

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1115
Committee Substitute Favorable 5/2/05

Short Title: Election Administration Amendments.

(Public)

Sponsors:

Referred to:

April 5, 2005

A BILL TO BE ENTITLED

1
2 AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP
3 VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING
4 AN OBSERVER OR RUNNER AT THE POLLS; TO AUTHORIZE THE
5 EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS TO
6 PERMIT DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT; TO
7 ALLOW THE CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED
8 COUNTY LINE; TO CHANGE THE DEADLINE FOR FILING A PROTEST
9 FROM SIX O'CLOCK P.M. TO FIVE O'CLOCK P.M.; TO PERMIT THE SAME
10 KIND OF VOTER ASSISTANCE IN ONE-STOP SITES AS AT VOTING
11 PLACES ON ELECTION DAY; TO CHANGE THE REQUIREMENT FOR A
12 STATEWIDE UNAFFILIATED CANDIDATE TO CONFORM TO A FEDERAL
13 COURT DECISION; TO PROHIBIT PIECE PAYMENT FOR VOTER
14 REGISTRATION DRIVES; TO EXPRESSLY PROVIDE THAT PRECINCT
15 TRANSFER VOTERS AT ONE-STOP SITES NEED NOT VOTE PROVISIONAL
16 BALLOTS; TO DELETE THE REQUIREMENT THAT ONE-STOP VOTERS BE
17 INSTRUCTED IN HOW TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE
18 SALARY ON WHICH A FILING FEE FOR AN OFFICE IS BASED; TO
19 REMOVE THE OUTDATED REFERENCE IN THE FILING FEE STATUTE TO
20 OFFICES "COMPENSATED ENTIRELY BY FEES"; TO ALLOW FOR THE
21 CANCELLATION OF A VOTER'S REGISTRATION IN A FORMER COUNTY
22 WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE AND
23 MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE
24 STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA; TO
25 EXTEND FOR THREE DAYS THE COUNTY CANVASS AFTER A GENERAL
26 ELECTION IN NOVEMBER OF AN EVEN-NUMBERED YEAR AND CHANGE
27 OTHER RELATED DATES; TO CLARIFY HOW WINNERS OF ELECTIONS
28 SHALL BE DETERMINED; AND TO EXPRESSLY ALLOW ELECTRONIC

1 POLLBOOKS, AS RECOMMENDED BY THE HOUSE COMMITTEE ON
2 ELECTION LAWS AND CAMPAIGN FINANCE REFORM.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.(a)** G.S. 163-45 reads as rewritten:

5 **"§ 163-45. Observers; appointment.**

6 The ~~chairman~~chair of each political party in the county shall have the right to
7 designate two observers to attend each voting place at each primary and election and
8 such observers may, at the option of the designating party ~~chairman~~chair, be relieved
9 during the day of the primary or election after serving no less than four hours and
10 provided the list required by this section to be filed by each ~~chairman~~chair contains the
11 names of all persons authorized to represent such ~~chairman's~~chair's political party. Not
12 more than two observers from the same political party shall be permitted in the voting
13 enclosure at any time. This right shall not extend to the ~~chairman~~chair of a political
14 party during a primary unless that party is participating in the primary. In any election in
15 which an unaffiliated candidate is named on the ballot, the candidate or the candidate's
16 campaign manager shall have the right to appoint two observers for each voting place
17 consistent with the provisions specified herein. Persons appointed as observers must be
18 registered voters of the county for which appointed and must have good moral
19 character. No person who is a candidate on the ballot in a primary or election may serve
20 as an observer or runner in that primary or election. Observers shall take no oath of
21 office.

22 Individuals authorized to appoint observers must submit in writing to the chief judge
23 of each precinct a signed list of the observers appointed for that precinct. Individuals
24 authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any
25 primary or general election, submit in writing to the ~~chairman~~chair of the county board
26 of elections two signed copies of a list of observers appointed by them, designating the
27 precinct for which each observer is appointed. Before the opening of the voting place on
28 the day of a primary or general election, the ~~chairman~~chair shall deliver one copy of the
29 list to the chief judge for each affected precinct. ~~He~~The chair shall retain the other
30 copy. The ~~chairman~~chair, or the chief judge and judges for each affected precinct, may
31 for good cause reject any appointee and require that another be appointed. The names of
32 any persons appointed in place of those persons rejected shall be furnished in writing to
33 the chief judge of each affected precinct no later than the time for opening the voting
34 place on the day of any primary or general election, either by the ~~chairman~~chair of the
35 county board of elections or the person making the substitute appointment.

