

GENERAL ASSEMBLY OF NORTH CAROLINA

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HOUSE BILL 1743

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Senate Select Committee on Government and Election Reform Committee

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Short Title: Election Amendments.

(Public)

Sponsors:

Referred to:

April 19, 2007

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE PERJURY PROVISION IN CAMPAIGN FINANCE
2 STATUTES; TO PROVIDE CIVIL PENALTIES FOR DECEPTIVE LATE
3 FILING OF CAMPAIGN REPORTS; TO REPEAL THE
4 THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR
5 PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL
6 VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH
7 STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS
8 REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF
9 ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT
10 AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY
11 DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A
12 MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO
13 PROVIDE THAT A BALLOT NEED NOT HAVE A WRITE-IN SPACE IF NO
14 WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE
15 CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR
16 RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW
17 APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON
18 POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION
19 BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE
20 PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE
21 MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT VOTER
22 REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR
23 INSTRUCTING OR COERCING NONCITIZEN VOTING; TO UPDATE THE
24

1 REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC
2 RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION;
3 TO BROADEN THE STATUTE REGARDING CORRECTING VOTER
4 REGISTRATION FORMS; TO APPLY THE IDENTIFICATION REQUIREMENT
5 TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY
6 NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE
7 FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO
8 PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE THE
9 VOTING ENCLOSURE; TO MAKE THE STATE BOARD OF ELECTIONS
10 RESPONSIBLE FOR BALLOT CODING; TO REQUIRE COUNTY BOARDS OF
11 ELECTIONS TO COMPLY WITH SPECIFICATIONS FOR BALLOT PRINTERS
12 AND TO MAINTAIN THEIR SOFTWARE WARRANTIES; TO FACILITATE
13 VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION
14 OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP;
15 AND TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN
16 AN ELECTIVE OFFICE BE QUALIFIED TO VOTE FOR THAT OFFICE IF AN
17 ELECTION WAS HELD ON THE DATE OF APPOINTMENT; AND TO MAKE
18 OTHER AMENDMENTS TO THE ELECTION LAWS.

19 The General Assembly of North Carolina enacts:

20 **SECTION 1.(a)** G.S. 163-278.32 reads as rewritten:

21 "**§ 163-278.32. Statements under oath.**

22 Any statement required to be filed under this Article shall be signed and certified as
23 true and correct by the individual, media, candidate, treasurer or others required to file
24 it, and shall be certified as true and correct to the best of the knowledge of the
25 individual, media, candidate, treasurer or others filing the statement; provided further
26 that the candidate shall certify as true and correct to the best of his knowledge the
27 organizational report and appointment of treasurer filed for the candidate or the
28 candidate's principal campaign committee. Any A certification under this Article shall
29 be treated as under oath, and any person making a certification under this Article
30 knowing the information to be untrue may be prosecuted for perjury under G.S. 14-209.
31 is guilty of a Class I felony."

32 **SECTION 1.(b)** G.S. 163-278.27 is amended by adding a new subsection to
33 read:

34 "(a1) A violation of G.S. 278.32 by making a certification knowing the information
35 to be untrue is a Class I felony."

36 **SECTION 1.(c)** This act becomes effective December 1, 2007, and applies
37 to offenses committed on or after that date.

38 **SECTION 2.(a)** G.S. 163-278.34(a) reads as rewritten:

39 "(a) Civil Penalties for Late Filing. – Except as provided in G.S. 163-278.9 and
40 G.S. 163-278.9A, all reports, statements or other documents required by this Article to
41 be filed with the Board shall be filed either by manual delivery to or by mail addressed
42 to the Board. Timely filing shall be complete if postmarked on the day the reports,
43 statements or other documents are to be delivered to the Board. If a report, statement or
44 other document is not filed within the time required by this Article, then the individual,

1 person, media, candidate, political committee, referendum committee or treasurer
2 responsible for filing shall pay to the State Board of Elections election enforcement
3 costs and a civil late penalty as follows:

- 4 (1) Two hundred fifty dollars (\$250.00) per day for each day the filing is
5 late for a report that affects statewide elections, not to exceed a total of
6 ten thousand dollars (\$10,000); and
- 7 (2) Fifty dollars (\$50.00) per day for each day the filing is late for a report
8 that affects only nonstatewide elections, not to exceed a total of five
9 hundred dollars (\$500.00).

10 If the form is filed by mail, no civil late penalty shall be assessed for any day after
11 the date of postmark. No civil late penalty shall be assessed for any day when the Board
12 office at which the report is due is closed. The State Board shall immediately notify, or
13 cause to be notified, late filers, from which reports are apparently due, by mail, of the
14 penalties under this section. The State Board of Elections may waive a late penalty if it
15 determines there is good cause for the waiver.

16 If the Board determines by clear and convincing evidence that the late filing
17 constitutes a willful attempt to conceal contributions or expenditures, the Board may
18 assess a civil penalty in an amount to be determined by that Board, plus the costs of
19 investigation, assessment, and collection. The civil penalty shall not exceed three times
20 the amount of the contributions and expenditures willfully attempted to be concealed."

21 **SECTION 2.(b)** This section is effective when this act becomes law and
22 applies to all offenses committed on or after that date.

23 **SECTION 3.** G.S. 163-278.6(14) reads as rewritten:

24 "(14) The term "political committee" means a combination of two or more
25 individuals, such as any person, committee, association, organization,
26 or other entity that makes, or accepts anything of value to make,
27 contributions or expenditures and has one or more of the following
28 characteristics:

- 29 a. Is controlled by a candidate;
- 30 b. Is a political party or executive committee of a political party or
31 is controlled by a political party or executive committee of a
32 political party;
- 33 c. Is created by a corporation, business entity, insurance company,
34 labor union, or professional association pursuant to
35 G.S. 163-278.19(b); or
- 36 d. Has as a major purpose to support or oppose the nomination or
37 election of one or more clearly identified candidates.

38 Supporting or opposing the election of clearly identified candidates
39 includes supporting or opposing the candidates of a clearly identified
40 political party.

41 ~~An entity is rebuttably presumed to have as a major purpose to~~
42 ~~support or oppose the nomination or election of one or more clearly~~
43 ~~identified candidates if it contributes or expends or both contributes~~
44 ~~and expends during an election cycle more than three thousand dollars~~

1 ~~(\$3,000). The presumption may be rebutted by showing that the~~
2 ~~contributions and expenditures giving rise to the presumption were not~~
3 ~~a major part of activities of the organization during the election cycle.~~
4 ~~Contributions to referendum committees and expenditures to support~~
5 ~~or oppose ballot issues shall not be facts considered to give rise to the~~
6 ~~presumption or otherwise be used in determining whether an entity is a~~
7 ~~political committee.~~

8 If the entity qualifies as a "political committee" under
9 sub-subdivision a., b., c., or d. of this subdivision, it continues to be a
10 political committee if it receives contributions or makes expenditures
11 or maintains assets or liabilities. A political committee ceases to exist
12 when it winds up its operations, disposes of its assets, and files its final
13 report.

14 Special definitions of "political action committee" and "candidate
15 campaign committee" that apply only in Part 1A of this Article are set
16 forth in G.S. 163-278.38Z."

17 **SECTION 4.(a)** G.S. 163-278.69(a) reads as rewritten:

18 "(a) Judicial Voter Guide. – The Board shall publish a Judicial Voter Guide that
19 explains the functions of the appellate courts and the laws concerning the election of
20 appellate judges, the purpose and function of the Public Campaign Fund, and the laws
21 concerning voter registration. The Board shall distribute the Guide to as many
22 voting-age individuals in the State as practical, through a mailing to all residences or
23 other means it deems effective. The distribution shall occur no more than ~~1428~~ days nor
24 fewer than seven days before the one-stop voting period provided in G.S. 163-227.2 for
25 the primary and no more than ~~1428~~ days nor fewer than seven days before the one-stop
26 voting period provided in G.S. 163-227.2 for the general election."

