

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 47  
Judiciary I Committee Substitute Adopted 6/7/11  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S47-CSST-74 [v.3]

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Short Title: Restore Confidence in Elections.

(Public)

Sponsors:

Referred to:

February 9, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS AMENDMENTS TO THE ELECTION ADMINISTRATION  
3 LAWS, CAMPAIGN FINANCE LAWS, AND OTHER CONFORMING CHANGES.  
4 The General Assembly of North Carolina enacts:

5  
6 **PART I. ELECTION ADMINISTRATION CHANGES.**

7 **SECTION 1.** Article 1 of Chapter 163 is amended by adding a new section to read:

8 **"§ 163-3. Special elections.**

9 Special elections shall be called as permitted by law and conducted in accordance with  
10 G.S. 163-287."

11 **SECTION 2.** G.S. 163-19 reads as rewritten:

12 **"§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

13 (a) All of the terms of office of the present members of the State Board of Elections  
14 shall expire on May 1, 1969, or when their successors in office are appointed and qualified.

15 The State Board of Elections shall consist of five registered voters whose terms of office  
16 shall begin on May 1, 1969, and shall continue for four years, and until their successors are  
17 appointed and qualified. The Governor shall appoint the members of this Board and likewise  
18 shall appoint their successors every four years at the expiration of each four-year term. Not  
19 more than three members of the Board shall be members of the same political party. The  
20 Governor shall appoint the members from a list of nominees submitted to him by the State  
21 party chairman of each of the two political parties having the highest number of registered  
22 affiliates as reflected by the latest registration statistics published by the State Board of  
23 Elections. Each party chairman shall submit a list of five nominees who are affiliated with that  
24 political party.

25 Any vacancy occurring in the Board shall be filled by the Governor, and the person so  
26 appointed shall fill the unexpired term. The Governor shall fill the vacancy from a list of three  
27 nominees submitted to him by the State party chairman of the political party that nominated the  
28 vacating member as provided by the preceding paragraph. The three nominees must be  
29 affiliated with that political party.

30 (b) At the first meeting held after new appointments are made, the members of the State  
31 Board of Elections shall take the following oath:



1 "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution  
2 of the United States; that I will be faithful and bear true allegiance to the State of North  
3 Carolina, and to the constitutional powers and authorities which are or may be  
4 established for the government thereof; that I will endeavor to support, maintain and  
5 defend the Constitution of said State, and that I will well and truly execute the duties of  
6 the office of member of the State Board of Elections according to the best of my  
7 knowledge and ability, according to law, so help me, God."

8 (c) After taking the prescribed oath, the Board shall organize by electing one of its  
9 members chairman and another secretary. The term of office of the chairman is two years and  
10 begins on May 1 of each odd-numbered year. No person may be elected as chairman for more  
11 than two terms. In the case of a vacancy, a new chairman shall be elected to serve the  
12 remainder of the unexpired term.

13 (d) No person shall be eligible to serve as a member of the State Board of Elections  
14 who holds any elective or appointive office under the government of the United States, or of  
15 the State of North Carolina or any political subdivision thereof. No person who holds any office  
16 in a political party, or organization, or who is a candidate for nomination or election to any  
17 office, or who is a campaign manager or treasurer of any candidate in a primary or election  
18 shall be eligible to serve as a member of the State Board of Elections."

19 **SECTION 3.** G.S. 163-59 reads as rewritten:

20 "**§ 163-59. Right to participate or vote in party primary.**

21 No person shall be entitled to vote or otherwise participate in the primary election of any  
22 political party unless that person complies with all of the following:

- 23 (1) Is a registered voter.
- 24 (2) Has declared and has had recorded on the registration book or record the fact  
25 that the voter affiliates with the political party in whose primary the voter  
26 proposes to vote or participate.
- 27 (3) Is in good faith a member of that party.

28 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under  
29 G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that  
30 primary except for subdivisions (2) and (3) of the previous paragraph.

31 Any person who will become qualified by age to register and vote in the general election  
32 for which the primary is held, even though not so qualified by the date of the primary, shall be  
33 entitled to register for the primary and general election prior to the primary and then to vote in  
34 the primary after being registered. Such person may register not earlier than 60 days nor later  
35 than the last day for making application to register under G.S. 163-82.6(c) prior to the primary.  
36 In addition, persons who will become qualified by age to register and vote in the general  
37 election for which the primary is held, who do not register during the special period may  
38 register to vote after such period as if they were qualified on the basis of age, but until they are  
39 qualified by age to vote, they may vote only in primary elections. ~~Such a person also may~~  
40 ~~register and vote in the primary and general election pursuant to G.S. 163-82.6A(f)."~~

41 **SECTION 4.** G.S. 163-82.6 reads as rewritten:

42 "**§ 163-82.6. Acceptance of application forms.**

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

1 good faith effort to deliver the form so that it is received by the county board of elections in  
2 time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section  
3 for the next election. It shall be an affirmative defense to a charge of failing to make a good  
4 faith effort to deliver a delegated form by the registration deadline that the delegatee informed  
5 the applicant that the form would not likely be delivered in time for the applicant to vote in the  
6 next election. ~~It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a~~  
7 ~~completed voter registration form or to condition its delivery upon payment.~~

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

- 10 (1) To communicate to the applicant acceptance of the delegation described in  
11 subsection (a) of this section and then fail to make a good faith effort to  
12 deliver the form so that it is received by the county board of elections in time  
13 to satisfy the registration deadline in subdivision (1) or (2) of subsection (c)  
14 of this section for the next election. It shall be an affirmative defense to a  
15 charge of failing to make a good faith effort to deliver a delegated form by  
16 the registration deadline that the delegatee informed the applicant that the  
17 form would not likely be delivered in time for the applicant to vote in the  
18 next election.
- 19 (2) To sell or attempt to sell a completed voter registration form or to condition  
20 its delivery upon ~~payment~~ payment, including payment on a per voter  
21 registration application completed basis.
- 22 (3) To change a person's information on a voter registration form prior to its  
23 delivery to a county board of elections.
- 24 (4) To coerce a person into marking a party affiliation other than the party  
25 affiliation the person desires.
- 26 (5) To offer a person a voter registration form that has a party affiliation  
27 premarked unless the person receiving the form has requested the  
28 premarking.
- 29 (6) To pay another person to register voters, or assist or encourage voters to fill  
30 out voter registration forms, on the basis of per voter registration application  
31 completed.
- 32 (7) To accept payment for registering voters, or assisting or encouraging voters  
33 to fill out voter registration forms, on the basis of per voter registration  
34 application completed.

35 (b) Signature. – The form shall be valid only if signed by the applicant. An  
36 electronically captured image of the signature of a voter on an electronic voter registration form  
37 offered by a State agency shall be considered a valid signature for all purposes for which a  
38 signature on a paper voter registration form is used.

39 (c) Registration Deadlines for a Primary or Election. – In order to be valid for a primary  
40 or election, ~~except as provided in G.S. 163-82.6A,~~ the form:

- 41 (1) If submitted by mail, must be postmarked at least 25 days before the primary  
42 or election, except that any mailed application on which the postmark is  
43 missing or unclear is validly submitted if received in the mail not later than  
44 20 days before the primary or election,
- 45 (2) If submitted in person, by facsimile transmission, or by transmission of a  
46 scanned document, must be received by the county board of elections by a  
47 time established by that board, but no earlier than 5:00 P.M., on the  
48 twenty-fifth day before the primary or election,
- 49 (3) If submitted through a delegatee who violates the duty set forth in subsection  
50 (a) of this section, must be signed by the applicant and given to the delegatee

1 not later than 25 days before the primary or election, except as provided in  
2 subsection (d) of this section.

3 (c1) If the application is submitted by facsimile transmission or transmission of a  
4 scanned document, a permanent copy of the completed, signed form shall be delivered to the  
5 county board no later than 20 days before the election.

6 ~~(d) Instances When Person May Register and Vote on Primary or Election Day. If a~~  
7 ~~person has become qualified to register and vote between the twenty fifth day before a primary~~  
8 ~~or election and primary or election day, then that person may apply to register on primary or~~  
9 ~~election day by submitting an application form described in G.S. 163-82.3(a) or (b) to:~~

10 (1) A member of the county board of elections;

11 (2) The county director of elections; or

12 (3) The chief judge or a judge of the precinct in which the person is eligible to  
13 vote,

14 and, if the application is approved, that person may vote the same day. The official in  
15 subdivisions (1) through (3) of this subsection to whom the application is submitted shall  
16 decide whether the applicant is eligible to vote. The applicant shall present to the official  
17 written or documentary evidence that the applicant is the person he represents himself to be.  
18 The official, if in doubt as to the right of the applicant to register, may require other evidence  
19 satisfactory to that official as to the applicant's qualifications. If the official determines that the  
20 person is eligible, the person shall be permitted to vote in the primary or election and the  
21 county board shall add the person's name to the list of registered voters. If the official denies  
22 the application, the person shall be permitted to vote a challenged ballot under the provisions of  
23 G.S. 163-88.1, and may appeal the denial to the full county board of elections. The State Board  
24 of Elections shall promulgate rules for the county boards of elections to follow in hearing  
25 appeals for denial of primary or election day applications to register. No person shall be  
26 permitted to register on the day of a second primary unless he shall have become qualified to  
27 register and vote between the date of the first primary and the date of the succeeding second  
28 primary.

29 (e) For purposes of subsection (d) of this section, persons who "become qualified to  
30 register and vote" during a time period:

31 (1) Include those who during that time period are naturalized as citizens of the  
32 United States or who are restored to citizenship after a conviction of a  
33 felony; but

34 (2) Do not include persons who reach the age of 18 during that time period, if  
35 those persons were eligible to register while 17 years old during an earlier  
36 period.

37 (f) The county board of elections shall forward by electronic means any application  
38 submitted for the purpose of preregistration to the State Board of Elections. No later than 60  
39 days prior to the first election in which the applicant will be legally entitled to vote, the State  
40 Board of Elections shall notify the appropriate county board of elections to verify the  
41 qualifications and address of the applicant in accordance with G.S. 163-82.7."

42 **SECTION 5.** G.S. 163-82.6A is repealed.

43 **SECTION 6.** G.S. 163-82.25 is repealed.

44 **SECTION 7.** G.S. 163-98 reads as rewritten:

45 **"§ 163-98. General election participation by new political party.**

46 (a) In the first general election following the date on which a new political party  
47 qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its  
48 candidates for national, State, congressional, and local offices printed on the official ballots  
49 upon paying a filing fee equal to that provided for candidates for the office in G.S. 163-107 or  
50 upon complying with the alternative available to candidates for the office in G.S. 163-107.1.

1 (b) For the first general election following the date on which it qualifies under  
 2 G.S. 163-96, a new political party shall select its candidates by party convention. Following  
 3 adjournment of the nominating convention, but not later than the first day of July prior to the  
 4 general election, the president of the convention shall certify to the State Board of Elections the  
 5 names of persons chosen in the convention as the new party's candidates in the ensuing general  
 6 election. Any candidate nominated by a new party shall be affiliated with the party at the time  
 7 of certification to the State Board of Elections. The requirement of affiliation with the party  
 8 will be met if the candidate submits at or before the time of certification as a candidate an  
 9 application to change party affiliation to that party. The State Board of Elections shall print  
 10 names thus certified on the appropriate ballots as the nominees of the new party. The State  
 11 Board of Elections shall send to each county board of elections the list of any new party  
 12 candidates so that the county board can add those names to the appropriate ballot.

13 (c) When any candidate is nominated under this section, the board of elections with  
 14 jurisdiction over the election shall issue a notification to the candidate stating the following:

15 (1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed  
 16 with the Board no later than the tenth day following the day the candidate  
 17 files notice of candidacy or the tenth day following the organization of the  
 18 political committee, whichever occurs first. If the organizational report is not  
 19 filed within the required time frame, a civil late penalty of two hundred fifty  
 20 dollars (\$250.00) per day for each day the filing is late shall be assessed  
 21 against the candidate.

22 (2) Every treasurer of a political committee shall participate in treasurer training  
 23 required under G.S. 163-278.7(f)."

24 **SECTION 8.** G.S. 163-106 reads as rewritten:

25 **"§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal.**

26 (a) Notice and Pledge. – No one shall be voted for in a primary election without having  
 27 filed a notice of candidacy with the appropriate board of elections, State or county, as required  
 28 by this section. To this end every candidate for selection as the nominee of a political party  
 29 shall file with and place in the possession of the board of elections specified in subsection (c) of  
 30 this section, a notice and pledge in the following form:

31 Date \_\_\_\_\_  
 32 I hereby file notice as a candidate for nomination as \_\_\_\_\_ in the  
 33 \_\_\_\_\_ party primary election to be held on \_\_\_\_\_, \_\_\_\_\_ I affiliate  
 34 with the \_\_\_\_\_ party, (and I certify that I am now registered on the  
 35 registration records of the precinct in which I reside as an affiliate of the  
 36 \_\_\_\_\_ party.)

37 I pledge that if I am defeated in the primary, I will not run for the same  
 38 office as a write-in candidate in the next general election.

39 Signed \_\_\_\_\_  
 40 (Name of Candidate)

41 Witness:  
 42 \_\_\_\_\_  
 43 \_\_\_\_\_  
 44 (Title of witness)

45 Each candidate shall sign the notice of candidacy in the presence of the chairman or secretary  
 46 of the board of elections, State or county, with which the candidate files. In the alternative, a  
 47 candidate may have the candidate's signature on the notice of candidacy acknowledged and  
 48 certified to by an officer authorized to take acknowledgments and administer oaths, in which  
 49 case the candidate may mail or deliver by commercial courier service the candidate's notice of  
 50 candidacy to the appropriate board of elections.

1 In signing the notice of candidacy the candidate shall use only that candidate's legal name  
2 and may use any nickname by which ~~he~~that candidate is commonly known. A candidate may  
3 also, in lieu of that candidate's legal first name and legal middle initial or middle name (if any)  
4 sign a nickname, provided that the candidate appends to the notice of candidacy an affidavit  
5 that the candidate has been commonly known by that nickname for at least five years prior to  
6 the date of making the affidavit. The candidate shall also include with the affidavit the way that  
7 candidate's name (as permitted by law) should be listed on the ballot if another candidate with  
8 the same last name files a notice of candidacy for that office.

9 A notice of candidacy signed by an agent or any person other than the candidate shall be  
10 invalid.

11 Prior to the date on which candidates may commence filing, the State Board of Elections  
12 shall print and furnish, at State expense, to each county board of elections a sufficient number  
13 of the notice of candidacy forms prescribed by this subsection for use by candidates required to  
14 file with county boards of elections.

15 (a1) Disclosure of Felony Conviction. – At the same time the candidate files notice of  
16 candidacy under this section, the candidate shall file with the same office a statement  
17 answering the following question: "Have you ever been convicted of a felony?" The State  
18 Board of Elections shall adapt the notice of candidacy form to include the statement required  
19 by this subsection. The form shall make clear that a felony conviction need not be disclosed if  
20 the conviction was dismissed as a result of reversal on appeal or resulted in a pardon of  
21 innocence or expungement. The form shall require a candidate who answers "yes" to the  
22 question to provide the name of the offense, the date of conviction, the date of the restoration of  
23 citizenship rights, and the county and state of conviction. The form shall require the candidate  
24 to swear or affirm that the statements on the form are true, correct, and complete to the best of  
25 the candidate's knowledge or belief. The form shall be available as a public record in the office  
26 of the board of elections where the candidate files notice of candidacy and shall contain an  
27 explanation that a prior felony conviction does not preclude holding elective office if the  
28 candidate's rights of citizenship have been restored. This subsection shall also apply to  
29 individuals who become candidates for election by the people under G.S. 163-114, 163-122,  
30 163-123, 163-98, 115C-37, 130A-50, Article 24 of Chapter 163 of the General Statutes, or any  
31 other statute or local act. Those individuals shall complete the question at the time the  
32 documents are filed initiating their candidacy. The State Board of Elections shall adapt those  
33 documents to include the statement required by this subsection. If an individual does not  
34 complete the statement required by this subsection, the board of elections accepting the filing  
35 shall notify the individual of the omission, and the individual shall have 48 hours after notice to  
36 complete the statement. If the individual does not complete the statement at the time of filing or  
37 within 48 hours after the notice, the individual's filing is not complete, the individual's name  
38 shall not appear on the ballot as a candidate, and votes for the individual shall not be counted. It  
39 is a Class I felony to complete the form knowing that information as to felony conviction or  
40 restoration of citizenship is untrue. This subsection shall not apply to candidates required by  
41 G.S. 138A-22(d) to file Statements of Economic Interest.