36 An observer shall do no electioneering at the voting place, and ~~he~~ shall in no manner
37 impede the voting process or interfere or communicate with or observe any voter in
38 casting ~~his~~a ballot, but, subject to these restrictions, the chief judge and judges of
39 elections shall permit ~~him~~the observer to make such observation and take such notes as
40 ~~he~~the observer may desire.

41 Whether or not the observer attends to the polls for the requisite time provided by
42 this section, each observer shall be entitled to obtain at times specified by the State
43 Board of Elections, but not less than three times during election day with the spacing
44 not less than one hour apart, a list of the persons who have voted in the precinct so far in

1 that election day. Counties that use an "authorization to vote document" instead of poll
2 books may comply with the requirement in the previous sentence by permitting each
3 observer to inspect election records so that the observer may create a list of persons who
4 have voted in the precinct so far that election day; each observer shall be entitled to
5 make the inspection at times specified by the State Board of Elections, but not less than
6 three times during election day with the spacing not less than one hour apart. Instead of
7 having an observer receive the voting list, the county party chair may send a runner to
8 do so. The runner may be the precinct party chair or any person named by the county
9 party chair. That party chair must notify the chair of the county board of elections or the
10 board chair's designee of the names of all runners to be used in each precinct before the
11 runner goes to the precinct. The runner may receive a voter list from the precinct on the
12 same schedule as an observer. Whether obtained by observer or runner, each party is
13 entitled to only one voter list at each of the scheduled times. No runner may enter the
14 voting enclosure except when necessary to announce that runner's presence. The runner
15 must leave immediately after being provided with the list."

16 **SECTION 1.(b)** G.S. 163-166.3 reads as rewritten:

17 **"§ 163-166.3. Limited access to the voting enclosure.**

18 During the time allowed for voting in the voting place, only the following persons
19 may enter the voting enclosure:

- 20 (1) An election official.
- 21 (2) An observer appointed pursuant to G.S. 163-45.
- 22 (2a) A runner appointed pursuant to G.S. 163-45, but only to the extent
23 necessary to announce that runner's presence and to receive the voter
24 list as provided in G.S. 163-45.
- 25 (3) A person seeking to vote in that voting place on that day but only
26 while in the process of voting or seeking to vote.
- 27 (4) A voter in that precinct while entering or explaining a challenge
28 pursuant to G.S. 163-87 or G.S. 163-88.
- 29 (5) A person authorized under G.S. 163-166.8 to assist a voter but, except
30 as provided in subdivision (6) of this section, only while assisting that
31 voter.
- 32 (6) Minor children of the voter under the age of 18, or minor children
33 under the age of 18 in the care of the voter, but only while
34 accompanying the voter and while under the control of the voter.
- 35 (7) Persons conducting or participating in a simulated election within the
36 voting place or voting enclosure, if that simulated election is approved
37 by the county board of elections.
- 38 (8) Any other person determined by election officials to have an urgent
39 need to enter the voting enclosure but only to the extent necessary to
40 address that need."

41 **SECTION 2.** G.S. 163-165.10 reads as rewritten:

42 **"§ 163-165.10. Adequacy of voting system for each precinct.**

43 The county board of elections shall make available for each precinct voting place an
44 adequate quantity of official ballots or ~~equipment so that all voters qualified to vote at~~

1 ~~the precinct may do so. equipment.~~ When the board of county commissioners has
2 decided to adopt and purchase or lease a voting system for voting places under the
3 provisions of G.S. 165-165.8, the board of county commissioners shall, as soon as
4 practical, provide for each of those voting places sufficient equipment of the approved
5 voting system in complete working order. If it is impractical to furnish each voting
6 place with the equipment of the approved voting system, that which has been obtained
7 may be placed in voting places chosen by the county board of elections. In that case, the
8 county board of elections shall choose the voting places and allocate the equipment in a
9 way that as nearly as practicable provides equal access to the voting system for each
10 voter. The county board of elections shall appoint as many voting system custodians as
11 may be necessary for the proper preparation of the system for each election and for its
12 maintenance, storage, and care. The Executive Director of the State Board of Elections
13 may permit a county board of elections to provide more than one type of voting system
14 in a precinct, but only upon a finding that doing so is necessary to comply with federal
15 or State law."

16 **SECTION 3.(a)** Article 7A of Chapter 163 of the General Statutes is
17 amended by adding a new section to read:

18 **"§ 163-82.15A. Administrative change of registration when county line is adjusted.**

19 When a boundary between counties is established by legislation or under
20 G.S. 153A-18, the Executive Director shall direct the county boards of elections
21 involved to administratively change the voter registration of any voter whose county of
22 residence is altered by the establishment of the boundary. The voter shall not be
23 required to submit a new application to register, and the provisions of G.S. 163-57 shall
24 apply to the determination of residency. The Executive Director shall prescribe a
25 method of notifying the voter of the change of county registration, the correct precinct,
26 and other relevant information."

