

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH50533-RR-39 (03/22)

Short Title: Election Amendments.

(Public)

Sponsors: Representative Goodwin.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE ELECTION LAWS.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 163-234(1) reads as rewritten:

5 "(1) Only those absentee ballots returned to the county board of elections
6 no later than 5:00 p.m. on ~~the day before~~ election day in a properly
7 executed container-return envelope shall be counted, except to the
8 extent federal law requires otherwise."

9 **SECTION 2.** G.S. 163-278.32 reads as rewritten:

10 **"§ 163-278.32. Statements under oath.**

11 Any statement required to be filed under this Article shall be signed and certified as
12 true and correct by the individual, media, candidate, treasurer or others required to file
13 it, and shall be certified as true and correct to the best of the knowledge of the
14 individual, media, candidate, treasurer or others filing the statement; provided further
15 that the candidate shall certify as true and correct to the best of his knowledge the
16 organizational report and appointment of treasurer filed for the candidate or the
17 candidate's principal campaign committee. Any A certification under this Article shall
18 be treated as under oath, and any person making a certification under this Article
19 knowing the information to be untrue may be prosecuted for perjury under G.S. 14-209.
20 is guilty of a Class F felony."

21 **SECTION 3.** G.S. 163-278.34(a) reads as rewritten:

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

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

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

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

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

21 **SECTION 4.(a)** G.S. 163-278.6(6) reads as rewritten:

22 "(6) The terms "contribute" or "contribution" mean any advance,
23 conveyance, deposit, distribution, transfer of funds, loan, payment,
24 gift, pledge or subscription of money or anything of value whatsoever,
25 to a candidate to support or oppose the nomination or election of one
26 or more clearly identified candidates, to a political committee, to a
27 political party, or to a referendum committee, whether or not made in
28 an election year, and any contract, agreement, promise or other
29 obligation, whether or not legally enforceable, to make a contribution.
30 These terms include, without limitation, such contributions as labor or
31 personal services, postage, publication of campaign literature or
32 materials, in-kind transfers, loans or use of any supplies, office
33 machinery, vehicles, aircraft, office space, or similar or related
34 services, goods, or personal or real property. These terms also include,
35 without limitation, the proceeds of sale of services, campaign literature
36 and materials, wearing apparel, tickets or admission prices to
37 campaign events such as rallies or dinners, and the proceeds of sale of
38 any campaign-related services or goods. ~~Notwithstanding the~~
39 ~~foregoing meanings of "contribution," the word shall not be construed~~
40 ~~to include services provided without compensation by individuals~~
41 ~~volunteering a portion or all of their time on behalf of a candidate,~~
42 ~~political committee, or referendum committee. The term "contribution"~~
43 ~~does not include an "independent expenditure." If:~~

1 a. Any individual, person, committee, association, or any other
2 organization or group of individuals, including but not limited
3 to, a political organization (as defined in section 527(e)(1) of
4 the Internal Revenue Code of 1986) makes, or contracts to
5 make, any disbursement for any electioneering communication,
6 as defined in G.S. 163-278.80(2) and (3) and
7 G.S. 163-278.90(2) and (3); and

8 b. That disbursement is coordinated with a candidate, an
9 authorized political committee of that candidate, a State or local
10 political party or committee of that party, or an agent or official
11 of any such candidate, party, or committee

12 that disbursement or contracting shall be treated as a contribution to
13 the candidate supported by the electioneering communication or that
14 candidate's party and as an expenditure by that candidate or that
15 candidate's party.

16 (6a) The following are not "contributions":

17 a. Services provided without compensation by individuals
18 volunteering a portion or all of their time on behalf of a
19 campaign.

20 b. Independent expenditures.

21 c. Payment of the expenditures of a campaign by a campaign staff
22 member, as long as all the following are true:

23 1. The campaign has adequate funds to pay the expenditure
24 at the time the campaign staff member makes the
25 payment.

26 2. The campaign reimburses the campaign staff member no
27 later than seven days after the campaign staff member
28 makes the payment.

29 3. The campaign reports the payment by the campaign staff
30 member as a debt in accordance with G.S. 163-278.11.

31 For purposes of this subdivision, a "campaign" is a candidate, political
32 committee, or referendum committee. For purposes of this subdivision,
33 a "campaign staff member" is an employee of the campaign or a
34 regular volunteer of the campaign. A "campaign staff member" may
35 not include a lobbyist under G.S. 120C-100(10)."

