

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2011

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SENATE BILL 352*

Short Title: Restore Confidence in Government. (Public)

Sponsors: Senators Meredith, Hise; Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Forrester, Goolsby, Gunn, Harrington, Hartsell, Hunt, Jackson, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman, and Tucker.

Referred to: Judiciary I.

March 16, 2011

A BILL TO BE ENTITLED

AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY (1) REQUIRING THAT VOTERS PROVIDE PHOTO IDENTIFICATION BEFORE VOTING; (2) REQUIRING CANDIDATES AND TREASURERS TO TAKE IMMEDIATE ACTION TO CORRECT CAMPAIGN FINANCE VIOLATIONS AND REQUIRING LIABILITY OF CANDIDATES FOR CIVIL PENALTIES FOR CAMPAIGN FINANCE VIOLATIONS OF CANDIDATE CAMPAIGN COMMITTEES; (3) LIMITING THE CHAIR OF THE STATE BOARD OF ELECTIONS TO TWO TWO-YEAR TERMS IN THAT OFFICE; (4) PROHIBITING PIECE-WORK PAYMENT FOR VOTER REGISTRATION DRIVES; (5) PREVENTING CONFLICT OF INTEREST AND ITS APPEARANCE INVOLVING POLITICAL CONTRIBUTIONS BY STATE CONTRACTORS; AND (6) ALLOWING VOTERS MORE FLEXIBILITY IN APPLYING FOR ABSENTEE BALLOTS.

The General Assembly of North Carolina enacts:

Part 1. Voter Photo Identification.

SECTION 1.1. G.S. 163-166.12 reads as rewritten:

~~"§ 163-166.12. Requirements for certain voters who register by mail. Photo ID requirements.~~

(a) Voting in Person. – An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, Every individual seeking to vote in person shall present a valid photo identification to a local election official at a voting place before voting there there.

one of the following:

- (1) A current and valid photo identification.
- (2) A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

(a1) As used in this section, a valid photo identification means one of the following, but only if it contains a photograph of the registered voter:

- (1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license.
- (2) A special identification card for nonoperators issued under G.S. 20-37.7.
- (3) A valid identification card issued by a branch, department, agency, or entity of this State, any other state, or the United States authorized by law to issue personal identification.



- 1 (4) A valid United States passport.
- 2 (5) A valid employee identification card issued by any branch, department,
3 agency, or entity of the United States government, this State, or any county,
4 municipality, board, authority, or other entity of this State.
- 5 (6) A valid United States military identification card.
- 6 (7) A valid tribal identification card.
- 7 (8) A valid North Carolina voter identification card issued under
8 G.S. 163-166.13.

9 (b) Voting Mail-In Absentee. – An individual who has registered to vote by mail on or
10 after January 1, 2003, and has not previously voted in an election that includes a ballot item for
11 federal office in North Carolina, in order to cast a mail-in absentee vote, shall submit with the
12 mailed-in absentee ballot one of the following:

- 13 (1) A copy of a current and valid photo identification.
- 14 (2) A copy of one of the following documents that shows the name and address
15 of the voter: a current utility bill, bank statement, government check,
16 paycheck, or other government document.

17 (b1) The county board of elections shall note the type of identification proof submitted
18 by the voter under the provisions of subsection (a) or (b) of this section and may dispose of the
19 tendered copy of identification proof submitted under subsection (b) of this section as soon as
20 the type of proof is noted in the voter registration records.

21 (b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an
22 individual has registered by mail or by another method, if the individual has provided with the
23 registration form a drivers license number or last four digits of a Social Security number but the
24 computer validation of the number as required by G.S. 163-82.12 did not result in a match, and
25 the number has not been otherwise validated by the board of elections, in the first election in
26 which the individual votes that individual shall submit with the ballot the form of identification
27 described in subsection (a) or subsection (b) of this section, depending upon whether the ballot
28 is voted in person or absentee. If that identification is provided and the board of elections does
29 not determine that the individual is otherwise ineligible to vote a ballot, the failure of
30 identification numbers to match shall not prevent that individual from registering to vote and
31 having that individual's vote counted. If the individual registers and votes under
32 G.S. 163-82.6A, the identification documents required in that section, rather than those
33 described in subsection (a) or (b) of this section, apply.