27 **SECTION 3.(b)** G.S. 163-57 reads as rewritten:

28 **"§ 163-57. Residence defined for registration and voting.**

29 All election officials in determining the residence of a person offering to register or
30 vote, shall be governed by the following rules, so far as they may apply:

- 31 (1) That place shall be considered the residence of a person in which that
32 person's habitation is fixed, and to which, whenever that person is
33 absent, has the intention of returning.

34 a. In the event that a person's habitation is divided by a State,
35 county, municipal, precinct, ward, or other election district, then
36 the location of the bedroom or usual sleeping area for that
37 person with respect to the location of the boundary line at issue
38 shall be controlling as the residency of that person.

39 b. If the person disputes the determination of residency, the person
40 may request a hearing before the county board of elections
41 making the determination of residency. The procedures for
42 notice of hearing and the conduct of the hearing shall be as
43 provided in G.S. 163-86. The presentation of an accurate and
44 current determination of a person's residence and the boundary

1 line at issue by map or other means available shall constitute
2 prima facie evidence of the geographic location of the residence
3 of that person.

- 4 (2) A person shall not be considered to have lost that person's residence if
5 that person leaves home and goes into another ~~state or county~~state,
6 county, municipality, precinct, ward, or other election district of this
7 State, for temporary purposes only, with the intention of returning.
- 8 (3) A person shall not be considered to have gained a residence in any
9 ~~county~~county, municipality, precinct, ward, or other election district
10 of this State, into which that person comes for temporary purposes
11 only, without the intention of making that ~~county~~county, municipality,
12 precinct, ward, or other election district a permanent place of abode.
- 13 (4) If a person removes to another ~~state or county~~state, county,
14 municipality, precinct, ward, or other election district within this State,
15 with the intention of making that ~~state or county~~state, county,
16 municipality, precinct, ward, or other election district a permanent
17 residence, that person shall be considered to have lost residence in the
18 ~~state or county~~state, county, municipality, precinct, ward, or other
19 election district from which that person has removed.
- 20 (5) If a person removes to another ~~state or county~~state, county,
21 municipality, precinct, ward, or other election district within this State,
22 with the intention of remaining there an indefinite time and making
23 that ~~state or county~~state, county, municipality, precinct, ward, or other
24 election district that person's place of residence, that person shall be
25 considered to have lost that person's place of residence in this ~~State or~~
26 ~~the county~~State, county, municipality, precinct, ward, or other election
27 district from which that person has removed, notwithstanding that
28 person may entertain an intention to return at some future time.
- 29 (6) If a person goes into another ~~state or county~~state, county,
30 municipality, precinct, ward, or other election district, or into the
31 District of Columbia, and while there exercises the right of a citizen by
32 voting in an election, that person shall be considered to have lost
33 residence in this ~~State or county~~State, county, municipality, precinct,
34 ward, or other election district.
- 35 (7) School teachers who remove to a ~~county~~county, municipality,
36 precinct, ward, or other election district for the purpose of teaching in
37 the schools of that county temporarily and with the intention or
38 expectation of returning during vacation periods to live in the ~~county~~
39 ~~state, county, municipality, precinct, ward, or other election district~~
40 in which their parents or other relatives reside, and who do not have the
41 intention of becoming residents of the ~~county~~state, county,
42 municipality, precinct, ward, or other election district to which they
43 have moved to teach, for purposes of registration and voting shall be
44 considered residents of the ~~county~~state, county, municipality, precinct,

1 ward, or other election district in which their parents or other relatives
2 reside.

3 (8) If a person removes to the District of Columbia or other federal
4 territory to engage in the government service, that person shall not be
5 considered to have lost residence in this State during the period of such
6 service unless that person votes in the place to which the person
7 removed, and the place at which that person resided at the time of that
8 person's removal shall be considered and held to be the place of
9 residence.

10 (9) If a person removes to a ~~county~~county, municipality, precinct, ward,
11 or other election district to engage in the service of the State
12 government, that person shall not be considered to have lost residence
13 in the ~~county~~county, municipality, precinct, ward, or other election
14 district from which that person removed, unless that person votes in
15 the place to which the person removed, and the place at which that
16 person resided at the time of that person's removal shall be considered
17 and held to be the place of residence.