36 **SECTION 4.(b)** G.S. 163-278.11(a) reads as rewritten:

37 "(a) Statements filed pursuant to provisions of this Article shall set forth the
38 following:

39 (1) Contributions. – Except as provided in subsection (a1) of this section,
40 a list of all contributions received by or on behalf of a candidate,
41 political committee, or referendum committee. The statement shall list
42 the name and complete mailing address of each contributor, the
43 amount contributed, the principal occupation of the contributor, and
44 the date such contribution was received. The total sum of all

1 contributions to date shall be plainly exhibited. Forms for required
2 reports shall be prescribed by the Board. As used in this section,
3 "principal occupation of the contributor" means the contributor's:

- 4 a. Job title or profession; and
- 5 b. Employer's name or employer's specific field of business
6 activity.

7 The State Board of Elections shall prepare a schedule of specific fields
8 of business activity, adapting or modifying as it deems suitable the
9 business activity classifications of the Internal Revenue Code or other
10 relevant classification schedules. In reporting a contributor's specific
11 field of business activity, the treasurer shall use the classification
12 schedule prepared by the State Board.

- 13 (2) Expenditures. – A list of all expenditures required under
14 G.S. 163-278.8 made by or on behalf of a candidate, political
15 committee, or referendum committee. The statement shall list the name
16 and complete mailing address of each payee, the amount paid, the
17 purpose, and the date such payment was made. The total sum of all
18 expenditures to date shall be plainly exhibited. Forms for required
19 reports shall be prescribed by the Board. In accounting for all
20 expenditures in accordance with G.S. 163-278.8(e) and
21 G.S. 163-278.8(f), the payee shall be the individual or person to whom
22 the candidate, political committee, or referendum committee is
23 obligated to make the expenditure. If the expenditure is to a financial
24 institution for revolving credit or a reimbursement for a payment to a
25 financial institution for revolving credit, the statement shall also
26 include a specific itemization of the goods and services purchased with
27 the revolving credit. If the obligation is for more than one good or
28 service, the statement shall include a specific itemization of the
29 obligation so as to provide a reasonable understanding of the
30 obligation. In the case of an expenditure paid by a campaign staff
31 member under G.S. 163-278.6(6a)c, the statement shall include the
32 same level of detail as if the expenditure had been paid directly out of
33 campaign funds.

- 34 (3) Loans. – Every candidate and treasurer shall attach to the campaign
35 transmittal submitted with each report an addendum listing all
36 proceeds derived from loans for funds used or to be used in this
37 campaign. The addendum shall be in the form as prescribed by the
38 State Board of Elections and shall list the amount of the loan, the
39 source, the period, the rate of interest, and the security pledged, if any,
40 and all makers and endorsers."

41 **SECTION 4.(c)** G.S. 163-278.9(a)(4a) reads as rewritten:

- 42 "(4a) 48-Hour Report. – A political committee or political party that receives
43 a contribution or transfer of funds from any political committee shall
44 disclose within 48 hours of receipt a contribution or transfer of one

1 thousand dollars (\$1,000) or more received before an election but after
2 the period covered by the last report due before that election. The
3 disclosure shall be by report to the State Board of Elections identifying
4 the source and amount of the funds. The State Board of Elections shall
5 specify the form and manner of making the report. The report shall
6 also include any payment of expenditures by a campaign staff member
7 under G.S. 163-278.6(6a)."

8 **SECTION 4.(d)** G.S. 163-278.9A(a)(2a) reads as rewritten:

9 "(2a) 48-Hour Report. – A referendum committee that receives a
10 contribution or transfer of funds from any political committee shall
11 disclose within 48 hours of receipt a contribution or transfer of one
12 thousand dollars (\$1,000) or more received before a referendum but
13 after the period covered by the last report due before that referendum.
14 The disclosure shall be by report to the State Board of Elections
15 identifying the source and amount of such funds. The State Board of
16 Elections shall specify the form and manner of making the report. The
17 report shall also include any payment of expenditures by a campaign
18 staff member under G.S. 163-278.6(6a)."

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

20 **"§ 163-33.1. Power of chairman to administer oaths.**

21 The chairman of the county board of elections is authorized to administer to election
22 officials specified in ~~G.S. 163-80~~ Articles 4, 5, and 20 of this Chapter the required oath,
23 and may also administer the required oath to witnesses appearing before the county
24 board at a duly called public hearing."

25 **SECTION 6.** G.S. 163-132.1B reads as rewritten:

26 **"§ 163-132.1B. Participation in 2010 Census Redistricting Data Program of the**
27 **United States Bureau of the Census.**

28 (a) Purpose. – The State of North Carolina shall participate in the 2010 Census
29 Redistricting Data Program, conducted pursuant to P.L. 94-171, of the United States
30 Bureau of the Census, so that the State will receive 2010 Census data by voting precinct
31 and be able to revise districts at all levels without splitting precincts and in compliance
32 with the United States and North Carolina Constitutions and the Voting Rights Act of
33 1965, as amended.

