

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 1120  
Committee Substitute Favorable 4/24/03  
Senate Judiciary I Committee Substitute Adopted 6/4/03

Short Title: Student Pollworkers/Other Changes.

(Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE APPOINTMENT OF CERTAIN HIGH SCHOOL STUDENTS AS STUDENT ELECTION ASSISTANTS AND TO MAKE OTHER CHANGES TO THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 5 of Chapter 163 of the General Statutes is amended by adding a new section to read:

**"§ 163-42.1. Student election assistants.**

A student of at least 17 years of age at the time of any election or primary in which the student works shall be eligible to be appointed as a student election assistant. To be eligible a student must have all the following qualifications:

- (1) Be a United States citizen.
- (2) Be a resident of the county in which the student is appointed.
- (3) Be enrolled in a secondary educational institution, including a home school as defined in G.S. 115C-563(a), with an exemplary academic record as determined by that institution.
- (4) Be recommended by the principal or director of the secondary educational institution in which the student is enrolled.
- (5) Have the consent of a parent, legal custodian, or guardian.

The county board of elections may appoint student election assistants, following guidelines which shall be issued by the State Board of Elections. No more than two student election assistants shall be assigned to any voting place. Every student election assistant shall work under the direct supervision of the election judges. The student election assistants shall attend the same training as a precinct assistant, shall be sworn in the same manner as a precinct assistant, and shall be compensated in the same manner as precinct assistants. The county board of elections shall prescribe the duties of a student election assistant, following guidelines which shall be issued by the State Board

1 of Elections. Under no circumstances may students ineligible to register to vote be  
2 appointed and act as precinct judges or observers in any election."

3 **SECTION 2.** G.S. 163-278.66(a) reads as rewritten:

4 "(a) Reporting by Noncertified Candidates and Independent Expenditure Entities.  
5 – Any noncertified candidate with a certified opponent shall report total income,  
6 expenses, and obligations to the Board by facsimile machine or electronically within 24  
7 hours after the total amount of campaign expenditures or obligations made, or funds  
8 raised or borrowed, exceeds eighty percent (80%) of the trigger for rescue funds as  
9 defined in G.S. 163-278.62(18). Any entity making independent expenditures in excess  
10 of three thousand dollars (\$3,000) in support of or opposition to a certified ~~candidate~~  
11 candidate or in support of a candidate opposing a certified candidate shall report the  
12 total funds received, spent, or obligated for those expenditures to the Board by facsimile  
13 machine or electronically within 24 hours after the total amount of expenditures or  
14 obligations made, or funds raised or borrowed, for the purpose of making the  
15 independent expenditures, exceeds fifty percent (50%) of the trigger for rescue funds.  
16 After this 24-hour filing, the noncertified candidate or independent expenditure entity  
17 shall comply with an expedited reporting schedule by filing additional reports after  
18 receiving each additional amount in excess of one thousand dollars (\$1,000) or after  
19 making or obligating to make each additional expenditure(s) in excess of one thousand  
20 dollars (\$1,000). The schedule and forms for reports required by this subsection shall be  
21 made according to procedures developed by the Board."

22 **SECTION 3.** G.S. 163-46 reads as rewritten:

23 "**§ 163-46. Compensation of precinct officials and assistants.**

24 The precinct chief judge shall be paid the state minimum wage for his services on  
25 the day of a primary, special or general election. Judges of election shall each be paid  
26 the state minimum wage for their services on the day of a primary, special or general  
27 election. Assistants, appointed pursuant to G.S. 163-42, shall each be paid the state  
28 minimum wage for their services on the day of a primary, special or general election.  
29 Ballot counters appointed pursuant to G.S. 163-43 shall be paid a minimum of five  
30 dollars (\$5.00) for their services on the day of a primary, general or special election. If  
31 an election official is being paid an hourly wage or daily fee on an election day and the  
32 official is performing additional election duties away from the assigned precinct voting  
33 place, the official shall not be entitled to any additional monies for those services,  
34 except for reimbursable expenses in performing the services.

35 If the county board of elections requests the presence of a chief judge or judge at the  
36 county canvass, the chief judge shall be paid the sum of twenty dollars (\$20.00) per day  
37 and judges shall be paid the sum of fifteen dollars (\$15.00) per day. If the county board  
38 of elections requests a precinct official, including chief judge or judge, to personally  
39 deliver official ballots or other official materials to the county board of elections, the  
40 precinct official shall be paid the sum of twenty dollars (\$20.00) per day and judges  
41 shall be paid the sum of fifteen dollars (\$15.00) per day.