27 **SECTION 4.(b)** If House Bill 1517 of the 2007 Session of the General
28 Assembly becomes law, G.S. 163-278.99E(a), as enacted in Section 1 of that bill, reads
29 as rewritten:

30 "(a) Voter Guide. – The Board shall publish a Voter Guide that explains the
31 functions of office as defined in G.S. 163-278.96(12) and the laws concerning the
32 election of the Council of State, the purpose and function of the Fund, and the laws
33 concerning voter registration. The Board shall distribute the Guide to as many
34 voting-age individuals in the State as practical, through a mailing to all residences or
35 other means it deems effective. The State Board of Elections shall maintain a list of the
36 addresses from which mailed Voter Guides are returned as undeliverable. That list shall
37 be available for public inspection. The distribution shall occur no more than ~~1428~~ days
38 nor fewer than seven days before the one-stop voting period provided in G.S. 163-227.2
39 for the primary and no more than ~~1428~~ days nor fewer than seven days before the
40 one-stop voting period provided in G.S. 163-227.2 for the general election."

41 **SECTION 5.** G.S. 163-33.1 reads as rewritten:

42 "**§ 163-33.1. Power of chairman to administer oaths.**

43 The chairman of the county board of elections is authorized to administer to election
44 officials specified in ~~G.S. 163-80~~ Articles 4, 5, and 20 of this Chapter the required oath,

1 and may also administer the required oath to witnesses appearing before the county
2 board at a duly called public hearing."

3 **SECTION 6.(a)** G.S. 163-132.1B reads as rewritten:

4 **"§ 163-132.1B. Participation in 2010 Census Redistricting Data Program of the**
5 **United States Bureau of the Census.**

6 (a) Purpose. – The State of North Carolina shall participate in the 2010 Census
7 Redistricting Data Program, conducted pursuant to P.L. 94-171, of the United States
8 Bureau of the Census, so that the State will receive 2010 Census data by voting precinct
9 and be able to revise districts at all levels without splitting precincts and in compliance
10 with the United States and North Carolina Constitutions and the Voting Rights Act of
11 1965, as amended.

12 (a1) Reporting of Voting Tabulation Districts. – The Executive Director of the
13 State Board of Elections shall report to the Bureau of the Census as this State's voting
14 tabulation districts the voting precincts as of January 1, 2008. Before making that report,
15 the Executive Director shall consult with the Legislative Services Office concerning the
16 accuracy of the voting precincts to be reported. The Legislative Services Office shall
17 submit to the Executive Director its opinion as to whether the description of the
18 precincts to be reported to the Bureau of the Census is accurate. The Executive Director
19 shall submit the report to the Bureau of the Census in time to comply with the deadlines
20 of that Bureau for the 2010 Census Redistricting Data Program.

21 (a2) Reporting From Unchanged Voting Tabulation Districts. – After January 1,
22 2008, every county board of elections shall report all election returns by voting
23 tabulation districts as required by G.S. 163-132.5G. For purposes of this section and
24 G.S. 163-132.5G, "voting tabulation districts" shall be the precincts as of January 1,
25 2008. No county board of elections may alter the voting tabulation districts reported to
26 the Census Bureau by the Executive Director of the State Board of Elections. The
27 county board of elections may change the boundaries of the county's precincts so that
28 those precincts differ from the county's voting tabulation districts, but only to the extent
29 permitted by G.S. 163-132.3.

30 (b) Additional Rules. – In addition to directives promulgated by the Executive
31 Director of the State Board of Elections under G.S. 163-132.4, the Legislative Services
32 Commission may promulgate rules to implement this section."

33 **SECTION 6.(b)** G.S. 163-132.3 reads as rewritten:

34 **"§ 163-132.3. Alterations to approved precinct boundaries.**

35 (a) No county board of elections may change any precinct boundary ~~except in~~
36 ~~one of the following ways:~~

37 (1) ~~By dividing an existing precinct into one or more new precincts,~~
38 ~~without involving other existing precincts. The lines on which the~~
39 ~~precincts are divided shall follow census blocks established under the~~
40 ~~latest U.S. Census.~~

41 (2) ~~By combining one or more existing precincts into a new precinct. If~~
42 ~~one or more precincts are combined into a single precinct, the new~~
43 ~~precinct shall not be divided until at least four years after the effective~~
44 ~~date of the combination.~~

1 ~~(3) By moving a precinct boundary that does not follow a census block~~
2 ~~boundary established under the latest U.S. Census so that that precinct~~
3 ~~boundary does follow such a census block boundary.~~

4 unless the Executive Director of the State Board of Elections determines that the county
5 board has a current capability of complying with G.S. 163-132.1B(a2) by reporting all
6 election returns by voting tabulation district as required by G.S. 163-132.5G. If the
7 Executive Director so determines, the county board may make any changes to precinct
8 boundaries, provided that All-all proposed new precincts shall consist solely of
9 contiguous territory. The State Board of Elections may set uniform standards for
10 precinct boundaries, which the county boards of elections shall follow. The county
11 board of elections shall report every change in precinct boundary to the Executive
12 Director in a format required by the Executive Director.

13 ~~This section does not prohibit a county from continuing to use precincts that were~~
14 ~~allowed under the Combined Reporting Unit provisions of G.S. 163-132.1(e)(6).~~

15 The county boards of elections shall report precinct boundary changes ~~by filing with~~
16 ~~the Legislative Services Office on current official census maps or on other maps or~~
17 ~~electronic databases approved by the Executive Director the new boundaries of these~~
18 ~~precincts to the Executive Director in the manner the Executive Director directs. The~~
19 ~~Executive Director may require a county board of elections to file a written description~~
20 ~~of the boundaries of any precinct or part thereof. No newly created or altered precinct~~
21 ~~boundary is effective until approved by the Executive Director of the State Board as~~
22 ~~being in compliance with this section.~~

23 (b) ~~The Executive Director of the State Board of Elections and the Legislative~~
24 ~~Services Office shall examine the maps of the proposed new or altered precincts and~~
25 ~~any required written descriptions. After its examination of the maps and their written~~
26 ~~descriptions, the Legislative Services Office shall submit to the Executive Director of~~
27 ~~the State Board of Elections its opinion as to whether all of the proposed precinct~~
28 ~~boundaries are in compliance with subsection (a) of this section, with notations as to~~
29 ~~where those boundaries do not comply with these standards. If the Executive Director of~~
30 ~~the State Board determines that all precinct boundaries are in compliance with this~~
31 ~~section, the Executive Director of the State Board shall approve the maps and written~~
32 ~~descriptions as filed and these precincts shall be the official precincts.~~

33 (c) If the Executive Director of the State Board determines that the proposed
34 precinct boundaries are not in compliance with subsection (a) of this section, the
35 Executive Director shall not approve those precinct boundaries. The Executive Director
36 shall notify the county board of elections of his disapproval specifying the reasons. The
37 county board of elections may then resubmit new precinct maps and written descriptions
38 to cure the reasons for their disapproval.

39 (d) Repealed by Session Laws 2004-127, s. 1(a), effective August 15, 2004, and
40 applicable to precincts established or changed on or after that date.

41 (e) ~~During the period beginning October 1, 2002, and ending August 15, 2004,~~
42 ~~no county board of elections may change any precinct boundary. However, a county~~
43 ~~that has a precinct line that does not follow a 2000 Census Block Boundary may change~~
44 ~~that precinct line to conform to the way that precinct is shown on the General~~

1 Assembly's redistricting database, provided the total population of the area moved from
2 one precinct to another is not greater than ten percent (10%) of the total population of
3 either precinct. A county board of elections proposing a change to a precinct during this
4 period shall submit that change to the Legislative Services Office, which shall examine
5 the proposed change and give its opinion of its compliance with this subsection to the
6 Executive Director of the State Board of Elections. If the proposed change is in
7 compliance with this subsection, the Executive Director shall approve it."

