

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 633

Short Title: Various Election Changes. (Public)

Sponsors: Representatives Michaux and Glazier (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House, if favorable, Elections.

April 10, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 126-4(5) reads as rewritten:

5 "(5) Hours and days of work, holidays, vacation, sick leave, and other matters
6 pertaining to the conditions of employment. The legal public holidays
7 established by the Commission as paid holidays for State employees shall
8 include Martin Luther King, Jr.'s ~~Birth~~day, ~~and Veterans Day~~Day,
9 and the Tuesday after the first Monday in November in years in which a
10 general election is to be held. The Commission shall not provide for more
11 than 11 paid holidays per year except that in those years in which Christmas
12 Day falls on a Tuesday, Wednesday, or Thursday, the Commission shall not
13 provide for more than 12 paid holidays."

14 **SECTION 2.(a)** G.S. 163-41 is amended by adding a new subsection to read:

15 "(d) Training and Certification of Judges. – All chief judges and judges shall comply
16 with the training and certification requirements in G.S. 163-82.24."

17 **SECTION 2.(b)** G.S. 163-82.24 reads as rewritten:

18 "**§ 163-82.24. Statewide training and certification for election officials.**

19 (a) Elections Directors Training. – The State Board of Elections shall conduct training
20 programs in election law and procedures. Every county elections director shall receive training
21 conducted by the State Board at least as often as required in the following schedule:

- 22 (1) Once during each odd-numbered year before the municipal election held in
23 the county;
24 (2) Once during each even-numbered year before the first partisan primary; and
25 (3) Once during each even-numbered year after the partisan primaries but before
26 the general election.

27 (a1) County Board Member Training. – Every member of a county board of elections
28 shall receive training conducted by the State Board at least once during the six months after the
29 member's initial appointment and at least once again during the first two years of the member's
30 service. The State Board of Elections shall promulgate rules for the training of precinct
31 officials, which shall be followed by the county boards of elections.

32 (a2) Chief Judges and Judges Training. – Every person appointed chief judge or judge
33 shall receive training developed and approved by the State Board in each election cycle prior to
34 the first election in that cycle in that county.



1 (b) Certification. – The State Board of Elections shall conduct a program for
2 certification of all election officials. The program shall include training in election law and
3 procedures. Before issuing certification to an election official, the State Board shall administer
4 an examination designed to determine the proficiency of the official in election law and
5 procedures. The State Board shall set adequate standards for the passage of the examination."

6 **SECTION 3.(a)** G.S. 163-82.5 reads as rewritten:

7 "**§ 163-82.5. Distribution of application forms.**

8 (a) The State Board of Elections shall make the forms described in G.S. 163-82.3
9 available for distribution through governmental and private entities, with particular emphasis
10 on making them available for organized voter registration drives.

11 (b) The State Board of Elections shall make the forms available for completion and
12 submission on a secure Internet Web site in accordance with this Article."

13 **SECTION 3.(b)** Article 7A of Chapter 163 of the General Statutes is amended by
14 adding a new section to read:

15 "**§ 163-82.5A. Online voter registration.**

16 (a) An individual who meets all of the following criteria may register to vote or change
17 voter registration online:

18 (1) The individual is eligible to register to vote.

19 (2) The individual possesses one of the following that is current and valid:

20 a. North Carolina drivers license issued under Article 2 of Section 20 of
21 the General Statutes, including a learner's permit or a provisional
22 license.

23 b. Special identification card for nonoperators issued under
24 G.S. 20-37.7.

25 (b) The State Board of Elections shall establish a secure Internet Web site to permit
26 individuals described in subsection (a) of this section to complete and submit voter registration
27 applications online.

28 (c) The secure Web site established under subsection (b) of this section shall allow an
29 individual described in subsection (a) of this section to submit:

30 (1) An application for any of the following:

31 a. Voter registration.

32 b. Reporting of a change of name, address, or party affiliation. If the
33 individual is already registered to vote and the change of address is to
34 another county, it shall be treated as an application to register to vote.

35 (2) Information to establish that the individual is eligible under this section to
36 register online.

37 (3) The individual's e-mail address.

38 (d) Upon receipt of an individual's application under subsection (c) of this section, the
39 county board of elections in conjunction with the State Board of Elections shall verify the
40 North Carolina drivers license or social security number in accordance with G.S. 163-82.12,
41 update the statewide registration database and search for possible duplicate registrations, and
42 proceed under G.S. 163-82.7 to verify the person's address.

43 (e) If the State Board verifies the North Carolina drivers license or social security
44 number in accordance with G.S. 163-82.12, the Division of Motor Vehicles shall transfer the
45 digital signature of the applicant in the Division of Motor Vehicles records to the State Board.

46 (f) If the State Board cannot verify the North Carolina drivers license or social security
47 number in accordance with G.S. 163-82.12, the State Board shall so notify the individual
48 submitting the application by e-mail, if provided, and in accordance with this Article. That
49 individual shall be offered an opportunity to register in accordance with G.S. 163-82.6 or
50 G.S. 163-82.6A, as applicable."

