

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 589

Committee Substitute Favorable 4/17/13

Committee Substitute #2 Favorable 4/18/13

Committee Substitute #3 Favorable 4/23/13

Fifth Edition Engrossed 4/24/13

PROPOSED SENATE COMMITTEE SUBSTITUTE H589-CSST-93 [v.3]

Short Title: VIVA/Election Reform.

(Public)

Sponsors:

Referred to:

April 8, 2013

A BILL TO BE ENTITLED

AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE  
VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL  
PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF  
VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION  
BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO  
CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT  
CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT  
RESTRICTION, AND TO FURTHER REFORM THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

**PART 1. SHORT TITLE**

**SECTION 1.1.** This Parts 1 through 6 of this act shall be known and cited as the  
Voter Information Verification Act.

**PART 2. PHOTO IDENTIFICATION**

**SECTION 2.1.** Article 14A of Chapter 163 of the General Statutes is amended by  
adding a new section to read:

**"§ 163-166.13. Photo identification requirement for voting in person.**

(a) Every qualified voter voting in person in accordance with this Article,  
G.S. 163-227.2, or G.S. 163-182.1A shall present photo identification bearing any reasonable  
resemblance to that voter to a local election official at the voting place before voting, except as  
follows:

- (1) For a registered voter voting curbside, that voter shall present identification  
under G.S. 163-166.9.
- (2) For a registered voter who has a sincerely held religious objection to being  
photographed and has filed a declaration in accordance with G.S. 163-82.7A  
at least 25 days before the election in which that voter is voting in person,  
that voter shall not be required to provide photo identification.
- (3) For a registered voter who is a victim of a natural disaster occurring within  
60 days before election day that resulted in a disaster declaration by the  
President of the United States or the Governor of this State who declares the



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1 lack of photo identification due to the natural disaster on a form provided by  
2 the State Board, that voter shall not be required to provide photo  
3 identification in any county subject to such declaration. The form shall be  
4 available from the State Board of Elections, from each county board of  
5 elections in a county subject to the disaster declaration, and at each polling  
6 place and one-stop early voting site in that county. The voter shall submit the  
7 completed form at the time of voting.

8 (b) Any voter who complies with subsection (a) of this section shall be permitted to  
9 vote.

10 (c) Any voter who does not comply with subsection (a) of this section shall be  
11 permitted to vote a provisional official ballot which shall be counted in accordance with  
12 G.S. 163-182.1A.

13 (d) The local election official to whom the photo identification is presented shall  
14 determine if the photo identification bears any reasonable resemblance to the voter presenting  
15 the photo identification. If it is determined that the photo identification does not bear any  
16 reasonable resemblance to the voter, the local election official shall comply with  
17 G.S. 163-166.14.

18 (e) As used in this section, "photo identification" means any one of the following that  
19 contains a photograph of the registered voter. In addition, the photo identification shall have a  
20 printed expiration date and has not expired, provided that any voter having attained the age of  
21 70 years at the time of presentation at the voting place shall be permitted to present an expired  
22 form of any of the following that was unexpired on the voter's 70th birthday. Notwithstanding  
23 the previous sentence, in the case of identification under subdivisions (4) through (6) of this  
24 subsection, if it does not contain a printed expiration date, it shall be acceptable if it has a  
25 printed issuance date that is not more than eight years before it is presented for voting:

26 (1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the  
27 General Statutes, including a learner's permit or a provisional license.

28 (2) A special identification card for nonoperators issued under G.S. 20-37.7.

29 (3) A United States passport.

30 (4) A United States military identification card, except there is no requirement  
31 that it have a printed expiration date.

32 (5) A Veterans Identification Card issued by the United States Department of  
33 Veterans Affairs for use at Veterans Administration medical facilities.

34 (6) A tribal enrollment card issued by a federally recognized tribe or a tribe  
35 recognized by this State under Chapter 71A of the General Statutes.

36 (7) A drivers license or nonoperators identification card issued by another state,  
37 the District of Columbia, or a territory or commonwealth of the United  
38 States, but only if the voter's voter registration was within 90 days of the  
39 election."

40 **SECTION 2.2.** Article 14A of Chapter 163 of the General Statutes is amended by  
41 adding a new section to read:

42 **"§ 163-166.14. Evaluation of determination of nonreasonable resemblance of photo**  
43 **identification.**

44 (a) Any local election official that determines the photo identification presented by a  
45 voter in accordance with G.S. 163-166.13 does not bear any reasonable resemblance to that  
46 voter shall notify the judges of election of the determination.

47 (b) When notified under subsection (a) of this section, the judges of election present  
48 shall review the photo identification presented and the voter to determine if the photo  
49 identification bears any reasonable resemblance to that voter. The judges of election present  
50 may consider information presented by the voter in addition to the photo identification and  
51 shall construe all evidence presented in a light most favorable to the voter.

1 (c) A voter subject to subsections (a) and (b) of this section shall be permitted to vote  
2 unless the judges of election present unanimously agree that the photo identification presented  
3 does not bear any reasonable resemblance to that voter. The failure of the judges of election  
4 present to unanimously agree that photo identification presented by a voter does not bear any  
5 reasonable resemblance to that voter shall be dispositive of any challenges that may otherwise  
6 be made under G.S. 163-85(c)(10).

7 (d) A voter subject to subsections (a) and (b) of this section shall be permitted to vote a  
8 provisional ballot in accordance with G.S. 163-88.1 if the judges of election present  
9 unanimously agree that the photo identification presented does not bear any reasonable  
10 resemblance to that voter.

11 (e) At any time a voter presents photo identification to a local election official other  
12 than on election day, the county board of elections shall have available to the local election  
13 official judges of election for the review required under subsection (b) of this section,  
14 appointed in the manner as is in Article 5 of this Chapter, except that the individuals (i) may  
15 reside anywhere in the county or (ii) be an employee of the county or the State. Neither the  
16 local election official nor the judges of election may be a county board member. The county  
17 board is not required to have the same judges of election available throughout the time period a  
18 voter may present photo identification other than on election day but shall have at least two  
19 judges, who are not of the same political party affiliation, available at all times during that  
20 period.

21 (f) Any local or State employee appointed to serve as a judge of election may hold that  
22 office in addition to the number permitted by G.S. 128-1.1.

23 (g) The county board of elections shall cause to be made a record of all voters subject to  
24 subsection (c) of this section. The record shall include all of the following:

25 (1) The name and address of the voter.

26 (2) The name of the local election official under subsection (a) of this section.

27 (3) The names and a record of how each judge of election voted under  
28 subsection (b) of this section.

29 (4) The date of the determinations under subsections (a) and (b) of this section.

30 (5) A brief description of the photo identification presented by the voter.

31 (h) For purposes of this section, the term "judges of election" shall have the following  
32 meanings:

33 (1) On election day, the chief judge and judges of election as appointed under  
34 Article 5 of this Chapter.

35 (2) Any time other than on election day, the individuals appointed under  
36 subsection (e) of this section.

37 (i) The State Board shall adopt rules for the administration of this section."

38 **SECTION 2.3.** Article 7A of Chapter 163 of the General Statutes is amended by  
39 adding a new section to read:

40 **"§ 163-82.7A. Declaration of religious objection to photograph.**

41 (a) At the time of approval of the application to register to vote, a voter with a sincerely  
42 held religious objection to being photographed may execute a declaration before an election  
43 official to that effect to be incorporated as part of the official record of voter registration.

44 (b) At any time after the voter has registered to vote that the voter has determined the  
45 voter has a sincerely held religious objection to being photographed, that voter may execute a  
46 declaration before an election official to be incorporated as part of the official record of that  
47 voter's voter registration.

48 (c) At any time after a voter has executed a declaration before an election official under  
49 this section and that voter no longer has a sincerely held religious objection to being  
50 photographed, that voter may request the cancellation of the declaration in writing to the county  
51 board.

1        (d) All declarations under subsections (a) and (b) of this section shall include a  
2 statement by the voter that the voter has a sincerely held religious objection to being  
3 photographed and a requirement for the signature of the voter, which includes a notice that a  
4 false or fraudulent declaration is a Class I felony pursuant to G.S. 163-275(13).

5        (e) The State Board shall adopt rules to establish a standard form for the administration  
6 of this section."

7        **SECTION 2.5.** G.S. 163-166.7(a) reads as rewritten:

8        "(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure  
9 through the appropriate entrance. A precinct official assigned to check registration shall at once  
10 ask the voter to state current name and residence address. The voter shall answer by stating  
11 current name and residence ~~address~~, address and presenting photo identification in accordance  
12 with G.S. 163-166.13. In a primary election, that voter shall also be asked to state, and shall  
13 state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing  
14 party in which the voter wishes to vote. After examination, that official shall state whether that  
15 voter is duly registered to vote in that precinct and shall direct that voter to the voting  
16 equipment or to the official assigned to distribute official ballots. If a precinct official states  
17 that the person is duly registered, the person shall sign the pollbook, other voting record, or  
18 voter authorization document in accordance with subsection (c) of this section before voting."

19        **SECTION 2.6.** G.S. 163-166.9 reads as rewritten:

20        "**§ 163-166.9. Curbside voting.**

21        (a) In any election or referendum, if any qualified voter is able to travel to the voting  
22 place, but because of age or physical disability and physical barriers encountered at the voting  
23 place is unable to enter the voting enclosure to vote in person without physical assistance, that  
24 voter shall be allowed to vote either in the vehicle conveying that voter or in the immediate  
25 proximity of the voting place.

26        (b) Any qualified voter voting under this section shall comply with G.S. 163-166.13(a)  
27 by one of the following means:

28                (1) Presenting photo identification in accordance with G.S. 163-166.13.

29                (2) Presenting a copy of a document listed in G.S. 163-166.12(a)(2).

30        (c) The State Board of Elections shall ~~promulgate~~ adopt rules for the administration of  
31 this section."

32        **SECTION 2.7.** G.S. 163-227.2(b) reads as rewritten:

33        "(b) Not earlier than the third Thursday before an election, in which absentee ballots are  
34 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday  
35 before that election, the voter shall appear in person only at the office of the county board of  
36 elections, except as provided in subsection (g) of this section. A county board of elections shall  
37 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may  
38 conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the  
39 board office through the appropriate entrance and shall at once state his or her name and place  
40 of residence to an authorized member or employee of the ~~board~~, board and present photo  
41 identification in accordance with G.S. 163-166.13. In a primary election, the voter shall also  
42 state the political party with which the voter affiliates and in whose primary the voter desires to  
43 vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party  
44 under G.S. 163-119, the voter shall state the name of the authorizing political party in whose  
45 primary he wishes to vote. The board member or employee to whom the voter gives this  
46 information shall announce the name and residence of the voter in a distinct tone of voice.  
47 After examining the registration records, an employee of the board shall state whether the  
48 person seeking to vote is duly registered. If the voter is found to be registered that voter may  
49 request that the authorized member or employee of the board furnish the voter with an  
50 application form as specified in G.S. 163-227. The voter shall complete the application in the

1 presence of the authorized member or employee of the board, and shall deliver the application  
2 to that person."

3 **SECTION 2.8.** Article 15A of Chapter 163 of the General Statutes is amended by  
4 adding a new section to read:

5 **"§ 163-182.1A. Counting of provisional official ballots cast due to failure to provide photo**  
6 **identification when voting in person.**

7 (a) Unless disqualified for some other reason provided by law, the county board of  
8 elections shall find that a voter's provisional official ballot cast as a result of failing to present  
9 photo identification when voting in person in accordance with G.S. 163-166.13 is valid and  
10 direct that the provisional ballot be opened and counted in accordance with this Chapter if the  
11 voter complies with this section.

12 (b) A voter who casts a provisional official ballot wholly or partly as a result of failing  
13 to present photo identification when voting in person in accordance with G.S. 163-166.13 may  
14 comply with this section by appearing in person at the county board of elections and doing one  
15 of the following:

16 (1) Presenting photo identification as defined in G.S. 163-166.13(e) that bears  
17 any reasonable resemblance to the voter. The local election official to whom  
18 the photo identification is presented shall determine if the photo  
19 identification bears any reasonable resemblance to that voter. If not, that  
20 local election official shall comply with G.S. 163-166.14.

21 (2) Presenting any of the documents listed in G.S. 163-166.12(a)(2) and  
22 declaring that the voter has a sincerely held religious objection to being  
23 photographed. That voter shall also be offered an opportunity to execute a  
24 declaration under G.S. 163-82.7A for future elections.

25 (c) All identification under subsection (b) of this section shall be presented to the  
26 county board of elections not later than 12:00 noon the day prior to the time set for the  
27 convening of the election canvass pursuant to G.S. 163-182.5.

28 (d) If the county board of elections determines that a voter has also cast a provisional  
29 official ballot for a cause other than the voter's failure to provide photo identification in  
30 accordance with G.S. 163-166.13, the county board shall do all of the following:

31 (1) Note on the envelope containing the provisional official ballot that the voter  
32 has complied with the proof of identification requirement.

33 (2) Proceed to determine any other reasons for which the provisional official  
34 ballot was cast provisionally before ruling on the validity of the voter's  
35 provisional official ballot."

36 **SECTION 2.9.** G.S. 163-87 reads as rewritten:

37 **"§ 163-87. Challenges allowed on day of primary or election.**

38 On the day of a primary or election, at the time a registered voter offers to vote, any other  
39 registered voter of the precinct may exercise the right of challenge, and when ~~he~~the voter does  
40 so may enter the voting enclosure to make the challenge, but ~~he~~the voter shall retire therefrom  
41 as soon as the challenge is heard.

42 On the day of a primary or election, any other registered voter of the precinct may  
43 challenge a person for one or more of the following reasons:

44 (1) One or more of the reasons listed in G.S. 163-85(c).

45 (2) That the person has already voted in that primary or election.

46 (3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.

47 (4) If the challenge is made with respect to voting in a partisan primary, that the  
48 person is a registered voter of another political party.

49 (5) The voter does not present photo identification in accordance with  
50 G.S. 163-166.13.

1 The chief judge, judge, or assistant appointed under G.S. 163-41 or 163-42 may enter  
2 challenges under this section against voters in the precinct for which appointed regardless of  
3 the place of residence of the chief judge, judge, or assistant.

4 If a person is challenged under this subsection, and the challenge is sustained under  
5 G.S. 163-85(c)(3), the voter may still transfer ~~his~~that voter's registration under  
6 G.S. 163-82.15(e) if eligible under that section, and the registration shall not be cancelled under  
7 G.S. 163-90.2(a) if the transfer is made. A person who has transferred ~~his~~that voter's  
8 registration under G.S. 163-82.15(e) may be challenged at the precinct to which the registration  
9 is being transferred."

### 11 PART 3. IMPLEMENTATION

12 **SECTION 3.1.** G.S. 20-37.7(d) reads as rewritten:

13 "(d) Expiration and Fee. – A special identification card issued to a person for the first  
14 time under this section expires when a drivers license issued on the same day to that person  
15 would expire. A special identification card renewed under this section expires when a drivers  
16 license renewed by the card holder on the same day would expire.

17 The fee for a special identification card is the same as the fee set in G.S. 20-14 for a  
18 duplicate license. The fee does not apply to a special identification card issued to a resident of  
19 this State as follows:

- 20 (1) ~~who~~The applicant is legally blind, blind.
- 21 (2) The applicant is at least 70 years old, old.
- 22 (3) The applicant is homeless, has been issued a drivers license but the drivers  
23 license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and  
24 (g), as a result of a physical or mental disability or disease.
- 25 (4) The applicant is homeless. To obtain a special identification card without  
26 paying a fee, a homeless person must present a letter to the Division from  
27 the director of a facility that provides care or shelter to homeless persons  
28 verifying that the person is homeless.
- 29 (5) The applicant is registered to vote in this State and does not have photo  
30 identification acceptable under G.S. 163-166.13. To obtain a special  
31 identification card without paying a fee, a registered voter shall sign a  
32 declaration stating the registered voter is registered and does not have other  
33 photo identification acceptable under G.S. 163-166.13. The Division shall  
34 verify that voter registration prior to issuing the special identification card.  
35 Any declaration shall prominently include the penalty under  
36 G.S. 163-275(13) for falsely making the declaration.
- 37 (6) The applicant is appearing before the Division for the purpose of registering  
38 to vote in accordance with G.S. 163-82.19 and does not have other photo  
39 identification acceptable under G.S. 163-166.13. To obtain a special  
40 identification card without paying a fee, that applicant shall sign a  
41 declaration stating that applicant is registering to vote and does not have  
42 other photo identification acceptable under G.S. 163-166.13. Any  
43 declaration shall prominently include the penalty under G.S. 163-275(13) for  
44 falsely making the declaration."

45 **SECTION 3.2.** G.S. 130A-93.1 is amended by adding a new subsection to read:

46 "(c) Upon verification of voter registration, the State Registrar shall not charge any fee  
47 under subsection (a) of this section to a registered voter who signs a declaration stating the  
48 registered voter is registered to vote in this State and does not have a certified copy of that  
49 registered voter's birth certificate or marriage license necessary to obtain photo identification  
50 acceptable under G.S. 163-166.13. Any declaration shall prominently include the penalty under  
51 G.S. 163-275(13) for falsely or fraudulently making the declaration."

1           **SECTION 3.3.** G.S. 161-10(a)(8) reads as rewritten:

2           "(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. –  
3           For furnishing a certified copy of a death or birth certificate or marriage  
4           license ten dollars (\$10.00). Provided however, a ~~Register of Deeds~~register  
5           of deeds, in accordance with G.S. 130A-93, may issue without charge a  
6           certified ~~Birth Certificate~~birth certificate to any person over the age of 62  
7           years. Provided, however, upon verification of voter registration, a register  
8           of deeds, in accordance with G.S. 130A-93, shall issue without charge a  
9           certified copy of a birth certificate or a certified copy of a marriage license to  
10           any registered voter who declares the registered voter is registered to vote in  
11           this State and does not have a certified copy of that registered voter's birth  
12           certificate or marriage license necessary to obtain photo identification  
13           acceptable under G.S. 163-166.13. Any declaration shall prominently  
14           include the penalty under G.S. 163-275(13) for falsely or fraudulently  
15           making the declaration."

16           **SECTION 3.4.** G.S. 163-275(13) reads as rewritten:

17           "(13) For any person falsely to make or present any certificate or other paper to  
18           qualify any person fraudulently as a voter, or to attempt thereby to secure to  
19           any person the privilege of ~~voting~~voting, including declarations made under  
20           this Chapter, G.S. 20-37.7(d)(5), 20-37.7(d)(6), 130A-93.1(c), and  
21           161-10(a)(8):"

#### 22 23 **PART 4. ABSENTEE VOTING**

24           **SECTION 4.1.** G.S. 163-229(b) reads as rewritten:

25           "(b) Application on Container-Return Envelope. – In time for use not later than 60 days  
26           before a statewide general election in an even-numbered year, and not later than 50 days before  
27           a statewide primary, other general election or county bond election, the county board of  
28           elections shall print a sufficient number of envelopes in which persons casting absentee ballots  
29           may transmit their marked ballots to the county board of elections. However, in the case of  
30           municipal elections, sufficient container-return envelopes shall be made available no later than  
31           30 days before an election. Each container-return envelope shall have printed on it an  
32           application which shall be designed and prescribed by the State Board of Elections, providing  
33           for all of the following:

- 34           (1) ~~the~~The voter's certification of eligibility to vote the enclosed ballot and of  
35           having voted the enclosed ballot in accordance with this ~~Article~~,Article.  
36           (2) ~~a~~A space for identification of the envelope with the ~~voter~~,voter and the  
37           voter's signature.  
38           (3) ~~and a~~A space for the identification of the two persons witnessing the casting  
39           of the absentee ballot in accordance with G.S. 163-231, those persons'  
40           signatures, and those persons' addresses.  
41           (4) A space for the name and address of any person who, as permitted under  
42           G.S. 163-226.3(a), assisted the voter if the voter is unable to complete and  
43           sign the certification and that individual's signature.  
44           (5) A space for approval by the county board of elections.  
45           (6) ~~The envelope shall~~A space to allow reporting of a change of name as  
46           provided by G.S. 163-82.16.  
47           (7) A prominent display of the unlawful acts under G.S. 163-226.3 and  
48           G.S. 163-275, except if there is not room on the envelope, the State Board of  
49           Elections may provide for that disclosure to be made on a separate piece of  
50           paper to be included along with the container-return envelope.

1 The container-return envelope shall be printed in accordance with the instructions of the  
2 State Board of Elections."

3 **SECTION 4.2.** G.S. 163-230.1 reads as rewritten:

4 "**§ 163-230.1. Simultaneous issuance of absentee ballots with application.**

5 (a) A qualified voter who is ~~eligible to vote by absentee ballot under~~  
6 ~~G.S. 163-226(a)~~ desires to vote by absentee ballot, or that voter's near relative or verifiable legal  
7 guardian, shall complete a request form for in writing an application for absentee ballots, an  
8 absentee application and absentee ballots so that the county board of elections receives ~~the that~~  
9 completed request form not later than 5:00 P.M. on the Tuesday before the election. That  
10 completed written request form shall be ~~signed by the voter, the voter's near relative, or the~~  
11 ~~voter's verifiable legal guardian~~ in compliance with G.S. 163-230.2. The county board of  
12 elections shall enter in the register of absentee requests, applications, and ballots issued the  
13 information required in G.S. 163-228 as soon as each item of that information becomes  
14 available. Upon receiving the application, completed request form, the county board of elections  
15 shall cause to be mailed to that voter ~~in a single package; package~~ that includes all of the  
16 following:

- 17 (1) The official ballots ~~the that~~ voter is entitled to ~~vote; vote.~~
- 18 (2) A container-return envelope for the ballots, printed in accordance with  
19 ~~G.S. 163-229; and~~ G.S. 163-229.
- 20 (3) Repealed by Session Laws 1999-455, s. 10.
- 21 (4) An instruction sheet.