8 **SECTION 6.(c)** G.S. 163-132.5G reads as rewritten:

9 "**§ 163-132.5G. Voting data maintained by precinct-voting tabulation district.**

10 To the extent that it can do so without compromising the secrecy of an individual's
11 ballot, ~~each~~ Each county board of elections shall maintain voting data by precinct-voting
12 tabulation district as provided in G.S. 163-132.1B so that precinct-voting tabulation
13 district returns for each item on the ballot shall include the votes cast by all residents of
14 the precinct-voting tabulation district who ~~voted by provisional ballot and by absentee~~
15 ~~ballot, both mail and one stop-voted,~~ regardless of where they voted. The county board
16 shall not be required to report ~~provisional and absentee voting data by precinct returns~~
17 by voting tabulation district for voters who voted other than at their precinct voting
18 place on election day until 60 days after the election. In reporting returns, the county
19 board shall not compromise the secrecy of an individual's ballot. The 60-day deadline
20 for reporting returns by voting tabulation district does not relieve the county board of
21 the duty to report all returns as soon as practicable after the election according to other
22 categories specified by the State Board of Elections. The State Board of Elections shall
23 adopt rules for the enforcement of this section with the goal that all voting data shall be
24 reported by precinct by the 2006 election section."

25 **SECTION 6.(d)** G.S. 163-165.7(a)(3) reads as rewritten:

26 "(3) That the voting system must have the capacity to include in precinct
27 voting tabulation district returns the votes cast by voters outside of the
28 voter's ~~precinct~~ voting tabulation district as required by
29 G.S. 163-132.5G."

30 **SECTION 6.(e)** G.S. 163-132.5F reads as rewritten:

31 "**§ 163-132.5F. U.S. Census data by precinct-voting tabulation district.**

32 The State shall request the U.S. ~~Census~~ Bureau of the Census for each decennial
33 census to provide summaries of census data by precinct-voting tabulation district and
34 shall participate in any U.S. Bureau of the Census' program to effectuate this provision."

35 **SECTION 6.(f)** Subsections 7(b) through 7(e) of this section become
36 effective January 1, 2008. The remainder of this section is effective when this act
37 becomes law.

38 **SECTION 6.(g)** This section becomes effective only if any funds necessary
39 to implement it are appropriated.

40 **SECTION 7.** Article 14A of Chapter 163 of the General Statutes is amended
41 by adding a new section to read:

42 "**§ 163-165.5B. Ballots may be combined.**

1 Notwithstanding any other statute or local act, a county board of elections, with the
2 approval of the State Board of Elections, may combine ballot items on the same official
3 ballot."

4 **SECTION 8.(a)** G.S. 163-122(a)(2) reads as rewritten:

5 "(2) If the office is a district office ~~comprised of two or more counties,~~
6 under the jurisdiction of the State Board of Elections under
7 G.S. 163-182.4(b), file written petitions with the State Board of
8 Elections supporting ~~his~~that voter's candidacy for a specified office.
9 These petitions must be filed with the State Board of Elections on or
10 before 12:00 noon on the last Friday in June preceding the general
11 election and must be signed by qualified voters of the district equal in
12 number to four percent (4%) of the total number of registered voters in
13 the district as reflected by the voter registration records of the State
14 Board of Elections as of January 1 of the year in which the general
15 election is to be held. Each petition shall be presented to the chairman
16 of the board of elections of the county in which the signatures were
17 obtained. The chairman shall examine the names on the petition and
18 the procedure for certification and deadline for submission to the
19 county board shall be the same as specified in (1) above."

20 **SECTION 8.(b)** G.S. 163-123(c)(2) reads as rewritten:

21 "(2) If the office is a district office ~~comprising all or part of two or more~~
22 ~~counties,~~under the jurisdiction of the State Board of Elections under
23 G.S. 163-182.4(b), file written petitions with the State Board of
24 Elections supporting ~~his~~that applicant's candidacy for a specified
25 office. These petitions must be filed with the State Board of Elections
26 on or before noon on the 90th day before the general election and must
27 be signed by 250 qualified voters. Before being filed with the State
28 Board of Elections, each petition shall be presented to the board of
29 elections of the county in which the signatures were obtained. A
30 petition presented to a county board of elections shall contain only
31 names of voters registered in that county who are eligible to vote for
32 that office. The chairman of the county board shall examine the names
33 on the petition and the procedure for certification shall be the same as
34 specified in subdivision (1)."

35 **SECTION 9.(a)** G.S. 163-165.1(e) reads as rewritten:

36 "(e) Voted ballots and paper and electronic records of individual voted ballots
37 shall be treated as confidential, and no person other than elections officials performing
38 their duties may have access to voted ballots or paper or electronic records of individual
39 voted ballots except by court order or order of the appropriate board of elections as part
40 of the resolution of an election protest or investigation of an alleged election irregularity
41 or violation. Voted ballots and paper and electronic records of individual voted ballots
42 shall not be disclosed to members of the public in such a way as to disclose how a
43 particular voter voted, unless a court orders otherwise. Any person who has access to an

1 official voted ballot or record and knowingly discloses in violation of this section how
2 an individual has voted that ballot is guilty of a Class 1 misdemeanor."

3 **SECTION 9.(b)** G.S. 163-274 reads as rewritten:

4 "**§ 163-274. Certain acts declared misdemeanors.**

5 (a) Class 2 Misdemeanors. – Any person who shall, in connection with any
6 primary or election in this State, do any of the acts and things declared in this ~~section~~
7 subsection to be unlawful, shall be guilty of a Class 2 misdemeanor. It shall be
8 unlawful:

9 (1) For any person to fail, as an officer or as a judge or chief judge of a
10 primary or election, or as a member of any board of elections, to
11 prepare the books, ballots, and return blanks which it is his duty under
12 the law to prepare, or to distribute the same as required by law, or to
13 perform any other duty imposed upon him within the time and in the
14 manner required by law;

15 (1a) For any member, director, or employee of a board of elections to alter
16 a voter registration application or other voter registration record
17 without either the written authorization of the applicant or voter or the
18 written authorization of the State Board of Elections;

19 (2) For any person to continue or attempt to act as a judge or chief judge
20 of a primary or election, or as a member of any board of elections,
21 after having been legally removed from such position and after having
22 been given notice of such removal;

23 (3) For any person to break up or by force or violence to stay or interfere
24 with the holding of any primary or election, to interfere with the
25 possession of any ballot box, election book, ballot, or return sheet by
26 those entitled to possession of the same under the law, or to interfere in
27 any manner with the performance of any duty imposed by law upon
28 any election officer or member of any board of elections;

29 (4) For any person to be guilty of any boisterous conduct so as to disturb
30 any member of any election board or any chief judge or judge of
31 election in the performance of his duties as imposed by law;

32 (5) For any person to bet or wager any money or other thing of value on
33 any election;

34 (5a) Repealed by Session Laws 1999-455, s. 21, applicable to elections
35 held on or after January 1, 2000.

