

The NC State Board of Elections

2010 Primary Voter Guide

North Carolina Public Funding Program

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Statements by candidates do not express or reflect the opinions of the State Board of Elections. Candidates' personal statements appear on pages 4-7

This Voter Guide is prepared and distributed by the State Board of Elections. It is largely paid for by funds from the \$3 check-off on the state income tax form for the N. C. Public Campaign Fund and by other donations. 4,000,000 copies of this publication were printed at a total cost of \$217,453 at 5.43 cents each.

KEY ELECTION DATES

Friday, April 9

- Voter registration forms must be postmarked or delivered in person by 5:00 p.m. for May 4, 2010 Primary. After this deadline you can still register to vote at One-Stop absentee voting locations.
- Last day to change party affiliation before the May 4 Primary.

Thursday, April 15

- One-Stop absentee voting begins for May 4 Primary. Individuals who miss the registration deadline, if qualified, may register in person and then vote at a one-stop voting site.

Tuesday, April 27

- Last day to request mail-in absentee ballots in writing (exception due to sickness or disability).

Saturday, May 1 at 1:00 pm (may be extended to 5:00 p.m. in some counties)

- One-Stop absentee voting and registering ends.

Monday, May 3

- Mailed absentee ballots must be received in BOE office by 5:00 p.m. Deadline to request absentee ballots for sickness/disability is 5:00 p.m. or postmarked by day of Primary and received by 5:00 p.m. May 7, 2010.

Tuesday, May 4 (Polls open at 6:30 a.m. and close at 7:30 p.m.)

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COUNTY BOARD OF ELECTIONS

To contact a county board of elections, select the "Find Your County Board" Quick Link at the top of the elections website at www.sboe.state.nc.us.

**Candidates for
N.C. Court of Appeals and
N. C. Supreme Court
who do not have
opposition in the primary
are listed on page 14.**

2010 ELECTIONS

This Voter Guide provides you with information about voting in North Carolina and about the candidates seeking election to the state's two highest courts.

WHO CAN VOTE IN PARTY PRIMARIES?

Voters who are affiliated (registered) with a political party must vote in the primary of the party with which they are affiliated.

Voters who are not affiliated with a political party may vote in a party primary as long as that party allows it. At this time, the Democratic, Republican, and Libertarian Parties allow unaffiliated voters to vote in their primaries.

Voters who are not affiliated with a political party are also free to vote a non-partisan ballot in the primary and not participate in a party primary.

SAMPLE BALLOTS

Starting in April, voters can view a sample of the ballot they are entitled to vote for the next upcoming primary or election. Visit the State Board of Elections' website at www.sboe.state.nc.us, click on the "Voter Registration" Quick Link, and then click "Check Your Registration".

REGISTRATION DEADLINES

For the May 4 Primary

Register in-person or by mail

No later than April 9, 2010

OR

Register At

One-Stop Absentee

Voting Sites

April 15—May 1, 2010

TWO NC COURT OF APPEALS SEATS ARE ON THE 2010 PRIMARY ELECTION BALLOT. The top two candidates will then proceed to the General Election in November.

Three candidates have filed for one N.C. Court of Appeals seat. Their profiles are shown on pages 4 and 5. Voters may vote for one of the following individuals (listed in ballot order):

N. C. COURT OF APPEALS

Mark E. Klass
Jane Gray
Anne Marie Calabria

Four candidates have filed for a separate N.C. Court of Appeals seat. Their profiles are shown on pages 6 and 7. Voters may vote for one of the following individuals (listed in ballot order):

N.C. COURT OF APPEALS

Steven Walker
Rick Elmore
Leto Copeley
Alton D. (Al) Bain

WHAT IS THE \$3 CHECK-OFF?

When you fill out your state income tax form, you can check a box for the N.C. Public Campaign Fund. If you check Yes, \$3 will go to the Fund. (Checking Yes does not change a person's tax bill or refund; it just allocates \$3 of taxes being paid to the Fund.) The "check-off" is the major source of revenue for the Public Campaign Fund and for this Voter Guide. Other sources include:

- a surcharge on attorneys' State Bar dues,
- money returned to the Fund from candidates,
- donations made to the Fund.