51 **SECTION 3.(c)** G.S. 163-82.10(a) reads as rewritten:

1 "(a) Official Record. – The State voter registration system is the official voter
2 registration list for the conduct of all elections in the State. The State Board of Elections and
3 the county board of elections may keep copies of voter registration data, including voter
4 registration applications, in any medium and format expressly approved by the Department of
5 Cultural Resources pursuant to standards and conditions established by the Department and
6 mutually agreed to by the Department and the State Board of Elections. A completed and
7 signed registration application form, if available, described in G.S. 163-82.3, once approved by
8 the county board of elections, becomes backup to the official registration record of the voter.
9 Full or partial social security numbers, dates of birth, the identity of the public agency at which
10 the voter registered under G.S. 163-82.20, any electronic mail address submitted under this
11 Article or Article 21A of this Chapter, any electronic data associated with online registration
12 under G.S. 163-82.5A, and drivers license numbers that may be generated ~~in the voter~~
13 registration process, by the voter, either the State Board of Elections or a county board of
14 elections, elections in the voter registration process are confidential and shall not be considered
15 public records and subject to disclosure to the general public under Chapter 132 of the General
16 Statutes. Cumulative data based on those items of information may be publicly disclosed as
17 long as information about any individual cannot be discerned from the disclosed data.
18 Disclosure of information in violation of this subsection shall not give rise to a civil cause of
19 action. This limitation of liability does not apply to the disclosure of information in violation of
20 this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that
21 would otherwise be actionable. The signature of the voter, either on the paper application or an
22 electronically captured image of it, may be viewed by the public but may not be copied or
23 traced except by election officials for election administration purposes. Any such copy or
24 tracing is not a public record."

25 **SECTION 3.(d)** This section becomes effective December 1, 2013.

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

27 "**§ 163-82.6A. In-person registration and voting at one-stop sites.**

28 (a) Who May Register in Person. – In accordance with the provisions in this section, an
29 individual who is qualified to register to vote may register in person and then vote at a one-stop
30 voting site in the person's county of residence during the period for one-stop voting provided
31 under G.S. 163-227.2. For purposes of this section, a one-stop voting site includes the county
32 board of elections office, if that office is used for one-stop voting.

33 (b) Both Attestation and Proof of Residence Required. – To register and vote under this
34 section, the person shall do both of the following:

35 (1) Complete a voter registration form as prescribed in G.S. 163-82.4, including
36 the attestation requirement of G.S. 163-82.4(b) that the person meets each
37 eligibility requirement. Such attestation is signed under penalty of a Class I
38 felony under G.S. 163-275(13); and

39 (2) Provide proof of residence by presenting any of the following valid
40 documents that show the person's current name and current residence
41 address: a North Carolina drivers license, a photo identification from a
42 government agency, or any of the documents listed in G.S. 163-166.12(a)(2).
43 The State Board of Elections may designate additional documents or
44 methods that suffice and shall prescribe procedures for establishing proof of
45 residence.

46 (c) Voting With Retrievable Ballot. – A person who registers under this section shall
47 vote a retrievable absentee ballot as provided in G.S. 163-227.2 immediately after registering.
48 If a person declines to vote immediately, the registration shall be processed, and the person
49 may later vote at a one-stop voting site under this section in the same election.

50 (d) Verification of Registration; Counting of Ballot. – Within two business days of the
51 person's registration under this section, the county board of elections in conjunction with the

1 State Board of Elections shall verify the North Carolina drivers license or Social Security
2 number in accordance with G.S. 163-82.12, update the statewide registration database and
3 search for possible duplicate registrations, and proceed under G.S. 163-82.7 to verify the
4 person's address. The person's vote shall be counted ~~unless if~~ the county board determines that
5 the applicant is ~~not~~ qualified to vote in accordance with the provisions of this ~~Chapter.~~Chapter
6 at or before the time for canvass under this Chapter.

7 (e) Change of Registration at One-Stop Voting Site. – A person who is already
8 registered to vote in the county may update the information in the registration record in
9 accordance with procedures prescribed by the State Board of Elections, but an individual's
10 party affiliation may not be changed during the one-stop voting period before any first or
11 second partisan primary in which the individual is eligible to vote.

12 (f) Voting in Primary. – Any person who will become qualified by age to register and
13 vote in the general election for which a partisan or nonpartisan primary is held, even though not
14 so qualified by the date of the primary, may register for the primary and general election prior
15 to the primary and then vote in the primary and general election after being registered in
16 accordance with the provisions of this section."

