elections and Ethics Enforcement according to the best of my knowledge and ability, according to law, so help me God."

(g) At the first meeting held after the appointment of the member under subdivision (3) of subsection (a) of this section, the State Board shall organize by electing one of its members chair and one of its members vice-chair, each to serve a two-year term as such. In 2017 and every four years thereafter, the chair shall be a member of the political party with the highest number

of registered affiliates, as reflected by the latest registration statistics published by the State Board, and the vice-chair a member of the political party with the second highest number of registered affiliates. In 2019 and every four years thereafter, the chair shall be a member of the political party with the second highest number of registered affiliates, as reflected by the latest registration statistics published by the State Board, and the vice-chair a member of the political party with the highest number of registered affiliates.

(h) At the first meeting held after the appointment under subdivision (3) of subsection (a) of this section, the State Board shall elect one of its members as secretary, to serve a two-year term as such.

(i) No person shall be eligible to serve as a member of the State Board who meets any of the following criteria:

(1) Holds any elective or appointive office under the government of the United States, the State of North Carolina, or any political subdivision thereof.
(2) Holds any office in a political party or organization.
(3) Is a candidate for nomination or election to any office.
(4) Is a campaign manager or treasurer of any candidate in a primary or election.
(5) Has served two full consecutive terms.

(j) No person while serving on the State Board shall do any of the following:

(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 8 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.

(k) State Board members shall receive per diem, subsistence, and travel, as provided in G.S. 138-5 and G.S. 138-6."

PART VI. SEVERABILITY CLAUSE

SECTION 6. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

PART VII. EFFECTIVE DATE

SECTION 7. Except as otherwise provided herein, this act is effective when it becomes law and applies to elections held on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 1

SENATE BILL 486

Short Title:	Uniform Voting Hours Act.	(Public)
Sponsors:	Senators Brock, Daniel, Tillman (Primary Sponsors); Hise, Rabin, and Sanderson.	
Referred to:	Rules and Operations of the Senate	

March 30, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT WHEN VOTING HOURS ARE EXTENDED FOR ONE PRECINCT IN AN ELECTION, VOTING HOURS IN EVERY PRECINCT ARE TO BE EXTENDED IN THAT SAME ELECTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-166.01 reads as rewritten:

"**§ 163-166.01. Hours for voting.**

In every election, the voting place shall be open at 6:30 A.M. and shall be closed at 7:30 P.M. If the polls are delayed in opening for more than 15 minutes, or are interrupted for more than 15 minutes after opening, the State Board of Elections may extend the closing time by an equal number of minutes. <u>However, the State Board of Elections, a county board of elections, or a State court is not authorized to extend voting hours in one precinct unless voting hours are extended in every precinct in that same election.</u> As authorized by law, the State Board of Elections shall be available either in person or by teleconference on the day of election to approve any such extension. If any voter is in line to vote at the time the polls are closed, that voter shall be permitted to vote. No voter shall be permitted to vote who arrives at the voting place after the closing of the polls.

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

SECTION 2. This act is effective when it becomes law and applies to elections held on or after that date.

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Elections & Ethics Law Part 2.

DATE: 05/30/2018 Room: 544

House Sgt-At Arms:

1. Name: Terry McCraw
2. Name: David Linthicum
3. Name: Jim Moran
4. Name: Joe Crook
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

House Pages
Assignments
Wednesday, May 30, 2018
Session: 12:30 PM

Committee	Room	Time	Staff	Comments	Member
Ethics	544	4:00 PM	Samantha Capers		Rep. Pat B. Hurley
			Gaaron Goldsmith		Rep. William O. Richardson
			Jackson Hopper		Rep. Nelson Dollar
			Cole Aganad		Rep. Tim Moore

VISITOR REGISTRATION SHEET

House Committee Elections and Ethics Law Part 2 May 30, 2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Melissa [illegible]	NCVLE
JENNIFER [illegible]	DEM NC
V L Robinson	Congregation [illegible]
GLENN COHEN	SELF
GREG FLYNN	SELF
[illegible]	VP Systems
Patricia Curran	[illegible]
AL Pisano	Const Party
Kevin Hayes	Constitution Party
Morgan Dunn	Walk WCA
David Collins	Walk WCA

VISITOR REGISTRATION SHEET

House Committee Elections and Ethics Law Part 2 May 30, 2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lexi Arthur	JLF
Leo John	Secretary of State
Hugh Johnson	NCAOC
Amber Harris	NCATCC
Perry Kaufman	SoG
Bradford Sneeden	NCDOJ
Rick Zechini	Williams Mullen
Marion R Warren	NCAOC
Chr McDonald	KTB
Bo Heath	MWC
Laura Puryear	MWC

VISITOR REGISTRATION SHEET

House Committee Elections and Ethics Law Part 2 May 30, 2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	[illegible]
[illegible]	BCI
Christopher Stock	Cont of Clerks

VISITOR REGISTRATION SHEET

House Committee Elections and Ethics Law Part 2 May 30, 2018

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jenna Calderone	RFNC
[illegible]	Craven County
[illegible]	Constitution Party
Christine Baggett	Craven County

Updated #1: THE COMMITTEE WILL MEET 15 MINUTES AFTER HOUSE AGRICULTURE

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Tuesday, June 12, 2018
TIME: **4:15 PM**
LOCATION: **643 LOB**
COMMENTS: **The committee will meet to hear a PCS for H1065, which will be distributed to the committee shortly.**

The committee will have an opportunity to hear from the public on this legislation.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 1065	Digital Communications in Elections.	Representative Harrison Representative Lewis Representative G. Martin Representative Hardister

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:25 PM on Tuesday, June 26, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Theresa Lopez (Committee Assistant)

House Committee on Elections and Ethics Law
Tuesday, June 12, 2018, 2:00 PM
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 1065	Digital Communications in Elections.	Representative Harrison Representative Lewis Representative G. Martin Representative Hardister

Presentations

There will be an opportunity for public comment.

Other Business

Adjournment

House Committee on Elections and Ethics Law
Tuesday, June 12, 2018 at 4:15 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Elections and Ethics Law met at 4:15 PM on June 12, 2018 in Room 643 of the Legislative Office Building. Representatives Adams, Boswell, Burr, Conrad, Davis, Dixon, Faircloth, Fisher, Floyd, Ford, Destin Hall, Hardister, Harrison, Iler, Jackson, Bert Jones, Lewis, G. Martin, S. Martin, Michaux, Riddell, Speciale, Szoka, Warren, and Willingham attended.

Representative Bert Jones, Chair, presided.

The following bills were considered:

HB 1065 Digital Communications in Elections. (Representatives Harrison, Lewis, G. Martin, Hardister)

Chairman Jones asked for a motion for the PCS for HB1065 be set before the committee. Representative Harrison made the motion and the motion passes.

Chairman Jones recognized Representatives Harrison, Lewis, G. Martin and Hardister to explain the bill. HB 1065 would define "qualified digital communications" in campaign finance laws, require reporting of electioneering communications that use qualified digital communications, and require sponsor disclosure of advertisements made through qualified digital communication.

Guest Speakers for HB 1065 were Melissa Price Kromm from North Carolina Voters for Clean Elections, Whitney Christensen from Facebook and Becky Gray with the John Locke Foundation.

After questions and comments from the members of the committee Chairman Jones recognized Representative Floyd to send forth an amendment (Attachment 1). After the explanation of the amendment Representative Floyd motioned for the adoption of the amendment. The amendment failed.

Chairman Jones recognized Representative Szoka to send forth his amendment (Attachment 2). After the explanation of the amendment Representative Szoka motioned for the adoption of the amendment. The amendment was adopted.

After additional questions and comments from the members of the committee Chairman Jones recognized Representative Dixon for a motion. Representative Dixon motions for a favorable report to the PCS as amended and rolled into a new PCS, unfavorable to the original bill. The motion passes with a hand vote 12 to 11.

The meeting adjourned at 5:29.

Bert Jones

Representative Bert Jones, Chair
Presiding

Theresa Lopez

Theresa Lopez, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

ELECTIONS AND ETHICS LAW COMMITTEE REPORT
Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB **1065** Digital Communications in Elections.

Draft Number:	H1065-PCS30514-TC-60
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Harrison

TOTAL REPORTED: 1

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1065

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

H1065-ATC-166 [v.2]

Amends Title [NO]
H1065-CSTC-60[v5]

Date _____,2018

Representative Floyd

moves to amend the bill on page 2, lines 3-4, by inserting the following between those lines:

"**SECTION 2.5.** G.S. 163A-1424 reads as rewritten:

"§ 163A-1424. Special reporting of electioneering communications.

(a) Every individual or person that incurs an expense for the direct costs of producing or airing electioneering communications aggregating in excess of ~~five thousand dollars ($5,000)~~two thousand five hundred dollars ($2,500) shall file the following reports with the appropriate board of elections in the manner prescribed by the State Board:

(1) The identification of the individual or person incurring the expense, of any individual or person sharing or exercising direction or control over the activities of that individual or person, and of the custodian of the books and accounts of the individual or person incurring the expense.

(2) The principal place of business of the person incurring the expense, if not an individual.

(3) The amount of each expense incurred during the period covered by the statement and the identification of the individual or person to whom the expense was incurred.

(4) The elections to which the electioneering communications pertain, if any, and the names, if known, of the candidates identified or to be identified.

(5) The names and addresses of all entities that donated, to further an electioneering communication or electioneering communications, funds or anything of value whatsoever in an aggregate amount of more than one thousand dollars ($1,000) during the reporting period. If the donor is an individual, the statement shall also contain the principal occupation of the donor. The "principal occupation of the donor" shall mean the same as the "principal occupation of the contributor" in G.S. 163A-1422.

(b) The initial report shall be filed with the State Board no later than the 10th day following the day the individual or person incurs an expense for the direct costs of producing or airing an electioneering communication. The State Board shall require subsequent reporting according to the same schedule required of political committees under G.S. 163A-1418(a). An individual or person that produces or airs an electioneering communication shall disclose by report to the State Board within 48 hours of incurring an expense of ~~five thousand dollars~~

Attachment 1

~~($5,000)~~two thousand five hundred dollars ($2,500) or more or receiving a donation of one thousand dollars ($1,000) or more for making an electioneering communication before an election but after the period covered by the last report due before that election.

(c) For the purposes of subdivision (a)(5) of this section, a donation to the person or entity making the electioneering communication is deemed to have been donated to further the electioneering communication if any of subdivisions (1) through (4) of this subsection apply. For purposes of this subsection, the "filer" is the person or entity making the electioneering communication and responsible for filing the report, or an agent of that person or entity. For purposes of this subsection, the "donor" is the person or entity donating to the filer the funds or other thing of value, or an agent of that person or entity.

(1) The donor designates, requests, or suggests that the donation be used for an electioneering communication or electioneering communications, and the filer agrees to use the donation for that purpose.

(2) The filer expressly solicited the donor for a donation for making or paying for an electioneering communication.

(3) The donor and the filer engaged in substantial written or oral discussion regarding the donor's making, donating, or paying for an electioneering communication.

(4) The donor or the filer knew or had reason to know of the filer's intent to make electioneering communication with the donation.

A donation shall not be deemed to be made to further an electioneering communication if the donation was a commercial transaction occurring in the ordinary course of business between the donor and the filer unless there is affirmative evidence that the amounts were donated to further an electioneering communication. In determining the amount of a donation that was made to further any particular electioneering communication, there shall be excluded any amount that was designated by the donor with respect to a different election than the election that is the subject of the electioneering communication covered by the report.

(d) All reports required by this section shall be filed according to rules adopted by the State Board. If the expense incurred is greater than five thousand dollars ($5,000), the report shall be filed electronically. The State Board shall provide the software necessary to file the electronic report to any individual or person required to file an electronic report at no cost to that individual or person."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED X TABLED _____

Appendix B

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1065

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

H1065-AST-140 [v.1]

Amends Title [NO]
H1065-CSTC-60 v5

Date _____ ,2018

Representative Szoka

moves to amend the bill on page 1, line 6, by deleting "communication" and substituting "communication, for a fee,";

and on page 1, line 7, by deleting "for a fee".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 2

H1065-AST-140-V-1

HOUSE BILL 1065:
Digital Communications in Elections.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	June 12, 2018
Introduced by:	Reps. Harrison, Lewis, G. Martin, Hardister	**Prepared by:**	Kara McCraw
Analysis of:	PCS to First Edition H1065-CSTC-60		Staff Attorney

OVERVIEW: HB 1065 would define "digital communications" in campaign finance laws, require reporting of electioneering communications that use digital communications, and require sponsor disclosure of advertisements made through digital communications.

The PCS for HB 1065 would make the following changes:

- ***Revise the definition of digital communications to qualified digital communications for a fee on Web sites or online platforms meeting certain characteristics, including 100,000 or more unique hits in a majority of the months in the preceding year.***
- ***Require electioneering communications made by qualified digital communications when those communications may be received by at least 5,000 individuals in a statewide race, or 750 individuals in all other races, and meet other criteria for electioneering communications.***
- ***Remove modifications to the definition for "mass mailing" that would have included messages sent or received electronically.***
- ***Remove requirements for media outlets to receive written authorization maintained as a public record for independent expenditures or electioneering communications.***
- ***Remove modifications to exceptions to electioneering communications.***
- ***Add an alternative means of providing disclosure statements in qualified digital communication advertisements.***
- ***Add a conforming change to keep the threshold for disclosure statements for qualified digital communication advertisements the same as for print, radio, and television advertisements.***
- ***Change the effective date of the bill from January 1, 2019, to September 1, 2018.***

CURRENT LAW: G.S. 163-1411 defines an electioneering communication as a broadcast, cable, or satellite communication, mass mailing, or telephone bank that includes all of the following characteristics:

1. Refers to a clearly identified candidate for elected office.
2. In an even-numbered general election in November, is aired or transmitted after September 7, and in all other elections, is aired or transmitted within 60 days of the time set for early voting.
3. May be received by the following:
    - For as a broadcast, cable, or satellite communication: 50,000 or more individuals in a statewide election or 7,500 or more individuals in any other election.
    - For a mass mailing or telephone bank: 20,000 or more households, cumulative, in a statewide election, or 2,500 households, cumulative, in any other election.

Some communications are specifically excluded as electioneering communications, such as news stories, commentaries, or editorials distributed through the facilities of certain broadcasting stations, expenditures

or independent expenditures, certain candidate debates or forums, certain communications made while the General Assembly is in session related to advocacy for or against a specific piece of legislation, certain commercial transactions, certain public opinion polls, and communications made in certain print news media.

G.S. 163A-1424 requires every individual or person incurring an expense for the direct cost of producing or airing electioneering communications aggregating in excess of $5,000 to report certain information to the appropriate board of elections, including identifying those incurring the expense, the amount of the expenses during the period of the statement, to whom the expense was incurred, the elections to which it pertains, if any, the names of candidates identified, if known, and the names and addresses of those donating an aggregate of more than $1,000 during the reporting period.

G.S. 163A-1476 makes it unlawful to sponsor an advertisement in the print media, television, or radio that constitutes an expenditure, independent expenditure, electioneering communication, or contribution required to be disclosed under the campaign finance laws without including the following:

1. A legend or statement indicating the sponsor that paid for the advertisement.
2. If the advertisement in print media supports or oppose the nomination or election of a clearly identified candidate, whether the advertisement was authorized by the candidate.
3. If the advertisement in print media oppose the nomination or election of a clearly identified candidate, the candidate the advertisement is intended to benefit.

Dependent on the type of media, certain specific size requirements for the disclosure statements are required by law. Misrepresentation of the sponsorship or authorization of the advertisement is a Class 1 misdemeanor. The disclosure requirements do not apply to an individual making uncoordinated independent expenditures aggregating less than $1000 in a political campaign, or to individuals incurring expenses with respect to a referendum.

BILL ANALYSIS: The PCS for HB 1065 would do the following:

- Define the term "qualified digital communication" as any communication placed or promoted for a fee on a Web site or online platform if that Web site or online platform meets all of the following characteristics:
    - Is a public facing Web site, Web application, or digital application, including a social network, advertising network, or search engine.
    - Sells political advertisements, including search engine marketing, display advertisements, video advertisements, native advertisements, and sponsorships.
    - Has 100,000 or more unique monthly United States visitors or users for a majority of the months during the immediately preceding 12 months.
- Require reporting of electioneering communications that are made through a qualified digital communication that meets the other requirements of an electioneering communication and may be received by 5,000 or more individuals in statewide elections or 750 or more individuals in other election.
- Requires a disclosure legend in advertisements made through qualified digital communications indicating the sponsor of the advertisement. The disclosure must meet the following requirements:
    - Be either in letters as large as the smallest text in the qualified digital communication or in a heading or similar section of text displayed above or within the qualified digital communication that is visually distinct.
    - Have a reasonable degree of color contrast between the background and disclosure statement.

- If the medium does not allow the disclosure statement to be disseminated in that manner, the display of the name of the person who paid for the qualified digital communication and a means to obtain the remainder of the information with minimal effort and without viewing additional information.

EFFECTIVE DATE: The PCS for HB 1065 would become effective September 1, 2018, and would apply to elections conducted on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H D

HOUSE BILL 1065
PROPOSED COMMITTEE SUBSTITUTE H1065-CSTC-60 [v.5]
06/11/2018 08:06:48 PM

Short Title: Digital Communications in Elections. (Public)

Sponsors:

Referred to:

June 1, 2018

A BILL TO BE ENTITLED

AN ACT TO DEFINE AND REGULATE DIGITAL COMMUNICATION IN ELECTIONEERING COMMUNICATIONS AND ADVERTISING DISCLOSURES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163A-1411 is amended by adding a new subdivision to read:

"(29) The term "qualified digital communication" means any communication placed or promoted for a fee on a Web site or online platform if that Web site or online platform meets all of the following characteristics:

a. Is a public-facing Web site, Web application, or digital application, including a social network, advertising network, or search engine.

b. Sells political advertisements, including search engine marketing, display advertisements, video advertisements, native advertisements, and sponsorships.

c. Has 100,000 or more unique monthly United States visitors or users for a majority of the months during the immediately preceding 12 months."

SECTION 2. G.S. 163A-1411(41) reads as rewritten:

"(41) The term "electioneering communication" means any broadcast, cable, or satellite communication, or mass mailing, or telephone ~~bank~~bank, or qualified digital communication that has all the following characteristics:

a. Refers to a clearly identified candidate for elected office.

b. In the case of the general election in November of the even-numbered year is aired or transmitted after September 7 of that year, and in the case of any other election is aired or transmitted within 60 days of the time set for absentee voting to begin pursuant to G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304 in an election for that office.

c. May be received by ~~either:~~the following:

1. 50,000 or more individuals in the State in an election for statewide office or 7,500 or more individuals in any other election if in the form of broadcast, cable, or satellite communication.

2. 20,000 or more households, cumulative per election, in a statewide election or 2,500 households, cumulative per election, in any other election if in the form of mass mailing or telephone bank.

3. 5,000 or more individuals in the State in an election for statewide office or 750 or more individuals in any other election if in the form of a qualified digital communication."

SECTION 3. G.S. 163A-1475(1) reads as rewritten:

"(1) "Advertisement" means any message appearing in the print media, on ~~television, or on radio~~television or radio, or through a qualified digital communication that constitutes a contribution or expenditure under this Article."

SECTION 4. G.S. 163A-1476 reads as rewritten:

"**§ 163A-1476. Basic disclosure requirements for all political advertisements.**

(a) Basic Requirements. – It shall be unlawful for any sponsor to sponsor an advertisement in the print ~~media or~~media, on radio or ~~television~~television, or through a qualified digital communication that constitutes an expenditure, independent expenditure, electioneering communication, or contribution required to be disclosed under this Article unless all the following conditions are met:

(1) It bears the legend or includes the statement: "Paid for by ____ [Name of candidate, candidate campaign committee, political party organization, political action committee, referendum committee, individual, or other sponsor]." In television or qualified digital communication advertisements, this disclosure shall be made by visual legend.

…

(b) Size Requirements. –

In a print media advertisement covered by subsection (a) of this section, the height of all disclosure statements required by that subsection shall constitute at least five percent (5%) of the height of the printed space of the advertisement, provided that the type shall in no event be less than 12 points in size. In an advertisement in a newspaper or a newspaper insert, the total height of the disclosure statement need not constitute five percent of the printed space of the advertisement if the type of the disclosure statement is at least 28 points in size. If a single advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face.

(2) In a television advertisement covered by subsection (a) of this section, the visual disclosure legend shall constitute four percent (4%) of vertical picture height in size, and where the television advertisement that appears is paid for by a candidate or candidate campaign committee, the visual disclosure legend shall appear simultaneously with an easily identifiable photograph of the candidate for at least two seconds.

(3) In a radio advertisement covered by subsection (a) of this section, the disclosure statement shall last at least two seconds, provided the statement is spoken so that its contents may be easily understood.

(4) In a qualified digital communication advertisement covered by subsection (a) of this section, the disclosure statement shall appear (i) in letters at least as large as the smallest text in the qualified digital communication or (ii) in a heading or similar section of text displayed above or within the qualified digital communication that is visually distinct from the text of the qualified digital communication, and shall have a reasonable degree of color contrast between the background and the disclosure statement. If the qualified digital communication is disseminated through a medium in which the provision of the disclosure statement is not possible, the qualified digital communication shall, in a clear and conspicuous manner, include the following:

a. The name of the person who paid for the qualified digital communication.

b. A means for the recipient of the qualified digital communication to obtain the remainder of the information required by this section with minimal effort and without receiving or viewing any additional material other than the disclosure statement.

(c) Misrepresentation of Authorization. – Notwithstanding G.S. 163A-1445(a), any candidate, candidate campaign committee, political party organization, political action committee, referendum committee, individual, or other sponsor making an advertisement in the print ~~media or~~media, on radio or ~~television~~ television, or through a qualified digital communication bearing any legend required by subsection (a) of this section that misrepresents the sponsorship or authorization of the advertisement is guilty of a Class 1 misdemeanor."

SECTION 5. G.S. 163A-1477 reads as rewritten:

"**§ 163A-1477. Scope of disclosure requirements.**

The disclosure requirements of this Part apply to any sponsor of an advertisement in the print ~~media or~~media, on radio or ~~television~~ television, or through a qualified digital communication the cost or value of which constitutes an expenditure or contribution required to be disclosed under this Article, except that the disclosure requirements of this Part:

(1) Do not apply to an individual who makes uncoordinated independent expenditures aggregating less than one thousand dollars ($1,000) in a political campaign; and

(2) Do not apply to an individual who incurs expenses with respect to a referendum.

The disclosure requirements of this Part do not apply to any advertisement the expenditure for which is required to be disclosed by G.S. 163-278.12A alone and by no other law."

SECTION 6. This act becomes effective September 1, 2018, and applies to elections conducted on or after that date.