18 (9a) The establishment of a secondary residence by an elected official
19 outside the district of the elected official shall not constitute prima
20 facie evidence of a change of residence.

21 (10) For the purpose of voting a spouse shall be eligible to establish a
22 separate domicile.

23 (11) So long as a student intends to make the student's home in the
24 community where the student is physically present for the purpose of
25 attending school while the student is attending school and has no intent
26 to return to the student's former home after graduation, the student may
27 claim the college community as the student's domicile. The student
28 need not also intend to stay in the college community beyond
29 graduation in order to establish domicile there. This subdivision is
30 intended to codify the case law."

31 **SECTION 4.** G.S. 163-182.9(b)(4) reads as rewritten:

32 "(4) The timing for filing a protest shall be as follows:

33 a. If the protest concerns the manner in which votes were counted
34 or results tabulated, the protest shall be filed before the
35 beginning of the county board of election's canvass meeting.

36 b. If the protest concerns the manner in which votes were counted
37 or results tabulated and the protest states good cause for delay
38 in filing, the protest may be filed until ~~6:00~~5:00 P.M. on the
39 second business day after the county board of elections has
40 completed its canvass and declared the results.

41 c. If the protest concerns an irregularity other than vote counting
42 or result tabulation, the protest shall be filed no later than ~~6:00~~
43 5:00 P.M. on the second business day after the county board has
44 completed its canvass and declared the results.

- 1 d. If the protest concerns an irregularity on a matter other than
2 vote counting or result tabulation and the protest is filed before
3 election day, the protest proceedings shall be stayed, unless a
4 party defending against the protest moves otherwise, until after
5 election day if any one of the following conditions exists:
6 1. The ballot has been printed.
7 2. The voter registration deadline for that election has
8 passed.
9 3. Any of the proceedings will occur within 30 days before
10 election day."

11 **SECTION 5.(a)** G.S. 163-227.2(e) reads as rewritten:

12 "(e) The voter shall vote that voter's absentee ballot in a voting booth in the office
13 of the county board of elections, and the county board of elections shall provide a voting
14 booth for that purpose, provided however, that the county board of elections may in the
15 alternative provide a private room for the voter adjacent to the office of the board, in
16 which case the voter shall vote that voter's absentee ballot in that room. ~~If the voter
17 needs assistance in getting to and from the voting booth and in preparing and marking
18 that voter's ballots or if the voter is a blind voter, only a member of the county board of
19 elections, the director of elections, an employee of the board of elections authorized by
20 the board, a near relative of the voter or the voter's verifiable legal guardian shall be
21 entitled to assist the voter. A voter at a one-stop site shall be entitled to the same
22 assistance as a voter at a voting place on election day under G.S. 163-166.8. The State
23 Board of Elections shall, where appropriate, adapt the rules it adopts under
24 G.S. 163-166.8 to one-stop voting."~~

25 **SECTION 5.(b)** G.S. 163-226.3(a) reads as rewritten:

26 "(a) Any person who shall, in connection with absentee voting in any election
27 held in this State, do any of the acts or things declared in this section to be unlawful,
28 shall be guilty of a Class I felony. It shall be unlawful:

- 29 (1) For any person except the voter's near relative or the voter's verifiable
30 legal guardian to assist the voter to vote an absentee ballot when the
31 voter is voting an absentee ballot other than under the procedure
32 described in G.S. 163-227.2; provided that if there is not a near relative
33 or legal guardian available to assist the voter, the voter may request
34 some other person to give assistance;
- 35 (2) For any person to assist a voter to vote an absentee ballot under the
36 absentee voting procedure authorized by G.S. 163-227.2 except a
37 ~~member of the county board of elections, the director of elections, an
38 employee of the board authorized by the board, the voter's near relative
39 or the voter's verifiable legal guardian;~~ as provided in that section;
- 40 (3) For a voter who votes an absentee ballot under the procedures
41 authorized by G.S. 163-227.2 to vote that voter's absentee ballot
42 outside of the voting booth or private room provided to the voter for
43 that purpose in or adjacent to the office of the county board of
44 elections or at the additional site provided by G.S. 163-227.2(f1), or to

1 receive assistance in getting to and from the voting booth or private
2 room and in preparing and marking that voter's ballots from any
3 person other than a member of the county board of elections, the
4 director of elections, an employee of the board of elections authorized
5 by the board, a near relative of the voter or the voter's verifiable legal
6 guardian; except as provided in G.S. 163-227.2;