42 (b) Eligibility to File. – No person shall be permitted to file as a candidate in a primary  
43 if, at the time ~~he~~that person offers to file notice of candidacy, ~~he~~that person is registered on  
44 the appropriate registration book or record as an affiliate of a political party other than that in  
45 whose primary ~~he~~the person is attempting to file. No person who has changed ~~his~~his political  
46 party affiliation or who has changed from unaffiliated status to party affiliation as permitted in  
47 G.S. 163-82.17, shall be permitted to file as a candidate in the primary of the party to which ~~he~~  
48 that person changed unless ~~he~~that person has been affiliated with the political party in which ~~he~~  
49 that person seeks to be a candidate for at least 90 days prior to the filing date for the office for  
50 which ~~he~~that person desires to file ~~his~~a notice of candidacy.

1 A person registered as "unaffiliated" shall be ineligible to file as a candidate in a party  
2 primary election.

3 (c) Time for Filing Notice of Candidacy. – Candidates seeking party primary  
4 nominations for the following offices shall file their notice of candidacy with the State Board of  
5 Elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00  
6 noon on the last business day in February preceding the primary:

7 Governor

8 Lieutenant Governor

9 All State executive officers

10 Justices of the Supreme Court, Judges of the Court of Appeals

11 Judges of the superior courts

12 Judges of the district courts

13 United States Senators

14 Members of the House of Representatives of the United States

15 District attorneys

16 Candidates seeking party primary nominations for the following offices shall file their  
17 notice of candidacy with the county board of elections no earlier than 12:00 noon on the second  
18 Monday in February and no later than 12:00 noon on the last business day in February  
19 preceding the primary:

20 State Senators

21 Members of the State House of Representatives

22 All county offices.

23 (d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any primary in  
24 which there are two or more vacancies for associate justices for the Supreme Court, two or  
25 more vacancies for the Court of Appeals, two or more vacancies for district court judge, or two  
26 vacancies for United States Senator from North Carolina, each candidate shall, at the time of  
27 filing notice of candidacy, file with the State Board of Elections a written statement designating  
28 the vacancy to which ~~he~~-that candidate seeks nomination. Votes cast for a candidate shall be  
29 effective only for ~~his~~-nomination to the vacancy for which ~~he~~-that candidate has given notice of  
30 candidacy as provided in this subsection.

31 (e) Withdrawal of Notice of Candidacy. – Any person who has filed notice of  
32 candidacy for an office shall have the right to withdraw it at any time prior to the date on which  
33 the right to file for that office expires under the terms of subsection (c) of this section. If a  
34 candidate does not withdraw before the filing deadline, except as provided in G.S. 163-112, his  
35 that candidate's name shall be printed on the primary ballot, any votes for ~~him~~-that candidate  
36 shall be counted, and ~~he~~-that candidate shall not be refunded ~~his~~-the filing fee.

37 (f) Candidates required to file their notice of candidacy with the State Board of  
38 Elections under subsection (c) of this section shall file along with their notice a certificate  
39 signed by the chairman of the board of elections or the director of elections of the county in  
40 which they are registered to vote, stating that the person is registered to vote in that county,  
41 stating the party with which the person is affiliated, and that the person has not changed his  
42 affiliation from another party or from unaffiliated within three months prior to the filing  
43 deadline under subsection (c) of this section. In issuing such certificate, the chairman or  
44 director shall check the registration records of the county to verify such information. During the  
45 period commencing 36 hours immediately preceding the filing deadline the State Board of  
46 Elections shall accept, on a conditional basis, the notice of candidacy of a candidate who has  
47 failed to secure the verification ordered herein subject to receipt of verification no later than  
48 three days following the filing deadline. The State Board of Elections shall prescribe the form  
49 for such certificate, and distribute it to each county board of elections no later than the last  
50 Monday in December of each odd-numbered year.

(g) When any candidate files a notice of candidacy with a board of elections under subsection (c) of this section or under G.S. 163-291(2), the board of elections shall, immediately upon receipt of the notice of candidacy, inspect the registration records of the county, and cancel the notice of candidacy of any person who does not meet the constitutional or statutory qualifications for the office, including residency.

The board shall give notice of cancellation to any candidate whose notice of candidacy has been cancelled under this subsection by mail or by having the notice served on ~~him~~the candidate by the sheriff, and to any other candidate filing for the same office. A candidate who has been adversely affected by a cancellation or another candidate for the same office affected by a substantiation under this subsection may request a hearing on the cancellation. If the candidate requests a hearing, the hearing shall be conducted in accordance with Article 11B of Chapter 163 of the General Statutes.

(h) No person may file a notice of candidacy for more than one office described in subsection (c) of this section for any one election. If a person has filed a notice of candidacy with a board of elections under this section for one office, then a notice of candidacy may not later be filed for any other office under this section when the election is on the same date unless the notice of candidacy for the first office is withdrawn under subsection (e) of this section; provided that this subsection shall not apply unless the deadline for filing notices of candidacy for both offices is the same. Notwithstanding this subsection, a person may file a notice of candidacy for a full term as United States Senator, and also file a notice of candidacy for the remainder of the unexpired term of that same seat in an election held under G.S. 163-12, and may file a notice of candidacy for a full term as a member of the United States House of Representatives, and also file a notice of candidacy for the remainder of the unexpired term in an election held under G.S. 163-13.

(i) Repealed by Session Laws 2001-403, s. 3, effective January 1, 2002.s. 1.)"

(j) When any candidate files a notice of candidacy, the board of elections with jurisdiction over the election shall issue a notification to the candidate stating the following:

(1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed with the Board no later than the tenth day following the day the candidate files notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first. If the organizational report is not filed within the required time frame, a civil late penalty of two hundred fifty dollars (\$250.00) per day for each day the filing is late shall be assessed against the candidate.

(2) Every treasurer of a political committee shall participate in treasurer training required under G.S. 163-278.7(f)."

**SECTION 9.** G.S. 163-107(a) reads as rewritten:

"(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay to the board of elections with which ~~he~~that candidate files under the provisions of G.S. 163-106 a filing fee for the office ~~he seeks~~sought in the amount specified in the following tabulation:

<b>Office Sought</b>	<b>Amount of Filing Fee</b>
Governor	One percent (1%) of the annual salary of the office sought
Lieutenant Governor	One percent (1%) of the annual salary of the office sought
All State executive offices	One percent (1%) of the annual salary of the office sought
All <u>Justices, Judges, and</u> District Attorneys of the General	One percent (1%) of the annual salary of the office sought



1	Court of Justice	
2	United States Senator	One percent (1%) of the annual salary of the
3		office sought
4	Members of the United States House	One percent (1%) of the annual salary of
5	of Representatives	the office sought
6	State Senator	One percent (1%) of the annual salary of the
7		office sought
8	Member of the State House of	One percent (1%) of the annual salary of
9	Representatives	the office sought
10	All county offices not compensated by fees	One percent (1%) of the annual salary of the
11		office sought
12	All county offices compensated partly	One percent (1%) of the first annual
13	by salary and partly by fees	salary to be received (exclusive of fees)
14	The salary of any office that is the basis for calculating the filing fee is the starting salary	
15	for the office, rather than the salary received by the incumbent, if different. If no starting salary	
16	can be determined for the office, then the salary used for calculation is the salary of the	
17	incumbent, as of January 1 of the election year."	

18           **SECTION 10.** G.S. 163-107.1(c) reads as rewritten:

19           "(c) County, Municipal and District Primaries. – If the candidate is seeking one of the  
20 offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this section, or a  
21 municipal or any other office requiring a partisan primary which is not set forth in  
22 G.S. 163-106(c) or (d), ~~he~~ the candidate shall file a written petition with the appropriate board  
23 of elections no later than 12:00 noon on Monday preceding the filing deadline before the  
24 primary. The petition shall be signed by ten percent (10%) of the registered voters of the  
25 election area in which the office will be voted for, who are affiliated with the same political  
26 party in whose primary the candidate desires to run, or in the alternative, the petition shall be  
27 signed by no less than 200 registered voters regardless of said voter's political party affiliation,  
28 whichever requirement is greater. The board of elections shall verify the names on the petition,  
29 and if the petition is found to be sufficient, the candidate's name shall be printed on the  
30 appropriate primary ballot. Petitions for candidates for member of the U.S. House of  
31 Representatives, District Attorney, judge of the superior court, judge of the district court, and  
32 members of the State House of Representatives from multi-county districts or members of the  
33 State Senate from multi-county districts must be presented to the county board of elections for  
34 verification at least 15 days before the petition is due to be filed with the State Board of  
35 Elections, and such petition must be filed with the State Board of Elections no later than 12:00  
36 noon on Monday preceding the filing deadline. The State Board of Elections may adopt rules to  
37 implement this section and to provide standard petition forms."

38           **SECTION 11.** G.S. 163-111(c)(1) reads as rewritten:

39           "(c) Procedure for Requesting Second Primary.

- 40           (1) A candidate who is apparently entitled to demand a second primary,  
41 according to the unofficial results, for one of the offices listed below, and  
42 desiring to do so, shall file a request for a second primary in writing with the  
43 Executive Director of the State Board of Elections no later than 12:00 noon  
44 on the ninth day (including Saturdays and Sundays) following the date on  
45 which the primary was conducted, and such request shall be subject to the  
46 certification of the official results by the State Board of Elections. If the vote  
47 certification by the State Board of Elections determines that a candidate who  
48 was not originally thought to be eligible to call for a second primary is in  
49 fact eligible to call for a second primary, the Executive Director of the State  
50 Board of Elections shall immediately notify such candidate and permit him

to exercise any options available to him within a 48-hour period following the notification:

Governor,  
 Lieutenant Governor,  
 All State executive officers,  
Justices, Judges, or District Attorneys of the General Court of Justice,  
 United States Senators,  
 Members of the United States House of Representatives,  
 State Senators in multi-county senatorial districts, and  
 Members of the State House of Representatives in multi-county representative districts."

**SECTION 12.** G.S. 163-114 reads as rewritten:

**"§ 163-114. Filling vacancies among party nominees occurring after nomination and before election.**

(a) If any person nominated as a candidate of a political party for one of the offices listed below (either in a primary or convention or by virtue of having no opposition in a primary) dies, resigns, or for any reason becomes ineligible or disqualified before the date of the ensuing general election, the vacancy shall be filled by appointment according to the following instructions:

Position	
President	Vacancy is to be filled by appointment of
Vice President	national executive committee of
	political party in which vacancy occurs
Presidential elector or alternate elector	Vacancy is to be filled by appointment of
Any elective State office	State executive committee of political
United States Senator	party in which vacancy occurs
A district office, including:	Appropriate district executive committee of
Member of the United States House	political party in which vacancy occurs
of Representatives	
<u>Judge of district court</u>	
District Attorney	
State Senator in a multi-county	
senatorial district	
Member of State House of	
Representatives in a multi-county	
representative district	
State Senator in a single-county	County executive committee of political
senatorial district	party in which vacancy occurs,
Member of State House of	provided, in the case of the State
Representatives in a single-county	Senator or State Representative in a
representative district	single-county district where not all the
Any elective county office	county is located in that district, then in
	voting, only those members of the
	county executive committee who reside
	within the district shall vote
<u>Judge of superior court in a</u>	<u>County executive committee</u>
<u>single-county judicial</u>	<u>of political party in</u>
<u>district where the district</u>	<u>which vacancy occurs;</u>
<u>is the whole county or part</u>	<u>provided, in the case of</u>
<u>of the county</u>	<u>a superior court judge in a</u>

single-county district where  
not all the county is  
located in that district,  
then in voting, only those  
members of the county  
executive committee who  
reside within the  
district shall vote  
Appropriate district  
executive committee of  
political party in which  
vacancy occurs.

Judge of superior court in a  
multicounty judicial  
district

The party executive making a nomination in accordance with the provisions of this section shall certify the name of its nominee to the chairman of the board of elections, State or county, that has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of G.S.163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that vacancy arises from a cause other than death and the vacancy in nomination occurs more than 120 days before the general election, the vacancy in nomination may be filled under this section only if the appropriate executive committee certifies the name of the nominee in accordance with this paragraph at least 75 days before the general election.

(b) In a county which is partly in a multicounty judicial district, in choosing that county's member or members of the judicial district executive committee for the multicounty district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multicounty district may vote.

(c) In a county not all of which is located in one congressional district, in choosing the congressional district executive committee member or members from that area of the county, only the county convention delegates or county executive committee members who reside within the area of the county which is within the congressional district may vote.

(d) In a county which is partly in a multi-county senatorial district or which is partly in a multi-county House of Representatives district, in choosing that county's member or members of the senatorial district executive committee or House of Representatives district executive committee for the multi-county district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multi-county district may vote.

(e) An individual whose name appeared on the ballot in a primary election preliminary to the general election shall not be eligible to be nominated to fill a vacancy in the nomination of another party for the same office in the same year.

(f) When any candidate is nominated under this section, the board of elections with jurisdiction over the election shall issue a notification to the candidate stating the following:

(1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed with the Board no later than the tenth day following the day the candidate receives the nomination of the party or the tenth day following the organization of the political committee, whichever occurs first. If the organizational report is not filed within the required time frame, a civil late penalty of two hundred fifty dollars (\$250.00) per day for each day the filing is late shall be assessed against the candidate.

(2) Every treasurer of a political committee shall participate in treasurer training required under G.S. 163-278.7(f)."

**SECTION 13.** G.S. 163-122 is amended by adding a new subsection to read:

1       "(f) When any candidate qualifies to have that candidate's name printed on the general  
2 election ballot, the board of elections with jurisdiction over the election shall issue a  
3 notification to the candidate stating the following:

- 4           (1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed  
5 no later than the tenth day following the verification of the candidate's  
6 petition by the appropriate board of elections or the tenth day following the  
7 organization of the political committee, whichever occurs first. If the  
8 organizational report is not filed within the required time frame, a civil late  
9 penalty of two hundred fifty dollars (\$250.00) per day for each day the filing  
10 is late shall be assessed against the candidate.
- 11           (2) Every treasurer of a political committee shall participate in treasurer training  
12 required under G.S. 163-278.7(f)."

13       **SECTION 14.** G.S. 163-123 is amended by adding a new subsection to read:

14       "(f2) When any candidate qualifies to have that candidate's name printed on the election  
15 ballot, the board of elections with jurisdiction over the election shall issue a notification to the  
16 candidate stating the following:

- 17           (1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed  
18 no later than the tenth day following the verification of the candidate's  
19 petition by the appropriate board of elections or the tenth day following the  
20 organization of the political committee, whichever occurs first. If the  
21 organizational report is not filed within the required time frame, a civil late  
22 penalty of two hundred fifty dollars (\$250.00) per day for each day the filing  
23 is late shall be assessed against the candidate.
- 24           (2) Every treasurer of a political committee shall participate in treasurer training  
25 required under G.S. 163-278.7(f)."

26       **SECTION 15.** G.S. 163-165(6) reads as rewritten:

27       "(6) "Provisional official ballot" means an official ballot that is voted and then  
28 placed in an envelope that contains an affidavit signed by the voter certifying  
29 identity and eligibility to vote. ~~Except for its envelope, a provisional official~~  
30 ~~ballot shall not be marked to make it identifiable to the voter."~~

31       **SECTION 16.(a)** G.S. 163-165.6 reads as rewritten:

32       "**§ 163-165.6. Arrangement of official ballots.**

33       (a) Order of Precedence Generally. – Candidate ballot items shall be arranged on the  
34 official ballot before referenda.

35       (b) Order of Precedence for Candidate Ballot Items. – The State Board of Elections  
36 shall promulgate rules prescribing the order of offices to be voted on the official ballot. Those  
37 rules shall adhere to the following guidelines:

- 38           (1) Federal offices shall be listed before State and local offices. Member of the  
39 United States House of Representatives shall be listed immediately after  
40 United States Senator.
- 41           (2) State and local offices shall be listed according to the size of the electorate.
- 42           (3) Partisan offices, regardless of the size of the constituency, shall be listed  
43 before nonpartisan offices.
- 44           (4) When offices are in the same class, they shall be listed in alphabetical order  
45 by office name, or in numerical or alphabetical order by district name.  
46 Governor and Lieutenant Governor, in that order, shall be listed before other  
47 Council of State offices. Mayor shall be listed before other citywide offices.  
48 Chair of a board, where elected separately, shall be listed before other board  
49 seats having the same electorate. Chief Justice shall be listed before  
50 Associate Justices.