22 The ballots, envelope, and instructions shall be mailed to the voter by the county board's  
23 chairman, member, officer, or employee as determined by the board and entered in the register  
24 as provided by this Article.

25 (a1) Absence for Sickness or Physical Disability. – Notwithstanding the provisions of  
26 subsection (a) of this section, if a voter expects to be unable to go to the voting place to vote in  
27 person on election day because of that voter's sickness or other physical disability, that voter or  
28 that voter's near relative or verifiable legal guardian may make ~~written the request under~~  
29 subsection (a) of this section in person ~~for absentee ballots~~ to the board of elections of the  
30 county in which the voter is registered after 5:00 p.m. on the Tuesday before the election but  
31 not later than 5:00 p.m. on the day before the election. The county board of elections shall treat  
32 that completed request form in the same manner as a request under subsection (a) of this  
33 section but may personally deliver the application and ballots, enter in the register of absentee  
34 requests, applications, and ballots issued the information required in G.S. 163-228 as soon as  
35 each item of that information becomes available. The county board of elections shall personally  
36 deliver to the requester in a single package:

- 37 (1) ~~The official ballots the voter is entitled to vote;~~
- 38 (2) ~~A container return envelope for the ballots, printed in accordance with~~  
39 ~~G.S. 163-229; and~~
- 40 (3) ~~An instruction sheet.~~

41 (a2) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When  
42 the county board of elections receives a completed request form for applications and absentee  
43 ballots, the board shall promptly issue and transmit them to the voter in accordance with the  
44 following instructions:

- 45 (1) On the top margin of each ballot the applicant is entitled to vote, the chair, a  
46 member, officer, or employee of the board of elections shall write or type the  
47 words "Absentee Ballot No. \_\_\_\_" or an abbreviation approved by the State  
48 Board of Elections and insert in the blank space the number assigned the  
49 applicant's application in the register of absentee requests, applications, and  
50 ballots issued. That person shall not write, type, or print any other matter  
51 upon the ballots transmitted to the absentee voter. Alternatively, the board of



1 elections may cause to be barcoded on the ballot the voter's application  
2 number, if that barcoding system is approved by the State Board of  
3 Elections.

4 (2) The chair, member, officer, or employee of the board of elections shall fold  
5 and place the ballots (identified in accordance with the preceding  
6 instruction) in a container-return envelope and write or type in the  
7 appropriate blanks thereon, in accordance with the terms of G.S. 163-229(b),  
8 the absentee voter's name, the absentee voter's application number, and the  
9 designation of the precinct in which the voter is registered. If the ballot is  
10 barcoded under this section, the envelope may be barcoded rather than  
11 having the actual number appear. The person placing the ballots in the  
12 envelopes shall leave the container-return envelope holding the ballots  
13 unsealed.

14 (3) The chair, member, officer, or employee of the board of elections shall then  
15 place the unsealed container-return envelope holding the ballots together  
16 with printed instructions for voting and returning the ballots, in an envelope  
17 addressed to the voter at the post office address stated in the request, seal the  
18 envelope, and mail it at the expense of the county board of elections:  
19 Provided, that in case of a request received after 5:00 p.m. on the Tuesday  
20 before the election under the provisions of subsection (a1) of this section, in  
21 lieu of transmitting the ballots to the voter in person or by mail, the chair,  
22 member, officer, or employee of the board of elections may deliver the  
23 sealed envelope containing the instruction sheet and the container-return  
24 envelope holding the ballots to a near relative or verifiable legal guardian of  
25 the voter.

26 The county board of elections may receive ~~completed~~ written requests, request forms for  
27 applications at any time prior to the election but shall not mail applications and ballots to the  
28 voter or issue applications and ballots in person earlier than 60 days prior to the statewide  
29 general election in an even-numbered year, or earlier than 50 days prior to any other election,  
30 except as provided in G.S. 163-227.2. No election official shall issue applications for absentee  
31 ballots except in compliance with this Article.

32 (b) The application shall be completed and signed by the voter personally, the ballots  
33 marked, the ballots sealed in the container-return envelope, and the certificate completed as  
34 provided in G.S. 163-231.

35 (c) At its next official meeting after return of the completed container-return envelope  
36 with the voter's ballots, the county board of elections shall determine whether the  
37 container-return envelope has been properly executed. If the board determines that the  
38 container-return envelope has been properly executed, it shall approve the application and  
39 deposit the container-return envelope with other container-return envelopes for the envelope to  
40 be opened and the ballots counted at the same time as all other container-return envelopes and  
41 absentee ballots.

42 (c1) Required Meeting of County Board of Elections. – During the period commencing  
43 on the third Tuesday before an election, in which absentee ballots are authorized, the county  
44 board of elections shall hold one or more public meetings each Tuesday at 5:00 p.m. for the  
45 purpose of action on applications for absentee ballots. At these meetings, the county board of  
46 elections shall pass upon applications for absentee ballots.

47 If the county board of elections changes the time of holding its meetings or provides for  
48 additional meetings in accordance with the terms of this subsection, notice of the change in  
49 hour and notice of the schedule of additional meetings, if any, shall be published in a  
50 newspaper circulated in the county at least 30 days prior to the election.

1 At the time the county board of elections makes its decision on an application for absentee  
2 ballots, the board shall enter in the appropriate column in the register of absentee requests,  
3 applications, and ballots issued opposite the name of the applicant a notation of whether the  
4 applicant's application was "Approved" or "Disapproved".

5 The decision of the board on the validity of an application for absentee ballots shall be final  
6 subject only to such review as may be necessary in the event of an election contest. The county  
7 board of elections shall constitute the proper official body to pass upon the validity of all  
8 applications for absentee ballots received in the county; this function shall not be performed by  
9 the chairman or any other member of the board individually.

10 (d) Repealed by Session Laws 1999-455, s. 10.

11 (e) The State Board of Elections, by rule or by instruction to the county board of  
12 elections, shall establish procedures to provide appropriate safeguards in the implementation of  
13 this section.

14 (f) For the purpose of this Article, "near relative" means spouse, brother, sister, parent,  
15 grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law,  
16 stepparent, or stepchild."

17 **SECTION 4.3.** G.S. 163-230.2 reads as rewritten:

18 "**§ 163-230.2. Method of requesting absentee ballots.**

19 (a) Valid Types of Written Requests. – A completed written request form for an  
20 absentee ballot as required by G.S. 163-230.1 is valid only if it is written entirely by the  
21 requester personally, or is on a form generated created by the county board of elections State  
22 Board and signed by the requester, voter requesting absentee ballots or that voter's near relative  
23 or verifiable legal guardian. The county board of elections shall issue a request form only to the  
24 voter seeking to vote by absentee ballot or to a person authorized by G.S. 163-230.1 to make a  
25 request for the voter. If a requester, due to disability or illiteracy, is unable to complete a  
26 written request, that requester may receive assistance in writing that request from an individual  
27 of that requester's choice. The State Board shall make the form available at its offices, online,  
28 and in each county board of elections office, and that form may be reproduced. A voter may  
29 make a request in person or by writing to the county board for the form to request an absentee  
30 ballot. The request form for an absentee ballot shall require at least the following information:

31 (1) The name and address of the residence of the voter.

32 (2) The name and address of the voter's near relative or verifiable legal guardian  
33 if that individual is making the request.

34 (3) The address of the voter to which the application and absentee ballots are to  
35 be mailed if different from the residence address of the voter.

36 (4) One or more of the following in the order of preference:

37 a. The number of the voter's North Carolina drivers license issued under  
38 Article 2 of Chapter 20 of the General Statutes, including a learner's  
39 permit or a provisional license.

40 b. The number of the voter's special identification card for nonoperators  
41 issued under G.S. 20-37.7.

42 c. The last four digits of the applicant's social security number.

43 (5) The voter's date of birth.

44 (6) The signature of the voter or of the voter's near relative or verifiable legal  
45 guardian if that individual is making the request.

46 (a1) A completed request form for an absentee ballot shall be deemed a request to update  
47 the official record of voter registration for that voter and shall be confirmed in writing in  
48 accordance with G.S. 163-82.14(d).

49 (a2) The completed request form for an absentee ballot shall be delivered to the county  
50 board of elections. If the voter does not include the information requested in subdivision (a)(4)

1 of this section, a copy of a document listed in G.S. 163-166.12(a)(2) shall accompany the  
2 completed request form.

3 (a3) Upon receiving a completed request form for an absentee ballot, the county board  
4 shall verify the voter registration. If verified, the absentee ballots and certification form shall be  
5 mailed to the voter, unless personally delivered to the requester in accordance with  
6 G.S. 163-230(a1). If the voter's official record of voter registration conflicts with the completed  
7 request form for an absentee ballot or cannot be verified, the voter shall be so notified. If the  
8 county board cannot resolve the differences, no application or absentee ballots shall be issued.

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

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

15 **SECTION 4.4.** G.S. 163-231 reads as rewritten:

16 **"§ 163-231. Voting absentee ballots and transmitting them to the county board of**  
17 **elections.**

18 (a) Procedure for Voting Absentee Ballots. – In the presence of ~~a person~~two persons  
19 who is~~are~~ at least 18 years of age, and who ~~is~~are not disqualified by G.S. 163-226.3(a)(4) or  
20 G.S. 163-237(b1), the voter ~~shall~~shall do all of the following:

- 21 (1) Mark the voter's ballots, or cause them to be marked by that person in the  
22 voter's presence according to the voter's ~~instruction;~~instruction.
- 23 (2) Fold each ballot separately, or cause each of them to be folded in the voter's  
24 ~~presence;~~presence.
- 25 (3) Place the folded ballots in the container-return envelope and securely seal it,  
26 or have this done in the voter's ~~presence;~~presence.
- 27 (4) Make the application printed on the container-return envelope according to  
28 the provisions of G.S. 163-229(b) and make the certificate printed on the  
29 container-return envelope according to the provisions of G.S. 163-229(b).
- 30 (5) Require those two persons in whose presence the voter marked that voter's  
31 ballots to sign the application and certificate as witnesses and to indicate  
32 those persons' addresses.

33 The ~~person~~persons in whose presence the ballot is marked shall at all times respect the  
34 secrecy of the ballot and the privacy of the absentee voter, unless the voter requests ~~the person's~~  
35 assistance and ~~the~~that person is otherwise authorized by law to give assistance. ~~The person in~~  
36 ~~whose presence the ballot was marked shall sign the application and certificate as a witness and~~  
37 ~~shall indicate that person's address.~~ When thus executed, the sealed container-return envelope,  
38 with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection  
39 (b) of this section to the county board of elections which issued the ballots.

40 (a1) Repealed by Session Laws 1987, c. 583, s. 1.

41 (b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed  
42 container-return envelope in which executed absentee ballots have been placed shall be  
43 transmitted to the county board of elections who issued them as follows: All ballots issued  
44 under the provisions of ~~Articles 20~~this Article and Article 21A of this Chapter shall be  
45 transmitted by mail or by commercial courier service, at the voter's expense, or delivered in  
46 person, or by the voter's near relative or verifiable legal guardian not later than 5:00 p.m. on the  
47 day before the statewide primary or general election or county bond election. Ballots issued  
48 under the provisions of Article 21A of this Chapter may also be electronically transmitted. If  
49 ballots are received later than that hour, ~~they~~those absentee ballots shall not be accepted unless  
50 (i) federal law so requires, (ii) if ~~ballots issued under Article 20 of this Chapter~~Article, the  
51 absentee ballots are postmarked by the day of the statewide primary or general election or

1 county bond election and are received by the county board of elections not later than three days  
2 after the election by 5:00 p.m., or (iii) if ~~ballots~~ issued under Article 21A of this ~~Chapter~~  
3 Chapter, the absentee ballots are received by the county board of elections not later than the  
4 end of business on the business day before the canvass conducted by the county board of  
5 elections held pursuant to G.S. 163-182.5. Ballots issued under ~~Article 20 of this Chapter~~  
6 Article not postmarked by the day of the election shall not be accepted by the county board of  
7 elections."

8 **SECTION 4.5.** G.S. 163-226 is amended by adding a new subsection to read:

9 "(d) The Term "Verifiable Legal Guardian." – An individual appointed guardian under  
10 Chapter 35A of the General Statutes. For a corporation appointed as a guardian under that  
11 Chapter, the corporation may submit a list of 10 named individuals to the State Board of  
12 Elections who may act for that corporation under this Article."

13 **SECTION 4.6.(a)** G.S. 163-226.3(a)(4) reads as rewritten:

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

17 ...  
18 (4) For any owner, manager, director, employee, or other person, other than the  
19 voter's near relative or verifiable legal guardian, to (i) make a written request  
20 pursuant to G.S. 163-230.1 or (ii) sign an application and certificate as a  
21 witness, on behalf of a registered voter-voter, who is a patient in any  
22 hospital, clinic, nursing home or rest home in this State or for any owner,  
23 manager, director, employee, or other person other than the voter's near  
24 relative or verifiable legal guardian, to mark the voter's absentee ballot or  
25 assist such a voter in marking an absentee ballot. This subdivision does not  
26 apply to members, employees, or volunteers of the county board of elections,  
27 if those members, employees, or volunteers are working as part of a  
28 multipartisan team trained and authorized by the county board of elections to  
29 assist voters with absentee ballots. Each county board of elections shall train  
30 and authorize such teams, pursuant to procedures which shall be adopted by  
31 the State Board of Elections. If neither the voter's near relative nor a  
32 verifiable legal guardian is available to assist the voter, and a multipartisan  
33 team is not available to assist the voter within seven calendar days of a  
34 telephonic request to the county board of elections, the voter may obtain  
35 such assistance from any person other than (i) an owner, manager, director,  
36 employee of the hospital, clinic, nursing home, or rest home in which the  
37 voter is a patient or resident; (ii) an individual who holds any elective office  
38 under the United States, this State, or any political subdivision of this State;  
39 (iii) an individual who is a candidate for nomination or election to such  
40 office; or (iv) an individual who holds any office in a State, congressional  
41 district, county, or precinct political party or organization, or who is a  
42 campaign manager or treasurer for any candidate or political party; provided  
43 that a delegate to a convention shall not be considered a party office. None  
44 of the persons listed in (i) through (iv) of this subdivision may sign the  
45 application and certificate as a witness for the patient.

46 ...."

47 **SECTION 4.6(b).** The State Board of Elections shall adopt rules prior to October  
48 1, 2013, concerning the multipartisan teams authorized by G.S. 163-226.3(a)(4), as amended by  
49 subsection (a) of this section, to ensure that each county has, no later than the day absentee  
50 voting begins for each primary and election, trained teams to promptly assist patients and  
51 residents of any hospital, clinic, nursing home, or rest home in that county in casting absentee

1 ballots as provided by law. Such rules shall be initially established as temporary rules in  
2 accordance with Chapter 150B of the General Statutes.

3  
4 **PART 5. REGISTRATION AND EDUCATION**

5 **SECTION 5.1.** G.S. 163-82.20 is amended by adding a new subsection to read:

6 "(j) Additional Public Agencies Permitted to Offer Registration. – If approved by the  
7 State Board of Elections, the county board of elections, and the county board of commissioners,  
8 a county may offer voter registration in accordance with this section through the following  
9 additional public offices:

10 (1) Senior centers or facilities operated by the county.

11 (2) Parks and recreation services operated by the county."

12 **SECTION 5.2** The State Board of Elections shall disseminate information about  
13 photo identification requirements for voting, provide information on how to obtain photo  
14 identification appropriate for voting, and assist any registered voter without photo identification  
15 appropriate for voting with obtaining such photo identification. Information may be distributed  
16 through public service announcements, print, radio, television, online, and social media. The  
17 State Board shall work with public agencies, private partners, and nonprofits to identify voters  
18 without photo identification appropriate for voting and assist those voters in securing the photo  
19 identification appropriate for voting. All outreach efforts to notify voters of the photo  
20 identification requirements shall be accessible to the elderly and persons with disabilities. The  
21 State Board of Elections shall work with county boards of elections in those counties where  
22 there is no Division of Motor Vehicles drivers license office open five days a week to (i)  
23 widely communicate information about the availability and schedules of Division of Motor  
24 Vehicles mobile units and (ii) provide volunteers to assist voters with obtaining photo  
25 identification through mobile units.

26 **SECTION 5.3.** Education and Publicity Requirements. – The public shall be  
27 educated about the photo identification to vote requirements of this act as follows:

28 (1) As counties use their regular processes to notify voters of assignments and  
29 reassignments to districts for election to the United States House of  
30 Representatives, State Senate, State House of Representatives, or local  
31 office, by including information about the provisions of this act.

32 (2) As counties send new voter registration cards to voters as a result of new  
33 registration, changes of address, or other reasons, by including information  
34 about the provisions of this act.

35 (3) Counties that maintain a board of elections Web site shall include  
36 information about the provisions of this act.

37 (4) Notices of elections published by county boards of elections under  
38 G.S. 163-22(8) for the 2014 primary and 2014 general election shall include  
39 a brief statement that photo identification will be required to vote in person  
40 beginning in 2016.

41 (5) The State Board of Elections shall include on its Web site information about  
42 the provisions of this act.

43 (6) Counties shall post at the polls and at early voting sites beginning with the  
44 2014 primary elections information about the provisions of this act.

45 (7) The State Board of Elections shall distribute information about the photo  
46 identification requirements to groups and organizations serving persons with  
47 disabilities or the elderly.

48 (8) The State Board of Elections, the Division of Motor Vehicles, and county  
49 boards of elections in counties where there is no Division of Motor Vehicles  
50 drivers license office open five days a week shall include information about  
51 mobile unit schedules on existing Web sites, shall distribute information

1 about these schedules to registered voters identified without photo  
2 identification, and shall publicize information about the mobile unit  
3 schedules through other available means.

- 4 (9) The State Board of Elections and county boards of elections shall direct  
5 volunteers to assist registered voters in counties where there is no Division  
6 of Motor Vehicles drivers license office open five days a week.

7 **SECTION 5.4.** The State Board of Elections shall include in all forms prepared by  
8 the Board a prominent statement that submitting fraudulently or falsely completed declarations  
9 is a Class I felony under Chapter 163 of the General Statutes.

10 **SECTION 5.5.** By April 1, 2014, the State Board of Elections shall review and  
11 make recommendations to the Joint Legislative Elections Oversight Committee on the steps  
12 recommended by the Board to implement the use of electronic and digital information in all  
13 polling places statewide. The review shall address all of the following:

- 14 (1) Obtaining digital photographs of registered voters and verifying identity of  
15 those voters.  
16 (2) Maintaining information stored electronically in a secure fashion.  
17 (3) Utilizing electronically stored information, including digital photographs and  
18 electronic signatures, to create electronic pollbooks.  
19 (4) Using electronic pollbooks to assist in identifying individuals attempting to  
20 vote more than once in an election.  
21 (5) A proposed plan for a pilot project to implement electronic pollbooks,  
22 including the taking of digital photographs at the polling place to supplement  
23 the electronic pollbooks.  
24 (6) Any other related matter identified by the State Board impacting the use of  
25 digital and electronic information in the voting place.  
26

## 27 **PART 6. EFFECTIVE DATE**

28 **SECTION 6.2.** Parts 1 through 6 of this act becomes effective as follows:

- 29 (1) Parts 1 and 6 of this act are effective when this act becomes law.  
30 (2) Part 2 of this act becomes effective January 1, 2016, and applies to primaries  
31 and elections conducted on or after that date.  
32 (3) Part 3 of this act becomes effective January 1, 2014.  
33 (4) Part 4 of this act becomes effective January 1, 2014, and applies to primaries  
34 and elections held on or after that date, except that Section 4.6(b) is effective  
35 when it becomes law.  
36 (5) Part 5 of this act becomes effective October 1, 2013.  
37 (6) At any primary and election between May 1, 2014, and January 1, 2016, any  
38 registered voter may present that voter's photo identification to the elections  
39 officials at the voting place but may not be required to do so. At each  
40 primary and election between May 1, 2014, and January 1, 2016, each voter  
41 presenting in person shall be notified that photo identification will be needed  
42 to vote beginning in 2016 and be asked if that voter has one of the forms of  
43 photo identification appropriate for voting. If that voter indicates he or she  
44 does not have one or more of the types of photo identification appropriate  
45 for voting, that voter shall be asked to sign an acknowledgment of the photo  
46 identification requirement and be given a list of types of photo identification  
47 appropriate for voting and information on how to obtain those types of photo  
48 identification. The list of names of those voters who signed an  
49 acknowledgment is a public record.  
50

## 51 **PART 7. STUDY FILLING OF VACANCIES IN THE GENERAL ASSEMBLY**

1           **SECTION 7.1** The Joint Legislative Elections Oversight Committee shall study the  
2 method of filling vacancies in the General Assembly, and recommend to the General Assembly  
3 any legislation it deems advisable. It may make an interim report prior to the date that the  
4 General Assembly reconvenes the 2013 Regular Session in 2014, and shall make a final report  
5 before the convening of the 2015 Regular Session of the General Assembly.

## 6 7 **PART 8. FILLING OF VACANCIES IN THE UNITED STATES SENATE**

8           **SECTION 8.1.** G.S. 163-12 reads as rewritten:

### 9 **"§ 163-12. Filling vacancy in United States Senate.**

10           Whenever there shall be a vacancy in the office of United States Senator from this State,  
11 whether caused by death, resignation, or otherwise than by expiration of term, the Governor  
12 shall appoint to fill the vacancy until an election shall be held to fill the office. If the Senator  
13 was elected as the nominee of a political party, the person appointed by the Governor shall be a  
14 person affiliated with that same political party. The Governor shall issue ~~his~~ a writ for the  
15 election of a Senator to be held at the time of the first election for members of the General  
16 Assembly that is held more than 60 days after the vacancy occurs. The person elected shall  
17 hold the office for the remainder of the unexpired term. The election shall take effect from the  
18 date of the canvassing of the returns."