N.C. COURT OF APPEALS

MARK E. KLASS

Place of residence: 115 Linden Lane, Lexington, NC 27292

Education: UNC-Chapel Hill, Campbell Law

Occupation: Senior Resident Superior Court Judge

Employer: North Carolina

Date admitted to the Bar: 1984

Legal/Judicial Experience: 1984-1986 Assistant District Attorney; 1986-1998 General trial practice; 1999-present Superior Court Judge

PERSONAL STATEMENT (by candidate): I feel there is a need for justices on the Court of Appeals to have a wide variety of experiences. I hope to bring experience from the types of law that I've practiced, experience from working in the District Attorney's office, and also through the common sense experiences I have gained as a judge trying cases across the State.

The attributes that qualify me to hold this position are that I am fair, even-tempered and hard working. I will give each case careful review and I will render fair decisions; something I have done while serving as a judge for the past twelve years. Also, being from a small rural area in NC, I feel I can give a different perspective, as most of the current judges hail from metropolitan areas.

I agree to accept the funds from the public campaign financing. This is a good thing for NC because judicial candidates should not have to raise substantial amounts of money. I am concerned that the amount of money provided is not enough to run a viable, statewide campaign.

I hope the voters who look at my record will see that I have the reputation of being fair, hard working, and willing to do what is right for the judiciary.



JANE GRAY

Place of residence: Raleigh, North Carolina

Education: J.D., Campbell University School of Law, 1979, B.A., University of Florida, 1972

Occupation: District Court Judge

Employer: State of North Carolina

Date admitted to the Bar: 1979

Legal/Judicial Experience: Judge, Wake County District Court, 2002-present; Certified Juvenile Court Judge; General Counsel, Office of the Speaker, 1999-2001; NC Attorney General's Office 1980-1998; NC Judicial Council 1999-2007 (Chief Justice appointee); NC Courts Commission 2008-present (Chief Justice appointee); Vice President, NC Bar Association 2007-2008; President of the Wake County Bar Association, 2001; NC State Bar Board of Continuing Legal Education, 1996-2003; highest rating (AV) from Martindale-Hubbell national legal directory.

PERSONAL STATEMENT (by candidate): It has been my privilege to serve as a District Court Judge for the past eight years. This experience combined with my 19 years with the Attorney General's Office briefing and arguing civil and criminal appeals, uniquely prepares me for the Court of Appeals.

I am proud to have the endorsements of former Chief Justice Burley Mitchell, former Chief Judges Sidney Eagles and Gerald Arnold, Wake County District Attorney Colon Willoughby and Public Defender Bryan Collins. Their endorsement affirms my reputation as a fair and impartial judge.

I believe in the rule of law as decisions cannot be based on political considerations or popular opinion. I have agreed to fund raising and spending limits for this campaign. It would be an honor to serve this state as a Judge of the Court of Appeals and I would appreciate your vote. Please learn more at www.judgejanegray.com.



N.C. COURT OF APPEALS

ANN MARIE CALABRIA



Place of residence:
Morrisville, NC

Education: While my husband, Col. (R) Robert Calabria served in the U.S. Army at Fort Bragg, I attended Campbell University, School of Law, J.D., 1983. Undergraduate: Fairleigh Dickinson University, *Summa Cum Laude*, B.A. History, 1977; University of Pennsylvania, School of Dental Medicine, Certificate of Proficiency in Dental Hygiene, 1967.

Occupation: NC Court of Appeals, Judge and Mediator

Employer: State of North Carolina

Date admitted to the Bar: 1988

Legal/Judicial Experience: NC Court of Appeals Judge and Mediator, 2003-present; District Court Judge, 10th Judicial District (Wake County), 1996-2002; Private Practice: Cary, 1991-1996; Fayetteville, 1988-1989; Associate, Hutchens & Waple, Attorneys at Law, 1990- 1991; United States Department of Housing and Urban Development, 1989 -1990; University of Maryland, Overseas Division, Heidelberg, Germany, 1986-1987; Member and former Vice President, NC Bar Association.

PERSONAL STATEMENT (by candidate): It has been my privilege to serve in North Carolina for nearly 14 years as a judge and mediator on the NC Court of Appeals, in District Court and Juvenile Court. I have handled over 2,000 appellate cases and over 50,000 District Court civil, criminal and juvenile cases. I consistently uphold our Constitution and faithfully interpret the laws. I believe the U.S. and N.C. Constitutions establish federal and state governments of limited powers. I believe our Founders intended to guarantee freedom, property rights, and individual rights. I believe in judicial restraint, not judicial activism. I hope to continue serving the people of North Carolina and would be honored by your vote. Please visit my website www.judgecalabria.com.

An All-Purpose Solution:

Use Early Voting....