42 The chairman of the county board of elections, along with the director of elections,  
43 shall conduct an instructional meeting prior to each primary and general election which  
44 shall be attended by each chief judge and judge of election, unless excused by the

1 chairman, and such precinct election officials shall be paid the sum of fifteen dollars  
2 (\$15.00) for attending the instructional meetings required by this section.

3 In its discretion, the board of county commissioners of any county may provide  
4 funds with which the county board of elections may pay chief judges, judges, assistants,  
5 and ballot counters in addition to the amounts specified in this section. Observers shall  
6 be paid no compensation for their services.

7 A person appointed to serve as chief judge, or judge of election when a previously  
8 appointed chief judge or judge fails to appear at the voting place or leaves his post on  
9 the day of an election or primary shall be paid the same compensation as the chief judge  
10 or judge appointed prior to that date.

11 For the purpose of this section, the phrase "the State minimum wage," means the  
12 amount set by G.S. 95-25.3(a). For the purpose of this section, no other provision of  
13 Article 2A of Chapter 95 of the General Statutes shall apply."

14 **SECTION 4.** G.S. 163-112(b) reads as rewritten:

15 "(b) **Death of One of More Than Two Candidates within 10 Days after the Filing**  
16 **Period Closes.** – If at the close of the filing period more than two candidates have filed  
17 for a ~~single-single-seat~~ office, and within 10 days after the filing period closes the board  
18 of elections receives notice of a candidate's death, the board shall immediately open the  
19 filing period for that party contest, for three additional days in order for candidates to  
20 file for that office. The name of the deceased candidate shall not be printed on the  
21 ballot.

22 In the event a candidate's death occurs more than 10 days after the closing of the  
23 original filing period, the names of the remaining candidates shall be printed on the  
24 ballot. If the ballots have been printed at the time death occurs, the ballots shall not be  
25 reprinted and any votes cast for a deceased candidate shall not be counted or considered  
26 for any purpose. In the event the death of a candidate or candidates leaves only one  
27 candidate, then such candidate shall be certified as the party's nominee for that office."

28 **SECTION 5.** G.S. 163-278.6(18a) reads as rewritten:

29 "(18a) The term 'referendum' means any question, issue, or act referred to a  
30 vote of the people of the entire State by the General Assembly, a unit  
31 of local government, or by the people under any applicable local act  
32 and includes constitutional amendments and State bond issues. The  
33 term 'referendum' includes any type of municipal, county, or special  
34 district ~~referendum~~, referendum and any initiative or referendum  
35 authorized by a municipal charter or local act. A recall election shall  
36 not be considered a referendum within the meaning of this Article."

37 **SECTION 6.** G.S. 163-82.10(d) reads as rewritten:

38 "(d) **Exception for Address of Certain Registered Voters.** – Notwithstanding  
39 subsections (b) and (c) of this section, if a registered voter submits to the county board  
40 of elections a copy of a protective order without attachments, if any, issued to that  
41 person under G.S. 50B-3 or a lawful order of any court of competent jurisdiction  
42 restricting the access or contact of one or more persons with a registered voter or a  
43 current and valid Address Confidentiality Program authorization card issued pursuant to  
44 the provisions of Chapter 15C of the General Statutes, accompanied by a signed

1 statement that the voter has good reason to believe that the physical safety of the voter  
2 or a member of the voter's family residing with the voter would be jeopardized if the  
3 voter's address were open to public inspection, that voter's address is a public record but  
4 shall be kept confidential as long as the protective order remains in effect or the voter  
5 remains a certified program participant in the Address Confidentiality Program. That  
6 voter's name, precinct, and the other data contained in that voter's registration record  
7 shall remain a public record. That voter's signed statement submitted under this  
8 subsection is a public record but shall be kept confidential as long as the protective  
9 order remains in effect or the voter remains a certified program participant in the  
10 Address Confidentiality Program. It is the responsibility of the voter to provide the  
11 county board with a copy of the valid protective order in effect or a current and valid  
12 Address Confidentiality Program authorization card issued pursuant to the provisions of  
13 Chapter 15C of the General Statutes. The voter's actual address shall be used for any  
14 election-related purpose by any board of elections. That voter's address shall be  
15 available for inspection by a law enforcement agency or by a person identified in a court  
16 order, if inspection of the address by that person is directed by that court order. It shall  
17 not be a violation of this section if the address of a voter who is participating in the  
18 Address Confidentiality Program is discovered by a member of the public in public  
19 records disclosed by a county board of elections prior to December 1, 2001. Addresses  
20 required to be kept confidential by this section shall not be made available to the jury  
21 commission under the provisions of G.S. 9-2."

