

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 451

Short Title: Election Omnibus. (Public)

Sponsors: Representative Starnes (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Elections, if favorable, Finance.

March 28, 2013

A BILL TO BE ENTITLED

AN ACT TO RESTORE PARTISAN JUDICIAL ELECTIONS, TO CHANGE THE EARLY VOTING PERIOD, TO CHANGE THE ORDER OF PARTIES ON THE BALLOT, TO ELIMINATE STRAIGHT-PARTY VOTING, TO ELIMINATE SAME-DAY VOTER REGISTRATION, AND TO ALLOW FLEXIBILITY IN APPLYING FOR ABSENTEE BALLOTS.

The General Assembly of North Carolina enacts:

PART I. PARTISAN JUDICIAL ELECTIONS

SECTION 1.1. Subchapter X (Article 25) of Chapter 163 of the General Statutes is repealed.

SECTION 1.2. G.S. 163-106(c) reads as rewritten:

"(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the State Board of Elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the last business day in February preceding the primary:

Governor

Lieutenant Governor

All State executive officers

Justices of the Supreme Court

Judges of the Court of Appeals

Judges of the superior courts

Judges of the district courts

United States Senators

Members of the House of Representatives of the United States

District attorneys

Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the county board of elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the last business day in February preceding the primary:

State Senators

Members of the State House of Representatives

All county offices."

SECTION 1.3. G.S. 163-106(f) reads as rewritten:



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1 (f) Candidates required to file their notice of candidacy with the State Board of
2 Elections under subsection (c) of this section shall file along with their notice a certificate
3 signed by the chairman of the board of elections or the director of elections of the county in
4 which they are registered to vote, stating that the person is registered to vote in that county, if
5 the candidacy is for superior court judge and the county contains more than one superior court
6 district, stating the superior court district of which the person is a resident, stating the party
7 with which the person is affiliated, and that the person has not changed his affiliation from
8 another party or from unaffiliated within three months prior to the filing deadline under
9 subsection (c) of this section. In issuing such certificate, the chairman or director shall check
10 the registration records of the county to verify such information. During the period
11 commencing 36 hours immediately preceding the filing deadline the State Board of Elections
12 shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed to
13 secure the verification ordered herein subject to receipt of verification no later than three days
14 following the filing deadline. The State Board of Elections shall prescribe the form for such
15 certificate, and distribute it to each county board of elections no later than the last Monday in
16 December of each odd-numbered year."

17 **SECTION 1.4.** G.S. 163-106.1 is amended by adding a new subsection to read:

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

25 **SECTION 1.5.** G.S. 163-107.1(b) reads as rewritten:

26 (b) If the candidate is seeking the office of United States Senator, Governor, Lieutenant
27 Governor, or any State executive officer, the petition must be signed by 10,000 registered
28 voters who are members of the political party in whose primary the candidate desires to run,
29 except that in the case of a political party as defined by G.S. 163-96(a)(2) which will be making
30 nominations by primary election, the petition must be signed by ten percent (10%) of the
31 registered voters of the State who are affiliated with the same political party in whose primary
32 the candidate desires to run, or in the alternative, the petition shall be signed by no less than
33 10,000 registered voters regardless of the voter's political party affiliation, whichever
34 requirement is greater. If the office is superior court judge or district court judge, the petition
35 shall be signed by ten percent (10%) of the registered voters of the election area in which the
36 office will be voted for.

37 The petition must be filed with the State Board of Elections not later than 12:00 noon on
38 Monday preceding the filing deadline before the primary in which he seeks to run. The names
39 on the petition shall be verified by the board of elections of the county where the signer is
40 registered, and the petition must be presented to the county board of elections at least 15 days
41 before the petition is due to be filed with the State Board of Elections. When a proper petition
42 has been filed, the candidate's name shall be printed on the primary ballot."