- if you are registered and want to avoid long lines.
- if you are not yet registered and you want to vote.
- if you work long hours or will have a conflict on Election Day.
- if you've moved within the same county since you last registered.
- if you have any questions about your right or eligibility to vote.

See page 10 for how to Use Early Voting.

N.C. COURT OF APPEALS

STEVEN WALKER

Place of residence: Selma, North Carolina

Education: Campbell University School of Law, J.D., summa cum laude (2005), Clemson University, B.A., History, cum laude (2002).

Occupation: Judicial Clerk, Chambers of the Honorable Justice Edward Thomas Brady, Supreme Court of North Carolina

Employer: State of North Carolina

Date admitted to the Bar: 2005

Legal/Judicial Experience: 2005-2010 —Law Clerk in the Chambers of the Honorable Justice Edward Thomas Brady of the Supreme Court of North Carolina.

PERSONAL STATEMENT (by candidate): As a native North Carolinian, I hold to North Carolina values of family, faith, and integrity. I am the only candidate in this race who has spent the last five years reading the opinions of the Court of Appeals and making recommendations on them to a member of the Supreme Court. I believe that judges should apply the law as it is written and not attempt to create new law. I will never put the prospect of personal or professional gain above the law. I am the only true conservative in the race, and a vote for me would be a vote towards restoring the judiciary to its proper place as a protector of rights instead of a ruler over the people. Visit my website at www.walkerforcoa.com for more information.



RICK ELMORE

Place of residence: Raleigh, North Carolina

Education: J.D., North Carolina Central University School of Law, 1982; B.S. Guilford College, 1974;

Occupation: Appellate Judge

Employer: N.C. Court of Appeals

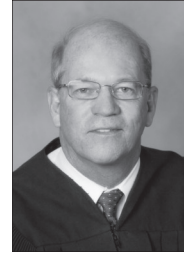
Date admitted to the Bar: 1982

Legal/Judicial Experience: Elected Judge, N.C. Court of Appeals, 2003-present; all N.C. State Courts and Federal District Courts; Fourth Circuit U.S. Court of Appeals; American Bar Association; NCBA Appellate Rules Committee; N.C. Sentencing Commission; Greensboro and Raleigh Bar Associations; general practice of law, Greensboro, 1983-2003.

PERSONAL STATEMENT (by candidate): In 2002, I was elected to serve as a judge on the North Carolina Court of Appeals. It has been a privilege and honor to serve the citizens of North Carolina as an appellate judge for the last eight years. During that time, I have decided more than 2,000 cases and have written more than 700 opinions. The 20 years I spent practicing law in my hometown of Greensboro prepared me well for the types of cases argued before the Court of Appeals.

An appellate court is no place for judicial activism. My reputation as a judge is that I closely adhere to the existing rule of law, I am fair to all parties, I am courteous to all who appear before me, and I am diligent in my work. I hope to have the opportunity to continue to work with integrity and to fairly administer justice from the bench.

Experience counts. I ask you to consider my experience and reputation as an appellate judge when casting your ballot. I would greatly appreciate your vote and support in the upcoming primary and general elections. www.judgeelmore.com



N.C. COURT OF APPEALS

LETO COPELEY

Place of residence:
Hillsborough, NC

Education: Hunter College, B.A., summa cum laude, 1980; Harvard Law School, J.D., 1983

Occupation: Attorney

Employer: Patterson Harkavy LLP

Date admitted to the Bar: 1984

Legal/Judicial Experience: Partner, Patterson Harkavy LLP, 1998 to present. Career in private practice, handling cases in family, juvenile and employment law, domestic violence, workers' compensation, and civil litigation, at the trial and appellate levels of state and federal court. The Best Lawyers in America since 2005; one of the Top 50 Female Lawyers, *North Carolina Super Lawyers*, 2006-09. President, NC Association of Women Attorneys, 1998-99; Board of Directors, Legal Aid of North Carolina, 2002-07.

PERSONAL STATEMENT (by candidate):

Judges must treat all parties fairly, with respect, and free of outside influences. I believe in our system, founded on equal access to justice, and believe that judges must apply, not make, the law. I commit to upholding these principles as a judge.

My professional experiences have prepared me to judge fairly. My earlier work in factories, cleaning houses, and as a waitress taught me the fundamental values of hard work and respect for others. I have a reputation for being even-tempered, dedicated and conscientious. I am committed to my family and my church, where I serve as a sign language interpreter.

It is my honor to be endorsed by the North Carolina Advocates for Justice, former Court of Appeals, trial, and military judges, and by lawyers who have opposed me at trial. I ask for your support and your vote on May 4.