HOUSE BILL 1065

Short Title:	Digital Communications in Elections.	(Public)
Sponsors:	Representatives Harrison, Lewis, G. Martin, and Hardister (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Elections and Ethics Law	

June 1, 2018

A BILL TO BE ENTITLED

AN ACT TO DEFINE AND REGULATE DIGITAL COMMUNICATION IN ELECTIONEERING COMMUNICATIONS AND ADVERTISING DISCLOSURES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163A-1411 is amended by adding a new subdivision to read:

"(29) The term "digital communication" means any communication placed on an online platform that meets all of the following characteristics:

a. Is a public-facing Web site, Web application, or digital application, including a social network, advertising network, or search engine.

b. Sells political advertisements, including search engine marketing, display advertisements, video advertisements, native advertisements, and sponsorships."

SECTION 2. G.S. 163A-1411(41) reads as rewritten:

"(41) The term "electioneering communication" means any broadcast, cable, or satellite communication, ~~or~~ mass mailing, ~~or~~ telephone ~~bank~~bank, or digital communication that has all the following characteristics:

a. Refers to a clearly identified candidate for elected office.

b. In the case of the general election in November of the even-numbered year is aired or transmitted after September 7 of that year, and in the case of any other election is aired or transmitted within 60 days of the time set for absentee voting to begin pursuant to G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304 in an election for that office.

c. May be received by either:

1. 50,000 or more individuals in the State in an election for statewide office or 7,500 or more individuals in any other election if in the form of broadcast, cable, or satellite ~~communication.~~communication or digital communication.

2. 20,000 or more households, cumulative per election, in a statewide election or 2,500 households, cumulative per election, in any other election if in the form of mass mailing or telephone bank."

SECTION 3. G.S. 163A-1411(43) reads as rewritten:

"(43) The term "electioneering communication" does not include any of the following:

a. A communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting ~~station,~~station or any online or digital newspaper, magazine, blog, publication, or periodical, unless ~~those~~ such broadcasting, online, or digital facilities are owned or controlled by any political party, affiliated party committee, political committee, or candidate.

...

g. A communication made by a news medium, as defined in ~~G.S. 8-53.11(a)(3), if the communication is in print.~~G.S. 8-53.11(a)(3)."

SECTION 4. G.S. 163A-1411(70) reads as rewritten:

"(70) The term "mass mailing" means any mailing by United States ~~mail or~~mail, ~~facsimile~~facsimile, or messages sent and received electronically to 20,000 or more households, cumulative per election, in a statewide election or 2,500 households, cumulative per election, in any other election."

SECTION 5. G.S. 163A-1434(b) reads as rewritten:

"(b) Each media outlet shall require written authority for each independent expenditure or electioneering communication from each individual, person, or entity making or authorizing an independent expenditure or electioneering communication. All written authorizations of independent expenditures or electioneering communications shall be deemed public records, and copies of those written authorizations shall be available for inspection during normal business hours at the office(s) of the media outlet making the publication or broadcast nearest to the place(s) of publication or broadcast. The written authorization shall include all of the following:

(1) The name and address of the individual, person, or entity making the independent expenditure or electioneering communication.

(2) The information required by G.S. 163A-1476(a), provided however that the provisions of G.S. 163A-1476(a)(7) and (a)(8) shall not apply to radio or television advertising.

For the purposes of this section, a media outlet shall include any online platform that meets the characteristics defined in G.S. 163A-1411(29)."

SECTION 6. G.S. 163A-1475(1) reads as rewritten:

"(1) "Advertisement" means any message appearing in the print media, on ~~television, or on radio~~television or radio, or through digital communication that constitutes a contribution or expenditure under this Article."

SECTION 7. G.S. 163A-1476 reads as rewritten:

"§ 163A-1476. Basic disclosure requirements for all political advertisements.

(a) Basic Requirements. – It shall be unlawful for any sponsor to sponsor an advertisement in the print ~~media or~~media, on radio or ~~television~~television, or through digital communication that constitutes an expenditure, independent expenditure, electioneering communication, or contribution required to be disclosed under this Article unless all the following conditions are met:

(1) It bears the legend or includes the statement: "Paid for by ____ [Name of candidate, candidate campaign committee, political party organization, political action committee, referendum committee, individual, or other sponsor]." In television or digital communication advertisements, this disclosure shall be made by visual legend.

...

(b) Size Requirements. – Size requirements shall be as follows:

(1) In a print media advertisement covered by subsection (a) of this section, the height of all disclosure statements required by that subsection shall constitute at least five percent (5%) of the height of the printed space of the

advertisement, provided that the type shall in no event be less than 12 points in size. In an advertisement in a newspaper or a newspaper insert, the total height of the disclosure statement need not constitute five percent (5%) of the printed space of the advertisement if the type of the disclosure statement is at least 28 points in size. If a single advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face.

(2) In a television advertisement covered by subsection (a) of this section, the visual disclosure legend shall constitute four percent (4%) of vertical picture height in size, and where the television advertisement that appears is paid for by a candidate or candidate campaign committee, the visual disclosure legend shall appear simultaneously with an easily identifiable photograph of the candidate for at least two seconds.

(3) In a radio advertisement covered by subsection (a) of this section, the disclosure statement shall last at least two seconds, provided the statement is spoken so that its contents may be easily understood.

(4) In a digital communication advertisement covered by subsection (a) of this section, the disclosure statement shall appear in letters at least as large as the majority of the text in the communication and have a reasonable degree of color contrast between the background and the disclosure statement. If the digital communication is disseminated through a medium in which the provision of the disclosure statement is not possible, the communication shall, in a clear and conspicuous manner, include the following:

a. The name of the person who paid for the communication.

b. A means for the recipient of the communication to obtain the remainder of the information required by this section with minimal effort and without receiving or viewing any additional material other than the disclosure statement.

(c) Misrepresentation of Authorization. – Notwithstanding G.S. 163A-1445(a), any candidate, candidate campaign committee, political party organization, political action committee, referendum committee, individual, or other sponsor making an advertisement in the print ~~media or~~media, on radio or ~~television~~ television, or through digital communication bearing any legend required by subsection (a) of this section that misrepresents the sponsorship or authorization of the advertisement is guilty of a Class 1 misdemeanor."

SECTION 8. This act becomes effective January 1, 2019, and applies to elections conducted on or after that date.

House Pages
Assignments
Tuesday, June 12, 2018
Session: 9:30 AM

Committee	Room	Time	Staff	Comments	Member
Ethics / Elections	643	~~9:30 AM~~ 415	Joshua Frazier		Speaker Tim Moore
			Albani Hardy		Rep. Darren G. Jackson
			Daniel Nivens		Speaker Tim Moore
			Alyssa Walawender		Speaker Tim Moore

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Elections and Ethics Law

DATE: 6/12/2018 Room: 643

House Sgt-At Arms:

1. Name: Warren Hawkins
2. Name: Jonas Cherry
3. Name: Doug Harris
4. Name: Dean Marshbourne
5. Name: Malachi McCullough, Jr

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

Guest Speaker Signup

Committee: Elections and Ethics Law Date: 6/12/2018

Name	HB 1065	Business (CARD)
1. Melissa Price Kromm		NC Voters for Clean Elections
2. ~~Sarah Gillooly~~		~~ACLU-NC~~
3. Whitney Christensen		Facebook
4. Bedley Gray		John Locke Fdn
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 6/12/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Melissa Price Kromm	NCVCE
Renee Brinton	
Matt Brinton	
[illegible]	[illegible]
Maggie Pollard	Student
Sarah Gillody	ACLU
Jessica Wilkinson	Duke
Doug Mickin	PSG
Colleen Kochanek	KLG
Amber Harris	NCATC
Alex Miller	AMGA

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 6/12/2018

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
J B Pinsky	NCCLGR
Chris Broughton	MWC
[illegible]	MVA
Elizabeth Biser	BOT
Perry Huff	SOG
Leah Powers	Civitas
[illegible]	NCAFC
Chris Rodrigue	NCAE
Whitney Christenson	Ward & Smith
Becki Gray	John Locke Foundation

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 6/12/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Hazel Speciale	Rep Speciale LA
JAKE PARKER	NCFB
[illegible]	NMRS

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 6/12/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JIM DELANEY	VOTER INTEGRITY PROJECT

House Committee on Elections and Ethics Law
Monday, December 3, 2018 at 5:30 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Elections and Ethics Law met at 5:30 PM on December 3, 2018 in Room 643 of the Legislative Office Building. Representatives Adams, Blust, Burr, Conrad, Davis, Dixon, Faircloth, Fisher, Floyd, Ford, Hardister, Harrison, Hunter, Iler, Jackson, Bert Jones, Lewis, G. Martin, S. Martin, Michaux, B. Richardson, Riddell, Speciale, Szoka, Warren, and Willingham attended.

Representative Bert Jones, Chair, presided.

The following bills were considered:

SB 824 Implementation of Voter ID Const. Amendment. (Senators Krawiec, Ford, Daniel)

Chairman Jones recognized Representative Lewis to explain the bill.

To implement the constitutional requirement requiring voters offering to vote in person to present photographic identification before voting. Require county boards of elections to issue free voter photo identification cards to registered voters upon request. Waive the fee for a special identification card issued by the DMV for all applications who are at least 17 years old, and provide for an automatic special identification card issued to individuals whose driver's license is seized or surrendered. Create a new Class I felony for any person to counterfeit, sell, lend to, or knowingly permit the unauthorized use of a form of photo identification for the purpose of voting. Allow the chair of each political party to designate up to 100 additional at-large observers who may attend any voting place in the State.

After discussion from members of the committee on SB824 Chairman Jones adjourned the meeting. Chairman Jones stated that a new meeting would be scheduled for Tuesday, December 4, 2018 to take up any amendments, possible comments from the public and a vote on this legislation.

The meeting adjourned at 6:50.

B Jones

Representative Bert Jones, Chair
Presiding

Theresa Lopez, Committee Clerk

ATTENDANCE

ELECTIONS and ETHICS LAW

DATES	12/03/2018														
Rep. Bert Jones - Chairman	X														
Rep. David Lewis - Chairman	X														
Rep. Mickey Michaux – Vice-Chair	X														
Rep. John Szoka – Vice Chair	X														
Rep. Harry Warren – Vice-Chair	X														
Rep. Jay Adams	X														
Rep. John Blust	X														
Rep. Beverly Boswell															
Rep. Justin Burr	X														
Rep. Debra Conrad	X														
Rep. Ted Davis	X														
Rep. Jimmy Dixon	X														
Rep. John Faircloth	X														
Rep. Susan Fisher	X														
Rep. Elmer Floyd	X														
Rep. Carl Ford	X														
Rep. George Graham															
Rep. Destin Hall															
Rep. Jon Hardister	X														
Rep. Pricey Harrison	X														
Rep. Howard Hunter	X														
Rep. Frank Iler	X														
Rep. Darren Jackson	X														
Rep. Grier Martin	X														

ATTENDANCE

ELECTIONS and ETHICS LAW

DATES	12/03/2018														
Rep. Susan Martin	X														
Rep. Bobbie Richardson	X														
Rep. Dennis Riddell	X														
Rep. Michael Speciale	X														
Rep. Sam Watford															
Rep. Shelly Willingham	X														

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Friday, November 30, 2018
TIME: **5:00 PM**
LOCATION: **643 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 824	Implementation of Voter ID Const. Amendment.	Senator Krawiec Senator Ford Senator Daniel

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:22 PM on Friday, November 30, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Neal Inman (Committee Assistant)

Updated #2: Time Changed till 5:30 pm

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

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DAY & DATE: Monday, December 3, 2018
TIME: **5:30 PM**
LOCATION: **643 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 824	Implementation of Voter ID Const. Amendment.	Senator Krawiec Senator Ford Senator Daniel

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:57 PM on Thursday, December 13, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Theresa Lopez (Committee Assistant)

House Committee on Elections and Ethics Law
Monday, December 3, 2018 5:00 PM
LOB 643

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills:

SENATE BILL 824	**AN ACT TO IMPLEMENT THE CONSTITUTIONAL AMENDMENT REQUIRING PHOTOGRAPHIC IDENTIFICATION TO VOTE**

Other Business

Adjournment

SENATE BILL 824:
Implementation of Voter ID Const. Amendment.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	December 3, 2018
Introduced by:	Sens. Krawiec, Ford, Daniel	**Prepared by:**	Jessica Sammons
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: Senate Bill 824 would do the following:

- ***Implement the constitutional requirement requiring voters offering to vote in person to present photographic identification before voting.***
- ***Require county boards of elections to issue free voter photo identification cards to registered voters upon request.***
- ***Waive the fee for a special identification card issued by the DMV for all applications who are at least 17 years old, and provide for an automatic special identification card issued to individuals whose drivers license is seized or surrendered.***
- ***Create a new Class I felony for any person to counterfeit, sell, lend to, or knowingly permit the unauthorized use of a form of photo identification for the purpose of voting.***
- ***Allow the chair of each political party to designate up to 100 additional at-large observers who may attend any voting place in the State.***

CURRENT LAW: For each voter in the State, when appearing at the polls, that voter must state his or her name and residence address to the election official. The individual, if verified by the election official as a registered voter, must then sign his or her name to the poll book, other voting record, or voter authorization document prior to voting. G.S. 163A-1137. County boards may not require voters to show voter registration cards to vote. G.S. 163A-869.

Showing of ID – Certain First Time Voters: A voter registering by mail, who has not previously voted in an election with a federal ballot item, must provide one of the following forms of Help America Vote Act (HAVA) identification prior to voting in person:

- 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.

A voter is exempted from showing identification if that individual included as part of his or her voter registration one of the forms of ID listed above, or his or her drivers license number or the last four digits of his or her social security number which matched an existing State identification record. Also exempt are overseas and military voters entitled to vote by absentee ballot under the Uniform Military and Overseas Voter Act (Part 2 of Article 21 of Chapter 163A) and voters entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act. G.S. 163A-1144.

Special Identification Cards – Individuals may obtain a special identification card for nonoperators from the Division of Motor Vehicles (DMV) which requires the same documentation of identity and residence

as a NC drivers license. The fee for a special ID card is currently $13. The fee is waived for those who are legally blind, older than 70, homeless, or who have had a license canceled due to physical or mental disability or disease. The fee is also waived if the individual signs a declaration that the voter is: (i) registered or registering to vote, and (ii) does not have other photo ID to vote. False or fraudulent statements on these declarations are a Class I felony. G.S. 20-37.7.

Voters in the November 2018 election approved amendments to the North Carolina Constitution to require voters offering to vote in person to present photographic identification before voting.

BILL ANALYSIS:

Part I would implement the constitutional requirement requiring voters offering to vote in person to present photographic identification before voting.

- **Photo Identification Requirement (Section 1.2)** – Would establish G.S. 163A-1145.1, requiring all voters voting in person to present photo ID, subject to the exceptions noted below.

  The precinct official would verify that the photograph is that of the person seeking to vote. If the precinct official disputes that the photograph is that of the person seeking to vote, a challenge would be heard and decided by the judges of the precinct. Voters without photo ID would vote a provisional ballot. If the voter brings an acceptable form of photo ID to the county board of elections no later than the end of business of the business day before canvass, the ballot would be counted.

- **Acceptable Forms of Photo Identification for Voting Identification (Section 1.2)**
  - Any of the following that contains a photograph of the voter and is valid and unexpired, or has been expired for one year or less:
    - NC drivers license.
    - NC special identification card or other form of non-temporary ID issued by the DMV.
    - US passport.
    - NC voter photo identification card.
    - Tribal enrollment card issued by a federally recognized tribe.
    - Tribal enrollment card issued by a tribe recognized by NC under Chapter 71A that is (i) issued in accordance with a process approved by the State Board requiring an application and proof of identity equivalent to the process for approving a college or university identification card, and (ii) signed by an elected official of the tribe.
    - Student identification card issued by a constituent institution of The University of North Carolina, a community college, or eligible private postsecondary institutions, if approved by the State Board.
    - Employee identification card issued by a state or local government entity, including a charter school, if approved by the State Board.
    - Drivers license or special identification card issued by another state, D.C., or a territory or commonwealth of the US, only if the voter's voter registration was within 90 days of the election.
  - Any of the following that contain a photograph of the voter, regardless of whether the card contains an expiration or issuance date:
    - US military identification card.
    - Veterans Identification Card issued by the US Department of Veterans Affairs for use at Veterans Administration medical facilities.

- For voters over the age of 65, any of the identification cards above that bear a date of expiration that was not expired on the day that the voter reached the age of 65.

For any election held before January 1, 2021, any approved student identification card or employee identification card that does not contain an expiration date would be deemed an acceptable form of photo identification.

- **Approval of Student and Employee Identification Cards for Voting Identification (Section 1.2)**

  The State Board would be required to approve the use of: (i) student identification cards issued by a constituent institution of The University of North Carolina, a community college, or eligible private postsecondary institutions, and (ii) employee identification cards issued by a state or local government entity, including a charter school, if the following criteria is met:

  - 1) The chancellor, president or registrar of the university or college, or the head elected official or lead human resources employee of the state or local government entity, submits a letter signed under penalty of perjury that the following are true:
    - The ID cards contain photos of the individual taken by the university, college, or government employer.
    - The ID cards are issued after confirming the identity of the individual, including the individual's social security number, citizenship status, and birthdate.
    - The equipment that produces the cards is kept in a secure location.
    - Misuse of the equipment producing the cards is grounds for discipline of a student or termination of an employee.
    - Any misuse of equipment is reported to law enforcement.
    - The cards issued have an expiration date, effective January 1, 2021.
    - Copies of the cards are provided to the State Board to assist with training purposes.
  - 2) The university, college, or government employer complies with any other reasonable security measures deemed necessary by the State Board.

  The State Board would be required to approve use of ID cards from any universities, colleges, or government employers submitting the required criteria no later than March 15, 2019 for primaries and elections held in 2019 and 2020, no later than May 15, 2021 for elections beginning after that date, and every four years thereafter.

  The State Board would be required to produce a list of participating universities, colleges, and government employers every four years, publish the list on the State Board's website, and distribute the list to every county board of elections, with the initial list produced no later than April 1, 2019.

  The State Board would adopt temporary rules on reasonable security measures for the use of student or employee identification cards for voting identification no later than February 1, 2019, and permanent rules no later than May 15, 2021.

- **Exceptions to the Photo Identification Requirement (Section 1.2)**
  - **Religious Objection** – A voter who does not produce a photo ID due to a religious objection to being photographed may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same person personally appearing at the voting place, (ii) will cast a provisional ballot, and (iii) has a religious objection to being photographed.

- **Reasonable Impediment** – A voter who suffers from a reasonable impediment that prevents the voter from presenting photo ID may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same person personally appearing at the voting place, (ii) will cast a provisional ballot, and (iii) suffers from a reasonable impediment that prevents the voter from presenting photo ID. The voter must complete a reasonable impediment declaration form, checking a box to identify his or her reasonable impediment from the following:
  - Inability to obtain photo ID due to lack of transportation, disability or illness, lack of birth certificate or underlying documents required, work schedule, or family responsibilities.
  - Lost or stolen photo ID.
  - Photo ID applies for but not yet received by the voter voting in person.
  - Other reasonable impediment, which would require a brief written identification of the reasonable impediment by the voter.
- **Natural Disaster** – A voter who does not produce a photo ID due to being a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and Governor of this State may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same person personally appearing at the voting place, (ii) will cast a provisional ballot, and (iii) was a victim of the natural disaster.

A voter completing the affidavit for religious objection, reasonable impediment, or natural disaster will cast a provisional ballot. If the county board of elections determines that the voter voted a provisional ballot only due to the inability to provide proof of ID and the required affidavit is submitted, the county board must count the provisional ballot, unless the county board has grounds to believe the affidavit is false.

For the 2019 municipal elections, a voter who does not produce photo ID when presenting to vote in person would be allowed to complete a reasonable impediment affidavit and vote a provisional ballot, listing as the impediment not being aware of the photo ID requirement or failing to bring photo ID to the voting place.

- **Voter Photo Identification Cards (Section 1.1)** – The county board of elections would be required to issue free voter photo identification cards upon request to registered voters. This card would contain the voter's photo and voter registration number, and expire 10 years from the date of issuance.

  The State Board would provide necessary equipment to the county boards to print the cards, and the county boards would operate and maintain the equipment. County boards would also be required to maintain a secure database containing the photographs of the registered voters. The State Board would adopt rules for implementation, with temporary rules required no later than April 15, 2019, ensuring, at a minimum, the following:
  - Voters must provide their date of birth and last four digits of social security number to obtain the card.
  - The cards must be issued upon request at all times, except during the time between the end of one-stop voting and election day for each primary and election.
  - Voters may obtain a free duplicate card upon request in person or by telephone or mail.

The State Board would be required to notify any voter issued a voter photo identification card 90 days before his or her card is to expire of the impending expiration.

- **Special Identification Cards (Section 1.3)** – The fee for special identification cards for nonoperators would be waived for applicants who are at least 17 years old. The requirement that the voter sign a declaration stating that the voter is registered or registering to vote and does not have a photo ID needed to vote would be repealed.

  For any person whose drivers license, permit, or endorsement is seized or surrendered due to cancellation, disqualification, suspension, or revocation, the DMV would be required to automatically issue a special identification card to the individual, mailed to the individual's address on file, at no charge.

- **Voter Education Program (Section 1.5)** – The State Board would be required to educate the public on the voter ID provisions through the following:
  - Post information at the State Board, county boards of elections, and their respective websites.
  - Train precinct officials at training sessions on how to answer questions by voters.
  - Disseminate information by precinct officials at each election.
  - Conduct at least two seminars in each county prior to September 1, 2019.
  - Coordinate with local and service organizations to provide informational seminars.
  - Coordinate with local media outlets, county boards of commissions, and county boards of elections to disseminate information in a way that would reasonably inform the public, including in Spanish and other languages deemed necessary.
  - Provide educational materials to underserved and minority communities.
  - Notify each registered voter who does not have a NC issued drivers license or special ID card of the voter ID provisions, the requirements to vote absentee, early, and on election day, a description of voting by provisional ballot, and the availability of a free NC voter photo identification card no later than September 1, 2019.
  - Mail information on presenting photo ID, the options for provisional voting, and a description of voting mail-in absentee to all registered voters twice in 2019 and twice in 2020.
  - Prominently place a statement on all voter education materials mailed to citizens and on information posters displayed at voting sites stating that all registered voters will be allowed to vote, how to obtain a valid photo ID card, and the availability to vote by signing an affidavit of reasonable impediment.

  County boards of elections would be required to make available information on photo ID to all voters in the 2019 municipal and primary and election and at the 2020 primary election.

Part II would repeal uncodified sections of Session Law 2013-381 and Session Law 2015-103 requiring photo IDs that were enjoined by federal courts.

Part III would repeal codified sections of Session Law 2013-381 and Session Law 2015-103 requiring photo IDs that were enjoined by federal courts, and would make the following changes:

- Allow any other registered voter to issue a challenge on the day of a primary or election for a voter failing to present photo ID.

- Create a new Class I felony for any person to counterfeit, sell, lend to, or knowingly permit the use of, by one not otherwise entitled, a form of photo identification for the purpose of voting.
- Allow the chair of each political party in the State to designate up to 100 additional at-large observers, provided they are registered voters of the State and of good moral character, who may attend any voting place in the State.