## 19 20 **PART 9. FILLING OF VACANCIES IN UNITED STATES HOUSE OF** 21 **REPRESENTATIVES**

22           **SECTION 9.1.** The Joint Legislative Elections Oversight Committee shall study  
23 the method of filling vacancies in the United States House of Representatives by special  
24 election, and recommend to the General Assembly any legislation it deems advisable. It may  
25 make an interim report prior to the date that the General Assembly reconvenes the 2013  
26 Regular Session in 2014, and shall make a final report before the convening of the 2015  
27 Regular Session of the General Assembly.

## 28 29 30 **PART 10. SPECIAL ELECTION DATES**

31           **SECTION 10.1.** G.S. 163-287 reads as rewritten:

### 32 **"§ 163-287. Special elections; procedure for calling.**

33           (a) Any county, municipality or any special district shall have authority to call special  
34 elections as permitted by law. Prior to calling a special election, the ~~city council or the~~  
35 governing body of the county, municipality, or special district shall adopt a resolution  
36 specifying the details of the election, and forthwith deliver the resolution to the ~~appropriate~~ local  
37 board of elections. The resolution shall call on the local board of elections to conduct the  
38 election described in the resolution and shall state the date on which the special election is to be  
39 conducted. The special election may be held only at the same time as any other State, county or  
40 municipal ~~primary, election or special election or referendum, but may not otherwise be held~~  
41 ~~within the period of time beginning 30 days before and ending 30 days after the date of any~~  
42 ~~other primary, election, special election or referendum held for that city or special~~  
43 ~~district.~~ general election or at the same time as the primary election in any even-numbered year.

44           (b) Legal notice of the special election shall be published no less than 45 days prior to  
45 the special election. The local board of elections shall be responsible for publishing the legal  
46 notice. The notice shall state the date and time of the special election, the issue to be submitted  
47 to the voters, and the precincts in which the election will be held. This ~~paragraph~~ subsection  
48 shall not apply to bond elections.

49           (c) The last sentence of subsection (a) of this section shall not apply to any special  
50 election related to the public health or safety, including a vacancy in the office of sheriff or a  
51 bond referendum for financing of health and sanitation systems, if the governing body adopts a

1 resolution stating the need for the special election at a time different from any other State,  
2 county, or municipal general election or the primary in any even-numbered year.

3 (d) The last sentence of subsection (a) of this section shall not apply to municipal  
4 incorporation or recall elections pursuant to local act of the General Assembly.

5 (e) The last sentence of subsection (a) of this section shall not apply to municipal  
6 elections to fill vacancies in office pursuant to local act of the General Assembly where more  
7 than six months remain in the term of office, and if less than six months remain in the office,  
8 the governing board may fill the vacancy for the remainder of the unexpired term  
9 notwithstanding any provision of a local act of the General Assembly.

10 (f) This section shall not impact the authority of the courts or the State Board to order a  
11 new election at a time set by the courts or State Board under this Chapter."

12 **SECTION 10.2.** Article 1 of Chapter 163 of the General Statutes is amended by  
13 adding a new section to read:

14 **"§ 163-3. Special elections.**

15 Special elections shall be called as permitted by law and conducted in accordance with  
16 G.S. 163-287."

17 **SECTION 10.3.** G.S. 18B-601(f) reads as rewritten:

18 "(f) Election Date. – The board of elections shall conduct and set the date for the  
19 alcoholic beverage election, ~~which may not be sooner than 60 days nor later than 120 days~~  
20 ~~from the date the request was received from the governing body or the petition was verified by~~  
21 ~~the board.~~ election in accordance with G.S. 163-287. ~~No alcoholic beverage election may be~~  
22 ~~held on the Tuesday next after the first Monday in November of an even-numbered year."~~

23 **SECTION 10.4.** G.S. 63-80(c) reads as rewritten:

24 "(c) Following the joint public hearing but prior to the adoption by a unit of local  
25 government of any resolution creating a special airport district, the governing body of such unit  
26 may submit the question of the unit's participation in a special airport district to the qualified  
27 voters of such unit. The form of the question as stated on the ballot shall be in substantially the  
28 following words:

29 "Shall the governing body of \_\_\_\_\_ approve \_\_\_\_\_'s  
30 participation in the proposed \_\_\_\_\_ special airport district?

31  YES  NO"

32 If a majority of the qualified voters of the unit who vote thereon approve such participation, the  
33 governing body of such unit may adopt a resolution creating the particular special airport  
34 district. The election shall be conducted in accordance with G.S. 163-287 and the results  
35 thereof certified, declared and published in the same manner as bond elections within the unit."

36 **SECTION 10.5.** G.S. 63-87 reads as rewritten:

37 **"§ 63-87. Bond elections.**

38 Elections for the purpose of authorizing the levy of taxes for the issuance of bonds shall be  
39 called by the district board and shall be conducted in accordance with G.S. 163-287 and the  
40 results canvassed by the boards of elections having jurisdiction within the participating units.  
41 Such results shall be certified to the district board and such board shall certify and declare the  
42 result of the election and publish a statement of the result once as provided in the Local  
43 Government Bond Act."

44 **SECTION 10.6.** G.S. 69-25.1 reads as rewritten:

45 **"§ 69-25.1. Election to be held upon petition of voters.**

46 Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area  
47 lying outside the corporate limits of any city or town, which area is described in the petition  
48 and designated as "\_\_\_\_\_ Fire District," the board of county  
49

(Here insert name)

50 commissioners of the county shall call ~~an~~ a special election in said district for the purpose of  
51 submitting to the qualified voters therein the question of levying and collecting a special tax on



1 all taxable property in said district, of not exceeding fifteen cents (15¢) on the one hundred  
2 dollars (\$100.00) valuation of property, for the purpose of providing fire protection in said  
3 district. The county tax office shall be responsible for checking the freeholder status of those  
4 individuals signing the petition and confirming the location of the property owned by those  
5 individuals. Unless specifically excluded by other law, the provisions of Chapter 163 of the  
6 General Statutes concerning petitions for referenda and special elections shall apply. If the  
7 voters reject the special tax under the first paragraph of this section, then no new election may  
8 be held under the first paragraph of this section within two years on the question of levying and  
9 collecting a special tax under the first paragraph of this section in that district, or in any  
10 proposed district which includes a majority of the land within the district in which the tax was  
11 rejected.

12 Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area  
13 which has previously been established as a fire protection district and in which there has been  
14 authorized by a vote of the people a special tax not exceeding ten cents (10¢) on the one  
15 hundred dollars (\$100.00) valuation of property within the area, the board of county  
16 commissioners shall call ~~an~~ a special election in said area for the purpose of submitting to the  
17 qualified voters therein the question of increasing the allowable special tax for fire protection  
18 within said district from ten cents (10¢) on the one hundred dollars (\$100.00) valuation to  
19 fifteen cents (15¢) on the one hundred dollars (\$100.00) valuation on all taxable property  
20 within such district. ~~Elections~~ Special elections on the question of increasing the allowable tax  
21 rate for fire protection shall not be held within the same district at intervals less than two  
22 years."

23 **SECTION 10.7.** G.S. 69-25.2 reads as rewritten:

24 **"§ 69-25.2. Duties of county board of commissioners regarding conduct of elections; cost**  
25 **of holding.**

26 The board of county commissioners, after consulting with the county board of elections,  
27 shall set a date for the special election in accordance with G.S. 163-287 by resolution adopted.  
28 The county board of elections shall hold and conduct the election in the district. The county  
29 board of elections shall advertise and conduct said election, in accordance with the provisions  
30 of this Article and with the procedures prescribed in Chapter 163 governing the conduct of  
31 special and general elections. ~~No new registration of voters shall be required, but the deadline~~  
32 ~~by which unregistered voters must register shall be contained in the legal advertisement to be~~  
33 ~~published by the county board of elections.~~ The cost of holding the election to establish a  
34 district shall be paid by the county, provided that if the district is established, then the county  
35 shall be reimbursed the cost of the election from the taxes levied within the district, but the cost  
36 of an election to increase the allowable tax under G.S. 69-25.1 or to abolish a fire district under  
37 G.S. 69-25.10 shall be paid from the funds of the district."

38 **SECTION 10.8.** G.S. 105-465 reads as rewritten:

39 **"§ 105-465. County election as to adoption of local sales and use tax.**

40 The board of elections of any county, upon the written request of the board of county  
41 commissioners, or upon receipt of a petition signed by qualified voters of the county equal in  
42 number to at least fifteen percent (15%) of the total number of votes cast in the county, at the  
43 last preceding election for the office of Governor, shall call a special election for the purpose of  
44 submitting to the voters of the county the question of whether a one percent (1%) sales and use  
45 tax will be levied.

46 The special election shall be held under the same rules applicable to the election of  
47 members of the General Assembly. ~~No new registration of voters shall be required. All~~  
48 ~~qualified voters in the county who are properly registered not later than 21 days (excluding~~  
49 ~~Saturdays and Sundays) prior to the election shall be entitled to vote at the election. The county~~  
50 ~~board of elections shall give at least 20 days' public notice prior to the closing of the~~  
51 ~~registration books for the special election.~~

1 The county board of elections shall prepare ballots for the special election. The question  
2 presented on the ballot shall be "FOR one percent (1%) local sales and use tax on items subject  
3 to State sales and use tax at the general State rate and on food" or "AGAINST one percent (1%)  
4 local sales and use tax on items subject to State sales and use tax at the general State rate and  
5 on food".

6 The county board of elections shall fix the date of the special ~~election~~, election on a date  
7 permitted by G.S. 163-287, except that the special election shall not be held ~~on the date or~~  
8 ~~within 60 days of any biennial election for county officers~~, nor within one year from the date of  
9 the last preceding special election under this section."

10 **SECTION 10.9.** G.S. 105-473(a) reads as rewritten:

11 "(a) The board of elections of any county, upon the written request of the board of  
12 county commissioners thereof, or upon receipt of a petition signed by qualified voters of the  
13 county equal in number to at least fifteen percent (15%) of the total number of votes cast in the  
14 county at the last preceding election for the office of Governor, shall call a special election for  
15 the purpose of submitting to the voters of the county the question of whether the levy of a one  
16 percent (1%) sales and use tax theretofore levied should be repealed.

17 The special election shall be held under the same rules and regulations applicable to the  
18 election of members of the General Assembly. ~~No new registration of voters shall be required.~~  
19 ~~All qualified voters in the county who are properly registered not later than 21 days (excluding~~  
20 ~~Saturdays and Sundays) prior to the election shall be entitled to vote at said election. The~~  
21 ~~county board of elections shall give at least 20 days' public notice prior to the closing of the~~  
22 ~~registration books for the special election.~~

23 The county board of elections shall prepare ballots for the special election which shall  
24 contain the words "FOR repeal of the one percent (1%) local sales and use tax levy," and the  
25 words "AGAINST repeal of the one percent (1%) local sales and use tax levy," with  
26 appropriate squares so that each voter may designate his vote by his cross (X) mark.

27 The county board of elections shall fix the date of the special ~~election~~, election on a date  
28 permitted by G.S. 163-287; provided, however, that the special election shall not be held ~~on the~~  
29 ~~day of any biennial election for county officers~~, nor within 60 days thereof, nor within one year  
30 from the date of the last preceding special election held under this section."

31 **SECTION 10.10.** G.S. 105-507.1(a) reads as rewritten:

32 "(a) Resolution. – The board of commissioners of a county may direct the county board  
33 of elections to conduct an advisory referendum within the county on the question of whether a  
34 local sales and use tax at the rate of one-half percent (1/2%) may be levied in accordance with  
35 this Part. The election shall be held ~~on a date jointly agreed upon by the boards and shall be~~  
36 ~~held~~ in accordance with the procedures of G.S. 163-287. The board of commissioners shall  
37 hold a public hearing on the question at least 30 days before the date the election is to be held."

38 **SECTION 10.11.** G.S. 105-509(b) reads as rewritten:

39 "(b) Resolution. – The board of trustees of the regional public transportation authority  
40 may, if all of the conditions listed in this subsection have been met, direct the respective county  
41 board or boards of elections to conduct an advisory referendum within the special district on  
42 the question of whether a local sales and use tax at the rate of one-half percent (1/2%) may be  
43 levied within the district in accordance with this Part. The tax may not be levied without voter  
44 approval. The election shall be held on a date jointly agreed upon by the authority, the county  
45 board or boards of commissioners, and the county board or boards of elections and shall be  
46 held on a date permitted by and in accordance with the procedures of G.S. 163-287. ~~An election~~  
47 ~~to authorize the levy of a tax under this Part may be held only on one of the following dates: (i)~~  
48 ~~Tuesday after the first Monday of November in the even-numbered year, the date of the general~~  
49 ~~election under G.S. 163-1, (ii) the date of the primary election in the even-numbered year under~~  
50 ~~G.S. 163-1(b), (iii) Tuesday after the first Monday in November of the odd-numbered year, or~~  
51 ~~(iv) a date in September or October of the odd-numbered year as listed in G.S. 163-279(a)(2),~~

1 ~~(3), or (4) but only if at least one municipality in the county is holding a primary or election on~~  
2 ~~that date.~~The conditions are as follows:

- 3 (1) The board of trustees has obtained approval to conduct a referendum by a  
4 vote of the following:  
5 a. A majority vote of each of the county boards of commissioners  
6 within the special district, if it is a multicounty special district.  
7 b. A majority of the county board of commissioners within the special  
8 district, if it is a single-county special district.  
9 (2) A public hearing is held on the question by the board or boards of  
10 commissioners at least 30 days before the date the election is to be held."

11 **SECTION 10.12.** G.S. 105-510(b) reads as rewritten:

12 "(b) Resolution. – The board of trustees of the regional transportation authority may, if  
13 all of the conditions listed in this subsection have been met, direct the respective county board  
14 or boards of elections to conduct an advisory referendum within the special district on the  
15 question of whether a local sales and use tax at the rate of one-half percent (1/2%) may be  
16 levied within the district in accordance with this Part. The tax may not be levied without voter  
17 approval. The election shall be held on a date jointly agreed upon by the authority, the county  
18 board or boards of commissioners, and the county board or boards of elections and shall be  
19 held on a date permitted by and in accordance with the procedures of G.S. 163-287. ~~An election~~  
20 ~~to authorize the levy of a tax under this Part may be held only on one of the following dates: (i)~~  
21 ~~Tuesday after the first Monday of November in the even numbered year, the date of the general~~  
22 ~~election under G.S. 163-1, (ii) the date of the primary election in the even numbered year under~~  
23 ~~G.S. 163-1(b), (iii) Tuesday after the first Monday in November of the odd numbered year, or~~  
24 ~~(iv) a date in September or October of the odd numbered year as listed in G.S. 163-279(a)(2),~~  
25 ~~(3), or (4) but only if at least one municipality in the county is holding a primary or election on~~  
26 ~~that date.~~The conditions are as follows:

- 27 (1) The board of trustees has obtained approval to conduct a referendum by a  
28 vote of the following:  
29 a. A majority vote of both of the county boards of commissioners  
30 within the special district, if it is a multicounty special district.  
31 b. A majority of the county board of commissioners within the special  
32 district, if it is a single-county special district.  
33 (2) A public hearing is held on the question by the board or boards of  
34 commissioners at least 30 days before the date the election is to be held."

35 **SECTION 10.13.** G.S. 105-511.2(a) reads as rewritten:

36 "(a) Resolution. – The board of commissioners of a county may direct the county board  
37 of elections to conduct an advisory referendum within the county on the question of whether a  
38 local sales and use tax at the rate of one-quarter percent (1/4%) may be levied in accordance  
39 with this Part. The election shall be held on a date jointly agreed upon by the boards and shall  
40 be held on a date permitted by and in accordance with the procedures of G.S. 163-287. ~~An~~  
41 ~~election to authorize the levy of a tax under this Part may be held only on one of the following~~  
42 ~~dates: (i) Tuesday after the first Monday of November in the even numbered year, the date of~~  
43 ~~the general election under G.S. 163-1, (ii) the date of the primary election in the~~  
44 ~~even numbered year under G.S. 163-1(b), (iii) Tuesday after the first Monday in November of~~  
45 ~~the odd numbered year, or (iv) a date in September or October of the odd numbered year as~~  
46 ~~listed in G.S. 163-279(a)(2), (3), or (4) but only if at least one municipality in the county is~~  
47 ~~holding a primary or election on that date.~~The board of commissioners shall hold a public  
48 hearing on the question at least 30 days before the date the election is to be held."

49 **SECTION 10.14.** G.S. 105-537(b) reads as rewritten:

50 "(b) Vote. – The board of county commissioners may direct the county board of  
51 elections to conduct an advisory referendum on the question of whether to levy a local sales

1 and use tax in the county as provided in this Article. The election shall be held ~~on a date jointly~~  
2 ~~agreed upon by the board of county commissioners and the board of elections and shall be held~~  
3 in accordance with the procedures of G.S. 163-287."

4 **SECTION 10.15.** G.S. 106-343 reads as rewritten:

5 "**§ 106-343. Appropriations by counties; elections.**

6 The several boards of county commissioners in the State are hereby expressly authorized  
7 and empowered to make such appropriations from the general funds of their county as will  
8 enable them to cooperate effectively with the state Department of Agriculture and Consumer  
9 Services and Federal Department of Agriculture in the eradication of tuberculosis in their  
10 respective counties: Provided, that if in 10 days after said appropriation is voted, one fifth of  
11 the qualified voters of the county petition the board of commissioners to submit the question of  
12 tuberculosis eradication or no tuberculosis eradication to the voters of the county, said  
13 commissioners shall submit such questions to said voters. Said election shall be held and  
14 conducted under ~~the rules and regulations provided for holding stock law elections in~~  
15 ~~G.S. 68-16, 68-20 and 68-21.~~G.S. 163-287. If at any such election a majority of the votes cast  
16 shall be in favor of said tuberculosis eradication, the said board shall record the result of the  
17 election upon its minutes, and cooperative tuberculosis eradication shall be taken up with the  
18 state Department of Agriculture and Consumer Services and Federal Department of  
19 Agriculture. If, however, a majority of the votes cast shall be adverse, then said board shall  
20 make no appropriation."

21 **SECTION 10.16.** G.S. 115C-501(h) reads as rewritten:

22 "(h) To Annex or Consolidate Areas or Districts from Contiguous Counties and to  
23 Provide a Supplemental School Tax in Such Annexed Areas or Consolidated Districts. – An  
24 election may be called in any districts or other school areas, from contiguous counties, as to  
25 whether the districts in one county shall be enlarged by annexing or consolidating therewith  
26 any adjoining districts, or other school area or areas from an adjoining county, and if a special  
27 or supplemental school tax is levied and collected in the districts of the county to which the  
28 territory is to be annexed or consolidated, whether upon such annexation or consolidation there  
29 shall be levied and collected in the territory to be annexed or consolidated the same special or  
30 supplemental tax for schools as is levied and collected in the districts in the other county. If  
31 such election carries, the said special or supplemental tax shall be collected pursuant to  
32 G.S. 115C-511 and remitted to the local school administrative unit on whose behalf such  
33 special and supplemental tax is already levied: ~~Provided, that notwithstanding the provisions of~~  
34 ~~G.S. 115C-508, if the notice of election clearly so states, and the election shall be held prior to~~  
35 ~~August 1, the annexation or consolidation shall be effective and the tax so authorized shall be~~  
36 ~~levied and collected beginning with the fiscal year commencing July 1 next preceding such~~  
37 ~~elections levied."~~

38 **SECTION 10.17.** G.S. 115C-501 is amended by adding a new subsection to read:

39 "(j) All elections called under this section shall be conducted in accordance with  
40 G.S. 163-287."

41 **SECTION 10.18.** G.S. 115D-33(d) reads as rewritten:

42 "(d) All elections shall be held in the same manner as elections held under Article 4,  
43 Chapter 159, of the General Statutes, the Local Government Bond Act, and ~~may be held at any~~  
44 ~~time fixed by the tax levying authority of the administrative area or proposed administrative~~  
45 ~~area of the institution for which such election is to be held.~~shall be held on a date permitted by  
46 G.S. 163-287."

47 **SECTION 10.19.** G.S. 115D-35(a) reads as rewritten:

48 "(a) Formal requests for elections on the question of authority to appropriate nontax  
49 revenues or levy special taxes, or both, and to issue bonds, when such elections are to be held  
50 for the purpose of establishing an institution, shall be originated and submitted only in the  
51 following manner:

- 1 (1) Proposed multiple-county administrative areas: Formal requests for elections  
2 may be submitted jointly by all county boards of education in the proposed  
3 administrative area, or by petition of fifteen percent (15%) of the number of  
4 qualified voters of the proposed area who voted in the last preceding election  
5 for Governor, to the boards of commissioners of all counties in the proposed  
6 area, who ~~may~~ shall fix the time for such election by joint resolution on a  
7 date permitted by G.S. 163-287, which shall be entered in the minutes of  
8 each board.
- 9 (2) Proposed single-county administrative area: Formal requests shall be  
10 submitted by the board of education of any public school administrative unit  
11 within the county of the proposed administrative area or by petition of  
12 fifteen percent (15%) of the number of qualified voters of the county who  
13 voted in the last preceding election for Governor, to the board of  
14 commissioners of the county of the proposed administrative area, who ~~may~~  
15 shall fix the time for such election by resolution on a date permitted by  
16 G.S. 163-287, which shall be entered in the minutes of the board."

