

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-466
HOUSE BILL 1046**

AN ACT TO PROVIDE FOR POSTPONING THE FILING PERIOD FOR CANDIDATES IN 2002 PRIMARY ELECTIONS AND FOR POSTPONING THE 2002 PRIMARY ELECTIONS IF NECESSARY; TO PERMANENTLY CHANGE FILING PERIODS BEGINNING AFTER 2002; TO IMPROVE THE ACCURACY AND UNDERSTANDABILITY OF PRECINCT DATA; AND TO MAKE DEFINITIONAL AND TECHNICAL CHANGES TO THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The filing of notices of candidacy for 2002 only shall be postponed for primary elections for all offices and for elections for all other offices conducted on the day of the primary. The filing period for those offices shall begin at noon on February 18, 2002, and end at noon March 1, 2002.

SECTION 1.(b) If by 10:00 A.M. on February 18, 2002, an act to redistrict the State House of Representatives, the State Senate, or North Carolina's districts for electing members of the United States House of Representatives has not been approved under section 5 of the Voting Rights Act of 1965, the State Board of Elections shall postpone the primary election for all offices until a date the State Board determines to be fair to all parties, potential candidates, and voters. The State Board shall make its decision as soon as practical, taking into account the likelihood of receiving a final approval of any pending redistricting plan.

SECTION 1.(c) If the filing period or primary election or both are postponed under this section, the State Board of Elections shall adopt rules for the implementation of the primary election schedule. Adoption of those rules is not subject to Chapter 150B of the General Statutes. Those rules shall include a postponed filing period and other necessary parts of the election schedule. The rules shall include reset dates for absentee balloting that shall as nearly as practical provide the same amount of time for voters and election officials set forth in Article 20 of Chapter 163 of the General Statutes. The State Board shall, as soon as practical, distribute its rules, including a Revised Primary Timetable, to county boards of elections.

SECTION 1.(d) The State Board of Elections shall be governed by the following limitations:

- (1) Any postponement of the candidate filing period or the primary shall apply to all offices whose primary elections are regularly scheduled on primary day, so that there is one candidate filing period for all those offices and one primary election for all those offices. The State Board shall not set a separate filing period or election date for any election that regularly set on the date of the primary. The postponement shall also apply to any elections to office held on that date (such as elections for boards of education under G.S. 115C-37) and the filing period for those offices.
- (2) The State Board of Elections does not have the authority to dispense with a second primary. The State Board shall provide for a second primary in its schedule to any candidate entitled to call for a second primary under the provisions of G.S. 163-111.

- (3) The State Board shall set a filing period no shorter than 10 business days.
- (4) Before making its decision to postpone a filing period or primary election under this section, the State Board of Elections shall consult with the President Pro Tem of the Senate, the Speaker of the House, and the Majority and Minority Leaders of the House and Senate.

SECTION 1.(e) If the primary election is postponed under subsection (b) of this section, any local act for election of a board of education elected at the primary which provides that persons elected shall take office in July of the year of the election is modified for the 2002 election only to provide that the persons elected shall take office in September of the year of the election.

SECTION 1.(f) For the 2002 primary election only, G.S. 163-112 shall be applied by substituting "10 days" for "30 days" wherever it appears.

SECTION 1.(g) The provisions of this section apply during the 2002 election year only.

SECTION 2. Article 12A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-132.5G. Voting data maintained by precinct.

To the extent that it can do so without compromising the secrecy of an individual's ballot, each county board of elections shall maintain voting data by precinct so that precinct returns for each item on the ballot shall include the votes cast by residents of the precinct who voted by absentee ballot, both mail and one-stop. The county board shall not be required to report absentee voting data by precinct until 60 days after the election. The State Board of Elections shall adopt rules for the enforcement of this section with the goal that all voting data shall be reported by precinct by the 2006 election. Those rules shall provide for exemptions where the expense of compliance would place a financial hardship on a county."

SECTION 3.(a) If Senate Bill 17 of the 2001 General Assembly becomes law, then G.S. 163-165(9) as enacted by that bill reads as rewritten:

"(9) 'Voting enclosure' means the room ~~or connected rooms~~ within the voting place that is used for voting."

SECTION 3.(b) If Senate Bill 17 of the 2001 General Assembly becomes law, then G.S. 163-165(10) as enacted by that bill reads as rewritten:

"(10) 'Voting place' means the building or area of the building that contains the voting enclosure."