34 (a1) Reporting of Voting Tabulation Districts. – The Executive Director of the
35 State Board of Elections shall report to the Bureau of the Census as this State's voting
36 tabulation districts the voting precincts as shown on the General Assembly's
37 Redistricting Database on January 1, 2009. The Executive Director shall make that
38 report no later than January 1, 2010.

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

42 **SECTION 7.** G.S. 163-278.69(a) reads as rewritten:

43 "(a) Judicial Voter Guide. – The Board shall publish a Judicial Voter Guide that
44 explains the functions of the appellate courts and the laws concerning the election of

1 appellate judges, the purpose and function of the Public Campaign Fund, and the laws
2 concerning voter registration. The Board shall distribute the Guide to as many
3 voting-age individuals in the State as practical, through a mailing to all residences or
4 other means it deems effective. The distribution shall occur no more than ~~1428~~ days nor
5 fewer than seven days before the one-stop voting period provided in G.S. 163-227.2 for
6 the primary and no more than ~~1428~~ days nor fewer than seven days before the one-stop
7 voting period provided in G.S. 163-227.2 for the general election."

8 **SECTION 8.** Article 14A of Chapter 163 of the General Statutes is amended
9 by adding a new section to read:

10 **"§ 163-165.5B. Ballots may be combined.**

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

14 **SECTION 9.(a)** G.S. 163-122(a)(2) reads as rewritten:

15 "(2) If the office is a district office ~~comprised of two or more counties,~~
16 under the jurisdiction of the State Board of Elections under
17 G.S. 163-182.4(b), file written petitions with the State Board of
18 Elections supporting his candidacy for a specified office. These
19 petitions must be filed with the State Board of Elections on or before
20 12:00 noon on the last Friday in June preceding the general election
21 and must be signed by qualified voters of the district equal in number
22 to four percent (4%) of the total number of registered voters in the
23 district as reflected by the voter registration records of the State Board
24 of Elections as of January 1 of the year in which the general election is
25 to be held. Each petition shall be presented to the chairman of the
26 board of elections of the county in which the signatures were obtained.
27 The chairman shall examine the names on the petition and the
28 procedure for certification and deadline for submission to the county
29 board shall be the same as specified in (1) above."

30 **SECTION 9.(b)** G.S. 163-123(c)(2) reads as rewritten:

31 "(2) If the office is a district office ~~comprising all or part of two or more~~
32 counties, under the jurisdiction of the State Board of Elections under
33 G.S. 163-182.4(b), file written petitions with the State Board of
34 Elections supporting his candidacy for a specified office. These
35 petitions must be filed with the State Board of Elections on or before
36 noon on the 90th day before the general election and must be signed by
37 250 qualified voters. Before being filed with the State Board of
38 Elections, each petition shall be presented to the board of elections of
39 the county in which the signatures were obtained. A petition presented
40 to a county board of elections shall contain only names of voters
41 registered in that county who are eligible to vote for that office. The
42 chairman of the county board shall examine the names on the petition
43 and the procedure for certification shall be the same as specified in
44 subdivision (1)."

1 **SECTION 10.** G.S. 163-165.1(e) reads as rewritten:

2 "(e) Voted ballots and paper and electronic records of individual voted ballots
3 shall be treated as confidential, and no person other than elections officials performing
4 their duties may have access to voted ballots or paper or electronic records of individual
5 voted ballots except by court order or order of the appropriate board of elections as part
6 of the resolution of an election protest or investigation of an alleged election irregularity
7 or violation. Voted ballots and paper and electronic records of individual voted ballots
8 shall not be disclosed to members of the public in such a way as to disclose how a
9 particular voter voted, unless a court orders otherwise. Any person who has access to an
10 official voted ballot or record and knowingly discloses in violation of this section how
11 an individual has voted that ballot is guilty of a Class I felony."

12 **SECTION 11.** G.S. 163-165.5(5) reads as rewritten:

13 "**§ 163-165.5. Contents of official ballots.**

14 Each official ballot shall contain all the following elements:

15 ...

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

20 ..."

21 **SECTION 12.** G.S. 163-182.15(2) reads as rewritten:

22 "(2) The certificate shall be issued ~~10 days~~ on the tenth day after the final
23 decision of the State Board, unless the State Board has ordered a new
24 election or the issuance of the certificate is stayed by the Superior
25 Court of Wake County pursuant to G.S. 163-182.14."