17 **SECTION 10.20.** G.S. 130A-69 reads as rewritten:

18 "(a) If after a sanitary district has been created or the provisions of this Part have been  
19 made applicable to a sanitary district, a petition signed by not less than fifteen percent (15%) of  
20 the resident freeholders within any territory contiguous to and adjoining the sanitary district  
21 may be presented to the sanitary district board requesting annexation of territory described in  
22 the petition. The sanitary district board shall send a copy of the petition to the board of  
23 commissioners of the county or counties in which the district is located and to the Department.  
24 The sanitary district board shall request that the Department hold a joint public hearing with the  
25 sanitary district board on the question of annexation. The Secretary and the chairperson of the  
26 sanitary district board shall name a time and place for the public hearing. The chairperson of  
27 the sanitary district board shall publish a notice of public hearing once in a newspaper or  
28 newspapers published or circulating in the sanitary district and the territory proposed to be  
29 annexed. The notice shall be published not less than 15 days prior to the hearing. If after the  
30 hearing, the Commission approves the annexation of the territory described in the petition, the  
31 Department shall advise the board or boards of commissioners of the approval. The board or  
32 boards of commissioners shall order and provide for the holding of a special election in  
33 accordance with G.S. 163-287 upon the question of annexation within the territory proposed to  
34 be annexed.

35 (b) If at or prior to the public hearing, a petition is filed with the sanitary district board  
36 signed by not less than fifteen percent (15%) of the freeholders residing in the sanitary district  
37 requesting an election be held on the annexation question, the sanitary district board shall send  
38 a copy of the petition to the board or boards of commissioners who shall order and provide for  
39 the submission of the question to the voters within the sanitary district. This election may be  
40 held on the same day as the election in the territory proposed to be annexed, and both elections  
41 and registrations may be held pursuant to a single notice. A majority of the votes cast is  
42 necessary for a territory to be annexed to a sanitary district.

43 (c) The election shall be held by the county board or boards of elections ~~as soon as~~  
44 possible in accordance with G.S. 163-287 after the board or boards of commissioners orders the  
45 election. The cost of the election shall be paid by the sanitary district. Registration in the area  
46 proposed for annexation shall be under the same procedure as G.S. 163-288.2.

47 ...."

48 **SECTION 10.21.** G.S. 139-39 reads as rewritten:

49 "**§ 139-39. Alternative method of financing watershed improvement programs by special**  
50 **county tax.**

1 The board of county commissioners in any county is authorized to call a special election to  
2 determine whether it be the will of the qualified voters of the county that they levy and cause to  
3 be collected annually, at the same time and in the same manner as the general county taxes are  
4 levied and collected, a special tax at a rate not to exceed twenty-five cents (25¢) on each one  
5 hundred dollars (\$100.00) valuation of property in said county, to be known as a "Watershed  
6 Improvement Tax," the funds therefrom, if the levy be authorized by the voters of said county,  
7 to be used for the prevention of flood water and sediment damages, and for furthering the  
8 conservation, utilization and disposal of water and the development of water resources. Any  
9 special election shall be conducted in accordance with G.S. 163-287."

10 **SECTION 10.22.** G.S. 147-69.6(f) reads as rewritten:

11 "(f) The Board of Commissioners of Swain County may direct the Swain County Board  
12 of Elections to conduct an advisory referendum on the question of whether any portion of the  
13 principal of the Fund should be disbursed to and expended by the county for a particular  
14 purpose. The election shall be held ~~on a date jointly agreed upon by the two boards, which may~~  
15 ~~be the same day as any other referendum or election in the county, but may not otherwise be~~  
16 ~~during the period beginning 30 days before and ending 30 days after the day of any other~~  
17 ~~referendum or election to be conducted by the board of elections and already validly called or~~  
18 ~~scheduled by law.~~ The election shall be held in accordance with the procedures of  
19 G.S. 163-287. The question to be presented on the ballot shall disclose the specific purpose  
20 proposed for expenditure of the principal investment of the Trust Fund and the amount  
21 proposed for expenditure."

22 **SECTION 10.23.** G.S. 153A-60 reads as rewritten:

23 **"§ 153A-60. Initiation of alterations by resolution.**

24 The board of commissioners shall initiate any alteration in the structure of the board by  
25 adopting a resolution. The resolution shall:

- 26 (1) Briefly but completely describe the proposed alterations;
- 27 (2) Prescribe the manner of transition from the existing structure to the altered  
28 structure;
- 29 (3) Define the electoral districts, if any, and apportion the members among the  
30 districts;
- 31 (4) Call a special referendum on the question of adoption of the alterations. The  
32 referendum shall be held and conducted by the county board of elections.  
33 The referendum may be held only on a date permitted by G.S. 163-287, ~~at~~  
34 ~~the same time as any other state, county or municipal primary, election,~~  
35 ~~special election or referendum, or on any date set by the board of county~~  
36 ~~commissioners, provided, that such referendum shall not be held within the~~  
37 ~~period of time beginning 60 days before and ending 60 days after any other~~  
38 ~~primary, election, special election or referendum held in the county.~~

39 Upon its adoption, the resolution shall be published in full."

40 **SECTION 10.24.** G.S. 153A-405(a) reads as rewritten:

41 "(a) If authorized to do so by the concurrent resolutions that established it, a commission  
42 may call a referendum on its proposed plan of governmental consolidation. If authorized or  
43 directed in the concurrent resolutions, the ballot question may include the assumption of debt  
44 secured by a pledge of faith and credit language and may also include the assumption of the  
45 right to issue authorized but unissued faith and credit debt language as provided in subsection  
46 (b) of this section. The referendum ~~may be held on the same day as any other referendum or~~  
47 ~~election in the county or counties involved, but may not otherwise be held during the period~~  
48 ~~beginning 30 days before and ending 30 days after the day of any other referendum or election~~  
49 ~~to be conducted by the board or boards of elections conducting the referendum and already~~  
50 ~~validly called or scheduled by law shall be held in accordance with G.S. 163-287."~~

51 **SECTION 10.25.** G.S. 158-16 reads as rewritten:

**"§ 158-16. Board of commissioners may call tax election; rate and purposes of tax.**

The board of county commissioners in any county is authorized and empowered to call a special election to determine whether it be the will of the qualified voters of said county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed five cents (5¢) on each one hundred dollars (\$100.00) valuation of property in said county, to be known as an "industrial development tax," the funds therefrom, if the levy be authorized by the voters of said county, to be used for the purpose of attracting new and diversified industries to said county, and for the encouragement of new business and industrial ventures by local as well as foreign capital, and for the purpose of aiding and encouraging the location of manufacturing enterprises, making industrial surveys and locating industrial plants in said county, and for the purpose of encouraging agricultural development in said county. Any special election shall be conducted in accordance with G.S. 163-287."

**SECTION 10.26.** G.S. 159-61(b) reads as rewritten:

"(b) The date of a bond referendum shall be fixed by the governing board, but shall not be more than one year after adoption of the bond ~~order~~ order, only on a date permitted by G.S. 163-287. ~~The governing board may call a special referendum for the purpose of voting on a bond issue on any day, including the day of any regular or special election held for another purpose (unless the law under which the bond referendum or other election is held specifically prohibits submission of other questions at the same time). A special bond referendum may not be held within 30 days before or 10 days after a statewide primary, election, or referendum, or within 30 days before or 10 days after any other primary, election, or referendum to be held in the same unit holding the bond referendum and already validly called or scheduled by law at the time the bond referendum is called.~~ The clerk shall mail or deliver a certified copy of the resolution calling a special bond referendum to the board of elections that is to conduct it within three days after the resolution is adopted, but failure to observe this requirement shall not in any manner affect the validity of the referendum or bonds issued pursuant thereto. Bond referenda shall be conducted by the board of elections conducting regular elections of the county, city, or special district. ~~In fixing the date of a bond referendum, the governing board shall consult the board of elections in order that the referendum shall not unduly interfere with other elections already scheduled or in process.~~ Several bond orders or other matters may be voted upon at the same referendum."

**SECTION 10.27.** G.S. 160A-103 reads as rewritten:

**"§ 160A-103. Referendum on charter amendments by ordinance.**

An ordinance adopted under G.S. 160A-102 that is not made effective upon approval by a vote of the people shall be subject to a referendum petition. Upon receipt of a referendum petition bearing the signatures and residence addresses of a number of qualified voters of the city equal to at least 10 percent of the whole number of voters who are registered to vote in city elections according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less, the council shall submit an ordinance adopted under G.S. 160A-102 to a vote of the people. The date of the special election shall be fixed ~~at~~ on a date permitted by G.S. 163-287. ~~not more than 120 nor fewer than 60 days after receipt of the petition.~~ A referendum petition shall be addressed to the council and shall identify the ordinance to be submitted to a vote. A referendum petition must be filed with the city clerk not later than 30 days after publication of the notice of adoption of the ordinance."

**SECTION 10.28.** G.S. 160A-104 reads as rewritten:

**"§ 160A-104. Initiative petitions for charter amendments.**

The people may initiate a referendum on proposed charter amendments. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the city equal to at least ten percent (10%) of the whole number of voters who are registered to vote in city elections according to the most recent figures certified by the State Board of Elections or

1 5,000, whichever is less. The petition shall set forth the proposed amendments by describing  
2 them briefly but completely and with reference to the pertinent provisions of G.S. 160A-101,  
3 but it need not contain the precise text of the charter amendments necessary to implement the  
4 proposed changes. The petition may not propose changes in the alternative, or more than one  
5 integrated set of charter amendments. Upon receipt of a valid initiative petition, the council  
6 shall call a special election on the question of adopting the charter amendments proposed  
7 therein, and shall give public notice thereof in accordance with G.S. 163-287. The date of the  
8 special election shall be fixed ~~at on a date permitted by G.S. 163-287. not more than 120 nor~~  
9 ~~fewer than 60 days after receipt of the petition.~~ If a majority of the votes cast in the special  
10 election shall be in favor of the proposed changes, the council shall adopt an ordinance  
11 amending the charter to put them into effect. Such an ordinance shall not be subject to a  
12 referendum petition. No initiative petition may be filed (i) between the time the council initiates  
13 proceedings under G.S. 160A-102 by publishing a notice of hearing on proposed charter  
14 amendments and the time proceeding under that section have been carried to a conclusion  
15 either through adoption or rejection of a proposed ordinance or lapse of time, nor (ii) within  
16 one year and six months following the effective date of an ordinance amending the city charter  
17 pursuant to this Article, nor (iii) within one year and six months following the date of any  
18 election on charter amendments that were defeated by the voters.

19 The restrictions imposed by this section on filing initiative petitions shall apply only to  
20 petitions concerning the same subject matter. For example, pendency of council action on  
21 amendments concerning the method of electing the council shall not preclude an initiative  
22 petition on adoption of the council-manager form of government.

23 Nothing in this section shall be construed to prohibit the submission of more than one  
24 proposition for charter amendments on the same ballot so long as no proposition offers a  
25 different plan under the same option as another proposition on the same ballot."

26 **SECTION 10.29.** G.S. 160A-583 reads as rewritten:

27 "**§ 160A-583. Funds.**

28 The establishment and operation of a transportation authority as herein authorized are  
29 governmental functions and constitute a public purpose, and the municipality is hereby  
30 authorized to appropriate funds to support the establishment and operation of the transit  
31 authority. The municipality may also dedicate, sell, convey, donate or lease any of its interest in  
32 any property to the authority. Further, the authority is hereby authorized to establish such  
33 license and regulatory fees and charges as it may deem appropriate, subject to the approval of  
34 the governing body of the municipality. If the governing body finds that the funds otherwise  
35 available are insufficient, it may call a special election without a petition and submit to the  
36 qualified voters of the municipality the question of whether or not a special tax shall be levied  
37 and/or bonds issued, specifying the maximum amount thereof, for the purpose of acquiring  
38 lands, buildings, equipment and facilities and for the operations of the transit authority. Any  
39 special election shall be conducted in accordance with G.S. 163-287."

40 **SECTION 10.30.** G.S. 162A-68(d) reads as rewritten:

41 "(d) If, at or prior to such public hearing, there shall be filed with the district board a  
42 petition, signed by not less than ten per centum (10%) of the qualified voters residing in the  
43 district, requesting an election to be held therein on the question of including the political  
44 subdivision or unincorporated area, the district board shall certify a copy of such petition to the  
45 board or boards of commissioners, and the board or boards of commissioners shall request the  
46 county board or boards of elections to submit such question to the qualified voters within the  
47 district in accordance with G.S. 163-287 and the other applicable provisions of Chapter 163 of  
48 the General Statutes; provided, that the election shall not be held unless the Environmental  
49 Management Commission has adopted a resolution approving the inclusion of the political  
50 subdivision or unincorporated area in the district.



1 Notice of such election, which shall contain a statement of the boundaries of the territory  
2 proposed to be included in the district and the boundaries of the district after inclusion, shall be  
3 given by publication once a week for three successive weeks in a newspaper or newspapers  
4 having general circulation within the district, the first publication to be at least 30 days prior to  
5 the election."

6 **SECTION 10 31.** G.S. 162A-77.1 reads as rewritten:

7 "**§ 162A-77.1. Special election upon the question of the merger of metropolitan sewerage**  
8 **districts into cities or towns.**

9 Any district lying entirely within the corporate limits of a city or town may be merged into  
10 such city or town in accordance with the provisions of this section.

11 The governing body of a city or town, with the approval of the district board, shall call and  
12 conduct a special election within such city or town on the question of the merger of the district  
13 into the city or town. A vote in favor of such merger shall constitute a vote for such city or  
14 town to assume the obligations of the district. Such special election may be called and  
15 conducted by the governing body of a city or town upon its own motion after passage of a  
16 resolution of the district board requesting or approving the special election. Any special  
17 election shall be conducted in accordance with G.S. 163-287.

18 A new registration of voters shall not be required for the special election. The special  
19 election shall be conducted in accordance with the provisions of law applicable to regular  
20 elections in the city or town.

21 If a majority of the votes are in favor of the merger, then:

- 22 (1) All property, real and personal and mixed, including accounts receivable,  
23 belonging to such district shall vest in, belong to, and be the property of,  
24 such city or town. All district boards are hereby authorized to take such  
25 actions and to execute such documents as will carry into effect the  
26 provisions and the intent of this section.
- 27 (2) All judgments, liens, rights of liens, and causes of action of any nature in  
28 favor of such district shall vest in and remain and inure to the benefit of such  
29 city or town.
- 30 (3) All taxes, assessments, sewer charges, and any other debts, charges or fees,  
31 owing to such district shall be owed to and collected by such city or town.
- 32 (4) All actions, suits and proceedings pending against, or having been instituted  
33 by, such district shall not be abated by this section or by the merger herein  
34 provided for, but all such actions, suits, and proceedings shall be continued  
35 and completed in the same manner as if merger had not occurred, and such  
36 city or town shall be a party to all such actions, suits, and proceedings in the  
37 place and stead of the district and shall pay or cause to be paid any  
38 judgments rendered against the district in any such actions, suits, or  
39 proceedings. No new process need be served in any such action, suit, or  
40 proceeding.
- 41 (5) All obligations of the district, including outstanding indebtedness, shall be  
42 assumed by such city or town, and all such obligations and outstanding  
43 indebtedness shall constitute obligations and indebtedness of such city or  
44 town, and the full faith and credit of such city or town shall be deemed to be  
45 pledged for the punctual payment of the principal of and the interest on any  
46 general obligation bonds or bond anticipation notes of such district, and all  
47 the taxable property within such city or town, as well as that formerly  
48 located within the district, shall be and remain subject to taxation for such  
49 payment.

1 (6) All ordinances, rules, regulations, and policies of such district shall continue  
2 in full force and effect until repealed or amended by the governing body of  
3 such city or town.

4 (7) Such district shall be abolished, and shall no longer be constituted a public  
5 body or a body politic and corporate, except for the purposes of carrying into  
6 effect the provisions and the intent of this section.

7 If a majority of the votes are against the merger, then such merger shall not be effective  
8 unless approved by a majority of the qualified voters who vote thereon in a subsequent special  
9 election conducted under authority of this section.

10 Any action or proceeding in any court to set aside a special election held under authority of  
11 this section or the result thereof, or to obtain any other relief upon the ground that such election  
12 or any proceeding or action taken with respect to the holding of such election is invalid, must  
13 be commenced within 30 days after the day of such special election. After the expiration of  
14 such period of limitation, no right of action or defense founded upon the invalidity of the  
15 election or the result thereof shall be asserted, nor shall the validity of the election or of the  
16 result thereof be open to question in any court upon any ground whatever, except in an action  
17 or proceeding commenced within such period."

18 **SECTION 10.32.** This Part becomes effective January 1, 2014, and applies to  
19 special elections held on or after that date.

## 20 **PART 11. POLL OBSERVERS**

21 **SECTION 11.1.** G.S. 163-45 reads as rewritten:

### 22 **"§ 163-45. Observers; appointment.**

23 (a) The chair of each political party in the county shall have the right to designate two  
24 observers to attend each voting place at each primary and election and such observers may, at  
25 the option of the designating party chair, be relieved during the day of the primary or election  
26 after serving no less than four hours and provided the list required by this section to be filed by  
27 each chair contains the names of all persons authorized to represent such chair's political party.  
28 The chair of each political party in the county shall have the right to designate 10 additional  
29 at-large observers who are residents of that county who may attend any voting place in that  
30 county. Not more than two observers from the same political party shall be permitted in the  
31 voting enclosure at any ~~time.~~ time, except that in addition one of the at-large observers may  
32 also be in the voting enclosure. This right shall not extend to the chair of a political party  
33 during a primary unless that party is participating in the primary. In any election in which an  
34 unaffiliated candidate is named on the ballot, the candidate or the candidate's campaign  
35 manager shall have the right to appoint two observers for each voting place consistent with the  
36 provisions specified herein. Persons appointed as observers must be registered voters of the  
37 county for which appointed and must have good moral character. No person who is a candidate  
38 on the ballot in a primary or election may serve as an observer or runner in that primary or  
39 election. Observers shall take no oath of office.

40 (b) Individuals authorized to appoint observers must submit in writing to the chief judge  
41 of each precinct a signed list of the observers appointed for that ~~precinct.~~ precinct, except that  
42 the list of at-large observers authorized in subsection (a) of this section shall be submitted to the  
43 county supervisor of elections. Individuals authorized to appoint observers must, prior to 10:00  
44 A.M. on the fifth day prior to any primary or general election, submit in writing to the chair of  
45 the county board of elections two signed copies of a list of observers appointed by them,  
46 designating the precinct or at-large status for which each observer is appointed. Before the  
47 opening of the voting place on the day of a primary or general election, the chair shall deliver  
48 one copy of the list to the chief judge for each affected ~~precinct.~~ precinct, except that the list of  
49 at-large observers shall be provided by the county supervisor of elections to the chief judge.  
50 The chair shall retain the other copy. The chair, or the chief judge and judges for each affected  
51

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

6 If party chairs appoint observers at one-stop sites under G.S. 163-227.2, those party chairs  
7 shall provide a list of the observers appointed before 10:00 A.M. on the fifth day before the  
8 observer is to observe. At-large observers may serve at any one-stop site.

9 (c) An observer shall do no electioneering at the voting place, and shall in no manner  
10 impede the voting process or interfere or communicate with or observe any voter in casting a  
11 ballot, but, subject to these restrictions, the chief judge and judges of elections shall permit the  
12 observer to make such observation and take such notes as the observer may desire. The  
13 observer shall be authorized to be present and move about the voting place prior to, during, and  
14 following the closing of the polls until the chief judge and judges have completed all of their  
15 duties. The observer shall be permitted to observe precinct officials checking voter registration  
16 from a position that allows an observer to clearly hear and understand voter responses.

17 A chief judge or judges of a precinct that limit the movement of or expel an observer from a  
18 voting place shall specify in writing and sign a statement of the reasons for the limitation or  
19 expulsion. The writing shall be witnessed by at least one of the other precinct judges, or if not  
20 witnessed by one of the other precinct judges, by any other person present. The writing shall be  
21 transmitted to the county board of elections by the chief judge at or prior to the canvass of the  
22 results of that election. An observer may challenge the limitation or expulsion using the  
23 procedure for an election protest as provided in G.S. 163-182.9. If the county board finds that a  
24 chief judge or judge expelled or limited an observer without cause, the chief judge or judge  
25 shall be subject to appropriate discipline by the county board of elections, including without  
26 limitation a written reprimand, censure, or removal from that office.

27 (d) Whether or not the observer attends to the polls for the requisite time provided by  
28 this section, each observer shall be entitled to obtain at times specified by the State Board of  
29 Elections, but not less than three times during election day with the spacing not less than one  
30 hour apart, a list of the persons who have voted in the precinct so far in that election day.  
31 Counties that use an "authorization to vote document" instead of poll books may comply with  
32 the requirement in the previous sentence by permitting each observer to inspect election records  
33 so that the observer may create a list of persons who have voted in the precinct so far that  
34 election day; each observer shall be entitled to make the inspection at times specified by the  
35 State Board of Elections, but not less than three times during election day with the spacing not  
36 less than one hour apart.

37 Instead of having an observer receive the voting list, the county party chair may send a  
38 runner to do so, even if an observer has not been appointed for that precinct. The runner may be  
39 the precinct party chair or any person named by the county party chair. Each county party chair  
40 using runners in an election shall provide to the county board of elections before 10:00 A.M. on  
41 the fifth day before election day a list of the runners to be used. That party chair must notify the  
42 chair of the county board of elections or the board chair's designee of the names of all runners  
43 to be used in each precinct before the runner goes to the precinct. The runner may receive a  
44 voter list from the precinct on the same schedule as an observer. Whether obtained by observer  
45 or runner, each party is entitled to only one voter list at each of the scheduled times. No runner  
46 may enter the voting enclosure except when necessary to announce that runner's presence and  
47 to receive the list. The runner must leave immediately after being provided with the list."  
48

## 49 PART 12. ELIMINATION OF PRE-REGISTRATION

50 SECTION 12.1(a) G.S. 163-82.1(d) is repealed.

51 SECTION 12.1.(b) G.S. 163-82.3(a)(5) is repealed

1           **SECTION 12.1.(c)** G.S. 163-82.4(d) reads as rewritten:

2           "(d)   Citizenship and Age Questions. – Voter registration application forms shall include  
3 all of the following:

4           (1)   The following question and statement:

5           a.     "Are you a citizen of the United States of America?" and boxes for  
6                 the applicant to check to indicate whether the applicant is or is not a  
7                 citizen of the United States.