SECTION 4.(a) G.S. 163-245(b)(1) reads as rewritten:

"(1) ~~Persons serving in the armed forces of the United States, including (but not limited to) the army, the navy, the air force, the marine corps, the coast guard, the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, the Marine Corps Women's Reserve, the Women's Army Corps, the Merchant Marine, and members of the national guard and military reserve who on the day of a primary or general election are absent on active duty. Individuals serving in the~~ armed forces of the United States, including, but not limited to, the army, the navy, the air force, the marine corps, the coast guard, the Merchant Marine, the National Oceanic and Atmospheric Administration, the commissioned corps of the Public Health Service, and members of the national guard and military reserve."

SECTION 4.(b) G.S. 163-246 reads as rewritten:

"§ 163-246. Provisions of Article 20 applicable except as otherwise provided; State Board of Elections to adopt regulations.

Except as otherwise provided in this Article, registration by mail and absentee voting by individuals to whom this Article is applicable shall be governed by the provisions of Article 20 of this Chapter. By way of illustration rather than limitation, the provisions of this paragraph shall apply to the form of absentee ballots, certificates and

container-return envelopes; the manner of depositing and voting military absentee ballots; the counting and certifying of results; the hearing of challenges; and the preservation of container- return envelopes in which executed military absentee ballots are transmitted. The intent of this Article is that each uniformed services voter receives the utmost consideration and cooperation when voting, that each valid ballot cast by that voter is duly counted, and that all qualified uniformed and overseas voters have equal opportunity to cast a vote and have it counted if it conforms with the law. For purposes of this Article, 'uniformed services voter' means those individuals set forth as such in The Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA).

The State Board of Elections is authorized to adopt and promulgate whatever rules and regulations (not in conflict with other provisions of this Chapter) it may deem necessary to carry out the true intent and purpose of this Article."

SECTION 4.(c) G.S. 163-247(1) reads as rewritten:

"(1) Federal Postcard Application Form. – At any time prior to the statewide primary or general election in which he seeks to vote, the applicant may make and sign a written application to the County Board of Election[s] in County of Voter's Residence for absentee ballots on the postcard form specified in or promulgated by regulation under 42 U.S.C. 1973ee-14. The Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA), 42 U.S.C. § 1973ff(b) and § 1973ff-3."

SECTION 4.(d) G.S. 163-247(3) reads as rewritten:

"(3) ~~Notwithstanding subdivisions (1) and (2) of this section, if the application under either of those subdivisions so requests, it shall constitute an application for more than one or for all of the primaries and elections held during the calendar year when the application is received. If a single application from an absentee uniformed voter is received by an election official, it shall be considered a valid absentee ballot request with respect to all general, primary, and runoff elections for federal, State, county, or those municipal offices in which absentee ballots are allowed under the provisions of G.S. 163-302, held during the calendar year the application was received. This subdivision does not apply to a special election not involving the election of candidates, unless that special election is being held on the same day as a general or primary election.~~"

SECTION 4.(e) G.S. 163-253 reads as rewritten:

"§ 163-253. Article inapplicable to persons after change of status; reregistration not required.

Upon discharge from the armed forces of the United States or termination of any other status qualifying ~~him the voter~~ to register and vote by absentee ballot under the provisions of this Article, the voter shall not be entitled to vote by military absentee ballot, ~~and but if he the voter~~ was registered under the provisions of this Article ~~his that voter's~~ registration shall become void and he shall be required to register under the provisions of Article 7A before being entitled to vote in any primary or election. remain valid for the remainder of the calendar year that voter registered, and that voter shall be entitled to vote in any primary or election for the remainder of the calendar year without having to reregister. If requested by election officials, the voter shall present proof of military status at the time of registration. This section does not entitle a person to vote in North Carolina if that person has become disqualified because of change of permanent residence to another State or because of conviction of a felony."

SECTION 5.1.(a) Effective January 1, 2003, G.S. 163-106(c) as rewritten by Section 3 of S.L. 2001-403 reads as rewritten:

"(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the State Board of Elections no earlier than 12:00 noon on the ~~first Monday in January~~ second

Monday in February and no later than 12:00 noon on the ~~first Monday~~ last business day in February preceding the primary:

Governor

Lieutenant Governor

All State executive officers

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

United States Senators

Members of the House of Representatives of the United States

District attorneys

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

State Senators

Members of the State House of Representatives

All county offices."

SECTION 5.1.(b) Effective January 1, 2003, G.S. 163-323(b) as rewritten by Section 1 of S.L. 2001-403 reads as rewritten:

"(b) Time for Filing Notice of Candidacy. – Candidates seeking election to the following offices shall file their notice of candidacy with the State Board of Elections no earlier than 12:00 noon on the ~~first Monday in January~~ second Monday in February and no later than 12:00 noon on the ~~first Monday~~ last business day in February preceding the election:

Judges of the superior courts.

Judges of the district courts."

SECTION 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 16th day of November, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 4:40 p.m. this 16th day of November, 2001