36 (6) For any person, directly or indirectly, to discharge or threaten to
37 discharge from employment, or otherwise intimidate or oppose any
38 legally qualified voter on account of any vote such voter may cast or
39 consider or intend to cast, or not to cast, or which he may have failed
40 to cast;

41 (7) For any person to publish in a newspaper or pamphlet or otherwise,
42 any charge derogatory to any candidate or calculated to affect the
43 candidate's chances of nomination or election, unless such publication

- 1 be signed by the party giving publicity to and being responsible for
- 2 such charge;
- 3 (8) For any person to publish or cause to be circulated derogatory reports
- 4 with reference to any candidate in any primary or election, knowing
- 5 such report to be false or in reckless disregard of its truth or falsity,
- 6 when such report is calculated or intended to affect the chances of such
- 7 candidate for nomination or election;
- 8 (9) For any person to give or promise, in return for political support or
- 9 influence, any political appointment or support for political office;
- 10 (10) For any chairman of a county board of elections or other returning
- 11 officer to fail or neglect, willfully or of malice, to perform any duty,
- 12 act, matter or thing required or directed in the time, manner and form
- 13 in which said duty, matter or thing is required to be performed in
- 14 relation to any primary, general or special election and the returns
- 15 thereof;
- 16 (11) For any clerk of the superior court to refuse to make and give to any
- 17 person applying in writing for the same a duly certified copy of the
- 18 returns of any primary or election or of a tabulated statement to a
- 19 primary or election, the returns of which are by law deposited in his
- 20 office, upon the tender of the fees therefor;
- 21 (12) For any person willfully and knowingly to impose upon any blind or
- 22 illiterate voter a ballot in any primary or election contrary to the wish
- 23 or desire of such voter, by falsely representing to such voter that the
- 24 ballot proposed to him is such as he desires; or
- 25 (13) Except as authorized by G.S. 163-82.15, for any person to provide
- 26 false information, or sign the name of any other person, to a written
- 27 report under G.S. 163-82.15.

28 (b) Class 1 Misdemeanor. – Any person who shall, in connection with any
 29 primary or election in this State, do any of the acts and things declared in this subsection
 30 to be unlawful shall be guilty of a Class 1 misdemeanor. It shall be unlawful for any
 31 person who has access to an official voted ballot or record to knowingly disclose in
 32 violation of G.S. 163-165.1(e) how an individual has voted that ballot."

33 **SECTION 9.(c)** This section becomes effective December 1, 2007, and
 34 applies to any offense occurring on or after that date.

35 **SECTION 10.** G.S. 163-165.5(5) reads as rewritten:

36 "**§ 163-165.5. Contents of official ballots.**

37 Each official ballot shall contain all the following elements:

- 38 ...
- 39 (5) A means by which the voter may cast write-in votes, as provided in
- 40 G.S. 163-123. No space for write-ins is required unless a write-in
- 41 candidate has qualified under G.S. 163-123 or unless the ballot item is
- 42 exempt from G.S. 163-123.

43"

44 **SECTION 11.** G.S. 163-182.15(2) reads as rewritten:

- 1 (1) Make written or oral statements intended for general distribution or
2 dissemination to the public at large supporting or opposing the
3 nomination or election of one or more clearly identified candidates for
4 public office.
- 5 (2) Make written or oral statements intended for general distribution or
6 dissemination to the public at large supporting or opposing the passage
7 of one or more clearly identified referendum proposals.
- 8 (3) Solicit contributions for a candidate, political committee, or
9 referendum committee.

10 Individual expressions of opinion, support, or opposition not intended for general public
11 distribution shall not be deemed a violation of this Article. Nothing in this Article shall
12 be deemed to prohibit participation in a political party convention as a delegate. Nothing
13 in this Article shall be deemed to prohibit a board member or board employee from
14 making a contribution to a candidate, political committee, or referendum committee.
15 Nothing in this Article shall be deemed to prohibit a board member or board employee
16 from advising other government entities as to technical matters related to election
17 administration or revision of electoral district boundaries.

18 **"§ 163-40. Violation may be ground for removal.**

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

25 **"§ 163-40.1. Definitions.**

26 The provisions of Article 22A of this Chapter apply to the definition and proof of
27 terms used in this Article."

28 **SECTION 14.(b)** This section becomes effective January 1, 2008.

29 **SECTION 15.** G.S. 130A-50(a) reads as rewritten:

30 "(a) The Department shall send a copy of the resolution creating the sanitary
31 district to the ~~county~~ board or boards of county commissioners of the county or counties
32 in which all or part of the district is located. The Department shall file or cause to be
33 filed with the county board or boards of elections in the same county or counties a map
34 of the district. With the map it shall include supporting documents. That map and
35 documents shall be filed within 10 business days after the creation of the district and
36 amended within 10 days after any change to the boundaries of the district. The board or
37 boards of commissioners shall hold a meeting or joint meeting for the purpose of
38 electing the members of the sanitary district board."

39 **SECTION 16.(a)** G.S. 163-82.6(a) reads as rewritten:

40 "(a) How the Form May Be Submitted. – The county board of elections shall
41 accept any form described in G.S. 163-82.3 if the applicant submits the form by mail,
42 facsimile transmission, transmission of a scanned document, or in person. The applicant
43 may delegate the submission of the form to another person. Any person who
44 communicates to an applicant acceptance of that delegation shall deliver that form so

1 that it is received by the appropriate county board of elections in time to satisfy the
2 registration deadline in subdivision (1) or (2) of subsection (c) of this section for the
3 next election.

4 (a1) Misdemeanors. – It shall be a Class 2 misdemeanor for any person to do any
5 of the following:

6 (1) ~~to~~To communicate to the applicant acceptance of ~~that~~the delegation
7 described in subsection (a) of this section and then fail to make a good
8 faith effort to deliver the form so that it is received by the county board
9 of elections in time to satisfy the registration deadline in subdivision
10 (1) or (2) of subsection (c) of this section for the next election. It shall
11 be an affirmative defense to a charge of failing to make a good faith
12 effort to deliver a delegated form by the registration deadline that the
13 delegatee informed the applicant that the form would not likely be
14 delivered in time for the applicant to vote in the next election.

15 (2) ~~It shall be a Class 2 misdemeanor for any person to~~To sell or attempt
16 to sell a completed voter registration form or to condition its delivery
17 upon payment.

18 (3) To change a person's information on a voter registration form prior to
19 its delivery to a county board of elections.

20 (4) To coerce a person into marking a party affiliation other than the party
21 affiliation the person desires.

22 (5) To offer a person a voter registration form that has a party affiliation
23 premarked unless the person receiving the form has requested the
24 premarking."

25 **SECTION 16.(b)** G.S. 163-274 is amended by adding a new subdivision to
26 read:

27 "(14) For any person to commit any of the voter registration violations set
28 forth in G.S. 163-82.6(a1)."

29 **SECTION 16.(c)** This section becomes effective December 1, 2007, and
30 applies to any offense committed on or after that date.

31 **SECTION 17.(a)** G.S. 163-275 is amended by adding a new subdivision to
32 read:

33 "(18) For any person, knowing that a person is not a citizen of the United
34 States, to instruct or coerce that person to register to vote or to vote."

35 **SECTION 17.(b)** This section becomes effective December 1, 2007, and
36 applies to any offense committed on or after that date.

37 **SECTION 18.** G.S. 163-82.14(c)(1) reads as rewritten:

38 "(1) Report of Conviction Within the State. – The ~~clerk of superior court,~~
39 State Board of Elections, on or before the fifteenth day of every
40 month, shall report to the county board of elections of that county the
41 name, county of residence, and residence address if available, of each
42 individual against whom a final judgment of conviction of a felony has
43 been entered in that county in the preceding calendar month.~~Any~~
44 ~~county board of elections receiving such a report about an individual~~

1 who is a resident of another county in this State shall forward a copy
2 of that report to the board of elections of that county as soon as
3 possible."

