

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1072
Committee Substitute Favorable 4/21/99
Senate Judiciary I Committee Substitute Adopted 7/6/99

Short Title: Election Law Cleanup.

(Public)

Sponsor:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE THE FOLLOWING TECHNICAL CORRECTIONS IN THE
3 ELECTION LAWS: TO CLARIFY THE ROLE OF THE STATE BOARD OF
4 ELECTIONS IN THE PROCESS OF ORDERING NEW ELECTIONS; TO
5 CLARIFY THE APPEAL PROCESS IN CONTESTED ELECTIONS; TO
6 REENACT AND RECODIFY PROVISIONS OF THE PRE-1995 VOTER
7 REGISTRATION LAWS THAT WERE INADVERTENTLY DROPPED IN THE
8 ENACTMENT OF ARTICLE 7A IN CHAPTER 163; TO CLARIFY THE
9 STATUTES CONCERNING CANDIDATE VACANCIES IN THE
10 NONPARTISAN ELECTION OF JUDGES; TO MAKE CLEANUP CHANGES AS
11 A RESULT OF SESSION LAW 1999-31; TO CONFORM THE PETITION
12 STATUTES TO COURT RULINGS AND MAKE OTHER TECHNICAL
13 CHANGES; AND TO CORRECT MISCELLANEOUS MISCITATIONS AND
14 ERRORS IN THE ELECTION STATUTES.

15 The General Assembly of North Carolina enacts:

16 – CLARIFYING THE ROLE OF THE STATE BOARD OF ELECTIONS IN THE
17 PROCESS OF ORDERING NEW ELECTIONS.

18 Section 1. G.S. 163-22.1(a) reads as rewritten:

1 "(a) State Board's Authority. – If the State Board of Elections, acting upon the
2 agreement of at least four of its members, and after holding public hearings on election
3 contests, alleged election irregularities or fraud, or violations of elections laws,
4 determines that a new primary, general or special election should be held, the Board may
5 order that a new primary, general or special election be held, either statewide, or in any
6 counties, electoral districts, special districts, or municipalities over whose elections it has
7 jurisdiction. The State Board shall be authorized to order a new election without
8 conducting a public hearing provided a public hearing on the allegations was held by the
9 county or municipal board of elections and the State Board is satisfied that such hearing
10 gave sufficient opportunity for presentation of evidence and provided further that the State
11 Board adopts the findings of the county or municipal board of elections. evidence.

12 Any new primary, general or special election so ordered shall be conducted under
13 applicable constitutional and statutory authority and shall be supervised by the State
14 Board of Elections and conducted by the appropriate elections officials.

15 The State Board of Elections has authority to adopt rules and regulations and to issue
16 orders to carry out its authority under this section."

17 – CLARIFYING THE APPEAL PROCESS IN CONTESTED ELECTIONS.

18 Section 2. G.S. 163-181 reads as rewritten:

19 **"§ 163-181. ~~Certification of election stayed~~ Appeal process when election is contested.**

20 ~~The chairman of the county or city board of elections shall not issue a certification of~~
21 ~~election or nomination or the results of a referendum if there is an election contest~~
22 ~~pending before the county or city board of election or before the State Board of Elections~~
23 ~~on appeal or otherwise.~~

24 ~~Appeals from a decision of the State Board of Elections shall be to the Superior Court~~
25 ~~of Wake County.~~

26 ~~A copy of the State Board of Elections' final decision shall be served on the parties~~
27 ~~personally or by certified mail. After the decision by the State Board of Elections has~~
28 ~~been served on the parties, the certification of election shall issue unless the appealing~~
29 ~~party petitions the Superior Court of Wake County for a stay of the certification within 10~~
30 ~~days after the date of service.~~

31 ~~The Superior Court of Wake County shall not issue a stay of certification unless the~~
32 ~~petitioner shows the court that he intends to appeal the decision of the State Board of~~
33 ~~Elections and that he is likely to prevail and that the results of the election would be~~
34 ~~changed in his favor. Mere irregularities in the election which would not change the~~
35 ~~results of the election shall not be sufficient for the court to issue a stay of certification.~~

36 A copy of the final decision of the State Board of Elections in a contested election
37 shall be served on the parties personally or by certified mail. A decision to order a new
38 election is considered a final decision for purposes of seeking review of the decision. An
39 aggrieved party has the right to appeal the final decision within 10 days of the date of
40 service. After the decision by the State Board of Elections has been served on the parties,
41 the certification of nomination or election or the results of the referendum shall issue
42 unless an appealing party obtains a stay of the certification from the Superior Court of
43 Wake County within 10 days after the date of service.

