

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-426
HOUSE BILL 1074

AN ACT TO REQUIRE THAT A SIGNED VOTER REGISTRATION FORM BE DELIVERED TO THE BOARD OF ELECTIONS BY ANYONE DELEGATED THAT RESPONSIBILITY AND TO MAKE VIOLATION A CLASS 2 MISDEMEANOR; TO ESTABLISH THE CLASS 2 MISDEMEANOR OF AN ELECTION OFFICIAL OR EMPLOYEE ALTERING VOTER REGISTRATION RECORDS WITHOUT WRITTEN AUTHORIZATION; TO ALLOW COUNTIES TO USE A VOTING PLACE OUTSIDE THE PRECINCT; TO CREATE A PILOT PROGRAM TO ALLOW THE TEMPORARY USE OF TWO VOTING PLACES FOR THE SAME PRECINCT; TO ALLOW COUNTIES TO REQUIRE THAT ADEQUATE PARKING BE PROVIDED AT VOTING PLACES THAT ARE PUBLIC BUILDINGS; TO PROVIDE FOR SUPERVISION, ASSISTANCE, AND TRAINING BY THE STATE BOARD OF ELECTIONS FOR MUNICIPAL BOARDS OF ELECTIONS AND TO PROVIDE FOR REMEDIES; TO INCREASE MINIMUM COMPENSATION FOR COUNTY ELECTIONS DIRECTORS; TO LOWER THE THRESHOLD FOR A FULL-TIME ELECTIONS OFFICE; TO PROVIDE FOR CERTAIN DONATIONS TO POLITICAL PARTY HEADQUARTERS BUILDING FUNDS; AND TO CHANGE THE STATUTE CONCERNING A CANDIDATE'S SIGNATURE ON A FINANCE REPORT TO REFLECT TRADITIONAL PRACTICE.

The General Assembly of North Carolina enacts:

– REQUIRING THAT A SIGNED VOTER REGISTRATION FORM BE DELIVERED TO THE BOARD OF ELECTIONS BY ANYONE DELEGATED THAT RESPONSIBILITY.

Section 1.(a) G.S. 163-82.6(a) reads as rewritten:

"(a) How the Form May Be Submitted. – The county board of elections shall accept any form described in G.S. 163-82.3 if the applicant submits the form by mail or in person. The applicant may delegate the submission of the form to another person. Any person who communicates to an applicant acceptance of that delegation shall deliver that form so that it is received by the appropriate county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be a Class 2 misdemeanor for any person to communicate to the applicant acceptance of that delegation and then fail to make a good faith effort to deliver the form so that it is received by the county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this

section for the next election. It shall be an affirmative defense to a charge of failing to make a good faith effort to deliver a delegated form by the registration deadline that the delegatee informed the applicant that the form would not likely be delivered in time for the applicant to vote in the next election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a completed voter registration form or to condition its delivery upon payment."

Section 1.(b) G.S. 163-82.6(c) reads as rewritten:

"(c) Registration Deadlines for an Election. – In order to be valid for an election, the form:

- (1) If submitted by mail, must be postmarked at least 25 days before the election, except that any mailed application on which the postmark is missing or unclear is validly submitted if received in the mail not later than 20 days before the election,
- (2) If submitted in ~~person (by the applicant or another person),~~ person, must be received by the county board of elections by 5:00 p.m. on the twenty-fifth day before the election,
- (3) If submitted through a delegatee who violates the duty set forth in subsection (a) of this section, must be signed by the applicant and given to the delegatee not later than 25 days before the election, except as provided in subsection (d) of this section."

Section 1.(c) This section becomes effective January 1, 2000, and applies to all offenses occurring and all applications signed on and after that date.

– ESTABLISHING THE CLASS 2 MISDEMEANOR OF AN ELECTION OFFICIAL OR EMPLOYEE ALTERING VOTER REGISTRATION RECORDS WITHOUT WRITTEN AUTHORIZATION.

Section 2.(a) G.S. 163-274 is amended by adding a new subdivision to read:

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

Section 2.(b) This section becomes effective October 1, 1999, and applies to all offenses committed on and after that date.

– ALLOWING COUNTIES TO USE A VOTING PLACE OUTSIDE THE PRECINCT, WITH APPROVAL BY THE STATE BOARD OF ELECTIONS.

Section 3.(a) Article 12 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-130A. Out-of-precinct voting places.