1 (5) Ballot items for full terms of an office shall be listed before ballot items for  
2 partial terms of the same office.

3 (c) Order of Candidates on Primary Official Ballots. – The order in which candidates  
4 shall appear on a county's official ballots in any primary ballot item shall be determined by the  
5 county board of elections using a process designed by the State Board of Elections for random  
6 selection.

7 (d) Order of Party Candidates on General Election Official Ballot. – Candidates in any  
8 ballot item on a general election official ballot shall appear in the following order:

9 (1) Nominees of political parties that reflect ~~at least five percent (5%)~~ the two  
10 highest percentages of statewide voter registration, according to the most  
11 recent statistical report published by the State Board of Elections, in  
12 alphabetical order by party and in alphabetical order within the party.

13 (2) Nominees of other political parties, in alphabetical order by party and in  
14 alphabetical order within the party.

15 (3) Unaffiliated candidates, in alphabetical order.

16 (d1) Rotation of Parties on General Election Official Ballot. – The order of the political  
17 parties under subdivision (d)(1) of this section shall rotate every four years. The order of the  
18 political parties under subdivision (d)(2) of this section shall rotate every four years.

19 ~~(e) Straight Party Voting. – Each official ballot shall be arranged so that the voter may~~  
20 ~~east one vote for a party's nominees for all offices except President and Vice President. A vote~~  
21 ~~for President and Vice President shall be cast separately from a straight party vote. The official~~  
22 ~~ballot shall be prepared so that a voter may cast a straight party vote, but then make an~~  
23 ~~exception to that straight party vote by voting for a candidate not nominated by that party or by~~  
24 ~~voting for fewer than all the candidates nominated by that party. Instructions for general~~  
25 ~~election ballots shall clearly advise voters of the rules in this subsection and of the statutes~~  
26 ~~providing for the counting of ballots.~~

27 (f) Write-In Voting. – Each official ballot shall be so arranged so that voters may cast  
28 write-in votes for candidates except where prohibited by G.S. 163-123 or other statutes  
29 governing write-in votes. Instructions for general election ballots shall clearly advise voters of  
30 the rules of this subsection and of the statutes governing write-in voting.

31 (g) Order of Precedence for Referenda. – The referendum questions to be voted on shall  
32 be arranged on the official ballot in the following order:

33 (1) Proposed amendments to the North Carolina Constitution, in the  
34 chronological order in which the proposals were approved by the General  
35 Assembly.

36 (2) Other referenda to be voted on by all voters in the State, in the chronological  
37 order in which the proposals were approved by the General Assembly.

38 (3) Referenda to be voted on by fewer than all the voters in the State, in the  
39 chronological order of the acts by which the referenda were properly  
40 authorized."

41 **SECTION 16.(b)** This act becomes effective January 1, 2012, and applies to  
42 elections held on or after that date. In implementing G.S. 163-165.6(d1) as enacted by this act,  
43 the State Board of Elections shall start the rotating order with a party that has not been first on  
44 the ballot in the past four years.

45 **SECTION 17.** G.S. 163-166.12(b2) reads as rewritten:

46 "(b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an  
47 individual has registered by mail or by another method, if the individual has provided with the  
48 registration form a drivers license number or last four digits of a Social Security number but the  
49 computer validation of the number as required by G.S. 163-82.12 did not result in a match, and  
50 the number has not been otherwise validated by the board of elections, in the first election in

1 which the individual votes that individual shall submit with the ballot the form of identification  
2 described in subsection (a) or subsection (b) of this section, depending upon whether the ballot  
3 is voted in person or absentee. If that identification is provided and the board of elections does  
4 not determine that the individual is otherwise ineligible to vote a ballot, the failure of  
5 identification numbers to match shall not prevent that individual from registering to vote and  
6 having that individual's vote counted. ~~If the individual registers and votes under~~  
7 ~~G.S. 163-82.6A, the identification documents required in that section, rather than those~~  
8 ~~described in subsection (a) or (b) of this section, apply."~~

9 **SECTION 18.** G.S. 163-182.1(a)(7) is repealed.

10 **SECTION 19.(a)** Article 18 of Chapter 163 of the General Statutes is repealed.

11 **SECTION 19.(b)** Chapter 163 of the General Statutes is amended by adding a new  
12 Article to read:

13 "Article 18B.

14 "Faithful Presidential Electors Act.

15 **"§ 163-216.1. Designation of State's electors.**

16 (a) For each elector position in this State, a political party contesting the position, or an  
17 unaffiliated presidential candidate, shall submit to the Secretary of State the names of two  
18 qualified individuals. One of the individuals must be designated "elector nominee" and the  
19 other "alternate elector nominee." Except as otherwise provided in this Article, this State's  
20 electors are the winning elector nominees under the laws of this State.

21 (b) The names of candidates for electors of President and Vice President nominated by  
22 any political party recognized in this State under G.S. 163-96, or nominated under  
23 G.S. 163-1(c) by a candidate for President of the United States who has qualified to have his or  
24 her name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122,  
25 shall be filed with the Secretary of State but shall not be printed on the ballot. In the case of the  
26 unaffiliated candidate, the names of candidates for electors must be filed with the Secretary of  
27 State no later than 12:00 noon on the first Friday in August. In place of their names, there shall  
28 be printed on the ballot the names of the candidates for President and Vice President of each  
29 political party recognized in this State and the name of any candidate for President who has  
30 qualified to have his or her name printed on the general election ballot under G.S. 163-122. A  
31 candidate for President who has qualified for the general election ballot as an unaffiliated  
32 candidate under G.S. 163-122 shall, no later than 12:00 noon on the first Friday in August, file  
33 with the State Board of Elections the name of a candidate for Vice President, whose name shall  
34 also be printed on the ballot. A vote for the candidates named on the ballot shall be a vote for  
35 the electors of the party or unaffiliated candidate by which those candidates were nominated  
36 and whose names have been filed with the Secretary of State.

37 **"§ 163-216.2. Pledge.**

38 Each elector nominee and alternate elector nominee of a political party shall execute the  
39 following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots  
40 for President and Vice President for the nominees for those offices of the party that nominated  
41 me." Each elector nominee and alternate elector nominee of an unaffiliated presidential  
42 candidate shall execute the following pledge: "If selected for the position of elector as a  
43 nominee of an unaffiliated presidential candidate, I agree to serve and to mark my ballots for  
44 that candidate and for that candidate's vice presidential running mate." The executed pledges  
45 must accompany the submission of the corresponding names to the Secretary of State.

46 **"§ 163-216.3. Governor to proclaim results; casting State's vote for President and Vice**  
47 **President.**

48 Upon receipt of the certifications prepared by the State Board of Elections and delivered in  
49 accordance with G.S. 163-182.15, the Secretary of State, under seal of the office, shall notify  
50 the Governor of the names of the persons elected to the office of elector for President and Vice

1 President of the United States as stated in the abstracts of the State Board of Elections.  
2 Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the  
3 electors and instructing them to be present in the old Hall of the House of Representatives in  
4 the State Capitol in the City of Raleigh at 12:00 noon on the first Monday after the second  
5 Wednesday in December next after their election, at which time the electors shall meet and vote  
6 on behalf of the State for President and Vice President of the United States. If the old Hall of  
7 the House of Representatives in the State Capitol is unavailable, the Governor may specify  
8 another location within the City of Raleigh. The Governor shall cause this proclamation to be  
9 published on the Internet and in any daily newspaper published in the City of Raleigh and shall  
10 cause the proclamation to be distributed to representatives of the news media. Notice may  
11 additionally be made on a radio or television station or both, but such notice shall be in addition  
12 to the newspaper and other required notice. The Secretary of State is responsible for making the  
13 actual arrangements for the meeting, preparing the agenda, and inviting guests.

14 **"§ 163-216.4. Certification of electors.**

15 (a) Before the date fixed for the meeting of the electors, the Governor shall send by  
16 registered mail to the Archivist of the United States either three duplicate original certificates or  
17 one original certificate and two authenticated copies of the Certificates of Ascertainment under  
18 the great seal of the State setting forth the names of the persons chosen as presidential electors  
19 for this State and the number of votes cast for each. These Certificates of Ascertainment should  
20 be sent as soon as possible after the election, but must be received before the Electoral College  
21 meeting. At the same time the Governor shall deliver to the electors six duplicate originals of  
22 the same certificate, each bearing the great seal of the State.

23 (b) In submitting this State's Certificate of Ascertainment as required by 3 U.S.C. § 6,  
24 the Governor shall certify this State's electors and state in the certificate all of the following:

25 (1) The electors will serve as electors unless a vacancy occurs in the office of  
26 elector before the end of the meeting at which elector votes are cast, in  
27 which case a substitute elector will fill the vacancy.

28 (2) If a substitute elector is appointed to fill a vacancy, the Governor will submit  
29 an amended Certificate of Ascertainment stating the names on the final list  
30 of this State's electors.

31 **"§ 163-216.5. Presiding officer; elector vacancy.**

32 (a) The Secretary of State shall preside at the meeting of electors described in this  
33 Article.

34 (b) The position of an elector not present to vote is vacant. The Secretary of State shall  
35 appoint an individual as a substitute elector to fill a vacancy as follows:

36 (1) If the alternate elector is present to vote, by appointing the alternate elector  
37 for the vacant position.

38 (2) If the alternate elector for the vacant position is not present to vote, by  
39 appointing an elector chosen by lot from among the alternate electors present  
40 to vote who were nominated by the same political party.

41 (3) If the number of alternate electors present to vote is insufficient to fill any  
42 vacant position under subdivisions (1) and (2) of this subsection, by  
43 appointing any immediately available individual who is qualified to serve as  
44 an elector and chosen through nomination by and plurality vote of the  
45 remaining electors, including nomination and vote by a single elector if only  
46 one remains.

47 (4) If there is a tie between at least two nominees for substitute elector in a vote  
48 conducted under subdivision (3) of this subsection, by appointing an elector  
49 chosen by lot from among those nominees.

1           (5) If all elector positions are vacant and cannot be filled pursuant to  
2           subdivisions (1) through (4) of this subsection, by appointing a single  
3           presidential elector, with remaining vacant positions to be filled under  
4           subdivision (3) of this subsection and, if necessary, subdivision (4) of this  
5           subsection.

6           (c) To qualify as a substitute elector under subsection (b) of this section, an individual  
7           who has not executed the pledge required under G.S. 163-216.2 shall execute the following  
8           pledge: "I agree to serve and to mark my ballots for President and Vice President consistent  
9           with the pledge of the individual to whose elector position I have succeeded."

10 **"§ 163-216.6. Elector voting.**

11           (a) At the time designated for elector voting and after all vacant positions have been  
12           filled under G.S. 163-216.5, the Secretary of State shall provide each elector with a presidential  
13           and a vice presidential ballot. The elector shall mark the elector's presidential and vice  
14           presidential ballots with the elector's votes for the offices of President and Vice President,  
15           respectively, along with the elector's signature and the elector's legibly printed name.

16           (b) Each elector shall present both completed ballots to the Secretary of State, who shall  
17           examine the ballots and accept as cast all ballots of electors whose votes are consistent with  
18           their pledges executed under this Article. The Secretary of State may not accept and may not  
19           count either an elector's presidential or vice presidential ballot if the elector has not marked  
20           both ballots or has marked a ballot in violation of the elector's pledge.

21           (c) An elector who refuses to present a ballot, presents an unmarked ballot, or presents  
22           a ballot marked in violation of the elector's pledge executed under this Article vacates the office  
23           of elector, creating a vacant position to be filled under G.S. 163-216.5.

24           (d) The Secretary of State shall distribute ballots to and collect ballots from a substitute  
25           elector and repeat the process under this section of examining ballots, declaring and filling  
26           vacant positions as required, and recording appropriately completed ballots from the substituted  
27           electors until all of this State's electoral votes have been cast and recorded.

28 **"§ 163-216.7. Elector replacement; associated certificates.**

29           (a) After the vote of this State's electors is completed, if the final list of electors differs  
30           from any list that the Governor previously included on a Certificate of Ascertainment prepared  
31           and transmitted under 3 U.S.C. § 6, the Secretary of State immediately shall prepare an  
32           amended Certificate of Ascertainment and transmit it to the Governor for the Governor's  
33           signature.

34           (b) The Governor immediately shall deliver the signed amended Certificate of  
35           Ascertainment to the Secretary of State and a signed duplicate original of the amended  
36           Certificate of Ascertainment to all individuals entitled to receive this State's Certificate of  
37           Ascertainment, indicating that the amended Certificate of Ascertainment is to be substituted for  
38           the Certificate of Ascertainment previously submitted.

39           (c) The Secretary of State shall prepare a certificate of vote. The electors on the final  
40           list shall sign the certificate. The Secretary of State shall process and transmit the signed  
41           certificate with the amended Certificate of Ascertainment under 3 U.S.C. §§ 9, 10, and 11.

42 **"§ 163-216.8. Electors and dual office holding.**

43           (a) Upon receiving the filing of a name as a candidate for elector under G.S. 163-216.1,  
44           the Secretary of State shall notify that candidate of the dual office holding requirements of the  
45           North Carolina Constitution and the General Statutes, including specifically that if an  
46           individual elected as elector holds another elective office at the time of taking the oath of office  
47           as elector, that other office is vacated upon taking the oath of office.

48           (b) During January of each year in which electors are elected, the Secretary of State  
49           shall notify each political party authorized to nominate electors of (i) the requirement under  
50           G.S. 163-1(c) to nominate an elector and an alternate elector and (ii) the dual office holding



1 requirements of the North Carolina Constitution and the General Statutes, including specifically  
2 that if a person elected as elector holds another elective office at the time of taking the oath of  
3 office as elector, that other office is vacated upon taking the oath of office.

4 (c) The office of elector may be held in addition to the maximum number of appointive  
5 offices allowed by G.S. 128-1.1.

6 **"§ 163-216.9. Appointment of Presidential Electors by General Assembly in certain**  
7 **circumstances, by the Governor in certain other circumstances.**

8 (a) Appointment by General Assembly if No Proclamation by Six Days Before  
9 Electors' Meeting Day. – As permitted by 3 U.S.C. § 2, whenever the appointment of any  
10 Presidential Elector has not been proclaimed under G.S. 163-216.3 before 12:00 noon on the  
11 date for settling controversies specified by 3 U.S.C. § 5, and upon the call of an extra session  
12 pursuant to the North Carolina Constitution for the purposes of this section, the General  
13 Assembly may fill the position of any Presidential Electors whose election is not yet  
14 proclaimed.

15 (b) Appointment by Governor if No Appointment by the Day Before Electors' Meeting  
16 Day. – If the appointment of any Presidential Elector has not been proclaimed under  
17 G.S. 163-216.3 before 12:00 noon on the date for settling controversies specified by 3 U.S.C. §  
18 5, nor appointed by the General Assembly by 12:00 noon on the day before the day set for the  
19 meeting of Presidential Electors by 3 U.S.C. § 7, then the Governor shall appoint that Elector.

20 (c) Standard for Decision by General Assembly and Governor. – In exercising their  
21 authority under subsections (a) and (b) of this section, the General Assembly and the Governor  
22 shall designate Electors in accord with their best judgment of the will of the electorate. The  
23 decisions of the General Assembly or Governor under subsections (a) and (b) of this section are  
24 not subject to judicial review, except to ensure that applicable statutory and constitutional  
25 procedures were followed. The judgment itself of what was the will of the electorate is not  
26 subject to judicial review.

27 (d) Proclamation Before Electors' Meeting Day Controls. – If the proclamation of any  
28 Presidential Elector under G.S. 163-216.3 is made any time before 12:00 noon on the day set  
29 for the meeting of Presidential Electors by 3 U.S.C. § 7, then that proclamation shall control  
30 over an appointment made by the General Assembly or the Governor. This section does not  
31 preclude litigation otherwise provided by law to challenge the validity of the proclamation or  
32 the procedures that resulted in that proclamation."