17 **SECTION 5.(a)** G.S. 163-111 reads as rewritten:

18 "**§ 163-111. Determination of primary results; second primaries results.**

19 (a) Nomination Determined by ~~Substantial Plurality; Definition of Substantial Plurality.~~
20 ~~Except as otherwise provided in this section, nominations~~Nomination in primary elections shall
21 be determined by a ~~substantial~~ plurality of the votes cast. A ~~substantial~~ plurality within the
22 meaning of this section shall be determined as follows:

23 (1) If a nominee for a single office is to be selected, and there is more than one
24 person seeking nomination, ~~the substantial plurality shall be ascertained by~~
25 ~~multiplying the total vote cast for all aspirants by forty percent (40%). Any~~
26 ~~excess of the sum so ascertained shall be a substantial plurality, and the~~
27 ~~aspirant who obtains a substantial plurality shall be declared the nominee. If~~
28 ~~two candidates receive a substantial plurality, the candidate receiving the~~
29 ~~highest vote shall be declared the nominee.~~

30 (2) If nominees for two or more offices (constituting a group) are to be selected,
31 and there are more persons seeking nomination than there are offices, ~~the~~
32 ~~substantial plurality shall be ascertained by dividing the total vote cast for all~~
33 ~~aspirants by the number of positions to be filled, and by multiplying the~~
34 ~~result by forty percent (40%). Any excess of the sum so ascertained shall be~~
35 ~~a substantial plurality, and the aspirants who obtain a substantial plurality~~
36 ~~shall be declared the nominees. If more candidates obtain a substantial~~
37 ~~plurality than there are positions to be filled, those having the highest vote~~
38 ~~(equal to the number of positions to be filled) shall be declared the~~
39 ~~nominees.~~

40 (b) ~~Right to Demand Second Primary.~~— If an insufficient number of aspirants receive a
41 ~~substantial plurality of the votes cast for a given office or group of offices in a primary, a~~
42 ~~second primary, subject to the conditions specified in this section, shall be held:~~

43 (1) ~~If a nominee for a single office is to be selected and no aspirant receives a~~
44 ~~substantial plurality of the votes cast, the aspirant receiving the highest~~
45 ~~number of votes shall be declared nominated by the appropriate board of~~
46 ~~elections unless the aspirant receiving the second highest number of votes~~
47 ~~shall request a second primary in accordance with the provisions of~~
48 ~~subsection (c) of this section. In the second primary only the two aspirants~~
49 ~~who received the highest and next highest number of votes shall be voted~~
50 ~~for.~~

- 1 (2) ~~If nominees for two or more offices (constituting a group) are to be selected~~
2 ~~and aspirants for some or all of the positions within the group do not receive~~
3 ~~a substantial plurality of the votes, those candidates equal in number to the~~
4 ~~positions remaining to be filled and having the highest number of votes shall~~
5 ~~be declared the nominees unless some one or all of the aspirants equal in~~
6 ~~number to the positions remaining to be filled and having the second highest~~
7 ~~number of votes shall request a second primary in accordance with the~~
8 ~~provisions of subsection (c) of this section. In the second primary to select~~
9 ~~nominees for the positions in the group remaining to be filled, the names of~~
10 ~~all those candidates receiving the highest number of votes and all those~~
11 ~~receiving the second highest number of votes and demanding a second~~
12 ~~primary shall be printed on the ballot.~~
- 13 (e) ~~Procedure for Requesting Second Primary.~~
- 14 (1) ~~A candidate who is apparently entitled to demand a second primary,~~
15 ~~according to the unofficial results, for one of the offices listed below, and~~
16 ~~desiring to do so, shall file a request for a second primary in writing with the~~
17 ~~Executive Director of the State Board of Elections no later than 12:00 noon~~
18 ~~on the ninth day (including Saturdays and Sundays) following the date on~~
19 ~~which the primary was conducted, and such request shall be subject to the~~
20 ~~certification of the official results by the State Board of Elections. If the vote~~
21 ~~certification by the State Board of Elections determines that a candidate who~~
22 ~~was not originally thought to be eligible to call for a second primary is in~~
23 ~~fact eligible to call for a second primary, the Executive Director of the State~~
24 ~~Board of Elections shall immediately notify such candidate and permit him~~
25 ~~to exercise any options available to him within a 48 hour period following~~
26 ~~the notification:~~
- 27 ~~Governor,~~
28 ~~Lieutenant Governor,~~
29 ~~All State executive officers,~~
30 ~~District Attorneys of the General Court of Justice,~~
31 ~~United States Senators,~~
32 ~~Members of the United States House of Representatives,~~
33 ~~State Senators in multi-county senatorial districts, and~~
34 ~~Members of the State House of Representatives in multi-county~~
35 ~~representative districts.~~
- 36 (2) ~~A candidate who is apparently entitled to demand a second primary,~~
37 ~~according to the unofficial results, for one of the offices listed below and~~
38 ~~desiring to do so, shall file a request for a second primary in writing with the~~
39 ~~chairman or director of the county board of elections no later than 12:00~~
40 ~~noon on the ninth day (including Saturdays and Sundays) following the date~~
41 ~~on which the primary was conducted, and such request shall be subject to the~~
42 ~~certification of the official results by the county board of elections:~~
- 43 ~~State Senators in single-county senatorial districts,~~
44 ~~Members of the State House of Representatives in single-county~~
45 ~~representative districts, and~~
46 ~~All county officers.~~
- 47 (3) ~~Immediately upon receipt of a request for a second primary the appropriate~~
48 ~~board of elections, State or county, shall notify all candidates entitled to~~
49 ~~participate in the second primary, by telephone followed by written notice,~~
50 ~~that a second primary has been requested and of the date of the second~~
51 ~~primary.~~