A county board of elections, by unanimous vote of all its members, may establish a voting place for a precinct that is located outside that precinct. The county board's proposal is subject to approval by the Executive Secretary-Director of the State Board of Elections. The county board shall submit its proposal in writing to the Executive Secretary-Director. Approval by the Executive Secretary-Director of the county's proposed plan shall be conditioned upon the county board of elections' demonstrating that:

- (1) No facilities adequate to serve as a voting place are located in the precinct;
- (2) Adequate notification and publicity are provided to notify voters in the precinct of the new polling location;
- (3) The plan does not unfairly favor or disfavor voters with regard to race or party affiliation;
- (4) The new voting place meets all requirements for voting places including accessibility for elderly and disabled voters; and
- (5) The proposal provides adequately for security against fraud.

Any approval granted by the Executive Secretary-Director for a voting place outside the precinct is effective only for one primary and election and must be reevaluated by the county board of elections and the Executive Secretary-Director annually to determine whether it is still the only available alternative for that precinct."

Section 3.(b) This section is effective when this act becomes law and expires January 1, 2002.

– CREATING A PILOT PROGRAM TO ALLOW THE TEMPORARY USE OF TWO VOTING PLACES FOR THE SAME PRECINCT.

Section 4.(a) Article 12 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-130B. Temporary use of two voting places for certain precincts; pilot program.

A county board of elections, by unanimous vote of all its members, may propose to designate two voting places to be used temporarily for the same precinct. The temporary designation of a voting place shall continue only for the term of office of the county board of elections making the designation. For any precinct that is temporarily given two voting places, the county board shall assign every voter to one or the other of those voting places.

The county board's proposal is subject to approval by the Executive Secretary-Director of the State Board of Elections. The county board shall submit its proposal in writing to the Executive Secretary-Director. The Executive Secretary-Director may approve a proposal under this section in not more than three counties, to be a pilot program. The Executive Secretary-Director shall approve that proposal only if it finds all of the following:

- (1) That the precinct has more registered voters than can adequately be accommodated by any single potential voting place available for the precinct.
- (2) That no boundary line that complies with Article 12A of this Chapter can be identified that adequately divides the precinct.
- (3) That the county board can account for, by street address number, the location of every registered voter in the precinct and fix that voter's residence with certainty on a map.
- (4) That no more than three other precincts in the same county will have two voting places.

- (5) That both voting places for the precinct would have adequate facilities for the elderly and disabled.
- (6) That the proposal provides adequately for security against fraud.
- (7) That the proposal does not unfairly favor or disfavor voters with regard to race or party affiliation.

The county board shall designate a full set of precinct officials, in the manner set forth in Article 5 of this Chapter, for each voting place designated for the precinct."

Section 4.(b) This section becomes effective January 2, 2000, and expires January 2, 2002. The Executive Secretary-Director of the State Board of Elections shall study the operation and consequences of the pilot program created by this section and report findings and recommendations to the 2001 General Assembly by February 1, 2001.

– ALLOWING COUNTIES TO REQUIRE THAT ADEQUATE PARKING BE PROVIDED AT VOTING PLACES THAT ARE PUBLIC BUILDINGS.

Section 5.(a) G.S. 163-129 reads as rewritten:

"§ 163-129. Structure at voting place; marking off limits of voting place.

At the voting place in each precinct established under the provisions of G.S. 163-128, the county board of elections shall provide or procure by lease or otherwise a suitable structure or part of a structure in which registration and voting may be conducted. To this end, the county board of elections shall be entitled to demand and use any school or other State, county, or municipal building, or a part thereof, or any other building, or a part thereof, which is supported or maintained, in whole or in part by or through tax revenues provided, however, that this section shall not be construed to permit any board of elections to demand and use any tax exempt church property for such purposes without the express consent of the individual church involved, for the purpose of conducting registration and voting for any primary or election, and it may require that the requisitioned premises, or a part thereof, be vacated for these purposes.

If a county board of elections requires that a tax-supported building be used as a voting place, that county board of elections may require that those in control of that building provide parking that is adequate for voters at the precinct, as determined by the county board of elections.

The county board of elections shall inspect each precinct voting place to ascertain how it should be arranged for voting purposes, and shall direct the chief judge and judges of any precinct to define the voting place by roping off the area or otherwise enclosing it or by marking its boundaries. The boundaries of the voting place shall at any point lie no more than 100 feet from each ballot box or voting machine. The space so roped off or enclosed or marked for the voting place may contain area both inside and outside the structure in which registration and voting are to take place."

Section 5.(b) This section becomes effective January 1, 2000.