33 **SECTION 19.(c)** G.S. 163-1(c) reads as rewritten:

34 "(c) On Tuesday next after the first Monday in November in the year 1968, and every  
35 four years thereafter, or on such days as the Congress of the United States shall direct, an  
36 election shall be held in all of the election precincts of the State for the election of electors of  
37 President and Vice-President of the United States. The number of electors to be chosen shall be  
38 equal to the number of Senators and Representatives in Congress to which this State may be  
39 entitled. Presidential electors shall not be nominated by primary election; instead, they shall be  
40 nominated in a State convention of each political party as defined in G.S. 163-96 unless  
41 otherwise provided by the plan of organization of the political party; provided, that in the case  
42 of a candidate for President of the United States who has qualified to have his name printed on  
43 the general election ballot as an unaffiliated candidate under G.S. 163-122, that candidate shall  
44 nominate presidential electors. One presidential elector shall be nominated from each  
45 congressional district and two from the state-at-large, and in addition, the State convention of  
46 each party and the unaffiliated candidate shall each nominate ~~first and second alternate~~  
47 electors an elector and an alternate elector who shall serve if their slate is elected as provided by  
48 ~~G.S. 163-209~~G.S. 163-216.1 and if there is a vacancy as provided by  
49 ~~G.S. 163-210~~G.S. 163-216.5."

50 **SECTION 20.** G.S. 163-227.2 reads as rewritten:

1 "§ 163-227.2. **Alternate procedures for requesting application for absentee ballot;**  
2 **"one-stop" voting procedure in board office.**

3 (a) Any voter eligible to vote by absentee ballot under G.S. 163-226 may request an  
4 application for absentee ballots, complete the application, and vote under the provisions of this  
5 ~~section and of G.S. 163-82.6A, as applicable.~~ section.

6 (a1) Repealed by Session Laws 2001-337, s. 2, effective January 1, 2002.

7 (b) Not earlier than the ~~third~~-second Thursday before an election, in which absentee  
8 ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last  
9 Saturday before that election, the voter shall appear in person only at the office of the county  
10 board of elections, except as provided in subsection (g) of this section. A county board of  
11 elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M.  
12 and may conduct it until 5:00 P.M. on that Saturday. A county board may not conduct one-stop  
13 voting on any Sunday in any election. That voter shall enter the voting enclosure at the board  
14 office through the appropriate entrance and shall at once state his or her name and place of  
15 residence to an authorized member or employee of the board. In a primary election, the voter  
16 shall also state the political party with which the voter affiliates and in whose primary the voter  
17 desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a  
18 particular party under G.S. 163-119, the voter shall state the name of the authorizing political  
19 party in whose primary he wishes to vote. The board member or employee to whom the voter  
20 gives this information shall announce the name and residence of the voter in a distinct tone of  
21 voice. After examining the registration records, an employee of the board shall state whether  
22 the person seeking to vote is duly registered. If the voter is found to be registered that voter  
23 may request that the authorized member or employee of the board furnish the voter with an  
24 application form as specified in G.S. 163-227. The voter shall complete the application in the  
25 presence of the authorized member or employee of the board, and shall deliver the application  
26 to that person.

27 (c) If the application is properly filled out, the authorized member or employee shall  
28 enter the voter's name in the register of absentee requests, applications, and ballots issued and  
29 shall furnish the voter with the ballots to which the application for absentee ballots applies. The  
30 voter thereupon shall vote in accordance with subsection (e) of this section.

31 All actions required by this subsection shall be performed in the office of the board of  
32 elections, except that the voting may take place in an adjacent room as provided by subsection  
33 (e) of this section. The application under this subsection shall be signed in the presence of the  
34 chair, member, director of elections of the board, or full-time employee, authorized by the  
35 board who shall sign the application and certificate as the witness and indicate the official title  
36 held by him or her. Notwithstanding G.S. 163-231(a), in the case of this subsection, only one  
37 witness shall be required on the certificate.

38 (d) Only the chairman, member, employee, or director of elections of the board shall  
39 keep the voter's application for absentee ballots in a safe place, separate and apart from other  
40 applications and container-return envelopes. If the voter's application for absentee ballots is  
41 disapproved by the board, the board shall so notify the voter stating the reason for disapproval  
42 by first-class mail addressed to the voter at that voter's residence address and at the address  
43 shown in the application for absentee ballots; and the board shall enter a challenge under  
44 G.S. 163-89.

45 (e) The voter shall vote that voter's absentee ballot in a voting booth in the office of the  
46 county board of elections, and the county board of elections shall provide a voting booth for  
47 that purpose, provided however, that the county board of elections may in the alternative  
48 provide a private room for the voter adjacent to the office of the board, in which case the voter  
49 shall vote that voter's absentee ballot in that room. A voter at a one-stop site shall be entitled to  
50 the same assistance as a voter at a voting place on election day under G.S. 163-166.8. The State

1 Board of Elections shall, where appropriate, adapt the rules it adopts under G.S. 163-166.8 to  
2 one-stop voting.

3 (e1) If a county uses a voting system with retrievable ballots, that county's board of  
4 elections may by resolution elect to conduct one-stop absentee voting according to the  
5 provisions of this subsection. In a county in which the board has opted to do so, a one-stop  
6 voter shall cast the ballot and then shall deposit the ballot in the ballot box or voting system in  
7 the same manner as if such box or system was in use in a precinct on election day. At the end of  
8 each business day, or at any time when there will be no employee or officer of the board of  
9 elections on the premises, the ballot box or system shall be secured in accordance with a plan  
10 approved by the State Board of Elections, which shall include that no additional ballots have  
11 been placed in the box or system. Any county board desiring to conduct one-stop voting  
12 according to this subsection shall submit a plan for doing so to the State Board of Elections.  
13 The State Board shall adopt standards for conducting one-stop voting under this subsection and  
14 shall approve any county plan that adheres to its standards. The county board shall adhere to its  
15 State Board-approved plan. The plan shall provide that each one-stop ballot shall have a ballot  
16 number on it in accordance with G.S. 163-230.1(a2), or shall have an equivalent identifier to  
17 allow for retrievability. The standards shall address retrievability in one-stop voting on direct  
18 record electronic equipment where no paper ballot is used.

19 (e2) A voter who has moved within the county more than 30 days before election day but  
20 has not reported the move to the board of elections shall not be required on that account to vote  
21 a provisional ballot at the one-stop site, as long as the one-stop site has available all the  
22 information necessary to determine whether a voter is registered to vote in the county and  
23 which ballot the voter is eligible to vote based on the voter's proper residence address. The  
24 voter with that kind of unreported move shall be allowed to vote the same kind of absentee  
25 ballot as other one-stop voters.

26 (f) Notwithstanding the exception specified in G.S. 163-36, counties which operate a  
27 modified full-time office shall remain open five days each week during regular business hours  
28 consistent with daily hours presently observed by the county board of elections, commencing  
29 with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday  
30 prior to that election and shall also be open on the last Saturday before the election. A county  
31 board may conduct one-stop absentee voting during evenings or on weekends, as long as the  
32 hours are part of a plan submitted and approved according to subsection (g) of this section. The  
33 boards of county commissioners shall provide necessary funds for the additional operation of  
34 the office during that time.

35 (g) Notwithstanding any other provision of this section, a county board of elections by  
36 unanimous vote of all its members may provide for one or more sites in that county for  
37 absentee ballots to be applied for and cast under this section. Every individual staffing any of  
38 those sites shall be a member or full-time employee of the county board of elections or an  
39 employee of the county board of elections whom the board has given training equivalent to that  
40 given a full-time employee. Those sites must be approved by the State Board of Elections as  
41 part of a Plan for Implementation approved by both the county board of elections and by the  
42 State Board of Elections which shall also provide adequate security of the ballots and  
43 provisions to avoid allowing persons to vote who have already voted. The Plan for  
44 Implementation shall include a provision for the presence of political party observers at each  
45 one-stop site equivalent to the provisions in G.S. 163-45 for party observers at voting places on  
46 election day. A county board of elections may propose in its Plan not to offer one-stop voting at  
47 the county board of elections office; the State Board may approve that proposal in a Plan only  
48 if the Plan includes at least one site reasonably proximate to the county board of elections  
49 office and the State Board finds that the sites in the Plan as a whole provide adequate coverage  
50 of the county's electorate. If a county board of elections has considered a proposed Plan or

1 Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member  
2 or members of that county board of elections may petition the State Board of Elections to adopt  
3 a plan for it. If petitioned, the State Board may also receive and consider alternative petitions  
4 from another member or members of that county board. The State Board of Elections may  
5 adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors  
6 including geographic, demographic, and partisan interests of that county.

7 (g1) The State Board of Elections shall not approve, either in a Plan approved  
8 unanimously by a county board of elections or in an alternative Plan proposed by a member or  
9 members of that board, a one-stop site in a building that the county board of elections is not  
10 entitled under G.S. 163-129 to demand and use as an election-day voting place, unless the State  
11 Board of Elections finds that other equally suitable sites were not available and that the use of  
12 the sites chosen will not unfairly advantage or disadvantage geographic, demographic, or  
13 partisan interests of that county. In providing the site or sites for one-stop absentee voting under  
14 this section, the county board of elections shall make a request to the State, county, city, local  
15 school board, or other entity in control of the building that is supported or maintained, in whole  
16 or in part, by or through tax revenues at least 90 days prior to the start of one-stop absentee  
17 voting under this section. The request shall clearly identify the building, or any specific portion  
18 thereof, requested the dates and times for which that building or specific portion thereof is  
19 requested and the requirement of an area for election related activity. If the State, local  
20 governing board, or other entity in control of the building does not respond to the request  
21 within 20 days, the building or specific portion thereof may be used for one-stop absentee  
22 voting as stated in the request. If the State, local governing board, or other entity in control of  
23 the building or specific portion thereof responds negatively to the request within 20 days, that  
24 entity and the county board of elections shall, in good faith, work to identify a building or  
25 specific portion thereof in which to conduct one-stop absentee voting under this section. If no  
26 building or specific portion thereof has been agreed upon within 45 days from the date the  
27 county board of elections received a response to the request, the matter shall be resolved by the  
28 State Board of Elections.

29 (h) Notwithstanding the provisions of G.S. 163-89(a) and (b), a challenge may be  
30 entered against a voter at a one-stop site under subsection (g) of this section or during one-stop  
31 voting at the county board office. The challenge may be entered by a person conducting  
32 one-stop voting under this section or by another registered voter who resides in the same  
33 precinct as the voter being challenged. If challenged at the place where one-stop voting occurs,  
34 the voter shall be allowed to cast a ballot in the same way as other voters. The challenge shall  
35 be made on forms prescribed by the State Board of Elections. The challenge shall be heard by  
36 the county board of elections in accordance with the procedures set forth in G.S. 163-89(e).

37 (i) At any site where one-stop absentee voting is conducted, there shall be a curtained  
38 or otherwise private area where the voter may mark the ballot unobserved."

39 **SECTION 21.** G.S. 163-230.2 is repealed.

40 **SECTION 22.** G.S. 163-277 reads as rewritten:

41 "**§ 163-277. Compelling self-incriminating testimony; person so testifying excused from**  
42 **prosecution.**

43 No person shall be excused from attending or testifying or producing any books, papers or  
44 other documents before any court or magistrate upon any investigation, proceeding or trial for  
45 the violation of any of the provisions of this Article, upon the ground or for the reason that the  
46 testimony or evidence, documentary or otherwise, required of ~~him-that person~~ may tend to  
47 incriminate or degrade ~~him-that person~~. ~~but such~~Such person may be subpoenaed and required  
48 to testify by and for the State relative to any offense arising under the provisions of this Article;  
49 but such person shall not be prosecuted ~~or subjected to any penalty or forfeiture~~ for or on  
50 account of any transaction, matter or thing concerning which ~~he-that person~~ may so testify or

1 produce evidence, documentary or otherwise, and no testimony so given or produced shall be  
2 used against ~~him~~that person upon any criminal investigation or proceeding, but such person so  
3 compelled to testify with respect to any acts of ~~his own~~that person shall be immune from  
4 prosecution on account thereof, ~~and shall be pardoned for any violation of law about which~~  
5 ~~such person shall be so required to testify, thereof."~~

6 **SECTION 23.(a)** Notwithstanding Section 36 of this act, G.S. 163-329 reads as  
7 rewritten:

8 **"§ 163-329. Elections to fill vacancy in office created after primary filing period opens.**

9 (a) General. – If a vacancy is created in the office of justice of the Supreme Court,  
10 judge of the Court of Appeals, or judge of superior court after the filing period for the primary  
11 opens but more than 60 days before the general election, and under the Constitution of North  
12 Carolina an election is to be held for that position, such that the office shall be filled in the  
13 general election as provided in G.S. 163-9, the election to fill the office for the remainder of the  
14 term shall be conducted without a primary using the method provided in subsection (b1) of this  
15 section. If a vacancy is created in the office of justice of the Supreme Court, judge of the Court  
16 of Appeals, or judge of superior court ~~before the filing period for the primary opens,~~court, and  
17 under the Constitution of North Carolina an election is to be held for that position, such that the  
18 office shall be filled in the general election as provided in G.S. 163-9, the election to fill the  
19 office for the remainder of the term shall be conducted in accordance with  
20 ~~G.S. 163-322.~~G.S. 163-115(c)

21 (b) Repealed by Session Laws 2006-192, s. 8(a), effective August 3, 2006, and  
22 applicable to vacancies occurring on or after that date.

23 (b1) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme  
24 Court, judge of the Court of Appeals, or judge of the superior court occurs more than 60 days  
25 before the general election and after the opening of the filing period for the primary, then the  
26 State Board of Elections shall designate a special filing period of one week for candidates for  
27 the office. If more than two candidates file and qualify for the office in accordance with  
28 G.S. 163-323, then the Board shall conduct the election for the office as follows:

29 (1) When the vacancy described in this section occurs more than 63 days before  
30 the date of the second primary for members of the General Assembly, a  
31 special primary shall be held on the same day as the second primary. The  
32 two candidates with the most votes in the special primary shall have their  
33 names placed on the ballot for the general election held on the same day as  
34 the general election for members of the General Assembly.

35 (2) When the vacancy described in this section occurs less than 64 days before  
36 the date of the second primary, a general election for all the candidates shall  
37 be held on the same day as the general election for members of the General  
38 Assembly and the plurality method of determining the results shall be used,  
39 as follows:

40 a. When more than one person is seeking election to a single office, the  
41 candidate who receives the highest number of votes shall be declared  
42 elected.

43 b. When more persons are seeking election to two or more offices as  
44 superior court judge (constituting a group) than there are offices to be  
45 filled, those candidates receiving the highest numbers of votes, equal  
46 in number to the number of offices to be filled, shall be declared  
47 elected.

48 ~~"instant runoff voting" method shall be used to determine the winner. Under~~  
49 ~~"instant runoff voting," voters rank up to three of the candidates by order of~~  
50 ~~preference, first, second, or third. If the candidate with the greatest number~~

1 ~~of first choice votes receives more than fifty percent (50%) of the~~  
2 ~~first choice votes, that candidate wins. If no candidate receives that~~  
3 ~~minimum number, the two candidates with the greatest number of~~  
4 ~~first choice votes advance to a second round of counting. In this round, each~~  
5 ~~ballot counts as a vote for whichever of the two final candidates is ranked~~  
6 ~~highest by the voter. The candidate with the most votes in the second round~~  
7 ~~wins the election. If more than one seat is to be filled in the same race, the~~  
8 ~~voter votes the same way as if one seat were to be filled. The counting is the~~  
9 ~~same as when one seat is to be filled, with one or two rounds as needed,~~  
10 ~~except that counting is done separately for each seat to be filled. The first~~  
11 ~~count results in the first winner. Then the second count proceeds without the~~  
12 ~~name of the first winner. This process results in the second winner. For each~~  
13 ~~additional seat to be filled, an additional count is done without the names of~~  
14 ~~the candidates who have already won. In multi-seat contests, the State Board~~  
15 ~~of Elections may give the voter more than three choices.~~

- 16 (3) If two or more candidates receiving the highest number of votes each receive  
17 the same number of votes, the board of elections shall resolve the tie in  
18 accordance with G.S. 163-182.8.

19 (c) Applicable Provisions. – Except as provided in this section, the provisions of this  
20 Article apply to elections conducted under this section.