EFFECTIVE DATE: County board of elections would be required to issue voter photo identification cards no later than May 1, 2019. The remainder of this act is effective when it becomes law.

BACKGROUND: In NAACP v. McCrory, the defendants were enjoined from implementing certain portions of Session Laws 2013-381 and Session Laws 2015-103, relating to photo IDs and changes to early voting, same-day registration, out-of-precinct voting, and preregistration, and the pertinent statutory provisions in effect prior to those amendments were declared to be in full force.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 2

SENATE BILL 824
Second Edition Engrossed 11/29/18

Short Title:	Implementation of Voter ID Const. Amendment.	(Public)
Sponsors:	Senators Krawiec, Ford, and Daniel (Primary Sponsors).	
Referred to:	Select Committee on Elections	

November 27, 2018

A BILL TO BE ENTITLED
AN ACT TO IMPLEMENT THE CONSTITUTIONAL AMENDMENT REQUIRING PHOTOGRAPHIC IDENTIFICATION TO VOTE.
The General Assembly of North Carolina enacts:

PART I: IMPLEMENTATION OF THE CONSTITUTIONAL REQUIREMENT REQUIRING PHOTOGRAPHIC IDENTIFICATION TO VOTE

SECTION 1.1(a) Article 17 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-869.1. Voter photo identification cards.**

(a) The county board of elections shall, in accordance with this section, issue without charge voter photo identification cards upon request to registered voters. The voter photo identification cards shall contain a photograph of the voter and the voter registration number for that voter. The voter photo identification card shall be used for voting purposes only and shall expire 10 years from the date of issuance.

(b) The State Board shall make available to county boards of elections the equipment necessary to print voter photo identification cards. County boards of elections shall operate and maintain the equipment necessary to print voter photo identification cards.

(c) County boards of elections shall maintain a secure database containing the photographs of registered voters taken for the purpose of issuing voter photo identification cards.

(d) The State Board shall adopt rules to ensure at a minimum, but not limited to, the following:

(1) A registered voter seeking to obtain a voter photo identification card shall provide the voter's date of birth and the last four digits of the voter's social security number.

(2) Voter photo identification cards shall be issued at any time, except during the time period between the end of one-stop voting for a primary or election as provided in G.S. 163A-1300 and election day for each primary and election.

(3) If the registered voter loses or defaces the voter's photo identification card, the voter may obtain a duplicate card without charge from his or her county board of elections upon request in person, or by telephone or mail.

(e) Ninety days prior to expiration, the county board of elections shall notify any voter issued a voter photographic identification card under this section of the impending expiration of the voter photographic identification card."

SECTION 1.1(b) Voter photo identification cards, as required by G.S 163A-869.1, as enacted by this act, shall be available on request no later than May 1, 2019. The State Board

shall adopt temporary rules to implement G.S. 163A-869.1, as enacted by this act, no later than April 15, 2019.

SECTION 1.2(a) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.1. Requirement for photo identification to vote in person.**

(a) Photo Identification Required to Vote. – When a voter presents to vote in person, the voter shall produce any of the following forms of identification that contain a photograph of the voter:

(1) Any of the following that is valid and unexpired, or has been expired for one year or less:

a. A North Carolina drivers license.

b. A special identification card for nonoperators issued under G.S. 20-37.7 or other form of nontemporary identification issued by the Division of Motor Vehicles of the Department of Transportation.

c. A United States passport.

d. A North Carolina voter photo identification card of the voter issued pursuant to G.S. 163A-869.1.

e. A tribal enrollment card issued by a federally recognized tribe.

f. A tribal enrollment card issued by a tribe recognized by this State under Chapter 71A of the General Statutes, provided that card meets all of the following criteria:

1. Is issued in accordance with a process approved by the State Board that requires an application and proof of identity equivalent to the process for approving a college or university identification card in G.S. 163A-1145.2.

2. Is signed by an elected official of the tribe.

g. A student identification card issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3), provided that card is issued in accordance with G.S. 163A-1145.2.

h. An employee identification card issued by a state or local government entity, including a charter school, provided that card is issued in accordance with G.S. 163A-1145.3.

i. A drivers license or special identification card for nonoperators issued by another state, the District of Columbia, or a territory or commonwealth of the United States, but only if the voter's voter registration was within 90 days of the election.

(2) Any of the following, regardless of whether the identification contains a printed expiration or issuance date:

a. A military identification card issued by the United States government.

b. A Veterans Identification Card issued by the United States Department of Veterans Affairs for use at Veterans Administration medical facilities.

(3) Any expired form of identification allowed in this subsection presented by a voter having attained the age of 65 years at the time of presentation at the voting place, provided that the identification was unexpired on the voter's sixty-fifth birthday.

(b) Verification of Photo Identification. – After presentation of the required identification described in subsection (a) of this section, the precinct officials assigned to check registration shall compare the photograph contained on the required identification with the person presenting

to vote. The precinct official shall verify that the photograph is that of the person seeking to vote. If the precinct official disputes that the photograph contained on the required identification is the person presenting to vote, a challenge shall be conducted in accordance with the procedures of G.S. 163A-914.

(c) Provisional Ballot Required Without Photo Identification. – If the registered voter cannot produce the identification as required in subsection (a) of this section, the voter may cast a provisional ballot that is counted only if the voter brings an acceptable form of photograph identification listed in subsection (a) of this section to the county board of elections no later than the end of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172.

(d) Exceptions. – The following exceptions are provided for a voter who does not produce a valid and current photograph identification as required in subsection (a):

(1) Religious Objection. – If a voter does not produce an acceptable form of photograph identification due to a religious objection to being photographed, the voter may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) has a religious objection to being photographed. Upon completion of the affidavit, the voter may cast a provisional ballot.

(2) Reasonable Impediment. – If a voter does not produce an acceptable form of photograph identification because the voter suffers from a reasonable impediment that prevents the voter from presenting photograph identification, the voter may complete an affidavit under the penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) suffers from a reasonable impediment that prevents the voter from presenting photograph identification. The voter also shall complete a reasonable impediment declaration form provided in subsection (d1) of this section, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the voter may cast a provisional ballot.

(3) Natural Disaster. – If a voter does not produce an acceptable form of photograph identification due to being a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and the Governor of this State, the voter may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) was a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and the Governor of this State. Upon completion of the affidavit, the voter may cast a provisional ballot.

(d1) Reasonable Impediment Declaration Form. – The State Board shall adopt a reasonable impediment declaration form that, at a minimum, includes the following as separate boxes that a voter may check to identify the voter's reasonable impediment:

(1) Inability to obtain photo identification due to:
  a. Lack of transportation.
  b. Disability or illness.
  c. Lack of birth certificate or other underlying documents required.
  d. Work schedule.
  e. Family responsibilities.

(2) Lost or stolen photo identification.

(3) Photo identification applied for but not yet received by the voter voting in person.

(4) Other reasonable impediment. If the voter checks the "other reasonable impediment" box, a further brief written identification of the reasonable impediment shall be required, including the option to indicate that State or federal law prohibits listing the impediment.

(e) County Board Review of Exceptions. – If the county board of elections determines that the voter voted a provisional ballot only due to the inability to provide proof of identification and the required affidavit required in subsection (d) of this section is submitted, the county board of elections shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false.

(f) Purpose. – The purpose of the identification required pursuant to subsection (a) of this section is to confirm the person presenting to vote is the voter on the voter registration records. Any address listed on the identification is not determinative of a voter's residence for the purpose of voting. A voter's residence for the purpose of voting is determined pursuant to G.S. 163A-842."

SECTION 1.2(b) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.2. Approval of student identification cards for voting identification.**

(a) The State Board shall approve the use of student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) for voting identification under G.S. 163A-1145.1 if the following criteria are met:

(1) The chancellor, president, or registrar of the university or college submits a signed letter to the Executive Director of the State Board under penalty of perjury that the following are true:

a. The identification cards that are issued by the university or college contain photographs of students taken by the university or college or its agents or contractors.

b. The identification cards are issued after an enrollment process that includes methods of confirming the identity of the student that include, but are not limited to, the social security number, citizenship status, and birthdate of the student.

c. The equipment for producing the identification cards is kept in a secure location.

d. Misuse of the equipment for producing the identification cards would be grounds for student discipline or termination of an employee.

e. University or college officials would report any misuse of student identification card equipment to law enforcement if G.S. 163A-1389(19) was potentially violated.

f. The cards issued by the university or college contain a date of expiration, effective January 1, 2021.

g. The university or college provides copies of standard identification cards to the State Board to assist with training purposes.

(2) The university or college complies with any other reasonable security measures determined by the State Board to be necessary for the protection and security of the student identification process.

(b) The State Board shall approve the use of student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) every four years.

(c) The State Board shall produce a list of participating universities and colleges every four years. The list shall be published on the State Board's Web site and distributed to every county board of elections."

SECTION 1.2(c) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.3. Approval of employee identification cards for voting identification.**

(a) The State Board shall approve the use of employee identification card issued by a state or local government entity, including a charter school, for voting identification under G.S. 163A-1145.1 if the following criteria are met:

(1) The head elected official or lead human resources employee of the state or local government entity or charter school submits a signed letter to the Executive Director of the State Board under penalty of perjury that the following are true:

a. The identification cards that are issued by the state or local government entity contain photographs of the employees taken by the employing entity or its agents or contractors.

b. The identification cards are issued after an employment application process that includes methods of confirming the identity of the employee that include, but are not limited to, the social security number, citizenship status, and birthdate of the employee.

c. The equipment for producing the identification cards is kept in a secure location.

d. Misuse of the equipment for producing the identification cards would be grounds for termination of an employee.

e. State or local officials would report any misuse of identification card equipment to law enforcement if G.S. 163A-1389(19) was potentially violated.

f. The cards issued by the state or local government entity contain a date of expiration, effective January 1, 2021.

g. The state or local government entity provides copies of standard identification cards to the State Board to assist with training purposes.

(2) The state or local government entity complies with any other reasonable security measures determined by the State Board to be necessary for the protection and security of the employee identification process.

(b) The State Board shall approve the use of employee identification cards issued by a state or local government entity, including a charter school, every four years.

(c) The State Board shall produce a list of participating employing entities every four years. The list shall be published on the State Board's Web site and distributed to every county board of elections."

SECTION 1.2(d) Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and 163A-1145.3, the State Board shall approve (i) tribal enrollment cards issued by a tribe recognized by this State under Chapter 71A of the General Statutes; (ii) student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3); and (iii) employee identification cards issued by a state or local government entity, including a charter school, for use as voting identification under G.S. 163A-1145.1 no later than March 15, 2019, for use in primaries and elections held in 2019 and 2020, and again no later than May 15, 2021, for elections held on or after that date. The State Board shall adopt temporary rules on reasonable security measures for use of student or employee identification cards for voting identification in G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than February 1, 2019. The State Board shall adopt permanent rules on reasonable security measures for use of

student or employee identification cards for voting identification in G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than May 15, 2021. The State Board shall produce the initial list of participating institutions and employing entities no later than April 1, 2019.

SECTION 1.2(e) Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and 163A-1145.3, a student identification card issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) or an employee identification card issued by state or local government entity that does not contain an expiration date shall be eligible for use in any election held before January 1, 2021.

SECTION 1.2(f) Notwithstanding G.S. 163A-1145.1(d)(2), for elections held in 2019, any voter who does not present a photograph identification listed as acceptable in G.S. 163A-1145.1(a) when presenting to vote in person shall be allowed to complete a reasonable impediment affidavit and cast a provisional ballot, listing as the impediment not being aware of the requirement to present photograph identification when voting in person or failing to bring photograph identification to the voting place.

SECTION 1.3 G.S. 20-37.7 reads as rewritten:

"**§ 20-37.7. Special identification card.**

...

(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 as follows:

(1) The applicant is legally blind.

(2) The applicant is at least ~~70~~ 17 years old.

(3) The applicant 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.

(4) The applicant is homeless. 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.

~~(5) The applicant is registered to vote in this State and does not have photo identification acceptable under G.S. 163A-1145. To obtain a special identification card without paying a fee, a registered voter shall sign a declaration stating the registered voter is registered and does not have other photo identification acceptable under G.S. 163A-1145. The Division shall verify that voter registration prior to issuing the special identification card. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely making the declaration.~~

~~(6) The applicant is appearing before the Division for the purpose of registering to vote in accordance with G.S. 163A-883 and does not have other photo identification acceptable under G.S. 163A-1145. To obtain a special identification card without paying a fee, that applicant shall sign a declaration stating that applicant is registering to vote and does not have other photo identification acceptable under G.S. 163A-1145. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely making the declaration.~~

(7) The applicant has a developmental disability. To obtain a special identification card without paying a fee pursuant to this subdivision, an applicant must present a letter from his or her primary care provider certifying that the applicant has a developmental disability. For purposes of this subdivision, the term "developmental disability" has the same meaning as in G.S. 122C-3.

...

(d2) Notwithstanding subsection (b) of this section, for a person whose valid drivers license, permit, or endorsement, is required to be seized or surrendered due to cancellation, disqualification, suspension, or revocation under applicable State law, the Division shall issue a special identification card to that person without application, if eligible to receive a special identification card, upon receipt of the seized or surrendered document. The Division shall issue and mail, via first-class mail to that person's address on file, a special identification card pursuant to this subsection at no charge.

...."

SECTION 1.4(a) G.S. 163A-1137(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 and presenting photo identification in accordance with ~~G.S. 163A-1145.~~G.S. 163A-1145.1. 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 1.4(b) G.S. 163A-1300(b) reads as rewritten:

"(b) Not earlier than the third Wednesday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 7:00 P.M. on the last Friday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in G.S. 163A-1303. 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 and present photo identification in accordance with ~~G.S. 163A-1145.~~G.S. 163A-1145.1. 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. 163A-989, 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. 163A-1391. 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 1.5(a) The Bipartisan State Board of Elections and Ethics Enforcement (State Board) shall establish an aggressive voter education program concerning the provisions contained in this legislation. The State Board shall educate the public as follows:

(1) Post information concerning changes contained in this legislation in a conspicuous location at each county board of elections, the State Board's office, and their respective websites.

(2) Train precinct officials at training sessions required as provided in G.S. 163A-889 to answer questions by voters concerning the changes in this legislation.

(3) Require documentation describing the changes in this legislation to be disseminated by precinct officials at every election held following the effective date of this act.

(4) Coordinate with each county board of elections so that at least two seminars are conducted in each county prior to September 1, 2019.

(5) Coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level.

(6) Coordinate with local media outlets, county boards of commissions, and county boards of elections to disseminate information in a way that would reasonably inform the public concerning the changes in this legislation, including disseminating the information in Spanish and other languages deemed necessary.

(7) Provide educational materials regarding the provisions of this act, the requirements to vote absentee, early, or on election day, a description of voting by provisional ballot, and the availability of a free North Carolina voter photo identification card pursuant to G.S. 163A-869.1 to underserved and minority communities.

(8) Notify each registered voter who does not have a North Carolina issued drivers license or identification card a notice of the provisions of this act by no later than September 1, 2019. This notice must include the requirements to vote absentee, early, or on election day and a description of voting by provisional ballot. It must also state the availability of a free North Carolina voter photo identification card pursuant to G.S. 163A-869.1.

(9) Mail information to all registered voters twice in 2019 and twice in 2020 that, at a minimum, describes forms of acceptable photo identification when presenting to vote in person, the options for provisional voting for registered voters who do not present the required photo identification, and a description of voting mail-in absentee.

(10) Prominently place the following statement in all voter education materials mailed to citizens and on informational posters displayed at one-stop voting sites and precincts on election day: "All registered voters will be allowed to vote with or without a photo ID card. When voting in person, you will be asked to present a valid photo identification card. If you do not have a valid photo ID card, you may obtain one from your county board of elections prior to the election, through the end of the early voting period. If you do not have a valid photo ID card on election day, you may still vote and have your vote counted by signing an affidavit of reasonable impediment as to why you have not presented a valid photo ID."

(11) In addition to the items above, the State Board may implement additional educational programs in its discretion.

SECTION 1.5(b) The State Board is directed to create a list containing all registered voters of North Carolina who are otherwise qualified to vote but do not have a North Carolina drivers license or other form of identification containing a photograph issued by the Division of Motor Vehicles of the Department of Transportation, as of September 1, 2019. The list must be made available to any registered voter upon request. The State Board may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list. The Division of Motor Vehicles must provide the list of persons with a North Carolina drivers license

or other form of identification containing a photograph issued by the Division of Motor Vehicles at no cost to the State Board.

SECTION 1.5(c) County boards of elections shall make available information describing the changes in this legislation, including acceptable forms of photograph identification, to all voters in the 2019 municipal primary and election and at the 2020 primary election.

PART II: REPEAL OF UNCODIFIED SECTIONS OF THE VOTER INFORMATION VERIFICATION ACT

SECTION 2.(a) Sections 1.1, 5.2, 5.4, and 5.5 of S.L. 2013-381 are repealed.

SECTION 2.(b) Section 5.3 of S.L. 2013-381, as amended by Section 8.(g) of S.L. 2015-103, is repealed.

PART III: REPEAL OF CODIFIED SECTIONS OF THE VOTER INFORMATION VERIFICATION ACT AND RELATED STATUTES

SECTION 3.1(a) G.S. 163A-868 is repealed.

SECTION 3.1(b) G.S. 163A-869(e) reads as rewritten:

"(e) Display of Card May Not Be Required to Vote. – No county board of elections may require that a voter registration card be displayed in order to vote.~~ A county board of elections may notify a voter that the voter's registration card may be used for the required identification in conjunction with a reasonable impediment declaration in accordance with G.S. 163A-1147.~~"

SECTION 3.1(c) G.S. 163A-913 reads as rewritten:

"**§ 163A-913. 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 county may exercise the right of challenge, and when the voter does so may enter the voting enclosure to make the challenge, but 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 county may challenge a person for one or more of the following reasons:

(1) One or more of the reasons listed in G.S. 163A-911(c).

(2) That the person has already voted in that primary or election.

(3) If the challenge is made with respect to voting in a partisan primary, that the person is a registered voter of another political party.

~~(4) Except as provided in G.S. 163A-1145(d) and G.S. 163A-1146, the voter does not present photo identification in accordance with G.S. 163A-1145.~~

(4a) The voter does not present photo identification in accordance with G.S. 163A-1145.1.

The chief judge, judge, or assistant appointed under G.S. 163A-815 or 163A-818 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. 163A-911(c)(3), the voter may still transfer that voter's registration under G.S. 163A-878(e) if eligible under that section, and the registration shall not be cancelled under G.S. 163A-919(a) if the transfer is made. A person who has transferred that voter's registration under G.S. 163A-911(c)(3) may be challenged at the precinct to which the registration is being transferred."

SECTION 3.1(d) G.S. 163A-1140(b) is repealed.

SECTION 3.1(e) G.S. 163A-1145 is repealed.

SECTION 3.1(f) G.S. 163A-1146 is repealed.

SECTION 3.1(g) G.S. 163A-1147 is repealed.

SECTION 3.1(h) G.S. 163A-1167 is repealed.

SECTION 3.1(i) G.S. 163A-1168 is repealed.

SECTION 3.1(j) G.S. 163A-1301 is repealed.

SECTION 3.2(a) G.S. 130A-93.1(c) reads as rewritten:

"(c) Upon verification of voter registration, the State Registrar shall not charge any fee under subsection (a) of this section to a registered voter who signs a declaration stating the registered voter is registered to vote in this State and does not have a certified copy of that registered voter's birth certificate or marriage license necessary to obtain photo identification acceptable under ~~G.S. 163A-1145.~~ G.S. 163A-1145.1. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

SECTION 3.2(b) G.S. 161-10(a)(8) reads as rewritten:

"(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. – For furnishing a certified copy of a death or birth certificate or marriage license ten dollars ($10.00). Provided however, a register of deeds, in accordance with G.S. 130A-93, may issue without charge a certified birth certificate to any person over the age of 62 years. Provided, however, upon verification of voter registration, a register of deeds, in accordance with G.S. 130A-93, shall issue without charge a certified copy of a birth certificate or a certified copy of a marriage license to any registered voter who declares the registered voter is registered to vote in this State and does not have a certified copy of that registered voter's birth certificate or marriage license necessary to obtain photo identification acceptable under ~~G.S. 163A-1145.~~ G.S. 163A-1145.1. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

SECTION 3.2(c) G.S. 163A-1389(13) reads as rewritten:

"(13) For any person falsely to make or present any certificate or other paper to qualify any person fraudulently as a voter, or to attempt thereby to secure to any person the privilege of voting, including declarations made under this ~~Subhapter, G.S. 20-37.7(d)(5), 20-37.7(d)(6), 130A-93.1(c),~~ Subchapter, G.S. 130A-93.1(c), and G.S. 161-10(a)(8)."

SECTION 3.2(d) G.S. 163A-1389 is amended by adding a new subdivision to read:

"(19) To counterfeit, sell, lend to, or knowingly permit the use of, by one not entitled thereto, a form of photo identification provided in G.S. 163A-1145.1 for the purposes of voting."

SECTION 3.3 G.S. 163A-821 reads as rewritten:

"**§ 163A-821. Observers; appointment.**

(a) The chair of each political party in the county shall have the right to designate two observers to attend each voting place at each primary and election and such observers may, at the option of the designating party chair, be relieved during the day of the primary or election after serving no less than four hours and provided the list required by this section to be filed by each chair contains the names of all persons authorized to represent such chair's political party. The chair of each political party in the county shall have the right to designate 10 additional at-large observers who are residents of that county who may attend any voting place in that county. The chair of each political party in the State shall have the right to designate up to 100 additional at-large observers who are residents of the State who may attend any voting place in the State. The list submitted by the chair of the political party may be amended between the one-stop period under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 and general election day to substitute one or all at-large observers for election day. Not more than two observers from the same political party shall be permitted in the voting enclosure at any time, except that in addition one of the at-large observers from each party may also be in the voting enclosure. This right shall not extend to the chair of a political party during a primary unless that party is participating in the primary. In any election in which an unaffiliated candidate is named

on the ballot, the candidate or the candidate's campaign manager shall have the right to appoint two observers for each voting place consistent with the provisions specified herein. Persons appointed as observers by the chair of a county political party must be registered voters of the county for which appointed and must have good moral character. Persons appointed as observers by the chair of a State political party must be registered voters of the State and must have good moral character. No person who is a candidate on the ballot in a primary or election may serve as an observer or runner in that primary or election. Observers shall take no oath of office.

(b) Individuals authorized to appoint observers must submit in writing to the chief judge of each precinct a signed list of the observers appointed for that precinct, except that the list of at-large observers authorized in subsection (a) of this section shall be submitted to the county director of elections. Individuals authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any primary or general election, submit in writing to the chair of the county board of elections two signed copies of a list of observers appointed by them, designating the precinct or at-large status for which each observer is appointed. Before the opening of the voting place on the day of a primary or general election, the chair shall deliver one copy of the list to the chief judge for each affected precinct, except that the list of at-large observers shall be provided by the county director of elections to the chief judge. The chair shall retain the other copy. The chair, or the chief judge and judges for each affected precinct, may for good cause reject any appointee and require that another be appointed. The names of any persons appointed in place of those persons rejected shall be furnished in writing to the chief judge of each affected precinct no later than the time for opening the voting place on the day of any primary or general election, either by the chair of the county board of elections or the person making the substitute appointment.