– PROVIDING FOR SUPERVISION, ASSISTANCE, AND TRAINING BY THE STATE BOARD OF ELECTIONS FOR MUNICIPAL BOARDS OF ELECTIONS AND PROVIDING FOR REMEDIES.

Section 6.(a) G.S. 163-304 reads as rewritten:

"§ 163-304. State Board of Elections to have jurisdiction over municipal elections and election officials, and to advise. advise; emergency and ongoing administration by county board.

(a) Authority and Duty of State Board. – The State Board of Elections shall have the same authority over municipal elections and election officials as it has over county and State elections and election officials. The State Board of Elections shall advise and assist cities, towns, incorporated villages and special districts, municipal boards of elections, their members and legal officers on the conduct and administration of their elections and registration procedure.

The city council shall provide written notification to the State Board of Elections of the appointment of each member of its municipal board of elections within five days after the appointment. The municipal board of elections and the city council shall provide such other information about the municipal board of elections as the State Board may require. Members of the municipal board of elections and municipal elections officials shall participate in training provided by the State Board pursuant to G.S. 163-82.24. The State Board shall provide the same training, materials, and assistance to municipal boards of elections that it provides to county boards of elections.

The county and municipal boards of elections shall be governed by the same rules for settling controversies with respect to counting ballots or certification of the returns of the vote in any municipal or special district election as are in effect for settling such controversies in county and State elections.

(b) Emergency Administration if Municipal Board Is Not Appointed. – If a city council in a city that has elected pursuant to G.S. 163-285 to conduct its own elections has not appointed a municipal board of elections and reported the appointments to the Executive Secretary-Director by March 1 in the year in which the city election is to occur, the Executive Secretary-Director shall notify the city council that, unless a municipal board of elections is appointed and the Executive Secretary-Director notified of its appointment by April 1 of that year, the county board of elections shall be ordered to conduct that city's elections that year on an emergency basis. If the city council does not so appoint and so notify by April 1, the Executive Secretary-Director shall order the county board of elections to conduct the city's elections that year on an emergency basis.

(c) Emergency Administration Due to Serious Violations. – If a city council or municipal board of elections has committed violations of the applicable portions of this Chapter prior to a city election and those violations are of such magnitude as to give rise to reasonable doubt as to the ability of the municipal board of elections to conduct that election with competence and fairness, the Executive Secretary-Director of the State Board, with the approval of at least four members of the State Board, may order the county board of elections to conduct the remainder of that election on an emergency basis. Before an order is made under this subsection, the city council and municipal board of elections shall be given an opportunity to be heard by the State Board.

(d) Ongoing County Administration. – The State Board of Elections may designate the county board of elections as the ongoing agency to conduct a city's elections if all the following conditions are met:

- (1) In more than one election conducted by that city either (i) the city's elections have been administered on an emergency basis pursuant to subsection (b) or (c) of this section or (ii) a new election has been ordered because of irregularities in the city's administration of the election.
- (2) The State Board finds that the interest of the residents of the city in fair and competent administration of elections requires that the city not conduct its own elections.
- (3) The city council and municipal board of elections are given an opportunity to be heard before the State Board.
- (4) The State Board by a vote of at least four of its members designates the county board of elections as the ongoing agency to conduct that city's elections.

The city council may not elect to conduct its own elections under G.S. 163-285 until every member of the city council has been elected in a election conducted by the county board of elections after the State Board's designation.

(e) Reimbursement. – If the county board of elections administers a city's elections pursuant to subsection (b), (c), or (d) of this section, the city shall reimburse the county board of elections in the manner set forth in G.S. 163-285."

Section 6.(b) This section becomes effective January 1, 2000, except that every city council shall provide to the State Board of Elections by August 1, 1999, a list of the members and supervisor of the municipal board of elections in its municipality. That list shall indicate who is the chair and shall provide addresses and telephone numbers for the members and supervisors.

– INCREASING MINIMUM COMPENSATION FOR COUNTY ELECTIONS DIRECTORS.

Section 7.(a) G.S. 163-35(c) reads as rewritten:

"(c) Compensation of Directors of Elections. – Compensation paid to directors of elections in all counties maintaining full-time registration (five days per week) shall be in the form of a salary in an amount recommended by the county board of elections and approved by the Board of County Commissioners and shall be commensurate with the salary paid to directors in counties similarly situated and similar in population and number of registered voters.