4 **SECTION 19.** G.S. 163-82.10(a) reads as rewritten:

5 "(a) Official Record. – The State voter registration system is the official voter
6 registration list for the conduct of all elections in the State. A completed and signed
7 registration application form, if available, described in G.S. 163-82.3, once approved by
8 the county board of elections, becomes backup to the official registration record of the
9 voter. ~~Electronically captured images of the signatures of voters, full~~ Full or partial
10 social security numbers, dates of birth, the identity of the public agency at which the
11 voter registered under G.S. 163-82.20, and drivers license numbers that may be
12 generated in the voter registration process, by either the State Board of Elections or a
13 county board of elections, are confidential and shall not be considered public records
14 and subject to disclosure to the general public under Chapter 132 of the General
15 Statutes. Cumulative data based on those items of information may be publicly
16 disclosed as long as information about any individual cannot be discerned from the
17 disclosed data. Disclosure of drivers license numbers or dates of birth information in
18 violation of this subsection shall not give rise to a civil cause of action. This limitation
19 of liability does not apply to the disclosure of drivers license numbers or dates of birth
20 information in violation of this subsection as a result of gross negligence, wanton
21 conduct, or intentional wrongdoing that would otherwise be actionable. The signature of
22 the voter, either on the paper application or an electronically captured image of it, may
23 be viewed by the public but may not be copied or traced except by election officials for
24 election administration purposes. Any such copy or tracing is not a public record. The
25 county board of elections shall maintain custody of any paper hard copy registration
26 records of voters in the county and shall keep them in a place where they are secure."

27 **SECTION 20.** G.S. 163-82.4(e) reads as rewritten:

28 "(e) Correcting Registration Forms. – If the voter fails to ~~answer the question set~~
29 ~~out in subdivision (1) of subsection (d) of this section,~~ complete any required item on
30 the voter registration form but provides enough information on the form to enable the
31 county board of elections to identify and contact the voter, the voter shall be notified of
32 the omission and given the opportunity to complete the form ~~at any time before casting~~
33 ~~a vote in the election on election day.~~ at least by 5:00 P.M. on the day before the county
34 canvass as set in G.S. 163-182.5(b). If the voter corrects that omission within that time,
35 the voter may vote in the election time and is determined by the county board of
36 elections to be eligible to vote, the board shall permit the voter to vote. If the
37 information is not corrected by election day, the voter shall be allowed to vote a
38 provisional official ballot. If the correct information is provided to the county board of
39 elections by at least 5:00 P.M. on the day before the county canvass, the board shall
40 count any portion of the provisional official ballot that the voter is eligible to vote."

41 **SECTION 21.(a)** G.S. 163-166.12 reads as rewritten:

42 "**§ 163-166.12. Requirements for certain voters who register by mail.**

43 (a) Voting in Person. – An individual who has registered to vote by mail on or
44 after January 1, 2003, and has not previously voted in an election that includes a ballot

1 item for federal office in North Carolina, shall present to a local election official at a
2 voting place before voting there one of the following:

3 (1) A current and valid photo identification.

4 (2) A copy of one of the following documents that shows the name and
5 address of the voter: a current utility bill, bank statement, government
6 check, paycheck, or other government document.

7 (b) Voting Mail-In Absentee. – An individual who has registered to vote by mail
8 on or after January 1, 2003, and has not previously voted in an election that includes a
9 ballot item for federal office in North Carolina, in order to cast a mail-in absentee vote,
10 shall submit with the mailed-in absentee ballot one of the following:

11 (1) A copy of a current and valid photo identification.

12 (2) A copy of one of the following documents that shows the name and
13 address of the voter: a current utility bill, bank statement, government
14 check, paycheck, or other government document.

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

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

33 (c) The Right to Vote Provisionally. – If an individual is required under
34 subsection ~~(a) or (b)~~ (a), (b), or (b2) of this section to present identification in order to
35 vote, but that individual does not present the required identification, that individual may
36 vote a provisional official ballot. If the voter is at the voting place, the voter may vote
37 provisionally there without unnecessary delay. If the voter is voting by mail-in absentee
38 ballot, the mailed ballot without the required identification shall be treated as a
39 provisional official ballot.

40 (d) Exemptions. – This section does not apply to any of the following:

41 (1) An individual who registers by mail and submits as part of the
42 registration application either of the following:

43 a. A copy of a current and valid photo identification.

- 1 b. A copy of one of the following documents that shows the name
2 and address of the voter: a current utility bill, bank statement,
3 government check, paycheck, or other government document.
- 4 (2) An individual who registers by mail and submits as part of the
5 registration application the individual's drivers license number or at
6 least the last four digits of the individual's social security number
7 where an election official matches either or both of the numbers
8 submitted with an existing State identification record bearing the same
9 number, name, and date of birth contained in the submitted
10 registration. If any individual's number does not match, the individual
11 shall provide identification as required in subsection (b2) of this
12 section in the first election in which the individual votes.
- 13 (3) An individual who is entitled to vote by absentee ballot under the
14 Uniformed and Overseas Citizens Absentee Voting Act.
- 15 (4) An individual who is entitled to vote otherwise than in person under
16 section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and
17 Handicapped Act.
- 18 (5) An individual who is entitled to vote otherwise than in person under
19 any other federal law."

20 **SECTION 21.(b)** G.S. 163-82.12 reads as rewritten:

21 **"§ 163-82.12. Promulgation of guidelines relating to computerized voter**
22 **registration.**

23 The State Board of Elections shall make all guidelines necessary to administer the
24 statewide voter registration system established by this Article. All county boards of
25 elections shall follow these guidelines and cooperate with the State Board of Elections
26 in implementing guidelines. These guidelines shall include provisions for all of the
27 following:

- 28 (1) Establishing, developing, and maintaining a computerized central voter
29 registration file.
- 30 (2) Linking the central file through a network with computerized voter
31 registration files in each of the counties.
- 32 (3) Interacting with the computerized drivers license records of the
33 Division of Motor Vehicles and with the computerized records of other
34 public agencies authorized to accept voter registration applications.
- 35 (4) Protecting and securing the data.
- 36 (5) Converting current voter registration records in the counties in
37 computer files that can be used on the statewide computerized
38 registration system.
- 39 (6) Enabling the statewide system to determine whether the voter
40 identification information provided by an individual is valid.
- 41 (7) Enabling the statewide system to interact electronically with the
42 Division of Motor Vehicles system to validate identification
43 information.

- 1 (8) Enabling the Division of Motor Vehicles to provide real-time interface
2 for the validation of the drivers license number and last four digits of
3 the social security number.
- 4 (8b) Notifying voter-registration applicants whose drivers license or last
5 four digits of social security number does not result in a validation,
6 attempting to resolve the discrepancy, initiating investigations under
7 G.S. 163-33(3) or challenges under Article 8 of this Chapter where
8 warranted, and notifying any voters of the requirement under
9 G.S. 163-166.2(b2) to present identification when voting.
- 10 (9) Enabling the statewide system to assign a unique identifier to each
11 legally registered voter in the State.
- 12 (10) Enabling the State Board of Elections to assist the Division of Motor
13 Vehicles in providing to the jury commission of each county, as
14 required by G.S. 20-43.4, a list of all registered voters in the county
15 and all persons in the county with drivers license records.

16 These guidelines shall not be considered to be rules subject to Article 2A of Chapter
17 150B of the General Statutes. However, the State Board shall publish in the North
18 Carolina Register the guidelines and any changes to them after adoption, with that
19 publication noted as information helpful to the public under G.S. 150B-21.17(a)(6).
20 Copies of those guidelines shall be made available to the public upon request or
21 otherwise by the State Board."

22 **SECTION 22.** G.S. 163-45 reads as rewritten:

23 "**§ 163-45. Observers; appointment.**

24 The chair of each political party in the county shall have the right to designate two
25 observers to attend each voting place at each primary and election and such observers
26 may, at the option of the designating party chair, be relieved during the day of the
27 primary or election after serving no less than four hours and provided the list required
28 by this section to be filed by each chair contains the names of all persons authorized to
29 represent such chair's political party. Not more than two observers from the same
30 political party shall be permitted in the voting enclosure at any time. This right shall not
31 extend to the chair of a political party during a primary unless that party is participating
32 in the primary. In any election in which an unaffiliated candidate is named on the ballot,
33 the candidate or the candidate's campaign manager shall have the right to appoint two
34 observers for each voting place consistent with the provisions specified herein. Persons
35 appointed as observers must be registered voters of the county for which appointed and
36 must have good moral character. No person who is a candidate on the ballot in a
37 primary or election may serve as an observer or runner in that primary or election.
38 Observers shall take no oath of office.