Please visit www.letoforjudge.com.



ALTON D. (AL) BAIN

Place of residence:
Lillington

Education: Law Degree, UNC Chapel Hill, 1985; Master of Laws, University of Florida, 2001; Undergraduate Degree, Phi Beta Kappa, Duke University, 1982

Occupation: Attorney in general practice, with an emphasis on representing senior citizens

Employer: Bain, Buzzard & McRae, LLP,

Date admitted to the Bar: August 1985

Legal/Judicial Experience: Bain, Buzzard & McRae, July 1, 2004 - Present, Bain & McRae, August 1, 2001 - June 30, 2004, Graduate Tax Researcher, University of Florida College of Law, 2001 Bain & McRae, 1989 - 2000, Kennedy, Covington, Lobdell, and Hickman, 1986 - 1989, Law Clerk, NC Court of Appeals, 1985 - 1986, Member, Elder Law Section, NC Bar Association

PERSONAL STATEMENT (by candidate):

The test for a judge should be, "Is that person sensible, experienced, and fair?" Today, that test is more important than ever. People are struggling to keep their homes, farms, and small businesses. When a lawyer comes before me in court, I'll always remember there's a real person behind that lawyer. I have the common-sense experience to treat everyone fairly in my courtroom, no matter who they are.

In my 22 years of practicing law, I've represented many clients, including senior citizens, victims of fraud, and small business owners. I like helping real people solve real problems.

I'm proud to have the endorsements of former US Senator and NC Attorney General Robert Morgan, former NC Supreme Court Justice Bob Orr, former UNC Board of Governors chairman William Johnson, Charlotte attorney James P. Cooney, III, Smithfield attorney James W. Narron, and former Court of Appeals Judges Gerald Arnold and Eddie Greene. BainForCourtOfAppeals.com



N.C. PUBLIC FINANCING PROGRAM

Candidates for the N.C. Court of Appeals and the N.C. Supreme Court can access public financing for their campaigns.

WHAT DOES THE LAW DO?

Candidates may receive public funding if they voluntarily:

- demonstrate public support by raising a set number of relatively small donations from registered voters,
- accept strict fundraising limits, and
- accept strict spending limits.

If they qualify, candidates stop regular fundraising activities for the general election and use only money provided to them from the Fund. The decision to enroll in this program is purely optional.

Candidates can also receive a limited amount of “matching funds” if a nonparticipating opponent or group making independent expenditures in opposition to a publicly-funded candidate exceeds the amount of funding given to the publicly-funded candidate.

WHAT ARE THE APPELLATE COURTS?

Appellate courts hear appeals regarding the decisions made in another court.

The N.C. Supreme Court is the state’s highest court. It hears appeals of cases from the Court of Appeals and of cases in which the death penalty has been imposed. There is no further appeal in North Carolina of its decisions, but in limited instances involving federal law, the U.S. Supreme Court may consider appeals from the North Carolina court.

Like the Court of Appeals, the N.C. Supreme Court has no jury. Its chief justice and six associate justices hear all cases together, as one sitting court. They consider errors in legal procedures or in interpretation of the law by a lower court.

The N.C. Court of Appeals hears appeals of all kinds of decisions of the state Superior and District Courts (the trial courts), from divorce and family cases to business and tax cases. It also hears appeals from state administrative agencies. There are no juries in the Court of Appeals. The 15 judges sit in rotating panels of three, considering errors in legal procedures or in judicial interpretation of

the law. If a vote is 2-1, the losing party has an automatic right to appeal the decision to the N.C. Supreme Court.

HOW IS THE PROGRAM FUNDED?

The North Carolina Public Campaign Fund is not funded by the General Fund of North Carolina. In addition to distributions to qualified candidates, all expenses for the program’s implementation, including staff and voter guide production and distribution, are paid by the Public Campaign Fund.

There are six sources that provide revenue to the Fund:

- The **first source** deposited into the Fund was the balance of the North Carolina Candidates Fund. This fund is no longer operational.
- The **second source** is designations made to the Public Campaign Fund by taxpayers. This is achieved through a positive check-off of three dollars on an individual’s income tax form.
- The **third source** is from attorneys paying a \$50 surcharge at the time of payment for their privilege license to practice law in North Carolina. This surcharge is mandatory.
- The **fourth source** is from Fund revenues that were distributed to candidates but were not spent or committed at the time a candidate is no longer considered a certified candidate. These funds are required to be returned by the candidate.
- The **fifth source** would be from any funds ordered to be returned to the Fund as a result of a violation by a “participating candidate” in the Program.
- The **sixth source** is from any voluntary donation made directly to the Public Campaign Financing Fund. Any corporation, business entity, labor union, or professional association may voluntarily make a donation of any amount to this Fund.