If party chairs appoint observers at one-stop sites under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, those party chairs shall provide a list of the observers appointed before 10:00 A.M. on the fifth day before the observer is to observe. At-large observers may serve at any one-stop site.

…."

SECTION 3.4(a) G.S. 163A-867(g)(2) reads as rewritten:

"(2) If the Postal Service has returned as undeliverable a notice sent within 25 days before the election to the applicant under subsection (c) of this section, then the applicant may vote only in person in that first election and may not vote by absentee ballot except in person under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. The county board of elections shall establish a procedure at the voting site for:

a. Obtaining the correct address of any person described in this subdivision who appears to vote in person; and

b. Assuring that the person votes in the proper place and in the proper contests.

If a notice mailed under subsection (c) or subsection (e) of this section is returned as undeliverable after a person has already voted by absentee ballot, then that person's ballot may be challenged in accordance with G.S. 163A-916."

SECTION 3.4(b) G.S. 163A-1133(b) reads as rewritten:

"(b) Photographing Voters Prohibited. – No person shall photograph, videotape, or otherwise record the image of any voter within the voting enclosure, except with the permission of both the voter and the chief judge of the precinct. If the voter is a candidate, only the permission of the voter is required. This subsection shall also apply to one-stop sites under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. This subsection does not apply to cameras used as a regular part of the security of the facility that is a voting place or one-stop site."

SECTION 3.4(c) G.S. 163A-1134(e) reads as rewritten:

"(e) Buffer Zone and Area for Election-Related Activity at One-Stop Sites. – Except as modified in this subsection, the provisions of this section shall apply to one-stop voting sites in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304.

(1) Subsection (c) of this section shall not apply.

(2) The notice in subsection (d) of this section shall be provided no later than 10 days before the opening of one-stop voting at the site."

SECTION 3.4(d) G.S. 163A-1298(a) reads as rewritten:

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

(1) For any person except the voter's near relative or the voter's verifiable legal guardian to assist the voter to vote an absentee ballot when the voter is voting an absentee ballot other than under the procedure described in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304; provided that if there is not a near relative or legal guardian available to assist the voter, the voter may request some other person to give assistance.

(2) For any person to assist a voter to vote an absentee ballot under the absentee voting procedure authorized by G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 except as provided in that section.

(3) For a voter who votes an absentee ballot under the procedures authorized by G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 to vote that voter's absentee ballot outside of the voting booth or private room provided to the voter for that purpose in or adjacent to the office of the county board of elections or at the additional site provided by G.S. 163A-1302, or to receive assistance except as provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304.

...."

SECTION 3.4(e) G.S. 163A-1300(a) reads as rewritten:

"(a) Any voter eligible to vote by absentee ballot under G.S. 163A-1295 may request an application for absentee ballots, complete the application, and vote under the provisions of this section and ~~G.S. 163A-1301, 163A-1302,~~G.S. 163A-1302, 163A-1303, and 163A-1304."

SECTION 3.4(f) G.S. 163A-1300(i) reads as rewritten:

"(i) Notwithstanding the provisions of G.S. 163A-916(a) and (b), a challenge may be entered against a voter at a one-stop site under G.S. 163A-1303 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 and ~~G.S. 163A-1301, 163A-1302,~~G.S. 163A-1302, 163A-1303, and 163A-1304 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. The challenge shall be heard by the county board of elections in accordance with the procedures set forth in G.S. 163A-916(e)."

SECTION 3.4(g) G.S. 163A-1303 reads as rewritten:

"**§ 163A-1303. Sites and hours for one-stop voting.**

(a) Notwithstanding any other provision of G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304, 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 these sections. 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 as part of a Plan for Implementation approved by both the county board of elections and by the State Board 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. 163A-821 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 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 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.

(b) The State Board 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. 163A-1046 to demand and use as an election-day voting place, unless the State Board 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 G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304, 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 these sections. 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 G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304. 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.

...."

SECTION 3.4(h) G.S. 163A-1306 reads as rewritten:

"§ 163A-1306. Register of absentee requests, applications, and ballots issued; a public record.

The State Board shall approve an official register in which the county board of elections in each county of the State shall record the following information:

(1) Name of voter for whom application and ballots are being requested, and, if applicable, the name and address of the voter's near relative or verifiable legal guardian who requested the application and ballots for the voter.

(2) Number of assigned voter's application when issued.

(3) Precinct in which applicant is registered.

(4) Address to which ballots are to be mailed, or, if the voter voted pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, a notation of that fact.

(5) Date request for application for ballots is received by the county board of elections.
(6) The voter's party affiliation.
(7) The date the ballots were mailed or delivered to the voter.
(8) Whatever additional information and official action may be required by this Part.

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

The register of absentee requests, applications and ballots issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county within 60 days before and 30 days after an election in which absentee ballots were authorized, or at any other time when good and sufficient reason may be assigned for its inspection."

SECTION 3.4(i) G.S. 163A-1308(c) reads as rewritten:

"(c) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When the county board of elections receives a completed request form for applications and absentee ballots, the board shall promptly issue and transmit them to the voter in accordance with the following instructions:

(1) On the top margin of each ballot the applicant is entitled to vote, the chair, a member, officer, or employee of the board of elections shall write or type the words "Absentee Ballot No. ____ " or an abbreviation approved by the State Board and insert in the blank space the number assigned the applicant's application in the register of absentee requests, applications, and ballots issued. That person shall not write, type, or print any other matter upon the ballots transmitted to the absentee voter. Alternatively, the board of elections may cause to be barcoded on the ballot the voter's application number, if that barcoding system is approved by the State Board.
(2) The chair, member, officer, or employee of the board of elections shall fold and place the ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, in accordance with the terms of G.S. 163A-1307(b), the absentee voter's name, the absentee voter's application number, and the designation of the precinct in which the voter is registered. If the ballot is barcoded under this section, the envelope may be barcoded rather than having the actual number appear. The person placing the ballots in the envelopes shall leave the container-return envelope holding the ballots unsealed.
(3) The chair, member, officer, or employee of the board of elections shall then place the unsealed container-return envelope holding the ballots together with printed instructions for voting and returning the ballots, in an envelope addressed to the voter at the post office address stated in the request, seal the envelope, and mail it at the expense of the county board of elections: Provided, that in case of a request received after 5:00 p.m. on the Tuesday before the election under the provisions of subsection (b) of this section, in lieu of transmitting the ballots to the voter in person or by mail, the chair, member, officer, or employee of the board of elections may deliver the sealed envelope containing the instruction sheet and the container-return envelope holding the ballots to a near relative or verifiable legal guardian of the voter.

The county board of elections may receive completed written request forms for applications at any time prior to the election but shall not mail applications and ballots to the voter or issue applications and ballots in person earlier than 60 days prior to the statewide general election in an even-numbered year, or earlier than 50 days prior to any other election, except as provided in

G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. No election official shall issue applications for absentee ballots except in compliance with this Part."

SECTION 3.4(j) G.S. 163A-1310(c) reads as rewritten:

"(c) For purposes of this section, "Delivered in person" includes delivering the ballot to an election official at a one-stop voting site under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 during any time that site is open for voting. The ballots shall be kept securely and delivered by election officials at that site to the county board of elections office for processing."

SECTION 3.4(k) G.S. 163A-1315 reads as rewritten:

"**§ 163A-1315. Counting absentee ballots by county board of elections.**

All absentee ballots returned to the county board of elections in the container-return envelopes shall be retained by the board to be counted by the county board of elections as herein provided.

...

(6) As each ballot envelope is opened, the board shall cause to be entered into a pollbook designated "Pollbook of Absentee Voters" the name of the absentee voter, or if the pollbook is computer-generated, the board shall check off the name. Preserving secrecy, the ballots shall be placed in the appropriate ballot boxes, at least one of which shall be provided for each type of ballot. The "Pollbook of Absentee Voters" shall also contain the names of all persons who voted under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, but those names may be printed by computer for inclusion in the pollbook.

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

If one-stop ballots under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 are counted electronically, that count shall commence at the time the polls close. If one-stop ballots are paper ballots counted manually, that count shall commence at the same time as other absentee ballots are counted.

If a challenge transmitted to the board on canvass day by a chief judge is sustained, the ballots challenged and sustained shall be withdrawn from the appropriate boxes, as provided in G.S. 163A-916(e).

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

(7) Upon completion of the counting process the board members shall cause the results of the tally to be entered on the absentee abstract prescribed by the State Board. The abstract shall be signed by the members of the board in attendance and the original mailed immediately to the State Board. The county board of elections may have a separate count on the abstract for one-stop absentee ballots under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304.

...."

SECTION 3.4(*l*) G.S. 163A-1368 reads as rewritten:

"**§ 163A-1368. Absentee voting at office of board of elections.**

Notwithstanding any other provisions of this Subchapter, any covered voter under this Part shall be permitted to vote an absentee ballot pursuant to G.S. 163A-1300, ~~163A-1301,~~

163A-1302, 163A-1303, and 163A-1304 if the covered voter has not already voted an absentee ballot which has been returned to the board of elections, and if 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 the covered voter applying to vote pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, the board of elections shall void the application and ballot unless the voted absentee ballot has been received by the board of elections. The covered voter shall be eligible to vote pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 no later than 5:00 P.M. on the day next preceding the primary, second primary or election."

SECTION 3.4(m) G.S. 163A-1411(41) reads as rewritten:

"(41) The term "electioneering communication" means any broadcast, cable, or satellite communication, or mass mailing, or telephone bank that has all the following characteristics:

a. Refers to a clearly identified candidate for elected office.

b. In the case of the general election in November of the even-numbered year is aired or transmitted after September 7 of that year, and in the case of any other election is aired or transmitted within 60 days of the time set for absentee voting to begin pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 in an election for that office.

c. May be received by either:

1. 50,000 or more individuals in the State in an election for statewide office or 7,500 or more individuals in any other election if in the form of broadcast, cable, or satellite communication.

2. 20,000 or more households, cumulative per election, in a statewide election or 2,500 households, cumulative per election, in any other election if in the form of mass mailing or telephone bank."

SECTION 3.4(n) G.S. 163A-1520(a) reads as rewritten:

"(a) Judicial Voter Guide. – The State Board shall publish a Judicial Voter Guide that explains the functions of the appellate courts and the laws concerning the election of appellate judges, the purpose and function of the Public Campaign Fund, and the laws concerning voter registration. The State Board shall distribute the Guide to as many voting-age individuals in the State as practical, through a mailing to all residences or other means it deems effective. The distribution shall occur no more than 28 days nor fewer than seven days before the one-stop voting period provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 for the primary and no more than 28 days nor fewer than seven days before the one-stop voting period provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 for the general election."

PART IV. APPROPRIATION

SECTION 4. The Bipartisan State Board of Elections and Ethics Enforcement may spend the entirety of the Voter Education Fund for the implementation of this act.

PART V. EFFECTIVE DATE

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Elections and Ethics Law

DATE: 12/3/2018 Room: 643 LOB

House Sgt-At Arms:

1. Name: Warren Hawkins
2. Name: Will Crocker
3. Name: Doug Harris
4. Name: Malachi McCullough, Jr
5. Name: Thomas Terry

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 12/3/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dawn Comfort	Stronger NC 307 Morrison Ave. Raleigh 27606
Deanna Catman	NCDOT
Will Morgan	MFS
Claudia Shoemaker	Governors Office
Jason Joyner	Insurance
Skye David	Insurance
R Jun	RAHC. LPAs NCMA NCPBA
Amber Harris	NCAFC
Johanna Reese	NCAFC
Ty Ford	MWC

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 12/3/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Aylett Colston	Attorney
Jenny Kotora-Lynch	LWV
Chris Emanuel	Emanuel Group
Bruce Riage	Citizen
William Parker, Jr.	Citizen
David B. Freeman	Citizen
Lindsey Holmes	You Can Vote
Caitlin Metzger	You Can Vote
Sandra Ricci	Citizen
Marsha Evans	DRNC

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 12/3/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Julia Adams Scheurich	Oak City Gr
Rachel Beaulieu	RFBlaw
[illegible]	[illegible]
Jason Juffras	Office of State Budget and Management
[illegible]	
Ann Webb	ACLU-NC
Susanna Birdsong	ACLU-NC
Sarah Gillooly	ACLU-NC
Briana Brough	FLIP NC
Leo John	NC Secretary of State
Ann Silverman	

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 12/3/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tony Quartarano	Citizen
Elena Ceberio	Citizen
Drew Martz	UNC System
NICK OCHSNER	WBTV
Mary Shepherd	NCCCS
Amy Auth	UNC-CH
Tom Ulrich	NCICU
Allison Riggs	SCSJ
T. Anthony Spearman	NCAMNCP
Leah Kang	Forward Justice
BILL GILKESON	attorney

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 12/3/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
ANA Blackburn	NC Poor Peoples Campaign
Tyler Swanson	NC Poor Peoples Campaign

House Committee on Elections and Ethics Law
Tuesday, December 4, 2018 at 1:00 PM
Room 643 of the Legislative Office Building

MINUTES

The House Committee on Elections and Ethics Law met at 1:00 PM on December 4, 2018 in Room 643 of the Legislative Office Building. Representatives Adams, Blust, Burr, Conrad, Davis, Dixon, Faircloth, Fisher, Floyd, Ford, Hardister, Harrison, Hunter, Iler, Jackson, Bert Jones, Lewis, G. Martin, S. Martin, Michaux, B. Richardson, Riddell, Speciale, Szoka, Warren, and Willingham attended.

Representative Bert Jones, Chair, presided.

The following bills were considered:

SB 824 Implementation of Voter ID Const. Amendment. (Senators Krawiec, Ford, Daniel)
A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE CONSTITUTIONAL AMENDMENT REQUIRING 3 PHOTOGRAPHIC IDENTIFICATION TO VOTE.

Chairman Jones called the meeting to order to take up amendments for SB824.

The following amendments were offered:

S824-ABK-138 [v.2] – Representative Lewis presented his amendment and asked for the adoption. The motion passes and the amendment was adopted. (Attachment 1)

S824-ABK-131 [v.1] – Representative Floyd presented his amendment and asked for the adoption. The motion passes and the amendment was adopted. (Attachment 2)

S824-ABK-132 [v.2] – Representative Jackson presented his amendment and asked for the adoption. The motion passes and the amendment was adopted. (Attachment 3)

S824-AST-167 [v.1] – Representative Harrison presented her amendment and asked for the adoption. The amendment failed. (Attachment 4)

S824-AST-180 [v.1] – Representative Floyd presented his amendment and ask for the adoption. The motion passes and the amendment was adopted. (Attachment 5)

S824-ABK-139 [v.2] – Representative Warren presented his amendment and asked for the adoption. The motion passes and the amendment was adopted. (Attachment 6)

S824-ATC-195 [v.4] – Representative Warren presented his amendment and asked for the adoption. After discussion from the committee Representative Lewis was recognized to ask Representative Warren if he would mind if the amendment could be displaced until the language is reviewed. Representative Warren agreed and the amendment was displaced. (Attachment 7)

S824-ATC-200 [v.1] – Representative Warren presented his amendment and asked for the adoption. The amendment raising several questions Representative Lewis was recognized to ask Representative Warren if this amendment could be displaced for further review. Representative Warren agreed and the amendment was displaced. (Attachment 8)

S824-ATC-198 [v.1] – Representative Warren presented his amendment and asked for the adoption. The motion passes and the amendment was adopted. (Attachment 9)

S824-ATC-199 [v.1] – Representative Warren presented his amendment and asked for the adoption. The motion passes and the amendment was adopted. (Attachment 10)

S824-ATC-193 [v.3] – Representative Warren presented his amendment and asked for the adoption. The motion passes and the amendment was adopted. (Attachment 11)

S824-ATC-194 [v.3] – Representative Warren presented his amendment and asked for the adoption. The motion passes and the amendment was adopted. (Attachment 12)

S824-ABK-144 [v.1] - Representative Blust presented his amendment and asked for the adoption. After discussion from members of the committee Representative Lewis was recognized to ask Representative Blust to consider withdrawing his amendment. The amendment was withdrawn. (Attachment 13)

S824-ABK-147 [v.3] – Representative Fisher presented her amendment and asked for the adoption. After discussion on the amendment Representative Lewis made the motion to not adopt the amendment and the motion passes. The amendment failed. (Attachment 14)

S824-ABK-153 [v.2] – Representative Conrad presented her amendment and asked for the adoption. The motion passes and the amendment was adopted. (Attachment 15)

After a brief recess Representative Harrison was recognized to send forth her amendments. S824-ABG-41 [v.3] and S824-ABK-150 [v.2]. Representative Harrison requested that both of those amendments be withdrawn. (Attachment 16 & 17)

S824-ATC-201 [v.1] – Representative Harrison presented her amendment and asked for the adoption. The motion passes and the amendment was adopted. (Attachment 18)

After the amendments were presented and voted on Chairman Jones asked the audience if there was anyone who would like to speak on the bill. Chairman Jones recognized the five speakers who were listed on the Speaker registration Sheet. (Attachment 19)

Chairman Jones asked for a motion on the S824. Chairman Lewis made the motion for a favorable report as amended unfavorable to the original bill and giving staff the authority to correct technical items. Chairman Jones stated there would be a Roll Call Vote. The bill passes with 17 in favor and 9 against. (Attachment 20)

The meeting adjourned at 3:49pm.

Representative Bert Jones, Chair
Presiding

Theresa Lopez, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

ELECTIONS AND ETHICS LAW COMMITTEE REPORT
Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

FAVORABLE HOUSE COM SUB, UNFAVORABLE ORIGINAL BILL

SB **824** Implementation of Voter ID Const. Amendment.

Draft Number:	S824-PCS15339-BKf-53
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Lewis

TOTAL REPORTED: 1

ATTENDANCE

ELECTIONS and ETHICS LAW

DATES	12/04/2018													
Rep. Bert Jones - Chairman	X													
Rep. David Lewis - Chairman	X													
Rep. Mickey Michaux – Vice-Chair	X													
Rep. John Szoka – Vice Chair	X													
Rep. Harry Warren – Vice-Chair	X													
Rep. Jay Adams	X													
Rep. John Blust	X													
Rep. Beverly Boswell														
Rep. Justin Burr	X													
Rep. Debra Conrad	X													
Rep. Ted Davis	X													
Rep. Jimmy Dixon	X													
Rep. John Faircloth	X													
Rep. Susan Fisher	X													
Rep. Elmer Floyd	X													
Rep. Carl Ford	X													
Rep. George Graham														
Rep. Destin Hall														
Rep. Jon Hardister	X													
Rep. Pricey Harrison	X													
Rep. Howard Hunter	X													
Rep. Frank Iler	X													
Rep. Darren Jackson	X													
Rep. Grier Martin	X													

ATTENDANCE

ELECTIONS and ETHICS LAW

DATES	12/04/2018														
Rep. Susan Martin	X														
Rep. Bobbie Richardson	X														
Rep. Dennis Riddell	X														
Rep. Michael Speciale	X														
Rep. Sam Watford															
Rep. Shelly Willingham	X														

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Tuesday, December 4, 2018
TIME: **11:00 AM**
LOCATION: **643 LOB**

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 6:47 PM on Monday, December 03, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Theresa Lopez (Committee Assistant)

Updated #1: Time Change

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Tuesday, December 4, 2018
TIME: **12:00 PM**
LOCATION: **643 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 824	Implementation of Voter ID Const. Amendment.	Senator Krawiec Senator Ford Senator Daniel

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:45 AM on Tuesday, December 04, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Theresa Lopez (Committee Assistant)

Updated #2: Time Change

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION

You are hereby notified that the **House Committee on Elections and Ethics Law** will meet as follows:

DAY & DATE: Tuesday, December 4, 2018
TIME: **1:00 PM**
LOCATION: **643 LOB**

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
SB 824	Implementation of Voter ID Const. Amendment.	Senator Krawiec Senator Ford Senator Daniel

Respectfully,

Representative Bert Jones, Co-Chair
Representative David R. Lewis, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:56 PM on Thursday, December 13, 2018.

___ Principal Clerk
___ Reading Clerk – House Chamber

Theresa Lopez (Committee Assistant)

House Committee on Elections and Ethics Law
Monday, December 4, 2018 5:00 PM
LOB 643

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills:

SENATE BILL 824	**AN ACT TO IMPLEMENT THE CONSTITUTIONAL AMENDMENT REQUIRING PHOTOGRAPHIC IDENTIFICATION TO VOTE**

Other Business

Adjournment

SENATE BILL 824:
Implementation of Voter ID Const. Amendment.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	**Date:**	December 3, 2018
Introduced by:	Sens. Krawiec, Ford, Daniel	**Prepared by:**	Jessica Sammons
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: Senate Bill 824 would do the following:

- ***Implement the constitutional requirement requiring voters offering to vote in person to present photographic identification before voting.***
- ***Require county boards of elections to issue free voter photo identification cards to registered voters upon request.***
- ***Waive the fee for a special identification card issued by the DMV for all applications who are at least 17 years old, and provide for an automatic special identification card issued to individuals whose drivers license is seized or surrendered.***
- ***Create a new Class I felony for any person to counterfeit, sell, lend to, or knowingly permit the unauthorized use of a form of photo identification for the purpose of voting.***
- ***Allow the chair of each political party to designate up to 100 additional at-large observers who may attend any voting place in the State.***

CURRENT LAW: For each voter in the State, when appearing at the polls, that voter must state his or her name and residence address to the election official. The individual, if verified by the election official as a registered voter, must then sign his or her name to the poll book, other voting record, or voter authorization document prior to voting. G.S. 163A-1137. County boards may not require voters to show voter registration cards to vote. G.S. 163A-869.

Showing of ID – Certain First Time Voters: A voter registering by mail, who has not previously voted in an election with a federal ballot item, must provide one of the following forms of Help America Vote Act (HAVA) identification prior to voting in person:

- 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.

A voter is exempted from showing identification if that individual included as part of his or her voter registration one of the forms of ID listed above, or his or her drivers license number or the last four digits of his or her social security number which matched an existing State identification record. Also exempt are overseas and military voters entitled to vote by absentee ballot under the Uniform Military and Overseas Voter Act (Part 2 of Article 21 of Chapter 163A) and voters entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act. G.S. 163A-1144.

Special Identification Cards – Individuals may obtain a special identification card for nonoperators from the Division of Motor Vehicles (DMV) which requires the same documentation of identity and residence

as a NC drivers license. The fee for a special ID card is currently $13. The fee is waived for those who are legally blind, older than 70, homeless, or who have had a license canceled due to physical or mental disability or disease. The fee is also waived if the individual signs a declaration that the voter is: (i) registered or registering to vote, and (ii) does not have other photo ID to vote. False or fraudulent statements on these declarations are a Class I felony. G.S. 20-37.7.