21 (d) Rules. – The State Board of Elections shall adopt rules for the implementation of  
22 this section. The rules are not subject to Article 2A of Chapter 150B of the General Statutes.  
23 The rules shall include the following:

- 24 (1) ~~If after the first choice candidate is eliminated, a ballot does not indicate one~~  
25 ~~of the uneliminated candidates as an alternative choice, the ballot is~~  
26 ~~exhausted and shall not be counted after the initial round.~~  
27 (2) ~~The fact that the voter does not designate a second or third choice does not~~  
28 ~~invalidate the voter's higher choice or choices.~~  
29 (3) ~~The fact that the voter gives more than one ranking to the same candidate~~  
30 ~~shall not invalidate the vote. The highest ranking given a particular candidate~~  
31 ~~shall count as long as the candidate is not eliminated.~~  
32 (4) ~~In case of a tie between candidates such that two or more candidates have an~~  
33 ~~equal number of first choices and more than two candidates qualify for the~~  
34 ~~second round, instant runoff voting shall be used to determine which two~~  
35 ~~candidates shall advance to the second round."~~

36 **SECTION 23.(b)** G.S. 163-329, as amended by this section, is recodified as  
37 G.S. 163-120.

38 **SECTION 24.** G.S. 163-283 reads as rewritten:

39 **"§ 163-283. Right to participate or vote in party primary.**

40 No person shall be entitled to vote or otherwise participate in the primary election of any  
41 political party unless that person complies with all of the following:

- 42 (1) Is a registered voter.  
43 (2) Has declared and has had recorded on the registration book or record the fact  
44 that the voter affiliates with the political party in whose primary the voter  
45 proposes to vote or participate.  
46 (3) Is in good faith a member of that party.

47 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under  
48 G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that  
49 primary except for subdivisions (2) and (3) of the previous paragraph.

1 Any person who will become qualified by age to register and vote in the general election  
2 for which the primary is held, even though not so qualified by the date of the primary election,  
3 shall be entitled to register while the registration books are open during the regular registration  
4 period prior to the primary and then to vote in the primary after being registered, provided  
5 however, under full-time and permanent registration, such an individual may register not earlier  
6 than 60 days nor later than the last day for making application to register under  
7 G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to  
8 register and vote in the general election for which the primary is held, who do not register  
9 during the special period may register to vote after such period as if they were qualified on the  
10 basis of age, but until they are qualified by age to vote, they may vote only in primary  
11 elections. ~~Such a person also may register and vote in the primary and general election pursuant~~  
12 ~~to G.S. 163-82.6A(f)."~~

13 **SECTION 25.** G.S. 163-283.1 reads as rewritten:

14 **"§ 163-283.1. Voting in nonpartisan primary.**

15 Any person who will become qualified by age to register and vote in the general election  
16 for which a nonpartisan primary is held, even though not so qualified by the date of the  
17 primary, shall be entitled to register for the primary and general election prior to the primary  
18 and then to vote in the primary after being registered. Such a person may register not earlier  
19 than 60 days nor later than the last day for making application to register under  
20 G.S. 163-82.6(c) prior to the primary. ~~Such a person also may register and vote in the primary~~  
21 ~~and general election pursuant to G.S. 163-82.6A(f)."~~

22 **SECTION 26.** G.S. 163-287, as amended by S.L. 2011-31, reads as rewritten:

23 **"§ 163-287. Special elections; procedure for calling.**

24 (a) Any county, municipality or any special district shall have authority to call special  
25 elections as permitted by law. Prior to calling a special election, the ~~city council or the~~  
26 governing body of the county, municipality, or special district shall adopt a resolution  
27 specifying the details of the election, and forthwith deliver the resolution to the ~~appropriate~~local  
28 board of elections. The resolution shall call on the local board of elections to conduct the  
29 election described in the resolution and shall state the date on which the special election is to be  
30 conducted. The special election may be held only at the same time as any other State, county or  
31 municipal ~~primary, election or special election or referendum, but may not otherwise be held~~  
32 ~~within the period of time beginning 30 days before and ending 30 days after the date of any~~  
33 ~~other primary, election, special election or referendum held for that city or special~~  
34 ~~district, general election or at the same time as the primary election in any even-numbered year.~~

35 (b) Legal notice of the special election shall be published no less than 45 days prior to  
36 the special election. The local board of elections shall be responsible for publishing the legal  
37 notice. The notice shall state the date and time of the special election, the issue to be submitted  
38 to the voters, and the precincts in which the election will be held. This ~~paragraph~~subsection  
39 shall not apply to bond elections.

40 (c) Subsection (a) of this section shall not apply to any special election related to the  
41 public health or safety, including a bond referendum for financing of health and sanitation  
42 systems, if the governing body adopts a resolution stating the need for the special election at a  
43 time different from any other State, county, or municipal general election or the primary in any  
44 even-numbered year.

45 (d) The last sentence of subsection (a) of this section shall not apply to municipal  
46 incorporation or recall elections pursuant to local act of the General Assembly.

47 (e) This section shall not impact the authority of the courts or the State Board to order a  
48 new election at a time set by the courts or State Board under this Chapter."

49 **SECTION 27.** G.S. 163-330 reads as rewritten:

50 **"§ 163-330. Voting in primary.**

1 Any person who will become qualified by age to register and vote in the general election  
2 for which the primary is held, even though not so qualified by the date of the primary, shall be  
3 entitled to register for the primary and general election prior to the primary and then to vote in  
4 the primary after being registered. Such person may register not earlier than 60 days nor later  
5 than the last day for making application to register under G.S. 163-82.6(c) prior to the primary.  
6 ~~Such a person also may register and vote in the primary and general election pursuant to~~  
7 ~~G.S. 163-82.6A(f)."~~

8 **SECTION 28.** Subchapter X (Article 25) of Chapter 163 of the General Statutes is  
9 repealed.

10  
11  
12 **PART II. CAMPAIGN FINANCE CHANGES.**

13 **SECTION 29.** G.S. 163-278.5 reads as rewritten:

14 **"§ 163-278.5. Scope of Article; severability.**

15 The provisions of this Article apply to primaries and elections for North Carolina offices  
16 and to North Carolina referenda and do not apply to primaries and elections for federal offices  
17 or offices in other States or to non-North Carolina referenda. Any provision in this Article that  
18 regulates a non-North Carolina entity does so only to the extent that the entity's actions affect  
19 elections for North Carolina offices or North Carolina referenda.

20 The provisions of this Article are severable. If any provision is held invalid by a court of  
21 competent jurisdiction, the invalidity does not affect other provisions of the Article that can be  
22 given effect without the invalid provision.

23 This section applies to Articles 22B, 22D, ~~22E, 22F~~, 22G, 22H, ~~22J~~, and 22M of the  
24 General Statutes to the same extent that it applies to this Article."

25 **SECTION 30.** G.S. 163-278.13 reads as rewritten:

26 **"§ 163-278.13. Limitation on contributions.**

27 (a) No individual, political committee, or other entity shall contribute to any candidate  
28 or other political committee any money or make any other contribution in any election in  
29 excess of four thousand dollars (\$4,000) for that election.

30 (b) No candidate or political committee shall accept or solicit any contribution from any  
31 individual, other political committee, or other entity of any money or any other contribution in  
32 any election in excess of four thousand dollars (\$4,000) for that election.

33 (c) Notwithstanding the provisions of subsections (a) and (b) of this section, it shall be  
34 lawful for a candidate or a candidate's spouse, parents, brothers and sisters to make a  
35 contribution to the candidate or to the candidate's treasurer of any amount of money or to make  
36 any other contribution in any election in excess of four thousand dollars (\$4,000) for that  
37 election.

38 (d) For the purposes of this section, the term "an election" means any primary, second  
39 primary, or general election in which the candidate or political committee may be involved,  
40 without regard to whether the candidate is opposed or unopposed in the election, except that  
41 where a candidate is not on the ballot in a second primary, that second primary is not "an  
42 election" with respect to that candidate.

43 (d1) Notwithstanding subsections (a) and (b) of this section, a candidate or political  
44 committee may accept a contribution knowing that the contribution is to be reimbursed to the  
45 entity making the contribution and knowing the candidate or political committee has funds  
46 sufficient to reimburse the entity making the contribution if all of the following conditions are  
47 met:

- 48 (1) The entity submits sufficient information of the contribution to the candidate  
49 or political committee for reimbursement within 45 days of the contribution.



1 (2) The candidate or political committee makes a reimbursement to the entity  
2 making the contribution within seven days of submission of sufficient  
3 information.

4 (3) The candidate or political committee indicates on its report under  
5 G.S. 163-278.11 that the good, service, or other item resulting in the  
6 reimbursement is an expenditure of the candidate or political committee, and  
7 notes if the contribution was by credit card.

8 (4) The contribution does not exceed one thousand dollars (\$1,000.00).

9 (d2) Any contribution, or portion thereof, made under subsection (d1) of this section that  
10 is not submitted for reimbursement in accordance with subsection (d1) of this section shall be  
11 treated as a contribution for purposes of this section. Any contribution, or portion thereof, made  
12 under subsection (d1) of this section that is not reimbursed in accordance with subsection (d1)  
13 of this section shall be treated as a contribution for purposes of this section.

14 (e) Except as provided in this subsection and subsections (e2), (e3), and (e4)  
15 subsections (e2) and (e3) of this section, this section shall not apply to any national, State,  
16 district or county executive committee of any political party. For the purposes of this section  
17 only, the term "political party" means only those political parties officially recognized under  
18 G.S. 163-96.

19 (e1) No referendum committee which received any contribution from a corporation,  
20 labor union, insurance company, business entity, or professional association may make any  
21 contribution to another referendum committee, to a candidate or to a political committee.

22 (e2) In order to make meaningful the provisions of Article 22D of this Chapter, the  
23 following provisions shall apply with respect to candidates for justice of the Supreme Court and  
24 judge of the Court of Appeals:

25 (1) No candidate shall accept, and no contributor shall make to that candidate, a  
26 contribution in any election exceeding one thousand dollars (\$1,000) except  
27 as provided for elsewhere in this subsection.

28 (2) A candidate may accept, and a family contributor may make to that  
29 candidate, a contribution not exceeding two thousand dollars (\$2,000) in an  
30 election if the contributor is that candidate's parent, child, brother, or sister.

31 (3) Repealed by Session Laws 2008-150, s. 7(a), effective August 2, 2008.

32 As used in this subsection, "candidate" is also a political committee authorized by the  
33 candidate for that candidate's election. Nothing in this subsection shall prohibit a candidate or  
34 the spouse of that candidate from making a contribution or loan secured entirely by that  
35 individual's assets to that candidate's own campaign.

36 (e3) Notwithstanding the provisions of subsections (a) and (b) of this section, no  
37 candidate for superior court judge or district court judge shall accept, and no contributor shall  
38 make to that candidate, a contribution in any election exceeding one thousand dollars (\$1,000),  
39 except as provided in subsection (c) of this section. As used in this subsection, "candidate" is  
40 also a political committee authorized by the candidate for that candidate's election. Nothing in  
41 this subsection shall prohibit a candidate or the spouse of that candidate from making a  
42 contribution or loan secured entirely by that individual's assets to that candidate's own  
43 campaign.

44 ~~(e4) In order to make meaningful the provisions of the North Carolina Voter Owned~~  
45 ~~Elections Act, as set forth in Article 22J of this Chapter, no candidate for an office subject to~~  
46 ~~that Article shall accept, and no contributor shall make to that candidate, a contribution during~~  
47 ~~the period beginning 21 days before the day of the general election and ending the day after the~~  
48 ~~general election if that contribution causes the candidate to exceed the "trigger for matching~~  
49 ~~funds" defined in G.S. 163-278.96(17). As used in this subsection, the term "candidate" also~~  
50 ~~includes "candidate campaign committee" as defined in G.S. 163-278.38Z(3). Nothing in this~~

1 subsection shall prohibit a candidate from making a contribution or loan secured entirely by  
2 that candidate's assets to that candidate's own campaign or to a political committee, the  
3 principal purpose of which is to support that candidate's campaign. This subsection applies with  
4 respect to a candidate only if both of the following statements are true regarding that candidate:

- 5 (1) That candidate is opposed in the general election by a certified candidate as  
6 defined in Article 22J of this Chapter.
- 7 (2) That certified candidate has not received the maximum matching funds  
8 available under G.S. 163-278.99B(e).

9 The recipient of a contribution that apparently violates this subsection has three days to  
10 return the contribution or file a detailed statement with the State Board of Elections explaining  
11 why the contribution does not violate this subsection.

12 (e5) The contribution limits of subsections (a) and (b) of this section do not apply to  
13 contributions made to an independent expenditure political committee. For purposes of this  
14 section, an "independent expenditure political committee" is a political committee whose  
15 treasurer makes and abides by a certification to the State Board of Elections that the political  
16 committee does not and will not make contributions, directly or indirectly, to candidates or to  
17 political committees that make contributions to candidates. The State Board of Elections shall  
18 provide forms for implementation of this subsection. This subsection shall not apply to a  
19 candidate or a political committee controlled by a candidate. The exception of this subsection is  
20 in addition to any other exception provided by law.

21 (f) Any individual, candidate, political committee, referendum committee, or other  
22 entity that violates the provisions of this section is guilty of a Class 2 misdemeanor."

23 **SECTION 31.** Article 22A of Chapter 163 of the General Statutes is amended by  
24 adding a new section to read:

25 **"§ 163-278.13D. Limitation on contributions from State vendors.**

26 (a) No vendor of this State may make a contribution greater than five hundred dollars  
27 (\$500.00) per election to a candidate as defined in G.S. 163-278.38Z(2) or candidate campaign  
28 committee as defined in G.S. 163-278.38Z(3) for a public servant as defined in  
29 G.S. 138A-3(30)a. and G.S. 120C-104 if the public servant has authority over the contract with  
30 the vendor.

31 (b) This section shall not apply to a vendor who has filed a notice of candidacy for  
32 office under G.S. 163-106, G.S. 163-107.1, or Article 11 of Chapter 163 of the General Statutes  
33 or has been nominated under G.S. 163-114 or G.S. 163-98 and is making a contribution to that  
34 vendor's candidate campaign committee.

35 (c) For purposes of this section, the term "vendor" shall mean any of the following:

- 36 (1) An individual with a contract greater than twenty-five thousand dollars  
37 (\$25,000) with any office established by Article III of the North Carolina  
38 Constitution.
- 39 (2) An individual employed by a corporation or person with a contract greater  
40 than twenty-five thousand dollars (\$25,000) with any office established by  
41 Article III of the North Carolina Constitution in any of the following  
42 capacities:
  - 43 a. Will derive a direct financial benefit from the contract. Direct  
44 financial benefit exists only if the individual (i) has more than a ten  
45 percent (10%) beneficial ownership in a party to the contract or (ii)  
46 acquires property under the contract.
  - 47 b. Oversees the performance of the contract and has authority to make  
48 decisions regarding the contract or to interpret the contract.
  - 49 c. Participates in the development of specifications or terms and in the  
50 preparation or award of the contract.

1           (3) An individual who is a member of a board, commission, or other body of a  
2 corporation with a contract greater than twenty-five thousand dollars (\$25,000)  
3 with any office established by Article III of the North Carolina Constitution that  
4 takes action on the contract, whether or not the individual actually participates in  
5 that action, unless the individual is prohibited from voting by a policy of the  
6 corporation and does not vote on the contract."

7           **SECTION 32.** Article 22A of Chapter 163 of the General Statutes is amended by  
8 adding a new section to read:

9 **"§ 163-278.19C. Contributions to political parties.**

10           (a) Notwithstanding G.S. 163-278.13 and G.S. 163-278.19, no political party shall  
11 accept or solicit any contribution from any individual, political committee other than a  
12 candidate campaign committee, referendum committee, person, or other entity, in any election,  
13 in excess of two hundred fifty thousand dollars (\$250,000) for that election.

14           (b) No individual, candidate, political committee other than a candidate campaign  
15 committee, referendum committee, person, or other entity, in any election, shall contribute to  
16 any political party any contribution in any election in excess of two hundred fifty thousand  
17 dollars (\$250,000) for that election.

18           (c) Any individual, candidate, political committee other than a candidate campaign  
19 committee, referendum committee, person, or other entity that violates the provisions of this  
20 section is guilty of a Class 2 misdemeanor."