(d) ~~Tie Votes; How Determined.~~

(1) ~~In the event of a tie for the highest number of votes in a first primary between two candidates for party nomination for a single county, or single county legislative district office, the board of elections of the county in which the two candidates were voted for shall conduct a recount and declare the results. If the recount shows a tie vote, a second primary shall be held on the date prescribed in subsection (e) of this section between the two candidates having an equal vote, unless one of the aspirants, within three days after the result of the recount has been officially declared, files a written notice of withdrawal with the board of elections with which he filed notice of candidacy. Should that be done, the remaining aspirant shall be declared the nominee. In the event of a tie for the highest number of votes in a first primary among more than two candidates for party nomination for one of the offices mentioned in this subdivision, no recount shall be held, but all of the tied candidates shall be entered in a second primary.~~

(2) ~~In the event of a tie for the highest number of votes in a first primary between two candidates for a State office, for United States Senator, or for any district office (including State Senator in a multi-county senatorial district and member of the State House of Representatives in a multi-county representative district), no recount shall be held solely by reason of the tie, but the two candidates having an equal vote shall be entered in a second primary to be held on the date prescribed in subsection (e) of this section, unless one of the two candidates files a written notice of withdrawal with the State Board of Elections within three days after the result of the first primary has been officially declared and published. Should that be done, the remaining aspirant shall be declared the nominee. In the event of a tie for the highest number of votes in a first primary among more than two candidates for party nomination for one of the offices mentioned in this subdivision, no recount shall be held, but all of the tied candidates shall be entered in a second primary.~~

(3) ~~In the event one candidate receives the highest number of votes cast in a first primary, but short of a substantial plurality, and two or more of the other candidates receive the second highest number of votes cast in an equal number, the proper board of elections shall declare the candidate having the highest vote to be the party nominee, unless all but one of the tied candidates give written notice of withdrawal to the proper board of elections within three days after the result of the first primary has been officially declared. If all but one of the tied candidates withdraw within the prescribed three-day period, and the remaining candidate demands a second primary in accordance with the provisions of subsection (e) of this section, a second primary shall be held between the candidate who received the highest vote and the remaining candidate who received the second highest vote.~~

(e) ~~Date of Second Primary; Procedures.~~— ~~If a second primary is required under the provisions of this section, the appropriate board of elections, State or county, shall order that it be held seven weeks after the first primary.~~

~~There shall be no registration of voters between the dates of the first and second primaries. Persons whose qualifications to register and vote mature after the day of the first primary and before the day of the second primary may register on the day of the second primary and, when thus registered, shall be entitled to vote in the second primary. The second primary is a continuation of the first primary and any voter who files a proper and timely written affirmation of change of address within the county under the provisions of G.S. 163-82.15, in the first~~

1 primary may vote in the second primary without having to refile that written affirmation if he is
2 otherwise qualified to vote in the second primary. Subject to this provision for registration, the
3 second primary shall be held under the laws, rules, and regulations provided for the first
4 primary.

5 (f) ~~No Third Primary Permitted. In no case shall there be a third primary. The~~
6 ~~candidates receiving the highest number of votes in the second primary shall be nominated. If~~
7 ~~in a second primary there is a tie for the highest number of votes between two candidates, the~~
8 ~~proper party executive committee shall select the party nominee for the office in accordance~~
9 ~~with the provisions of G.S. 163-114."~~

10 **SECTION 5.(b)** G.S. 160A-23.1(d) reads as rewritten:

11 "(d) If the council adopts the resolution provided for in subsection (a) of this section and
12 does not adopt the changes, or does adopt the changes, but approval under the Voting Rights
13 Act of 1965, as amended, is required, and notice of such approval is not received, by the end of
14 the third day before the opening of the filing period, the municipal election shall be rescheduled
15 as provided in this subsection and current officeholders shall hold over until their successors
16 are elected and qualified. For cities using the:

- 17 (1) Partisan primary and election method under G.S. 163-291, the primary shall
18 be held on the primary election date for county officers in the second year
19 following a federal decennial census, ~~the second primary, if necessary, shall~~
20 ~~be held on the second primary election date for county officers in that~~
21 ~~year, census,~~ and the general election shall be held on the general election
22 date for county officers in that year.
- 23 (2) Nonpartisan primary and election method under G.S. 163-294, the primary
24 shall be held on the primary election date for county officers in the second
25 year following a federal decennial census, and the election shall be held on
26 the date for the second primary for county officers in that year.
- 27 (3) Nonpartisan plurality election method under G.S. 163-292, the election shall
28 be held on the primary election date for county officers in the second year
29 following a federal decennial census.
- 30 (4) Election and runoff method under G.S. 163-293, the election shall be held on
31 the primary election date for county officers in the second year following a
32 federal decennial census, ~~and the runoffs, if necessary, shall be held on the~~
33 ~~date for the second primary for county officers in that year, census.~~

34 The organizational meeting of the new council may be held at any time after the results of
35 the election have been officially determined and published, but not later than the time and date
36 of the first regular meeting of the council in November of the second year following a federal
37 decennial census, except in the case of partisan municipal elections, when the organizational
38 meeting shall be held not later than the time and date of the first regular meeting of the council
39 in December of the second year following a federal decennial census."

40 **SECTION 5.(c)** G.S. 163-55(c) reads as rewritten:

41 "(c) Elections. – For purposes of the 30-day residence requirement to vote in an election
42 in subsection (a) of this section, the term "election" means the day of the primary, ~~second~~
43 ~~primary,~~ general election, special election, or referendum."

44 **SECTION 5.(d)** G.S. 163-82.6(d) reads as rewritten:

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

- 49 (1) A member of the county board of elections;
50 (2) The county director of elections; or

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

20 **SECTION 5.(e)** G.S. 163-82.17(a) reads as rewritten:

21 "(a) Registrant's Duty to Report. – Any registrant who desires to have the record of his
22 party affiliation or unaffiliated status changed on the registration list shall, no later than the last
23 day for making application to register under G.S. 163-82.6 before the election, indicate the
24 change on an application form as described in G.S. 163-82.3 or on a voter registration card
25 described in G.S. 163-82.8. No registrant shall be permitted to change party affiliation or
26 unaffiliated status for a ~~primary, second primary, primary, or special special~~, or general election
27 after the deadline for registration applications for that election as set out in G.S. 163-82.6."

28 **SECTION 5.(f)** G.S. 163-226(c) reads as rewritten:

29 "(c) The Term "Election". – As used in this Subchapter, unless the context clearly
30 requires otherwise, the term "election" includes a general, primary, ~~second primary~~, runoff
31 election, bond election, referendum, or special election."

32 **SECTION 5.(g)** G.S. 163-227.1 is repealed.

33 **SECTION 5.(h)** G.S. 163-227.3(b) is repealed.

34 **SECTION 5.(i)** G.S. 163-255 reads as rewritten:

35 **"§ 163-255. Absentee voting at office of board of elections.**

36 Notwithstanding any other provisions of Chapter 163 of the General Statutes, any person
37 eligible to vote an absentee ballot pursuant to G.S. 163-245 shall be permitted to vote an
38 absentee ballot pursuant to G.S. 163-227.2 if the person has not already voted an absentee
39 ballot which has been returned to the board of elections, and if ~~he~~ the person will not be in the
40 county on the day of the primary or election.

41 In the event an absentee application or ballot has already been mailed to such person
42 applying to vote pursuant to G.S. 163-227.2, the board of elections shall void the application
43 and ballot unless the voted absentee ballot has been received by the board of elections. Such
44 person shall be eligible to vote pursuant to G.S. 163-227.2 no later than 5:00 P.M. on the day
45 next preceding the ~~primary, second primary~~ primary or election."

46 **SECTION 5.(j)** G.S. 163-258.9 reads as rewritten:

47 **"§ 163-258.9. Transmission of unvoted ballots.**

48 (a) Not later than 60 days before the statewide general election in even-numbered years
49 and not later than 50 days before any other election, the county board of elections shall transmit
50 a ballot and balloting materials to all covered voters who by that date submit a valid
51 military-overseas ballot ~~application, except for a second primary application~~. However, in the

1 case of municipal elections, absentee ballots shall be made available no later than 30 days
2 before an election. ~~For a second primary which includes a candidate for federal office, the~~
3 ~~county board of elections shall transmit a ballot and balloting material to all covered voters~~
4 ~~who by that date submit a valid military overseas ballot application no later than 45 days before~~
5 ~~the second primary. For a second primary which does not include a candidate for federal office,~~
6 ~~the transmission of the ballot and ballot materials shall be as soon as practicable and shall be~~
7 ~~transmitted electronically no later than three business days and by mail no later than 15 days~~
8 ~~from the date the appropriate board of elections orders that the second primary be held pursuant~~
9 ~~to G.S. 163-111. If additional offices are added to the ballot to fill a vacancy occurring after the~~
10 ~~deadline provided by this subsection, those ballots shall be transmitted as soon as practicable.~~

11 (b) A covered voter who requests that a ballot and balloting materials be sent to the
12 voter by electronic transmission may choose facsimile transmission or electronic mail delivery,
13 or, if offered by the voter's jurisdiction, Internet delivery. The election official in each
14 jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot
15 and balloting materials to the voter using the means of transmission chosen by the voter.