Voters in the November 2018 election approved amendments to the North Carolina Constitution to require voters offering to vote in person to present photographic identification before voting.

BILL ANALYSIS:

Part I would implement the constitutional requirement requiring voters offering to vote in person to present photographic identification before voting.

- **Photo Identification Requirement (Section 1.2)** – Would establish G.S. 163A-1145.1, requiring all voters voting in person to present photo ID, subject to the exceptions noted below.

  The precinct official would verify that the photograph is that of the person seeking to vote. If the precinct official disputes that the photograph is that of the person seeking to vote, a challenge would be heard and decided by the judges of the precinct. Voters without photo ID would vote a provisional ballot. If the voter brings an acceptable form of photo ID to the county board of elections no later than the end of business of the business day before canvass, the ballot would be counted.

- **Acceptable Forms of Photo Identification for Voting Identification (Section 1.2)**
  - Any of the following that contains a photograph of the voter and is valid and unexpired, or has been expired for one year or less:
    - NC drivers license.
    - NC special identification card or other form of non-temporary ID issued by the DMV.
    - US passport.
    - NC voter photo identification card.
    - Tribal enrollment card issued by a federally recognized tribe.
    - Tribal enrollment card issued by a tribe recognized by NC under Chapter 71A that is (i) issued in accordance with a process approved by the State Board requiring an application and proof of identity equivalent to the process for approving a college or university identification card, and (ii) signed by an elected official of the tribe.
    - Student identification card issued by a constituent institution of The University of North Carolina, a community college, or eligible private postsecondary institutions, if approved by the State Board.
    - Employee identification card issued by a state or local government entity, including a charter school, if approved by the State Board.
    - Drivers license or special identification card issued by another state, D.C., or a territory or commonwealth of the US, only if the voter's voter registration was within 90 days of the election.
  - Any of the following that contain a photograph of the voter, regardless of whether the card contains an expiration or issuance date:
    - US military identification card.
    - Veterans Identification Card issued by the US Department of Veterans Affairs for use at Veterans Administration medical facilities.

- For voters over the age of 65, any of the identification cards above that bear a date of expiration that was not expired on the day that the voter reached the age of 65.

For any election held before January 1, 2021, any approved student identification card or employee identification card that does not contain an expiration date would be deemed an acceptable form of photo identification.

- **Approval of Student and Employee Identification Cards for Voting Identification (Section 1.2)**

  The State Board would be required to approve the use of: (i) student identification cards issued by a constituent institution of The University of North Carolina, a community college, or eligible private postsecondary institutions, and (ii) employee identification cards issued by a state or local government entity, including a charter school, if the following criteria is met:

  - 1) The chancellor, president or registrar of the university or college, or the head elected official or lead human resources employee of the state or local government entity, submits a letter signed under penalty of perjury that the following are true:
    - The ID cards contain photos of the individual taken by the university, college, or government employer.
    - The ID cards are issued after confirming the identity of the individual, including the individual's social security number, citizenship status, and birthdate.
    - The equipment that produces the cards is kept in a secure location.
    - Misuse of the equipment producing the cards is grounds for discipline of a student or termination of an employee.
    - Any misuse of equipment is reported to law enforcement.
    - The cards issued have an expiration date, effective January 1, 2021.
    - Copies of the cards are provided to the State Board to assist with training purposes.
  - 2) The university, college, or government employer complies with any other reasonable security measures deemed necessary by the State Board.

  The State Board would be required to approve use of ID cards from any universities, colleges, or government employers submitting the required criteria no later than March 15, 2019 for primaries and elections held in 2019 and 2020, no later than May 15, 2021 for elections beginning after that date, and every four years thereafter.

  The State Board would be required to produce a list of participating universities, colleges, and government employers every four years, publish the list on the State Board's website, and distribute the list to every county board of elections, with the initial list produced no later than April 1, 2019.

  The State Board would adopt temporary rules on reasonable security measures for the use of student or employee identification cards for voting identification no later than February 1, 2019, and permanent rules no later than May 15, 2021.

- **Exceptions to the Photo Identification Requirement (Section 1.2)**
  - **Religious Objection** – A voter who does not produce a photo ID due to a religious objection to being photographed may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same person personally appearing at the voting place, (ii) will cast a provisional ballot, and (iii) has a religious objection to being photographed.

- **Reasonable Impediment** – A voter who suffers from a reasonable impediment that prevents the voter from presenting photo ID may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same person personally appearing at the voting place, (ii) will cast a provisional ballot, and (iii) suffers from a reasonable impediment that prevents the voter from presenting photo ID. The voter must complete a reasonable impediment declaration form, checking a box to identify his or her reasonable impediment from the following:
  - Inability to obtain photo ID due to lack of transportation, disability or illness, lack of birth certificate or underlying documents required, work schedule, or family responsibilities.
  - Lost or stolen photo ID.
  - Photo ID applies for but not yet received by the voter voting in person.
  - Other reasonable impediment, which would require a brief written identification of the reasonable impediment by the voter.
- **Natural Disaster** – A voter who does not produce a photo ID due to being a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and Governor of this State may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same person personally appearing at the voting place, (ii) will cast a provisional ballot, and (iii) was a victim of the natural disaster.

A voter completing the affidavit for religious objection, reasonable impediment, or natural disaster will cast a provisional ballot. If the county board of elections determines that the voter voted a provisional ballot only due to the inability to provide proof of ID and the required affidavit is submitted, the county board must count the provisional ballot, unless the county board has grounds to believe the affidavit is false.

For the 2019 municipal elections, a voter who does not produce photo ID when presenting to vote in person would be allowed to complete a reasonable impediment affidavit and vote a provisional ballot, listing as the impediment not being aware of the photo ID requirement or failing to bring photo ID to the voting place.

- **Voter Photo Identification Cards (Section 1.1)** – The county board of elections would be required to issue free voter photo identification cards upon request to registered voters. This card would contain the voter's photo and voter registration number, and expire 10 years from the date of issuance.

  The State Board would provide necessary equipment to the county boards to print the cards, and the county boards would operate and maintain the equipment. County boards would also be required to maintain a secure database containing the photographs of the registered voters. The State Board would adopt rules for implementation, with temporary rules required no later than April 15, 2019, ensuring, at a minimum, the following:

  - Voters must provide their date of birth and last four digits of social security number to obtain the card.
  - The cards must be issued upon request at all times, except during the time between the end of one-stop voting and election day for each primary and election.
  - Voters may obtain a free duplicate card upon request in person or by telephone or mail.

The State Board would be required to notify any voter issued a voter photo identification card 90 days before his or her card is to expire of the impending expiration.

- **Special Identification Cards (Section 1.3)** – The fee for special identification cards for nonoperators would be waived for applicants who are at least 17 years old. The requirement that the voter sign a declaration stating that the voter is registered or registering to vote and does not have a photo ID needed to vote would be repealed.

  For any person whose drivers license, permit, or endorsement is seized or surrendered due to cancellation, disqualification, suspension, or revocation, the DMV would be required to automatically issue a special identification card to the individual, mailed to the individual's address on file, at no charge.

- **Voter Education Program (Section 1.5)** – The State Board would be required to educate the public on the voter ID provisions through the following:
  - Post information at the State Board, county boards of elections, and their respective websites.
  - Train precinct officials at training sessions on how to answer questions by voters.
  - Disseminate information by precinct officials at each election.
  - Conduct at least two seminars in each county prior to September 1, 2019.
  - Coordinate with local and service organizations to provide informational seminars.
  - Coordinate with local media outlets, county boards of commissions, and county boards of elections to disseminate information in a way that would reasonably inform the public, including in Spanish and other languages deemed necessary.
  - Provide educational materials to underserved and minority communities.
  - Notify each registered voter who does not have a NC issued drivers license or special ID card of the voter ID provisions, the requirements to vote absentee, early, and on election day, a description of voting by provisional ballot, and the availability of a free NC voter photo identification card no later than September 1, 2019.
  - Mail information on presenting photo ID, the options for provisional voting, and a description of voting mail-in absentee to all registered voters twice in 2019 and twice in 2020.
  - Prominently place a statement on all voter education materials mailed to citizens and on information posters displayed at voting sites stating that all registered voters will be allowed to vote, how to obtain a valid photo ID card, and the availability to vote by signing an affidavit of reasonable impediment.

  County boards of elections would be required to make available information on photo ID to all voters in the 2019 municipal and primary and election and at the 2020 primary election.

Part II would repeal uncodified sections of Session Law 2013-381 and Session Law 2015-103 requiring photo IDs that were enjoined by federal courts.

Part III would repeal codified sections of Session Law 2013-381 and Session Law 2015-103 requiring photo IDs that were enjoined by federal courts, and would make the following changes:

- Allow any other registered voter to issue a challenge on the day of a primary or election for a voter failing to present photo ID.

- Create a new Class I felony for any person to counterfeit, sell, lend to, or knowingly permit the use of, by one not otherwise entitled, a form of photo identification for the purpose of voting.
- Allow the chair of each political party in the State to designate up to 100 additional at-large observers, provided they are registered voters of the State and of good moral character, who may attend any voting place in the State.

EFFECTIVE DATE: County board of elections would be required to issue voter photo identification cards no later than May 1, 2019. The remainder of this act is effective when it becomes law.

BACKGROUND: In NAACP v. McCrory, the defendants were enjoined from implementing certain portions of Session Laws 2013-381 and Session Laws 2015-103, relating to photo IDs and changes to early voting, same-day registration, out-of-precinct voting, and preregistration, and the pertinent statutory provisions in effect prior to those amendments were declared to be in full force.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S 2

SENATE BILL 824
Second Edition Engrossed 11/29/18

Short Title:	Implementation of Voter ID Const. Amendment.	(Public)
Sponsors:	Senators Krawiec, Ford, and Daniel (Primary Sponsors).	
Referred to:	Select Committee on Elections	

November 27, 2018

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE CONSTITUTIONAL AMENDMENT REQUIRING PHOTOGRAPHIC IDENTIFICATION TO VOTE.

The General Assembly of North Carolina enacts:

PART I: IMPLEMENTATION OF THE CONSTITUTIONAL REQUIREMENT REQUIRING PHOTOGRAPHIC IDENTIFICATION TO VOTE

SECTION 1.1(a) Article 17 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-869.1. Voter photo identification cards.**

(a) The county board of elections shall, in accordance with this section, issue without charge voter photo identification cards upon request to registered voters. The voter photo identification cards shall contain a photograph of the voter and the voter registration number for that voter. The voter photo identification card shall be used for voting purposes only and shall expire 10 years from the date of issuance.

(b) The State Board shall make available to county boards of elections the equipment necessary to print voter photo identification cards. County boards of elections shall operate and maintain the equipment necessary to print voter photo identification cards.

(c) County boards of elections shall maintain a secure database containing the photographs of registered voters taken for the purpose of issuing voter photo identification cards.

(d) The State Board shall adopt rules to ensure at a minimum, but not limited to, the following:

(1) A registered voter seeking to obtain a voter photo identification card shall provide the voter's date of birth and the last four digits of the voter's social security number.

(2) Voter photo identification cards shall be issued at any time, except during the time period between the end of one-stop voting for a primary or election as provided in G.S. 163A-1300 and election day for each primary and election.

(3) If the registered voter loses or defaces the voter's photo identification card, the voter may obtain a duplicate card without charge from his or her county board of elections upon request in person, or by telephone or mail.

(e) Ninety days prior to expiration, the county board of elections shall notify any voter issued a voter photographic identification card under this section of the impending expiration of the voter photographic identification card."

SECTION 1.1(b) Voter photo identification cards, as required by G.S 163A-869.1, as enacted by this act, shall be available on request no later than May 1, 2019. The State Board

shall adopt temporary rules to implement G.S. 163A-869.1, as enacted by this act, no later than April 15, 2019.

SECTION 1.2(a) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.1. Requirement for photo identification to vote in person.**

(a) Photo Identification Required to Vote. – When a voter presents to vote in person, the voter shall produce any of the following forms of identification that contain a photograph of the voter:

(1) Any of the following that is valid and unexpired, or has been expired for one year or less:

a. A North Carolina drivers license.

b. A special identification card for nonoperators issued under G.S. 20-37.7 or other form of nontemporary identification issued by the Division of Motor Vehicles of the Department of Transportation.

c. A United States passport.

d. A North Carolina voter photo identification card of the voter issued pursuant to G.S. 163A-869.1.

e. A tribal enrollment card issued by a federally recognized tribe.

f. A tribal enrollment card issued by a tribe recognized by this State under Chapter 71A of the General Statutes, provided that card meets all of the following criteria:

1. Is issued in accordance with a process approved by the State Board that requires an application and proof of identity equivalent to the process for approving a college or university identification card in G.S. 163A-1145.2.

2. Is signed by an elected official of the tribe.

g. A student identification card issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3), provided that card is issued in accordance with G.S. 163A-1145.2.

h. An employee identification card issued by a state or local government entity, including a charter school, provided that card is issued in accordance with G.S. 163A-1145.3.

i. A drivers license or special identification card for nonoperators issued by another state, the District of Columbia, or a territory or commonwealth of the United States, but only if the voter's voter registration was within 90 days of the election.

(2) Any of the following, regardless of whether the identification contains a printed expiration or issuance date:

a. A military identification card issued by the United States government.

b. A Veterans Identification Card issued by the United States Department of Veterans Affairs for use at Veterans Administration medical facilities.

(3) Any expired form of identification allowed in this subsection presented by a voter having attained the age of 65 years at the time of presentation at the voting place, provided that the identification was unexpired on the voter's sixty-fifth birthday.

(b) Verification of Photo Identification. – After presentation of the required identification described in subsection (a) of this section, the precinct officials assigned to check registration shall compare the photograph contained on the required identification with the person presenting

to vote. The precinct official shall verify that the photograph is that of the person seeking to vote. If the precinct official disputes that the photograph contained on the required identification is the person presenting to vote, a challenge shall be conducted in accordance with the procedures of G.S. 163A-914.

(c) Provisional Ballot Required Without Photo Identification. – If the registered voter cannot produce the identification as required in subsection (a) of this section, the voter may cast a provisional ballot that is counted only if the voter brings an acceptable form of photograph identification listed in subsection (a) of this section to the county board of elections no later than the end of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172.

(d) Exceptions. – The following exceptions are provided for a voter who does not produce a valid and current photograph identification as required in subsection (a):

(1) Religious Objection. – If a voter does not produce an acceptable form of photograph identification due to a religious objection to being photographed, the voter may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) has a religious objection to being photographed. Upon completion of the affidavit, the voter may cast a provisional ballot.

(2) Reasonable Impediment. – If a voter does not produce an acceptable form of photograph identification because the voter suffers from a reasonable impediment that prevents the voter from presenting photograph identification, the voter may complete an affidavit under the penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) suffers from a reasonable impediment that prevents the voter from presenting photograph identification. The voter also shall complete a reasonable impediment declaration form provided in subsection (d1) of this section, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the voter may cast a provisional ballot.

(3) Natural Disaster. – If a voter does not produce an acceptable form of photograph identification due to being a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and the Governor of this State, the voter may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) was a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and the Governor of this State. Upon completion of the affidavit, the voter may cast a provisional ballot.

(d1) Reasonable Impediment Declaration Form. – The State Board shall adopt a reasonable impediment declaration form that, at a minimum, includes the following as separate boxes that a voter may check to identify the voter's reasonable impediment:

(1) Inability to obtain photo identification due to:

a. Lack of transportation.

b. Disability or illness.

c. Lack of birth certificate or other underlying documents required.

d. Work schedule.

e. Family responsibilities.

(2) Lost or stolen photo identification.

(3) Photo identification applied for but not yet received by the voter voting in person.

(4) Other reasonable impediment. If the voter checks the "other reasonable impediment" box, a further brief written identification of the reasonable impediment shall be required, including the option to indicate that State or federal law prohibits listing the impediment.

(e) County Board Review of Exceptions. – If the county board of elections determines that the voter voted a provisional ballot only due to the inability to provide proof of identification and the required affidavit required in subsection (d) of this section is submitted, the county board of elections shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false.

(f) Purpose. – The purpose of the identification required pursuant to subsection (a) of this section is to confirm the person presenting to vote is the voter on the voter registration records. Any address listed on the identification is not determinative of a voter's residence for the purpose of voting. A voter's residence for the purpose of voting is determined pursuant to G.S. 163A-842."

SECTION 1.2(b) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.2. Approval of student identification cards for voting identification.**

(a) The State Board shall approve the use of student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) for voting identification under G.S. 163A-1145.1 if the following criteria are met:

(1) The chancellor, president, or registrar of the university or college submits a signed letter to the Executive Director of the State Board under penalty of perjury that the following are true:

a. The identification cards that are issued by the university or college contain photographs of students taken by the university or college or its agents or contractors.

b. The identification cards are issued after an enrollment process that includes methods of confirming the identity of the student that include, but are not limited to, the social security number, citizenship status, and birthdate of the student.

c. The equipment for producing the identification cards is kept in a secure location.

d. Misuse of the equipment for producing the identification cards would be grounds for student discipline or termination of an employee.

e. University or college officials would report any misuse of student identification card equipment to law enforcement if G.S. 163A-1389(19) was potentially violated.

f. The cards issued by the university or college contain a date of expiration, effective January 1, 2021.

g. The university or college provides copies of standard identification cards to the State Board to assist with training purposes.

(2) The university or college complies with any other reasonable security measures determined by the State Board to be necessary for the protection and security of the student identification process.

(b) The State Board shall approve the use of student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) every four years.

(c) The State Board shall produce a list of participating universities and colleges every four years. The list shall be published on the State Board's Web site and distributed to every county board of elections."

SECTION 1.2(c) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"**§ 163A-1145.3. Approval of employee identification cards for voting identification.**

(a) The State Board shall approve the use of employee identification card issued by a state or local government entity, including a charter school, for voting identification under G.S. 163A-1145.1 if the following criteria are met:

(1) The head elected official or lead human resources employee of the state or local government entity or charter school submits a signed letter to the Executive Director of the State Board under penalty of perjury that the following are true:

a. The identification cards that are issued by the state or local government entity contain photographs of the employees taken by the employing entity or its agents or contractors.

b. The identification cards are issued after an employment application process that includes methods of confirming the identity of the employee that include, but are not limited to, the social security number, citizenship status, and birthdate of the employee.

c. The equipment for producing the identification cards is kept in a secure location.

d. Misuse of the equipment for producing the identification cards would be grounds for termination of an employee.

e. State or local officials would report any misuse of identification card equipment to law enforcement if G.S. 163A-1389(19) was potentially violated.

f. The cards issued by the state or local government entity contain a date of expiration, effective January 1, 2021.

g. The state or local government entity provides copies of standard identification cards to the State Board to assist with training purposes.

(2) The state or local government entity complies with any other reasonable security measures determined by the State Board to be necessary for the protection and security of the employee identification process.

(b) The State Board shall approve the use of employee identification cards issued by a state or local government entity, including a charter school, every four years.

(c) The State Board shall produce a list of participating employing entities every four years. The list shall be published on the State Board's Web site and distributed to every county board of elections."

SECTION 1.2(d) Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and 163A-1145.3, the State Board shall approve (i) tribal enrollment cards issued by a tribe recognized by this State under Chapter 71A of the General Statutes; (ii) student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3); and (iii) employee identification cards issued by a state or local government entity, including a charter school, for use as voting identification under G.S. 163A-1145.1 no later than March 15, 2019, for use in primaries and elections held in 2019 and 2020, and again no later than May 15, 2021, for elections held on or after that date. The State Board shall adopt temporary rules on reasonable security measures for use of student or employee identification cards for voting identification in G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than February 1, 2019. The State Board shall adopt permanent rules on reasonable security measures for use of

student or employee identification cards for voting identification in G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than May 15, 2021. The State Board shall produce the initial list of participating institutions and employing entities no later than April 1, 2019.

SECTION 1.2(e) Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and 163A-1145.3, a student identification card issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) or an employee identification card issued by state or local government entity that does not contain an expiration date shall be eligible for use in any election held before January 1, 2021.

SECTION 1.2(f) Notwithstanding G.S. 163A-1145.1(d)(2), for elections held in 2019, any voter who does not present a photograph identification listed as acceptable in G.S. 163A-1145.1(a) when presenting to vote in person shall be allowed to complete a reasonable impediment affidavit and cast a provisional ballot, listing as the impediment not being aware of the requirement to present photograph identification when voting in person or failing to bring photograph identification to the voting place.

SECTION 1.3 G.S. 20-37.7 reads as rewritten:

"**§ 20-37.7. Special identification card.**

...

(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 as follows:

(1) The applicant is legally blind.

(2) The applicant is at least ~~70~~ 17 years old.

(3) The applicant 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.

(4) The applicant is homeless. 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.

~~(5) The applicant is registered to vote in this State and does not have photo identification acceptable under G.S. 163A-1145. To obtain a special identification card without paying a fee, a registered voter shall sign a declaration stating the registered voter is registered and does not have other photo identification acceptable under G.S. 163A-1145. The Division shall verify that voter registration prior to issuing the special identification card. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely making the declaration.~~

~~(6) The applicant is appearing before the Division for the purpose of registering to vote in accordance with G.S. 163A-883 and does not have other photo identification acceptable under G.S. 163A-1145. To obtain a special identification card without paying a fee, that applicant shall sign a declaration stating that applicant is registering to vote and does not have other photo identification acceptable under G.S. 163A-1145. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely making the declaration.~~

(7) The applicant has a developmental disability. To obtain a special identification card without paying a fee pursuant to this subdivision, an applicant must present a letter from his or her primary care provider certifying that the applicant has a developmental disability. For purposes of this subdivision, the term "developmental disability" has the same meaning as in G.S. 122C-3.

...

(d2) Notwithstanding subsection (b) of this section, for a person whose valid drivers license, permit, or endorsement, is required to be seized or surrendered due to cancellation, disqualification, suspension, or revocation under applicable State law, the Division shall issue a special identification card to that person without application, if eligible to receive a special identification card, upon receipt of the seized or surrendered document. The Division shall issue and mail, via first-class mail to that person's address on file, a special identification card pursuant to this subsection at no charge.

...."

SECTION 1.4(a) G.S. 163A-1137(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 and presenting photo identification in accordance with ~~G.S. 163A-1145.~~G.S. 163A-1145.1. 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 1.4(b) G.S. 163A-1300(b) reads as rewritten:

"(b) Not earlier than the third Wednesday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 7:00 P.M. on the last Friday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in G.S. 163A-1303. 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 and present photo identification in accordance with ~~G.S. 163A-1145.~~G.S. 163A-1145.1. 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. 163A-989, 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. 163A-1391. 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 1.5(a) The Bipartisan State Board of Elections and Ethics Enforcement (State Board) shall establish an aggressive voter education program concerning the provisions contained in this legislation. The State Board shall educate the public as follows:

(1) Post information concerning changes contained in this legislation in a conspicuous location at each county board of elections, the State Board's office, and their respective websites.