1 Appeals from a decision of the State Board of Elections shall be to the Superior Court
2 of Wake County. The court shall not issue a stay of certification of nomination or election
3 or the results of a referendum unless the petitioner shows the court that the petitioner has
4 appealed the decision of the State Board of Elections, that the petitioner is an aggrieved
5 party, that the petitioner is likely to prevail, and that the results of the election would be
6 changed in the petitioner's favor. Mere irregularities in the election which would not
7 change the results of the election shall not be sufficient for the court to issue a stay of
8 certification.

9 The chair of the county or municipal board of elections shall not issue a certification
10 of nomination or election or the results of a referendum until 10 days after service of a
11 final decision in an election contest or until an election contest is dismissed. No
12 certification shall issue while an election contest is pending before the county, municipal,
13 or State board of elections on appeal or otherwise."

14 – REENACTING AND RECODIFYING PROVISIONS OF PRE-1995 VOTER
15 REGISTRATION ARTICLE THAT WERE INADVERTENTLY DROPPED IN
16 ENACTMENT OF ARTICLE 7A OF CHAPTER 163.

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

19 "**§ 163-37. Duty of county board of commissioners.**

20 The respective boards of county commissioners shall appropriate reasonable and
21 adequate funds necessary for the legal functions of the county board of elections,
22 including reasonable and just compensation of the director of elections."

23 Section 3.(b) Article 12 of Chapter 163 of the General Statutes is amended by
24 adding a new section to read:

25 "**§ 163-131. Accessible polling places.**

26 (a) The State Board of Elections shall promulgate rules to assure that any disabled
27 or elderly voter assigned to an inaccessible polling place, upon advance request of such
28 voter, will be assigned to an accessible polling place. Such rules should allow the request
29 to be made in advance of the day of the election.

30 (b) Words in this section have the meanings prescribed by P.L. 98-435, except that
31 the term 'disabled' in this section has the same meaning as 'handicapped' in P.L. 98-435."

32 – CLARIFYING THE STATUTES CONCERNING CANDIDATE VACANCIES IN
33 THE NONPARTISAN ELECTION OF JUDGES.

34 Section 4.(a) G.S. 163-327 reads as rewritten:

35 "**§ 163-327. ~~Death~~ Vacancies of candidates or elected officers.**

36 (a) Death or Disqualification of Candidate Before Primary. – If a candidate for
37 nomination in a primary ~~dies, dies or becomes disqualified, or withdraws~~ disqualified
38 before the primary but after the ballots have been printed, the State Board of Elections
39 shall determine whether or not there is time to reprint the ballots. If the Board determines
40 that there is not enough time to reprint the ballots, the deceased or disqualified
41 candidate's name shall remain on the ballots. If that candidate receives enough votes for
42 nomination, such votes shall be disregarded and the candidate receiving the next highest
43 number of votes below the number necessary for nomination shall be declared

1 nominated. If the death or disqualification of the candidate leaves only two candidates for
2 each office to be filled, the nonpartisan primary shall not be held and all candidates shall
3 be declared nominees.

4 (b) Death, Disqualification, or Resignation of Official After Election. – If a person
5 elected to the office of superior court judge dies, becomes disqualified, or resigns on or
6 after election day and before he has qualified by taking the oath of office, the office shall
7 be deemed vacant and shall be filled as provided by law.”

8 Section 4.(b) G.S. 163-328 reads as rewritten:

9 **"§ 163-328. Failure of candidates to file; death or other disqualification of a**
10 **candidate before election.**

11 (a) Insufficient Number of Candidates. – If when the filing period expires,
12 candidates have not filed for an office to be filled under this Article, the State Board of
13 Elections shall extend the filing period for five days for any such offices.