- 7 (4) For any owner, manager, director, employee, or other person, other
8 than the voter's near relative or verifiable legal guardian, to make a
9 written request pursuant to G.S. 163-230.1 or an application on behalf
10 of a registered voter who is a patient in any hospital, clinic, nursing
11 home or rest home in this State or for any owner, manager, director,
12 employee, or other person other than the voter's near relative or
13 verifiable legal guardian, to mark the voter's absentee ballot or assist
14 such a voter in marking an absentee ballot;
- 15 (5) Repealed by Session Laws 1987, c. 583, s. 8.
- 16 (6) For any person to take into that person's possession for delivery to a
17 voter or for return to a county board of elections the absentee ballot of
18 any voter, provided, however, that this prohibition shall not apply to a
19 voter's near relative or the voter's verifiable legal guardian;
- 20 (7) Except as provided in subsections (1), (2), (3) and (4) of this section,
21 G.S. 163-231(a), G.S. 163-250(a), and G.S. 163-227.2(e), for any voter
22 to permit another person to assist the voter in marking that voter's
23 absentee ballot, to be in the voter's presence when a voter votes an
24 absentee ballot, or to observe the voter mark that voter's absentee
25 ballot."

26 **SECTION 6.** G.S. 163-122(a) reads as rewritten:

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

- 30 (1) If the office is a statewide office, file written petitions with the State
31 Board of Elections supporting ~~his~~ candidacy for a specified office.
32 These petitions must be filed with the State Board of Elections on or
33 before 12:00 noon on the last Friday in June preceding the general
34 election and must be signed by qualified voters of the State equal in
35 number to two percent (2%) of the total number of ~~registered voters in~~
36 ~~the State as reflected by the most recent statistical report issued by the~~
37 ~~State Board of Elections.~~ voters who voted in the most recent general
38 election for Governor. Also the petition must be signed by at least 200
39 registered voters in each of four congressional districts in North
40 Carolina. No later than 5:00 p.m. on the fifteenth day preceding the
41 date the petitions are due to be filed with the State Board of Elections,
42 each petition shall be presented to the ~~chairman~~chair of the board of
43 elections of the county in which the signatures were obtained.
44 Provided the petitions are timely submitted, the ~~chairman~~chair shall

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

12 **SECTION 7.(a)** Article 7A of Chapter 163 of the General Statutes is
13 amended by adding a new section to read:

14 **"§ 163-82.25A. Piece payment in voter registration drives prohibited.**

15 No person who employs or contracts with another person to register voters or assist
16 or encourage voters to fill out voter registration forms shall pay that person per voter
17 registration application completed. No person shall accept payment per voter
18 registration application. A violation of this section is a Class 2 misdemeanor."

19 **SECTION 7.(b)** G.S. 163-274 is amended by adding a new subdivision to
20 read:

21 "(14) For any person to pay or accept payment per voter registration
22 application completed in violation of G.S. 163-82.25A."

23 **SECTION 8.(a)** G.S. 163-227.2 is amended by adding a new subsection to
24 read:

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

32 **SECTION 8.(b)** G.S. 163-166.11 is amended by adding a new subdivision
33 to read:

34 "(2a) A voter who has moved within the county more than 30 days before
35 election day but has not reported the move to the board of elections
36 shall not be required on that account to vote a provisional ballot at the
37 one-stop site, as long as the one-stop site has available all the
38 information necessary to determine whether a voter is registered to
39 vote in the county and which ballot the voter is eligible to vote based
40 on the voter's proper residence address. The voter with that kind of
41 unreported move shall be allowed to vote the same kind of absentee
42 ballot as other one-stop voters as provided in G.S. 163-227.2(e2)."

43 **SECTION 9.** G.S. 163-227.2(c) reads as rewritten:

"(c) If the application is properly filled out, the authorized member or employee shall enter the voter's name in the register of absentee requests, applications, and ballots issued; ~~shall furnish the voter with the instruction sheets called for by G.S. 163-229(c); and issued and~~ shall furnish the voter with the ballots to which the application for absentee ballots applies. The voter thereupon shall vote in accordance with subsection (e) of this section.

All actions required by this subsection shall be performed in the office of the board of elections, except that the voting may take place in an adjacent room as provided by subsection (e) of this section. The application under this subsection shall be signed in the presence of the ~~chairman~~ chair, member, director of elections of the board, or full-time employee, authorized by the board who shall sign the application and certificate as the witness and indicate the official title held by him or her. Notwithstanding G.S. 163-231(a), in the case of this subsection, only one witness shall be required on the certificate."