21           **SECTION 33.** G.S. 163-278.29 reads as rewritten:

22 **"§ 163-278.29. Compelling self-incriminating testimony; individual so testifying excused**  
23 **from prosecution.**

24           No individual shall be excused from attending or testifying or producing any books, papers,  
25 or other documents before any court upon any proceeding or trial of another for the violation of  
26 any of the provisions of this Article, upon the ground or for the reason that the testimony or  
27 evidence, documentary or otherwise, required of ~~him~~that individual may tend to incriminate  
28 ~~him~~that individual, but such individual may be subpoenaed and required to testify by and for  
29 the State relative to any offense arising under the provisions of this Article; but such individual  
30 shall not be prosecuted ~~or subjected to any penalty or forfeiture~~ for or on account of any  
31 transaction, matter or thing concerning which ~~he~~that individual may be compelled to testify or  
32 produce evidence, documentary or otherwise, and no compelled testimony so given or  
33 produced shall be used against ~~him~~that individual upon any criminal proceeding, but such  
34 individual so compelled to testify with respect to any acts of ~~his own~~that individual shall be  
35 immune from prosecution on account thereof."

36           **SECTION 34.** G.S. 163-278.34 is amended by adding a new subsection to read:

37           "(e1) A candidate shall be jointly and severally liable for any civil penalty assessed by the  
38 State Board against a candidate campaign committee if that candidate campaign committee  
39 organized by the candidate has no funds with which to pay the assessed civil penalty. As used  
40 in this subsection, the term "candidate campaign committee" means the same as in  
41 G.S. 163-278.38Z(3)."

42           **SECTION 35.** G.S. 163-278.35 reads as rewritten:

43 **"§ 163-278.35. Preservation of records.**

44 All reports, records and accounts required by this Article to be made, kept, filed, or maintained  
45 by any individual, media, candidate or treasurer shall be preserved and retained by the  
46 individual, media, candidate or treasurer for at least two years counting from the date of the  
47 ~~election~~last report due to be filed with the appropriate board of elections to which such reports,  
48 records and accounts refer. All reports, records, and accounts include any underlying  
49 documentation upon which the information in the last report due to be filed with the  
50 appropriate board of elections is based."

**SECTION 36.(a)** Article 22J of Chapter 163 of the General Statutes is repealed.

**SECTION 36.(b)** The balances of the North Carolina Voter-Owned Elections Fund upon this act becoming law are transferred to the General Fund.

**SECTION 36.(c)** This section becomes effective July 1, 2011.

**PART III. TECHNICAL CHANGES.**

**SECTION 37.** G.S. 163-275(16) reads as rewritten:

"(16) For any person falsely to make the certificate provided by ~~G.S. 163-229(b)(2)~~ ~~or~~ ~~G.S. 163-250(a)~~, G.S. 163-229(b) ~~or~~ G.S. 163-250(a)(4)."

**PART IV. CONFORMING CHANGES.**

**SECTION 38.** G.S. 18B-601(f) reads as rewritten:

"(f) Election Date. – The board of elections shall conduct and set the date for the alcoholic beverage ~~election, which may not be sooner than 60 days nor later than 120 days from the date the request was received from the governing body or the petition was verified by the board.~~ election in accordance with G.S. 163-287. ~~No alcoholic beverage election may be held on the Tuesday next after the first Monday in November of an even-numbered year.~~"

**SECTION 39.** G.S. 63-80(c) reads as rewritten:

"(c) Following the joint public hearing but prior to the adoption by a unit of local government of any resolution creating a special airport district, the governing body of such unit may submit the question of the unit's participation in a special airport district to the qualified voters of such unit. The form of the question as stated on the ballot shall be in substantially the following words:

"Shall the governing body of \_\_\_\_\_ approve \_\_\_\_\_'s participation in the proposed \_\_\_\_\_ special airport district?  
 YES  NO"

If a majority of the qualified voters of the unit who vote thereon approve such participation, the governing body of such unit may adopt a resolution creating the particular special airport district. The election shall be conducted in accordance with G.S. 163-287 and the results thereof certified, declared and published in the same manner as bond elections within the unit."

**SECTION 40.** G.S. 63-87 reads as rewritten:

**"§ 63-87. Bond elections.**

Elections for the purpose of authorizing the levy of taxes for the issuance of bonds shall be called by the district board and shall be conducted in accordance with G.S. 163-287 and the results canvassed by the boards of elections having jurisdiction within the participating units. Such results shall be certified to the district board and such board shall certify and declare the result of the election and publish a statement of the result once as provided in the Local Government Bond Act."

**SECTION 41.** G.S. 69-25.1 reads as rewritten:

**"§ 69-25.1. Election to be held upon petition of voters.**

Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area lying outside the corporate limits of any city or town, which area is described in the petition and designated as "\_\_\_\_\_ Fire District," the board of county  
 \_\_\_\_\_  
 (Here insert name)  
 commissioners of the county shall call ~~an~~ a special election in said district for the purpose of submitting to the qualified voters therein the question of levying and collecting a special tax on

1 all taxable property in said district, of not exceeding fifteen cents (15¢) on the one hundred  
2 dollars (\$100.00) valuation of property, for the purpose of providing fire protection in said  
3 district. The county tax office shall be responsible for checking the freeholder status of those  
4 individuals signing the petition and confirming the location of the property owned by those  
5 individuals. Unless specifically excluded by other law, the provisions of Chapter 163 of the  
6 General Statutes concerning petitions for referenda and special elections shall apply. If the  
7 voters reject the special tax under the first paragraph of this section, then no new election may  
8 be held under the first paragraph of this section within two years on the question of levying and  
9 collecting a special tax under the first paragraph of this section in that district, or in any  
10 proposed district which includes a majority of the land within the district in which the tax was  
11 rejected.

12 Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area  
13 which has previously been established as a fire protection district and in which there has been  
14 authorized by a vote of the people a special tax not exceeding ten cents (10¢) on the one  
15 hundred dollars (\$100.00) valuation of property within the area, the board of county  
16 commissioners shall call an election in said area for the purpose of submitting to the qualified  
17 voters therein the question of increasing the allowable special tax for fire protection within said  
18 district from ten cents (10¢) on the one hundred dollars (\$100.00) valuation to fifteen cents  
19 (15¢) on the one hundred dollars (\$100.00) valuation on all taxable property within such  
20 district. Elections on the question of increasing the allowable tax rate for fire protection shall  
21 not be held within the same district at intervals less than two years."

22 **SECTION 42.** G.S. 69-25.2 reads as rewritten:

23 **"§ 69-25.2. Duties of county board of commissioners regarding conduct of elections; cost**  
24 **of holding.**

25 The board of county commissioners, after consulting with the county board of elections,  
26 shall set a date for the special election in accordance with G.S. 163-287 by resolution adopted.  
27 The county board of elections shall hold and conduct the election in the district. The county  
28 board of elections shall advertise and conduct said election, in accordance with the provisions  
29 of this Article and with the procedures prescribed in Chapter 163 governing the conduct of  
30 special and general elections. No new registration of voters shall be required, but the deadline  
31 by which unregistered voters must register shall be contained in the legal advertisement to be  
32 published by the county board of elections. The cost of holding the election to establish a  
33 district shall be paid by the county, provided that if the district is established, then the county  
34 shall be reimbursed the cost of the election from the taxes levied within the district, but the cost  
35 of an election to increase the allowable tax under G.S. 69-25.1 or to abolish a fire district under  
36 G.S. 69-25.10 shall be paid from the funds of the district."

37 **SECTION 43.** G.S. 105-159.2(b) reads as rewritten:

38 "(b) Returns. – Individual income tax returns must give an individual an opportunity to  
39 agree to the allocation of three dollars (\$3.00) of the individual's tax liability to the North  
40 Carolina Public Campaign Fund. The Department must make it clear to the taxpayer that the  
41 dollars ~~will support a nonpartisan court system, that the dollars will go to the Fund if the~~  
42 taxpayer marks an agreement, and that allocation of the dollars neither increases nor decreases  
43 the individual's tax liability. The following statement must be used to meet this requirement:  
44 "Mark 'Yes' if you want to designate \$3 of taxes to this special Fund for voter education  
45 materials and for candidates who accept spending limits. Marking 'Yes' does not change your  
46 tax or refund." The Department must consult with the State Board of Elections to ensure that  
47 the information given to taxpayers complies with the intent of this section.

48 The Department must inform the entities it approves to reproduce the return that they must  
49 comply with the requirements of this section and that a return may not reflect an agreement or  
50 objection unless the individual completing the return decided to agree or object after being

1 presented with the statement required by subsection (b) of this section and, as available  
2 background information or instructions, the information required by subsection (c) of this  
3 section. No software package used in preparing North Carolina income tax returns may default  
4 to an agreement or objection. A paid preparer of tax returns may not mark an agreement or  
5 objection for a taxpayer without the taxpayer's consent."

6 **SECTION 44.** G.S. 105-465 reads as rewritten:

7 "**§ 105-465. County election as to adoption of local sales and use tax.**

8 The board of elections of any county, upon the written request of the board of county  
9 commissioners, or upon receipt of a petition signed by qualified voters of the county equal in  
10 number to at least fifteen percent (15%) of the total number of votes cast in the county, at the  
11 last preceding election for the office of Governor, shall call a special election for the purpose of  
12 submitting to the voters of the county the question of whether a one percent (1%) sales and use  
13 tax will be levied.

14 The special election shall be held under the same rules applicable to the election of  
15 members of the General Assembly. No new registration of voters shall be required. All  
16 qualified voters in the county who are properly registered not later than 21 days (excluding  
17 Saturdays and Sundays) prior to the election shall be entitled to vote at the election. The county  
18 board of elections shall give at least 20 days' public notice prior to the closing of the  
19 registration books for the special election.

20 The county board of elections shall prepare ballots for the special election. The question  
21 presented on the ballot shall be "FOR one percent (1%) local sales and use tax on items subject  
22 to State sales and use tax at the general State rate and on food" or "AGAINST one percent (1%)  
23 local sales and use tax on items subject to State sales and use tax at the general State rate and  
24 on food".

25 The county board of elections shall fix the date of the special ~~election~~, election on a date  
26 permitted by G.S. 163-287, except that the special election shall not be held ~~on the date or~~  
27 ~~within 60 days of any biennial election for county officers, nor within one year from the date of~~  
28 the last preceding special election under this section."

29 **SECTION 45.** G.S. 105-473(a) reads as rewritten:

30 "(a) The board of elections of any county, upon the written request of the board of  
31 county commissioners thereof, or upon receipt of a petition signed by qualified voters of the  
32 county equal in number to at least fifteen percent (15%) of the total number of votes cast in the  
33 county at the last preceding election for the office of Governor, shall call a special election for  
34 the purpose of submitting to the voters of the county the question of whether the levy of a one  
35 percent (1%) sales and use tax theretofore levied should be repealed.

36 The special election shall be held under the same rules and regulations applicable to the  
37 election of members of the General Assembly. No new registration of voters shall be required.  
38 All qualified voters in the county who are properly registered not later than 21 days (excluding  
39 Saturdays and Sundays) prior to the election shall be entitled to vote at said election. The  
40 county board of elections shall give at least 20 days' public notice prior to the closing of the  
41 registration books for the special election.

42 The county board of elections shall prepare ballots for the special election which shall  
43 contain the words "FOR repeal of the one percent (1%) local sales and use tax levy," and the  
44 words "AGAINST repeal of the one percent (1%) local sales and use tax levy," with  
45 appropriate squares so that each voter may designate his vote by his cross (X) mark.

46 The county board of elections shall fix the date of the special ~~election~~; election on a date  
47 permitted by G.S. 163-287; provided, however, that the special election shall not be held ~~on the~~  
48 ~~day of any biennial election for county officers, nor within 60 days thereof, nor within one year~~  
49 from the date of the last preceding special election held under this section."

50 **SECTION 46.** G.S. 105-507.1(a) reads as rewritten:

1       "(a) Resolution. – The board of commissioners of a county may direct the county board  
2 of elections to conduct an advisory referendum within the county on the question of whether a  
3 local sales and use tax at the rate of one-half percent (½%) may be levied in accordance with  
4 this Part. The election shall be held ~~on a date jointly agreed upon by the boards and shall be~~  
5 ~~held~~ in accordance with the procedures of G.S. 163-287. The board of commissioners shall  
6 hold a public hearing on the question at least 30 days before the date the election is to be held."

7               **SECTION 47.** G.S. 105-509(b) reads as rewritten:

8       "(b) Resolution. – The board of trustees of the regional public transportation authority  
9 may, if all of the conditions listed in this subsection have been met, direct the respective county  
10 board or boards of elections to conduct an advisory referendum within the special district on  
11 the question of whether a local sales and use tax at the rate of one-half percent (½%) may be  
12 levied within the district in accordance with this Part. The tax may not be levied without voter  
13 approval. The election shall be held on a date jointly agreed upon by the authority, the county  
14 board or boards of commissioners, and the county board or boards of elections and shall be  
15 held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a  
16 tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first~~  
17 ~~Monday of November in the even numbered year, the date of the general election under~~  
18 ~~G.S. 163-1, (ii) the date of the primary election in the even numbered year under G.S. 163-1(b),~~  
19 ~~(iii) Tuesday after the first Monday in November of the odd numbered year, or (iv) a date in~~  
20 ~~September or October of the odd numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but~~  
21 ~~only if at least one municipality in the county is holding a primary or election on that date in~~  
22 accordance with G.S. 163-287. The conditions are as follows:

- 23               (1) The board of trustees has obtained approval to conduct a referendum by a  
24 vote of the following:  
25               a. A majority vote of each of the county boards of commissioners  
26 within the special district, if it is a multicounty special district.  
27               b. A majority of the county board of commissioners within the special  
28 district, if it is a single-county special district.  
29               (2) A public hearing is held on the question by the board or boards of  
30 commissioners at least 30 days before the date the election is to be held."

31               **SECTION 48.** G.S. 105-510(b) reads as rewritten:

32       "(b) Resolution. – The board of trustees of the regional transportation authority may, if  
33 all of the conditions listed in this subsection have been met, direct the respective county board  
34 or boards of elections to conduct an advisory referendum within the special district on the  
35 question of whether a local sales and use tax at the rate of one-half percent (½%) may be levied  
36 within the district in accordance with this Part. The tax may not be levied without voter  
37 approval. The election shall be held on a date jointly agreed upon by the authority, the county  
38 board or boards of commissioners, and the county board or boards of elections and shall be  
39 held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a  
40 tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first~~  
41 ~~Monday of November in the even numbered year, the date of the general election under~~  
42 ~~G.S. 163-1, (ii) the date of the primary election in the even numbered year under G.S. 163-1(b),~~  
43 ~~(iii) Tuesday after the first Monday in November of the odd numbered year, or (iv) a date in~~  
44 ~~September or October of the odd numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but~~  
45 ~~only if at least one municipality in the county is holding a primary or election on that date in~~  
46 accordance with G.S. 163-287. The conditions are as follows:

- 47               (1) The board of trustees has obtained approval to conduct a referendum by a  
48 vote of the following:  
49               a. A majority vote of both of the county boards of commissioners  
50 within the special district, if it is a multicounty special district.

1           b.       A majority of the county board of commissioners within the special  
2                    district, if it is a single-county special district.

3           (2)     A public hearing is held on the question by the board or boards of  
4                    commissioners at least 30 days before the date the election is to be held."

5           **SECTION 49.** G.S. 105-511.2(a) reads as rewritten:

6           "(a)    Resolution. – The board of commissioners of a county may direct the county board  
7                   of elections to conduct an advisory referendum within the county on the question of whether a  
8                   local sales and use tax at the rate of one-quarter percent (¼%) may be levied in accordance with  
9                   this Part. The election shall be held on a date jointly agreed upon by the boards and shall be  
10                  held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a  
11                  tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first~~  
12                  ~~Monday of November in the even numbered year, the date of the general election under~~  
13                  ~~G.S. 163-1, (ii) the date of the primary election in the even numbered year under G.S. 163-1(b),~~  
14                  ~~(iii) Tuesday after the first Monday in November of the odd numbered year, or (iv) a date in~~  
15                  ~~September or October of the odd numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but~~  
16                  ~~only if at least one municipality in the county is holding a primary or election on that date in~~  
17                  ~~accordance with G.S. 163-287.~~ The board of commissioners shall hold a public hearing on the  
18                  question at least 30 days before the date the election is to be held."