43 **SECTION 1.6.** G.S. 163-106(d) reads as rewritten:

44 (d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any primary in
45 which there are two or more vacancies for associate justices for the Supreme Court, two or
46 more vacancies for the Court of Appeals, two or more vacancies for district court judge, or two
47 vacancies for United States Senator from North Carolina, each candidate shall, at the time of
48 filing notice of candidacy, file with the State Board of Elections a written statement designating
49 the vacancy to which he–that candidate seeks nomination. A person seeking election for a
50 specialized district judgeship established under G.S. 7A-147 shall, at the time of filing notice of
51 candidacy, file with the State Board of Elections a written statement designating the specialized

1 judgeship to which the person seeks nomination. Votes cast for a candidate shall be effective
 2 only for ~~his~~ nomination to the vacancy for which ~~he~~ that candidate has given notice of
 3 candidacy as provided in this subsection."

4 **SECTION 1.7.** G.S. 163-107(a) reads as rewritten:

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

9 Office Sought	Amount of Filing Fee
10 Governor	One percent (1%) of the annual salary of the 11 office sought
12 Lieutenant Governor	One percent (1%) of the annual salary of the 13 office sought
14 All State executive offices	One percent (1%) of the annual salary of the 15 office sought
16 All <u>Justices, Judges, and</u> 17 District Attorneys of the General 18 Court of Justice	One percent (1%) of the annual salary of the office sought
19 United States Senator	One percent (1%) of the annual salary of the 20 office sought
21 Members of the United States House 22 of Representatives	One percent (1%) of the annual salary of the office sought
23 State Senator	One percent (1%) of the annual salary of the 24 office sought
25 Member of the State House of 26 Representatives	One percent (1%) of the annual salary of the office sought
27 All county offices not compensated by fees	One percent (1%) of the annual salary of the 28 office sought
29 All county offices compensated partly 30 by salary and partly by fees	One percent (1%) of the first annual salary to be received (exclusive of fees)

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

35 **SECTION 1.8.** G.S. 163-107.1(c) reads as rewritten:

36 "(c) County, Municipal and District Primaries. – If the candidate is seeking one of the
 37 offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this section, or a
 38 municipal or any other office requiring a partisan primary which is not set forth in
 39 G.S. 163-106(c) or (d), ~~he~~ the candidate shall file a written petition with the appropriate board
 40 of elections no later than 12:00 noon on Monday preceding the filing deadline before the
 41 primary. The petition shall be signed by ten percent (10%) of the registered voters of the
 42 election area in which the office will be voted for, who are affiliated with the same political
 43 party in whose primary the candidate desires to run, or in the alternative, the petition shall be
 44 signed by no less than 200 registered voters regardless of said voter's political party affiliation,
 45 whichever requirement is greater. The board of elections shall verify the names on the petition,
 46 and if the petition is found to be sufficient, the candidate's name shall be printed on the
 47 appropriate primary ballot. Petitions for candidates for member of the U.S. House of
 48 Representatives, District Attorney, judge of the superior court, judge of the district court, and
 49 members of the State House of Representatives from multi-county districts or members of the
 50 State Senate from multi-county districts must be presented to the county board of elections for
 51 verification at least 15 days before the petition is due to be filed with the State Board of

1 Elections, and such petition must be filed with the State Board of Elections no later than 12:00
 2 noon on Monday preceding the filing deadline. The State Board of Elections may adopt rules to
 3 implement this section and to provide standard petition forms."

4 **SECTION 1.9.** G.S. 163-111(c)(1) reads as rewritten:

5 "(c) Procedure for Requesting Second Primary.

6 (1) A candidate who is apparently entitled to demand a second primary,
 7 according to the unofficial results, for one of the offices listed below, and
 8 desiring to do so, shall file a request for a second primary in writing with the
 9 Executive Director of the State Board of Elections no later than 12:00 noon
 10 on the ninth day (including Saturdays and Sundays) following the date on
 11 which the primary was conducted, and such request shall be subject to the
 12 certification of the official results by the State Board of Elections. If the vote
 13 certification by the State Board of Elections determines that a candidate who
 14 was not originally thought to be eligible to call for a second primary is in
 15 fact eligible to call for a second primary, the Executive Director of the State
 16 Board of Elections shall immediately notify such candidate and permit him
 17 to exercise any options available to him within a 48-hour period following
 18 the notification:

- 19 Governor,
- 20 Lieutenant Governor,
- 21 All State executive officers,
- 22 Justices, Judges, or District Attorneys of the General Court of Justice,
- 23 United States Senators,
- 24 Members of the United States House of Representatives,
- 25 State Senators in multi-county senatorial districts, and
- 26 Members of the State House of Representatives in multi-county
 27 representative districts."