14 (b) Death or Other Disqualification of Candidate; Reopening Filing. – If there is
15 no primary because only one or two candidates have filed for a single office, or the
16 number of candidates filed for a group of offices does not exceed twice the number of
17 positions to be filled, and thereafter a candidate dies or otherwise becomes disqualified
18 before the election and before the ballots are printed, the State Board of Elections shall,
19 upon notification of the ~~death,~~ death or other disqualification, immediately reopen the
20 filing period for an additional five days during which time additional candidates shall be
21 permitted to file for election. If the ballots have been printed at the time the State Board
22 of Elections receives notice of the candidate's ~~death,~~ death or other disqualification, the
23 Board shall determine whether there will be sufficient time to reprint them before the
24 election if the filing period is reopened for three days. If the Board determines that there
25 will be sufficient time to reprint the ballots, it shall reopen the filing period for three days
26 to allow other candidates to file for election, and such election shall be conducted on the
27 plurality basis.

28 (c) ~~Death of~~ Vacancy Caused by Nominated Candidate; Ballots Not Reprinted. – If
29 the ballots have been printed at the time the State Board of Elections receives notice of a
30 candidate's death, other disqualification, or resignation, and if the Board determines that
31 there is not enough time to reprint the ballots before the election if the filing period is
32 reopened for three days, then regardless of the number of candidates remaining for the
33 office or group of offices, the ballots shall not be reprinted and the name of the ~~deceased~~
34 vacated candidate shall remain on the ballots. If a ~~deceased-vacated~~ candidate should poll
35 the highest number of votes in the election for a single office or enough votes to be
36 elected to one of a group of offices, the State Board of Elections shall declare the office
37 vacant and it shall be filled in the manner provided by law.”

38 – CONFORMING THE STATUTES TO COURT RULINGS CONCERNING
39 PETITIONS AND MAKING OTHER TECHNICAL CHANGES TO THE PETITION
40 STATUTES.

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

42 **"§ 163-96. "Political party" defined; creation of new party.**

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

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

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

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

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

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

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

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

- 1 (1) ~~The signers may acknowledge their signatures before an officer~~
2 ~~authorized to take acknowledgments, after which that officer shall~~
3 ~~certify the validity of the signatures by appropriate notation attached to~~
4 ~~the petition, or~~
- 5 (2) ~~A person in whose presence a petition was signed may go before an~~
6 ~~officer authorized to take acknowledgments and, after being sworn,~~
7 ~~testify to the genuineness of the signatures on the petition, after which~~
8 ~~the officer before whom he has testified shall certify his testimony by~~
9 ~~appropriate notation attached to the petition.~~
- 10 (b1) Each petition shall be presented to the chairman of the board of elections of the
11 county in which the signatures were obtained, and it shall be the chairman's duty:
- 12 (1) To examine the signatures on the petition and place a check mark on the
13 petition by the name of each signer who is qualified and registered to
14 vote in his county.
- 15 (2) To attach to the petition his signed certificate
- 16 a. Stating that the signatures on the petition have been checked
17 against the registration records and
- 18 b. Indicating the number found qualified and registered to vote in
19 his county.
- 20 (3) To return each petition, together with the certificate required by the
21 preceding subdivision, to the person who presented it to him for
22 checking.

23 The group of petitioners shall submit the petitions to the chairman of the county board
24 of elections in the county in which the signatures were obtained no later than 5:00 P.M.
25 on the fifteenth day preceding the date the petitions are due to be filed with the State
26 Board of Elections as provided in subsection (a)(2) of this section. Provided the petitions
27 are timely submitted, the chairman of the county board of elections ~~shall require a fee of~~
28 ~~five cents (5¢) for each signature appearing and shall proceed to examine and verify the~~
29 ~~signatures under the provisions of this subsection. Verification shall be completed within~~
30 ~~two weeks from the date such petitions are presented and the required fee received.~~
31 presented.

32 (c) Repealed by Session Laws 1983, c. 576, s. 3."