HOW CAN CANDIDATES SPEND PUBLIC FUNDS?

All candidates in North Carolina must limit their expenditures to purposes permitted under the law. Permitted purposes are:

- Expenditures resulting from the campaign for public office by the candidate or candidate's campaign committee.
- Expenditures resulting from holding public office.

NOTE: The general rule for determining whether an expenditure is for either of the above purposes is to determine if the expenditure would have been made absent of the campaign for, or holding, public office. If so, then the expenditure should not be made. If the expenditure would only be made because the candidate is holding or running for office, then the expenditure would be permitted.

- Contributions to an organization described in section 170(c) of the Internal Revenue Code, provided that the candidate, the candidate's spouse, children, parents, brothers, or sisters are not employed by the organization.
- Contributions to a national, State, or district or county committee of a political party or a caucus of the political party.
- Contributions to another candidate or candidate's campaign committee.
- Refunds of all or a portion of a contribution to the contributor.
- Payments of any penalties against the candidate or candidate's campaign committee for violation of this Article imposed by the Board of Elections or a court of competent jurisdiction.
- Payments to the Escheat Fund established by Chapter 116B of the General Statutes.
- Legal Expense Donation not in excess of four thousand dollars per calendar year to a legal expense fund established pursuant to Article 22M of Chapter 163 of the General Statutes.

Candidates participating in public funding follow stricter guidelines. In addition to the limits listed above, candidates participating in public funding voluntarily agree to limit their expenditures according to guidelines set by the Advisory Council and the State Board of Elections. Nonparticipating candidates are not limited to the expenditure guidelines. However, these candidates are still limited to the expenditure purposes listed above.

EXPENDITURES ALLOWED UNDER PUBLIC FUNDING PROGRAMS:

- Advertisement expenditures including all "print media"
- Campaign headquarters expenses including lease and utilities
- Office supplies for administration of current campaign
- Campaign staff expenses including salaries and food for staff and/or volunteers
- Travel expenses for candidate and staff including mileage, lodging and reimbursement for campaign events and appearances
- Consulting services, accounting services, clerical services, polling and other campaign advisory services
- Candidate may jointly pay for media expenses as long as each candidate pays an equal amount so that no candidate receives an in-kind contribution
- Purchase of tickets to attend events for the purpose of campaigning, the cost of which are reasonably related to the benefits received. (*An expense of \$200 or less is presumed reasonable.*)
- Any expenses incurred by the candidate for fundraising activities for the current campaign

EXPENDITURES PROHIBITED UNDER PUBLIC FUNDING PROGRAMS:

- Expenditures to any political party or political committee, except as provided by these guidelines
- Independent Expenditures
- Loans not associated with the current candidacy
- Any gift to another that is not given for a campaign-related purpose
- A capital asset that is not used to promote the current candidacy
- Any civil penalty or costs incurred as a result of civil penalties assessed against the candidate or committee

For a list of candidates participating in public financing programs, see the State Board of Elections' website at www.sboe.state.nc.us

HOW TO VOTE: Are You a Registered Voter in N.C.?

YES

If you say YES,
here's how to vote

THREE WAYS TO VOTE IN N.C.

1. IN PERSON, ON ELECTION DAY

Vote at your assigned polling place. You will be asked to sign the pollbook before you vote. The polls open at 6:30 a.m. and close at 7:30 p.m. If you are in the line by 7:30 p.m., you will still be able to vote.

2. IN PERSON, BEFORE ELECTION DAY

From April 15 to May 1 at 1:00 pm (Some counties may be open to 5:00 pm, check with your county), you can register and vote at a site in your county where you can request and cast a "One-Stop absentee ballot." Every county has at least one site for One-Stop absentee voting; some have sites open beyond normal business hours. You do not need an excuse for voting early. To find out where and when One-Stop absentee voting is available, contact your county board of elections.

3. BY MAIL-IN ABSENTEE BALLOT

You can request an absentee ballot — no excuse is needed — but the county board of elections must receive the request by 5:00 p.m. on April 27. It must be a written request from you or a near relative, or on a form provided by your county's board of elections, and must be signed by you or by a near relative (a near relative is a spouse, brother, sister, child, parent, grandparent, grandchild, stepparent, stepchild, or mother-, father-, daughter- or son-in-law). All absentee requests should be mailed or hand-delivered to the appropriate county board of elections office.