22 **SECTION 7.** G.S. 163-221 reads as rewritten:

23 **"§ 163-221. Persons may not sign name of another to petition.**

- 24 (a) No person may sign the name of another person ~~to~~ to any of the following:  
25 (1) Any petition calling for an election or ~~referendum;~~ referendum.  
26 (2) Any petition under G.S. 163-96 for the formulation of a new political  
27 ~~party;~~ party.  
28 (3) Any petition under G.S. 163-107.1 requesting a person to be a  
29 ~~candidate;~~ candidate.  
30 (4) Any petition under G.S. 163-122 to have the name of an unaffiliated  
31 candidate placed on the general election ballot, or under G.S. 163-296  
32 to have the name of an unaffiliated or nonpartisan candidate placed on  
33 the regular municipal election ~~ballot;~~ or ballot.  
34 (5) Any petition under G.S. 163-213.5 to place a name on the ballot under  
35 the Presidential Preference Primary Act.  
36 (6) Any petition under G.S. 163-123 to qualify as a write-in candidate.  
37 (b) Any name signed on a petition, in violation of this section, shall be void.  
38 (c) Any person who willfully violates this section is guilty of a Class 2  
39 misdemeanor."

40 **SECTION 8.(a)** G.S. 163-182.13(a) reads as rewritten:

41 "(a) When State Board May Order New Election. – The State Board of Elections  
42 may order a new election, upon agreement of at least four of its members, in the case of  
43 any one or more of the following:

- 1 (1) Ineligible voters sufficient in number to change the outcome of the  
2 election were allowed to vote in the election, and it is not possible  
3 from examination of the official ballots to determine how those  
4 ineligible voters voted and to correct the totals.
- 5 (2) Eligible voters sufficient in number to change the outcome of the  
6 election were improperly prevented from voting.
- 7 (3) Other irregularities affected a sufficient number of votes to change the  
8 outcome of the election.
- 9 (4) Irregularities or improprieties occurred to such an extent ~~that, although~~  
10 ~~it is not possible to determine whether those irregularities or~~  
11 ~~improprieties affected the outcome of the election,~~ that they taint the  
12 results of the entire election and cast doubt on its fairness."

13 **SECTION 8.(b)** G.S. 163-182.14 reads as rewritten:

14 **"§ 163-182.14. Appeal of a final decision to superior court.**

15 A copy of the final decision of the State Board of Elections on an election protest  
16 shall be served on the parties personally or by certified mail. A decision to order a new  
17 election is considered a final decision for purposes of seeking review of the decision.  
18 An aggrieved party has the right to appeal the final decision to the Superior Court of  
19 Wake County within 10 days of the date of service.

20 After the decision by the State Board of Elections has been served on the parties, the  
21 certification of nomination or election or the results of the referendum shall issue  
22 pursuant to G.S. 163-182.15 unless an appealing party obtains a stay of the certification  
23 from the Superior Court of Wake County within 10 days after the date of service. The  
24 court shall not issue a stay of certification unless the petitioner shows the court that the  
25 petitioner has appealed the decision of the State Board of Elections, that the petitioner is  
26 an aggrieved party, and that the petitioner is likely to prevail, ~~and that the results of the~~  
27 ~~election would be changed in the petitioner's favor. Mere irregularities in the election~~  
28 ~~which would not change the results of the election shall not be sufficient for the court to~~  
29 ~~issue a stay of certification.~~ prevail in the appeal."