33 Section 5.(b) G.S. 163-122(a) reads as rewritten:

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

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

1 State Board of Elections. ~~Each~~ No later than 5:00 p.m. on the fifteenth
2 day preceding the date the petitions are due to be filed with the State
3 Board of Elections, each petition shall be presented to the chairman of
4 the board of elections of the county in which the signatures were
5 obtained. The Provided the petitions are timely submitted, the chairman
6 shall examine the names on the petition and place a check mark on the
7 petition by the name of each signer who is qualified and registered to
8 vote in his county and shall attach to the petition his signed certificate.
9 Said certificates shall state that the signatures on the petition have been
10 checked against the registration records and shall indicate the number of
11 signers to be qualified and registered to vote in his county. The
12 chairman shall return each petition, together with the certificate required
13 in this section, to the person who presented it to him for checking.
14 Verification by the chairman of the county board of elections shall be
15 completed within two weeks from the date such petitions are presented
16 and a fee of five cents (5¢) for each name appearing on the petition has been
17 received. presented.

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

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

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

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

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

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

20 Section 5.(c) G.S. 163-123(c)(1) reads as rewritten:

- 21 "(1) If the office is a statewide office, file written petitions with the State
22 Board of Elections supporting his candidacy for a specified office.
23 These petitions shall be filed on or before noon on the 90th day before
24 the general election. They shall be signed by 500 qualified voters of the
25 State. ~~Before being filed with the State Board of Elections, No later than~~
26 5:00 p.m. on the fifteenth day preceding the date the petitions are due to
27 be filed with the State Board of Elections, each petition shall be
28 presented to the board of elections of the county in which the signatures
29 were obtained. A petition presented to a county board of elections shall
30 contain only names of voters registered in that county. ~~The Provided the~~
31 petitions are timely submitted, the chairman of the county board of
32 elections shall examine the names on the petition and place a check
33 mark by the name of each signer who is qualified and registered to vote
34 in his county. The chairman of the county board shall attach to the
35 petition his signed certificate. On his certificate the chairman shall state
36 that the signatures on the petition have been checked against the
37 registration records and shall indicate the number of signers who are
38 qualified and registered to vote in his county and eligible to vote for that
39 office. The chairman shall return each petition, together with the
40 certificate required in this section, to the person who presented it to him
41 for checking. The chairman of the county board shall complete the
42 verification within two weeks from the date the petition is presented. At

1 ~~the time of submitting the petition, a fee of five cents (5¢) shall be paid for~~
2 ~~each name appearing on the petition.”~~

3 – CLEANUP CHANGES AS A RESULT OF SESSION LAW 1999-31.

4 Section 6.(a) G.S. 163-278.6(14) reads as rewritten:

5 “(14) The term ‘political committee’ means a combination of two or more
6 individuals, ~~or such as~~ any person, committee, association, organization,
7 or other entity that makes, or accepts anything of value to make,
8 contributions or expenditures and has one or more of the following
9 characteristics:

- 10 a. Is controlled by a candidate;
11 b. Is a political party or executive committee of a political party or
12 is controlled by a political party or executive committee of a
13 political party;
14 c. Is created by a corporation, business entity, insurance company,
15 labor union, or professional association pursuant to G.S. 163-
16 278.19(b); or
17 d. Has as a major purpose to support or oppose the nomination or
18 election of one or more clearly identified candidates.

19 Supporting or opposing the election of clearly identified candidates
20 includes supporting or opposing the candidates of a clearly identified
21 political party.

22 An entity is rebuttably presumed to have as a major purpose to
23 support or oppose the nomination or election of one or more clearly
24 identified candidates if it contributes or expends or both contributes and
25 expends during an election cycle more than three thousand dollars
26 (\$3,000). The presumption may be rebutted by showing that the
27 contributions and expenditures giving rise to the presumption were not a
28 major part of activities of the organization during the election cycle.
29 Contributions to referendum committees and expenditures to support or
30 oppose ballot issues shall not be facts considered to give rise to the
31 presumption or otherwise be used in determining whether an entity is a
32 political committee.

33 If the entity qualifies as a ‘political committee’ under sub-
34 subdivision a., b., c., or d. of this subdivision, it continues to be a
35 political committee if it receives contributions or makes expenditures or
36 maintains assets or liabilities. A political committee ceases to exist
37 when it winds up its operations, disposes of its assets, and files its final
38 report.”