(2) Train precinct officials at training sessions required as provided in G.S. 163A-889 to answer questions by voters concerning the changes in this legislation.

(3) Require documentation describing the changes in this legislation to be disseminated by precinct officials at every election held following the effective date of this act.

(4) Coordinate with each county board of elections so that at least two seminars are conducted in each county prior to September 1, 2019.

(5) Coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level.

(6) Coordinate with local media outlets, county boards of commissions, and county boards of elections to disseminate information in a way that would reasonably inform the public concerning the changes in this legislation, including disseminating the information in Spanish and other languages deemed necessary.

(7) Provide educational materials regarding the provisions of this act, the requirements to vote absentee, early, or on election day, a description of voting by provisional ballot, and the availability of a free North Carolina voter photo identification card pursuant to G.S. 163A-869.1 to underserved and minority communities.

(8) Notify each registered voter who does not have a North Carolina issued drivers license or identification card a notice of the provisions of this act by no later than September 1, 2019. This notice must include the requirements to vote absentee, early, or on election day and a description of voting by provisional ballot. It must also state the availability of a free North Carolina voter photo identification card pursuant to G.S. 163A-869.1.

(9) Mail information to all registered voters twice in 2019 and twice in 2020 that, at a minimum, describes forms of acceptable photo identification when presenting to vote in person, the options for provisional voting for registered voters who do not present the required photo identification, and a description of voting mail-in absentee.

(10) Prominently place the following statement in all voter education materials mailed to citizens and on informational posters displayed at one-stop voting sites and precincts on election day: "All registered voters will be allowed to vote with or without a photo ID card. When voting in person, you will be asked to present a valid photo identification card. If you do not have a valid photo ID card, you may obtain one from your county board of elections prior to the election, through the end of the early voting period. If you do not have a valid photo ID card on election day, you may still vote and have your vote counted by signing an affidavit of reasonable impediment as to why you have not presented a valid photo ID."

(11) In addition to the items above, the State Board may implement additional educational programs in its discretion.

SECTION 1.5(b) The State Board is directed to create a list containing all registered voters of North Carolina who are otherwise qualified to vote but do not have a North Carolina drivers license or other form of identification containing a photograph issued by the Division of Motor Vehicles of the Department of Transportation, as of September 1, 2019. The list must be made available to any registered voter upon request. The State Board may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list. The Division of Motor Vehicles must provide the list of persons with a North Carolina drivers license

or other form of identification containing a photograph issued by the Division of Motor Vehicles at no cost to the State Board.

SECTION 1.5(c) County boards of elections shall make available information describing the changes in this legislation, including acceptable forms of photograph identification, to all voters in the 2019 municipal primary and election and at the 2020 primary election.

PART II: REPEAL OF UNCODIFIED SECTIONS OF THE VOTER INFORMATION VERIFICATION ACT

SECTION 2.(a) Sections 1.1, 5.2, 5.4, and 5.5 of S.L. 2013-381 are repealed.

SECTION 2.(b) Section 5.3 of S.L. 2013-381, as amended by Section 8.(g) of S.L. 2015-103, is repealed.

PART III: REPEAL OF CODIFIED SECTIONS OF THE VOTER INFORMATION VERIFICATION ACT AND RELATED STATUTES

SECTION 3.1(a) G.S. 163A-868 is repealed.

SECTION 3.1(b) G.S. 163A-869(e) reads as rewritten:

"(e) Display of Card May Not Be Required to Vote. – No county board of elections may require that a voter registration card be displayed in order to vote. ~~A county board of elections may notify a voter that the voter's registration card may be used for the required identification in conjunction with a reasonable impediment declaration in accordance with G.S. 163A-1147.~~"

SECTION 3.1(c) G.S. 163A-913 reads as rewritten:

"**§ 163A-913. 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 county may exercise the right of challenge, and when the voter does so may enter the voting enclosure to make the challenge, but 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 county may challenge a person for one or more of the following reasons:

(1) One or more of the reasons listed in G.S. 163A-911(c).

(2) That the person has already voted in that primary or election.

(3) If the challenge is made with respect to voting in a partisan primary, that the person is a registered voter of another political party.

~~(4) Except as provided in G.S. 163A-1145(d) and G.S. 163A-1146, the voter does not present photo identification in accordance with G.S. 163A-1145.~~

(4a) The voter does not present photo identification in accordance with G.S. 163A-1145.1.

The chief judge, judge, or assistant appointed under G.S. 163A-815 or 163A-818 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. 163A-911(c)(3), the voter may still transfer that voter's registration under G.S. 163A-878(e) if eligible under that section, and the registration shall not be cancelled under G.S. 163A-919(a) if the transfer is made. A person who has transferred that voter's registration under G.S. 163A-911(c)(3) may be challenged at the precinct to which the registration is being transferred."

SECTION 3.1(d) G.S. 163A-1140(b) is repealed.

SECTION 3.1(e) G.S. 163A-1145 is repealed.

SECTION 3.1(f) G.S. 163A-1146 is repealed.

SECTION 3.1(g) G.S. 163A-1147 is repealed.

SECTION 3.1(h) G.S. 163A-1167 is repealed.

SECTION 3.1(i) G.S. 163A-1168 is repealed.

SECTION 3.1(j) G.S. 163A-1301 is repealed.

SECTION 3.2(a) G.S. 130A-93.1(c) reads as rewritten:

"(c) Upon verification of voter registration, the State Registrar shall not charge any fee under subsection (a) of this section to a registered voter who signs a declaration stating the registered voter is registered to vote in this State and does not have a certified copy of that registered voter's birth certificate or marriage license necessary to obtain photo identification acceptable under ~~G.S. 163A-1145.~~ G.S. 163A-1145.1. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

SECTION 3.2(b) G.S. 161-10(a)(8) reads as rewritten:

"(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. – For furnishing a certified copy of a death or birth certificate or marriage license ten dollars ($10.00). Provided however, a register of deeds, in accordance with G.S. 130A-93, may issue without charge a certified birth certificate to any person over the age of 62 years. Provided, however, upon verification of voter registration, a register of deeds, in accordance with G.S. 130A-93, shall issue without charge a certified copy of a birth certificate or a certified copy of a marriage license to any registered voter who declares the registered voter is registered to vote in this State and does not have a certified copy of that registered voter's birth certificate or marriage license necessary to obtain photo identification acceptable under ~~G.S. 163A-1145.~~ G.S. 163A-1145.1. Any declaration shall prominently include the penalty under G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

SECTION 3.2(c) G.S. 163A-1389(13) reads as rewritten:

"(13) For any person falsely to make or present any certificate or other paper to qualify any person fraudulently as a voter, or to attempt thereby to secure to any person the privilege of voting, including declarations made under this ~~Subhapter, G.S. 20-37.7(d)(5), 20-37.7(d)(6), 130A-93.1(c),~~ Subchapter, G.S. 130A-93.1(c), and G.S. 161-10(a)(8)."

SECTION 3.2(d) G.S. 163A-1389 is amended by adding a new subdivision to read:

"(19) To counterfeit, sell, lend to, or knowingly permit the use of, by one not entitled thereto, a form of photo identification provided in G.S. 163A-1145.1 for the purposes of voting."

SECTION 3.3 G.S. 163A-821 reads as rewritten:

"**§ 163A-821. Observers; appointment.**

(a) The chair of each political party in the county shall have the right to designate two observers to attend each voting place at each primary and election and such observers may, at the option of the designating party chair, be relieved during the day of the primary or election after serving no less than four hours and provided the list required by this section to be filed by each chair contains the names of all persons authorized to represent such chair's political party. The chair of each political party in the county shall have the right to designate 10 additional at-large observers who are residents of that county who may attend any voting place in that county. The chair of each political party in the State shall have the right to designate up to 100 additional at-large observers who are residents of the State who may attend any voting place in the State. The list submitted by the chair of the political party may be amended between the one-stop period under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 and general election day to substitute one or all at-large observers for election day. Not more than two observers from the same political party shall be permitted in the voting enclosure at any time, except that in addition one of the at-large observers from each party may also be in the voting enclosure. This right shall not extend to the chair of a political party during a primary unless that party is participating in the primary. In any election in which an unaffiliated candidate is named

on the ballot, the candidate or the candidate's campaign manager shall have the right to appoint two observers for each voting place consistent with the provisions specified herein. Persons appointed as observers by the chair of a county political party must be registered voters of the county for which appointed and must have good moral character. Persons appointed as observers by the chair of a State political party must be registered voters of the State and must have good moral character. No person who is a candidate on the ballot in a primary or election may serve as an observer or runner in that primary or election. Observers shall take no oath of office.

(b) Individuals authorized to appoint observers must submit in writing to the chief judge of each precinct a signed list of the observers appointed for that precinct, except that the list of at-large observers authorized in subsection (a) of this section shall be submitted to the county director of elections. Individuals authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any primary or general election, submit in writing to the chair of the county board of elections two signed copies of a list of observers appointed by them, designating the precinct or at-large status for which each observer is appointed. Before the opening of the voting place on the day of a primary or general election, the chair shall deliver one copy of the list to the chief judge for each affected precinct, except that the list of at-large observers shall be provided by the county director of elections to the chief judge. The chair shall retain the other copy. The chair, or the chief judge and judges for each affected precinct, may for good cause reject any appointee and require that another be appointed. The names of any persons appointed in place of those persons rejected shall be furnished in writing to the chief judge of each affected precinct no later than the time for opening the voting place on the day of any primary or general election, either by the chair of the county board of elections or the person making the substitute appointment.

If party chairs appoint observers at one-stop sites under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, those party chairs shall provide a list of the observers appointed before 10:00 A.M. on the fifth day before the observer is to observe. At-large observers may serve at any one-stop site.

...."

SECTION 3.4(a) G.S. 163A-867(g)(2) reads as rewritten:

"(2) If the Postal Service has returned as undeliverable a notice sent within 25 days before the election to the applicant under subsection (c) of this section, then the applicant may vote only in person in that first election and may not vote by absentee ballot except in person under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. The county board of elections shall establish a procedure at the voting site for:

a. Obtaining the correct address of any person described in this subdivision who appears to vote in person; and

b. Assuring that the person votes in the proper place and in the proper contests.

If a notice mailed under subsection (c) or subsection (e) of this section is returned as undeliverable after a person has already voted by absentee ballot, then that person's ballot may be challenged in accordance with G.S. 163A-916."

SECTION 3.4(b) G.S. 163A-1133(b) reads as rewritten:

"(b) Photographing Voters Prohibited. – No person shall photograph, videotape, or otherwise record the image of any voter within the voting enclosure, except with the permission of both the voter and the chief judge of the precinct. If the voter is a candidate, only the permission of the voter is required. This subsection shall also apply to one-stop sites under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. This subsection does not apply to cameras used as a regular part of the security of the facility that is a voting place or one-stop site."

SECTION 3.4(c) G.S. 163A-1134(e) reads as rewritten:

"(e) Buffer Zone and Area for Election-Related Activity at One-Stop Sites. – Except as modified in this subsection, the provisions of this section shall apply to one-stop voting sites in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304.

(1) Subsection (c) of this section shall not apply.

(2) The notice in subsection (d) of this section shall be provided no later than 10 days before the opening of one-stop voting at the site."

SECTION 3.4(d) G.S. 163A-1298(a) reads as rewritten:

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

(1) For any person except the voter's near relative or the voter's verifiable legal guardian to assist the voter to vote an absentee ballot when the voter is voting an absentee ballot other than under the procedure described in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304; provided that if there is not a near relative or legal guardian available to assist the voter, the voter may request some other person to give assistance.

(2) For any person to assist a voter to vote an absentee ballot under the absentee voting procedure authorized by G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 except as provided in that section.

(3) For a voter who votes an absentee ballot under the procedures authorized by G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 to vote that voter's absentee ballot outside of the voting booth or private room provided to the voter for that purpose in or adjacent to the office of the county board of elections or at the additional site provided by G.S. 163A-1302, or to receive assistance except as provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304.

...."

SECTION 3.4(e) G.S. 163A-1300(a) reads as rewritten:

"(a) Any voter eligible to vote by absentee ballot under G.S. 163A-1295 may request an application for absentee ballots, complete the application, and vote under the provisions of this section and ~~G.S. 163A-1301, 163A-1302,~~G.S. 163A-1302, 163A-1303, and 163A-1304."

SECTION 3.4(f) G.S. 163A-1300(i) reads as rewritten:

"(i) Notwithstanding the provisions of G.S. 163A-916(a) and (b), a challenge may be entered against a voter at a one-stop site under G.S. 163A-1303 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 and ~~G.S. 163A-1301, 163A-1302,~~G.S. 163A-1302, 163A-1303, and 163A-1304 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. The challenge shall be heard by the county board of elections in accordance with the procedures set forth in G.S. 163A-916(e)."

SECTION 3.4(g) G.S. 163A-1303 reads as rewritten:

"**§ 163A-1303. Sites and hours for one-stop voting.**

(a) Notwithstanding any other provision of G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304, 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 these sections. 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 as part of a Plan for Implementation approved by both the county board of elections and by the State Board 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. 163A-821 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 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 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.

(b) The State Board 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. 163A-1046 to demand and use as an election-day voting place, unless the State Board 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 G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304, 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 these sections. 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 G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this section, and G.S. 163A-1304. 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.

...."

SECTION 3.4(h) G.S. 163A-1306 reads as rewritten:

"§ 163A-1306. Register of absentee requests, applications, and ballots issued; a public record.

The State Board shall approve an official register in which the county board of elections in each county of the State shall record the following information:

(1) Name of voter for whom application and ballots are being requested, and, if applicable, the name and address of the voter's near relative or verifiable legal guardian who requested the application and ballots for the voter.

(2) Number of assigned voter's application when issued.

(3) Precinct in which applicant is registered.

(4) Address to which ballots are to be mailed, or, if the voter voted pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, a notation of that fact.

(5) Date request for application for ballots is received by the county board of elections.
(6) The voter's party affiliation.
(7) The date the ballots were mailed or delivered to the voter.
(8) Whatever additional information and official action may be required by this Part.

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

The register of absentee requests, applications and ballots issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county within 60 days before and 30 days after an election in which absentee ballots were authorized, or at any other time when good and sufficient reason may be assigned for its inspection."

SECTION 3.4(i) G.S. 163A-1308(c) reads as rewritten:

"(c) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When the county board of elections receives a completed request form for applications and absentee ballots, the board shall promptly issue and transmit them to the voter in accordance with the following instructions:

(1) On the top margin of each ballot the applicant is entitled to vote, the chair, a member, officer, or employee of the board of elections shall write or type the words "Absentee Ballot No. ____ " or an abbreviation approved by the State Board and insert in the blank space the number assigned the applicant's application in the register of absentee requests, applications, and ballots issued. That person shall not write, type, or print any other matter upon the ballots transmitted to the absentee voter. Alternatively, the board of elections may cause to be barcoded on the ballot the voter's application number, if that barcoding system is approved by the State Board.
(2) The chair, member, officer, or employee of the board of elections shall fold and place the ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, in accordance with the terms of G.S. 163A-1307(b), the absentee voter's name, the absentee voter's application number, and the designation of the precinct in which the voter is registered. If the ballot is barcoded under this section, the envelope may be barcoded rather than having the actual number appear. The person placing the ballots in the envelopes shall leave the container-return envelope holding the ballots unsealed.
(3) The chair, member, officer, or employee of the board of elections shall then place the unsealed container-return envelope holding the ballots together with printed instructions for voting and returning the ballots, in an envelope addressed to the voter at the post office address stated in the request, seal the envelope, and mail it at the expense of the county board of elections: Provided, that in case of a request received after 5:00 p.m. on the Tuesday before the election under the provisions of subsection (b) of this section, in lieu of transmitting the ballots to the voter in person or by mail, the chair, member, officer, or employee of the board of elections may deliver the sealed envelope containing the instruction sheet and the container-return envelope holding the ballots to a near relative or verifiable legal guardian of the voter.

The county board of elections may receive completed written request forms for applications at any time prior to the election but shall not mail applications and ballots to the voter or issue applications and ballots in person earlier than 60 days prior to the statewide general election in an even-numbered year, or earlier than 50 days prior to any other election, except as provided in

G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. No election official shall issue applications for absentee ballots except in compliance with this Part."

SECTION 3.4(j) G.S. 163A-1310(c) reads as rewritten:

"(c) For purposes of this section, "Delivered in person" includes delivering the ballot to an election official at a one-stop voting site under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 during any time that site is open for voting. The ballots shall be kept securely and delivered by election officials at that site to the county board of elections office for processing."

SECTION 3.4(k) G.S. 163A-1315 reads as rewritten:

"§ 163A-1315. Counting absentee ballots by county board of elections.

All absentee ballots returned to the county board of elections in the container-return envelopes shall be retained by the board to be counted by the county board of elections as herein provided.

...

(6) As each ballot envelope is opened, the board shall cause to be entered into a pollbook designated "Pollbook of Absentee Voters" the name of the absentee voter, or if the pollbook is computer-generated, the board shall check off the name. Preserving secrecy, the ballots shall be placed in the appropriate ballot boxes, at least one of which shall be provided for each type of ballot. The "Pollbook of Absentee Voters" shall also contain the names of all persons who voted under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, but those names may be printed by computer for inclusion in the pollbook.

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

If one-stop ballots under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 are counted electronically, that count shall commence at the time the polls close. If one-stop ballots are paper ballots counted manually, that count shall commence at the same time as other absentee ballots are counted.

If a challenge transmitted to the board on canvass day by a chief judge is sustained, the ballots challenged and sustained shall be withdrawn from the appropriate boxes, as provided in G.S. 163A-916(e).

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

(7) Upon completion of the counting process the board members shall cause the results of the tally to be entered on the absentee abstract prescribed by the State Board. The abstract shall be signed by the members of the board in attendance and the original mailed immediately to the State Board. The county board of elections may have a separate count on the abstract for one-stop absentee ballots under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304.

...."

SECTION 3.4(*l*) G.S. 163A-1368 reads as rewritten:

"§ 163A-1368. Absentee voting at office of board of elections.

Notwithstanding any other provisions of this Subchapter, any covered voter under this Part shall be permitted to vote an absentee ballot pursuant to G.S. 163A-1300, ~~163A-1301,~~

163A-1302, 163A-1303, and 163A-1304 if the covered voter has not already voted an absentee ballot which has been returned to the board of elections, and if 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 the covered voter applying to vote pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304, the board of elections shall void the application and ballot unless the voted absentee ballot has been received by the board of elections. The covered voter shall be eligible to vote pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 no later than 5:00 P.M. on the day next preceding the primary, second primary or election."

SECTION 3.4(m) G.S. 163A-1411(41) reads as rewritten:

"(41) The term "electioneering communication" means any broadcast, cable, or satellite communication, or mass mailing, or telephone bank that has all the following characteristics:

a. Refers to a clearly identified candidate for elected office.

b. In the case of the general election in November of the even-numbered year is aired or transmitted after September 7 of that year, and in the case of any other election is aired or transmitted within 60 days of the time set for absentee voting to begin pursuant to G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 in an election for that office.

c. May be received by either:

1. 50,000 or more individuals in the State in an election for statewide office or 7,500 or more individuals in any other election if in the form of broadcast, cable, or satellite communication.

2. 20,000 or more households, cumulative per election, in a statewide election or 2,500 households, cumulative per election, in any other election if in the form of mass mailing or telephone bank."

SECTION 3.4(n) G.S. 163A-1520(a) reads as rewritten:

"(a) Judicial Voter Guide. – The State Board shall publish a Judicial Voter Guide that explains the functions of the appellate courts and the laws concerning the election of appellate judges, the purpose and function of the Public Campaign Fund, and the laws concerning voter registration. The State Board shall distribute the Guide to as many voting-age individuals in the State as practical, through a mailing to all residences or other means it deems effective. The distribution shall occur no more than 28 days nor fewer than seven days before the one-stop voting period provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 for the primary and no more than 28 days nor fewer than seven days before the one-stop voting period provided in G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304 for the general election."

PART IV. APPROPRIATION

SECTION 4. The Bipartisan State Board of Elections and Ethics Enforcement may spend the entirety of the Voter Education Fund for the implementation of this act.

PART V. EFFECTIVE DATE

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY

Session 2017

Legislative Fiscal Note

Short Title: Implementation of Voter ID Const. Amendment.
Bill Number: Senate Bill 824 (Second Edition)
Sponsor(s): **Senators Krawiec, Ford, and Daniel**

SUMMARY TABLE

FISCAL IMPACT OF S.B. 824, V.2 ($ in millions)

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
State Impact					
General Fund Revenue	-	-	-	-	-
Less Expenditures					
County Equipment	0.11	-	-	-	-
SBEEE Education	0.40	0.93	0.23	0.23	0.23
SBEEE Positions	0.20	0.20	0.20	0.20	0.10
Photograph Database	0.04	0.04	0.04	0.04	0.04
General Fund Impact	**(0.75)**	**(1.17)**	**(0.47)**	**(0.47)**	**(0.37)**
Highway Fund Revenue	(1.50)	(3.00)	(3.00)	(3.00)	(3.00)
Less Expenditures	Likely Budget Cost - Refer to Fiscal Analysis Section				
Highway Fund Impact	**(1.50)**	**(3.00)**	**(3.00)**	**(3.00)**	**(3.00)**
NET STATE IMPACT	**($2.25)**	**($4.17)**	**($3.47)**	**($3.47)**	**($3.37)**
Local Impact					
Local Revenue	-	-	-	-	-
Less Local Expenditures	-	-	-	-	-
NET LOCAL IMPACT	**Likely Budget Cost - Refer to Fiscal Analysis Section**				
STATE POSITIONS	**3.00**	**3.00**	**3.00**	**3.00**	**1.50**

TECHNICAL CONSIDERATIONS: **See Technical Considerations Section**

FISCAL IMPACT SUMMARY

Section 1.1 creates G.S. 163A-869.1 to require county boards of elections to issue free voter photo identification (ID) cards upon request to registered voters. A registered voter seeking a photo ID must provide his or her date of birth and the last four digits of his or her social security number. The ID card must contain a photograph of the voter and the individual's voter registration

number. The card is only valid for voting purposes and expires after ten years. Voters may request duplicate cards in person, by telephone, or by mail, free of charge. Each county board of elections is required to begin making ID cards available to voters no later than May 1, 2019. The State Board of Elections and Ethics Enforcement (SBEEE) must provide printing equipment for the ID cards to each county board of elections, which is then responsible for ongoing operations and maintenance of the printer. ID cards must be made available by a county board of elections at any time, except during the time period between the end of one-stop voting for a primary or general election and election day. Ninety days before the expiration of an ID, a county board of elections must notify the voter that has been issued an ID within its jurisdiction of the impending expiration. Each county board of elections must maintain a secure database of the photographs taken for the ID cards issued within its jurisdiction. SBEEE is directed to adopt rules pursuant to these changes. Temporary rules must be adopted by April 15, 2019.