28 **SECTION 1.10.** G.S. 163-114 reads as rewritten:

29 **"§ 163-114. Filling vacancies among party nominees occurring after nomination and**
 30 **before election.**

31 If any person nominated as a candidate of a political party for one of the offices listed
 32 below (either in a primary or convention or by virtue of having no opposition in a primary)
 33 dies, resigns, or for any reason becomes ineligible or disqualified before the date of the ensuing
 34 general election, the vacancy shall be filled by appointment according to the following
 35 instructions:

36 Position	
37 President	Vacancy is to be filled by appointment of
38 Vice President	national executive committee of
	political party in which vacancy occurs
39 Presidential elector or alternate elector	Vacancy is to be filled by appointment of
40 Any elective State office	State executive committee of political
41 United States Senator	party in which vacancy occurs
42 A district office, including:	Appropriate district executive committee of
43 Member of the United States House	political party in which vacancy occurs
44 of Representatives	
45 <u>Judge of district court</u>	
46 District Attorney	
47 State Senator in a multi-county	
48 senatorial district	
49 Member of State House of	
50 Representatives in a multi-county	
51	

<p>1 representative district 2 State Senator in a single-county 3 senatorial district 4 Member of State House of 5 Representatives in a single-county 6 representative district 7 Any elective county office 8 9 10 11 <u>Judge of superior court in a</u> 12 <u>single-county judicial</u> 13 <u>district where the district</u> 14 <u>is the whole county or part</u> 15 <u>of the county</u> 16 17 18 19 20 21 22 23 24 <u>Judge of superior court in a</u> 25 <u>multicounty judicial</u> 26 <u>district</u> 27</p>	<p>County executive committee of political party in which vacancy occurs, provided, in the case of the State Senator or State Representative in a single-county district where not all the county is located in that district, then in voting, only those members of the county executive committee who reside within the district shall vote <u>County executive committee</u> <u>of political party in</u> <u>which vacancy occurs;</u> <u>provided, in the case of</u> <u>a superior court judge in a</u> <u>single-county district where</u> <u>not all the county is</u> <u>located in that district,</u> <u>then in voting, only those</u> <u>members of the county</u> <u>executive committee who</u> <u>reside within the</u> <u>district shall vote</u> <u>Appropriate district</u> <u>executive committee of</u> <u>political party in which</u> <u>vacancy occurs.</u></p>
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28 The party executive making a nomination in accordance with the provisions of this section
 29 shall certify the name of its nominee to the chairman of the board of elections, State or county,
 30 that has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is
 31 made under this section the general election ballots have already been printed, the provisions of
 32 G.S.163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that
 33 vacancy arises from a cause other than death and the vacancy in nomination occurs more than
 34 120 days before the general election, the vacancy in nomination may be filled under this section
 35 only if the appropriate executive committee certifies the name of the nominee in accordance
 36 with this paragraph at least 75 days before the general election.

37 In a county which is partly in a multicounty judicial district, in choosing that county's
 38 member or members of the judicial district executive committee for the multicounty district,
 39 only the county convention delegates or county executive committee members who reside
 40 within the area of the county which is within that multicounty district may vote.

41 In a county not all of which is located in one congressional district, in choosing the
 42 congressional district executive committee member or members from that area of the county,
 43 only the county convention delegates or county executive committee members who reside
 44 within the area of the county which is within the congressional district may vote.

45 In a county which is partly in a multi-county senatorial district or which is partly in a
 46 multi-county House of Representatives district, in choosing that county's member or members
 47 of the senatorial district executive committee or House of Representatives district executive
 48 committee for the multi-county district, only the county convention delegates or county
 49 executive committee members who reside within the area of the county which is within that
 50 multi-county district may vote.

1 An individual whose name appeared on the ballot in a primary election preliminary to the
2 general election shall not be eligible to be nominated to fill a vacancy in the nomination of
3 another party for the same office in the same year."