8           b.     "If you checked 'no' in response to this question, do not submit this  
9                 form."

10          (2)   The following ~~questions~~ question and statement:

11          a.     "Will you be 18 years of age on or before election day?" and boxes  
12                 for the applicant to check to indicate whether the applicant will be 18  
13                 years of age or older on election day.

14          b.     ~~"Are you at least 16 years of age and understand that you must be 18  
15                 years of age on or before election day to vote?" and boxes for the  
16                 applicant to check to indicate whether the applicant is at least 16  
17                 years of age and understands that the applicant must be at least 18  
18                 years of age or older by election day to vote.~~

19          c.     ~~"If you checked 'no' in response to both of these questions, this  
20                 question, do not submit this form."~~

21          **SECTION 12.1.(d)** G.S. 163-82.23 reads as rewritten:

22          "**§ 163-82.23. Voter registration at public high schools.**

23           Every public high school shall make available to its students and others who are eligible to  
24           register ~~and preregister~~ to vote the application forms described in G.S. 163-82.3, and shall keep  
25           a sufficient supply of the forms so that they are always available. A local board of education  
26           may, but is not required to, designate high school employees to assist in completing the forms.  
27           Only employees who volunteer for this duty may be designated by boards of education."

28          **SECTION 12.1.(e)** G.S. 163-82.19(a) reads as rewritten:

29          "(a)   Voter Registration at Drivers License Offices. – The Division of Motor Vehicles  
30           shall, pursuant to the rules adopted by the State Board of Elections, modify its forms so that  
31           any eligible person who applies for original issuance, renewal or correction of a drivers license,  
32           or special identification card issued under G.S. 20-37.7 may, on a part of the form, complete an  
33           application to register to vote, or to update the voter's registration if the voter has changed his  
34           or her address or moved from one precinct to another or from one county to ~~another, or to~~  
35           ~~preregister to vote. another.~~ another. The person taking the application shall ask if the applicant is a  
36           citizen of the United States. If the applicant states that the applicant is not a citizen of the  
37           United States, or declines to answer the question, the person taking the application shall inform  
38           the applicant that it is a felony for a person who is not a citizen of the United States to apply to  
39           register to vote. Any person who willfully and knowingly and with fraudulent intent gives false  
40           information on the application is guilty of a Class I felony. The application shall state in clear  
41           language the penalty for violation of this section. The necessary forms shall be prescribed by  
42           the State Board of Elections. The form must ask for the previous voter registration address of  
43           the voter, if any. If a previous address is listed, and it is not in the county of residence of the  
44           applicant, the appropriate county board of elections shall treat the application as an  
45           authorization to cancel the previous registration and also process it as such under the  
46           procedures of G.S. 163-82.9. If a previous address is listed and that address is in the county  
47           where the voter applies to register, the application shall be processed as if it had been submitted  
48           under G.S. 163-82.9.

49           Registration shall become effective as provided in G.S. 163-82.7. Applications to register to  
50           vote accepted at a drivers license office under this section until the deadline established in  
51           G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no person who

1 completes an application at that drivers license office shall be denied the vote in that election  
2 for failure to apply earlier than that deadline.

3 All applications shall be forwarded by the Department of Transportation to the appropriate  
4 board of elections not later than five business days after the date of acceptance, according to  
5 rules which shall be promulgated by the State Board of Elections. Those rules shall provide for  
6 a paperless, instant, electronic transfer of applications to the appropriate board of elections.  
7 ~~Applications for preregistration to vote shall be forwarded to the State Board of Elections."~~

8 **SECTION 12.1(f)** G.S. 163-82.20 reads as rewritten:

9 **"§ 163-82.20. Voter registration at other public agencies.**

10 (a) Voter Registration Agencies. – Every office in this State which accepts:

- 11 (1) Applications for a program of public assistance under Article 2 of Chapter  
12 108A of the General Statutes or under Article 13 of Chapter 130A of the  
13 General Statutes;  
14 (2) Applications for State-funded State or local government programs primarily  
15 engaged in providing services to persons with disabilities, with such office  
16 designated by the State Board of Elections; or  
17 (3) Claims for benefits under Chapter 96 of the General Statutes, the  
18 Employment Security Law, is designated as a voter registration agency for  
19 purposes of this section.

20 (b) Duties of Voter Registration Agencies. – A voter registration agency described in  
21 subsection (a) of this section shall, unless the applicant declines, in writing, to register ~~or~~  
22 ~~preregister to vote:~~

- 23 (1) Distribute with each application for service or assistance, and with each  
24 recertification, renewal, or change of address relating to such service or  
25 assistance:  
26 a. The voter registration application form described in G.S. 163-82.3(a)  
27 or (b); or  
28 b. The voter registration agency's own form, if it is substantially  
29 equivalent to the form described in G.S. 163-82.3(a) or (b) and has  
30 been approved by the State Board of Elections, provided that the  
31 agency's own form may be a detachable part of the agency's paper  
32 application or may be a paperless computer process, as long as the  
33 applicant is required to sign an attestation as part of the application to  
34 ~~register or preregister.~~ register.  
35 (2) Provide a form that contains the elements required by section 7(a)(6)(B) of  
36 the National Voter Registration Act; and  
37 (3) Provide to each applicant who does not decline to register ~~or preregister to~~  
38 vote the same degree of assistance with regard to the completion of the  
39 registration application as is provided by the office with regard to the  
40 completion of its own forms.

41 (c) Provided that voter registration agencies designated under subdivision (a)(3) of this  
42 section shall only be required to provide the services set out in this subsection to applicants for  
43 new claims, reopened claims, and changes of address under Chapter 96 of the General Statutes,  
44 the Employment Security Law.

45 (d) Home Registration for Disabled. – If a voter registration agency provides services to  
46 a person with disability at the person's home, the voter registration agency shall provide the  
47 services described in subsection (b) of this section at the person's home.

48 (e) Prohibitions. – Any person providing any service under subsection (b) of this  
49 section shall not:

- 50 (1) Seek to influence an applicant's political preference or party registration,  
51 except that this shall not be construed to prevent the notice provided by

1 G.S. 163-82.4(c) to be given if the applicant refuses to declare his party  
 2 affiliation;  
 3 (2) Display any such political preference or party allegiance;  
 4 (3) Make any statement to an applicant or take any action the purpose or effect  
 5 of which is to discourage the applicant from registering ~~or preregistering~~ to  
 6 vote; or  
 7 (4) Make any statement to an applicant or take any action the purpose or effect  
 8 of which is to lead the applicant to believe that a decision to register ~~or~~  
 9 ~~preregister~~ or not to register ~~or preregister~~ has any bearing on the availability  
 10 of services or benefits.

11 (f) Confidentiality of Declination to Register. – No information relating to a declination  
 12 to register ~~or preregister~~ to vote in connection with an application made at a voter registration  
 13 agency may be used for any purpose other than voter registration.

14 (g) Transmittal From Agency to Board of Elections. – Any voter registration ~~or~~  
 15 ~~preregistration~~ application completed at a voter registration agency shall be accepted by that  
 16 agency in lieu of the applicant's mailing the application. Any such application so received shall  
 17 be transmitted to the appropriate board of elections not later than five business days after  
 18 acceptance, according to rules which shall be promulgated by the State Board of Elections.

19 (h) Twenty-Five-Day Deadline for an Election. – Applications to register accepted by a  
 20 voter registration agency shall entitle a registrant to vote in any primary, general, or special  
 21 election unless the registrant shall have made application later than the twenty-fifth calendar  
 22 day immediately preceding such primary, general, or special election, provided that nothing  
 23 shall prohibit voter registration agencies from continuing to accept applications during that  
 24 period.

25 (i) Ineligible Applications Prohibited. – No person shall make application to register ~~or~~  
 26 ~~preregister~~ to vote under this section if that person is ineligible on account of age, citizenship,  
 27 lack of residence for the period of time provided by law, or because of conviction of a felony."

28 **SECTION 12.1.(g)** G.S. 115C-81(g1)(1) reads as rewritten:

29 "(1) The State Board of Education shall modify the high school social studies  
 30 curriculum to include instruction in civic and citizenship education. The  
 31 State Board of Education is strongly encouraged to include, at a minimum,  
 32 the following components in the high school civic and citizenship education  
 33 curriculum:

- 34 a. That students write to a local, State, or federal elected official about
- 35 an issue that is important to them;
- 36 b. Instruction on the importance of voting and otherwise participating in
- 37 the democratic process, including instruction on voter ~~registration~~  
 38 ~~and preregistration~~; registration;
- 39 c. Information about current events and governmental structure; and
- 40 d. Information about the democratic process and how laws are made."

41 **SECTION 12.1.(h)** G.S. 115C-47(59) reads as rewritten:

42 "(59) To Encourage Student Voter ~~Registration and Preregistration~~. Registration –  
 43 Local boards of education are encouraged to adopt policies to promote  
 44 student voter ~~registration and preregistration~~. registration. These policies  
 45 may include collaboration with county boards of elections to conduct voter  
 46 registration and preregistration in high schools. Completion and submission  
 47 of voter registration ~~or preregistration~~ forms shall not be a course  
 48 requirement or graded assignment for students."

49 **SECTION 12.1(i).** The Department of Public Instruction is encouraged to improve  
 50 outreach to high school students on registering to vote when they are eligible, including the

1 curriculum element on instruction in voter registration already provided by G.S. 115C-47(59)  
2 and voter registration in public high schools as already allowed by G.S. 163-82.23.

3 **SECTION 12.1(j)** This section becomes effective January 1, 2015. All voter  
4 pre-registrations completed and received by the State Board prior to that date shall be processed  
5 and those voters registered, as appropriate.

### 7 **PART 13. "WET INK" ON VOTER REGISTRATION FORMS**

8 **SECTION 13.1.** G.S. 163-82.6(b) reads as rewritten:

9 "(b) Signature. – The form shall be valid only if signed by the applicant. An  
10 electronically captured signature, including signatures on applications generated by computer  
11 programs of third-party groups, shall not be valid on a voter registration form, except as  
12 provided in Article 21A of this Chapter. ~~An~~ Notwithstanding the provisions of this subsection,  
13 an electronically captured image of the signature of a voter on an electronic voter registration  
14 form offered by a State agency shall be considered a valid signature for all purposes for which  
15 a signature on a paper voter registration form is used."

### 17 **PART 14. COMPENSATION FOR VOTER REGISTRATION LIMITED**

18 **SECTION 14.1.** G.S. 163-274(a) is amended by adding a new subdivision to read:

19 "(14) For any person to be compensated based on the number of forms submitted  
20 for assisting persons in registering to vote unless that person is conducting  
21 voter registration for a governmental agency as required by this Chapter or  
22 by federal law."

### 24 **PART 16. ELIMINATE SAME-DAY VOTER REGISTRATION**

25 **SECTION 16.1.** G.S. 163-82.6A is repealed.

26 **SECTION 16.2.** G.S. 163-59 reads as rewritten:

27 "**§ 163-59. Right to participate or vote in party primary.**

28 No person shall be entitled to vote or otherwise participate in the primary election of any  
29 political party unless that person complies with all of the following:

- 30 (1) Is a registered voter.
- 31 (2) Has declared and has had recorded on the registration book or record the fact  
32 that the voter affiliates with the political party in whose primary the voter  
33 proposes to vote or participate.
- 34 (3) Is in good faith a member of that party.

35 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under  
36 G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that  
37 primary except for subdivisions (2) and (3) of the previous paragraph.

38 Any person who will become qualified by age to register and vote in the general election  
39 for which the primary is held, even though not so qualified by the date of the primary, shall be  
40 entitled to register for the primary and general election prior to the primary and then to vote in  
41 the primary after being registered. Such person may register not earlier than 60 days nor later  
42 than the last day for making application to register under G.S. 163-82.6(c) prior to the primary.  
43 In addition, persons who will become qualified by age to register and vote in the general  
44 election for which the primary is held, who do not register during the special period may  
45 register to vote after such period as if they were qualified on the basis of age, but until they are  
46 qualified by age to vote, they may vote only in primary elections. ~~Such a person also may~~  
47 ~~register and vote in the primary and general election pursuant to G.S. 163-82.6A(f)."~~

48 **SECTION 16.3.** G.S. 163-82.6(c) reads as rewritten:

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

- 1 (1) If submitted by mail, must be postmarked at least 25 days before the primary  
2 or election, except that any mailed application on which the postmark is  
3 missing or unclear is validly submitted if received in the mail not later than  
4 20 days before the primary or election,  
5 (2) If submitted in person, by facsimile transmission, or by transmission of a  
6 scanned document, must be received by the county board of elections by a  
7 time established by that board, but no earlier than 5:00 P.M., on the  
8 twenty-fifth day before the primary or election,  
9 (3) If submitted through a delegatee who violates the duty set forth in subsection  
10 (a) of this section, must be signed by the applicant and given to the delegatee  
11 not later than 25 days before the primary or election, except as provided in  
12 subsection (d) of this section."

13 **SECTION 16.4.** G.S. 163-166.12(b2) reads as rewritten:

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

27 **SECTION 16.5.** G.S. 163-227.2(a) reads as rewritten:

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

31 **SECTION 16.6.** G.S. 163-283 reads as rewritten:

32 **"§ 163-283. Right to participate or vote in party primary.**

33 No person shall be entitled to vote or otherwise participate in the primary election of any  
34 political party unless that person complies with all of the following:

- 35 (1) Is a registered voter.  
36 (2) Has declared and has had recorded on the registration book or record the fact  
37 that the voter affiliates with the political party in whose primary the voter  
38 proposes to vote or participate.  
39 (3) Is in good faith a member of that party.

40 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under  
41 G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that  
42 primary except for subdivisions (2) and (3) of the previous paragraph.

43 Any person who will become qualified by age to register and vote in the general election  
44 for which the primary is held, even though not so qualified by the date of the primary election,  
45 shall be entitled to register while the registration books are open during the regular registration  
46 period prior to the primary and then to vote in the primary after being registered, provided  
47 however, under full-time and permanent registration, such an individual may register not earlier  
48 than 60 days nor later than the last day for making application to register under  
49 G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to  
50 register and vote in the general election for which the primary is held, who do not register  
51 during the special period may register to vote after such period as if they were qualified on the



1 basis of age, but until they are qualified by age to vote, they may vote only in primary  
2 elections. ~~Such a person also may register and vote in the primary and general election pursuant~~  
3 ~~to G.S. 163-82.6A(f)."~~

4 **SECTION 16.7.** G.S. 163-283.1 reads as rewritten:

5 **"§ 163-283.1. Voting in nonpartisan primary.**

6 Any person who will become qualified by age to register and vote in the general election  
7 for which a nonpartisan primary is held, even though not so qualified by the date of the  
8 primary, shall be entitled to register for the primary and general election prior to the primary  
9 and then to vote in the primary after being registered. Such a person may register not earlier  
10 than 60 days nor later than the last day for making application to register under  
11 G.S. 163-82.6(c) prior to the primary. ~~Such a person also may register and vote in the primary~~  
12 ~~and general election pursuant to G.S. 163-82.6A(f)."~~

13 **SECTION 16.8.** G.S. 163-330 reads as rewritten:

14 **"§ 163-330. Voting in primary.**

15 Any person who will become qualified by age to register and vote in the general election  
16 for which the primary is held, even though not so qualified by the date of the primary, shall be  
17 entitled to register for the primary and general election prior to the primary and then to vote in  
18 the primary after being registered. Such person may register not earlier than 60 days nor later  
19 than the last day for making application to register under G.S. 163-82.6(c) prior to the primary.  
20 ~~Such a person also may register and vote in the primary and general election pursuant to~~  
21 ~~G.S. 163-82.6A(f)."~~

22  
23 **PART 17. ENHANCE DELIVERY OF MILITARY AND OVERSEAS ABSENTEE**  
24 **BALLOTS FOR PRESIDENTIAL ELECTIONS WHEN PRESIDENTIAL**  
25 **NOMINATING CONVENTIONS CONCLUDE AFTER LABOR DAY**

26 **SECTION 17.(a)** G.S. 163-227.3 reads as rewritten:

27 **"§ 163-227.3. Date by which absentee ballots must be available for voting.**

28 (a) A board of elections shall provide absentee ballots of the kinds needed 60 days prior  
29 to the statewide general election in even-numbered years and 50 days prior to the date on which  
30 any other election shall be conducted, unless 45 days is authorized by the State Board of  
31 Elections under G.S. 163-22(k) or there shall exist an appeal before the State Board or the  
32 courts not concluded, in which case the board shall provide the ballots as quickly as possible  
33 upon the conclusion of such an appeal. Provided, in a presidential election year, the board of  
34 elections shall provide general election ballots no later than three days after nomination of the  
35 Presidential and Vice Presidential candidates if that nomination occurs later than 63 days prior  
36 to the statewide general election and makes compliance with the 60-day deadline impossible.  
37 However, in the case of municipal elections, absentee ballots shall be made available no later  
38 than 30 days before an election. In every instance the board of elections shall exert every effort  
39 to provide absentee ballots, of the kinds needed by the date on which absentee voting is  
40 authorized to commence.

41 (b) Second Primary. – The board of elections shall provide absentee ballots, of the  
42 kinds needed, as quickly as possible after the ballot information for a second primary has been  
43 determined."

44 **SECTION 17.(b)** G.S. 163-258.9(a) reads as rewritten:

45 "(a) Not later than 60 days before the statewide general election in even-numbered years  
46 and not later than 50 days before any other election, the county board of elections shall transmit  
47 a ballot and balloting materials to all covered voters who by that date submit a valid  
48 military-overseas ballot application, except for a second primary. Provided, in a presidential  
49 election year, the board of elections shall provide general election ballots no later than three  
50 days after nomination of the Presidential and Vice Presidential candidates if that nomination  
51 occurs later than 63 days prior to the statewide general election and makes compliance with the

1 60-day deadline impossible. However, in the case of municipal elections, absentee ballots shall  
2 be made available no later than 30 days before an election. For a second primary which  
3 includes a candidate for federal office, the county board of elections shall transmit a ballot and  
4 balloting material to all covered voters who by that date submit a valid military-overseas ballot  
5 application no later than 45 days before the second primary. For a second primary which does  
6 not include a candidate for federal office, the transmission of the ballot and ballot materials  
7 shall be as soon as practicable and shall be transmitted electronically no later than three  
8 business days and by mail no later than 15 days from the date the appropriate board of elections  
9 orders that the second primary be held pursuant to G.S. 163-111. If additional offices are added  
10 to the ballot to fill a vacancy occurring after the deadline provided by this subsection, those  
11 ballots shall be transmitted as soon as practicable."  
12  
13

## 14 **PART 18. LIST MAINTENANCE/ INTERSTATE AGREEMENTS TO IMPROVE** 15 **VOTER ROLLS**

16 **SECTION 18.1** G.S. 163-82.14(a) reads as rewritten:

17 "(a) Uniform Program. – The State Board of Elections shall adopt a uniform program  
18 that makes a ~~reasonable effort.~~ diligent effort not less than twice each year:

- 19 (1) To remove the names of ineligible voters from the official lists of eligible  
20 voters, and
- 21 (2) To update the addresses and other necessary data of persons who remain on  
22 the official lists of eligible voters.

23 That program shall be nondiscriminatory and shall comply with the provisions of the Voting  
24 Rights Act of 1965, as amended, and with the provisions of the National Voter Registration  
25 Act. The State Board of Elections, in addition to the methods set forth in this section, may use  
26 other methods toward the ends set forth in subdivisions (1) and (2) of this subsection, including  
27 address-updating services provided by the Postal ~~Service.~~ Service, and entering into data  
28 sharing agreements with other states to cross-check information on voter registration and voting  
29 records. Any data sharing agreement shall require the other state or states to comply with  
30 G.S. 163-82.10 and G.S. 163-82.10B. Each county board of elections shall conduct systematic  
31 efforts to remove names from its list of registered voters in accordance with this section and  
32 with the program adopted by the State Board. The county boards of elections shall complete  
33 their list maintenance mailing program by April 15 of every odd-numbered year, unless the  
34 State Board of Elections approves a different date for the county."

35 **SECTION 18.2.** The State Board of Elections shall actively seek ways to share and  
36 cross-check information on voting records and voter registration with other states to improve  
37 the accuracy of voter registration lists, using resources such as the Electronic Registration  
38 Information Center and by entering into interstate compacts for this purpose.

39 **SECTION 18.3.** This Part is effective when it becomes law.  
40

## 41 **PART 19. NO MANDATED VOTER REGISTRATION DRIVE**

42 **SECTION 19.1.** G.S. 163-82.25 is repealed.  
43

## 44 **PART 20. VOTER RECORDS ACCESS CLARIFICATION AND CHALLENGES**

45 **SECTION 20.1.** G.S. 163-84 reads as rewritten:

46 "**§ 163-84. Time for challenge other than on day of primary or election.**

47 The registration records of each county shall be open to inspection by any registered voter  
48 of the ~~county, State,~~ including any chief judge or judge of elections, during the normal business  
49 hours of the county board of elections on the days when the board's office is open. At those  
50 times the right of any person to register, remain registered, or vote shall be subject to objection  
51 and challenge."

1           **SECTION 20.2.** G.S. 163-87 reads as rewritten:

2   "**§ 163-87. Challenges allowed on day of primary or election.**

3       On the day of a primary or election, at the time a registered voter offers to vote, any other  
4 registered voter of the ~~precinct~~ county may exercise the right of challenge, and when he does so  
5 may enter the voting enclosure to make the challenge, but he shall retire therefrom as soon as  
6 the challenge is heard.

7       On the day of a primary or election, any other registered voter of the ~~precinct~~ county may  
8 challenge a person for one or more of the following reasons:

9           (1) One or more of the reasons listed in G.S. 163-85(c).

10          (2) That the person has already voted in that primary or election.

11          (3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.