39 Individuals authorized to appoint observers must submit in writing to the chief judge
40 of each precinct a signed list of the observers appointed for that precinct. Individuals
41 authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any
42 primary or general election, submit in writing to the chair of the county board of
43 elections two signed copies of a list of observers appointed by them, designating the
44 precinct for which each observer is appointed. Before the opening of the voting place on

1 the day of a primary or general election, the chair shall deliver one copy of the list to the
2 chief judge for each affected precinct. The chair shall retain the other copy. The chair,
3 or the chief judge and judges for each affected precinct, may for good cause reject any
4 appointee and require that another be appointed. The names of any persons appointed in
5 place of those persons rejected shall be furnished in writing to the chief judge of each
6 affected precinct no later than the time for opening the voting place on the day of any
7 primary or general election, either by the chair of the county board of elections or the
8 person making the substitute appointment.

9 If party chairs appoint observers at one-stop sites under G.S. 163-227.2, those party
10 chairs shall provide a list of the observers appointed before 10:00 A.M. on the fifth day
11 before the observer is to observe.

12 An observer shall do no electioneering at the voting place, and shall in no manner
13 impede the voting process or interfere or communicate with or observe any voter in
14 casting a ballot, but, subject to these restrictions, the chief judge and judges of elections
15 shall permit the observer to make such observation and take such notes as the observer
16 may desire.

17 Whether or not the observer attends to the polls for the requisite time provided by
18 this section, each observer shall be entitled to obtain at times specified by the State
19 Board of Elections, but not less than three times during election day with the spacing
20 not less than one hour apart, a list of the persons who have voted in the precinct so far in
21 that election day. Counties that use an "authorization to vote document" instead of poll
22 books may comply with the requirement in the previous sentence by permitting each
23 observer to inspect election records so that the observer may create a list of persons who
24 have voted in the precinct so far that election day; each observer shall be entitled to
25 make the inspection at times specified by the State Board of Elections, but not less than
26 three times during election day with the spacing not less than one hour apart.

27 Instead of having an observer receive the voting list, the county party chair may send
28 a runner to do ~~so~~ so, even if an observer has not been appointed for that precinct. The
29 runner may be the precinct party chair or any person named by the county party chair.
30 Each county party chair using runners in an election shall provide to the county board of
31 elections before 10:00 A.M. on the fifth day before election day a list of the runners to
32 be used. That party chair must notify the chair of the county board of elections or the
33 board chair's designee of the names of all runners to be used in each precinct before the
34 runner goes to the precinct. The runner may receive a voter list from the precinct on the
35 same schedule as an observer. Whether obtained by observer or runner, each party is
36 entitled to only one voter list at each of the scheduled times. No runner may enter the
37 voting enclosure except when necessary to announce that runner's presence and to
38 receive the list. The runner must leave immediately after being provided with the list."

39 **SECTION 23.** G.S. 163-166.3 reads as rewritten:

40 "**§ 163-166.3. Limited access to the voting enclosure.**

41 (a) Persons Who May Enter Voting Enclosure. – During the time allowed for
42 voting in the voting place, only the following persons may enter the voting enclosure:

43 (1) An election official.

44 (2) An observer appointed pursuant to G.S. 163-45.

- 1 (2a) A runner appointed pursuant to G.S. 163-45, but only to the extent
- 2 necessary to announce that runner's presence and to receive the voter
- 3 list as provided in G.S. 163-45.
- 4 (3) A person seeking to vote in that voting place on that day but only
- 5 while in the process of voting or seeking to vote.
- 6 (4) A voter in that precinct while entering or explaining a challenge
- 7 pursuant to G.S. 163-87 or G.S. 163-88.
- 8 (5) A person authorized under G.S. 163-166.8 to assist a voter but, except
- 9 as provided in subdivision (6) of this section, only while assisting that
- 10 voter.
- 11 (6) Minor children of the voter under the age of 18, or minor children
- 12 under the age of 18 in the care of the voter, but only while
- 13 accompanying the voter and while under the control of the voter.
- 14 (7) Persons conducting or participating in a simulated election within the
- 15 voting place or voting enclosure, if that simulated election is approved
- 16 by the county board of elections.
- 17 (8) Any other person determined by election officials to have an urgent
- 18 need to enter the voting enclosure but only to the extent necessary to
- 19 address that need.

20 (b) Photographing Voters Prohibited. – No person shall photograph, videotape, or

21 otherwise record the image of any voter within the voting enclosure, except with the

22 permission of both the voter and the chief judge of the precinct. If the voter is a

23 candidate, only the permission of the voter is required. This subsection shall also apply

24 to one-stop sites under G.S. 163-227.2. This subsection does not apply to cameras used

25 as a regular part of the security of the facility that is a voting place or one-stop site.

26 (c) Photographing Voted Ballot Prohibited. – No person shall photograph,

27 videotape, or otherwise record the image of a voted official ballot for any purpose not

28 otherwise permitted under law."

29 **SECTION 24.(a)** G.S. 163-165.3 reads as rewritten:

30 "**§ 163-165.3. Responsibilities for preparing official ballots.**

31 (a) ~~State Board to Certify Official Ballots and Instructions to Voters.~~

32 Responsibilities. – The State Board of Elections shall certify the official ballots and

33 voter instructions to be used in every election that is subject to this Article. In

34 conducting its certification, the State Board shall adhere to the following:

- 35 (1) No later than January 31 of every calendar year, the State Board shall
- 36 establish a schedule for the certification of all official ballots and
- 37 instructions during that year. The schedule shall include a time for
- 38 county boards of elections to submit their official ballots and
- 39 instructions to the State Board for certification and times for the State
- 40 Board to complete the certification.
- 41 (2) The State Board of Elections shall compose model ballot instructions,
- 42 which county boards of elections may amend subject to approval by
- 43 the State Board as part of the certification process. The State Board of
- 44 Elections may permit a county board of elections to place instructions

1 elsewhere than on the official ballot itself, where placing them on the
2 official ballot would be impractical.

3 (3) With regard only to multicounty ballot items on the official ballot, the
4 State Board shall certify the accuracy of the content on the official
5 ballot.

6 (4) With regard to the entire official ballot, the State Board shall certify
7 that the content and arrangement of the official ballot are in substantial
8 compliance with the provisions of this Article and standards adopted
9 by the State Board.

10 (5) The State Board shall proofread the official ballot of every county, if
11 practical, prior to final production.

12 (6) The State Board is not required to certify or review every official
13 ballot style in the county but may require county boards to submit and
14 may review a composite official ballot showing races that will appear
15 in every district in the county.

16 The State Board shall be responsible for all ballot coding and shall contract with a
17 qualified vendor or supervise trained election staff to produce the data necessary for
18 equipment programming.

19 (b) ~~County Board to Prepare and Produce Official Ballots and Instructions.~~
20 Responsibilities. – Each county board of elections shall prepare and produce official
21 ballots for all elections in that county. The county board of elections shall submit the
22 format of each official ballot and set of instructions to the State Board of Elections for
23 review and certification in accordance with the schedule established by the State Board.
24 The county board of elections shall follow the directions of the State Board in placing
25 candidates, referenda, and other material on official ballots and in placing instructions.

26 (c) Late Changes in Ballots. – The State Board shall promulgate rules for late
27 changes in ballots. The rules shall provide for the reprinting, where practical, of official
28 ballots as a result of replacement candidates to fill vacancies in accordance with
29 G.S. 163-114 or other late changes. If an official ballot is not reprinted, a vote for a
30 candidate who has been replaced in accordance with G.S. 163-114 will count for the
31 replacement candidate.

32 (d) Special Ballots. – The State Board of Elections, with the approval of a county
33 board of elections, may produce special official ballots, such as those for disabled
34 voters, where production by the State Board would be more practical than production by
35 the county board."