4 **SECTION 1.11.** G.S. 138A-22(d) reads as rewritten:

5 "(d) A candidate for an office subject to this Article shall file the statement of economic
6 interest at the same place and in the same manner as the notice of candidacy for that office is
7 required to be filed under G.S. 163-106 ~~or G.S. 163-323~~ within 10 days of the filing deadline
8 for the office the candidate seeks. An individual who is nominated under G.S. 163-114 after the
9 primary and before the general election, and an individual who qualifies under G.S. 163-122 as
10 an unaffiliated candidate in a general election, shall file a statement of economic interest with
11 the county board of elections of each county in the senatorial or representative district. An
12 individual nominated under G.S. 163-114 shall file the statement within three days following
13 the individual's nomination, or not later than the day preceding the general election, whichever
14 occurs first. An individual seeking to qualify as an unaffiliated candidate under G.S. 163-122
15 shall file the statement of economic interest with the petition filed under that section. An
16 individual seeking to have write-in votes counted for that individual in a general election shall
17 file a statement of economic interest at the same time the candidate files a declaration of intent
18 under G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of
19 economic interest at the same time that the president of the convention certifies the names of its
20 candidates to the State Board of Elections under G.S. 163-98."

21 **SECTION 1.12.** G.S. 163-22.3 reads as rewritten:

22 **"§ 163-22.3. State Board of Elections littering notification.**

23 At the time an individual files with the State Board of Elections a notice of candidacy
24 pursuant to G.S. 163-106, 163-112, 163-291, ~~163-294.2, or 163-323,~~ or 163-294.2, is certified
25 to the State Board of Elections by a political party executive committee to fill a nomination
26 vacancy pursuant to G.S. 163-114, is certified to the State Board of Elections by a new political
27 party as that party's nominee pursuant to G.S. 163-98, qualifies with the State Board of
28 Elections as an unaffiliated or write-in candidate pursuant to Article 11 of this Chapter, or
29 formally initiates a candidacy with the State Board of Elections pursuant to any statute or local
30 act, the State Board of Elections shall notify the candidate of the provisions concerning
31 campaign signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the Department of
32 Transportation pursuant to G.S. 136-18."

33 **SECTION 1.13.** G.S. 163-82.10B reads as rewritten:

34 **"§ 163-82.10B. Confidentiality of date of birth.**

35 Boards of elections shall keep confidential the date of birth of every voter-registration
36 applicant and registered voter, except in the following situations:

- 37 (1) When a voter has filed notice of candidacy for elective office under
38 G.S. 163-106, 163-122, 163-123, or 163-294.2, ~~or 163-323,~~ has been
39 nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has
40 otherwise formally become a candidate for elective office. The exception of
41 this subdivision does not extend to an individual who meets the definition of
42 "candidate" only by beginning a tentative candidacy by receiving funds or
43 making payments or giving consent to someone else to receive funds or
44 transfer something of value for the purpose of exploring a candidacy.
- 45 (2) When a voter is serving in an elective office.
- 46 (3) When a voter has been challenged pursuant to Article 8 of this Chapter.
- 47 (4) When a voter-registration applicant or registered voter expressly authorizes
48 in writing the disclosure of that individual's date of birth.

49 The disclosure of an individual's age does not constitute disclosure of date of birth in
50 violation of this section.

1 The county board of elections shall give precinct officials access to a voter's date of birth
 2 where necessary for election administration, consistent with the duty to keep dates of birth
 3 confidential.

4 Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of
 5 action. This limitation of liability does not apply to the disclosure of a date of birth in violation
 6 of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing
 7 that would otherwise be actionable."

8 **SECTION 1.14.** G.S. 163-165.5(3) reads as rewritten:

9 **"§ 163-165.5. Contents of official ballots.**

10 Each official ballot shall contain all the following elements:

11 ...

