

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 548
Second Edition Engrossed 3/20/03

Short Title: Federal Election Funds Appropriation (HAVA). (Public)

Sponsors: Representatives Michaux and Stam (Primary Sponsors).

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

March 19, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF ELECTIONS
3 TO MATCH FEDERAL FUNDS ON A NINETEEN-TO-ONE RATIO TO
4 IMPLEMENT THE HELP AMERICA VOTE ACT OF 2002 (HAVA), SO AS TO
5 IMPROVE ELECTION ADMINISTRATION, TO MEET THE MAINTENANCE
6 OF EFFORT REQUIREMENTS OF HAVA, AND TO ESTABLISH THE
7 ELECTION FUND REQUIRED BY THAT ACT.

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

16 Whereas, the North Carolina General Assembly in 2001 enacted Session Law
17 2001-310, to ban punch-card ballots effective January 1, 2006; and

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

20 Whereas, Section 102 of HAVA provided for grants for states to replace
21 punch-card and lever voting machines, and Congress has appropriated to the State of
22 North Carolina the sum of eight hundred seventy-six thousand four hundred
23 eighty-eight dollars (\$876,488) for the current federal fiscal year to implement Section
24 102 of HAVA; and

25 Whereas, Congress has appropriated to the State of North Carolina under
26 Section 101 of HAVA the sum of seven million nine hundred thousand dollars
27 (\$7,900,000) for the current federal fiscal year to improve administration of elections;
28 and

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

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

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

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

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

23 "(17d) The Election Fund."

24 **SECTION 3.** There is appropriated from the General Fund to the Election
25 Fund for fiscal year 2003-2004 the sum of one million one hundred thirty thousand
26 dollars (\$1,130,000) to match funds under the Help America Vote Act of 2002, Public
27 Law 107-252 (HAVA), so as to implement that act, and the sum of one million dollars
28 (\$1,000,000) to meet the maintenance of effort requirements of Section 254(a)(7) of
29 HAVA.

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