26 **SECTION 13.** G.S. 163-182.12 reads as rewritten:

27 "**§ 163-182.12. Authority of State Board of Elections over protests.**

28 The State Board of Elections may consider protests that were not filed in compliance
29 with G.S. 163-182.9, may initiate and consider complaints on its own motion, may
30 intervene and take jurisdiction over protests pending before a county board, and may
31 take any other action necessary to assure that an election is determined without taint of
32 fraud or corruption and without irregularities that may have changed the result of an
33 election. Where a known group of voters cast votes that were lost beyond retrieval, the
34 State Board of Elections may authorize a county board of elections to allow those voters
35 to recast their ballots during a period of two weeks after the ~~election~~ canvass by the
36 State Board of Elections required in G.S. 163-182.5(c). If the State Board approves a
37 recasting of votes under this section, any procedures the county board uses to contact
38 those voters and allow them to recast their votes shall be subject to approval by the State
39 Board. Those recast votes shall be added to the returns and included in the canvass. The
40 recasting of those votes shall not be deemed a new election for purposes of
41 G.S. 163-182.13."

42 **SECTION 14.** G.S. 163-166.4 is amended by adding a new subsection to
43 read:

"(d) Buffer Zone at One-Stop Sites. – The provisions of this section shall apply to one-stop voting sites in G.S. 163-227.2, except that the notice in subsection (c) of this section shall be provided no later than 10 days before the opening of one-stop voting at the site."

SECTION 15. G.S. 163-232 reads as rewritten:

"§ 163-232. Certified list of executed absentee ballots; distribution of list.

The county board of elections shall prepare, or cause to be prepared, a list in at least quadruplicate, of all absentee ballots returned to the county board of elections to be counted, which have been approved by the county board of elections, and which have been received as of 5:00 p.m. on the day before the election. At the end of the list, the chairman shall execute the following certificate under oath:

"State of North Carolina
County of _____

I, _____, chairman of the _____ County board of elections, do hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on the _____ day of _____, _____, which have been approved by the county board of elections and which have been returned no later than 5:00 p.m. on the day before the election. I certify that the chairman, member, officer, or employee of the board of elections has not delivered ballots for absentee voting to any person other than the voter, by mail or by commercial courier service or in person, except as provided by law, and have not mailed or delivered ballots when the request for the ballot was received after the deadline provided by law.

This the _____ day of _____, _____

(Signature of chairman of
county board of elections)

Sworn to and subscribed before me this _____ day of _____, _____.
Witness my hand and official seal.

(Signature of officer
administering oath)

(Title of officer)"

No later than 10:00 a.m. on election day, the county board of elections shall cause one copy of the list of executed absentee ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately deposited as "first-class" mail to the State Board of Elections. The board shall retain one copy in the board office for public inspection and the board shall cause two copies of the appropriate precinct list to be delivered to the chief judge of each precinct in the county. The county board of elections shall be authorized to call upon the sheriff of the county to distribute the list to the precincts. In addition the county board of elections shall, upon request, provide a copy of the complete list to the chairman of each political party, recognized under the provisions of G.S. 163-96, represented in the county.

1 The chief judge shall post one copy of the list immediately in a conspicuous location
2 in the voting place and retain one copy until all challenges of absentee ballots have been
3 heard by the county board of elections. Challenges shall be made to absentee ballots as
4 provided in G.S. 163-89.

5 ~~After receipt of the list of absentee voters required by this section the chief judge~~
6 ~~shall call the name of each person recorded on the list and enter an "A" in the~~
7 ~~appropriate voting square on the voter's permanent registration record, or a similar entry~~
8 ~~on the computer list used at the polls. The computer lists used at the polls shall be~~
9 ~~generated by the county board of elections and shall indicate all persons who have voted~~
10 ~~absentee.~~ If such person is already recorded as having voted in that election, the chief
11 judge shall enter a challenge which shall be presented to the county board of elections
12 for resolution by the board of elections prior to certification of results by the board.

13 All lists required by this section shall be retained by the county board of elections
14 for a period of 22 months after which they may then be destroyed."

15 **SECTION 16.** Article 4A of Chapter 163 of the General Statutes reads as
16 rewritten:

17 "Article 4A.

18 "Political Activities by Board of Elections Members.

19 "**§ 163-38. Applicability of Article.**

20 This Article applies to members and employees of the State Board of Elections and
21 of each county and municipal board of elections. With regard to prohibitions in this
22 Article concerning candidates, referenda, and committees, the prohibitions do not apply
23 if the candidate or referendum will not be on the ballot in an area within the jurisdiction
24 of the board, or if the political committee or referendum committee is not involved with
25 an election or referendum that will be on the ballot in an area within the jurisdiction of
26 the board.

27 "**§ 163-39. Limitation on political activities.**

28 No individual subject to this Article shall:

- 29 (1) Make written or oral statements intended for general distribution or
30 dissemination to the public at large supporting or opposing the
31 nomination or election of one or more clearly identified candidates for
32 public office.
- 33 (2) Make written or oral statements intended for general distribution or
34 dissemination to the public at large supporting or opposing the passage
35 of one or more clearly identified referendum proposals.
- 36 (3) Solicit contributions for a candidate, political committee, or
37 referendum committee.