39 Section 6.(b) G.S. 163-278.6(18b) reads as rewritten:

40 “(18b) The term ‘referendum committee’ means a combination of two or more
41 individuals ~~or any business entity, corporation, insurance company, labor~~
42 ~~union, professional association, such as a committee, association, or~~
43 ~~organization, or other entity or a combination of two or more business~~

1 entities, corporations, insurance companies, labor unions, or
2 professional associations such as a committee, association, organization,
3 or other entity the primary or incidental purpose of which is to support or
4 oppose the passage of any referendum on the ballot, or to influence or
5 attempt to influence the result of a referendum, or which accepts
6 contributions or makes expenditures for the purpose of influencing or
7 attempting to influence the outcome of any referendum, or which receives
8 contributions to repay loans or cover a deficit, or which makes expenditures to
9 satisfy obligations of a referendum already held ballot. If the entity
10 qualifies as a 'referendum committee' under this subdivision, it
11 continues to be a referendum committee if it receives contributions or
12 makes expenditures or maintains assets or liabilities. A referendum
13 committee ceases to exist when it winds up its operations, disposes of
14 its assets, and files its final report."

15 Section 6.(c) G.S. 163-278.23 reads as rewritten:

16 **"§ 163-278.23. Duties of Executive Secretary-Director of Board.**

17 The Executive Secretary-Director of the Board shall inspect or cause to be inspected
18 each statement filed with the Board under this Article within 30 days after the date it is
19 filed. The Executive Secretary-Director shall advise, or cause to be advised, no more than
20 30 days and at least five days before each report is due, each candidate or treasurer whose
21 organizational report has been filed, of the specific date each report is due. He shall
22 immediately notify any individual, candidate, treasurer, political committee, referendum
23 committee, ~~or media~~ media, or other entity that may be required to file a statement under
24 this Article if:

- 25 (1) It appears that the individual, candidate, treasurer, political committee,
26 referendum ~~committee or media~~ committee, media, or other entity has
27 failed to file a statement as required by law or that a statement filed does
28 not conform to this Article; or
29 (2) A written complaint is filed under oath with the Board by any registered
30 voter of this State alleging that a statement filed with the Board does not
31 conform to this Article or to the truth or that an individual, candidate,
32 treasurer, political committee, referendum ~~committee or media~~ committee, media, or other entity
33 has failed to file a statement required
34 by this Article.

35 The entity that is the subject of the complaint will be given an opportunity to respond
36 to the complaint before any action is taken requiring compliance.

37 The Executive Secretary-Director of the Board of Elections shall issue written rulings
38 to ~~candidates and may issue written rulings to~~ candidates, the communications media,
39 political committees, ~~and referendum committees~~ committees, or other entities upon
40 request, regarding filing procedures and compliance with this Article. Any such ruling so
41 issued shall specifically refer to this paragraph. If the candidate, communications media,
42 political committees, ~~or referendum committees~~ committees, or other entities rely on and
43 comply with the ruling of the Executive Secretary-Director of the Board of Elections,

1 then prosecution on account of the procedure followed pursuant thereto and prosecution
2 for failure to comply with the statute inconsistent with the written ruling of the Executive
3 Secretary-Director of the Board of Elections issued to the candidate or committee
4 involved shall be barred. Nothing in this paragraph shall be construed to prohibit or delay
5 the regular and timely filing of reports."

6 Section 6.(d) This section is effective when this act becomes law.

7 – CORRECTING MISCITATIONS AND OTHER TECHNICAL ERRORS IN THE
8 ELECTIONS STATUTES.

9 Section 7.(a) G.S. 163-22(e) reads as rewritten:

10 "(e) The State Board of Elections shall determine, in the manner provided by law,
11 the form and content of ballots, instruction sheets, pollbooks, talley sheets, abstract and
12 return forms, certificates of election, and other forms to be used in primaries and
13 elections. The Board shall furnish to the county and ~~municipal~~ boards of elections the
14 registration application forms required pursuant to G.S. ~~163-67-163-82.3~~. The State
15 Board of Elections shall direct the county boards of elections to purchase a sufficient
16 quantity of all forms attendant to the registration and elections process. In addition, the
17 State Board shall provide a source of supply from which the county boards of elections
18 may purchase the quantity of pollbooks needed for the execution of its responsibilities.
19 In the preparation of ballots, pollbooks, abstract and return forms, and all other forms, the
20 State Board of Elections may call to its aid the Attorney General of the State, and it shall
21 be the duty of the Attorney General to advise and aid in the preparation of these books,
22 ballots and forms."