3, CONTINUED:

A voter or qualified near relative may also request an absentee ballot request form by e-mailing or faxing their county board of elections office. A request for an absentee ballot in an election should include: Your name, date of birth, residence address, address to which the absentee ballot should be mailed, and if the request is by a near relative, the near relative's contact information and relationship to you. The absentee ballot will be mailed directly to the voter. The county board of elections must receive it back by 5:00 p.m. on the day before the election.

YOU MAY REGISTER TO VOTE IN NORTH CAROLINA IF YOU ARE:

- a United States citizen;
- 18 years old or older, or will be at the time of the next general election, or be at least 16 years old and understand that you must be at least 18 years old on election day of the general election in order to vote;
- a resident of North Carolina and the county precinct where you want to vote for at least 30 days before the election;
- not a convicted felon still in custody, on probation, or on parole. If you have served all parts of your sentence, you can register. Contact your local board of elections for more details.

HOW TO VOTE: Are You a Registered Voter in N.C.?

If you say NO,
here's how to register

NO

SIX WAYS TO REGISTER TO VOTE

1. IN PERSON, AT A COUNTY BOARD OF ELECTIONS OFFICE

You can find the address for your county election office on the State Board of Elections' website, www.sboe.state.nc.us or call (toll free) 866-522-4723. The county staff can help you with the registration form and answer your questions.

2. IN PERSON, AT ONE-STOP ABSENTEE VOTING SITES

Individuals who miss the registration deadline, if qualified, may register in person and then vote at a one-stop voting site. These sites will be open from April 15 until May 1. Check with your county board of elections for locations and hours of operation.

3. IN PERSON, AT MANY GOVERNMENT OFFICES

You can get a registration form at Driver License offices, Employment Security Commission offices, and most Social Service agencies. The agency will submit the completed form to the county board of elections. Many libraries and institutions of higher education have forms as well.

4. IN PERSON, DURING A VOTER REGISTRATION DRIVE

Many civic groups and political parties set up tables at businesses or conduct registration drives to register people to vote. They typically submit the form for you; if not, mail it to the county board of elections yourself.

5. BY MAIL

You can fill out and mail in your registration form. You can get a form from your county board of elections,

or print it from the State Board of Elections' website at www.sboe.state.nc.us. See the website for a listing of county board addresses.

6. INFORMATION ON PRE-REGISTRATION

A person who is at least 16 years of age but will not be 18 years of age by the date of the next election and who is otherwise qualified to register may preregister to vote. A preregistered citizen shall be automatically registered upon reaching the age of eligibility following verification of the person's qualifications and address. A pre-registrant can use the current voter registration form which will be held and processed for the first primary and election in which the new voter will be qualified to vote. It will be important for a pre-registrant to complete a new preregistration form if he or she has changed residence since the first preregistration. For more information on the preregistration process, check with your county board of elections.

RULES ABOUT REGISTERING

You must provide your North Carolina driver license number if you have one. If not, provide the last four digits of your Social Security Number on the registration form. If you do not have either of these, then you may include with the form a copy of identification that shows your name and address. Check with your county board of elections as to what is acceptable ID.

FAIL-SAFE VOTING: THE PROVISIONAL BALLOT

If you think you are a registered voter but your name does not appear on the county's official list of registered voters, you are entitled to cast a provisional ballot. You may also vote using a provisional ballot if you are asked for identification at the polls but do not have a photo ID or other document with you. Remember to:

- Fill out the statement on the envelope that comes with the provisional ballot.
- Once you vote, place your ballot in the provisional ballot envelope and return the sealed envelope to the election official.
- Check to see if your provisional ballot was counted and if not, the reason it was not counted. The county board of elections will determine your eligibility to vote through research into records and will count all the ballot items for which you are eligible to vote. At the time you vote, you will be provided information on how to check the status of your provisional ballot.
- If you voted a provisional ballot because you did not have valid ID at the polls, you have until 5:00 p.m. the day before Canvass Day, May 11, 2010, to provide acceptable ID to the county board of elections office.

WHAT ARE YOUR RIGHTS AND RESPONSIBILITIES AS A REGISTERED VOTER IN NORTH CAROLINA?