34 (c) The Right to Vote Provisionally. – If an individual is required under subsection (a),
35 (b), or (b2) of this section to present identification in order to vote, but that individual does not
36 present the required identification, that individual may vote a provisional official ballot. If the
37 voter is at the voting place, the voter may vote provisionally there without unnecessary delay. If
38 the voter is voting by mail-in absentee ballot, the mailed ballot without the required
39 identification shall be treated as a provisional official ballot.

40 (d) Exemptions. – This Subsection (b) of this section does not apply to any of the
41 following:

- 42 (1) An individual who registers by mail and submits as part of the registration
43 application either of the following:
 - 44 a. A copy of a current and valid photo identification.
 - 45 b. A copy of one of the following documents that shows the name and
46 address of the voter: a current utility bill, bank statement,
47 government check, paycheck, or other government document.
- 48 (2) An individual who registers by mail and submits as part of the registration
49 application the individual's drivers license number or at least the last four
50 digits of the individual's social security number where an election official
51 matches either or both of the numbers submitted with an existing State

1 identification record bearing the same number, name, and date of birth
2 contained in the submitted registration. If any individual's number does not
3 match, the individual shall provide identification as required in subsection
4 (b2) of this section in the first election in which the individual votes.

- 5 (3) An individual who is entitled to vote by absentee ballot under the Uniformed
6 and Overseas Citizens Absentee Voting Act.
7 (4) An individual who is entitled to vote otherwise than in person under section
8 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped
9 Act.
10 (5) An individual who is entitled to vote otherwise than in person under any
11 other federal law."

12 **SECTION 1.2.** Article 14A of Chapter 163 of the General Statutes is amended by
13 adding a new section to read:

14 **"§ 163-166.13. Voter identification card."**

15 (a) Each county board of elections shall accept applications for and issue North
16 Carolina voter identification cards to registered North Carolina voters that shall under State law
17 be valid only for purposes of voter identification under this Chapter and available only to
18 registered voters of this State. No fee shall be charged or collected for the application for or
19 issuance of a North Carolina voter identification card.

20 (b) No person shall be eligible for a North Carolina voter identification card if such
21 person has a valid unexpired drivers license or a special identification card for nonoperators
22 issued under G.S. 20-37.7.

23 (c) The North Carolina voter identification card shall be captioned "NORTH
24 CAROLINA VOTER IDENTIFICATION CARD" and shall contain a prominent statement that
25 under North Carolina law it is valid only as identification for voting purposes. The North
26 Carolina voter identification card shall be laminated, shall contain a digital color photograph of
27 the applicant, and shall include the following information:

- 28 (1) Full legal name.
29 (2) Address of residence.
30 (3) Birth date.
31 (4) Date identification card was issued.
32 (5) Sex.
33 (6) Height.
34 (7) Weight.
35 (8) Eye color.
36 (9) County where the identification card was issued.
37 (10) Such other information or identification as required by rule of the State
38 Board of Elections.

39 (d) The application for a North Carolina voter identification card shall elicit the
40 information required under subsection (c) of this section and such other information as may be
41 required by rule of the State Board of Elections. The application shall be signed by the
42 applicant.

43 (e) The county board of elections shall require presentation and verification of the
44 following information before issuing a North Carolina voter identification card to a person:

- 45 (1) A photo identity document, except that a nonphoto identity document is
46 acceptable if it includes the person's name;
47 (2) Evidence that the person is registered to vote in this state; and
48 (3) Documentation showing the person's name and residence address.

49 (f) A North Carolina voter identification card shall remain valid so long as a person
50 resides at the same address and remains qualified to vote. It shall be the duty of a person who
51 moves his or her residence within the State to surrender his or her card to the county board of

1 elections of the county of his or her new residence; and such person may after such surrender
2 apply for and receive a new card if such person is otherwise eligible under this section. It shall
3 be the duty of a person who moves his or her residence outside this State or who ceases to be
4 qualified to vote to surrender his or her card to the county board of elections by which it was
5 issued.

6 (g) The State Board of Elections shall provide each county board of elections issuing
7 North Carolina voter identification cards with the necessary equipment, forms, supplies, and
8 training for the production of the North Carolina voter identification cards and shall maintain
9 such equipment.