19           **SECTION 50.** G.S. 105-537(b) reads as rewritten:

20           "(b)    Vote. – The board of county commissioners may direct the county board of  
21                   elections to conduct an advisory referendum on the question of whether to levy a local sales  
22                   and use tax in the county as provided in this Article. The election shall be held ~~on a date jointly~~  
23                  ~~agreed upon by the board of county commissioners and the board of elections and shall be held~~  
24                  in accordance with the procedures of G.S. 163-287."

25           **SECTION 51.** G.S. 106-343 reads as rewritten:

26           "**§ 106-343. Appropriations by counties; elections.**

27           The several boards of county commissioners in the State are hereby expressly authorized  
28           and empowered to make such appropriations from the general funds of their county as will  
29           enable them to cooperate effectively with the state Department of Agriculture and Consumer  
30           Services and Federal Department of Agriculture in the eradication of tuberculosis in their  
31           respective counties: Provided, that if in 10 days after said appropriation is voted, one fifth of  
32           the qualified voters of the county petition the board of commissioners to submit the question of  
33           tuberculosis eradication or no tuberculosis eradication to the voters of the county, said  
34           commissioners shall submit such questions to said voters. Said election shall be held and  
35           conducted under ~~the rules and regulations provided for holding stock law elections in~~  
36           ~~G.S. 68-16, 68-20 and 68-21.~~G.S. 163-287. If at any such election a majority of the votes cast  
37           shall be in favor of said tuberculosis eradication, the said board shall record the result of the  
38           election upon its minutes, and cooperative tuberculosis eradication shall be taken up with the  
39           state Department of Agriculture and Consumer Services and Federal Department of  
40           Agriculture. If, however, a majority of the votes cast shall be adverse, then said board shall  
41           make no appropriation."

42           **SECTION 52.** G.S. 115C-501(h) reads as rewritten:

43           "(h)    To Annex or Consolidate Areas or Districts from Contiguous Counties and to  
44                   Provide a Supplemental School Tax in Such Annexed Areas or Consolidated Districts. – An  
45                   election may be called in any districts or other school areas, from contiguous counties, as to  
46                   whether the districts in one county shall be enlarged by annexing or consolidating therewith  
47                   any adjoining districts, or other school area or areas from an adjoining county, and if a special  
48                   or supplemental school tax is levied and collected in the districts of the county to which the  
49                   territory is to be annexed or consolidated, whether upon such annexation or consolidation there  
50                   shall be levied and collected in the territory to be annexed or consolidated the same special or



1 supplemental tax for schools as is levied and collected in the districts in the other county. If  
2 such election carries, the said special or supplemental tax shall be collected pursuant to  
3 G.S. 115C-511 and remitted to the local school administrative unit on whose behalf such  
4 special and supplemental tax is already levied: ~~Provided, that notwithstanding the provisions of~~  
5 ~~G.S. 115C-508, if the notice of election clearly so states, and the election shall be held prior to~~  
6 ~~August 1, the annexation or consolidation shall be effective and the tax so authorized shall be~~  
7 ~~levied and collected beginning with the fiscal year commencing July 1 next preceding such~~  
8 ~~elections levied."~~

9 **SECTION 53.** G.S. 115C-501 is amended by adding a new subsection to read:

10 "(j) All elections called under this section shall be conducted in accordance with  
11 G.S. 163-287."

12 **SECTION 54.** G.S. 115D-33(d) reads as rewritten:

13 "(d) All elections shall be held in the same manner as elections held under Article 4,  
14 Chapter 159, of the General Statutes, the Local Government Bond Act, and ~~may be held at any~~  
15 ~~time fixed by the tax levying authority of the administrative area or proposed administrative~~  
16 ~~area of the institution for which such election is to be held.~~ shall be held on a date permitted by  
17 G.S. 163-287."

18 **SECTION 55.** G.S. 115D-35(a) reads as rewritten:

19 "(a) Formal requests for elections on the question of authority to appropriate nontax  
20 revenues or levy special taxes, or both, and to issue bonds, when such elections are to be held  
21 for the purpose of establishing an institution, shall be originated and submitted only in the  
22 following manner:

23 (1) Proposed multiple-county administrative areas: Formal requests for elections  
24 may be submitted jointly by all county boards of education in the proposed  
25 administrative area, or by petition of fifteen percent (15%) of the number of  
26 qualified voters of the proposed area who voted in the last preceding election  
27 for Governor, to the boards of commissioners of all counties in the proposed  
28 area, who ~~may~~ shall fix the time for such election by joint resolution on a  
29 date permitted by G.S. 163-287, which shall be entered in the minutes of  
30 each board.

31 (2) Proposed single-county administrative area: Formal requests shall be  
32 submitted by the board of education of any public school administrative unit  
33 within the county of the proposed administrative area or by petition of  
34 fifteen percent (15%) of the number of qualified voters of the county who  
35 voted in the last preceding election for Governor, to the board of  
36 commissioners of the county of the proposed administrative area, who ~~may~~  
37 shall fix the time for such election by resolution on a date permitted by  
38 G.S. 163-287, which shall be entered in the minutes of the board."

39 **SECTION 56.** G.S. 130A-69 reads as rewritten:

40 "(a) If after a sanitary district has been created or the provisions of this Part have been  
41 made applicable to a sanitary district, a petition signed by not less than fifteen percent (15%) of  
42 the resident freeholders within any territory contiguous to and adjoining the sanitary district  
43 may be presented to the sanitary district board requesting annexation of territory described in  
44 the petition. The sanitary district board shall send a copy of the petition to the board of  
45 commissioners of the county or counties in which the district is located and to the Department.  
46 The sanitary district board shall request that the Department hold a joint public hearing with the  
47 sanitary district board on the question of annexation. The Secretary and the chairperson of the  
48 sanitary district board shall name a time and place for the public hearing. The chairperson of  
49 the sanitary district board shall publish a notice of public hearing once in a newspaper or  
50 newspapers published or circulating in the sanitary district and the territory proposed to be

1 annexed. The notice shall be published not less than 15 days prior to the hearing. If after the  
2 hearing, the Commission approves the annexation of the territory described in the petition, the  
3 Department shall advise the board or boards of commissioners of the approval. The board or  
4 boards of commissioners shall order and provide for the holding of a special election in  
5 accordance with G.S. 163-287 upon the question of annexation within the territory proposed to  
6 be annexed.

7 (b) If at or prior to the public hearing, a petition is filed with the sanitary district board  
8 signed by not less than fifteen percent (15%) of the freeholders residing in the sanitary district  
9 requesting an election be held on the annexation question, the sanitary district board shall send  
10 a copy of the petition to the board or boards of commissioners who shall order and provide for  
11 the submission of the question to the voters within the sanitary district. This election may be  
12 held on the same day as the election in the territory proposed to be annexed, and both elections  
13 and registrations may be held pursuant to a single notice. A majority of the votes cast is  
14 necessary for a territory to be annexed to a sanitary district.

15 (c) The election shall be held by the county board or boards of elections ~~as soon as~~  
16 ~~possible~~ in accordance with G.S. 163-287 after the board or boards of commissioners orders the  
17 election. The cost of the election shall be paid by the sanitary district. Registration in the area  
18 proposed for annexation shall be under the same procedure as G.S. 163-288.2.

19 ...."

20 **SECTION 57.** G.S. 139-39 reads as rewritten:

21 "**§ 139-39. Alternative method of financing watershed improvement programs by special**  
22 **county tax.**

23 The board of county commissioners in any county is authorized to call a special election to  
24 determine whether it be the will of the qualified voters of the county that they levy and cause to  
25 be collected annually, at the same time and in the same manner as the general county taxes are  
26 levied and collected, a special tax at a rate not to exceed twenty-five cents (25¢) on each one  
27 hundred dollars (\$100.00) valuation of property in said county, to be known as a "Watershed  
28 Improvement Tax," the funds therefrom, if the levy be authorized by the voters of said county,  
29 to be used for the prevention of flood water and sediment damages, and for furthering the  
30 conservation, utilization and disposal of water and the development of water resources. Any  
31 special election shall be conducted in accordance with G.S. 163-287."

32 **SECTION 58.** G.S. 147-69.6(f) reads as rewritten:

33 "(f) The Board of Commissioners of Swain County may direct the Swain County Board  
34 of Elections to conduct an advisory referendum on the question of whether any portion of the  
35 principal of the Fund should be disbursed to and expended by the county for a particular  
36 purpose. The election shall be held ~~on a date jointly agreed upon by the two boards, which may~~  
37 ~~be the same day as any other referendum or election in the county, but may not otherwise be~~  
38 ~~during the period beginning 30 days before and ending 30 days after the day of any other~~  
39 ~~referendum or election to be conducted by the board of elections and already validly called or~~  
40 ~~scheduled by law. The election shall be held in accordance with the procedures of~~  
41 G.S. 163-287. The question to be presented on the ballot shall disclose the specific purpose  
42 proposed for expenditure of the principal investment of the Trust Fund and the amount  
43 proposed for expenditure."

44 **SECTION 59.** G.S. 153A-60 reads as rewritten:

45 "**§ 153A-60. Initiation of alterations by resolution.**

46 The board of commissioners shall initiate any alteration in the structure of the board by  
47 adopting a resolution. The resolution shall:

- 48 (1) Briefly but completely describe the proposed alterations;
- 49 (2) Prescribe the manner of transition from the existing structure to the altered  
50 structure;

- 1 (3) Define the electoral districts, if any, and apportion the members among the  
2 districts;
- 3 (4) Call a special referendum on the question of adoption of the alterations. The  
4 referendum shall be held and conducted by the county board of elections.  
5 The referendum may be held only on a date permitted by G.S. 163-287. ~~at~~  
6 ~~the same time as any other state, county or municipal primary, election,~~  
7 ~~special election or referendum, or on any date set by the board of county~~  
8 ~~commissioners, provided, that such referendum shall not be held within the~~  
9 ~~period of time beginning 60 days before and ending 60 days after any other~~  
10 ~~primary, election, special election or referendum held in the county.~~

11 Upon its adoption, the resolution shall be published in full."

12 **SECTION 60.** G.S. 153A-405(a) reads as rewritten:

13 "(a) If authorized to do so by the concurrent resolutions that established it, a commission  
14 may call a referendum on its proposed plan of governmental consolidation. If authorized or  
15 directed in the concurrent resolutions, the ballot question may include the assumption of debt  
16 secured by a pledge of faith and credit language and may also include the assumption of the  
17 right to issue authorized but unissued faith and credit debt language as provided in subsection  
18 (b) of this section. ~~The referendum may be held on the same day as any other referendum or~~  
19 ~~election in the county or counties involved, but may not otherwise be held during the period~~  
20 ~~beginning 30 days before and ending 30 days after the day of any other referendum or election~~  
21 ~~to be conducted by the board or boards of elections conducting the referendum and already~~  
22 ~~validly called or scheduled by law.~~ shall be held in accordance with G.S. 163-287."

23 **SECTION 61.** G.S. 158-16 reads as rewritten:

24 **"§ 158-16. Board of commissioners may call tax election; rate and purposes of tax.**

25 The board of county commissioners in any county is authorized and empowered to call a  
26 special election to determine whether it be the will of the qualified voters of said county that  
27 they levy and cause to be collected annually, at the same time and in the same manner as the  
28 general county taxes are levied and collected, a special tax at a rate not to exceed five cents (5¢)  
29 on each one hundred dollars (\$100.00) valuation of property in said county, to be known as an  
30 "industrial development tax," the funds therefrom, if the levy be authorized by the voters of  
31 said county, to be used for the purpose of attracting new and diversified industries to said  
32 county, and for the encouragement of new business and industrial ventures by local as well as  
33 foreign capital, and for the purpose of aiding and encouraging the location of manufacturing  
34 enterprises, making industrial surveys and locating industrial plants in said county, and for the  
35 purpose of encouraging agricultural development in said county. Any special election shall be  
36 conducted in accordance with G.S. 163-287."

37 **SECTION 62.** G.S. 159-61(b) reads as rewritten:

38 "(b) The date of a bond referendum shall be fixed by the governing board, but shall not  
39 be more than one year after adoption of the bond ~~order.~~ order, only on a date permitted by  
40 G.S. 163-287. ~~The governing board may call a special referendum for the purpose of voting on~~  
41 ~~a bond issue on any day, including the day of any regular or special election held for another~~  
42 ~~purpose (unless the law under which the bond referendum or other election is held specifically~~  
43 ~~prohibits submission of other questions at the same time). A special bond referendum may not~~  
44 ~~be held within 30 days before or 10 days after a statewide primary, election, or referendum, or~~  
45 ~~within 30 days before or 10 days after any other primary, election, or referendum to be held in~~  
46 ~~the same unit holding the bond referendum and already validly called or scheduled by law at~~  
47 ~~the time the bond referendum is called.~~ The clerk shall mail or deliver a certified copy of the  
48 resolution calling a special bond referendum to the board of elections that is to conduct it  
49 within three days after the resolution is adopted, but failure to observe this requirement shall  
50 not in any manner affect the validity of the referendum or bonds issued pursuant thereto. Bond

1 referenda shall be conducted by the board of elections conducting regular elections of the  
2 county, city, or special district. ~~In fixing the date of a bond referendum, the governing board~~  
3 ~~shall consult the board of elections in order that the referendum shall not unduly interfere with~~  
4 ~~other elections already scheduled or in process.~~ Several bond orders or other matters may be  
5 voted upon at the same referendum."

6 **SECTION 63.** G.S. 160A-103 reads as rewritten:

7 **"§ 160A-103. Referendum on charter amendments by ordinance.**

8 An ordinance adopted under G.S. 160A-102 that is not made effective upon approval by a  
9 vote of the people shall be subject to a referendum petition. Upon receipt of a referendum  
10 petition bearing the signatures and residence addresses of a number of qualified voters of the  
11 city equal to at least 10 percent of the whole number of voters who are registered to vote in city  
12 elections according to the most recent figures certified by the State Board of Elections or 5,000,  
13 whichever is less, the council shall submit an ordinance adopted under G.S. 160A-102 to a vote  
14 of the people. The date of the special election shall be fixed ~~at~~ on a date permitted by  
15 G.S. 163-287. ~~not more than 120 nor fewer than 60 days after receipt of the petition.~~ A  
16 referendum petition shall be addressed to the council and shall identify the ordinance to be  
17 submitted to a vote. A referendum petition must be filed with the city clerk not later than 30  
18 days after publication of the notice of adoption of the ordinance."

19 **SECTION 64.** G.S. 160A-104 reads as rewritten:

20 **"§ 160A-104. Initiative petitions for charter amendments.**

21 The people may initiate a referendum on proposed charter amendments. An initiative  
22 petition shall bear the signatures and resident addresses of a number of qualified voters of the  
23 city equal to at least ten percent (10%) of the whole number of voters who are registered to vote  
24 in city elections according to the most recent figures certified by the State Board of Elections or  
25 5,000, whichever is less. The petition shall set forth the proposed amendments by describing  
26 them briefly but completely and with reference to the pertinent provisions of G.S. 160A-101,  
27 but it need not contain the precise text of the charter amendments necessary to implement the  
28 proposed changes. The petition may not propose changes in the alternative, or more than one  
29 integrated set of charter amendments. Upon receipt of a valid initiative petition, the council  
30 shall call a special election on the question of adopting the charter amendments proposed  
31 therein, and shall give public notice thereof in accordance with G.S. 163-287. The date of the  
32 special election shall be fixed ~~at~~ on a date permitted by G.S. 163-287. ~~not more than 120 nor~~  
33 ~~fewer than 60 days after receipt of the petition.~~ If a majority of the votes cast in the special  
34 election shall be in favor of the proposed changes, the council shall adopt an ordinance  
35 amending the charter to put them into effect. Such an ordinance shall not be subject to a  
36 referendum petition. No initiative petition may be filed (i) between the time the council initiates  
37 proceedings under G.S. 160A-102 by publishing a notice of hearing on proposed charter  
38 amendments and the time proceeding under that section have been carried to a conclusion  
39 either through adoption or rejection of a proposed ordinance or lapse of time, nor (ii) within  
40 one year and six months following the effective date of an ordinance amending the city charter  
41 pursuant to this Article, nor (iii) within one year and six months following the date of any  
42 election on charter amendments that were defeated by the voters.

43 The restrictions imposed by this section on filing initiative petitions shall apply only to  
44 petitions concerning the same subject matter. For example, pendency of council action on  
45 amendments concerning the method of electing the council shall not preclude an initiative  
46 petition on adoption of the council-manager form of government.