38 Individual expressions of opinion, support, or opposition not intended for general public
39 distribution shall not be deemed a violation of this Article. Nothing in this Article shall
40 be deemed to prohibit participation in a political party convention as a delegate. Nothing
41 in this Article shall be deemed to prohibit a board member from making a contribution
42 to a candidate, political committee, or referendum committee.

43 "**§ 163-40. Violation may be ground for removal.**

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

7 **"§ 163-40.1. Definitions.**

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

10 **SECTION 17.** G.S. 130A-50(a) reads as rewritten:

11 "(a) The Department shall send a copy of the resolution creating the sanitary
12 district to the county board or boards of county commissioners of the county or counties
13 in which all or part of the district is located. The Department shall file or cause to be
14 filed with the county board or boards of elections in that or those counties a map of the
15 district, with supporting documents. That map and documents shall be filed within 10
16 business days after the creation of the district and amended within 10 days after any
17 change to the boundaries of the district. The board or boards of commissioners shall
18 hold a meeting or joint meeting for the purpose of electing the members of the sanitary
19 district board."

20 **SECTION 18.** G.S. 163-82.6(a) reads as rewritten:

21 "(a) **How the Form May Be Submitted.** – The county board of elections shall
22 accept any form described in G.S. 163-82.3 if the applicant submits the form by mail,
23 facsimile transmission, transmission of a scanned document, or in person. The applicant
24 may delegate the submission of the form to another person. Any person who
25 communicates to an applicant acceptance of that delegation shall deliver that form so
26 that it is received by the appropriate county board of elections in time to satisfy the
27 registration deadline in subdivision (1) or (2) of subsection (c) of this section for the
28 next election.

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

31 (1) ~~to~~ To communicate to the applicant acceptance of ~~that~~ the delegation
32 described in subsection (a) of this section and then fail to make a good
33 faith effort to deliver the form so that it is received by the county board
34 of elections in time to satisfy the registration deadline in subdivision
35 (1) or (2) of subsection (c) of this section for the next election. It shall
36 be an affirmative defense to a charge of failing to make a good faith
37 effort to deliver a delegated form by the registration deadline that the
38 delegatee informed the applicant that the form would not likely be
39 delivered in time for the applicant to vote in the next election.

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

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

- 1 (4) To intimidate a person into marking a party affiliation other than the
- 2 party affiliation the person desires.
- 3 (5) To offer a person a voter registration form that has a party affiliation
- 4 pre-marked unless the person receiving the form has requested the
- 5 pre-marking."

6 **SECTION 19.** G.S. 163-274 is amended by adding a new subdivision to

7 read:

8 "(14) For any person knowingly to instruct a person who is not a citizen of

9 the United States to register to vote or to vote."

10 **SECTION 20.** G.S. 163-82.14(c) reads as rewritten:

11 "(c) Conviction of a Felony. –

- 12 (1) Report of Conviction Within the State. – The clerk of superior court,
- 13 on or before the fifteenth day of every month, shall report to the
- 14 county board of elections of that county the name, county of residence,
- 15 and residence address if available, of each individual against whom a
- 16 final judgment of conviction of a felony has been entered in that
- 17 county in the preceding calendar month. Any county board of elections
- 18 receiving such a report about an individual who is a resident of another
- 19 county in this State shall forward a copy of that report to the board of
- 20 elections of that county as soon as possible.
- 21 (2) Report of Federal Conviction. – The Executive Director of the State
- 22 Board of Elections, upon receipt of a notice of conviction sent by a
- 23 United States Attorney pursuant to section 8(g) of the National Voter
- 24 Registration Act, shall notify the appropriate county boards of
- 25 elections of the conviction.
- 26 (3) County Board's Duty Upon Receiving Report of Conviction. – When a
- 27 county board of elections receives a notice pursuant to subdivision (1)
- 28 or (2) of this subsection relating to a resident of that county and that
- 29 person is registered to vote in that county, the board shall, after giving
- 30 30 days' written notice to the voter at his registration address, and if
- 31 the voter makes no objection, remove the person's name from its
- 32 registration records. If the voter notifies the county board of elections
- 33 of his objection to the removal within 30 days of the notice, the
- 34 chairman of the board of elections shall enter a challenge under
- 35 G.S. 163-85(c)(5), and the notice the county board received pursuant
- 36 to this subsection shall be prima facie evidence for the preliminary
- 37 hearing that the registrant was convicted of a felony."