RIGHTS	RESPONSIBILITIES
<p>If you properly register, you have the right to vote:</p> <ul style="list-style-type: none"> • Without being intimidated, coerced or threatened by any person. • In an accessible polling place. • By provisional ballot if your name does not appear on the official list of registered voters of the precinct. • With the assistance that you request, as authorized by N.C. law. • Without discrimination related to disability, race, ethnicity, or literacy. • Even if you were convicted of a misdemeanor or, in the case of a felony conviction, if you have served all parts of your sentence. • By a challenged ballot, if your eligibility to vote is challenged and sustained. • With assurance that you will be treated with respect and your vote will be counted. If you make a mistake ("spoiled ballot"), you have a right to a replacement ballot. 	<p>As a voter, it is your responsibility to:</p> <ul style="list-style-type: none"> • Register to vote no less than 25 days prior to Election Day OR • Register during One-Stop Absentee voting. One-Stop Absentee voting begins on the third Thursday before the primary or election, and ends the Saturday before the primary or election. • Notify the county board of elections of any change in your name or address. • Respect the privacy and voting rights of others. • Immediately report any problems with equipment, violations of civil rights, or other illegal activities to the proper officials. • Review the ballot for accuracy before casting. • Treat all election officials and voters with courtesy and respect. • Follow the voting procedures set by state and local election boards.

Polls open at 6:30 a.m. and close at 7:30 p.m.
If you are in line at 7:30 p.m., you will get to vote.

VOTING ACCESSIBILITY

POLLING PLACES

Polling sites are required to be accessible. Precincts must provide access on a permanent or temporary basis on Election Day. Other voting options are available for persons with disabilities, but are not substitutes to an accessible voting location. The North Carolina State Board of Elections has:

- Surveyed and photographed every North Carolina polling place as to accessibility needs.
- Made grants to county boards of elections to improve accessibility based upon these surveys.
- Posted digital pictures on its website of every polling place's pathways, interior, and exterior. Voters can access these photos at www.sboe.state.nc.us/VoterLookup.aspx and entering "show me my Voter Information".

VOTER ASSISTANCE

A voter's close family members are allowed to help the voter enter the voting booth, vote the ballot and exit the voting booth.

A voter in any of the following four categories is entitled to assistance from a person of the voter's choice if the voter:

- is unable to enter the voting booth without assistance due to a physical disability;
- is unable to mark a ballot without assistance due to a physical disability;
- is unable to mark a ballot without assistance due to illiteracy; or
- is unable to enter the voting booth or mark a ballot without assistance due to blindness.

Assistance cannot be provided by the voter's employer, an agent of that employer, or an officer or agent of the voter's union.

CURBSIDE VOTING

Curbside voting is offered at each polling location. A voter can vote while in a vehicle outside the polling location. This includes all one-stop absentee (early) voting sites. A curbside voter has the same rights to assistance as any other voter.

MAIL-IN ABSENTEE VOTING

Voting a mail-in absentee ballot at home is another option used by voters regardless of disability.

VOTING EQUIPMENT

Both federal law and state requirements mandate that voting systems be equipped for voters with disabilities, which allows such voters to have the same opportunity for access and participation as non-disabled voters have. It is required that every precinct must have at least one accessible voting machine available for use by voters with special needs. This includes all one-stop absentee (early voting) sites.

Direct Record Electronic (DRE) touch-screen voting machines offer audio cue capacity for the visually impaired that allows the machine to mark the electronic ballot based upon the voter's instructions. The DRE machine will also produce an oral report to the voter as to the choices selected prior to the voter casting the ballot.

Optical Scan voting systems where marked paper ballots are submitted into a tabulator by the voter can use paper ballots marked for the voter by AutoMark marking devices that also use audio cue capacity for the visually impaired. The AutoMark also has a feature that will greatly magnify the ballot for voters that have limited visual impairment. In addition, the AutoMark will produce an oral report to the voter as to the choices selected prior to the voter casting the ballot.

The North Carolina State Board of Elections is committed to making voting accessible for all voters. Please let us know how we can improve accessibility.

**FOR ACCESSIBILITY
QUESTIONS
call the
State Board of Elections
at
(866) 522-4723 (toll free)
or
e-mail us at
elections.sboe@ncsbe.gov**

2010 NOMINEES FOR THE GENERAL ELECTION

The following candidates are not included in the voter guide because they are not involved in a primary. These candidates will be on the General Election ballot in November and will be featured in the General Election Voter Guide which will be sent to voters in the fall of 2010.