16 (c) If a ballot application from a covered voter arrives after the jurisdiction begins
17 transmitting ballots and balloting materials to voters, the official charged with distributing a
18 ballot and balloting materials shall transmit them to the voter not later than two business days
19 after the application arrives."

20 **SECTION 5.(k)** G.S. 163-258.16 reads as rewritten:

21 "**§ 163-258.16. Publication of election notice.**

22 (a) Not later than 100 days before a regularly scheduled election to which this Article
23 applies, and as soon as practicable in the case of an election or vacancy election not regularly
24 scheduled, each county board of elections shall prepare an election notice for that jurisdiction
25 to be used in conjunction with the federal write-in absentee ballot described in
26 G.S. 163-258.11. ~~For a second primary required by G.S. 163-111, the county board of elections~~
27 ~~shall prepare, no later than the day following the date the appropriate board of elections orders~~
28 ~~that a second primary be held, an election notice for that jurisdiction to be used in conjunction~~
29 ~~with the federal write-in absentee ballot. The election notice shall contain a list of all of the~~
30 ~~ballot measures and federal, State, and local offices that, as of that date, the official expects to~~
31 ~~be on the ballot on the date of the election. The notice also shall contain specific instructions~~
32 ~~for how a voter is to indicate on the federal write-in absentee ballot the voter's choice for each~~
33 ~~office to be filled and for each ballot measure to be contested.~~

34 (b) A covered voter may request a copy of an election notice. The official charged with
35 preparing the election notice shall send the notice to the voter by facsimile, electronic mail, or
36 regular mail, as the voter requests.

37 (c) As soon as ballot styles are printed, the county board of elections shall update the
38 notice with the certified candidates for each office and ballot measure questions and make the
39 updated notice publicly available.

40 (d) A county board of elections that maintains an Internet Web site shall make updated
41 versions of its election notices regularly available on the Web site."

42 **SECTION 5.(l)** G.S. 163-278.6(8) reads as rewritten:

43 "(8) The term "election" means any general or special election, a ~~first or second~~
44 ~~primary, a run-off election, or an election to fill a vacancy. The term~~
45 ~~"election" shall not include any local or statewide referendum."~~

46 **SECTION 5.(m)** G.S. 163-278.13(d) reads as rewritten:

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

1 **SECTION 5.(n)** G.S. 163-278.13B(d) is repealed.

2 **SECTION 5.(o)** G.S. 163-278.40B(2) reads as rewritten:

3 "(2) Pre-election Report. – The treasurer shall file a report 10 days before the
4 ~~election, unless a second primary is held and the candidate appeared on the~~
5 ~~ballot in the second primary, in which case the report shall be filed 10 days~~
6 ~~before the second primary election."~~

7 **SECTION 5.(p)** G.S. 163-279(a)(2) reads as rewritten:

8 "(2) If the election is partisan, the election shall be held on Tuesday after the first
9 Monday in November, the first primary shall be held on the second Tuesday
10 after Labor Day, ~~and the second primary, if required, shall be held on the~~
11 ~~fourth Tuesday before the election Day."~~

12 **SECTION 5.(q)** G.S. 163-291 reads as rewritten:

13 **"§ 163-291. Partisan primaries and elections.**

14 The nomination of candidates for office in cities, towns, villages, and special districts
15 whose elections are conducted on a partisan basis shall be governed by the provisions of this
16 Chapter applicable to the nomination of county officers, and the terms "county board of
17 elections," "chairman of the county board of elections," "county officers," and similar terms
18 shall be construed with respect to municipal elections to mean the appropriate municipal
19 officers and candidates, except that:

20 (1) The dates of primary and election shall be as provided in G.S. 163-279.

21 (2) A candidate seeking party nomination for municipal or district office shall
22 file notice of candidacy with the board of elections no earlier than 12:00
23 noon on the first Friday in July and no later than 12:00 noon on the third
24 Friday in July preceding the election, except:

25 a. In the year following a federal decennial census, a candidate seeking
26 party nomination for municipal or district office in any city which
27 elects members of its governing board on a district basis, or requires
28 that candidates reside in a district in order to run, shall file his notice
29 of candidacy with the board of elections no earlier than 12:00 noon
30 on the fourth Monday in July and no later than 12:00 noon on the
31 second Friday in August preceding the election; and

32 b. In the second year following a federal decennial census, if the
33 election is held then under G.S. 160A-23.1, a candidate seeking party
34 nomination for municipal or district office shall file his notice of
35 candidacy with the board of elections at the same time as notices of
36 candidacy for county officers are required to be filed under
37 G.S. 163-106.

38 No person may file a notice of candidacy for more than one municipal
39 office at the same election. If a person has filed a notice of candidacy for one
40 office with the county board of elections under this section, then a notice of
41 candidacy may not later be filed for any other municipal office for that
42 election unless the notice of candidacy for the first office is withdrawn first.