- 12 (3) The names of the candidates as they appear on their notice of candidacy filed
 13 pursuant to G.S. 163-106 ~~or G.S. 163-323~~, or on petition forms filed in
 14 accordance with G.S. 163-122. No title, appendage, or appellation indicating
 15 rank, status, or position shall be printed on the official ballot in connection
 16 with the candidate's name. Candidates, however, may use the title Mr., Mrs.,
 17 Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the
 18 notice of candidacy or qualifying petition, but the nickname shall appear
 19 according to standards adopted by the State Board of Elections. Those
 20 standards shall allow the presentation of legitimate nicknames in ways that
 21 do not mislead the voter or unduly advertise the candidacy. In the case of
 22 candidates for presidential elector, the official ballot shall not contain the
 23 names of the candidates for elector but instead shall contain the nominees for
 24 President and Vice President which the candidates for elector represent. The
 25 State Board of Elections shall establish a review procedure that local boards
 26 of elections shall follow to ensure that candidates' names appear on the
 27 official ballot in accordance with this subdivision.

28"

29 **SECTION 1.15.** G.S. 163-278.100(1) reads as rewritten:

30 **"§ 163-278.100. Definitions.**

31 As used in this Article, the following terms have the following definitions:

- 32 (1) The term "candidate-specific communication" means any broadcast, cable,
 33 or satellite communication that has all the following characteristics:
 34 a. Refers to a clearly identified candidate for a statewide office or the
 35 General Assembly.
 36 b. Is aired in an even-numbered year after the final date on which a
 37 Notice of Candidacy can be filed for the office, pursuant to
 38 ~~G.S. 163-106(e) or G.S. 163-323~~, G.S. 163-106(c), and through the
 39 day on which the general election is conducted, excluding the time
 40 period set in the definition for "electioneering communication" in
 41 G.S. 163-278.80(2)b.
 42 c. Is targeted to the relevant electorate.

43"

44 **SECTION 1.16.** G.S. 163-278.110(1) reads as rewritten:

45 **"§ 163-278.110. Definitions.**

46 As used in this Article, the following terms have the following definitions:

- 47 (1) The term "candidate-specific communication" means any mass mailing or
 48 telephone bank that has all the following characteristics:
 49 a. Refers to a clearly identified candidate for a statewide office or the
 50 General Assembly.

- 1 b. Is transmitted in an even-numbered year after the final date on which
2 a Notice of Candidacy can be filed for the office, pursuant to
3 ~~G.S. 163-106(e) or G.S. 163-323, G.S. 163-106(c)~~, and through the
4 day on which the general election is conducted, excluding the time
5 period set in the definition for "electioneering communication" in
6 G.S. 163-278.90(2)b.
- 7 c. Is targeted to the relevant electorate.

8 "

9 **SECTION 1.17.** G.S. 163-1(b) reads as rewritten:

10 "(b) On Tuesday next after the first Monday in May preceding each general election to
11 be held in November for the officers referred to in subsection (a) of this section, there shall be
12 held in all election precincts within the territory for which the officers are to be elected a
13 primary election for the purpose of nominating candidates for each political party in the State
14 for those ~~offices, and nonpartisan candidates as to offices elected under the provisions of~~
15 Article 25 of this Chapter, offices."

16 **SECTION 1.18.** G.S. 163-122(c) is repealed.

17 **SECTION 1.19.** G.S. 163-123(g) reads as rewritten:

18 "(g) Municipal and Nonpartisan Elections Excluded. – This section does not apply to
19 municipal elections conducted under Subchapter IX of Chapter 163 of the General Statutes, and
20 does not apply to nonpartisan elections. ~~elections except for elections under Article 25 of this~~
21 Chapter."

22 **SECTION 1.20.** G.S. 163-278.64(c) reads as rewritten:

23 "(c) Certification of Candidates. – Upon receipt of a submittal of the record of
24 demonstrated support by a participating candidate, the Board shall determine whether or not the
25 candidate has complied with all the following requirements:

- 26 (1) Signed and filed a declaration of intent to participate in this Article.
27 (2) Submitted a report itemizing the appropriate number of qualifying
28 contributions received from registered voters, which the Board shall verify
29 through a random sample or other means it adopts. The report shall include
30 the county of residence of each registered voter listed.
31 (3) Filed a valid notice of candidacy pursuant to Article ~~25~~10 of this
32 ~~Chapter~~. Chapter, a valid petition or declaration of intent under Article 11 of
33 this Chapter, or is nominated under G.S. 163-98.
34 (4) Otherwise met the requirements for participation in this Article.