36 **SECTION 24.(b)** This section becomes effective only if any funds necessary
37 to implement it are appropriated.

38 **SECTION 25.** G.S. 163-165.9 reads as rewritten:

39 "**§ 163-165.9. Voting systems: powers and duties of county board of elections.**

40 (a) Before approving the adoption and acquisition of any voting system by the
41 board of county commissioners, the county board of elections shall do all of the
42 following:

43 (1) Recommend to the board of county commissioners which type of
44 voting system should be acquired by the county.

1 (2) Witness a demonstration, in that county or at a site designated by the
2 State Board of Elections, of the type of voting system to be
3 recommended and also witness a demonstration of at least one other
4 type of voting system certified by the State Board of Elections.

5 (3) Test, during an election, the proposed voting system in at least one
6 precinct in the county where the voting system would be used if
7 adopted.

8 (b) After the acquisition of any voting system, the county board of elections shall
9 comply with any requirements of the State Board of Elections regarding training and
10 support of the voting system-system by completing all of the following:

11 (1) The county board of elections shall comply with all specifications of
12 its voting system vendor for ballot printers. The county board of
13 elections is authorized to contract with noncertified ballot printing
14 vendors, so long as the noncertified ballot printing vendor meets all
15 specifications and all quality assurance requirements as set by the State
16 Board of Elections.

17 (2) The county board of elections shall maintain software license and
18 maintenance agreements necessary to maintain the warranty of its
19 voting system."

20 **SECTION 26.(a)** Article 7A of Chapter 163 of the General Statutes is
21 amended by adding a new section to read:

22 **"§ 163-82.20A. Voter registration upon restoration of citizenship.**

23 The State Board of Elections, the Department of Correction, and the Administrative
24 Office of the Courts shall jointly develop and implement educational programs and
25 procedures for persons to apply to register to vote at the time they are restored to
26 citizenship and all filings required have been completed under Chapter 13 of the
27 General Statutes. Those procedures shall be designed to do both of the following:

28 (1) Inform the person that the restoration of rights removes the person's
29 disqualification from voting, but that in order to vote the person must
30 register to vote.

31 (2) Provide an opportunity to that person to register to vote.

32 At a minimum, the program shall include a written notice to the person whose
33 citizenship has been restored, informing that person that the person may now register to
34 vote, with a voter registration form enclosed with the notice."

35 **SECTION 26.(b)** This section becomes effective October 1, 2007.

36 **SECTION 27.(a)** Chapter 128 of the General Statutes is amended by adding
37 a new section to read:

38 **"§ 128-7.2. Qualifications for appointment to fill vacancy in elective office.**

39 No person is eligible for appointment to fill a vacancy in any elective office, whether
40 State or local, unless that person would have been qualified to vote as an elector for that
41 office if an election were to be held on the date of appointment. This section is intended
42 to implement the provisions of Section 8 of Article VI of the Constitution."

43 **SECTION 27.(b)** G.S. 163-11 is amended by adding a new subsection to
44 read:

1 "(e) No person is eligible for appointment to fill a vacancy in the Senate or the
2 House of Representatives under this section, unless that person would have been
3 qualified to vote as an elector for that office if an election were to be held on the date of
4 appointment. This section is intended to implement the provisions of Section 8 of
5 Article VI of the Constitution."

6 **SECTION 27.(c)** This section is effective when it becomes law and applies
7 only to appointments made on or after that date.

8 **SECTION 28.** G.S. 163-59 reads as rewritten:

9 "**§ 163-59. Right to participate or vote in party primary.**

10 No person shall be entitled to vote or otherwise participate in the primary election of
11 any political party unless he:

- 12 (1) Is a registered voter, and
- 13 (2) Has declared and has had recorded on the registration book or record
14 the fact that he affiliates with the political party in whose primary he
15 proposes to vote or participate, and
- 16 (3) Is in good faith a member of that party.

17 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized
18 under G.S. 163-116 may also vote in the primary if the voter is otherwise eligible to
19 vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

20 Any person who will become qualified by age ~~or residence~~ to register and vote in the
21 general election or regular municipal election for which the primary is held, even
22 though not so qualified by the date of the primary, shall be entitled to register for the
23 primary and general or regular municipal election prior to the primary and then to vote
24 in the primary after being registered. Such person may register not earlier than 60 days
25 nor later than the last day for making application to register under G.S. 163-82.6(c)
26 prior to the primary. In addition, persons who will become qualified by age to register
27 and vote in the general election or regular municipal election for which the primary is
28 held, who do not register during the special period may register to vote after such period
29 as if they were qualified on the basis of age, but until they are qualified by age to vote,
30 they may vote only in primary elections."

31 **SECTION 29.(a)** G.S. 163-226.3(a)(4) reads as rewritten:

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

35 ...

- 36 (4) For any owner, manager, director, employee, or other person, other
37 than the voter's near relative or verifiable legal guardian, to make a
38 written request pursuant to G.S. 163-230.1 or an application on behalf
39 of a registered voter who is a patient in any hospital, clinic, nursing
40 home or rest home in this State or for any owner, manager, director,
41 employee, or other person other than the voter's near relative or
42 verifiable legal guardian, to mark the voter's absentee ballot or assist
43 such a voter in marking an absentee ~~ballot~~; ballot. This subdivision
44 does not apply to members, employees, or volunteers of the county

1 board of elections, if those members, employees, or volunteers are
2 working as part of a bipartisan team trained and authorized by the
3 county board of elections to assist voters with absentee ballots. Each
4 county board of elections shall train and authorize such teams,
5 pursuant to procedures which shall be adopted by the State Board of
6 Elections.

7 "

8 **SECTION 29.(b)** This section becomes effective January 1, 2008.

9 **SECTION 30.** G.S. 163-278.16B(c) reads as rewritten:

10 "(c) Contributions made to a candidate or candidate campaign committee do not
11 become a part of the personal estate of the individual candidate. ~~A candidate or the~~The
12 candidate ~~who directs the candidate campaign committee~~ may file with the board a
13 written designation of those funds that directs to which of the permitted uses in
14 subsection (a) of this section they shall be paid in the event of the death or incapacity of
15 the candidate. After the payment of permitted outstanding debts of the account, the
16 candidate's filed written designation shall control. If the candidate files no such written
17 designation, the funds after payment of permitted outstanding debts shall be distributed
18 in accordance with subdivision (a)(8) of this section."

19 **SECTION 31.** G.S. 163-278.110 is amended by adding a new subdivision to
20 read:

21 "(8) Except as otherwise provided in this Article, the definitions in Article
22 22A of this Chapter apply in this Article."

23 **SECTION 32.** G.S. 163-82.14(a) reads as rewritten:

24 "(a) Uniform Program. – The State Board of Elections shall adopt a uniform
25 program that makes a reasonable effort:

- 26 (1) To remove the names of ineligible voters from the official lists of
27 eligible voters, and
28 (2) To update the addresses and other necessary data of persons who
29 remain on the official lists of eligible voters.

30 That program shall be nondiscriminatory and shall comply with the provisions of the
31 Voting Rights Act of 1965, as amended, and with the provisions of the National Voter
32 Registration Act. The State Board of Elections, in addition to the methods set forth in
33 this section, may use other methods toward the ends set forth in subdivisions (1) and (2)
34 of this subsection, including address-updating services provided by the Postal Service.
35 Each county board of elections shall conduct systematic efforts to remove names from
36 its list of registered voters in accordance with this section and with the program adopted
37 by the State Board. The county boards of elections shall complete their list maintenance
38 mailing program by April 15 of every odd-numbered year, unless the State Board of
39 Elections approves a different date for the county."