43 (3) The filing fee for municipal and district primaries shall be fixed by the
44 governing board not later than the day before candidates are permitted to
45 begin filing notices of candidacy. There shall be a minimum filing fee of five
46 dollars (\$5.00). The governing board shall have the authority to set the filing
47 fee at not less than five dollars (\$5.00) nor more than one percent (1%) of
48 the annual salary of the office sought unless one percent (1%) of the annual
49 salary of the office sought is less than five dollars (\$5.00), in which case the
50 minimum filing fee of five dollars (\$5.00) will be charged. The fee shall be
51 paid to the board of elections at the time notice of candidacy is filed.

- 1 (4) The municipal ballot may not be combined with any other ballot.
2 (5) The canvass of the primary ~~and second primary~~ shall be held on the seventh
3 day following the ~~primary or second primary~~. In accepting the filing of
4 complaints concerning the conduct of an election, a board of elections shall
5 be subject to the rules concerning Sundays and holidays set forth in
6 G.S. 103-5.
7 (6) ~~Candidates having the right to demand a second primary shall do so not later~~
8 ~~than 12:00 noon on the Thursday following the canvass of the first primary."~~

9 **SECTION 5.(r)** G.S. 163-329(b1) reads as rewritten:

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

- 16 (1) ~~When the vacancy described in this section occurs more than 63 days before~~
17 ~~the date of the second primary for members of the General Assembly, a~~
18 ~~special primary shall be held on the same day as the second primary. The~~
19 ~~two candidates with the most votes in the special primary shall have their~~
20 ~~names placed on the ballot for the general election held on the same day as~~
21 ~~the general election for members of the General Assembly.~~
22 (2) ~~When the vacancy described in this section occurs less than 64 days before~~
23 ~~the date of the second primary, a general election for all the candidates shall~~
24 ~~be held on the same day as the general election for members of the General~~
25 ~~Assembly and the "instant runoff voting" method shall be used to determine~~
26 ~~the winner. Under "instant runoff voting," voters rank up to three of the~~
27 ~~candidates by order of preference, first, second, or third. If the candidate~~
28 ~~with the greatest number of first-choice votes receives more than fifty~~
29 ~~percent (50%) of the first-choice votes, that candidate wins. If no candidate~~
30 ~~receives that minimum number, the two candidates with the greatest number~~
31 ~~of first-choice votes advance to a second round of counting. In this round,~~
32 ~~each ballot counts as a vote for whichever of the two final candidates is~~
33 ~~ranked highest by the voter. The candidate with the most votes in the second~~
34 ~~round wins the election. If more than one seat is to be filled in the same race,~~
35 ~~the voter votes the same way as if one seat were to be filled. The counting is~~
36 ~~the same as when one seat is to be filled, with one or two rounds as needed,~~
37 ~~except that counting is done separately for each seat to be filled. The first~~
38 ~~count results in the first winner. Then the second count proceeds without the~~
39 ~~name of the first winner. This process results in the second winner. For each~~
40 ~~additional seat to be filled, an additional count is done without the names of~~
41 ~~the candidates who have already won. In multi-seat contests, the State Board~~
42 ~~of Elections may give the voter more than three choices.~~
43 (3) If two or more candidates receiving the highest number of votes each receive
44 the same number of votes, the board of elections shall resolve the tie in
45 accordance with G.S. 163-182.8."

46 **SECTION 6.** G.S. 163-227.2 reads as rewritten:

47 "(b) Not earlier than the third Thursday before an election, in which absentee ballots are
48 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday
49 before that election, the voter shall appear in person only at the office of the county board of
50 elections, except as provided in subsection (g) of this section. A county board of elections shall
51 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may

1 conduct it until 5:00 P.M. on that ~~Saturday~~-Saturday, on at least one additional Saturday, and on
2 at least one Sunday. No county may conduct one-stop voting on a Sunday before 1:00 P.M. on
3 that Sunday. That voter shall enter the voting enclosure at the board office through the
4 appropriate entrance and shall at once state his or her name and place of residence to an
5 authorized member or employee of the board. In a primary election, the voter shall also state
6 the political party with which the voter affiliates and in whose primary the voter desires to vote,
7 or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party
8 under G.S. 163-119, the voter shall state the name of the authorizing political party in whose
9 primary he wishes to vote. The board member or employee to whom the voter gives this
10 information shall announce the name and residence of the voter in a distinct tone of voice.
11 After examining the registration records, an employee of the board shall state whether the
12 person seeking to vote is duly registered. If the voter is found to be registered that voter may
13 request that the authorized member or employee of the board furnish the voter with an
14 application form as specified in G.S. 163-227. The voter shall complete the application in the
15 presence of the authorized member or employee of the board, and shall deliver the application
16 to that person."