23 Section 7.(b) G.S. 163-33(10) reads as rewritten:

24 "(10) To appoint and remove the board's clerk, assistant
25 clerks, and other employees; and to appoint and remove
26 precinct transfer assistants as provided in G.S. ~~163-72.3-163-~~
27 82.15(g)."

28 Section 7.(c) G.S. 163-82.4(b) reads as rewritten:

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

- 32 (1) A statement that specifies each eligibility requirement (including
33 citizenship) and an attestation that the applicant meets each such
34 requirement, with a requirement for the signature of the applicant, under
35 penalty of a Class I felony under G.S. ~~163-275(a)-163-275(4)~~.
- 36 (2) A statement that, if the applicant declines to register to vote, the fact that
37 the applicant has declined to register will remain confidential and will
38 be used only for voter registration purposes.
- 39 (3) A statement that, if the applicant does register to vote, the office at
40 which the applicant submits a voter registration application will remain
41 confidential and will be used only for voter registration purposes."

42 Section 7.(d) G.S. 163-82.4(c) reads as rewritten:

1 "(c) Party Affiliation or Unaffiliated Status. – The application form described in
2 G.S. 163-82.3(a) shall provide a place for the applicant to state a preference to be
3 affiliated with one of the political parties in G.S. 163-96, or a preference to be an
4 "unaffiliated" voter. Every person who applies to register shall state his preference. If the
5 applicant fails to declare a preference for a party or for unaffiliated status, that person
6 shall be listed as "unaffiliated", except that if the person is already registered to vote in
7 the county and that person's registration already contains a party affiliation, the county
8 board shall not change the registrant's status to "unaffiliated" unless the registrant clearly
9 indicates a desire in accordance with G.S. 163-82.17 for such a change. An unaffiliated
10 registrant shall not be eligible to vote in any political party primary, except as provided in
11 G.S. ~~163-116~~, 163-119, but may vote in any other primary or general election. The
12 application form shall so state."

13 Section 7.(e) G.S. 163-111(e) reads as rewritten:

14 "(e) Date of Second Primary; Procedures. – If a second primary is required under
15 the provisions of this section, the appropriate board of elections, State or county, shall
16 order that it be held four weeks after the first primary.

17 There shall be no registration of voters between the dates of the first and second
18 primaries. Persons whose qualifications to register and vote mature after the day of the
19 first primary and before the day of the second primary may register on the day of the
20 second primary and, when thus registered, shall be entitled to vote in the second primary.
21 The second primary is a continuation of the first primary and any voter who files a proper
22 and timely affidavit of transfer of precinct, under the provisions of G.S. ~~163-72(e)~~, 163-
23 82.15, before the first primary may vote in the second primary without having to refile
24 the affidavit of transfer if he is otherwise qualified to vote in the second primary. Subject
25 to this provision for registration, the second primary shall be held under the laws, rules,
26 and regulations provided for the first primary."

27 Section 7.(f) G.S. 163-150(a) reads as rewritten:

28 "(a) Checking Registration. – A person seeking to vote shall enter the voting
29 enclosure at the voting place through the appropriate entrance and shall at once state his
30 name and place of residence to one of the judges of election. In a primary election, the
31 voter shall also state the political party with which he affiliates and in whose primary he
32 desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a
33 particular party under G.S. ~~163-116~~, 163-119, the voter shall state the name of the
34 authorizing political party in whose primary he wishes to vote. The judge to whom the
35 voter gives this information shall announce the name and residence of the voter in a
36 distinct tone of voice. After examining the precinct registration records, the chief judge
37 shall state whether the person seeking to vote is duly registered."

38 Section 7.(g) G.S. 163-150(b) reads as rewritten:

39 "(b) Distribution of Ballots; Information. – If the voter is found to be registered and
40 is not challenged, or, if challenged and the challenge is overruled as provided in G.S.
41 163-88, the responsible judge of election shall hand him an official ballot of each kind he
42 is entitled to vote. In a primary election the voter shall be furnished ballots of the political
43 party with which he affiliates and no others, except that unaffiliated voters who are

1 permitted to vote in a party primary under G.S. ~~163-116~~163-119 shall be furnished
2 ballots for that primary. No such unaffiliated voter shall vote in the primary of more than
3 one party on the same day. It shall be the duty of the chief judge and judges holding the
4 primary or election to give any voter any information he desires in regard to the kinds of
5 ballots he is entitled to vote and the names of the candidates on the ballots. In response to
6 questions asked by the voter, the chief judge and judges shall communicate to him any
7 information necessary to enable him to mark his ballot as he desires."