38 **SECTION 21.** G.S. 163-82.10(a) reads as rewritten:

39 "(a) Official Record. – The State voter registration system is the official voter

40 registration list for the conduct of all elections in the State. A completed and signed

41 registration application form, if available, described in G.S. 163-82.3, once approved by

42 the county board of elections, becomes backup to the official registration record of the

43 voter. ~~Electronically captured images of the signatures of voters, full~~ Full or partial

44 social security numbers, dates of birth, codes used to identify the public agency at which

1 the voter registered under G.S. 163-82.20, and drivers license numbers that may be
2 generated in the voter registration process, by either the State Board of Elections or a
3 county board of elections, are confidential and shall not be considered public records
4 and subject to disclosure to the general public under Chapter 132 of the General
5 Statutes. Disclosure of drivers license numbers or dates of birth in violation of this
6 subsection shall not give rise to a civil cause of action. This limitation of liability does
7 not apply to the disclosure of drivers license numbers or dates of birth in violation of
8 this subsection as a result of gross negligence, wanton conduct, or intentional
9 wrongdoing that would otherwise be actionable. The signature of the voter, either on the
10 paper application or an electronically captured image of it, may be viewed by the public
11 but may not be copied or traced except by election officials for election administration
12 purposes. Any such copy or tracing is not a public record. The county board of elections
13 shall maintain custody of any paper hard copy registration records of voters in the
14 county and shall keep them in a place where they are secure."

15 **SECTION 22.** G.S. 163-82.20 reads as rewritten:

16 "**§ 163-82.20. Voter registration at other public agencies.**

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

- 18 (1) Applications for a program of public assistance under Article 2 of
19 Chapter 108A of the General Statutes or under Article 13 of Chapter
20 130A of the General Statutes;
- 21 (2) Applications for State-funded State or local government programs
22 primarily engaged in providing services to persons with disabilities,
23 with such office designated by the State Board of Elections; or
- 24 (3) Claims for benefits under Chapter 96 of the General Statutes, the
25 Employment Security Law,

26 is designated as a voter registration agency for purposes of this section.

27 (b) Duties of Voter Registration Agencies. – A voter registration agency
28 described in subsection (a) of this section shall, unless the applicant declines, in writing,
29 to register to vote:

- 30 (1) Distribute with each application for service or assistance, and with
31 each recertification, renewal, or change of address relating to such
32 service or assistance:
 - 33 a. The voter registration application form described in
34 G.S. 163-82.3(a) or (b); or
 - 35 b. The voter registration agency's own form, if it is substantially
36 equivalent to the form described in G.S. 163-82.3(a) or (b) and
37 has been approved by the State Board of Elections, provided
38 that the agency's own form may be a detachable part of the
39 agency's paper application or may be a paperless computer
40 process, as long as the applicant is required to sign an
41 attestation as part of the application to register.
- 42 (2) Provide a form that contains the elements required by section
43 7(a)(6)(B) of the National Voter Registration Act; and

1 (3) Provide to each applicant who does not decline to register to vote the
2 same degree of assistance with regard to the completion of the
3 registration application as is provided by the office with regard to the
4 completion of its own forms.

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

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

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

15 (1) Seek to influence an applicant's political preference or party
16 registration, except that this shall not be construed to prevent the
17 notice provided by G.S. 163-82.4(c) to be given if the applicant refuses
18 to declare his party affiliation;

19 (2) Display any such political preference or party allegiance;

20 (3) Make any statement to an applicant or take any action the purpose or
21 effect of which is to discourage the applicant from registering to vote;
22 or

23 (4) Make any statement to an applicant or take any action the purpose or
24 effect of which is to lead the applicant to believe that a decision to
25 register or not to register has any bearing on the availability of services
26 or benefits.

27 (f) Confidentiality of Declination to Register. – No information relating to a
28 declination to register to vote in connection with an application made at a voter
29 registration agency may be used for any purpose other than voter registration.

30 (g) Transmittal From Agency to Board of Elections. – Any voter registration
31 application completed at a voter registration agency shall be accepted by that agency in
32 lieu of the applicant's mailing the application. Any such application so received shall be
33 transmitted to the appropriate board of elections not later than five business days after
34 acceptance, according to rules which shall be promulgated by the State Board of
35 Elections.

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

42 (i) Ineligible Applications Prohibited. – No person shall make application to
43 register to vote under this section if that person is ineligible to vote on account of age,

1 citizenship, lack of residence for the period of time provided by law, or because of
2 conviction of a felony. "

3 **SECTION 23.** G.S. 163-45 reads as rewritten:

4 **"§ 163-45. Observers; appointment.**

5 The chair of each political party in the county shall have the right to designate two
6 observers to attend each voting place at each primary and election and such observers
7 may, at the option of the designating party chair, be relieved during the day of the
8 primary or election after serving no less than four hours and provided the list required
9 by this section to be filed by each chair contains the names of all persons authorized to
10 represent such chair's political party. Not more than two observers from the same
11 political party shall be permitted in the voting enclosure at any time. This right shall not
12 extend to the chair of a political party during a primary unless that party is participating
13 in the primary. In any election in which an unaffiliated candidate is named on the ballot,
14 the candidate or the candidate's campaign manager shall have the right to appoint two
15 observers for each voting place consistent with the provisions specified herein. Persons
16 appointed as observers must be registered voters of the county for which appointed and
17 must have good moral character. No person who is a candidate on the ballot in a
18 primary or election may serve as an observer or runner in that primary or election.
19 Observers shall take no oath of office.

