

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

4

**HOUSE BILL 1421
Committee Substitute Favorable 5/6/09
Committee Substitute #2 Favorable 5/11/09
Fourth Edition Engrossed 5/13/09**

Short Title: Election Amendments.

(Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

1 AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO
2 VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF
3 THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF
4 ELECTIONS.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** G.S. 163-165.3(a) reads as rewritten:

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

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



1 The State Board shall be responsible for oversight of all ballot eoding coding, and In order
2 to produce the data necessary for equipment programming, each county shall either contract
3 with a qualified vendor certified by the State Board or supervise trained election staff to
4 produce the data necessary for equipment programming, be certified by the State Board to
5 produce the data."

6 **SECTION 1.(b)** This section becomes effective July 1, 2010.

7 **SECTION 2.** G.S. 163-165.7(e) reads as rewritten:

8 "(e) The State Board of Elections shall facilitate training and support of the voting
9 systems utilized by the counties. The training may be conducted through the use of
10 videoconferencing or other technology."

11 **SECTION 3.(a)** G.S. 163-165.9(b) reads as rewritten:

12 "(b) After the acquisition of any voting system, the county board of elections shall
13 comply with any requirements of the State Board of Elections regarding training and support of
14 the voting system by completing all of the following:

15 (1) The county board of elections shall comply with all specifications of its
16 voting system vendor for ballot printers. The county board of elections is
17 authorized to contract with noncertified ballot printing vendors, so long as
18 the noncertified ballot printing vendor meets all specifications and all quality
19 assurance requirements as set by the State Board of Elections.

20 (2) The county board of elections shall annually maintain software license and
21 maintenance agreements necessary to maintain the warranty of its voting
22 system. The State Board of Elections shall not provide routine maintenance
23 to any county board of elections that does not maintain the warranty of its
24 voting system. If the State Board of Elections provides any maintenance to a
25 county that has not maintained the warranty of its voting system, the county
26 shall reimburse the State for the cost.

27 (3) The county board of elections shall not replace any voting system, or any
28 portion thereof, without approval of the State Board of Elections.

29 (4) The county board of elections may have its voting system repaired pursuant
30 to its maintenance agreement but shall notify the State Board of Elections at
31 the time of every repair, according to guidelines that shall be provided by the
32 State Board of Elections."

33 **SECTION 3.(b)** This section becomes effective July 1, 2009.

34 **SECTION 4.** G.S. 163-22 reads as rewritten:

35 "...

36 (o) The State Board of Elections shall promulgate minimum requirements for the
37 number of pollbooks, voting machines and curbside ballots to be available at each precinct,
38 such that more of such will be available at general elections and a sufficient number will be
39 available to allow voting without excessive delay. The State Board of Elections shall provide
40 for a training and screening program for chief judges and judges. The State Board of Elections
41 shall provide additional testing of voting machines to ensure that they operate properly even
42 with complicated ballots.

43 (p) The State Board of Elections shall require counties with voting systems to have
44 sufficient personnel available on election day with technical expertise to make repairs in such
45 equipment, to investigate election day problems, and assist in curbside voting.

46 (q) The State Board of Elections may delegate administrative matters to the Executive
47 Director by resolution, provided the resolution provides for a mechanism of review by the State
48 Board of administrative decisions made by the Executive Director."

49 **SECTION 5.** G.S. 163-166.1 reads as rewritten:

50 "§ 163-166.1. **Duties of county board of elections.**

51 The county board of elections shall:

- 1 (1) Provide for the timely delivery to each voting place of the supplies, records,
2 and equipment necessary for the conduct of the election.
3 (2) Ensure that adequate procedures are in place at each voting place for a safe,
4 secure, fair, and honest election.
5 (3) Respond to precinct officials' questions and problems where necessary.
6 (4) Provide adequate technical support for the voting system, which shall be
7 done in conjunction with the State Board of Elections."

8 **SECTION 6.** Except as otherwise provided in this act, this act is effective when it
9 becomes law.