SECTION 10. G.S. 163-107(a) reads as rewritten:

"(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay to the board of elections with which he files under the provisions of G.S. 163-106 a filing fee for the office he seeks in the amount specified in the following tabulation:

Office Sought	Amount of Filing Fee
Governor	One percent (1%) of the annual salary of the office sought
Lieutenant Governor	One percent (1%) of the annual salary of the office sought
All State executive offices	One percent (1%) of the annual salary of the office sought
All District Attorneys of the General Court of Justice	One percent (1%) of the annual salary of the office sought
United States Senator	One percent (1%) of the annual salary of the office sought
Members of the United States House of Representatives	One percent (1%) of the annual salary of the office sought
State Senator	One percent (1%) of the annual salary of the office sought
Member of the State House of Representatives	One percent (1%) of the annual salary of the office sought
All county offices not compensated by fees	One percent (1%) of the annual salary of the office sought
County commissioners, if compensated entirely by fees	Ten dollars (\$10.00)
Members of county board of education, if compensated entirely by fees	Five dollars (\$5.00)

1	Sheriff, if compensated entirely by fees	Forty dollars (\$40.00), plus one percent
2		(1%) of the income of the office above
3		four thousand dollars (\$4,000)
4	Clerk of superior court, if compensated	Forty dollars (\$40.00), plus one percent
5	entirely by fees	(1%) of the income of the office above
6		four thousand dollars (\$4,000)
7	Register of deeds, if compensated	Forty dollars (\$40.00), plus one percent
8	entirely by fees	(1%) of the income of the office above
9		four thousand dollars (\$4,000)
10	Any other county office, if compensated	Twenty dollars (\$20.00), plus one percent
11	entirely by fees	(1%) of the income of the office above
12		two thousand dollars (\$2,000)
13	All county offices compensated partly	One percent (1%) of the first annual
14	by salary and partly by fees	salary to be received (exclusive of
15		fees)

16 The salary of any office that is the basis for calculating the filing fee is the starting
 17 salary for the office, rather than the salary received by the incumbent, if different. If no
 18 starting salary can be determined for the office, then the salary used for calculation is
 19 the salary of the incumbent, as of January 1 of the election year."

20 **SECTION 11.** G.S. 163-82.9 reads as rewritten:

21 "**§ 163-82.9. Cancellation of prior registration.**

22 If an applicant indicates on an application form described in G.S. 163-82.3 a current
 23 registration to vote in any other county, municipality, or state, the county board of
 24 elections, upon registering the person to vote, shall send a notice to the appropriate
 25 officials in the other county, municipality, or state and shall ask them to cancel the
 26 person's voter registration there. If an applicant completes an application form described
 27 in G.S. 163-82.3 except that the applicant neglects to complete the portion of the form
 28 that authorizes cancellation of previous registration in another county, the State Board
 29 of Elections shall notify the county board of elections in the previous county of the new
 30 registration, and the board in the previous county shall cancel the registration. The State
 31 Board of Elections shall adopt rules to prevent disenfranchisement in the
 32 implementation of this section. Those rules shall include adequate notice to the person
 33 whose previous registration is to be cancelled."

34 **SECTION 12.(a)** G.S. 163-82.10(b) reads as rewritten:

35 "(b) Access to Registration Records. – Upon request by that person, the county
 36 board of elections shall provide to any person a list of the registered voters of the county
 37 or of any precinct or precincts in the county. The county board may furnish selective
 38 lists according to party affiliation, gender, race, date of registration, precinct name,
 39 precinct identification code, congressional district, senate district, representative district,
 40 and, where applicable, county commissioner district, city governing board district, fire
 41 district, soil and water conservation district, and voter history including primary,
 42 general, and special districts, or any other reasonable category. No list produced under
 43 this section shall contain a voter's date of birth. However, lists may be produced

1 according to voters' ages. ~~The Both the following shall apply if a county maintains or~~
 2 ~~has its voter registration list maintained on a computer: to all counties:~~

3 (1) ~~In addition to the typed, mimeographed, photocopied, computer~~
 4 ~~printout or label lists, the~~The county board of elections shall make the
 5 voter registration information available to the public on electronic or
 6 magnetic medium. ~~Magnetic medium for the purpose of this section~~
 7 ~~shall consist of nine track tape or 3.5 inch diskettes and 5.25 inch~~
 8 ~~diskettes readily accessible using MS DOS or Microsoft Windows~~
 9 ~~operating systems or both such systems; and~~ For purposes of this
 10 section, "electronic or magnetic medium" means any of the media in
 11 use by the State Board of Elections at the time of the request.