10 (h) The State Board of Elections shall adopt policies for the administration of this
11 section and, without limiting the generality of the foregoing, such policies may further define or
12 prescribe the types of documentation required under subsection (e) of this section."

13 **SECTION 1.3.** G.S. 163-82.6A(b) reads as rewritten:

14 "(b) Both Attestation and Proof of Residence Required. – To vote under this section, a
15 voter must present a valid photo identification as defined by G.S. 163-166.12(a1). This
16 requirement is separate from the requirement to provide proof of residence under subdivision
17 (2) of this subsection. If an individual does not present the required identification, that
18 individual may vote a provisional official ballot. To register and vote under this section, the
19 person shall do both of the following:

- 20 (1) Complete a voter registration form as prescribed in G.S. 163-82.4, including
21 the attestation requirement of G.S. 163-82.4(b) that the person meets each
22 eligibility requirement. Such attestation is signed under penalty of a Class I
23 felony under G.S. 163-275(13); and
24 (2) Provide proof of residence by presenting any of the following valid
25 documents that show the person's current name and current residence
26 address: a North Carolina drivers license, a photo identification from a
27 government agency, or any of the documents listed in G.S. 163-166.12(a)(2).
28 G.S. 163-166.12(b)(2). The State Board of Elections may designate
29 additional documents or methods that suffice and shall prescribe procedures
30 for establishing proof of residence."

31 **SECTION 1.4.** G.S. 163-166.7(a) reads as rewritten:

32 "(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure
33 through the appropriate entrance. A precinct official assigned to check registration shall at once
34 ask the voter to state current name and residence address. The voter shall answer by stating
35 current name and residence address. address and present valid photo identification in
36 accordance with G.S. 163-166.12. In a primary election, that voter shall also be asked to state,
37 and shall state, the political party with which the voter is affiliated or, if unaffiliated, the
38 authorizing party in which the voter wishes to vote. After examination, that official shall state
39 whether that voter is duly registered to vote in that precinct and shall direct that voter to the
40 voting equipment or to the official assigned to distribute official ballots. If a precinct official
41 states that the person is duly registered, the person shall sign the pollbook, other voting record,
42 or voter authorization document in accordance with subsection (c) of this section before
43 voting."

44 **SECTION 1.5.** G.S. 163-227.2(b) reads as rewritten:

45 "(b) Not earlier than the third Thursday before an election, in which absentee ballots are
46 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday
47 before that election, the voter shall appear in person only at the office of the county board of
48 elections, except as provided in subsection (g) of this section. A county board of elections shall
49 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may
50 conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the
51 board office through the appropriate entrance and shall at once state his or her name and place

1 of residence to an authorized member or employee of the board. board and present valid photo
2 identification in accordance with G.S. 163-166.12. If an individual does not present the
3 required identification, that individual may vote a provisional official ballot. In a primary
4 election, the voter shall also state the political party with which the voter affiliates and in whose
5 primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the
6 primary of a particular party under G.S. 163-119, the voter shall state the name of the
7 authorizing political party in whose primary he wishes to vote. The board member or employee
8 to whom the voter gives this information shall announce the name and residence of the voter in
9 a distinct tone of voice. After examining the registration records, an employee of the board
10 shall state whether the person seeking to vote is duly registered. If the voter is found to be
11 registered that voter may request that the authorized member or employee of the board furnish
12 the voter with an application form as specified in G.S. 163-227. The voter shall complete the
13 application in the presence of the authorized member or employee of the board, and shall
14 deliver the application to that person."

15 **SECTION 1.6.** Article 15A of Chapter 163 of the General Statutes is amended by
16 adding a new section to read:

17 "**§ 163-182.1A. Counting of provisional official ballots cast because of failure to provide**
18 **valid photo identification at the polls.**

19 (a) A voter who cast a provisional official ballot wholly or partly as a result of the
20 voter's inability or declination to provide proof of identification may personally appear at an
21 office of the county board of elections not later than the date of the conclusion of the election
22 canvass for that county to seek counting of the provisional official ballot as provided in
23 subsection (b) or (c) of this section.