30 **SECTION 9.(a)** G.S. 163-213.4 reads as rewritten:

31 **"§ 163-213.4. Nomination by State Board of Elections.**

32 The State Board of Elections shall convene in Raleigh on the first Tuesday in  
33 ~~February~~ March preceding the presidential preference primary election. At the meeting  
34 required by this section, the State Board of Elections shall nominate as presidential  
35 primary candidates all candidates affiliated with a political party, recognized pursuant to  
36 the provisions of Article 9 of Chapter 163 of the General Statutes, who have become  
37 eligible to receive payments from the Presidential Primary Matching Payment Account,  
38 as provided in section 9033 of the U.S. Internal Revenue Code of 1954, as amended.  
39 Immediately upon completion of these requirements, the Board shall release to the news  
40 media all such nominees selected. Provided, however, nothing shall prohibit the partial  
41 selection of nominees prior to the meeting required by this section, if all provisions  
42 herein have been complied with."

43 **SECTION 9.(b)** G.S. 163-213.5 reads as rewritten:

44 **"§ 163-213.5. Nomination by petition.**

1 Any person seeking the endorsement by the national political party for the office of  
2 President of the United States, or any group organized in this State on behalf of, and  
3 with the consent of, such person, may file with the State Board of Elections petitions  
4 signed by 10,000 persons who, at the time they signed are registered and qualified  
5 voters in this State and are affiliated, by such registration, with the same political party  
6 as the candidate for whom the petitions are filed. Such petitions shall be presented to the  
7 county board of elections 10 days before the filing deadline and shall be certified  
8 promptly by the chairman of the board of elections of the county in which the signatures  
9 were obtained and shall be filed by the petitioners with the State Board of Elections no  
10 later than 5:00 P.M. on the Monday prior to the date the State Board of Elections is  
11 required to meet as directed by G.S. 163-213.4.

12 The petitions must state the name of the candidate for nomination, along with a letter  
13 of approval signed by such candidate. Said petitions must also state the name and  
14 address of the chairman of any such group organized to circulate petitions authorized  
15 under this section. The requirement for signers of such petitions shall be the same as  
16 now required under provisions of G.S. 163-96(b)(1) and (2). The requirement of the  
17 respective chairmen of county boards of elections shall be the same as now required  
18 under the provisions of G.S. 163-96(b)(1) and (2) as they relate to the chairman of the  
19 county board of elections.

20 The State Board of Elections shall forthwith determine the sufficiency of petitions  
21 filed with it and shall immediately communicate its determination to the chairman of  
22 such group organized to circulate petitions. The form and style of petition shall be as  
23 prescribed by the State Board of Elections."

24 **SECTION 10.(a)** G.S. 163-182.5(b) reads as rewritten:

25 "(b) Canvassing by County Board of Elections. – The county board of elections  
26 shall meet at 11:00 A.M. on the ~~third day (Sunday excepted)~~ seventh day after every  
27 election to complete the canvass of votes cast and to authenticate the count in every  
28 ballot item in the county by determining that the votes have been counted and tabulated  
29 correctly. If, despite due diligence by election officials, the initial counting of all the  
30 votes has not been completed by that time, the county board may hold the canvass  
31 meeting a reasonable time thereafter. The canvass meeting shall be at the county board  
32 of elections office, unless the county board, by unanimous vote of all its members,  
33 designates another site within the county. The county board shall examine the returns  
34 from precincts, from absentee official ballots, and from provisional official ballots and  
35 shall conduct the canvass."

36 **SECTION 10.(b)** G.S. 163-182.7(b) reads as rewritten:

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

1 canvass. The recount shall be conducted under the supervision of the county board of  
2 elections."

3 **SECTION 10.(c)** G.S. 163-182.7(c) reads as rewritten:

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

- 9 (1) For a nonstatewide ballot item, one percent (1%) of the total votes cast  
10 in the ballot item, or in the case of a multiseat ballot item, one percent  
11 (1%) of the votes cast for those two candidates.  
12 (2) For a statewide ballot item, one-half of one percent (0.5%) of the votes  
13 cast in the ballot item, or in the case of a multiseat ballot item, one-half  
14 of one percent (0.5%) of the votes cast for those two candidates, or  
15 10,000 votes, whichever is less.