35 The Board shall certify candidates complying with the requirements of this section as soon
36 as possible and no later than five business days after receipt of a satisfactory record of
37 demonstrated support."

38 **SECTION 1.21.** G.S. 163-278.64A is repealed.

39 **SECTION 1.22.** G.S. 105-159.2(b) reads as rewritten:

40 "(b) Returns. – Individual income tax returns must give an individual an opportunity to
41 agree to the allocation of three dollars (\$3.00) of the individual's tax liability to the North
42 Carolina Public Campaign Fund. The Department must make it clear to the taxpayer that the
43 dollars ~~will support a nonpartisan court system, that the dollars will go to the Fund if the~~
44 taxpayer marks an agreement, and that allocation of the dollars neither increases nor decreases
45 the individual's tax liability. The following statement must be used to meet this requirement:
46 "Mark 'Yes' if you want to designate \$3 of taxes to this special Fund for voter education
47 materials and for candidates who accept spending limits. Marking 'Yes' does not change your
48 tax or refund." The Department must consult with the State Board of Elections to ensure that
49 the information given to taxpayers complies with the intent of this section.

50 The Department must inform the entities it approves to reproduce the return that they must
51 comply with the requirements of this section and that a return may not reflect an agreement or

1 objection unless the individual completing the return decided to agree or object after being
2 presented with the statement required by subsection (b) of this section and, as available
3 background information or instructions, the information required by subsection (c) of this
4 section. No software package used in preparing North Carolina income tax returns may default
5 to an agreement or objection. A paid preparer of tax returns may not mark an agreement or
6 objection for a taxpayer without the taxpayer's consent."

7 **SECTION 1.23.(a)** G.S. 84-34 reads as rewritten:

8 "**§ 84-34. Membership fees and list of members.**

9 Every active member of the North Carolina State Bar shall, prior to the first day of July of
10 each year, pay to the secretary-treasurer an annual membership fee in an amount determined by
11 the Council but not to exceed ~~three hundred dollars (\$300.00), plus a surcharge of fifty dollars~~
12 ~~(\$50.00) for the implementation of Article 22D of Chapter 163 of the General Statutes, three~~
13 hundred dollars (\$300.00) and every member shall notify the secretary-treasurer of the
14 member's correct mailing address. Any member who fails to pay the required dues by the last
15 day of June of each year shall be subject to a late fee in an amount determined by the Council
16 but not to exceed thirty dollars (\$30.00). All dues for prior years shall be as were set forth in
17 the General Statutes then in effect. The membership fee shall be regarded as a service charge
18 for the maintenance of the several services authorized by this Article, and shall be in addition to
19 all fees required in connection with admissions to practice, and in addition to all license taxes
20 required by law. The fee shall not be prorated: Provided, that no fee shall be required of an
21 attorney licensed after this Article shall have gone into effect until the first day of January of
22 the calendar year following that in which the attorney was licensed; but this proviso shall not
23 apply to attorneys from other states admitted on certificate. The fees shall be disbursed by the
24 secretary-treasurer on the order of the Council. ~~The fifty dollar (\$50.00) surcharge shall be sent~~
25 ~~on a monthly schedule to the State Board of Elections.~~ The secretary-treasurer shall annually, at
26 a time and in a law magazine or daily newspaper to be prescribed by the Council, publish an
27 account of the financial transactions of the Council in a form to be prescribed by it. The
28 secretary-treasurer shall compile and keep currently correct from the names and mailing
29 addresses forwarded to the secretary-treasurer and from any other available sources of
30 information a list of members of the North Carolina State Bar and furnish to the clerk of the
31 superior court in each county, not later than the first day of October in each year, a list showing
32 the name and address of each attorney for that county who has not complied with the provisions
33 of this Article. The name of each of the active members who are in arrears in the payment of
34 membership fees shall be furnished to the presiding judge at the next term of the superior court
35 after the first day of October of each year, by the clerk of the superior court of each county
36 wherein the member or members reside, and the court shall thereupon take action that is
37 necessary and proper. The names and addresses of attorneys so certified shall be kept available
38 to the public. The Secretary of Revenue is hereby directed to supply the secretary-treasurer,
39 from records of license tax payments, with any information for which the secretary-treasurer
40 may call in order to enable the secretary-treasurer to comply with this requirement.

