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**HOUSE BILL 1119
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Short Title: Election Law Changes - 1.

(Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. Subsections (e), (f), (g), (h), and (i) of G.S. 163-278.9 are repealed.

SECTION 2.(a) G.S. 163-278.6 is amended by adding a new subsection to read:

"(15a) "Political party organization" means any political party executive committee or any political committee that operates under the direction of a political party, political party executive committee, or political party chair."

SECTION 2.(b) G.S. 163-278.39B(6) reads as rewritten:

"(6) "Political party organization" means any political party executive committee or any political committee that operates under the direction of a political party, political party executive committee, or political party chair."

SECTION 3. G.S. 163-278.66(a) reads as rewritten:

"(a) Reporting by Noncertified Candidates and Independent Expenditure Entities.
– Any noncertified candidate with a certified opponent shall report total income, expenses, and obligations to the Board by facsimile machine or electronically within 24 hours after the total amount of campaign expenditures or obligations made, or funds raised or borrowed, exceeds eighty percent (80%) of the trigger for rescue funds as defined in G.S. 163-278.62(18). Any entity making independent expenditures in excess of three thousand dollars (\$3,000) in support of or opposition to a certified ~~candidate~~ candidate or in support of a candidate opposing a certified candidate shall report the total funds received, spent, or obligated for those expenditures to the Board by facsimile machine or electronically within 24 hours after the total amount of expenditures or obligations made, or funds raised or borrowed, for the purpose of making the

1 independent expenditures, exceeds fifty percent (50%) of the trigger for rescue funds.
2 After this 24-hour filing, the noncertified candidate or independent expenditure entity
3 shall comply with an expedited reporting schedule by filing additional reports after
4 receiving each additional amount in excess of one thousand dollars (\$1,000) or after
5 making or obligating to make each additional expenditure(s) in excess of one thousand
6 dollars (\$1,000). The schedule and forms for reports required by this subsection shall be
7 made according to procedures developed by the Board."

8 **SECTION 4.** G.S. 163-46 reads as rewritten:

9 **"§ 163-46. Compensation of precinct officials and assistants.**

10 The precinct chief judge shall be paid the state minimum wage for his services on
11 the day of a primary, special or general election. Judges of election shall each be paid
12 the state minimum wage for their services on the day of a primary, special or general
13 election. Assistants, appointed pursuant to G.S. 163-42, shall each be paid the state
14 minimum wage for their services on the day of a primary, special or general election.
15 Ballot counters appointed pursuant to G.S. 163-43 shall be paid a minimum of five
16 dollars (\$5.00) for their services on the day of a primary, general or special election. If
17 an election official is being paid an hourly wage or daily fee on an election day and the
18 official is performing additional election duties away from the assigned precinct voting
19 place, the official shall not be entitled to any additional monies for those services,
20 except for reimbursable expenses in performing the services.

21 If the county board of elections requests the presence of a chief judge or judge at the
22 county canvass, the chief judge shall be paid the sum of twenty dollars (\$20.00) per day
23 and judges shall be paid the sum of fifteen dollars (\$15.00) per day. If the county board
24 of elections requests a precinct official, including chief judge or judge, to personally
25 deliver official ballots or other official materials to the county board of elections, the
26 precinct official shall be paid the sum of twenty dollars (\$20.00) per day and judges
27 shall be paid the sum of fifteen dollars (\$15.00) per day.

28 The chairman of the county board of elections, along with the director of elections,
29 shall conduct an instructional meeting prior to each primary and general election which
30 shall be attended by each chief judge and judge of election, unless excused by the
31 chairman, and such precinct election officials shall be paid the sum of fifteen dollars
32 (\$15.00) for attending the instructional meetings required by this section.

33 In its discretion, the board of county commissioners of any county may provide
34 funds with which the county board of elections may pay chief judges, judges, assistants,
35 and ballot counters in addition to the amounts specified in this section. Observers shall
36 be paid no compensation for their services.

37 A person appointed to serve as chief judge, or judge of election when a previously
38 appointed chief judge or judge fails to appear at the voting place or leaves his post on
39 the day of an election or primary shall be paid the same compensation as the chief judge
40 or judge appointed prior to that date.