8 Section 7.(h) G.S. 163-274(13) reads as rewritten:

9 "(13) Except as authorized by G.S. ~~163-72.2(b)~~, 163-82.15,
10 for any person to provide false information, or sign the name of
11 any other person, to a written report under G.S. ~~163-72.2~~163-
12 82.15."

13 Section 7.(i) G.S. 163-275(14) reads as rewritten:

14 "(14) For any officer ~~authorized by G.S. 163-80~~ to register
15 voters and any other individual to knowingly and willfully
16 receive, complete, or sign an application to register from any
17 voter contrary to the provisions of G.S. ~~163-72~~163-82.4; or".

18 Section 7.(j) G.S. 163-213.2 reads as rewritten:

19 **"§ 163-213.2. Primary to be held; date; qualifications and registration of voters.**

20 On the Tuesday after the first Monday in May, 1992, and every four years thereafter,
21 the voters of this State shall be given an opportunity to express their preference for the
22 person to be the presidential candidate of their political party.

23 Any person otherwise qualified who will become qualified by age to vote in the
24 general election held in the same year of the presidential preference primary shall be
25 entitled to register and vote in the presidential preference primary. Such persons may
26 register not earlier than 60 days nor later than the last day for making application to
27 register under G.S. ~~163-67~~163-82.6 prior to the said primary. In addition, persons who
28 will become qualified by age to register and vote in the general election for which the
29 primary is held, who do not register during the special period may register to vote after
30 such period as if they were qualified on the basis of age, but until they are qualified by
31 age to vote, they may vote only in primary elections."

32 Section 7.(k) G.S. 163-253 reads as rewritten:

33 **"§ 163-253. Article inapplicable to persons after change of status; reregistration
34 required.**

35 Upon discharge from the armed forces of the United States or termination of any other
36 status qualifying him to register and vote by absentee ballot under the provisions of this
37 Article, the voter shall not be entitled to vote by military absentee ballot, and if he was
38 registered under the provisions of this Article his registration shall become void and he
39 shall be required to register under the provisions of Article ~~7-7A~~ before being entitled to
40 vote in any primary or election."

41 Section 7.(l) G.S. 163-254 reads as rewritten:

42 **"§ 163-254. Registration and voting on primary or election day.**

1 Notwithstanding any other provisions of Chapter 163 of the General Statutes, any
2 person entitled to vote an absentee ballot pursuant to G.S. 163-245 shall be permitted to
3 register in person at any time including the day of a primary or election. Should such
4 person's eligibility to register or vote as provided in G.S. 163-245 terminate after the
5 ~~registration records have closed~~ twenty-fifth day prior to a primary or election, such person,
6 if he appears in person, shall be entitled to register if otherwise qualified ~~during the time~~
7 ~~the records are closed,~~ after the twenty-fifth day before the primary or election, or on the
8 primary or election day, and shall be permitted to vote if such person is otherwise
9 qualified."

10 Section 7.(m) G.S. 163-278.8(f) reads as rewritten:

11 "(f) All expenditures for nonmedia expenses (except postage) of more than fifty
12 dollars (\$50.00) shall be made by check only. All expenditures for nonmedia expenses of
13 fifty dollars (\$50.00) or less may be made by check or by cash payment. All nonmedia
14 expenditures of more than fifty dollars (\$50.00) shall be accounted for and reported
15 individually and separately, but expenditures of ~~less than~~ fifty dollars (\$50.00) or less may
16 be accounted for and reported in an aggregated amount, but in that case the treasurer shall
17 account for and report that he made expenditures of ~~less than~~ fifty dollars (\$50.00) or less
18 each, the amounts, dates, and the purposes for which made. In the case of a nonmedia
19 expenditure required to be accounted for individually and separately by this subsection, if
20 the expenditure was to an individual, the report shall list the name and address of the
21 individual."

22 Section 8. This act is effective when it becomes law.