Section 1.2(a) establishes G.S. 163A-1145.1, which details the acceptable forms of photo ID for voting purposes. This section also directs a precinct official checking voter registration to compare a voter's photograph on his or her ID with the person presenting to vote, details the procedures to follow if a voter does not have a valid photo ID, and explains exceptions to the ID requirement.

Sections 1.2(b) and 1.2(c) detail the approval process by SBEEE for postsecondary student IDs and government employee IDs. SBEEE is directed to approve the use of these IDs for voting purposes and produce a list of eligible entities every four years. The list of eligible entities is to be published on the SBEEE website and distributed to each county board of elections. IDs issued by these entities must meet the requirements detailed in these sections in order to be approved for use for voting purposes.

Section 1.2(d) directs SBEEE to approve qualifying tribal enrollment cards, student ID cards, and government employee ID cards for voting purposes by March 15, 2019, for the use in primaries and general elections in 2019 and 2020, and again by May 15, 2021, for elections held on or after that date. SBEEE is to adopt temporary rules on security measures for the use of student and government employee IDs by February 1, 2019, and must adopt permanent rules on these items by May 15, 2021. The initial list of eligible entities must be produced by April 1, 2019.

Section 1.3 amends G.S. 20-37.7(d) to allow any North Carolina resident age 17 or older to receive a special ID card from the Division of Motor Vehicles (DMV) at no cost to the recipient. Section 1.3 repeals the requirement that DMV issue a free special ID to applicants who are obtaining one for the purpose of voting. It also requires DMV to mail a special ID at no cost to any person whose valid driver's license, permit, or endorsement is seized or surrendered due to cancellation, disqualification, suspension, or revocation. DMV must mail the special ID to the person without application, via first class mail.

Section 1.5(a) requires SBEEE to establish an aggressive voter education program related to the changes in this bill. SBEEE must:

- Post information at the SBEEE office, each county board of elections, and on all respective websites.
- Train precinct officials on how to answer voters' questions about ID requirements.

- Require documentation about the bill to be disseminated by precinct officials at every election held after the bill's effective date.
- Conduct at least two seminars with each county board of elections by September 1, 2019.
- Coordinate with local organizations and service organizations for additional informational seminars.
- Coordinate with media outlets, county boards of commissions, and county boards of elections to inform the public about this bill and provide information in Spanish and other languages as deemed necessary.
- Provide educational materials to underserved and minority communities.
- Notify each registered voter who does not have a North Carolina driver's license or ID card by September 1, 2019 about the ID requirements.
- Mail information about ID requirements to all registered voters twice in 2019 and twice in 2020.
- Place a statement about the process for voting without a photo ID in all voter education materials mailed to citizens and on informational posters at one-stop voting sites and precincts on election day.
- Implement additional education programs at its discretion.

Section 1.5(b) directs SBEEE to create a list of all registered voters who do not have a North Carolina driver's license or other photo ID from the DMV as of September 1, 2019. The list must be made available to any registered voter upon request, and SBEEE may charge a reasonable fee to cover the costs of producing the list. DMV must provide a list of people with a driver's license or other form of DMV-issued ID free of charge to SBEEE.

Section 1.5(c) directs each county board of elections to make voter ID information available to voters in the 2019 and 2020 primaries and elections.

Section 4 allows SBEEE to use the entirety of the Voter Education Fund to implement this bill.

FISCAL ANALYSIS

STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT IMPACT

The main fiscal impacts on SBEEE include the printers for county boards of elections, education efforts (and related positions), and a photograph database. Chart 1 details these impacts.

Chart 1

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Printers	112,500	-	-	-	-
Education	400,000	925,000	225,000	225,000	225,000
Positions	201,087	201,087	201,087	201,087	100,544
Database	40,000	40,000	40,000	40,000	40,000
Total	**$753,587**	**$1,166,087**	**$466,087**	**$466,087**	**$365,544**

1. **Printers**
Section 1.1 requires SBEEE to make available printing equipment for county boards of elections. This analysis assumes that SBEEE will provide funding for one ID printer at each county board of elections, resulting in 100 machines (one machine per county in North Carolina). No estimate is available on the number of IDs that will be requested at a county board of elections site, therefore this is a baseline needs assumption. The cost for 100 printers, ink, and ID cards is estimated at $112,500.

Chart 2, below, shows the cost estimate for the purchase of printers, per data from SBEEE. The chart assumes each printer includes two-sided printing capabilities, a camera, necessary software, and technological support. The ID cards come in bundles of 100, and this calculation includes 5 bundles per printer, for a total of 500 ID cards per printer.

Chart 2

Item	Quantity	Cost per unit	Total
Printer	100	$1,000	$100,000
Color Ribbon	100	$50	$5,000
ID Cards	500	$15	$7,500
Total	**700**	**$1,065**	**$112,500**

2. **Education**
This analysis assumes that SBEEE will spend approximately $2 million over a period of five fiscal years on education and outreach. In addition, the education efforts will require three new time-limited full time equivalents (FTEs).

From FY 2013-14 to FY 2016-17, SBEEE expended $2.5 million for outreach activities related to S.L. 2013-381, Voter Information Verification Act (VIVA)/Election Reform. This figure includes costs related to salary and benefits for employees and travel. Section 1.5 of the bill directs SBEEE to establish an aggressive education campaign to inform voters of photo ID requirements. Based on the requirements in the bill and assuming SBEEE conducts similar outreach activities, the FY 2018-19 costs are expected to be higher than subsequent years due to initial outreach requirements, and FY 2019-20 expenditures account for the increase in activity due to the lead-up to the general election. Beginning in 2019, SBEEE efforts will include: a) identifying and contacting individual voters who may lack appropriate ID for voting purposes, b) raising the general awareness of the photo ID requirements, and c) targeting populations such as the elderly, disabled, and economically disadvantaged residents to provide additional information on voter ID options.

SBEEE will require three additional time-limited staff to meet the education requirements in this bill. This estimate is based on the SBEEE staffing levels during the implementation of VIVA. The chart below details the new positions, assumed to be funded at the mid-point of the salary range. These positions are time-limited for a total of four and a half fiscal years, beginning in FY 2018-19. These staff will provide extensive training and outreach from the 2019 through the 2022 elections, with the position funding ending January 1, 2023. It is

assumed that after this time, education efforts will have been successful in increasing public awareness of the photo ID requirements and the additional staff will no longer be needed.

Chart 3

Position Title	Salary Grade	Mid-Point Salary	Benefits	Total Annual Position Cost
Elections Specialist I	68	$48,319	$18,710	$67,029
Elections Specialist I	68	$48,319	$18,710	$67,029
Elections Specialist I	68	$48,319	$18,710	$67,029
TOTAL	-	**$144,957**	**$56,130**	**$201,087**

3. **Photograph Database**
County boards of elections are required to maintain a secure database containing the photographs of registered voters taken for the purpose of issuing ID cards. This analysis assumes that a statewide database would be established by SBEEE in order to provide increased security, as well as to allow for consistency between counties. According to the North Carolina Department of Information Technology (DIT), a secure, cloud-based database could be set up and maintained by DIT. County boards of elections will therefore be able to integrate photograph data without the need for additional hardware or software. The cost for a DIT-managed solution is approximately $40,000 annually, per DIT's estimates. This analysis assumes that SBEEE would either pay DIT to run the solution or develop a similar product in-house.

DIVISION OF MOTOR VEHICLES (DMV) IMPACT

G.S. 20-37.7(d) sets the fee for a special ID equal to the fee for a duplicate driver's license. That fee is currently $13. According to data received from the DMV, DMV collects approximately $3 million per year in revenue from fees paid by adults receiving a special ID. Because the bill allows any resident aged 17 years or older to obtain a special ID without paying the fee, the bill will result in a revenue loss of approximately $3 million annually.

The requirement that DMV send special IDs via first class mail to all individuals whose credential is cancelled, disqualified, suspended, or revoked (after that credential is seized or surrendered) will increase state expenditures by an unknown amount. The direct cost to produce a special ID is $2.28. The cost to mail an ID via first class mail is $.44. Approximately 300,000 individuals have their credentials cancelled, disqualified, suspended, or revoked each year. There is no estimate available for the increase in expenditures, because it is unknown how many cancelled, disqualified, suspended, or revoked credentials are seized or surrendered. In some cases, an individual may acknowledge in court that his or her license has been revoked, invalidating all driving privileges, but may keep the license on his or her person to use as proof of age or identity.

In addition to the direct costs shown above, there will be indirect costs associated with the automatic issuance of special IDs. Currently, there are no processes at DMV for issuing special IDs

automatically upon the change in status of an existing credential. This provision will require DMV to make changes to the State Automated Driver License System (SADLS) in order to fully automate this process. DMV estimates approximately 5,800 hours of programming and testing at a cost of $524,360 to update SADLS, with estimated ongoing costs of $52,000 per year for maintenance. In the short term, DMV will require additional personnel to manually process seized or surrendered credentials. No estimate for the increase in FTE is available until DMV determines how to structure this manual process.

LOCAL IMPACT

Although the ID printers will be purchased by the State initially, ongoing maintenance and operations will be funded by county boards of elections. There is no estimate included in this analysis for the ongoing costs to counties for the printers because the total number of ID cards that will be requested are unknown. According to the North Carolina Association of County Commissioners, ongoing costs may include the purchase of supplies for printing, routine maintenance of the printer, whether additional physical space will be needed for housing printing equipment, and related staff time.

County boards of elections are directed to make information available about photo ID to all voters in the 2019 and 2020 primaries and elections. This implementation will likely vary between counties, and expenses will depend on the steps counties take. Therefore, no exact cost estimate is included in this analysis.

County boards of elections are also required to maintain a secure database containing the photographs of registered voters taken for the purpose of issuing ID cards. This analysis assumes that a statewide database would be established and funded by SBEEE and therefore would have no fiscal impact to counties for the purchase of software or hardware related to this requirement. Further detail on this is provided in the SBEEE fiscal impact analysis (item 3). Additional training of county boards of elections staff and precinct officials on how to input information into the database may be necessary.

TECHNICAL CONSIDERATIONS

SBEEE is directed to spend the entirety of the Voter Education Fund for implementing this bill. There is no budget code or fund code by this name within SBEEE.

DATA SOURCES

NC STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT, NC DIVISION OF MOTOR VEHICLES, NC DEPARTMENT OF INFORMATION TECHNOLOGY, NC OFFICE OF STATE HUMAN RESOURCES, NC ASSOCIATION OF COUNTY COMMISSIONERS

LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS

This document is an official fiscal analysis prepared pursuant to Chapter 120 of the General Statutes and rules adopted by the Senate and House of Representatives. The estimates in this analysis are based on the data, assumptions, and methodology described in the Fiscal Analysis section of this document. This document only addresses sections of the bill that have projected direct fiscal impacts on State or local governments and does not address sections that have no projected fiscal impacts.

CONTACT INFORMATION

Questions on this analysis should be directed to the Fiscal Research Division at (919) 733-4910.

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December 4, 2018

Official
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NORTH CAROLINA GENERAL ASSEMBLY

Session 2017

Legislative Incarceration Fiscal Note

REVISED

Short Title: Implementation of Voter ID Const. Amendment.
Bill Number: Senate Bill 824 (First Edition)
Sponsor(s): **Senators Krawiec, Ford, and Daniel**

SUMMARY TABLE

FISCAL IMPACT OF S.B. 824, V.1 ($ in millions)

	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
State Impact					
General Fund Revenue	-	-	-	-	-
Less Expenditures	-	-	-	-	-
General Fund Impact	**No Estimate Available - Refer to Fiscal Analysis section**				
NET STATE IMPACT	**No Estimate Available - Refer to Fiscal Analysis section**				

FISCAL IMPACT SUMMARY

REVISION: Revised note corrects a technical error in the net state impact description to reflect that there is "No Estimate Available". The revised note also corrects a technical error in the reference to the section of the bill creating the new Class I felony, which is Section 3.2(d).

The proposed bill may have a fiscal impact because of the application of a more stringent penalty for each offense. However, since there is no historical data on this offense, or similar offenses to use as a proxy for predicting the total number of offenses, the Fiscal Research Division cannot reasonably estimate the total additional costs that may be incurred. The following costs may be incurred for every one person charged and convicted of this crime:

- Administrative Office of the Courts: $498 per disposition
- Indigent Defense Services: $333 per disposition
- Department of Public Safety (DPS) - Prisons: $3,710 per active sentence
- DPS - Community Corrections: $1,458 per supervised probation sentence

General

The Sentencing and Policy Advisory Commission prepares prison population projections for each bill containing a criminal penalty. The Commission assumes for such bills that expanding existing or creating new criminal offenses produces no deterrent or incapacitative effect on crime. Therefore, the Fiscal Research Division does not assume deterrent effects for any criminal penalty bill.

S.L. 2011-192, the Justice Reinvestment Act (JRA), made changes to North Carolina's court system, corrections system (both to prisons and probation), and to post-release supervision. All active sentences for felony offenses now result in a minimum of twelve months of post-release supervision (PRS) for B1-E level offenses and a minimum of nine months of PRS for F-I level offenses.

JRA also created the Statewide Misdemeanant Confinement Program (SMCP) for housing misdemeanants with sentences between 90 and 180 days in county jails (misdemeanants with shorter sentences were already the responsibility of the counties). County participation in the program is voluntary. The SMCP pays participating counties for misdemeanants' housing, transportation, and medical costs. In 2014, the program was expanded to include all misdemeanants with sentences longer than 90 days. The Sentencing and Policy Advisory Commission does not track county jail capacity, so it is not possible to estimate the impact of new or increased misdemeanor penalties on county jails.

Judicial Branch

The Administrative Office of the Courts provides Fiscal Research with a fiscal impact analysis for most criminal penalty bills. For such bills, fiscal impact is typically based on the assumption that court time will increase due to anticipated increases in trials and corresponding increases in workload for judges, clerks, and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

Section 3.2(d) of the bill creates a new Class I felony offense. Because this is a new offense, AOC does not have historical data upon which to estimate the number of charges that might occur. AOC provides estimates of the average cost to the court for a charge by offense class. For every additional person charged with a Class I felony, the average cost to the court would be $498.

The Office of Indigent Defense Services (IDS) provides Fiscal Research with the frequency and cost of indigent defense services for each level of crime, including the cost differentials for district and superior court with and without a trial and the percentage of cases handled in each category. Fiscal Research used this data to calculate a weighted average of IDS costs.

In FY 2016-17, the most recent year data is available, 68% of Class I felony cases were handled through IDS. The weighted average cost of a new Class I felony is $333 per case for a private appointed counsel (PAC) attorney. This estimate assumes the appointment of a PAC attorney. In districts that have Public Defender offices, cases may be handled by those offices. In those instances, this cost may not be incurred.

Department of Public Safety – Prisons

The chart below depicts the projected inmate population relative to available prison bed capacity system-wide. Capacity projections assume operation at Expanded Operating Capacity,[1] and represent the total number of beds in operation, or authorized for construction or operation as of December 2017.

Based on the most recent population projections and estimated bed capacity, there are surplus prison beds available for the five-year fiscal note horizon and beyond. Therefore, no additional beds will be required unless the projected number of additional inmates resulting from a bill (row four) exceeds the projected number of beds under the inmate population (row three). Rows four and five in the chart demonstrate the impact of the bill.

Population Projections and Bed Capacity Five Year Impact					
	June 30 2019	**June 30 2020**	**June 30 2021**	**June 30 2022**	**June 30 2023**
1. Inmates[2]	36,628	36,820	37,115	37,273	37,488
2. Prison Beds (Expanded Capacity)	38,189	38,189	38,189	38,189	38,189
3. Beds Over/(Under) Inmate Population	1,561	1,369	1,0704	916	701
4. Additional Inmates Due to this Bill[3]		**No estimate available**			
5. Additional Beds Required					

Since the bill creates a new offense, the Sentencing Commission does not have any historical data from which to estimate the impact of this bill on the prison population. A threshold analysis is provided when it is not known how many offenders might be convicted and sentenced as a result of the proposed change. For each offense class, the threshold estimate is the number of convictions that result in the need for one prison bed in the first year.

In FY 2016-17, 13% of Class I felony convictions resulted in active sentences, with an average estimated time served of 7 months. The following table shows the estimated annual impact if there

[1] Expanded Operating Capacity (EOC) is: 1) the number of single cells housing one inmate, 2) the number of single cells housing two inmates, and 3) the number of beds in dormitories, allowing between 35 (130% of Standard Operating Capacity) and 50 (SOC) square feet per inmate.

[2] The Sentencing and Policy Advisory Commission prepares inmate population projections annually. These projections are derived from: historical information on incarceration and release rates under Structured Sentencing; crime rate forecasts by a technical advisory group; probation and offender revocation rates; and the decline (parole and max-outs) of the stock prison population sentenced under prior sentencing acts. Projections were updated in February 2018.

[3] Criminal penalty bills effective December 1, 2018 should not affect prison population and bed needs until FY 2019-20 due to the lag time between offense charge and sentencing - six months on average. No delayed effect is presumed for the Court System.

were 11 convictions (the threshold) or 20 convictions for this proposed offense per year. The five year estimate takes into account the combination of active sentences and probation and post-release supervision violations resulting in confinement, as well as growth rates adopted by the Sentencing Commission's Forecasting Technical Advisory Group.

Estimated Prison Bed Impact Using Threshold Convictions and 20 Convictions Class I Felony					
Convictions	**Year 1**	**Year 2**	**Year 3**	**Year 4**	**Year 5**
11 (Threshold)	1	2	2	2	2
20	2	5	5	5	5

In addition to the capital costs that may be associated with additional bed needs, there are also per diem costs for housing inmates. The cost to add one additional inmate to the prison system is $17.42 per day, or $530 per month, which includes the cost of food, clothing, and health care. In FY 2016-17, 13% of Class I felony offenders received active sentences averaging 7 months. For every one Class I felony offender receiving an active sentence, the cost to the prison section will be $3,710 ($530 monthly cost times 7 months).

Department of Public Safety – Community Corrections

All active sentences for felony offenses now result in a minimum of twelve months of post-release supervision (PRS) for B1-E level offenses and a minimum of nine months of PRS for F-I level offenses. Additionally, for felony offense classes E through I, offenders may be given non-active (intermediate or community) sentences exclusively, or in conjunction with imprisonment (split-sentence). Sanctions include electronic house arrest, community service, substance abuse treatment, participation in educational or vocational skills development, payment of court costs, fines, and restitution, and short-term jail sentences not exceeding six days per month. All misdemeanor offenders may face the same non-active sentences as felons.

JRA essentially eliminated the distinction between "community" and "intermediate" supervision. Under structured sentencing, the two types of supervision were each defined by a set of specific sanctions. Under JRA, both community and intermediate probation may now include electronic monitoring, short-term periods of confinement, substance abuse assessment, monitoring, and treatment, participation in educational programs or vocational skills development. Whether a probationer is subject to more stringent conditions is determined by the results of a risk-needs assessment administered by the Department of Public Safety.

All types of post-release supervision are supervised by the Community Corrections Section (CCS); CCS also oversees community service. Supervision by a probation officer costs $162 per offender per month; no cost is assumed for those receiving unsupervised probation or who are only ordered to pay fines, fees, or restitution. Total costs are based on average supervision length and the percentage of offenders (per offense class) sentenced to active sentences requiring post-release supervision and supervised probation.

In FY 2016-17, 13% of Class I felony offenders received active sentences. The average length of probation imposed for this offense class was 23 months. All active sentences for Class F through I felonies result in nine months of post-release supervision (PRS). Therefore, at a minimum, one conviction resulting from this bill will require at least nine months of supervision. The cost of nine months of supervision is $1,458 per offender ($162 per month times 9 months).[4] For every offender sentenced to probation, the average cost would be $3,726 ($162 per month times 23 months).

TECHNICAL CONSIDERATIONS

N/A.

DATA SOURCES

Department of Public Safety; Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission; Office of Indigent Defense Services.

LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS

This document is an official fiscal analysis prepared pursuant to Chapter 120 of the General Statutes and rules adopted by the Senate and House of Representatives. The estimates in this analysis are based on the data, assumptions, and methodology described in the Fiscal Analysis section of this document. This document only addresses sections of the bill that have projected direct fiscal impacts on State or local governments and does not address sections that have no projected fiscal impacts.

CONTACT INFORMATION

Questions on this analysis should be directed to the Fiscal Research Division at (919) 733-4910.

ESTIMATE PREPARED BY

William Childs

ESTIMATE APPROVED BY

Mark Trogdon
Director of Fiscal Research
Fiscal Research Division
November 28, 2018

[4] Due to the effective date of December 1, 2018 and the typical lag time between charge and conviction (6 months), little impact is assumed for CCS in FY 2018-19. Though some offenders may come under CCS supervision during this time, this note assumes an even entry over the course of FY 2019-20.

Signed copy located in the NCGA Principal Clerk's Offices

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S824-ABK-138 [v.2]

Amends Title [NO]
Second Edition

Date 12/4 ,2018

Representative Lewis

moves to amend the bill on page 1, line 13, page 2, line 16, page 3, lines 6, 7, 15, 16, 19, 21, 22, 23, 24, 26, 30, 34, 36, and 41, and page 4, lines 1, 3, 8, and 13, by inserting "registered" in between "the" and "voter";

and on page 1, line 14, by inserting "registered" in between "that" and "voter";

and on page 1, line 24, and page 2, line 47, by inserting "registered" in between "the" and "voter's";

and on page 1, line 30, and page 2, lines 7, 8, and 46, by inserting "registered" at the beginning of those lines;

and on page 1, line 32, by inserting "registered" in between "any" and "voter";

and on page 2, line 6, and page 3, lines 11, 13, 20, 31, and 44, by inserting "registered" in between "a" and "voter";

and on page 3, line 27, and page 9, line 36, by inserting "registered" in between "The" and "voter";

and on page 3, line 12, by deleting "a valid and current" and substituting "an acceptable form of";

and on page 4, line 14, by inserting "registered" in between "a" and "voter's";

Attachment 1

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

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

S824-ABK-138 [v.2]

and on page 4, line 15, by inserting "registered" in between "A" and "voter's";

and on page 7, line 11, by inserting "by the Division" in between "receipt" and "of".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. 2
(to be filled in by
Principal Clerk)

S824-ABK-131 [v.1]

Amends Title [NO]
Second Edition

Date 12/4 ,2018

Representative Floyd

moves to amend the bill on page 3, line 10, by inserting at the end of the line the following:

"The State Board shall provide the registered voter casting a provisional ballot due to failure to provide photo identification an information sheet on the deadline to return to the county board of elections to present photo identification, and what forms of photo identification are acceptable, in order for the voter's provisional ballot to be counted.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 2

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. 3
(to be filled in by
Principal Clerk)

S824-ABK-132 [v.2]

Amends Title [NO]
Second Edition

Date 12/4 ,2018

Representative Jackson

moves to amend the bill on page 3, lines 41-42, by inserting the following between the lines:

"(4) Witness Verification. – If a voter does not produce an acceptable form of photograph identification, the voter may cast a provisional ballot in the presence of two persons, complete a witness verification form as provided in subsection (d2) of this section, and require those two persons in whose presence the voter marked that voter's provisional ballot to sign the witness verification form as witnesses and to indicate those persons' addresses. The persons in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the voter, unless the voter requests assistance and that person is otherwise authorized by law to give assistance.";

and on page 4, lines 6-7, by inserting the following between the lines:

"(d2) Witness Verification Form. – The State Board shall adopt a witness verification form that contains a space for the identification of the two persons witnessing the casting of the ballot, those persons' signatures, and those persons' addresses. Failure to list a ZIP code does not invalidate the witness verification form.";

and on page 4, line 9, by inserting "or witness verification form" between "affidavit" and "required".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 3

S824-ABK-132-V-2

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. 4
(to be filled in by
Principal Clerk)

S824-AST-167 [v.1]

Amends Title [NO]
Second Edition

Date _____ ,2018

Representative Harrison

1 moves to amend the bill on page 3, line 49, by inserting "or school" in between "Work" and
2 "schedule".
3

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ TABLED _____

Attachment 4

S824-AST-167-V-1

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. 5
(to be filled in by
Principal Clerk)

S824-AST-180 [v.1]

Amends Title [NO]
Second Edition

Date 12/4 ,2018

Representative Floyd

moves to amend the bill on page 5, lines 39-40, by inserting the following between the lines:

"**SECTION 1.2(d)** G.S. 163A-1307(b) reads as rewritten:

"(b) Application on Container-Return Envelope. – In time for use not later than 60 days before a statewide general election in an even-numbered year, and not later than 50 days before a statewide primary, other general election or county bond election, the county board of elections shall print a sufficient number of envelopes in which persons casting absentee ballots may transmit their marked ballots to the county board of elections. However, in the case of municipal elections, sufficient container-return envelopes shall be made available no later than 30 days before an election. Each container-return envelope shall have printed on it an application which shall be designed and prescribed by the State Board, providing for all of the following:

(1) The voter's certification of eligibility to vote the enclosed ballot and of having voted the enclosed ballot in accordance with this Part.