41 For the purpose of this section, the phrase "the State minimum wage," means the
42 amount set by G.S. 95-25.3(a). For the purpose of this section, no other provision of
43 Article 2A of Chapter 95 of the General Statutes shall apply."

44 **SECTION 5.** G.S. 163-112(b) reads as rewritten:

1 "(b) Death of One of More Than Two Candidates within 10 Days after the Filing
2 Period Closes. – If at the close of the filing period more than two candidates have filed
3 for a ~~single~~ single-seat office, and within 10 days after the filing period closes the board
4 of elections receives notice of a candidate's death, the board shall immediately open the
5 filing period for that party contest, for three additional days in order for candidates to
6 file for that office. The name of the deceased candidate shall not be printed on the
7 ballot.

8 In the event a candidate's death occurs more than 10 days after the closing of the
9 original filing period, the names of the remaining candidates shall be printed on the
10 ballot. If the ballots have been printed at the time death occurs, the ballots shall not be
11 reprinted and any votes cast for a deceased candidate shall not be counted or considered
12 for any purpose. In the event the death of a candidate or candidates leaves only one
13 candidate, then such candidate shall be certified as the party's nominee for that office."

14 **SECTION 6.** G.S. 163-278.6(18a) reads as rewritten:

15 "(18a) The term 'referendum' means any question, issue, or act referred to a
16 vote of the people of the entire State by the General Assembly, a unit
17 of local government, or by the people under any applicable local act
18 and includes constitutional amendments and State bond issues. The
19 term 'referendum' includes any type of municipal, county, or special
20 district ~~referendum~~, referendum and any initiative or referendum
21 authorized by a municipal charter or local act. A recall election shall
22 not be considered a referendum within the meaning of this Article."

23 **SECTION 7.(a)** G.S. 163-82.10(d) reads as rewritten:

24 "(d) Exception for Address of Certain Registered Voters. – Notwithstanding
25 subsections (b) and (c) of this section, if a registered voter submits to the county board
26 of elections a copy of a protective order without attachments, if any, issued to that
27 person under G.S. 50B-3 or a lawful order of any court of competent jurisdiction
28 restricting the access or contact of one or more persons with a registered voter or a
29 current and valid Address Confidentiality Program authorization card issued pursuant to
30 the provisions of Chapter 15C of the General Statutes, accompanied by a signed
31 statement that the voter has good reason to believe that the physical safety of the voter
32 or a member of the voter's family residing with the voter would be jeopardized if the
33 voter's address were open to public inspection, that voter's address is a public record but
34 shall be kept confidential as long as the protective order remains in effect or the voter
35 remains a certified program participant in the Address Confidentiality Program. That
36 voter's name, precinct, and the other data contained in that voter's registration record
37 shall remain a public record. That voter's signed statement submitted under this
38 subsection is a public record but shall be kept confidential as long as the protective
39 order remains in effect or the voter remains a certified program participant in the
40 Address Confidentiality Program. It is the responsibility of the voter to provide the
41 county board with a copy of the valid protective order in effect or a current and valid
42 Address Confidentiality Program authorization card issued pursuant to the provisions of
43 Chapter 15C of the General Statutes. The voter's actual address shall be used for any
44 election-related purpose by any board of elections. That voter's address shall be

1 available for inspection by a law enforcement agency or by a person identified in a court
2 order, if inspection of the address by that person is directed by that court order. It shall
3 not be a violation of this section if the address of a voter who is participating in the
4 Address Confidentiality Program is discovered by a member of the public in public
5 records disclosed by a county board of elections prior to December 1, 2001. Addresses
6 required to be kept confidential by this section shall not be made available to the jury
7 commission under the provisions of G.S. 9-2."

8 **SECTION 7.(b)** G.S. 9-2(g) reads as rewritten:

9 "(g) The custodian of the appropriate election registration records in each county
10 shall cooperate with the jury commission in its duty of compiling the list required by
11 this section. Nothing in this section authorizes the disclosure of addresses required to be
12 kept confidential by G.S. 163-82.10(d)."

13 **SECTION 8.** G.S. 163-221 reads as rewritten:

14 **"§ 163-221. Persons may not sign name of another to petition.**

15 (a) No person may sign the name of another person ~~to~~to any of the following:

16 (1) Any petition calling for an election or ~~referendum~~referendum.