N.C. SUPREME COURT ASSOCIATE JUSTICE

Barbara Jackson
Robert C. (Bob) Hunter

N.C. COURT OF APPEALS

Sanford Steelman

N.C. COURT OF APPEALS

Dean R. Poirier
Martha Geer

Contacting the State Board of Elections

Website: <http://www.sboe.state.nc.us>

Mailing Address: PO Box 27255, Raleigh, NC 27611-7255

Physical Address: 506 North Harrington St, Raleigh, NC 27603

We are open 8:00 a.m. - 5:00 p.m. Monday through Friday except legal state holidays.

Phone: (919) 733-7173 or (866) 522-4723

Fax:

Administration - (919) 715-0135

Campaign Finance Reporting - (919) 715-8047

E-Mail:

For questions pertaining to Voter Registrations and Election matters contact -
Elections & Voting - elections.sboe@ncsbe.gov

For questions pertaining to Campaign matters contact -
Campaign Finance Reporting - campaign.reporting@ncsbe.gov

Contacting Your County Board of Elections

Go to this link on the State Board of Elections website
<http://www.sboe.state.nc.us/content.aspx?id=13>

Or go to the home page of the State Board of Elections website and click on the
“My Elections Board” link at the top of the page.

10 WAYS YOUR RIGHT TO VOTE IS PROTECTED

- 1. HOURS.** Each polling place is open between 6:30 a.m. and 7:30 p.m. on Election Day. If you are in line by 7:30 p.m., your right to vote is protected; you will be allowed to vote. It's the law: See NC General Statute NCGS 163-166.01
- 2. ASSISTANCE.** You have the right to receive assistance from a family member or, if you have difficulty reading or have a disability that impairs your ability to vote, you have the right to assistance from any person of your choice, except from your employer or union agent. You can also receive ballot instructions in Spanish. NCGS 163-166.8 and 168-165-5A
- 3. PROVISIONAL BALLOT.** If any problem arises, you have a right to vote with a provisional ballot. For example, ask for a provisional ballot if you believe you have registered but your name is not on the rolls; or if you question the voting district (or ballot) assigned to you; or if you are told that you are in the wrong precinct. You must also be given a way to find out if the provisional ballot was counted, and if not, the reason it was not counted. NCGS 163-166.11
- 4. IDENTIFICATION.** In general, you do not have to show identification to poll workers when you vote. NCGS 163-82.8. A voter's identification is cross checked with NC Driver License and SSA information when they register. However, if you are a first-time voter who registered to vote by mail whose identification data did not match, you will be notified by mail of required identification that you will need to vote for the first time. It makes sense to take a form of ID: a current NC driver license or other government issued photo ID or one of these documents with your name and current address: utility bill (electric, gas, phone, water, cable bill), pay-stub/W-2, bank statement, or any document from any government agency. NCGS 163-166.12
- 5. IF YOU HAVE MOVED.** If you have moved from one place to another within the same county and have not updated your registration, the easiest way to vote is during the Early Voting period at an Early Voting One-Stop site in your county; you can update your registration when you vote. Specific rules apply if you wait until Election Day: If you have lived in your new location more than 30 days, you have the right to vote in your new precinct or at a central location. If you have moved, but have lived in your new location less than 30 days, you must vote in your old precinct or cast a provisional ballot in your new precinct. If you have moved within your precinct, you have the right to update your information at the polls and vote. NCGS 163-82.15
- 6. NAME CHANGE.** If your name has changed since you registered to vote, you have the right to vote, even if you have not reported your name change to election officials. NCGS 163-82.16
- 7. SPOILED BALLOT.** If you make a mistake and "spoil" your ballot, you have a right to a new ballot. You can spoil up to three (3) ballots. 8 NCAC 10B.0104b
- 8. CURBSIDE VOTING.** If the polling place is inaccessible to you due to a disability, you have a right to vote at the curb, in the vehicle you came in, or at the door of the polling place. NCGS 163-166.9
- 9. EX-OFFENDERS & MISDEMEANANTS.** You have a right to register and vote if you are in jail for a misdemeanor. If you were convicted of a felony in any state, you have the right to register and vote in North Carolina if you have completed your sentence including any parole and probation. Your citizenship rights are restored automatically upon your discharge as a felon and you do not need a separate document to register. You must re-register again after the discharge. NCGS 13-1
- 10. INTIMIDATION.** You have a right to vote without being intimidated or forced to vote for anyone you don't wish to vote for. NCGS 163-271

**N. C. State Board of Elections
506 N. Harrington St.
P.O. Box 27255
Raleigh, NC 27611-7255**

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