20 Individuals authorized to appoint observers must submit in writing to the chief judge
21 of each precinct a signed list of the observers appointed for that precinct. Individuals
22 authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any
23 primary or general election, submit in writing to the chair of the county board of
24 elections two signed copies of a list of observers appointed by them, designating the
25 precinct for which each observer is appointed. Before the opening of the voting place on
26 the day of a primary or general election, the chair shall deliver one copy of the list to the
27 chief judge for each affected precinct. The chair shall retain the other copy. The chair,
28 or the chief judge and judges for each affected precinct, may for good cause reject any
29 appointee and require that another be appointed. The names of any persons appointed in
30 place of those persons rejected shall be furnished in writing to the chief judge of each
31 affected precinct no later than the time for opening the voting place on the day of any
32 primary or general election, either by the chair of the county board of elections or the
33 person making the substitute appointment.

34 If party chairs appoint observers in one-stop sites under G.S. 163-227.2, those party
35 chairs shall provide a list of the observers appointed before 10:00 A.M. on the fifth day
36 before the opening of one-stop voting.

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

42 Whether or not the observer attends to the polls for the requisite time provided by
43 this section, each observer shall be entitled to obtain at times specified by the State
44 Board of Elections, but not less than three times during election day with the spacing

1 not less than one hour apart, a list of the persons who have voted in the precinct so far in
2 that election day. Counties that use an "authorization to vote document" instead of poll
3 books may comply with the requirement in the previous sentence by permitting each
4 observer to inspect election records so that the observer may create a list of persons who
5 have voted in the precinct so far that election day; each observer shall be entitled to
6 make the inspection at times specified by the State Board of Elections, but not less than
7 three times during election day with the spacing not less than one hour apart.

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

20 **SECTION 24.** G.S. 163-166.3 reads as rewritten:

21 "**§ 163-166.3. Limited access to the voting enclosure.**

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

- 24 (1) An election official.
- 25 (2) An observer appointed pursuant to G.S. 163-45.
- 26 (2a) A runner appointed pursuant to G.S. 163-45, but only to the extent
27 necessary to announce that runner's presence and to receive the voter
28 list as provided in G.S. 163-45.
- 29 (3) A person seeking to vote in that voting place on that day but only
30 while in the process of voting or seeking to vote.
- 31 (4) A voter in that precinct while entering or explaining a challenge
32 pursuant to G.S. 163-87 or G.S. 163-88.
- 33 (5) A person authorized under G.S. 163-166.8 to assist a voter but, except
34 as provided in subdivision (6) of this section, only while assisting that
35 voter.
- 36 (6) Minor children of the voter under the age of 18, or minor children
37 under the age of 18 in the care of the voter, but only while
38 accompanying the voter and while under the control of the voter.
- 39 (7) Persons conducting or participating in a simulated election within the
40 voting place or voting enclosure, if that simulated election is approved
41 by the county board of elections.
- 42 (8) Any other person determined by election officials to have an urgent
43 need to enter the voting enclosure but only to the extent necessary to
44 address that need.

1 (b) Photographing Voters Prohibited. – No person shall photograph, videotape, or
2 otherwise record the image of any voter within the voting enclosure or entering or
3 leaving the voting enclosure, except with the permission of both the voter and the chief
4 judge of the precinct. If the voter is a candidate, the permission of the voter is all that is
5 necessary, not also that of the chief judge."

6 **SECTION 25.** G.S. 163-165.3 reads as rewritten:

7 "**§ 163-165.3. Responsibilities for preparing official ballots.**

8 (a) ~~State Board to Certify Official Ballots and Instructions to Voters.~~
9 Responsibilities. – The State Board of Elections shall certify the official ballots and
10 voter instructions to be used in every election that is subject to this Article. In
11 conducting its certification, the State Board shall adhere to the following:

- 12 (1) No later than January 31 of every calendar year, the State Board shall
13 establish a schedule for the certification of all official ballots and
14 instructions during that year. The schedule shall include a time for
15 county boards of elections to submit their official ballots and
16 instructions to the State Board for certification and times for the State
17 Board to complete the certification.
- 18 (2) The State Board of Elections shall compose model ballot instructions,
19 which county boards of elections may amend subject to approval by
20 the State Board as part of the certification process. The State Board of
21 Elections may permit a county board of elections to place instructions
22 elsewhere than on the official ballot itself, where placing them on the
23 official ballot would be impractical.
- 24 (3) With regard only to multicounty ballot items on the official ballot, the
25 State Board shall certify the accuracy of the content on the official
26 ballot.
- 27 (4) With regard to the entire official ballot, the State Board shall certify
28 that the content and arrangement of the official ballot are in substantial
29 compliance with the provisions of this Article and standards adopted
30 by the State Board.
- 31 (5) The State Board shall proofread the official ballot of every county, if
32 practical, prior to final production.
- 33 (6) The State Board is not required to certify or review every official
34 ballot style in the county but may require county boards to submit and
35 may review a composite official ballot showing races that will appear
36 in every district in the county.