~~Beginning July 1, 1991, in any county operating under modified registration PLAN A, B, C, or D, the~~ The Board of County Commissioners in each county, whether or not the county maintains full-time or modified full-time registration, shall compensate the director of elections at a minimum rate of ~~eight~~ eight ~~twelve~~ twelve dollars ~~(\$8.00)–(\$12.00)~~ per hour for hours worked in attendance to his or her duties as prescribed by law, including rules and regulations adopted by the State Board of Elections. In addition, the county shall pay to the director an hourly wage of at least ~~eight~~ eight ~~twelve~~ twelve dollars ~~(\$8.00)–(\$12.00)~~ per hour for all hours worked in excess of those prescribed in rules and regulations adopted by the State Board of Elections, when such additional hours have been approved by the county board of elections and such approval has been recorded in the official minutes of the county board of elections.

In addition to the compensation provided for herein, the director of elections to the county board of elections shall be granted the same vacation leave, sick leave, and petty leave as granted to all other county employees. It shall also be the responsibility of the Board of County Commissioners to appropriate sufficient funds to compensate a replacement for the director of elections when authorized leave is taken."

Section 7.(b) This section becomes effective July 1, 2000.

– LOWERING THE THRESHOLD FOR A FULL-TIME COUNTY ELECTIONS OFFICE.

Section 8.(a) G.S. 163-36 reads as rewritten:

"§ 163-36. Modified full-time offices.

The State Board of Elections shall promulgate rules permitting counties that have fewer than ~~14,001~~6,501 registered voters to operate a modified full-time elections office to the extent that the operation of a full-time office is not necessary. Nothing in this section shall preclude any county from keeping an elections office open at hours consistent with the hours observed by other county offices."

Section 8.(b) This section becomes effective July 1, 2000.

– PROVIDING FOR GIFTS TO POLITICAL PARTY HEADQUARTERS BUILDING FUNDS.

Section 9.(a) Article 22A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-278.19B. Political party headquarters building funds.

Notwithstanding the provisions of G.S. 163-278.19, a person prohibited by that section from making a contribution may donate to political parties and political parties may accept from such a person money and other things of value donated to a political party headquarters building fund. Donations to the political party headquarters building fund shall be subject to all the following rules:

- (1) The donations solicited and accepted are designated to the political party headquarters building fund.
- (2) Potential donors to that fund are advised that all donations will be exclusively for the political party headquarters building fund.
- (3) The political party establishes a separate segregated bank account into which shall be deposited only donations for the political party headquarters building fund from persons prohibited by G.S. 163-278.19 from making contributions.
- (4) The donations deposited in the separate segregated bank account for the political party headquarters building fund will be spent only to purchase a headquarters building, to construct a headquarters building, to renovate a headquarters building, to pay a mortgage on a headquarters building, or to repay donors if a headquarters building is not purchased, constructed, or renovated. Donations deposited into that account shall not be used for headquarters rent, utilities, or equipment other than fixtures.
- (5) The political party executive committee shall report donations to and spending by a political party headquarters building fund on every

report required to be made by G.S. 163-278.9. If a committee is excused from making general campaign finance reports under G.S. 163-278.10A, that committee shall nonetheless report donations in any amount to and spending in any amount by the political party headquarters building fund at the times required for reports in G.S. 163-278.9.

If all the criteria set forth in subdivisions (1) through (5) of this section are complied with, then donations to and spending by a political party headquarters building fund do not constitute contributions or expenditures as defined in G.S. 163-278.6. If those criteria are complied with, then donations may be made to a political party headquarters building fund."

Section 9.(b) This section is effective when this act becomes law.

– CHANGING THE STATUTE CONCERNING A CANDIDATE'S SIGNATURE ON A FINANCE REPORT TO REFLECT TRADITIONAL PRACTICE.

Section 10.(a) G.S. 163-278.32 reads as rewritten:

"§ 163-278.32. Statements under oath.

Any statement required to be filed under this Article shall be signed and certified as true and correct by the individual, media, candidate, treasurer or others required to file it, and shall be verified by the oath or affirmation of the individual, media, candidate, treasurer or others filing the statement, taken before any officer authorized to administer oaths; provided further that the candidate shall certify as true and correct to the best of his knowledge ~~each report~~ the organizational report and appointment of treasurer filed by a treasurer appointed by him or by his for the candidate or the candidate's principal campaign committee."

Section 10.(b) This section is effective when this act becomes law.

Section 11. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 13th day of July, 1999.

s/ Dennis A. Wicker
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 10:42 p.m. this 5th day of August, 1999