12 (2) Information requested on electronic or magnetic medium shall contain
 13 the following: voter name, county voter identification number,
 14 residential address, mailing address, sex, race, age but not date of
 15 birth, party affiliation, precinct name, precinct identification code,
 16 congressional district, senate district, representative district, and,
 17 where applicable, county commissioner district, city governing board
 18 district, fire district, soil and water conservation district, and any other
 19 district information available, and voter history including primary,
 20 general, and special districts, or any other reasonable
 21 category, category.

22 ~~provided that this subsection shall not require a county to computerize its lists, but if a~~
 23 ~~county does computerize it shall comply with subdivisions (1) and (2) of this~~
 24 ~~subsection.~~The county board shall require each person to whom a list is furnished to
 25 reimburse the board for the actual cost incurred in preparing it, except as provided in
 26 subsection (c) of this section. Actual cost for the purpose of this section shall not
 27 include the cost of any equipment or any imputed overhead expenses. ~~It may include the~~
 28 ~~actual cost of paper, labels, and magnetic medium. The purchaser at its discretion may~~
 29 ~~provide the magnetic medium.~~When furnishing information under this subsection to a
 30 purchaser on a magnetic medium provided by the county board or the purchaser, the
 31 county board may impose a service charge of up to twenty-five dollars (\$25.00)."

32 **SECTION 12.(b)** G.S. 163-82.10(c) reads as rewritten:

33 "(c) Free Lists. ~~Free lists of all registered voters in the county shall be provided~~
 34 ~~in the following cases:~~

35 (1) A county board ~~that maintains voter records on computer~~ shall
 36 provide, upon written request, one free list ~~to~~ of all the registered
 37 voters in the county to

38 a. ~~The~~the State chair of each political party; party and

39 b. ~~The~~to the county chair of each political party once in every
 40 odd-numbered year, once during the first six calendar months of
 41 every even-numbered year, and once during the latter six
 42 calendar months of every even-numbered year.

1 (2) ~~A county board that does not maintain voter records on computer shall~~
2 ~~provide one free paper list every two years to the county chair of each~~
3 ~~political party.~~

4 Each free list shall include the name, address, gender, age but not date of birth, race,
5 political affiliation, voting history, precinct, precinct name, precinct identification code,
6 congressional district, senate district, representative district, and, where applicable,
7 county commissioner district, city governing board district, fire district, soil and water
8 conservation district, and voter history including primary, general, and special districts
9 of each registered voter. ~~The free paper list to the county party chairs shall group voters~~
10 ~~by precinct.~~ All free lists shall be provided as soon as practicable on one of any
11 electronic or magnetic media, but no later than 30 days after written request. Each State
12 party chair shall provide ~~the discs or tapes~~ the information on the media received from
13 the county boards or a copy of the media containing the data itself to candidates of that
14 party who request the ~~discs or tapes~~ data in writing. ~~Each State party chair shall return~~
15 ~~discs and tapes to the county boards within 30 days after receiving them.~~ As used in this
16 section, "political party" means a political party as defined in G.S. 163-96."

17 **SECTION 13.(a)** G.S. 163-182.5(b) reads as rewritten:

18 "(b) Canvassing by County Board of Elections. – The county board of elections
19 shall meet at 11:00 A.M. on the ~~seventh-tenth~~ day after every election held on the same
20 day as a general election in November of the even-numbered year, and at 11:00 A.M. on
21 the seventh day after every other election, to complete the canvass of votes cast and to
22 authenticate the count in every ballot item in the county by determining that the votes
23 have been counted and tabulated correctly. If, despite due diligence by election officials,
24 the initial counting of all the votes has not been completed by that time, the county
25 board may hold the canvass meeting a reasonable time thereafter. The canvass meeting
26 shall be at the county board of elections office, unless the county board, by unanimous
27 vote of all its members, designates another site within the county. The county board
28 shall examine the returns from precincts, from absentee official ballots, and from
29 provisional official ballots and shall conduct the canvass."

30 **SECTION 13.(b)** G.S. 163-182.7 reads as rewritten:

31 "**§ 163-182.7. Ordering recounts.**

32 (a) Discretionary Recounts. – The county board of elections or the State Board of
33 Elections may order a recount when necessary to complete the canvass in an election.
34 The county board may not order a recount where the State Board of Elections has
35 already denied a recount to the petitioner.

36 (b) Mandatory Recounts for Ballot Items Within the Jurisdiction of the County
37 Board of Elections. – In a ballot item within the jurisdiction of the county board of
38 elections, a candidate shall have the right to demand a recount of the votes if the
39 difference between the votes for that candidate and the votes for a prevailing candidate
40 is not more than one percent (1%) of the total votes cast in the ballot item, or in the case
41 of a multiseat ballot item not more than one percent (1%) of the votes cast for those two
42 candidates. The demand for a recount must be made in writing and must be received by
43 the county board of elections by 5:00 P.M. on the first business day after the canvass.
44 The recount shall be conducted under the supervision of the county board of elections.