37 The State Board shall be responsible for all ballot coding and equipment
38 programming.

39 (b) ~~County Board to Prepare and Produce Official Ballots and Instructions.~~
40 Responsibilities. – Each county board of elections shall prepare and produce official
41 ballots for all elections in that county. The county board of elections shall submit the
42 format of each official ballot and set of instructions to the State Board of Elections for
43 review and certification in accordance with the schedule established by the State Board.

1 The county board of elections shall follow the directions of the State Board in placing
2 candidates, referenda, and other material on official ballots and in placing instructions.

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

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

13 **SECTION 26.** G.S. 163-165.9 reads as rewritten:

14 **"§ 163-165.9. Voting systems: powers and duties of county board of elections.**

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

- 18 (1) Recommend to the board of county commissioners which type of
19 voting system should be acquired by the county.
- 20 (2) Witness a demonstration, in that county or at a site designated by the
21 State Board of Elections, of the type of voting system to be
22 recommended and also witness a demonstration of at least one other
23 type of voting system certified by the State Board of Elections.
- 24 (3) Test, during an election, the proposed voting system in at least one
25 precinct in the county where the voting system would be used if
26 adopted.

27 (b) After the acquisition of any voting system, the county board of elections shall
28 comply with any requirements of the State Board of Elections regarding training and
29 support of the voting system. The county board of elections shall comply with all
30 specifications of its voting system vendor for ballot printers. The county board of
31 elections shall maintain software license and maintenance agreements for its voting
32 system."

33 **SECTION 27.** G.S. 163-165.9A reads as rewritten:

34 **"§ 163-165.9A. Voting systems: requirements for voting systems vendors;**
35 **penalties.**

36 (a) Duties of Vendor. – Every vendor that has a contract to provide a voting
37 system in North Carolina shall do all of the following:

- 38 (1) The vendor shall place in escrow with an independent escrow agent
39 approved by the State Board of Elections all software that is relevant
40 to functionality, setup, configuration, and operation of the voting
41 system, including, but not limited to, a complete copy of the source
42 and executable code, build scripts, object libraries, application
43 program interfaces, and complete documentation of all aspects of the
44 system including, but not limited to, compiling instructions, design

1 documentation, technical documentation, user documentation,
2 hardware and software specifications, drawings, records, and data. The
3 State Board of Elections may require in its request for proposal that
4 additional items be escrowed, and if any vendor that agrees in a
5 contract to escrow additional items, those items shall be subject to the
6 provisions of this section. The documentation shall include a list of
7 programmers responsible for creating the software and a sworn
8 affidavit that the source code includes all relevant program statements
9 in low-level and high-level languages.

- 10 (2) The vendor shall notify the State Board of Elections of any change in
11 any item required to be escrowed by subdivision (1) of this subsection.
12 (3) The chief executive officer of the vendor shall sign a sworn affidavit
13 that the source code and other material in escrow is the same being
14 used in its voting systems in this State. The chief executive officer
15 shall ensure that the statement is true on a continuing basis.
16 (4) The vendor shall promptly notify the State Board of Elections and the
17 county board of elections of any county using its voting system of any
18 decertification of the same system in any state, of any defect in the
19 same system known to have occurred anywhere, and of any relevant
20 defect known to have occurred in similar systems.
21 (5) The vendor shall maintain an office in North Carolina with staff to
22 service the contract.

23 (b) Penalties. – Willful violation of any of the duties in subsection (a) of this
24 section is a Class G felony. Substitution of source code into an operating voting system
25 without notification as provided by subdivision (a)(2) of this section is a Class I felony.
26 In addition to any other applicable penalties, violations of this section are subject to a
27 civil penalty to be assessed by the State Board of Elections in its discretion in an amount
28 of up to one hundred thousand dollars (\$100,000) per violation. A civil penalty assessed
29 under this section shall be subject to the provisions of G.S. 163-278.34(e).

30 (c) Federal Certification. – The vendor shall maintain certification for its voting
31 system under the United States Election Assistance Commission."

32 **SECTION 28.** This act is effective when it becomes law.