40 **SECTION 33.** G.S. 163-213.4 reads as rewritten:

41 "**§ 163-213.4. Nomination by State Board of Elections.**

42 By the first Tuesday in February of the year preceding the North Carolina
43 presidential preference primary, the chair of each political party shall submit to the State
44 Board of Elections a list of its presidential candidates to be placed on the presidential

1 preference primary ballot. The list must be comprised of candidates whose candidacy is
2 generally advocated and recognized in the news media throughout the United States or
3 in North Carolina, unless any such candidate executes and files with the chair of the
4 political party an affidavit stating without qualification that the candidate is not and
5 does not intend to become a candidate for nomination in the North Carolina Presidential
6 Preference Primary Election. The State Board of Elections shall prepare and publish a
7 list of the names of the presidential candidates submitted. The State Board of Elections
8 shall convene in Raleigh on the first Tuesday in March preceding the presidential
9 preference primary election. At the meeting required by this section, the State Board of
10 Elections shall nominate as presidential primary candidates all candidates affiliated with
11 a political party, recognized pursuant to the provisions of Article 9 of Chapter 163 of the
12 General Statutes, ~~who have become eligible to receive payments from the Presidential~~
13 ~~Primary Matching Payment Account, as provided in section 9033 of the U.S. Internal~~
14 ~~Revenue Code of 1954, as amended.~~ Statutes, who have been submitted to the State
15 Board of Elections. Immediately upon completion of these requirements, the Board
16 shall release to the news media all such nominees selected. Provided, however, nothing
17 shall prohibit the partial selection of nominees prior to the meeting required by this
18 section, if all provisions herein have been complied with."

19 **SECTION 34.(a)** G.S. 163-227.2(g) reads as rewritten:

20 "(g) Notwithstanding any other provision of this section, a county board of
21 elections by unanimous vote of all its members may provide for one or more sites in that
22 county for absentee ballots to be applied for and cast under this section. ~~Any site other~~
23 ~~than the county board of elections office shall be in any building or part of a building~~
24 ~~that the county board of elections is entitled under G.S. 163-129 to demand and use as a~~
25 ~~voting place.~~ Every individual staffing any of those sites shall be a member or full-time
26 employee of the county board of elections or an employee of the county board of
27 elections whom the board has given training equivalent to that given a full-time
28 employee. Those sites must be approved by the State Board of Elections as part of a
29 Plan for Implementation approved by both the county board of elections and by the
30 State Board of Elections which shall also provide adequate security of the ballots and
31 provisions to avoid allowing persons to vote who have already voted. The Plan for
32 Implementation shall include a provision for the presence of political party observers at
33 each one-stop site equivalent to the provisions in G.S. 163-45 for party observers at
34 voting places on election day. A county board of elections may propose in its Plan not
35 to offer one-stop voting at the county board of elections office; the State Board may
36 approve that proposal in a Plan only if the Plan includes at least one site reasonably
37 proximate to the county board of elections office and the State Board finds that the sites
38 in the Plan as a whole provide adequate coverage of the county's electorate. If a county
39 board of elections has considered a proposed Plan or Plans for Implementation and has
40 been unable to reach unanimity in favor of a Plan, a member or members of that county
41 board of elections may petition the State Board of Elections to adopt a plan for it. If
42 petitioned, the State Board may also receive and consider alternative petitions from
43 another member or members of that county board. The State Board of Elections may
44 adopt a Plan for that county. The State Board, in that plan, shall take into consideration

1 factors including geographic, demographic, and partisan interests of that county. The
2 State Board of Elections shall not approve, either in a Plan approved unanimously by a
3 county board of elections or in an alternative Plan proposed by a member or members of
4 that board, a one-stop site in a building that the county board of elections is not entitled
5 under G.S. 163-129 to demand and use as an election-day voting place, unless the State
6 Board of Elections finds that other equally suitable sites were not available and that the
7 use of the sites chosen will not unfairly advantage or disadvantage geographic,
8 demographic, or partisan interests of that county."

9 **SECTION 34.(b)** This section becomes effective January 1, 2008.

10 **SECTION 35.(a)** G.S. 163-278.11(a1) reads as rewritten:

11 "(a1) Threshold for Reporting Identity of Contributor. – A treasurer shall not be
12 required to report the name, address, or principal occupation of any individual ~~resident~~
13 ~~of the State~~ who contributes fifty dollars (\$50.00) or less to the treasurer's committee
14 during an election as defined in G.S. 163-278.13. The State Board of Elections shall
15 provide on its reporting forms for the reporting of contributions below that threshold.
16 On those reporting forms, the State Board may require date and amount of contributions
17 below the threshold, but may treat differently for reporting purposes contributions
18 below the threshold that are made in different modes and in different settings."

19 **SECTION 35.(b)** If Senate Bill 488 of the 2007 Session of the General
20 Assembly becomes law, Section 2-8 of the Charter of the Town of Carrboro, being
21 Chapter 476 of the 1987 Session Laws, as amended by Senate Bill 488 of the 2007
22 Session of the General Assembly, is rewritten to read:

23 "Section. 2-8. **Disclosure of contributors.** (a) The town may by ordinance require
24 the disclosure by candidates (and their political committees) for elective town office of
25 the names of all individuals who contribute more than twenty dollars (\$20.00) per
26 election to their campaigns. For purposes of this section, "election" is as defined in
27 G.S. 163-278.13. The ordinance may exempt from disclosure contributions below a
28 monetary amount set in the ordinance. The ordinance may not set a threshold for
29 disclosure higher than the dollar amount set in the general law which would apply to
30 elective office in the town.

31 (b) The ordinance shall apply regardless of the total amount of contributions,
32 loans, or expenditures by the campaigns.

33 (c) G.S. 163-278.10A does not apply to municipal elections in the Town of
34 Carrboro."

35 **SECTION 36.** G.S. 163-278.13 is amended by adding new subsections to
36 read:

37 "(d1) Notwithstanding subsections (a) and (b) of this section, a candidate or
38 political committee may accept a contribution knowing that the contribution is to be
39 reimbursed to the entity making the contribution if all of the following conditions are
40 met:

41 (1) The entity submits sufficient information of the contribution to the
42 candidate or political committee for reimbursement within 45 days of
43 the contribution.

1 (2) The candidate or political committee makes a reimbursement to the
2 entity making the contribution within seven days of submission of
3 sufficient information.

4 (3) The candidate or political committee indicates on its report under
5 G.S. 163-278.11 that the good, service, or other item resulting in the
6 reimbursement is an expenditure of the candidate or political
7 committee, and notes if the contribution was by credit card.

8 (d2) Any contribution, or portion thereof, made under subsection (d1) of this
9 section that is not submitted for reimbursement in accordance with subsection (d1) of
10 this section shall be treated as a contribution for purposes of this section. Any
11 contribution, or portion thereof, made under subsection (d1) of this section that is not
12 reimbursed in accordance with subsection (d1) of this section shall be treated as a
13 contribution for purposes of this section."

14 **SECTION 37.** G.S. 163-278.34(b) reads as rewritten:

15 "(b) ~~Civil Penalties for Illegal Contributions.~~ Contributions and Expenditures. – If
16 an individual, person, political committee, referendum committee, candidate, or other
17 entity intentionally makes or accepts a contribution or makes an illegal expenditure in
18 violation of this Article, then that entity shall pay to the State Board of Elections, in an
19 amount to be determined by that Board, a civil penalty and the costs of investigation,
20 assessment, and collection. The civil penalty shall not exceed three times the amount of
21 the unlawful contribution or expenditure involved in the violation. The State Board of
22 Elections may, in addition to the civil penalty, order that the amount unlawfully
23 received be paid to the State Board by check, and any money so received by the State
24 Board shall be deposited in the Civil Penalty and Forfeiture Fund of North Carolina."

25 **SECTION 38.** G.S. 163-285 is amended by adding a new subsection to read:

26 "(d) All election results of elections held under this Article shall be reported to the
27 State Board within 30 days of the certification of the election."

28 **SECTION 39.** Except as otherwise provided in this act, this act is effective
29 when it becomes law.