12          (4) If the challenge is made with respect to voting in a partisan primary, that the  
13 person is a registered voter of another political party.

14       The chief judge, judge, or assistant appointed under G.S. 163-41 or 163-42 may enter  
15 challenges under this section against voters in the precinct for which appointed regardless of  
16 the place of residence of the chief judge, judge, or assistant.

17       If a person is challenged under this subsection, and the challenge is sustained under  
18 G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if  
19 eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if  
20 the transfer is made. A person who has transferred his registration under G.S. 163-82.15(e) may  
21 be challenged at the precinct to which the registration is being transferred."  
22

## 23 **PART 21. CANDIDATE WITHDRAWAL**

24           **SECTION 21.1.** G.S. 163-106(e) reads as rewritten:

25       "(e) Withdrawal of Notice of Candidacy. – Any person who has filed notice of  
26 candidacy for an office shall have the right to withdraw it at any time prior to the close of  
27 business on the third business day prior to the date on which the right to file for that office  
28 expires under the terms of subsection (c) of this section. If a candidate does not withdraw  
29 before the ~~filing~~ deadline, except as provided in G.S. 163-112, his name shall be printed on the  
30 primary ballot, any votes for him shall be counted, and he shall not be refunded his filing fee."

31           **SECTION 21.2.** G.S. 163-294.2(d) reads as rewritten:

32       "(d) Any person may withdraw his notice of candidacy at any time prior to the close of  
33 business on the third business day prior to the filing deadline prescribed in subsection (c), and  
34 shall be entitled to a refund of his filing fee if he does so."

35           **SECTION 21.3.** G.S. 163-323(c) reads as rewritten:

36       "(c) Withdrawal of Notice of Candidacy. – Any person who has filed a notice of  
37 candidacy for an office shall have the right to withdraw it at any time prior to the close of  
38 business on the third business day prior to the date on which the right to file for that office  
39 expires under the terms of subsection (b) of this section."  
40

## 41 **PART 22. PETITIONS IN LIEU**

42           **SECTION 22.1.** G.S. 163-107.1 reads as rewritten:

43   "**§ 163-107.1. Petition in lieu of payment of filing fee.**

44       (a) Any qualified voter who seeks nomination in the party primary of the political party  
45 with which he affiliates may, in lieu of payment of any filing fee required for the office he  
46 seeks, file a written petition requesting him to be a candidate for a specified office with the  
47 appropriate board of elections, State, county or municipal.

48       (b) If the candidate is seeking the office of United States Senator, Governor, Lieutenant  
49 Governor, or any State executive officer, the petition must be signed by 10,000 registered  
50 voters who are members of the political party in whose primary the candidate desires to run,  
51 except that in the case of a political party as defined by G.S. 163-96(a)(2) which will be making

1 nominations by primary election, the petition must be signed by ~~ten percent (10%)~~ five percent  
2 (5%) of the registered voters of the State who are affiliated with the same political party in  
3 whose primary the candidate desires to run, or in the alternative, the petition shall be signed by  
4 no less than ~~40,000~~ 8,000 registered voters regardless of the voter's political party affiliation,  
5 whichever requirement is greater. The petition must be filed with the State Board of Elections  
6 not later than 12:00 noon on Monday preceding the filing deadline before the primary in which  
7 he seeks to run. The names on the petition shall be verified by the board of elections of the  
8 county where the signer is registered, and the petition must be presented to the county board of  
9 elections at least 15 days before the petition is due to be filed with the State Board of Elections.  
10 When a proper petition has been filed, the candidate's name shall be printed on the primary  
11 ballot.

12 (c) County, Municipal and District Primaries. – If the candidate is seeking one of the  
13 offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this section, or a  
14 municipal or any other office requiring a partisan primary which is not set forth in  
15 G.S. 163-106(c) or (d), he shall file a written petition with the appropriate board of elections no  
16 later than 12:00 noon on Monday preceding the filing deadline before the primary. The petition  
17 shall be signed by ~~ten percent (10%)~~ five percent (5%) of the registered voters of the election  
18 area in which the office will be voted for, who are affiliated with the same political party in  
19 whose primary the candidate desires to run, or in the alternative, the petition shall be signed by  
20 no less than 200 registered voters regardless of said voter's political party affiliation, whichever  
21 requirement is greater. The board of elections shall verify the names on the petition, and if the  
22 petition is found to be sufficient, the candidate's name shall be printed on the appropriate  
23 primary ballot. Petitions for candidates for member of the U.S. House of Representatives,  
24 District Attorney, and members of the State House of Representatives from multi-county  
25 districts or members of the State Senate from multi-county districts must be presented to the  
26 county board of elections for verification at least 15 days before the petition is due to be filed  
27 with the State Board of Elections, and such petition must be filed with the State Board of  
28 Elections no later than 12:00 noon on Monday preceding the filing deadline. The State Board of  
29 Elections may adopt rules to implement this section and to provide standard petition forms.

30 (d) Nonpartisan Primaries and Elections. – Any qualified voter who seeks to be a  
31 candidate in any nonpartisan primary or election may, in lieu of payment of the filing fee  
32 required, file a written petition signed by ~~ten percent (10%)~~ five percent (5%) of the registered  
33 voters in the election area in which the office will be voted for with the appropriate board of  
34 elections. Any qualified voter may sign the petition. The petition shall state the candidate's  
35 name, address and the office which he is seeking. The petition must be filed with the  
36 appropriate board of elections no later than 60 days prior to the filing deadline for the primary  
37 or election, and if found to be sufficient, the candidate's name shall be printed on the ballot."

38 **SECTION 22.2.** G.S. 163-325(b) reads as rewritten:

39 "(b) Requirements of Petition; Deadline for Filing. – If the candidate is seeking the  
40 office of justice of the Supreme Court, judge of the Court of Appeals, or superior or district  
41 court judge, that individual shall file a written petition with the State Board of Elections no  
42 later than 12:00 noon on Monday preceding the filing deadline before the primary. If the office  
43 is justice of the Supreme Court or judge of the Court of Appeals, the petition shall be signed by  
44 ~~40,000~~ 8,000 registered voters in the State. If the office is superior court or district court judge,  
45 the petition shall be signed by ~~ten percent (10%)~~ five percent (5%) of the registered voters of  
46 the election area in which the office will be voted for. The board of elections shall verify the  
47 names on the petition, and if the petition and notice of candidacy are found to be sufficient, the  
48 candidate's name shall be printed on the appropriate ballot. Petitions must be presented to the  
49 county board of elections for verification at least 15 days before the petition is due to be filed  
50 with the State Board of Elections. The State Board of Elections may adopt rules to implement  
51 this section and to provide standard petition forms."

**PART 23. TIMELY WITHDRAWAL OF PARTY NOMINEE****SECTION 23.1.** G.S. 163-113 reads as rewritten:**"§ 163-113. Nominee's right to withdraw as candidate.**

A person who has been declared the nominee of a political party for a specified office under the provisions of G.S. 163-182.15 or G.S. 163-110, shall not be permitted to resign as a candidate unless, at least 30 days before the general election, prior to the first day on which military and overseas absentee ballots are transmitted to voters under Article 21A of this Chapter he that person submits to the board of elections which certified his the nomination a written request that he person be permitted to withdraw."

**PART 24. BETTER MANAGE PRECINCT SIZES**

**SECTION 24.1.** The Joint Legislative Elections Oversight Committee shall study optimal numbers of voters in election precincts so as to reduce overcrowding and long lines and recommend to the General Assembly any legislation it deems advisable. The study shall also examine the size of the polling place itself, its accessibility, and parking availability. It may make an interim report prior to the date that the General Assembly reconvenes the 2013 Regular Session in 2014, and shall make a final report before the convening of the 2015 Regular Session of the General Assembly.

**PART 25. EARLY VOTING SITES WITHIN A COUNTY****SECTION 25.1.** G.S. 163-227.2(b) and (g) read as rewritten:**"§ 163-227.2. Alternate procedures for requesting application for absentee ballot; "one-stop" voting procedure in board office.**

.....

(b) Not earlier than the ~~third~~second Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday before that election, the voter shall appear in person only at the office of the county board of elections, provided in subsection (g) of this section. A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M. ~~4:00 P.M. and may conduct it until 5:00 P.M. on that Saturday.~~ That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person.

.....

(g) Notwithstanding any other provision of this section, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under this section. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that

1 given a full-time employee. Those sites must be approved by the State Board of Elections as  
2 part of a Plan for Implementation approved by both the county board of elections and by the  
3 State Board of Elections which shall also provide adequate security of the ballots and  
4 provisions to avoid allowing persons to vote who have already voted. The Plan for  
5 Implementation shall include a provision for the presence of political party observers at each  
6 one-stop site equivalent to the provisions in G.S. 163-45 for party observers at voting places on  
7 election day. A county board of elections may propose in its Plan not to offer one-stop voting at  
8 the county board of elections office; the State Board may approve that proposal in a Plan only  
9 if the Plan includes at least one site reasonably proximate to the county board of elections  
10 office and the State Board finds that the sites in the Plan as a whole provide adequate coverage  
11 of the county's electorate. If a county board of elections has considered a proposed Plan or  
12 Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member  
13 or members of that county board of elections may petition the State Board of Elections to adopt  
14 a plan for it. If petitioned, the State Board may also receive and consider alternative petitions  
15 from another member or members of that county board. The State Board of Elections may  
16 adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors  
17 including geographic, demographic, and partisan interests of that county. Any plan adopted by  
18 either the county board of elections or the State Board of Elections under this subsection shall  
19 provide for the same hours and days of operation for all additional sites in that county for that  
20 election. The requirement of the previous sentence does not apply to the county board of  
21 elections office itself nor, if one-stop voting is not conducted at the county board of elections  
22 office, to the reasonably proximate alternate site approved under this subsection."  
23

## 24 **PART 26. STANDARDIZE SATELLITE POLLING PLACE APPROVAL**

25 **SECTION 26.1.** G.S. 163-130 reads as rewritten:

### 26 **"§ 163-130. Satellite voting places.**

27 A county board of elections by unanimous vote may, upon approval of a request submitted  
28 in writing to the State Board of Elections, establish a plan whereby elderly or disabled voters in  
29 a precinct may vote at designated sites within the precinct other than the regular voting place  
30 for that precinct. Any approval under this section is only effective for one year and shall be  
31 annually reviewed for extension. Any designation under this section in effect January 1, 2013  
32 expires January 1, 2014. The State Board of Elections shall approve a county board's proposed  
33 plan if:

- 34 (1) All the satellite voting places to be used are listed in the county's written  
35 request;
- 36 (2) The plan will in the State Board's judgment overcome a barrier to voting by  
37 the elderly or disabled;
- 38 (3) Adequate security against fraud is provided for; and
- 39 (4) The plan does not unfairly favor or disfavor voters with regard to race or  
40 party affiliation.

## 41 **PART 27. DELETE REFERENCE TO PRECINCT BOUNDARIES AFTER THE 2000** 42 **CENSUS**

43 **SECTION 27.1.** G.S. 163-132.1 is repealed.  
44  
45

## 46 **PART 28. REDUCE NEED FOR SECOND PRIMARY**

47 **SECTION 28.1.** The Joint Legislative Elections Oversight Committee shall study  
48 the second primary and recommend to the General Assembly any legislation it deems  
49 advisable. The study may include the following:

- 50 (1) Whether to go to a plurality method of determining the result of the primary.
- 51 (2) Whether to reduce the current 40% threshold.

- 1 (3) Whether to keep the 40% threshold, but also allow a smaller percentage if  
2 the margin between first and second place finisher is substantial.
- 3 (4) Whether to have a different system for different offices such as United States  
4 Senator, Governor, and Lieutenant Governor and other offices.

5 It may make an interim report prior to the date that the General Assembly  
6 reconvenes the 2013 Regular Session in 2014, and shall make a final report before the  
7 convening of the 2015 Regular Session of the General Assembly.

## 10 **PART 29. CLARIFY STATE BOARD DUTY ON CHARACTERISTICS OF BALLOT**

11 **SECTION 29.1.** G.S. 163-165.4 reads as rewritten:

### 12 **"§ 163-165.4. Standards for official ballots.**

13 The State Board of Elections shall ~~seek to~~ ensure that official ballots throughout the State  
14 have all the following characteristics:

- 15 (1) Are readily understandable by voters.
- 16 (2) Present all candidates and questions in a fair and nondiscriminatory manner.
- 17 (3) Allow every voter to cast a vote in every ballot item without difficulty.
- 18 (4) Facilitate an accurate vote count.
- 19 (5) Are uniform in content and format, subject to varied presentations required  
20 or made desirable by different voting systems."

## 22 **PART 30. SIMPLIFY BALLOT RECORDS**

23 **SECTION 30.1.** G.S. 163-165(1) reads as rewritten:

- 24 "(1) "Ballot" means an instrument on which a voter indicates a choice so that it  
25 may be recorded as a vote for or against a certain candidate or referendum  
26 proposal. The term "ballot" may include a paper ballot to be counted by  
27 hand, a paper ballot to be counted on an electronic scanner, ~~the face of a~~  
28 ~~lever voting machine, the image on a direct record electronic unit, or a~~  
29 paper ballot used on any other voting system."

30 **SECTION 30.2.** G.S. 163-165 is amended by adding a new subdivision to read:

- 31 "(5a) "Paper ballot" means an individual paper document that bears marks made  
32 by the voter by hand or through electronic means."

33 **SECTION 30.3.** G.S. 163-165.7(a) and (d) read as rewritten:

### 34 **"§ 163-165.7. Voting systems: powers and duties of State Board of Elections.**

35 (a) Only voting systems that have been certified by the State Board of Elections in  
36 accordance with the procedures and subject to the standards set forth in this section and that  
37 have not been subsequently decertified shall be permitted for use in elections in this State.  
38 Those certified voting systems shall be valid in any election held in the State or in any county,  
39 municipality, or other electoral district in the State. Subject to all other applicable rules adopted  
40 by the State Board of Elections and, with respect to federal elections, subject to all applicable  
41 federal regulations governing voting systems, paper ballots marked by the voter and counted by  
42 hand shall be deemed a certified voting system. The State Board of Elections shall certify  
43 optical scan voting systems, optical scan with ballot markers voting systems, and direct record  
44 electronic voting systems if any of those systems meet all applicable requirements of federal  
45 and State law. The State Board may certify additional voting systems only if they meet the  
46 requirements of the request for proposal process set forth in this section and only if they  
47 generate ~~either a paper ballot or a paper record by which voters may verify their votes before~~  
48 ~~eastings them and~~ which provides a backup means of counting the vote that the voter casts.  
49 Those voting systems may include optical scan and direct record electronic (DRE) voting  
50 systems. systems that produce a paper ballot. In consultation with the Office of Information  
51 Technology Services, the State Board shall develop the requests for proposal subject to the

1 provisions of this Chapter and other applicable State laws. Among other requirements, the  
2 request for proposal shall require at least all of the following elements:

- 3 (1) That the vendor post a bond or letter of credit to cover damages resulting  
4 from defects in the voting system. Damages shall include, among other  
5 items, any costs of conducting a new election attributable to those defects.
- 6 (2) That the voting system comply with all federal requirements for voting  
7 systems.
- 8 (3) That the voting system must have the capacity to include in voting tabulation  
9 district returns the votes cast by voters outside of the voter's voting  
10 tabulation district as required by G.S. 163-132.5G.
- 11 (4) With respect to electronic voting systems, that the voting system generate a  
12 paper ~~record~~-ballot of each individual vote cast, which paper ~~record~~-ballot  
13 shall be maintained in a secure fashion and shall serve as a backup record for  
14 purposes of any hand-to-eye count, hand-to-eye recount, or other audit.  
15 Electronic systems that employ optical scan technology to count paper  
16 ballots shall be deemed to satisfy this requirement.
- 17 (5) With respect to DRE voting systems, that the paper ~~record~~-ballot generated  
18 by the system be viewable by the voter before the vote is cast electronically,  
19 and that the system permit the voter to correct any discrepancy between the  
20 electronic vote and the paper ~~record~~-ballot before the vote is cast.

21 ...

22 (d) Subject to the provisions of this Chapter, the State Board of Elections shall prescribe  
23 rules for the adoption, handling, operation, and honest use of certified voting systems,  
24 including all of the following:

- 25 (1) Procedures for county boards of elections to utilize when recommending the  
26 purchase of a certified voting system for use in that county.
- 27 (2) Form of official ballot labels to be used on voting systems.
- 28 (3) Operation and manner of voting on voting systems.
- 29 (4) Instruction of precinct officials in the use of voting systems.
- 30 (5) Instruction of voters in the use of voting systems.
- 31 (6) Assistance to voters using voting systems.
- 32 (7) Duties of custodians of voting systems.
- 33 (8) Examination and testing of voting systems in a public forum in the county  
34 before and after use in an election.
- 35 (9) Notwithstanding G.S. 132-1.2, procedures for the review and examination of  
36 any information placed in escrow by a vendor pursuant to G.S. 163-165.9A  
37 by only the following persons:
  - 38 a. State Board of Elections.
  - 39 b. Office of Information Technology Services.
  - 40 c. The State chairs of each political party recognized under  
41 G.S. 163-96.
  - 42 d. The purchasing county.

43 Each person listed in sub-subdivisions a. through d. of this subdivision may  
44 designate up to three persons as that person's agents to review and examine  
45 the information. No person shall designate under this subdivision a business  
46 competitor of the vendor whose proprietary information is being reviewed  
47 and examined. For purposes of this review and examination, any designees  
48 under this subdivision and the State party chairs shall be treated as public  
49 officials under G.S. 132-2.

- 50 (10) With respect to electronic voting systems, procedures to maintain the  
51 integrity of both the electronic vote count and the paper ~~record~~-ballot. Those



1 procedures shall at a minimum include procedures to protect against the  
2 alteration of the paper ~~record~~ ballot after a machine vote has been recorded  
3 and procedures to prevent removal by the voter from the voting enclosure of  
4 any ~~paper record or copy of an~~ individually voted paper ballot or of any  
5 other device or item whose removal from the voting enclosure could permit  
6 compromise of the integrity of either the machine count or the paper  
7 ~~record~~ ballot.

8 ...."

9 **SECTION 30.4.** G.S. 163-166.7(c) reads as rewritten:

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

- 14 (1) The voting system remains secure throughout the period voting is being  
15 conducted.
- 16 (2) Only properly voted official ballots ~~or paper records of individual voted~~  
17 ~~ballots~~ are introduced into the voting system.
- 18 (3) Except as provided by G.S. 163-166.9, no official ballots leave the voting  
19 enclosure during the time voting is being conducted there. The rules shall  
20 also provide that during that time no one shall remove from the voting  
21 enclosure any paper record or copy of an individually voted ballot or of any  
22 other device or item whose removal from the voting enclosure could permit  
23 compromise of the integrity of either the machine count or the paper record.
- 24 (4) All improperly voted official ballots ~~or paper records of individual voted~~  
25 ~~ballots~~ are returned to the precinct officials and marked as spoiled.
- 26 (5) Voters leave the voting place promptly after voting.
- 27 (6) Voters not clearly eligible to vote in the precinct but who seek to vote there  
28 are given proper assistance in voting a provisional official ballot or guidance  
29 to another voting place where they are eligible to vote.
- 30 (7) Information gleaned through the voting process that would be helpful to the  
31 accurate maintenance of the voter registration records is recorded and  
32 delivered to the county board of elections.
- 33 (8) The registration records are kept secure. The State Board of Elections shall  
34 permit the use of electronic registration records in the voting place in lieu of  
35 or in addition to a paper pollbook or other registration record.
- 36 (9) Party observers are given access as provided by G.S. 163-45 to current  
37 information about which voters have voted.
- 38 (10) The voter, before voting, shall sign that voter's name on the pollbook, other  
39 voting record, or voter authorization document. If the voter is unable to sign,  
40 a precinct official shall enter the person's name on the same document before  
41 the voter votes."

42 **SECTION 30.5.** G.S. 163-182.1(b)(1) reads as rewritten:

- 43 "(1) Provide for a sample hand-to-eye count of the paper ballots ~~or paper records~~  
44 of a statewide ballot item in every county. The presidential ballot item shall  
45 be the subject of the sampling in a presidential election. If there is no  
46 statewide ballot item, the State Board shall provide a process for selecting  
47 district or local ballot items to adequately sample the electorate. The State  
48 Board shall approve in an open meeting the procedure for randomly  
49 selecting the sample precincts for each election. The random selection of  
50 precincts for any county shall be done publicly after the initial count of  
51 election returns for that county is publicly released or 24 hours after the polls

1 close on election day, whichever is earlier. The sample chosen by the State  
2 Board shall be of one or more full precincts, full counts of mailed absentee  
3 ballots, full counts of one or more one-stop early voting sites, or a  
4 combination. The size of the sample of each category shall be chosen to  
5 produce a statistically significant result and shall be chosen after  
6 consultation with a statistician. The actual units shall be chosen at random.  
7 In the event of a material discrepancy between the electronic or mechanical  
8 count and a hand-to-eye count, the hand-to-eye count shall control, except  
9 where paper ballots ~~or records~~ have been lost or destroyed or where there is  
10 another reasonable basis to conclude that the hand-to-eye count is not the  
11 true count. If the discrepancy between the hand-to-eye count and the  
12 mechanical or electronic count is significant, a complete hand-to-eye count  
13 shall be conducted."