17 **SECTION 7.** G.S. 163-231(b) reads as rewritten:

18 "(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed
19 container-return envelope in which executed absentee ballots have been placed shall be
20 transmitted to the county board of elections who issued them as follows: All ballots issued
21 under the provisions of Articles 20 and 21A of this Chapter shall be transmitted by mail or by
22 commercial courier service, at the voter's expense, or delivered in person, ~~or by the voter's near~~
23 ~~relative or verifiable legal guardian~~ not later than 5:00 p.m. on the day before the statewide
24 primary or general election or county bond election. Ballots issued under the provisions of
25 Article 21A of this Chapter may also be electronically transmitted. If ballots are received later
26 than that hour, they shall not be accepted unless (i) federal law so requires, (ii) if ballots issued
27 under Article 20 of this Chapter are ~~postmarked by the day of the statewide primary or general~~
28 ~~election or county bond election~~ and are received by the county board of elections not later than
29 three days after the election by 5:00 p.m., or (iii) if ballots issued under Article 21A of this
30 Chapter are received by the county board of elections not later than the end of business on the
31 business day before the canvass conducted by the county board of elections held pursuant to
32 G.S. 163-182.5. Ballots issued under Article 20 of this Chapter not postmarked by the day of
33 the election shall not be accepted by the county board of elections."

34 **SECTION 8.** G.S. 163-278.22 is amended by adding a new subdivision to read:

35 "(16) To publish a Voter Guide that explains the functions of all statewide offices
36 and legislative office, that shall be distributed to as many voting-age
37 individuals in the State as practical, through a mailing to all residences or
38 other means it deems effective, and may be in conjunction with the Judicial
39 Voter Guide described in G.S. 163-278.69. The Voter Guide shall include
40 information concerning all candidates for statewide and legislative office as
41 provided by those candidates according to a format provided to the
42 candidates by the Board. The Voter Guide shall contain the following
43 statement: "Statements by candidates do not express or reflect the opinions
44 of the State Board of Elections." The Board shall request information for the
45 Guide from each candidate according to the following format:

- 46 a. Place of residence.
- 47 b. Education.
- 48 c. Occupation.
- 49 d. Employer.
- 50 e. Previous elective offices held.

1 f. Endorsements, limited to 50 words. Concerning endorsements, the
2 Board shall send to the candidates instructions as follows: "In order
3 to have an endorsement published, you must provide written
4 confirmation to the Board from the endorsing person or organization
5 that you received that person's or organization's endorsement."

6 g. Candidate statement, limited to 150 words. Concerning that
7 statement, the Board shall send to the candidates instructions as
8 follows: "Your statement may include information such as your
9 qualifications, your endorsements, why you would make a good
10 elected official, what distinguishes you from your opponent(s), and
11 any other information relevant to your candidacy. The State Board of
12 Elections will reject any portion of any statement which it determines
13 contains obscene, profane, or defamatory language. The candidate
14 shall have three days to resubmit the candidate statement if the Board
15 rejects a portion of the statement.""

16 **SECTION 9.(a)** G.S. 115C-81(g) is amended by adding a new subdivision to read:

17 "(1a) Local boards of education shall require during the senior year of high school
18 the teaching of a semester course focused on civics and citizenship
19 education. The high school social studies standard course of study shall
20 include instruction in civic and citizenship education, including, at a
21 minimum, the following components in the high school civic and citizenship
22 education curriculum:

23 a. That students write to a local, State, or federal elected official about
24 an issue that is important to them;

25 b. Instruction on the importance of voting and otherwise participating in
26 the democratic process, including instruction on voter registration
27 and preregistration;

28 c. Information about current events and the federal, State, and local
29 governmental structure; and

30 d. Information about the democratic process and how laws are made in
31 federal, State, and local governments.

32 A passing grade in the course shall be required for high school graduation."

33 **SECTION 9.(b)** G.S. 115C-81(g1)(1) is repealed.

34 **SECTION 9.(c)** This section is effective when it becomes law and applies
35 beginning with the 2014-2015 school year. Students who have completed a high school civics
36 course with a passing grade prior to the start of the 2014-2015 school year shall not be required
37 to reenroll in the course during their senior year.

38 **SECTION 10.** Three hundred ninety thousand eight hundred seventy-one dollars
39 (\$390,871) shall be transferred to the State Board of Elections to meet federal Help America
40 Vote Act (HAVA) Title II Maintenance of Effort requirements. In the event that funds
41 appropriated to the State Board of Elections (SBOE) for Maintenance of Effort (MOE) are
42 insufficient, SBOE shall transfer funds from their Administration Fund Code (1100) to the
43 Fund Code and Cost Center for MOE to expend on MOE activities to make up the difference.
44 In the event that funds appropriated to the SBOE for MOE are in excess of the required
45 amount, SBOE shall retain the excess amount and revert it to the General Fund at the end of the
46 2012-2013 fiscal year.

47 **SECTION 11.** Except as otherwise provided, this act is effective when it becomes
48 law.