47 Nothing in this section shall be construed to prohibit the submission of more than one  
48 proposition for charter amendments on the same ballot so long as no proposition offers a  
49 different plan under the same option as another proposition on the same ballot."

50 **SECTION 65.** G.S. 160A-583 reads as rewritten:

1 **"§ 160A-583. Funds.**

2 The establishment and operation of a transportation authority as herein authorized are  
3 governmental functions and constitute a public purpose, and the municipality is hereby  
4 authorized to appropriate funds to support the establishment and operation of the transit  
5 authority. The municipality may also dedicate, sell, convey, donate or lease any of its interest in  
6 any property to the authority. Further, the authority is hereby authorized to establish such  
7 license and regulatory fees and charges as it may deem appropriate, subject to the approval of  
8 the governing body of the municipality. If the governing body finds that the funds otherwise  
9 available are insufficient, it may call a special election without a petition and submit to the  
10 qualified voters of the municipality the question of whether or not a special tax shall be levied  
11 and/or bonds issued, specifying the maximum amount thereof, for the purpose of acquiring  
12 lands, buildings, equipment and facilities and for the operations of the transit authority. Any  
13 special election shall be conducted in accordance with G.S. 163-287."

14 **SECTION 66.** 162A-68(d) reads as rewritten:

15 "(d) If, at or prior to such public hearing, there shall be filed with the district board a  
16 petition, signed by not less than ten per centum (10%) of the qualified voters residing in the  
17 district, requesting an election to be held therein on the question of including the political  
18 subdivision or unincorporated area, the district board shall certify a copy of such petition to the  
19 board or boards of commissioners, and the board or boards of commissioners shall request the  
20 county board or boards of elections to submit such question to the qualified voters within the  
21 district in accordance with G.S. 163-287 and the other applicable provisions of Chapter 163 of  
22 the General Statutes; provided, that the election shall not be held unless the Environmental  
23 Management Commission has adopted a resolution approving the inclusion of the political  
24 subdivision or unincorporated area in the district.

25 Notice of such election, which shall contain a statement of the boundaries of the territory  
26 proposed to be included in the district and the boundaries of the district after inclusion, shall be  
27 given by publication once a week for three successive weeks in a newspaper or newspapers  
28 having general circulation within the district, the first publication to be at least 30 days prior to  
29 the election."

30 **SECTION 67.** G.S. 162A-77.1 reads as rewritten:

31 **"§ 162A-77.1. Special election upon the question of the merger of metropolitan sewerage**  
32 **districts into cities or towns.**

33 Any district lying entirely within the corporate limits of a city or town may be merged into  
34 such city or town in accordance with the provisions of this section.

35 The governing body of a city or town, with the approval of the district board, shall call and  
36 conduct a special election within such city or town on the question of the merger of the district  
37 into the city or town. A vote in favor of such merger shall constitute a vote for such city or  
38 town to assume the obligations of the district. Such special election may be called and  
39 conducted by the governing body of a city or town upon its own motion after passage of a  
40 resolution of the district board requesting or approving the special election. Any special  
41 election shall be conducted in accordance with G.S. 163-287.

42 A new registration of voters shall not be required for the special election. The special  
43 election shall be conducted in accordance with the provisions of law applicable to regular  
44 elections in the city or town.

45 If a majority of the votes are in favor of the merger, then:

- 46 (1) All property, real and personal and mixed, including accounts receivable,  
47 belonging to such district shall vest in, belong to, and be the property of,  
48 such city or town. All district boards are hereby authorized to take such  
49 actions and to execute such documents as will carry into effect the  
50 provisions and the intent of this section.

- 1 (2) All judgments, liens, rights of liens, and causes of action of any nature in  
2 favor of such district shall vest in and remain and inure to the benefit of such  
3 city or town.
- 4 (3) All taxes, assessments, sewer charges, and any other debts, charges or fees,  
5 owing to such district shall be owed to and collected by such city or town.
- 6 (4) All actions, suits and proceedings pending against, or having been instituted  
7 by, such district shall not be abated by this section or by the merger herein  
8 provided for, but all such actions, suits, and proceedings shall be continued  
9 and completed in the same manner as if merger had not occurred, and such  
10 city or town shall be a party to all such actions, suits, and proceedings in the  
11 place and stead of the district and shall pay or cause to be paid any  
12 judgments rendered against the district in any such actions, suits, or  
13 proceedings. No new process need be served in any such action, suit, or  
14 proceeding.
- 15 (5) All obligations of the district, including outstanding indebtedness, shall be  
16 assumed by such city or town, and all such obligations and outstanding  
17 indebtedness shall constitute obligations and indebtedness of such city or  
18 town, and the full faith and credit of such city or town shall be deemed to be  
19 pledged for the punctual payment of the principal of and the interest on any  
20 general obligation bonds or bond anticipation notes of such district, and all  
21 the taxable property within such city or town, as well as that formerly  
22 located within the district, shall be and remain subject to taxation for such  
23 payment.
- 24 (6) All ordinances, rules, regulations, and policies of such district shall continue  
25 in full force and effect until repealed or amended by the governing body of  
26 such city or town.
- 27 (7) Such district shall be abolished, and shall no longer be constituted a public  
28 body or a body politic and corporate, except for the purposes of carrying into  
29 effect the provisions and the intent of this section.

30 If a majority of the votes are against the merger, then such merger shall not be effective  
31 unless approved by a majority of the qualified voters who vote thereon in a subsequent special  
32 election conducted under authority of this section.

33 Any action or proceeding in any court to set aside a special election held under authority of  
34 this section or the result thereof, or to obtain any other relief upon the ground that such election  
35 or any proceeding or action taken with respect to the holding of such election is invalid, must  
36 be commenced within 30 days after the day of such special election. After the expiration of  
37 such period of limitation, no right of action or defense founded upon the invalidity of the  
38 election or the result thereof shall be asserted, nor shall the validity of the election or of the  
39 result thereof be open to question in any court upon any ground whatever, except in an action  
40 or proceeding commenced within such period."

41 **SECTION 68.** G.S. 115C-47(59) is repealed.

42 **SECTION 69.** G.S. 115C-81(g1)(1)b. reads as rewritten:

- 43 "b. Instruction on the importance of voting and otherwise participating in  
44 the democratic process, including instruction on voter ~~registration~~  
45 ~~and preregistration~~; registration;"

46 **SECTION 70.** G.S. 138A-22(d) reads as rewritten:

47 "(d) A candidate for an office subject to this Article shall file the statement of economic  
48 interest at the same place and in the same manner as the notice of candidacy for that office is  
49 required to be filed under G.S. 163-106 ~~or G.S. 163-323~~ within 10 days of the filing deadline  
50 for the office the candidate seeks. An individual who is nominated under G.S. 163-114 after the

1 primary and before the general election, and an individual who qualifies under G.S. 163-122 as  
2 an unaffiliated candidate in a general election, shall file a statement of economic interest with  
3 the county board of elections of each county in the senatorial or representative district. An  
4 individual nominated under G.S. 163-114 shall file the statement within three days following  
5 the individual's nomination, or not later than the day preceding the general election, whichever  
6 occurs first. An individual seeking to qualify as an unaffiliated candidate under G.S. 163-122  
7 shall file the statement of economic interest with the petition filed under that section. An  
8 individual seeking to have write-in votes counted for that individual in a general election shall  
9 file a statement of economic interest at the same time the candidate files a declaration of intent  
10 under G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of  
11 economic interest at the same time that the president of the convention certifies the names of its  
12 candidates to the State Board of Elections under G.S. 163-98."

13 **SECTION 71.** G.S. 163-1(b) reads as rewritten:

14 "(b) On Tuesday next after the first Monday in May preceding each general election to  
15 be held in November for the officers referred to in subsection (a) of this section, there shall be  
16 held in all election precincts within the territory for which the officers are to be elected a  
17 primary election for the purpose of nominating candidates for each political party in the State  
18 for those ~~offices, and nonpartisan candidates as to offices elected under the provisions of~~  
19 ~~Article 25 of this Chapter, offices.~~"

20 **SECTION 72.** G.S. 163-22.3 reads as rewritten:

21 "**§ 163-22.3. State Board of Elections littering notification.**

22 At the time an individual files with the State Board of Elections a notice of candidacy  
23 pursuant to G.S. 163-106, 163-112, 163-291, ~~163-294.2, or 163-323,~~ or 163-294.2, is certified  
24 to the State Board of Elections by a political party executive committee to fill a nomination  
25 vacancy pursuant to G.S. 163-114, is certified to the State Board of Elections by a new political  
26 party as that party's nominee pursuant to G.S. 163-98, qualifies with the State Board of  
27 Elections as an unaffiliated or write-in candidate pursuant to Article 11 of this Chapter, or  
28 formally initiates a candidacy with the State Board of Elections pursuant to any statute or local  
29 act, the State Board of Elections shall notify the candidate of the provisions concerning  
30 campaign signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the Department of  
31 Transportation pursuant to G.S. 136-18."

32 **SECTION 73.** G.S. 163-82.10B reads as rewritten:

33 "**§ 163-82.10B. Confidentiality of date of birth.**

34 Boards of elections shall keep confidential the date of birth of every voter-registration  
35 applicant and registered voter, except in the following situations:

- 36 (1) When a voter has filed notice of candidacy for elective office under  
37 G.S. 163-106, 163-122, 163-123, or 163-294.2, ~~or 163-323,~~ has been  
38 nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has  
39 otherwise formally become a candidate for elective office. The exception of  
40 this subdivision does not extend to an individual who meets the definition of  
41 "candidate" only by beginning a tentative candidacy by receiving funds or  
42 making payments or giving consent to someone else to receive funds or  
43 transfer something of value for the purpose of exploring a candidacy.
- 44 (2) When a voter is serving in an elective office.
- 45 (3) When a voter has been challenged pursuant to Article 8 of this Chapter.
- 46 (4) When a voter-registration applicant or registered voter expressly authorizes  
47 in writing the disclosure of that individual's date of birth.

48 The disclosure of an individual's age does not constitute disclosure of date of birth in  
49 violation of this section.

1 The county board of elections shall give precinct officials access to a voter's date of birth  
2 where necessary for election administration, consistent with the duty to keep dates of birth  
3 confidential.

4 Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of  
5 action. This limitation of liability does not apply to the disclosure of a date of birth in violation  
6 of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing  
7 that would otherwise be actionable."

8 **SECTION 74.** G.S. 163-122(c) is repealed.

9 **SECTION 75.** G.S. 163-123(g) reads as rewritten:

10 "(g) Municipal and Nonpartisan Elections Excluded. – This section does not apply to  
11 municipal elections conducted under Subchapter IX of Chapter 163 of the General Statutes, and  
12 does not apply to nonpartisan elections. ~~elections except for elections under Article 25 of this~~  
13 ~~Chapter."~~

14 **SECTION 76.** G.S. 163-165.5(3) reads as rewritten:

15 **"§ 163-165.5. Contents of official ballots.**

16 Each official ballot shall contain all the following elements:

17 ...

18 (3) The names of the candidates as they appear on their notice of candidacy filed  
19 pursuant to G.S. 163-106 ~~or G.S. 163-323~~, or on petition forms filed in  
20 accordance with G.S. 163-122. No title, appendage, or appellation indicating  
21 rank, status, or position shall be printed on the official ballot in connection  
22 with the candidate's name. Candidates, however, may use the title Mr., Mrs.,  
23 Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the  
24 notice of candidacy or qualifying petition, but the nickname shall appear  
25 according to standards adopted by the State Board of Elections. Those  
26 standards shall allow the presentation of legitimate nicknames in ways that  
27 do not mislead the voter or unduly advertise the candidacy. In the case of  
28 candidates for presidential elector, the official ballot shall not contain the  
29 names of the candidates for elector but instead shall contain the nominees for  
30 President and Vice President which the candidates for elector represent. The  
31 State Board of Elections shall establish a review procedure that local boards  
32 of elections shall follow to ensure that candidates' names appear on the  
33 official ballot in accordance with this subdivision.

34 ...."

35 **SECTION 77.** G.S. 163-278.64(c) reads as rewritten:

36 "(c) Certification of Candidates. – Upon receipt of a submittal of the record of  
37 demonstrated support by a participating candidate, the Board shall determine whether or not the  
38 candidate has complied with all the following requirements:

39 (1) Signed and filed a declaration of intent to participate in this Article.

40 (2) Submitted a report itemizing the appropriate number of qualifying  
41 contributions received from registered voters, which the Board shall verify  
42 through a random sample or other means it adopts. The report shall include  
43 the county of residence of each registered voter listed.

44 (3) Filed a valid notice of candidacy pursuant to Article ~~25~~ 10 of this ~~Chapter.~~  
45 Chapter, a valid petition or declaration of intent under Article 11 of this  
46 Chapter, or is nominated under G.S. 163-98.

47 (4) Otherwise met the requirements for participation in this Article.

48 The Board shall certify candidates complying with the requirements of this section as soon  
49 as possible and no later than five business days after receipt of a satisfactory record of  
50 demonstrated support."



1           **SECTION 78.** G.S. 163-278.64A is repealed.

2           **SECTION 79.** G.S. 163-278.100(1) reads as rewritten:

3    "**§ 163-278.100. Definitions.**

4           As used in this Article, the following terms have the following definitions:

5           (1)    The term "candidate-specific communication" means any broadcast, cable,  
6                   or satellite communication that has all the following characteristics:

7                   a.       Refers to a clearly identified candidate for a statewide office or the  
8                            General Assembly.

9                   b.       Is aired in an even-numbered year after the final date on which a  
10                           Notice of Candidacy can be filed for the office, pursuant to  
11                           ~~G.S. 163-106(e) or G.S. 163-323,~~ G.S. 163-106(c), and through the  
12                           day on which the general election is conducted, excluding the time  
13                           period set in the definition for "electioneering communication" in  
14                           G.S. 163-278.80(2)b.

15                   c.       Is targeted to the relevant electorate.

16                   ...."

17           **SECTION 80.** G.S. 163-278.110(1) reads as rewritten:

18    "**§ 163-278.110. Definitions.**

19           As used in this Article, the following terms have the following definitions:

20           (1)    The term "candidate-specific communication" means any mass mailing or  
21                   telephone bank that has all the following characteristics:

22                   a.       Refers to a clearly identified candidate for a statewide office or the  
23                            General Assembly.

24                   b.       Is transmitted in an even-numbered year after the final date on which  
25                           a Notice of Candidacy can be filed for the office, pursuant to  
26                           ~~G.S. 163-106(e) or G.S. 163-323,~~ G.S. 163-106(c), and through the  
27                           day on which the general election is conducted, excluding the time  
28                           period set in the definition for "electioneering communication" in  
29                           G.S. 163-278.90(2)b.

30                   c.       Is targeted to the relevant electorate.

31                   ...."

32           **SECTION 81.** If House Bill 351, 2011 Regular Session, becomes law, Section 1.3  
33 of that act is repealed.

34           **SECTION 82.** If House Bill 351, 2011 Regular Session, becomes law, Section  
35 38.(b) of this act reads as rewritten:

36           "**SECTION 38.(b)** ~~The balances-unexpended funds remaining in of~~ the North  
37 Carolina Voter-Owned Elections Fund upon this act becoming law are ~~transferred to the~~  
38 ~~General Fund.~~ to be used for the purposes of Section 1.9(a)(8) of House Bill 351, 2011 Regular  
39 Session."

40           **SECTION 83.** If Senate Bill 456, 2011 Regular Session, becomes law, Sections 4  
41 and 5 of that act are repealed.

42           **SECTION 84.** The Joint Legislative Elections Oversight Committee shall study the  
43 feasibility and applicability of requiring electronic filing of all reports required to be filed with  
44 the State Board of Elections under G.S. 163-278.9, regardless of the amount. The Joint  
45 Legislative Elections Oversight Committee shall report its findings and recommendations to the  
46 2012 Regular Session of the 2011 General Assembly.

47           **SECTION 85.** If any provision of this act or its application is held invalid, the  
48 invalidity does not affect other provisions or applications of this act that can be given effect  
49 without the invalid provisions or application, and to this end the provisions of this act are  
50 severable.

1                   **SECTION 86.** Except as otherwise provided herein, this act becomes effective  
2 January 1, 2012, and apply to elections held on or after that date.