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

24 **SECTION 10.(d)** G.S. 163-111(c) reads as rewritten:

25 "(c) Procedure for Requesting Second Primary. –

- 26 (1) **(Effective with respect to primaries and elections held on or after**  
27 **January 1, 2004)** A candidate who is apparently entitled to demand a  
28 second primary, according to the unofficial results, for one of the  
29 offices listed below, and desiring to do so, shall file a request for a  
30 second primary in writing ~~or by telegram~~ with the Executive Director  
31 of the State Board of Elections no later than 12:00 noon on the ~~seventh~~  
32 ninth day (including Saturdays and Sundays) following the date on  
33 which the primary was conducted, and such request shall be subject to  
34 the certification of the official results by the State Board of Elections.  
35 If the vote certification by the State Board of Elections determines that  
36 a candidate who was not originally thought to be eligible to call for a  
37 second primary is in fact eligible to call for a second primary, the  
38 Executive Director of the State Board of Elections shall immediately  
39 notify such candidate and permit him to exercise any options available  
40 to him within a 48-hour period following the notification:

41 Governor,

42 Lieutenant Governor,

43 All State executive officers,

44 District Attorneys of the General Court of Justice,

1 United States Senators,  
2 Members of the United States House of Representatives,  
3 State Senators in multi-county senatorial districts, and  
4 Members of the State House of Representatives in multi-county  
5 representative districts.

- 6 (2) A candidate who is apparently entitled to demand a second primary,  
7 according to the unofficial results, for one of the offices listed below  
8 and desiring to do so, shall file a request for a second primary in  
9 writing ~~or by telegram~~ with the chairman or director of the county  
10 board of elections no later than 12:00 noon on the ~~seventh~~ninth day  
11 (including Saturdays and Sundays) following the date on which the  
12 primary was conducted, and such request shall be subject to the  
13 certification of the official results by the county board of elections:

14 State Senators in single-county senatorial districts,  
15 Members of the State House of Representatives in  
16 single-county representative districts, and  
17 All county officers.

- 18 (3) Immediately upon receipt of a request for a second primary the  
19 appropriate board of elections, State or county, shall notify all  
20 candidates entitled to participate in the second primary, by telephone  
21 followed by written notice, that a second primary has been requested  
22 and of the date of the second primary."

23 **SECTION 10.(e)** G.S. 163-291(5) reads as rewritten:

- 24 "(5) The canvass of the primary and second primary shall be held on the  
25 ~~third-seventh~~ day (~~Sunday excepted~~) following the primary or second  
26 primary. In accepting the filing of complaints concerning the conduct  
27 of an election, a board of elections shall be subject to the rules  
28 concerning Sundays and holidays set forth in G.S. 103-5."

29 **SECTION 10.(f)** G.S. 163-291(6) reads as rewritten:

- 30 "(6) Candidates having the right to demand a second primary shall do so  
31 not later than 12:00 noon on the ~~Monday~~Thursday following the  
32 canvass of the first primary."

33 **SECTION 10.(g)** G.S. 163-293(c) reads as rewritten:

34 "(c) The canvass of the first election shall be held on the ~~third-seventh~~ day  
35 (~~Sunday excepted~~) after the election. A candidate entitled to a runoff election may do so  
36 by filing a written request for a runoff election with the board of elections no later than  
37 12:00 noon on the ~~Monday~~Thursday after the result of the first election has been  
38 officially declared. In accepting the filing of complaints concerning the conduct of an  
39 election, a board of elections shall be subject to the rules concerning Sundays and  
40 holidays set forth in G.S. 103-5."

41 **SECTION 10.(h)** G.S. 163-294(b) reads as rewritten:

42 "(b) In the primary, the two candidates for a single office receiving the highest  
43 number of votes, and those candidates for a group of offices receiving the highest  
44 number of votes, equal to twice the number of positions to be filled, shall be declared



1 nominated. In both the primary and election, a voter should not mark more names for  
2 any office than there are positions to be filled by election. If two or more candidates  
3 receiving the highest number of votes each received the same number of votes, the  
4 board of elections shall determine their relative ranking by lot, and shall declare the  
5 nominees accordingly. The canvass of the primary shall be held on the ~~third~~seventh day  
6 (~~Sunday~~~~—excepted~~) following the primary. In accepting the filing of complaints  
7 concerning the conduct of an election, a board of elections shall be subject to the rules  
8 concerning Sundays and holidays set forth in G.S. 103-5."

9 **SECTION 10.(i)** G.S. 163-300 reads as rewritten:

10 **"§ 163-300. Disposition of duplicate abstracts in municipal elections.**

11 Within ~~five~~nine days after a primary or election is held in any municipality, the  
12 chairman of the county or municipal board of elections shall mail to the chairman of the  
13 State Board of Elections, the duplicate abstract prepared in accordance with G.S.  
14 163-182.6. One copy shall be retained by the county or municipal board of elections as  
15 a permanent record and one copy shall be filed with the city clerk."