41 The list submitted to several clerks of the superior court shall also be submitted to the
42 Council at its October meeting of each year and it shall take the action thereon that is necessary
43 and proper."

44 **SECTION 1.23.(b)** Article 22D of Chapter 163 of the General Statutes is repealed.

45 **SECTION 1.23.(c)** G.S. 163-278.5 reads as rewritten:

46 "**§ 163-278.5. Scope of Article; severability.**

47 The provisions of this Article apply to primaries and elections for North Carolina offices
48 and to North Carolina referenda and do not apply to primaries and elections for federal offices
49 or offices in other States or to non-North Carolina referenda. Any provision in this Article that
50 regulates a non-North Carolina entity does so only to the extent that the entity's actions affect
51 elections for North Carolina offices or North Carolina referenda.

1 The provisions of this Article are severable. If any provision is held invalid by a court of
2 competent jurisdiction, the invalidity does not affect other provisions of the Article that can be
3 given effect without the invalid provision.

4 This section applies to Articles 22B, ~~22D~~, 22E, 22F, 22G, 22H, 22J, and 22M of the
5 General Statutes to the same extent that it applies to this Article."

6 **SECTION 1.23.(d)** G.S. 163-278.13(e) reads as rewritten:

7 "(e) Except as provided in subsections ~~(e2)~~, ~~(e3)~~, ~~(e3)~~ and (e4) of this section, this
8 section shall not apply to any national, State, district or county executive committee of any
9 political party. For the purposes of this section only, the term "political party" means only those
10 political parties officially recognized under G.S. 163-96."

11 **SECTION 1.23.(e)** Any unexpended funds from the tax on attorneys under
12 G.S. 163-278.63(b)(7) and G.S. 84-34 shall be refunded pro rata.

13 **SECTION 1.24.** Section 1.23(e) of this act shall become effective July 1, 2013.
14

15 PART II. EARLY VOTING PERIOD

16 **SECTION 2.1.** G.S. 163-227.2(b) reads as rewritten:

17 "(b) Not earlier than the ~~third~~second Thursday before an election, in which absentee
18 ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last
19 Saturday before that election, the voter shall appear in person only at the office of the county
20 board of elections, except as provided in subsection (g) of this section. A county board of
21 elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M.
22 and may conduct it until 5:00 P.M. on that Saturday. A board of elections may not conduct
23 one-stop voting on Sunday. That voter shall enter the voting enclosure at the board office
24 through the appropriate entrance and shall at once state his or her name and place of residence
25 to an authorized member or employee of the board. In a primary election, the voter shall also
26 state the political party with which the voter affiliates and in whose primary the voter desires to
27 vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party
28 under G.S. 163-119, the voter shall state the name of the authorizing political party in whose
29 primary he wishes to vote. The board member or employee to whom the voter gives this
30 information shall announce the name and residence of the voter in a distinct tone of voice.
31 After examining the registration records, an employee of the board shall state whether the
32 person seeking to vote is duly registered. If the voter is found to be registered that voter may
33 request that the authorized member or employee of the board furnish the voter with an
34 application form as specified in G.S. 163-227. The voter shall complete the application in the
35 presence of the authorized member or employee of the board, and shall deliver the application
36 to that person."
37

38 PART III. BALLOT ORDER.

39 **SECTION 3.1.** G.S. 163-165.6(d) reads as rewritten:

40 "(d) Order of Party Candidates on General Election Official Ballot. – Candidates in any
41 ballot item on a general election official ballot shall appear in the following order:

- 42 (1) Nominees of political parties that reflect at least five percent (5%) of
43 statewide voter registration, according to the most recent statistical report
44 published by the State Board of Elections, first with the party with which the
45 Governor was affiliated when elected, then for other parties in alphabetical
46 order by party and in alphabetical order within the party.
- 47 (2) Nominees of other political parties, in alphabetical order by party and in
48 alphabetical order within the party.
- 49 (3) Unaffiliated candidates, in alphabetical order."
50