(2) A space for identification of the envelope with the voter and the voter's signature.

(3) A space for the identification of the two persons witnessing the casting of the absentee ballot in accordance with G.S. 163A-1310, those persons' signatures, and those persons' addresses.

(4) A space for the name and address of any person who, as permitted under G.S. 163A-1298(a), assisted the voter if the voter is unable to complete and sign the certification and that individual's signature.

(5) A space for approval by the county board of elections.

(6) A space to allow reporting of a change of name as provided by G.S. 163A-880.

(7) A prominent display of the unlawful acts under G.S. 163A-1298 and G.S. 163A-1389, except if there is not room on the envelope, the State Board may provide for that disclosure to be made on a separate piece of paper to be included along with the container-return envelope.

(8) Instructions to include a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a), or to bring a the required photo identification to the county board of elections no later than the end of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172, or to provide a

Attachment 5

completed affidavit in accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3).

The container-return envelope shall be printed in accordance with the instructions of the State Board."

SECTION 1.2(e) G.S. 163A-1310 reads as rewritten:

"§ 163A-1310. Voting absentee ballots and transmitting them to the county board of elections.

(a) Procedure for Voting Absentee Ballots. – In the presence of two persons who are at least 18 years of age, and who are not disqualified by G.S. 163A-1298(a)(4) or G.S. 163A-1317(c), the voter shall do all of the following:

(1) Mark the voter's ballots, or cause them to be marked by that person in the voter's presence according to the voter's instruction.

(2) Fold each ballot separately, or cause each of them to be folded in the voter's presence.

(3) Place the folded ~~ballots~~ballots, along with a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a) or the completed affidavit in accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3), in the container-return envelope and securely seal it, or have this done in the voter's presence.

(4) Make the application printed on the container-return envelope according to the provisions of G.S. 163A-1307(b) and make the certificate printed on the container-return envelope according to the provisions of G.S. 163A-1307(b).

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

Alternatively to the prior paragraph of this subsection, any requirement for two witnesses shall be satisfied if witnessed by one notary public, who shall comply with all the other requirements of that paragraph. The notary shall affix a valid notarial seal to the envelope, and include the word "Notary Public" below his or her signature.

The persons in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the absentee voter, unless the voter requests assistance and that person is otherwise authorized by law to give assistance. When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the county board of elections which issued the ballots.

...

(d) If the registered voter does not include a completed affidavit in accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3) or a readable photocopy of the voter's photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a), the voter's ballot is counted only if the voter brings a photo identification listed as acceptable voting identification under G.S. 163A-1145.1(a) to the county board of elections no later than the end

of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163A-1172.

(e) Any readable photocopy of a registered voter's photo identification received by a county board shall be treated as a voted ballot under G.S. 163A-1105. The county board shall provide for secure storage of such personal identifying information."";

and on page 5, line 40, by deleting "**SECTION 1.2(d)**" and substituting "**SECTION 1.2(f)**";

and on page 6, line 4, by deleting "**SECTION 1.2(e)**" and substituting "**SECTION 1.2(g)**";

and on page 6, line 10, by deleting "**SECTION 1.2(f)**" and substituting "**SECTION 1.2(h)**".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. 6
(to be filled in by
Principal Clerk)

S824-ABK-139 [v.2]

Amends Title [NO]
Second Edition

Date 12/4 ,2018

Representative Warren

moves to amend the bill on page 1, line 13, by rewriting the line to read:

"identification cards shall contain a photograph of the registered voter, the name of the registered voter, and the voter registration number for";

and on page 1, line 24, by rewriting the line to read:

"provide the registered voter's name, the registered voter's date of birth, and the last four digits of the registered voter's social";

and on page 1, lines 31-32, by inserting the following between those lines:

"(4) If a registered voter has a change of name and has updated his or her voter registration to reflect the new name, the registered voter may request and obtain a replacement card from the registered voter's county board of elections by providing the registered voter's date of birth and the last four digits of the registered voter's social security number in person, by telephone, or by mail.".

SIGNED Harry Warren
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

S824-ABK-139-V-2

Attachment 6

Displaced

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

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

S824-ATC-195 [v.4]

Amends Title [NO]
Second Edition

Date _____ ,2018

Representative Warren

moves to amend the bill on page 3, lines 13-41, by rewriting those lines to read:

"(1) Religious Objection. – If a voter does not produce an acceptable form of photograph identification due to a religious objection to being photographed, the voter may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) has a religious objection to being photographed. Upon completion of the affidavit, the voter may cast a provisional ballot, and shall include as part of the provisional ballot the voter's date of birth and the last four digits of the Social Security number.

(2) Reasonable Impediment. – If a voter does not produce an acceptable form of photograph identification because the voter suffers from a reasonable impediment that prevents the voter from presenting photograph identification, the voter may complete an affidavit under the penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) suffers from a reasonable impediment that prevents the voter from presenting photograph identification. The voter also shall complete a reasonable impediment declaration form provided in subsection (d1) of this section, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the voter may cast a provisional ballot, and shall include as part of the provisional ballot the voter's date of birth and either the last four digits of the Social Security number or drivers license.

(3) Natural Disaster. – If a voter does not produce an acceptable form of photograph identification due to being a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States and the Governor of this State, the voter may complete an affidavit under penalty of perjury at the voting place and affirm that the voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) was a victim of a natural disaster occurring within 100 days before

Attachment 7

election day that resulted in a disaster declaration by the President of the United States and the Governor of this State. Upon completion of the affidavit, the voter may cast a provisional ballot, and shall include as part of the provisional ballot the voter's date of birth and either the last four digits of the Social Security number or drivers license.";

and on page 4, lines 7-11, by deleting those lines and substituting the following:

"(e) County Board Review of Exceptions. – The county board of elections shall find that a voter's provisional official ballot cast following completion of an affidavit, as provided in subsection (d) of this section, is valid and direct that the provisional ballot be opened and counted in accordance with this Subchapter, unless any of the following apply:

(1) The county board of elections has grounds to believe the declaration is factually false, merely denigrated the photo identification requirement, or made obviously nonsensical statements.

(2) The voter failed to provide the voter's date of birth and either the last four digits of the Social Security number or drivers license as part of the provisional ballot.

(3) The voter provided the date of birth and either the last four digits of the voter's Social Security number or drivers license and the county board of elections could not confirm the voter's registration using that information.

(4) The voter is disqualified for some other reason provided by law.

(f) Provisional Ballot for Other Cause. – If the county board of elections determines that a voter has also cast a provisional official ballot for a cause other than the voter's failure to provide photo identification in accordance with this section, the county board shall do all of the following:

(1) Note on the envelope containing the provisional official ballot that the voter has complied with subsection (d) of this section and has completed an affidavit reviewed as provided in subsection (e) of this section.

(2) Proceed to determine any other reasons for which the provisional official ballot was cast provisionally before ruling on the validity of the voter's provisional official ballot.";

and on page 4, line 12, by deleting "(f)" and substituting "(g)".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Displaced

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

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

S824-ATC-200 [v.1]

Amends Title [NO]
Second Edition

Date _____ ,2018

Representative Warren

moves to amend the bill on page 4, lines 44-45, by inserting the following between those lines:

"h. The college or university will provide written notice to students, when issuing the student identification card, on the requirements for voter registration and determination of residency for students provided in G.S. 163A-842, the options and requirements for absentee and in-person voting provided in this Chapter, and a statement that it is a Class I felony to fraudulently cause a person's name to be placed upon the registration books in more than one election precinct, to fraudulently cause that person's name to be placed on the registration books in any precinct when registration in that precinct does not qualify the person to legally vote, or to impersonate falsely another registered voter for the purpose of voting in the stead of the other voter. The college or university shall require written acknowledgement of the notification by the student prior to issuance of the student identification card.".

SIGNED Larry G. Warren
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

S824-ATC-200-V-1

Attachment 8

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. 7
(to be filled in by
Principal Clerk)

S824-ATC-198 [v.1]

Amends Title [NO]
Second Edition

Date 12/4 ,2018

Representative Warren

moves to amend the bill on page 5, line 3, by rewriting that line to read:

"county board of elections.

(d) If a participating college or university with a student identification card approved for use by the State Board as provided in subsection (b) of this section changes the design of the student identification card, that college or university shall provide copies of the new design of the student identification cards to the State Board to assist with training purposes."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

S824-ATC-198-V-1

Attachment 9

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. 8
(to be filled in by
Principal Clerk)

S824-ATC-199 [v.1]

Amends Title [NO]
Second Edition

Date 12/4 ,2018

Representative Warren

moves to amend the bill on page 5, lines 35-36, by rewriting those lines to read:

"(b) The State Board shall approve the use of employee identification cards issued by a state or local government entity, including a charter school, for voting identification under G.S. 163A-1145.1, every four years.".

SIGNED Harry B Warren
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 10

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. 9
(to be filled in by
Principal Clerk)

S824-ATC-193 [v.3]

Amends Title [NO]
Second Edition

Date 12/4 ,2018

Representative Warren

moves to amend the bill on page 7, lines 44-45, by inserting the following between those lines:

"**SECTION 1.4A** G.S. 163A-741 is amended by adding a new subsection to read:
"(o1) The State Board shall include in all forms prepared by the Board a prominent statement that submitting fraudulently or falsely completed declarations is a Class I felony under Chapter 163A of the General Statutes."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 11

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. 10
(to be filled in by
Principal Clerk)

S824-ATC-194 [v.3]

Amends Title [NO]
Second Edition

Date 12/4 ,2018

Representative Warren

moves to amend the bill on page 9, lines 6-7, by inserting the following between those lines:

"**SECTION 1.5(e)** By September 1, 2019, the State Board of Elections and Ethics Enforcement shall review, update, and make further recommendations to the Joint Legislative Elections Oversight Committee on steps to implement the use of electronic and digital information in all polling places statewide. The review shall address all of the following:

(1) Obtaining digital photographs of registered voters and verifying identity of those voters, including transfer of digital photographs for registered voters held by the Department of Transportation, Division of Motor Vehicles.
(2) Maintaining information stored electronically in a secure fashion.
(3) Utilizing electronically stored information, including digital photographs and electronic signatures, to create electronic pollbooks.
(4) Using electronic pollbooks to assist in identifying individuals attempting to vote more than once in an election.
(5) A proposed plan for a pilot project to implement electronic pollbooks, including the taking of digital photographs at the polling place to supplement the electronic pollbooks.
(6) Any other related matter identified by the State Board impacting the use of digital and electronic information in the voting place.".

SIGNED Harry Warren
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

S824-ATC-194-V-3

Attachment 12

Withdrawn

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

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

S824-ABK-144 [v.1]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Blust

moves to amend the bill on page 7, lines 44-45, by inserting the following between the lines:

SECTION 1.4(e) G.S. 163A-1142 reads as rewritten:

"§ 163A-1142. Provisional voting requirements.

(a) If an individual seeking to vote claims to be a registered voter in a jurisdiction as provided in G.S. 163A-860 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. 163A-860 in which the individual seeks to vote and is eligible to vote in that election.

(3) 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. 163A-1300.

(4) 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 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.

Attachment 13

(5) 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. 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.

(b) An individual casting a provisional official ballot, including a registered voter casting a provisional official ballot due to not producing an acceptable form of voter identification as provided in G.S. 163A-1145.1, shall provide a fingerprint of the voter. At the time the individual casts the provisional official ballot, the election officials shall obtain the individual's fingerprint and include the fingerprint with the provisional official ballot.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. 11
(to be filled in by
Principal Clerk)

S824-ABK-147 [v.3]

Amends Title [NO]
Second Edition

Date 12/4 ,2018

Representative Fisher

moves to amend the bill on page 2, lines 29-31, by rewriting the lines to read:

"G.S. 115D-2(2), an eligible private postsecondary institution as defined in G.S. 116-280(3), or a K-12 school unit, as defined in G.S. 163A-1145.2, provided that card is issued in accordance with G.S. 163A-1145.2.";

and on page 4, lines 20-22, by rewriting the lines to read:
"(a) The State Board shall approve the use of student identification cards issued by an academic institution for";

and on page 4, line 24, by inserting "or the superintendent of the K-12 school unit" in between "college" and "submits";

and on page 4, lines 27, 28, 41, 43, 45 by deleting "university or college" and substituting "academic institution";

and on page 4, line 33, by deleting "student." and substituting "student for a college or university, and the social security number and birthdate of the student for a K-12 school unit.";

and on page 4, line 38, by deleting "University or college" and substituting "Academic institution";

Attachment 14

and on page 4, lines 48-50, by rewriting the line to read:

"(b) The State Board shall approve the use of student identification cards issued by an academic institution every"

and on page 5, line 1, by deleting "universities and colleges" and substituting "academic institutions";

and on page 5, line 3, by rewriting the line to read:

"county board of elections.

(d) For purposes of this section, the following definitions apply:

(1) Academic institution. – A constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D 2(2), an eligible private postsecondary institution as defined in G.S. 116 280(3), or a K-12 school unit, as defined in subdivision (2) of this subsection.

(2) K-12 school unit. – Any of the following:

a. A local school administrative unit.

b. A regional school authorized under Part 10 of Article 16 of Chapter 115C of the General Statutes.

c. A charter school authorized under Article 14C of Chapter 115C of the General Statutes.

d. A school providing secondary instruction operated by the State Board of Education, including schools operated under Article 9C of Chapter 115C of the General Statutes.

e. A nonpublic school authorized under Part 1 of Part 2 of Article 39 of Chapter 115C of the General Statutes.

(3) Superintendent. – The superintendent of a local school administrative unit or, for a K-12 school unit with no superintendent, the staff member with the highest decision making authority.""

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. 12
(to be filled in by
Principal Clerk)

S824-ABK-153 [v.2]

Amends Title [NO]
Second Edition

Date _____ ,2018

Representative Conrad

moves to amend the bill on page 8, lines 11-20, by rewriting the lines to read:

"(6) Coordinate with local media outlets, county boards of commissions, and county boards of elections to disseminate information in a way that would reasonably inform the public concerning the changes in this legislation. In executing these duties, the Board shall ensure that it makes necessary efforts to inform the public regarding the provisions of this act, the requirements to vote absentee, early, or on election day, a description of voting by provisional ballot, and the availability of a free North Carolina voter photo identification card pursuant to G.S. 163A-869.1 to rural, military, veteran, elderly, underserved, minority, or other communities as determined by local needs.

(7) In conducting the educational program under this section, the educational program shall, when appropriate, inform the public regarding ~~about~~ the requirements of North Carolina residency to vote, including the requirement for intent to remain in the state, and the penalty for voting in multiple states.".

SIGNED Rep. Debra Conrad
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

Attachment 15

S824-ABK-153-V-2

Withdrawn

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

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

S824-ABG-41 [v.3]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Harrison

moves to amend the bill on page 2, line 13, by deleting the word "nontemporary";

and on page 6, line 16, by deleting the phrase "**SECTION 1.3**" and substituting the phrase "**SECTION 1.3(a)**";

and on page 7, lines 14-15, by inserting the following between those lines:

"**SECTION 1.3(b)** G.S. 20-7(f)(5) reads as rewritten:

"(5) License to be sent by mail. – The Division shall issue to the applicant a temporary driving certificate valid for 60 days, unless the applicant is applying for renewal by mail under subdivision (4) of this subsection. The temporary driving certificate shall be valid for driving purposes and shall not be valid for identification purposes, except for voting identification pursuant to G.S. 163A-1145.1, or when conducting business with the Division and not otherwise prohibited by federal law. The Division shall produce the applicant's drivers license at a central location and send it to the applicant by first-class mail at the residence address provided by the applicant, unless the applicant is ineligible for mail delivery by the United States Postal Service at the applicant's residence. If the United States Postal Service documents that it does not deliver to the residential address provided by the applicant, and the Division has verified the applicant's residential address by other means, the Division may mail the drivers license to the post office box provided by the applicant. Applicants whose only mailing address prior to July 1, 2008, was a post office box in this State may continue to receive their license at that post

Attachment 16

office box, provided the applicant's residential address has been verified by the Division."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Withdrawn

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

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

S824-ABK-150 [v.2]

Amends Title [NO]
Second Edition

Date _____ ,2018

Representative Harrison

1 moves to amend the bill on page 3, line 2, by deleting "official disputes" and substituting
2 "officials present unanimously dispute".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

Attachment 17

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. #13
(to be filled in by
Principal Clerk)

S824-ATC-201 [v.1]

Amends Title [NO]
Second Edition

Date _____,2018

Representative Harrison

moves to amend the bill on page 3, line 4, by rewriting that line to read:

"G.S. 163A-914. A voter shall be permitted to vote unless the judges of election present unanimously agree that the photo identification presented does not bear any reasonable resemblance to that voter.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

S824-ATC-201-V-1

SPEAKER REGISTRATION SHEET

Name of Committee House Committee on Elections & Ethics Law Date 12/4/2018

NAME	FIRM OR AGENCY	BILL
Russ Alphin	Lenoir/Wayne Republicans	VOTER ID
Karen Ziegler	Tuesdays with Tillis	VOTER ID
Jennifer Rudolph	Stronger NC	VOTER ID
Brian Mathis	NC State Univ.	SB 804
JAY DELANCY	VOTER INTEGRITY PROJECT	VOTER ID

Attachment 19

ROLL CALL VOTE

____ YES ____ NO = _____(TOTAL)

HB# _____
SB# _____

HOUSE STANDING COMMITTEE ON **ELECTION and ETHICS LAW**

House Subcommittee on _____

YES	NO	MEMBER	YES	NO	MEMBER
	✓	**MICHAUX**, Mickey		✓	**JACKSON**, Darren
✓		**SZOKA**, John		✓	**MARTIN**, Grier
✓		**WARREN**, Harry	✓		**MARTIN**, Susan
✓		**ADAMS**, Jay		✓	**RICHARDSON**, Bobbie
✓		**BLUST**, John	✓		**RIDDELL**, Dennis
		BOSWELL, Beverly	✓		**SPECIALE**, Michael
✓		**BURR**, Justin			**WATFORD**, Sam
✓		**CONRAD**, Debra		✓	**WILLINGHAM**, Shelly
✓		**DAVIS**, Ted			
✓		**DIXON**, Jimmy			**CHAIRS**
✓		**FAIRCLOTH**, John	✓		**JONES**, Bert
	✓	**FISHER**, Susan	✓		**LEWIS**, David
	✓	**FLOYD**, Elmer			
✓		**FORD**, Carl			
		GRAHAM, George			
		HALL, Destin			
✓		**HARDISTER**, Jon			
	✓	**HARRISON**, Pricey			
	✓	**HUNTER**, Howard			
✓		**ILER**, Frank			
			17	9	

Attachment 20

Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Elections and Ethics Law

DATE: 12/4/2018 Room: 643 LOB

House Sgt-At Arms:

1. Name: Warren Hawkins
2. Name: Will Crocker
3. Name: Doug Harris
4. Name: Malachi McCullough, Jr
5. Name: Thomas Terry

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 12/4/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Karen Ziegler	NAACP, Poor Peoples Campaign
JAY DELANCY	VOTER INTEGRITY PROJECT
Russ Aphan	Lenoir/Wayne Republican
Jennifer Rudolph	Stronger NC
Bo Heath	MWC
Harry Kaplan	MWC
[illegible]	[illegible]
[illegible]	[illegible]
Ty Ford	MWC
Jennifer Brenner	League of Women Voters
Chris EMANUEL	EMANUEL Group

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 12/4/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Perry Huffle	GOC
Courtney Patterson	NC NAACP
Jason Juffras	Office of State Budget and Management
Claudia Shoemaker	Governor's ofc
Erica Williams	Repairers of the Breach
Bob Dole	GOP
McG H Herman	Poor People's Campaign NC
Leah Kang	Forward Justice
Joy Wilcox	NCDOT
Deans Eatman	NCDOT
John Harden	MTS

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 12/4/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
David Ferrell	NP
Sue Ann Forest	VCMS
Tonya Hsiao	OSHR
Chris McClure	BP
Kara Weishaar	SD

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 12/4/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mary Shuping	NCCCS
Drew Moretz	UNC System
Colin Russell	UNC System
Henry M Lancaster	LCA
David Heinen	NC Center for Nonprofits
John Lucy	NC DEQ
Bob Phillips	Common Cause
Amber Harris	NUNRC
Mrs Parker	ARNC.
Lex Jones	UNCR
Tessa Hale	CJPC

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 12/4/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	
Ari Travis	Carolina Journal
Becki Gray	John Locke Foundation
[illegible]	
[illegible]	Misc
Jeanneane Wiseman	myself
Shoshana Sorrer-Merchant	myself Raleigh NC 27607
Clifford H. Charles	Tuesdays with Tillis
Russ Alphin	Lenoir/Wayne Republican Men
Jerry Schill	NC Fisheries Assoc.
Tom Abbot	NCICU

VISITOR REGISTRATION SHEET

House Committee on Elections and Ethics Law — 12/4/2018

Name of Committee — Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dawn Blagrove	Carolina Justice Policy Center
Brian Jones	Private Protective Services