14 **SECTION 30.6.** G.S. 163-182.2(b)(1a) reads as rewritten:

15 "(1a) For optical scan and direct record electronic voting systems, and for any  
16 other voting systems in which ballots are counted other than on paper by  
17 hand and eye, those rules shall provide for a sample hand-to-eye count of the  
18 paper ballots ~~or paper records~~ of a sampling of a statewide ballot item in  
19 every county. The presidential ballot item shall be the subject of the  
20 sampling in a presidential election. If there is no statewide ballot item, the  
21 State Board shall provide a process for selecting district or local ballot items  
22 to adequately sample the electorate. The State Board shall approve in an  
23 open meeting the procedure for randomly selecting the sample precincts for  
24 each election. The random selection of precincts for any county shall be  
25 done publicly after the initial count of election returns for that county is  
26 publicly released or 24 hours after the polls close on election day, whichever  
27 is earlier. The sample chosen by the State Board shall be of one or more full  
28 precincts, full counts of mailed absentee ballots, and full counts of one or  
29 more one-stop early voting sites. The size of the sample of each category  
30 shall be chosen to produce a statistically significant result and shall be  
31 chosen after consultation with a statistician. The actual units shall be chosen  
32 at random. In the event of a material discrepancy between the electronic or  
33 mechanical count and a hand-to-eye count, the hand-to-eye count shall  
34 control, except where paper ballots ~~or records~~ have been lost or destroyed or  
35 where there is another reasonable basis to conclude that the hand-to-eye  
36 count is not the true count. If the discrepancy between the hand-to-eye count  
37 and the mechanical or electronic count is significant, a complete hand-to-eye  
38 count shall be conducted. The sample count need not be done on election  
39 night."

40 **SECTION 30.7.** G.S. 163-227.2(e1) reads as rewritten:

41 "(e1) If a county uses a voting system with retrievable ballots, that county's board of  
42 elections may by resolution elect to conduct one-stop absentee voting according to the  
43 provisions of this subsection. In a county in which the board has opted to do so, a one-stop  
44 voter shall cast the ballot and then shall deposit the ballot in the ballot box or voting system in  
45 the same manner as if such box or system was in use in a precinct on election day. At the end of  
46 each business day, or at any time when there will be no employee or officer of the board of  
47 elections on the premises, the ballot box or system shall be secured in accordance with a plan  
48 approved by the State Board of Elections, which shall include that no additional ballots have  
49 been placed in the box or system. Any county board desiring to conduct one-stop voting  
50 according to this subsection shall submit a plan for doing so to the State Board of Elections.  
51 The State Board shall adopt standards for conducting one-stop voting under this subsection and

1 shall approve any county plan that adheres to its standards. The county board shall adhere to its  
2 State Board-approved plan. The plan shall provide that each one-stop ballot shall have a ballot  
3 number on it in accordance with G.S. 163-230.1(a2), or shall have an equivalent identifier to  
4 allow for retrievability. ~~The standards shall address retrievability in one stop voting on direct  
5 record electronic equipment where no paper ballot is used."~~

6 **SECTION 30.8.** Any direct record electronic (DRE) voting systems currently  
7 certified by the State Board of Elections which do not use paper ballots shall be decertified and  
8 shall not be used in any election held on or after January 1, 2018. Decertification of a DRE  
9 voting system that does not use paper ballots may not be appealed to the Superior Court of  
10 Wake County pursuant to G.S. 163-165.7(b).

11 **SECTION 30.9.** This Part becomes effective January 1, 2018.  
12

### 13 **PART 31. ORDER OF PARTIES ON THE BALLOT**

14 **SECTION 31.1.** G.S. 163-165.6(d) reads as rewritten:

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

- 17 (1) Nominees of political parties that reflect at least five percent (5%) of  
18 statewide voter registration, according to the most recent statistical report  
19 published by the State Board of Elections, in alphabetical order by party  
20 beginning with the party whose nominee for Governor received the most  
21 votes in the most recent gubernatorial election, and in alphabetical order  
22 within the party.
- 23 (2) Nominees of other political parties, in alphabetical order by party and in  
24 alphabetical order within the party.
- 25 (3) Unaffiliated candidates, in alphabetical order."  
26

### 27 **PART 32. VOTE THE PERSON NOT THE PARTY**

28 **SECTION 32.1.** G.S. 163-165.6(e) reads as rewritten:

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

38 **SECTION 32.2.** G.S. 163-182.1(a)(7) is repealed.  
39

### 40 **PART 33. REGULATE EXTENSION OF CLOSE OF POLLS**

41 **SECTION 33.1.** G.S. 163-166.01 reads as rewritten:

42 "**§ 163-166.01. Hours for voting.**

43 In every election, the voting place shall be open at 6:30 A.M. and shall be closed at 7:30  
44 P.M. ~~In extraordinary circumstances, the county board of elections may direct that the polls~~  
45 ~~remain open until 8:30 P.M.~~ If the polls are delayed in opening for more than 15 minutes, or are  
46 interrupted for more than 15 minutes after opening, the State Board of Elections may extend the  
47 closing time by an equal number of minutes. As authorized by law, the State Board of Elections  
48 shall be available either in person or by teleconference on the day of election to approve any  
49 such extension. If any voter is in line to vote at the time the polls are closed, that voter shall be  
50 permitted to vote. No voter shall be permitted to vote who arrives at the voting place after the  
51 closing of the polls.

1 Any voter who votes after the statutory poll closing time of 7:30 P.M. by virtue of a federal  
2 or State court order or any other lawful order, including an order of a county board of elections,  
3 shall be allowed to vote, under the provisions of that order, only by using a provisional official  
4 ballot. Any special provisional official ballots cast under this section shall be separated,  
5 counted, and held apart from other provisional ballots cast by other voters not under the effect  
6 of the order extending the closing time of the voting place. If the court order has not been  
7 reversed or stayed by the time of the county canvass, the total for that category of provisional  
8 ballots shall be added to the official canvass."  
9

#### 10 **PART 34. ASSISTANCE TO VOTER**

11 **SECTION 34.1.** G.S. 163-166.8(a) reads as rewritten:

12 "(a) Any registered voter qualified to vote in the election shall be entitled to assistance  
13 with entering and exiting the voting booth and in preparing ballots in accordance with the  
14 following rules:

15 (1) Any voter not covered by subdivision (2) of this section is entitled to  
16 assistance from the voter's spouse, brother, sister, parent, grandparent, child,  
17 grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law,  
18 stepparent, or stepchild, as chosen by the ~~voter~~ voter, and not from any other  
19 person other than the chief judge, judge, or assistant as provided by  
20 subsection (b) of this section.

21 (2) A voter in any of the following four categories is entitled to assistance from  
22 a person of the voter's choice, other than the voter's employer or agent of that  
23 employer or an officer or agent of the voter's union:

- 24 a. A voter who, on account of physical disability, is unable to enter the  
25 voting booth without assistance.  
26 b. A voter who, on account of physical disability, is unable to mark a  
27 ballot without assistance.  
28 c. A voter who, on account of illiteracy, is unable to mark a ballot  
29 without assistance.  
30 d. A voter who, on account of blindness, is unable to enter the voting  
31 booth or mark a ballot without assistance.

32 (3) A voter adjudicated to be incompetent by a court of law, and who has not  
33 been restored to competency, shall be entitled to assistance only from that  
34 person's guardian, the chief judge or judge of elections, an assistant  
35 appointed under G.S. 163-42, or at a one-stop site a person authorized by the  
36 county board of elections under G.S. 163-227.2(g) to provide a similar  
37 function."

38 **SECTION 34.2.** G.S. 163-166.8 is amended by adding a new subsection to read:

39 "(d) Other than an election official as authorized by subsection (b) of this section, or a  
40 guardian under subsection (a)(3) of this section who may be compensated for duties as a  
41 guardian, no person may be compensated for providing assistance to voters with entering and  
42 exiting the voting booth and in preparing ballots."  
43

#### 44 **PART 35. DATE OF PRESIDENTIAL PRIMARY**

45 **SECTION 35.1.** G.S. 163-213.2 reads as rewritten:

46 "**§ 163-213.2. Primary to be held; date; qualifications and registration of voters.**

47 On the Tuesday after the first Monday in May, 1992, and every four years thereafter, the  
48 voters of this State shall be given an opportunity to express their preference for the person to be  
49 the presidential candidate of their political ~~party-party~~, except that if South Carolina holds its  
50 presidential primary before the fifteenth day of March, the North Carolina presidential

1 preference primary shall be held on the Tuesday after the first South Carolina presidential  
2 preference primary of that year.

3 Any person otherwise qualified who will become qualified by age to vote in the general  
4 election held in the same year of the presidential preference primary shall be entitled to register  
5 and vote in the presidential preference primary. Such persons may register not earlier than 60  
6 days nor later than the last day for making application to register under G.S. 163-82.6 prior to  
7 the said primary. In addition, persons who will become qualified by age to register and vote in  
8 the general election for which the primary is held, who do not register during the special period  
9 may register to vote after such period as if they were qualified on the basis of age, but until they  
10 are qualified by age to vote, they may vote only in primary elections."

11 **SECTION 35.2.** G.S. 163-213.4 reads as rewritten:

12 **"§ 163-213.4. Nomination by State Board of Elections.**

13 ~~By the first Tuesday in February of the year preceding~~ No later than 90 days preceding the  
14 North Carolina presidential preference primary, the chair of each political party shall submit to  
15 the State Board of Elections a list of its presidential candidates to be placed on the presidential  
16 preference primary ballot. The list must be comprised of candidates whose candidacy is  
17 generally advocated and recognized in the news media throughout the United States or in North  
18 Carolina, unless any such candidate executes and files with the chair of the political party an  
19 affidavit stating without qualification that the candidate is not and does not intend to become a  
20 candidate for nomination in the North Carolina Presidential Preference Primary Election. The  
21 State Board of Elections shall prepare and publish a list of the names of the presidential  
22 candidates submitted. The State Board of Elections shall convene in Raleigh on the first  
23 Tuesday in March preceding the presidential preference primary election. At the meeting  
24 required by this section, the State Board of Elections shall nominate as presidential primary  
25 candidates all candidates affiliated with a political party, recognized pursuant to the provisions  
26 of Article 9 of Chapter 163 of the General Statutes, who have been submitted to the State Board  
27 of Elections. Immediately upon completion of these requirements, the Board shall release to the  
28 news media all such nominees selected. Provided, however, nothing shall prohibit the partial  
29 selection of nominees prior to the meeting required by this section, if all provisions herein have  
30 been complied with."

31  
32 **PART 36. ADDITIONAL CANDIDATES ON PRESIDENTIAL PRIMARY BALLOT**

33 **SECTION 36.1.** G.S. 163-213.4 reads as rewritten:

34 **"§ 163-213.4. Nomination by State Board of Elections.**

35 By the first Tuesday in February of the year preceding the North Carolina presidential  
36 preference primary, the chair of each political party shall submit to the State Board of Elections  
37 a list of its presidential candidates to be placed on the presidential preference primary ballot.  
38 The list must be comprised of candidates whose candidacy is generally advocated and  
39 recognized in the news media throughout the United States or in North Carolina, unless any  
40 such candidate executes and files with the chair of the political party an affidavit stating  
41 without qualification that the candidate is not and does not intend to become a candidate for  
42 nomination in the North Carolina Presidential Preference Primary Election. The State Board of  
43 Elections shall prepare and publish a list of the names of the presidential candidates submitted.  
44 The State Board of Elections shall convene in Raleigh on the first Tuesday in March preceding  
45 the presidential preference primary election. At the meeting required by this section, the State  
46 Board of Elections shall nominate as presidential primary candidates all candidates affiliated  
47 with a political party, recognized pursuant to the provisions of Article 9 of Chapter 163 of the  
48 General Statutes, who have been submitted to the State Board of Elections. Additionally, the  
49 State Board of Elections, by vote of at least three of its members in the affirmative, may  
50 nominate as a presidential primary candidate any other person affiliated with a political party  
51 that it finds are generally advocated and recognized in the news media throughout the United

1 States or in North Carolina as candidates for the nomination by that party. Immediately upon  
2 completion of these requirements, the Board shall release to the news media all such nominees  
3 selected. Provided, however, nothing shall prohibit the partial selection of nominees prior to the  
4 meeting required by this section, if all provisions herein have been complied with."  
5  
6

7 **PART 38. REPEAL POLITICAL PARTIES FINANCING FUND, JUDICIAL**  
8 **ELECTIONS FUND, AND VOTER-OWNED ELECTIONS FUND**

9 **SECTION 38.1.(a)** Article 22D of Chapter 163 of the General Statutes is repealed,  
10 except that G.S. 163-278.69 is repealed effective upon exhaustion of the funds for publication  
11 of the Judicial Voter Guide.

12 **SECTION 38.1.(b)** Article 22J of Chapter 163 of the General Statutes is repealed.

13 **SECTION 38.1.(c)** Article 22B of Chapter 163 of the General Statutes is repealed.

14 **SECTION 38.1.(d)** G.S. 84-34 reads as rewritten:

15 **"§ 84-34. Membership fees and list of members.**

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

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

51 **SECTION 38.1.(e)** G.S. 105-159.1 is repealed.

1           **SECTION 38.1.(f)** G.S. 105-159.2 is repealed.

2           **SECTION 38.1.(g)** G.S. 163-278.5 reads as rewritten:

3   **"§ 163-278.5. Scope of Article; severability.**

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

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

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

14           **SECTION 38.1.(h)** G.S. 163-278.13(e) reads as rewritten:

15   **"§ 163-278.13. Limitation on contributions.**

16       ...

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

21           **SECTION 38.1.(i)** G.S. 163-278.13(e2) is repealed.

22           **SECTION 38.1.(j)** G.S. 163-278.13(e4) is repealed.

23           **SECTION 38.1.(k)** G.S. 163-278.23 reads as rewritten:

24   **"§ 163-278.23. Duties of Executive Director of Board.**

25       ...

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

28           **SECTION 38.1.(l)** G.S. 163-278.99E(d) is repealed effective upon exhaustion of  
29 the funds for publication of the Judicial Voter Guide in G.S. 163-278.69.

30           **SECTION 38.1.(m)** The State Board of Elections shall use the money in the North  
31 Carolina Public Campaign Fund to only publish Judicial Voter Guides as described in  
32 G.S. 163-278.69 until the funds have been exhausted.

33           **SECTION 38.1.(n)** The secretary-treasurer of the North Carolina State Bar shall  
34 remit any payments of the fifty-dollar (\$50.00) surcharge payable for the taxable year January  
35 1, 2013, to the State Board of Elections, and the State Board of Elections must credit the funds  
36 received to the North Carolina Public Campaign Fund.

37           **SECTION 38.1.(o)** The State Board of Elections shall notify the Revisor of  
38 Statutes when the funds have been exhausted for publication of the Judicial Voter Guide.

39           **SECTION 38.1.(p)** Subsection (d) of this section is effective for taxable years  
40 beginning on or after January 1, 2013. The remainder of this section becomes effective July 1,  
41 2013.

42  
43       **PART 39. EXPEDITE VOTER LIST MAINTENANCE**

44           **SECTION 39.1.(a)** G.S. 163-33 reads as rewritten:

45   **"§ 163-33. Powers and duties of county boards of elections.**

46       The county boards of elections within their respective jurisdictions shall exercise all powers  
47 granted to such boards in this Chapter, and they shall perform all the duties imposed upon them  
48 by law, which shall include the following:

49       ...

50       (14) To make forms available for near relatives or personal representatives of a  
51 deceased voter's estate to provide signed statements of the status of a

1 deceased voter to return to the board of elections of the county in which the  
2 deceased voter was registered. Forms may be provided, upon request, to any  
3 of the following: near relatives, personal representatives of a deceased  
4 voter's estate, funeral directors, or funeral service licensees."

5 **SECTION 39.1.(b)** G.S. 163-82.14(b) reads as rewritten:

6 "(b) Death. – The Department of Health and Human Services shall furnish free of charge  
7 to the State Board of Elections every month, in a format prescribed by the State Board of  
8 Elections, the names of deceased persons who were residents of the State. The State Board of  
9 Elections shall distribute every month to each county board of elections the names on that list  
10 of deceased persons who were residents of that county. The Department of Health and Human  
11 Services shall base each list upon information supplied by death certifications it received  
12 during the preceding month. Upon the receipt of those names, each county board of elections  
13 shall remove from its voter registration records any person the list shows to be dead. Each  
14 county board of elections shall also remove from its voter registration records a person  
15 identified as deceased by a signed statement of a near relative or personal representative of the  
16 estate of the deceased voter. The county board need not send any notice to the address of the  
17 person so removed."

18 **SECTION 39.2.** Article 13A of Chapter 90 of the General Statutes is amended by  
19 adding a new section to read:

20 "**§ 90-210.25C. Notification forms for deceased voters.**

21 (a) At the time funeral arrangements are made, a funeral director or funeral service  
22 licensee is encouraged to make available to near relatives of the deceased a form upon which  
23 the near relative may report the status of the deceased voter to the board of elections of the  
24 county in which the deceased was a registered voter.

25 (b) A funeral director or funeral service licensee may obtain forms for reporting the  
26 status of deceased voters from the county board of elections."

27 **SECTION 39.3.** This Part becomes effective October 1, 2013.  
28  
29

## 30 **PART 41. CAMPAIGN FINANCE ELECTRONIC REPORTING**

31 **SECTION 41.1.** The Joint Legislative Elections Oversight Committee shall study  
32 shall study requiring campaign finance reports to be filed electronically and any issues with  
33 implementation of such a requirement, and recommend to the General Assembly any  
34 legislation it deems advisable. It may make an interim report prior to the date that the General  
35 Assembly reconvenes the 2013 Regular Session in 2014, and shall make a final report before  
36 the convening of the 2015 Regular Session of the General Assembly.  
37

## 38 **PART 42. CAMPAIGN CONTRIBUTIONS**

39 **SECTION 42.1.** Effective for contributions made on or after January 1, 2014,  
40 G.S. 163-278.13(a), (b), and (c) read as rewritten:

41 "**§ 163-278.13. Limitation on contributions.**

42 (a) No individual, political committee, or other entity shall contribute to any candidate  
43 or other political committee any money or make any other contribution in any election in  
44 excess of ~~four thousand dollars (\$4,000)~~ five thousand dollars (\$5,000) for that election.

45 (b) No candidate or political committee shall accept or solicit any contribution from any  
46 individual, other political committee, or other entity of any money or any other contribution in  
47 any election in excess of ~~four thousand dollars (\$4,000)~~ five thousand dollars (\$5,000) for that  
48 election.

49 (c) Notwithstanding the provisions of subsections (a) and (b) of this section, it shall be  
50 lawful for a candidate or a candidate's ~~spouse, parents, brothers and sisters~~ spouse to make a  
51 contribution to the candidate or to the candidate's treasurer of any amount of money or to make



1 any other contribution in any election in excess of ~~four thousand dollars (\$4,000)~~ five thousand  
2 dollars (\$5,000) for that election."

3 **SECTION 42.2.** G.S. 163-278.13 is amended by adding a new subsection to read:

4 "(a1) Effective for each odd-numbered calendar year beginning in 2015, the dollar  
5 amount of the contribution limitation established by subsections (a), (b), and (c) of this  
6 subsection shall be increased as provided in this subsection. On July 1 of each even-numbered  
7 year, the State Board of Elections shall calculate from data from the Bureau of Labor Statistics  
8 of the United States Department of Labor the Register the percent difference between the price  
9 index for the July 1 of the previous even-numbered year. That percentage increase shall be  
10 multiplied by the previous dollar amount contribution limit, that number added to the previous  
11 dollar amount contribution limit, and the total shall become effective with respect to  
12 contributions made or accepted on or after January 1 of the next odd-numbered year. If the  
13 amount after adjustment is not a multiple of \$100.00, the total shall be rounded to the nearest  
14 multiple of \$100.00. As used in this subsection the term "price index" means the average over a  
15 calendar year of the Consumer Price Index (all items-United States city average) published  
16 monthly by the Bureau of Labor Statistics. The revised amount of the dollar limit of  
17 contributions shall remain in effect for two calendar years until the next adjustment is made.  
18 The State Board of Elections shall publish the revised amount in the North Carolina Register  
19 and shall notify the Reviser of Statutes who shall adjust the dollar amounts in subsections (a),  
20 (b), and (c) of this section."

#### 21 **PART 43 USE OF BUILDING FUNDS**

22 **SECTION 43.1.** G.S. 163-278.19B(4) reads as rewritten:

23 "(4) The donations deposited in the separate segregated bank account for the  
24 political party headquarters building fund will be spent only to purchase a  
25 principal headquarters building, to construct a principal headquarters  
26 building, to renovate a principal headquarters building, to pay a mortgage on  
27 a principal headquarters building, ~~or~~ to repay donors if a principal  
28 headquarters building is not purchased, constructed, or ~~renovated~~ renovated,  
29 or to pay building rent or monthly or bimonthly utility expenses incurred to  
30 operate the principal headquarters building. Donations deposited into that  
31 account shall be used solely for the purposes set forth in the preceding  
32 sentence, and specifically shall not be used for headquarters ~~rent, utilities, or~~  
33 equipment other than ~~fixtures~~ fixtures, personnel compensation, or travel or  
34 fundraising expenses or requirements of any kind. Notwithstanding the  
35 above, personnel compensation and in-kind benefits may be paid to no more  
36 than three personnel whose functions are primarily administrative in nature,  
37 such as providing accounting, payroll, or campaign finance reporting  
38 services, for the party and whose job functions require no more than ten  
39 percent (10%) of work time to be spent on political advocacy each calendar  
40 year."

#### 41 **PART 44. STAND BY YOUR AD**

42 **SECTION 44.1.** G.S. 163-278.39A is repealed.

43 **SECTION 44.2.** G.S. 163-278.39(b) reads as rewritten:

44 "(b) Size Requirements. – In a print media advertisement covered by subsection (a) of  
45 this section, the height of all disclosure statements required by that subsection shall constitute  
46 at least five percent (5%) of the height of the printed space of the advertisement, provided that  
47 the type shall in no event be less than 12 points in size. In an advertisement in a newspaper or a  
48 newspaper insert, the total height of the disclosure statement need not constitute five percent of  
49 the printed space of the advertisement if the type of the disclosure statement is at least 28 points  
50 in size."