16 **SECTION 10.(j)** G.S. 163-322(b) reads as rewritten:

17 "(b) Determination of Nominees. – In the primary, the two candidates for a single  
18 office receiving the highest number of votes, and those candidates for a group of offices  
19 receiving the highest number of votes, equal to twice the number of positions to be  
20 filled, shall be declared nominated. If two or more candidates receiving the highest  
21 number of votes each receive the same number of votes, the State Board of Elections  
22 shall determine their relative ranking by lot, and shall declare the nominees accordingly.  
23 The canvass of the primary shall be held on the same date as the primary canvass fixed  
24 under G.S. ~~163-188.~~163-182.5. The canvass shall be conducted in accordance with  
25 Article ~~16~~15A of this Chapter."

26 **SECTION 10.(k)** G.S. 163-182.15 reads as rewritten:

27 **"§ 163-182.15. Certificate of nomination or election, or certificate of the results of  
28 a referendum.**

29 (a) Issued by County Board of Elections. – In ballot items within the jurisdiction  
30 of the county board of elections, the county board shall issue a certificate of nomination  
31 or election, or a certificate of the results of the referendum, as appropriate. The  
32 certificate shall be issued by the county board ~~five~~six days after the completion of the  
33 canvass pursuant to G.S. 163-182.5, unless there is an election protest pending. If there  
34 is an election protest, the certificate of nomination or election or the certificate of the  
35 result of the referendum shall be issued in one of the following ways, as appropriate:

- 36 (1) The certificate shall be issued five days after the protest is dismissed or  
37 denied by the county board of elections, unless that decision has been  
38 appealed to the State Board of Elections.
- 39 (2) The certificate shall be issued 10 days after the final decision of the  
40 State Board, unless the State Board has ordered a new election or the  
41 issuance of the certificate is stayed by the Superior Court of Wake  
42 County pursuant to G.S. 163-182.14.
- 43 (3) If the decision of the State Board has been appealed to the Superior  
44 Court of Wake County and the court has stayed the certification, the

1 certificate shall be issued five days after the entry of a final order in  
2 the case in the Superior Court of Wake County, unless that court or an  
3 appellate court orders otherwise.

4 (b) Issued by State Board of Elections. – In ballot items within the jurisdiction of  
5 the State Board of Elections, the State Board of Elections shall issue a certificate of  
6 nomination or election, or a certificate of the results of the referendum, as appropriate.  
7 The certificate shall be issued by the State Board ~~five~~six days after the completion of  
8 the canvass pursuant to G.S. 163-182.5, unless there is an election protest pending. If  
9 there is an election protest, the certificate of nomination or election or the certificate of  
10 the result of the referendum shall be issued in one of the following ways, as appropriate:

11 (1) The certificate shall be issued 10 days after the final decision of the  
12 State Board on the election protest, unless the State Board has ordered  
13 a new election or the issuance of the certificate is stayed by the  
14 Superior Court of Wake County pursuant to G.S. 163-14.

15 (2) If the decision of the State Board has been appealed to the Superior  
16 Court of Wake County and the court has stayed the certification, the  
17 certificate shall be issued five days after the entry of a final order in  
18 the case in the Superior Court of Wake County, unless that court or an  
19 appellate court orders otherwise.

20 (c) Copy to Secretary of State. – The State Board of Elections shall provide to  
21 the Secretary of State a copy of each certificate of nomination or election, or certificate  
22 of the results of a referendum, issued by it. The Secretary shall keep the certificates in a  
23 form readily accessible and useful to the public."

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

25 "(a) ~~Except as provided in subsection (a1) of this section, a person expecting to be~~  
26 ~~absent from the county in which that person is registered during the entire period that~~  
27 ~~the polls are open on the day of an election in which absentee ballots are authorized or~~  
28 ~~is eligible under G.S. 163-226(a)(2), 163-226(a)(3a), or 163-226(a)(4) Any voter~~  
29 eligible to vote by absentee ballot under G.S. 163-226 may request an application for  
30 absentee ballots, complete the application, and vote under the provisions of this  
31 section."

32 **SECTION 12.** Sections 1 and 10 of this act become effective January 1,  
33 2004. The remainder of this act becomes effective when this act becomes law.