51 PART IV. ELIMINATE STRAIGHT-PARTY VOTING.

1 **SECTION 4.1.** G.S. 163-165.6(e) reads as rewritten:

2 "(e) No Straight-Party Voting. – Each official ballot shall not contain any place that
3 allows a voter with one mark to vote for the candidates of a party for more than one office. ~~be~~
4 ~~arranged so that the voter may cast one vote for a party's nominees for all offices except~~
5 ~~President and Vice President. A vote for President and Vice President shall be cast separately~~
6 ~~from a straight party vote. The official ballot shall be prepared so that a voter may cast a~~
7 ~~straight party vote, but then make an exception to that straight party vote by voting for a~~
8 ~~candidate not nominated by that party or by voting for fewer than all the candidates nominated~~
9 ~~by that party. Instructions for general election ballots shall clearly advise voters of the rules in~~
10 ~~this subsection and of the statutes providing for the counting of ballots."~~

11 **SECTION 4.2.** G.S. 163-182.1(a)(7) is repealed.

12
13 PART V. ELIMINATE SAME-DAY REGISTRATION

14 **SECTION 5.1.** G.S. 163-82.6(c) reads as rewritten:

15 "(c) Registration Deadlines for a Primary or Election. – In order to be valid for a primary
16 or election, ~~except as provided in G.S. 163-82.6A,~~ election the form:

- 17 (1) If submitted by mail, must be postmarked at least 25 days before the primary
18 or election, except that any mailed application on which the postmark is
19 missing or unclear is validly submitted if received in the mail not later than
20 20 days before the primary or election,
21 (2) If submitted in person, by facsimile transmission, or by transmission of a
22 scanned document, must be received by the county board of elections by a
23 time established by that board, but no earlier than 5:00 P.M., on the
24 twenty-fifth day before the primary or election,
25 (3) If submitted through a delegatee who violates the duty set forth in subsection
26 (a) of this section, must be signed by the applicant and given to the delegatee
27 not later than 25 days before the primary or election, except as provided in
28 subsection (d) of this section."

29 **SECTION 5.2.** G.S. 163-82.6A is repealed.

30 **SECTION 5.3.** G.S. 163-166.12(b2) reads as rewritten:

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

44 **SECTION 5.4.** G.S. 163-227.2(a) reads as rewritten:

45 "(a) Any voter eligible to vote by absentee ballot under G.S. 163-226 may request an
46 application for absentee ballots, complete the application, and vote under the provisions of this
47 section ~~and of G.S. 163-82.6A, as applicable.~~ section."

48
49 PART VI. ABSENTEE BALLOT REQUEST FLEXIBILITY

50 **SECTION 6.1.** G.S. 163-230.2 reads as rewritten:

51 "**§ 163-230.2. Method of requesting absentee ballots.**

1 (a) Valid Types of Written Requests. – A written request for an absentee ballot as
2 required by G.S. 163-230.1 is valid only if it is ~~written entirely by the requester personally, or~~
3 ~~is on a form generated by the county board of elections and signed by the requester. The county~~
4 ~~board of elections shall issue a request form only to the voter seeking to vote by absentee ballot~~
5 ~~or to a person authorized by G.S. 163-230.1 to make a request for the voter. If a requester, due~~
6 ~~to disability or illiteracy, is unable to complete a written request, that requester may receive~~
7 ~~assistance in writing that request from an individual of that requester's choice.~~

8 (b) Invalid Types of Written Requests. – A request is not valid if it does not comply
9 with subsection (a) of this section. If a county board of elections receives a request for an
10 absentee ballot that does not comply with subsection (a) of this section, the board shall not
11 issue an application and ballot under G.S. 163-230.1.

12 (c) Rules by State Board. – The State Board of Elections shall adopt rules for the
13 enforcement of this section."

14 **SECTION 7.** Except as provided herein, this act is effective when it becomes law
15 and applies to primaries and elections conducted on or after January 1, 2014.