1 (c) Mandatory Recounts for Ballot Items Within the Jurisdiction of the State
2 Board of Elections. – In a ballot item within the jurisdiction of the State Board of
3 Elections, a candidate shall have the right to demand a recount of the votes if the
4 difference between the votes for that candidate and the votes for a prevailing candidate
5 are not more than the following:

6 (1) For a nonstatewide ballot item, one percent (1%) of the total votes cast
7 in the ballot item, or in the case of a multiseat ballot item, one percent
8 (1%) of the votes cast for those two candidates.

9 (2) For a statewide ballot item, one-half of one percent (0.5%) of the votes
10 cast in the ballot item, or in the case of a multiseat ballot item, one-half
11 of one percent (0.5%) of the votes cast for those two candidates, or
12 10,000 votes, whichever is less.

13 The demand for a recount must be in writing and must be received by the State Board of
14 Elections by noon on the second ~~Thursday after the election.~~ business day after the
15 county canvass. ~~If on that Thursday at that time~~ the available returns show a candidate
16 not entitled to a mandatory recount, but the Executive Director determines subsequently
17 that the margin is within the threshold set out in this subsection, the Executive Director
18 shall notify the eligible candidate immediately and that candidate shall be entitled to a
19 recount if that candidate so demands within 48 hours of notice. The recount shall be
20 conducted under the supervision of the State Board of Elections.

21 (d) Rules for Conducting Recounts. – The State Board of Elections shall
22 promulgate rules for conducting recounts. Those rules shall be subject to the following
23 guidelines:

24 (1) The rules shall specify, with respect to each type of voting system,
25 when and to what extent the recount shall consist of machine recounts
26 and hand-to-eye recounts.

27 (2) The rules shall provide guidance in interpretation of the voter's choice.

28 (3) The rules shall specify how the goals of multipartisan participation,
29 opportunity for public observation, and good order shall be balanced. "

30 **SECTION 14.** G.S. 163-166.7(c) reads as rewritten:

31 "(c) The State Board of Elections shall promulgate rules for the process of voting.
32 Those rules shall emphasize the appearance as well as the reality of dignity, good order,
33 impartiality, and the convenience and privacy of the voter. Those rules, at a minimum,
34 shall include procedures to ensure that all the following occur:

35 (1) The voting system remains secure throughout the period voting is
36 being conducted.

37 (2) Only properly voted official ballots are introduced into the voting
38 system.

39 (3) Except as provided by G.S. 163-166.9, no official ballots leave the
40 voting enclosure during the time voting is being conducted there.

41 (4) All improperly voted official ballots are returned to the precinct
42 officials and marked as spoiled.

43 (5) Voters leave the voting place promptly after voting.

- 1 (6) Voters not clearly eligible to vote in the precinct but who seek to vote
2 there are given proper assistance in voting a provisional official ballot
3 or guidance to another voting place where they are eligible to vote.
4 (7) Information gleaned through the voting process that would be helpful
5 to the accurate maintenance of the voter registration records is
6 recorded and delivered to the county board of elections.
7 (8) The registration records are kept secure. The State Board of Elections
8 shall permit the use of electronic registration records in the voting
9 place in lieu of or in addition to a paper pollbook or other registration
10 record.
11 (9) Party observers are given access as provided by G.S. 163-45 to current
12 information about which voters have voted.
13 (10) The voter, before voting, shall sign that voter's name on the pollbook,
14 other voting record, or voter authorization document. If the voter is
15 unable to sign, a precinct official shall enter the person's name on the
16 same document before the voter votes."

17 **SECTION 15.** G.S. 163-182.15 is amended by adding a subsection to read:

18 "(d) Determining Results. – In a primary for party nomination, the results shall be
19 determined in accordance with G.S. 163-111 and the certificate issued accordingly. In a
20 general election, the individuals having the highest number of votes for each office shall
21 be declared elected to the office, and the certificate shall be issued accordingly. In a
22 referendum, the ballot proposal receiving the highest number of votes shall be declared
23 to have prevailed, and the certificate shall be issued accordingly."

24 **SECTION 16.** Sections 2, 6, 8, 9, 10, 12, and 14 of this act are effective
25 when this act becomes law and apply to all primaries and elections held on or after that
26 date. The remainder of this act becomes effective January 1, 2006, and applies to all
27 primaries and elections held on or after that date.