17 (2) Any petition under G.S. 163-96 for the formulation of a new political
18 ~~party~~party.

19 (3) Any petition under G.S. 163-107.1 requesting a person to be a
20 ~~candidate~~candidate.

21 (4) Any petition under G.S. 163-122 to have the name of an unaffiliated
22 candidate placed on the general election ballot, or under G.S. 163-296
23 to have the name of an unaffiliated or nonpartisan candidate placed on
24 the regular municipal election ~~ballot~~or ballot.

25 (5) Any petition under G.S. 163-213.5 to place a name on the ballot under
26 the Presidential Preference Primary Act.

27 (6) Any petition under G.S. 163-123 to qualify as a write-in candidate.

28 (b) Any name signed on a petition, in violation of this section, shall be void.

29 (c) Any person who willfully violates this section is guilty of a Class 2
30 misdemeanor."

31 **SECTION 9.** G.S. 163-182.13(a) reads as rewritten:

32 "(a) When State Board May Order New Election. – The State Board of Elections
33 may order a new election, upon agreement of at least four of its members, in the case of
34 any one or more of the following:

35 (1) Ineligible voters sufficient in number to change the outcome of the
36 election were allowed to vote in the election, and it is not possible
37 from examination of the official ballots to determine how those
38 ineligible voters voted and to correct the totals.

39 (2) Eligible voters sufficient in number to change the outcome of the
40 election were improperly prevented from voting.

41 (3) Other irregularities affected a sufficient number of votes to change the
42 outcome of the election.

43 (4) Irregularities or improprieties occurred to such an extent ~~that, although~~
44 ~~it is not possible to determine whether those irregularities or~~

1 ~~improprieties affected the outcome of the election, that they taint the~~
2 ~~results of the entire election and cast doubt on its fairness."~~

3 **SECTION 10.** G.S. 163-182.14 reads as rewritten:

4 **"§ 163-182.14. Appeal of a final decision to superior court.**

5 A copy of the final decision of the State Board of Elections on an election protest
6 shall be served on the parties personally or by certified mail. A decision to order a new
7 election is considered a final decision for purposes of seeking review of the decision.
8 An aggrieved party has the right to appeal the final decision to the Superior Court of
9 Wake County within 10 days of the date of service.

10 After the decision by the State Board of Elections has been served on the parties, the
11 certification of nomination or election or the results of the referendum shall issue
12 pursuant to G.S. 163-182.15 unless an appealing party obtains a stay of the certification
13 from the Superior Court of Wake County within 10 days after the date of service. The
14 court shall not issue a stay of certification unless the petitioner shows the court that the
15 petitioner has appealed the decision of the State Board of Elections, that the petitioner is
16 an aggrieved party, and that the petitioner is likely to prevail, ~~and that the results of the~~
17 ~~election would be changed in the petitioner's favor. Mere irregularities in the election~~
18 ~~which would not change the results of the election shall not be sufficient for the court to~~
19 ~~issue a stay of certification. prevail."~~

20 **SECTION 11.** G.S. 163-213.4 reads as rewritten:

21 **"§ 163-213.4. Nomination by State Board of Elections.**

22 The State Board of Elections shall convene in Raleigh on the first ~~Tuesday in~~
23 ~~February~~ business day after the close of the candidate-filing period established in G.S.
24 163-106(c) preceding the presidential preference primary election. At the meeting
25 required by this section, the State Board of Elections shall nominate as presidential
26 primary candidates all candidates affiliated with a political party, recognized pursuant to
27 the provisions of Article 9 of Chapter 163 of the General Statutes, who have become
28 eligible to receive payments from the Presidential Primary Matching Payment Account,
29 as provided in section 9033 of the U.S. Internal Revenue Code of 1954, as amended.
30 Immediately upon completion of these requirements, the Board shall release to the news
31 media all such nominees selected. Provided, however, nothing shall prohibit the partial
32 selection of nominees prior to the meeting required by this section, if all provisions
33 herein have been complied with."

34 **SECTION 12.** G.S. 163-230.2 is repealed.

35 **SECTION 13.** This act is effective when it becomes law.