1 in size. If a single advertisement consists of multiple pages, folds, or faces, the disclosure  
2 requirement of this section applies only to one page, fold, or face. In a television advertisement  
3 covered by subsection (a) of this section, the visual disclosure legend shall constitute four  
4 percent (4%) of vertical picture height in ~~size~~, size, and where the television advertisement that  
5 appears is paid for by a candidate or candidate campaign committee, the visual disclosure  
6 legend shall appear simultaneously with an easily-identifiable photograph of the candidate for  
7 at least two seconds. In a radio advertisement covered by subsection (a) of this section, the  
8 disclosure statement shall last at least two seconds, provided the statement is spoken so that its  
9 contents may be easily understood."

## 11 PART 45. STATE BOARD OF ELECTIONS

12 SECTION 45.1.(a) G.S. 163-19(a) reads as rewritten:

13 "(a) The State Board of Elections shall consist of five registered voters whose terms of  
14 office shall begin on May 1, 1969, and shall continue for four years, and until their successors  
15 are appointed and qualified. The Governor shall appoint the members of this Board and  
16 likewise shall appoint their successors every four years at the expiration of each four-year term.  
17 No person may serve more than two consecutive four-year terms."

18 SECTION 45.1.(b) This section is effective when it becomes law.

## 21 PART 47. TIGHTENING OF LOBBYING BUNDLING

22 SECTION 47.1.(a) G.S. 163-278.13C reads as rewritten:

### 23 "§ 163-278.13C. Campaign contributions prohibition.

24 (a) No lobbyist may make a contribution as defined in G.S. 163-278.6 to a candidate or  
25 candidate campaign committee as defined in G.S. 163-278.38Z when that candidate meets any  
26 of the following criteria:

27 (1) Is a legislator as defined in G.S. 120C-100.

28 (2) Is a public servant as defined in G.S. 138A-3(30)a. and G.S. 120C-104.

29 (b) No lobbyist may do any of the following with respect to a candidate or candidate  
30 campaign committee described in subdivisions (a)(1) and (a)(2) of this section:

31 (1) ~~collect~~ Collect a contribution or contributions from one or multiple more  
32 contributors, contributors intended for that candidate or candidate campaign  
33 committee.

34 (2) ~~take~~ Take possession of such a contribution or multiple  
35 contributions, contributions intended for that candidate or candidate  
36 campaign committee.

37 (3) ~~or transfer~~ Transfer or deliver ~~the~~ a collected contribution or  
38 multiple contributions to the intended recipient, candidate or candidate  
39 campaign committee. This section shall apply only to contributions to a  
40 candidate or candidate campaign committee as defined in G.S. 163-278.38Z  
41 when that candidate is a legislator as defined in G.S. 120C-100 or a public  
42 servant as defined in G.S. 138A-3(30)a.

43 (c) This section shall not apply to a lobbyist, who has filed a notice of candidacy for  
44 office under G.S. 163-106 or Article 11 of Chapter 163 of the General Statutes or has been  
45 nominated under G.S. 163-114 or G.S. 163-98, making a contribution to that lobbyist's  
46 candidate campaign committee.

47 (d) For purposes of this section, the term "lobbyist" shall mean an individual registered  
48 as a lobbyist under Chapter 120C of the General Statutes."

49 SECTION 47.1.(b) This section becomes effective October 1, 2013, and applies to  
50 contributions made on or after that date.

**PART 48. CANDIDATE SPECIFIC COMMUNICATIONS**

**SECTION 48.1.** Article 22G of Chapter 163 of the General Statutes is repealed.

**SECTION 48.2.** G.S. 163-278.5 reads as rewritten:

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

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

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

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

**SECTION 48.3.** G.S. 163-278.23 reads as rewritten:

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

...

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

**PART 49. VOTING IN INCORRECT PRECINCT**

**SECTION 49.1.** G.S. 163-55 reads as rewritten:

**"§ 163-55. Qualifications to vote; exclusion from electoral franchise.**

(a) Residence Period for State Elections. – Every person born in the United States, and every person who has been naturalized, and who shall have resided in the State of North Carolina and in the ~~precinct, ward, or other election district~~ precinct in which the person offers to vote for 30 days next preceding an election, shall, if otherwise qualified as prescribed in this Chapter, be qualified to vote in ~~any election held in this State. the precinct in which the person resides.~~ the precinct in which the person resides. Removal from one ~~precinct, ward, or other election district~~ precinct to another in this State shall not operate to deprive any person of the right to vote in the ~~precinct, ward, or other election district~~ precinct from which ~~he~~ the person has removed until 30 days after the person's removal.

Except as provided in this Chapter, the following classes of persons shall not be allowed to vote in this State:

(1) Persons under 18 years of age.

(2) Any person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, unless that person shall be first restored to the rights of citizenship in the manner prescribed by law.

(b) Precincts and Election Districts. – For purposes of qualification to vote in an election, a person's residence in a precinct, ward, or election district shall be determined in accordance with G.S. 163-57. ~~When an election district encompasses more than one precinct, then for purposes of those offices to be elected from that election district a person shall also be deemed to be resident in the election district which includes the precinct in which that person resides. An election district may include a portion of a county, an entire county, a portion of the State, or the entire State. When a precinct has been divided among two or more election districts for purposes of elections to certain offices, then with respect to elections to those offices a person shall be deemed to be resident in only that election district which includes the area of the precinct in which that person resides. Qualification to vote in referenda shall be treated the same as qualification for elections to fill offices.~~

1 (c) Elections. – For purposes of the 30-day residence requirement to vote in an election  
2 in subsection (a) of this section, the term "election" means the day of the primary, second  
3 primary, general election, special election, or referendum."

4 **SECTION 49.2.** G.S. 163-82.15(e) reads as rewritten:

5 "(e) Unreported Move to Another Precinct Within the County. – If a registrant has  
6 moved from an address in one precinct to an address in another precinct within the same county  
7 more than 30 days before an election and has failed to notify the county board of the change of  
8 address before the close of registration for that election, the county board shall permit that  
9 person to vote in that election. The county board shall permit the registrant described in this  
10 subsection to vote at the registrant's new precinct, upon the registrant's written affirmation of  
11 the new address, or, if the registrant prefers, at a central location in the county to be chosen by  
12 the county board. If the registrant appears at the old precinct, the precinct officials there shall  
13 send the registrant to the new precinct or, if the registrant prefers, to the central location,  
14 according to rules which shall be prescribed by the State Board of Elections. At the new  
15 precinct, the registrant shall be processed by a precinct transfer assistant, according to rules  
16 which shall be prescribed by the State Board of Elections. ~~Any voter subject to this subsection  
17 may instead vote a provisional ballot according to the provisions of G.S. 163-166.11."~~

18 **SECTION 49.3.** G.S. 163-166.11(5) reads as rewritten:

19 "(5) The county board of elections shall count the individual's provisional official  
20 ballot for all ballot items on which it determines that the individual was  
21 eligible under State or federal law to ~~vote.~~ vote, except that the ballot shall  
22 not be counted if the voter did not vote in the proper precinct under  
23 G.S. 163-55, including a central location as provided by that section."

24 **SECTION 49.4** G.S. 163-182.2(a)(4) reads as rewritten:

25 "(4) Provisional official ballots shall be counted by the county board of elections  
26 before the canvass. If the county board finds that an individual voting a  
27 provisional official ballot is not eligible to vote in one or more ballot items  
28 on the official ballot, the board shall not count the official ballot in those  
29 ballot items, but shall count the official ballot in any ballot items for which  
30 the individual is eligible to vote. Eligibility shall be determined by whether  
31 the voter is registered in the county as provided in G.S. 163-82.1 and  
32 whether the voter is qualified by residency to vote in the ~~election district~~  
33 precinct as provided in G.S. 163-55 and G.S. 163-57. If a voter was properly  
34 registered to vote in the election by the county board, no mistake of an  
35 election official in giving the voter a ballot or in failing to comply with  
36 G.S. 163-82.15 or G.S. 163-166.11 shall serve to prevent the counting of the  
37 vote on any ballot item the voter was eligible by registration and qualified by  
38 residency to vote."

## 39 **PART 50. ELECTIONEERING COMMUNICATION**

40 **SECTION 50.1.** G.S. 163-278.6(8j) reads as rewritten:

41 "(8j) The term "electioneering communication" means any broadcast, cable, or  
42 satellite communication, or mass mailing, or telephone bank that has all the  
43 following characteristics:

- 44 a. Refers to a clearly identified candidate for elected office.  
45 b. ~~Is~~ In the case of the general election in November of the  
46 even-numbered year is aired or transmitted after September 15 of that  
47 year, and in the case of any other election is aired or transmitted  
48 within 60 days of the time set for absentee voting to begin pursuant  
49 to G.S. 163-227.2 in an election for that office.  
50 c. May be received by either:  
51

1. 50,000 or more individuals in the State in an election for statewide office or 7,500 or more individuals in any other election if in the form of broadcast, cable, or satellite communication.
2. 20,000 or more households, cumulative per election, in a statewide election or 2,500 households, cumulative per election, in any other election if in the form of mass mailing or telephone bank."

## PART 51. ELIMINATE INSTANT-RUNOFF FOR LATE JUDICIAL VACANCIES

### SECTION 51.1. G.S. 163-329(b1) reads as rewritten:

"(b1) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of the superior court occurs more than 60 days before the general election and after the opening of the filing period for the primary, then the State Board of Elections shall designate a special filing period of one week for candidates for the office. If more than two candidates file and qualify for the office in accordance with G.S. 163-323, then the Board shall conduct the election for the office as follows:

- (1) When the vacancy described in this section occurs more than 63 days before the date of the second primary for members of the General Assembly, a special primary shall be held on the same day as the second primary. The two candidates with the most votes in the special primary shall have their names placed on the ballot for the general election held on the same day as the general election for members of the General Assembly.
- (2) When the vacancy described in this section occurs less than 64 days before the date of the second primary, a general election for all the candidates shall be held on the same day as the general election for members of the General Assembly and the results shall be determined on a plurality basis as provided by G.S. 163-292. ~~the "instant runoff voting" method shall be used to determine the winner. Under "instant runoff voting," voters rank up to three of the candidates by order of preference, first, second, or third. If the candidate with the greatest number of first choice votes receives more than fifty percent (50%) of the first choice votes, that candidate wins. If no candidate receives that minimum number, the two candidates with the greatest number of first choice votes advance to a second round of counting. In this round, each ballot counts as a vote for whichever of the two final candidates is ranked highest by the voter. The candidate with the most votes in the second round wins the election. If more than one seat is to be filled in the same race, the voter votes the same way as if one seat were to be filled. The counting is the same as when one seat is to be filled, with one or two rounds as needed, except that counting is done separately for each seat to be filled. The first count results in the first winner. Then the second count proceeds without the name of the first winner. This process results in the second winner. For each additional seat to be filled, an additional count is done without the names of the candidates who have already won. In multi-seat contests, the State Board of Elections may give the voter more than three choices.~~
- (3) ~~If two or more candidates receiving the highest number of votes each receive the same number of votes, the board of elections shall resolve the tie in accordance with G.S. 163-182.8."~~

## PART 52. IDENTIFYING PROVISIONAL BALLOTS AS SUCH

1 SECTION 52.1. Article 14A of Chapter 163 of the General Statutes is amended by  
2 adding a new section to read:

3 **"§ 163-166.11A. Notation on provisional ballot.**

4 Whenever a voter is permitted to vote a provisional ballot, the election official issuing the  
5 ballot shall annotate in writing or other means on the ballot that it is a provisional ballot."  
6

7 **PART 53. ELECTION CYCLE AND REPORTING CHANGES**

8 **SECTION 53.1.(a)** G.S. 163-278.13(d) reads as rewritten:

9 "(d) For the purposes of this section, the term "an election" means the period of time  
10 from January 1 of an odd-numbered year through ~~any~~the day of the primary, the day after the  
11 primary through the day of the second primary, or the day after the primary through December  
12 31 of the next even-numbered year, ~~general election in which the candidate or political~~  
13 ~~committee may be involved,~~ without regard to whether the candidate is opposed or unopposed  
14 in the election, except that where a candidate is not on the ballot in a second primary, that  
15 second primary is not "an election" with respect to that candidate."

16 **SECTION 53.1.(b)** G.S. 163-278.9(a)(5a) reads as rewritten:

17 "(5a) Quarterly Reports. – During even-numbered years during which there is an  
18 election for that candidate or in which the campaign committee is supporting  
19 or opposing a candidate, the treasurer shall file a report by mailing or  
20 otherwise delivering it to the Board no later than seven working days after  
21 the end of each calendar quarter covering the prior calendar quarter, except  
22 that:

- 23 a. The report for the first quarter shall also cover the period in April  
24 through the seventeenth day before the primary, the first quarter  
25 report shall be due seven days after that date, and the second quarter  
26 report shall not include that period if a first quarter report was  
27 required to be filed; and
- 28 b. The report for the third quarter shall ~~also cover the period in October~~  
29 ~~through the seventeenth day before the election, the third quarter~~  
30 ~~report shall be due seven days after that date, October 15.~~
- 31 c. ~~and~~ During the fourth quarter from October 1 through the day of the  
32 general election, reports shall be filed weekly, beginning on the first  
33 Monday after October 1, containing a report of all contributions and  
34 expenditures for the preceding week. ~~the~~The fourth quarter report  
35 shall not include that period if a third quarter report was required to  
36 be filed. any period covered by a weekly report."

37 **SECTION 53.1.(c)** This section becomes effective January 1, 2014.  
38

39 **PART 54. DEFINITION OF POLITICAL COMMITTEE IN CAMPAIGN FINANCE**  
40 **ACT**

41 **SECTION 54.1.** G.S. 163-278.6(14) reads as rewritten:

42 "(14) The term "political committee" means a combination of two or more  
43 individuals, such as any person, committee, association, organization, or  
44 other entity that makes, or accepts anything in excess of five hundred dollars  
45 (\$500.00) of value to make, contributions or expenditures and has one or  
46 more of the following characteristics:

- 47 a. Is controlled by a candidate;
- 48 b. Is a political party or executive committee of a political party or is  
49 controlled by a political party or executive committee of a political  
50 party;

- 1 c. Is created by a corporation, business entity, insurance company, labor  
 2 union, or professional association pursuant to G.S. 163-278.19(b); or  
 3 d. Has the major purpose to support or oppose the nomination or  
 4 election of one or more clearly identified candidates.

5 Supporting or opposing the election of clearly identified candidates includes  
 6 supporting or opposing the candidates of a clearly identified political party.

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

12 The term "political committee" includes the campaign of a candidate who  
 13 serves as his or her own treasurer.

14 Special definitions of "political action committee" and "candidate campaign  
 15 committee" that apply only in Part 1A of this Article are set forth in  
 16 G.S. 163-278.38Z."  
 17

## 18 **PART 55. ALTER CAMPAIGN FINANCE REPORTING SCHEDULE**

19 **SECTION 55.1.** The Joint Legislative Elections Oversight Committee shall study  
 20 conforming political committees, electioneering communications, and independent  
 21 expenditures reporting schedules to similar dates and information, and recommend to the  
 22 General Assembly any legislation it deems advisable. It may make an interim report prior to the  
 23 date that the General Assembly reconvenes the 2013 Regular Session in 2014, and shall make a  
 24 final report before the convening of the 2015 Regular Session of the General Assembly.  
 25

## 26 **PART 56. DISCLOSURE REQUIREMENTS FOR MEDIA ADVERTISEMENTS**

27 **SECTION 56.1.** G.S. 163-278.39(a) reads as rewritten:

28 "(a) Basic Requirements. – It shall be unlawful for any sponsor to sponsor an  
 29 advertisement in the print media or on radio or television that constitutes an expenditure,  
 30 independent expenditure, electioneering communication, or contribution required to be  
 31 disclosed under this Article unless all the following conditions are met:

- 32 (1) It bears the legend or includes the statement: "Paid for by \_\_\_\_\_  
 33 [Name of candidate, candidate campaign committee, political party  
 34 organization, political action committee, referendum committee, individual,  
 35 or other sponsor]." In television advertisements, this disclosure shall be  
 36 made by visual legend.  
 37 (2) The name used in the labeling required in subdivision (1) of this subsection  
 38 is the name that appears on the statement of organization as required in  
 39 G.S. 163-278.7(b)(1) or G.S. 163-278.12C(a).  
 40 (3) Repealed by Session Laws 2001-353, s. 5, effective August 10, 2001.  
 41 (4) ~~The sponsor states in the advertisement its position for or against a ballot~~  
 42 ~~measure, provided that this subdivision applies only if the advertisement is~~  
 43 ~~made for or against a ballot measure.~~  
 44 (5) In a print media advertisement supporting or opposing the nomination or  
 45 election of one or more clearly identified candidates, the sponsor states  
 46 whether it is authorized by a candidate. The visual legend in the  
 47 advertisement shall state either "Authorized by [name of candidate],  
 48 candidate for [name of office]" or "Not authorized by a candidate." This  
 49 subdivision does not apply if the sponsor of the advertisement is the  
 50 candidate the advertisement supports or that candidate's campaign  
 51 committee.

1 (6) In a print media advertisement that identifies a candidate the sponsor is  
2 opposing, the sponsor discloses in the advertisement the name of the  
3 candidate who is intended to benefit from the advertisement. This  
4 subdivision applies only when the sponsor coordinates or consults about the  
5 advertisement or the expenditure for it with the candidate who is intended to  
6 benefit.

7 ~~(7) In a print media advertisement supporting or opposing the nomination or~~  
8 ~~election of one or more clearly identified candidates that is an independent~~  
9 ~~expenditure, the sponsor discloses the names of the individuals or persons~~  
10 ~~making the five largest donations to the sponsor within the six month period~~  
11 ~~prior to the purchase of the advertisement if those donations are required to~~  
12 ~~be reported under G.S. 163-278.12.~~

13 ~~(8) In a print media advertisement that is an electioneering communication, the~~  
14 ~~sponsor discloses the names of the individuals or person making the five~~  
15 ~~largest donations to the sponsor within the six month period prior to the~~  
16 ~~purchase of the advertisement if those donations are required to be reported~~  
17 ~~under G.S. 163-278.12C.~~

18 If an advertisement described in this section is jointly sponsored, the disclosure statement  
19 shall name all the sponsors."  
20

## 21 **PART 57. STUDY ELIMINATION OF 48-HOUR REPORT**

22 **SECTION 57.1.** The Joint Legislative Elections Oversight Committee shall study  
23 the elimination of the 48-hour campaign finance report provided by G.S. 163-278.9(4a), and  
24 recommend to the General Assembly any legislation it deems advisable. It may make an  
25 interim report prior to the date that the General Assembly reconvenes the 2013 Regular Session  
26 in 2014, and shall make a final report before the convening of the 2015 Regular Session of the  
27 General Assembly.  
28

## 29 **PART 58. CODIFY THE HOLDING OF THE NORTH CAROLINA SUPREME** 30 **COURT IN THE CASE OF DICKSON V RUCHO THAT NEITHER G.S. 120-133 NOR** 31 **THE PUBLIC RECORDS ACT CONSTITUTES A WAIVER OF THE COMMON LAW** 32 **DOCTRINE OF ATTORNEY-CLIENT PRIVILEGE OR WORK PRODUCT** 33 **DOCTRINE**

34 **SECTION 58.1.(a)** G.S. 120-133 reads as rewritten:

35 "**§ 120-133. Redistricting communications.**

36 (a) Notwithstanding any other provision of law, all drafting and information requests to  
37 legislative employees and documents prepared by legislative employees for legislators  
38 concerning redistricting the North Carolina General Assembly or the Congressional Districts  
39 are no longer confidential and become public records upon the act establishing the relevant  
40 district plan becoming law. Present and former legislative employees may be required to  
41 disclose information otherwise protected by G.S. 120-132 concerning redistricting the North  
42 Carolina General Assembly or the Congressional Districts upon the act establishing the relevant  
43 district plan becoming law.

44 (b) Nothing in this section nor in Chapter 132 of the General Statutes shall be construed  
45 as a waiver of the common-law attorney-client privilege nor of the common law work product  
46 doctrine with respect to legislators as defined in G.S. 120-129."

47 **SECTION 58.1(b).** This section is effective when it becomes law.  
48

## 49 **PART 59. RAFFLES BY CANDIDATES OR POLITICAL COMMITTEES**

50 **SECTION 59.1.** G.S. 14-309.15(a) reads as rewritten:



1       "(a) It is lawful for any nonprofit organization or association, recognized by the  
2 Department of Revenue as tax-exempt pursuant to G.S. 105-130.11(a), or for any bona fide  
3 branch, chapter, or affiliate of such organization, candidate, political committee, and for any  
4 government entity within the State, to conduct raffles in accordance with this section. Any  
5 person who conducts a raffle in violation of any provision of this section shall be guilty of a  
6 Class 2 misdemeanor. Upon conviction that person shall not conduct a raffle for a period of one  
7 year. It is lawful to participate in a raffle conducted pursuant to this section. It shall not  
8 constitute a violation of State law to advertise a raffle conducted in accordance with this  
9 section. A raffle conducted pursuant to this section is not "gambling. For the purpose of this  
10 section, "candidate" and "political committee" have the meaning provided by Article 22A of  
11 Chapter 163A of the General Statutes, who have filed organization reports under that Article,  
12 and who are in good standing with the appropriate board of elections. Receipts and  
13 expenditures of a raffle by a candidate or political committee shall be reported in accordance  
14 with Article 22A of Chapter 163A of the General Statutes, and ticket purchases are  
15 contributions within the meaning of that Article."

16  
17       **PART 60. SEVERABILITY AND EFFECTIVE DATE**

18       **SECTION 60.1.** If any provision of this act or its application is held invalid, the  
19 invalidity does not affect other provisions or applications of this act that can be given effect  
20 without the invalid provisions or application, and to this end the provisions of this act are  
21 severable.

22       **SECTION 60.2.** This Part is effective when it becomes law. Except as provided  
23 herein, the remainder of this act becomes effective January 1, 2014.