24 (b) Unless the vote is disqualified for some other reason provided by law, the county
25 board of elections shall find that the voter's provisional ballot is valid and direct that the
26 provisional ballot be opened and counted in accordance with this Chapter if the voter both:

- 27 (1) Provides valid photo identification to the county board of elections; and
28 (2) Executes an affidavit, in the form prescribed by the State Board of Elections
29 affirming under the penalties of perjury that the voter is the same individual
30 who:
31 a. Personally appeared to vote on the day of election or at an early
32 voting site; and
33 b. Cast the provisional ballot on that day.

34 (c) Unless the vote is disqualified for some other reason provided by law, the county
35 board of elections shall find that the voter's provisional ballot is valid and direct that the
36 provisional ballot be opened and counted in accordance with this Chapter if the voter executes
37 an affidavit before the county board of elections, in the form prescribed by the State Board of
38 Elections, affirming under the penalties of perjury that:

- 39 (1) The voter is the same individual who:
40 a. Personally appeared to vote on the day of election or at an early
41 voting site; and
42 b. Cast the provisional ballot on that day; and
43 (2) The voter has a sincerely held religious objection to being photographed.

44 (d) If the county board of elections determines that a voter described in subsection (b)
45 or (c) of this section has also cast a provisional official ballot for a cause other than the voter's
46 inability or declination to provide valid photo identification, the board shall both:

- 47 (1) Note on the envelope containing the provisional official ballot that the voter
48 has complied with the proof of valid photo identification requirement; and
49 (2) Proceed to determine any other reasons for which the ballot was cast
50 provisionally before ruling on the validity of the voter's provisional ballot."

51 **SECTION 1.7.** G.S. 163-87 reads as rewritten:

1 "§ 163-87. Challenges allowed on day of primary or election.

2 On the day of a primary or election, at the time a registered voter offers to vote, any other
3 registered voter of the precinct may exercise the right of challenge, and when he does so may
4 enter the voting enclosure to make the challenge, but he shall retire therefrom as soon as the
5 challenge is heard.

6 On the day of a primary or election, any other registered voter of the precinct may
7 challenge a person for one or more of the following reasons:

- 8 (1) One or more of the reasons listed in G.S. 163-85(c).
- 9 (2) That the person has already voted in that primary or election.
- 10 (3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.
- 11 (4) If the challenge is made with respect to voting in a partisan primary, that the
12 person is a registered voter of another political party.
- 13 (5) The voter does not present proof of identification as required by
14 G.S. 163-166.12.

15 The chief judge, judge, observer, or assistant appointed under ~~G.S. 163-41 or 163-42~~
16 ~~G.S. 163-41, 163-42, or 163-45~~ may enter challenges under this section against voters in the
17 precinct for which appointed regardless of the place of residence of the chief judge, judge,
18 observer, or assistant.

19 If a person is challenged under this subsection, and the challenge is sustained under
20 G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if
21 eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if
22 the transfer is made. A person who has transferred his registration under G.S. 163-82.15(e) may
23 be challenged at the precinct to which the registration is being transferred."

24 SECTION 1.8. G.S. 20-37.7(d) reads as rewritten:

25 "(d) Expiration and Fee. – A special identification card issued to a person for the first
26 time under this section expires when a drivers license issued on the same day to that person
27 would expire. A special identification card renewed under this section expires when a drivers
28 license renewed by the card holder on the same day would expire.

29 The fee for a special identification card is the same as the fee set in G.S. 20-14 for a
30 duplicate license. The fee does not apply to a special identification card issued to a resident of
31 this State who (i) is legally blind, (ii) is at least 70 years old, (iii) is eligible to vote in this State
32 but does not have a valid photo identification acceptable under G.S. 163-166.12(a1), (iv) is
33 homeless, or (v) who has been issued a drivers license but the drivers license is cancelled under
34 G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental
35 disability or disease. To obtain a special identification card without paying a fee, a homeless
36 person must present a letter to the Division from the director of a facility that provides care or
37 shelter to homeless persons verifying that the person is homeless."

38 **SECTION 1.9.** Education and Publicity Requirements. – The public shall be
39 educated about the photo identification to vote requirements of this act as follows:

- 40 (1) As counties use their regular processes to notify voters of assignments and
41 reassessments to districts for election to the United States House of
42 Representatives, State Senate, State House of Representatives, or local
43 office, by including information about the provisions of this act.
- 44 (2) As counties send new voter registration cards to voters as a result of new
45 registration, changes of address or other reasons, by including information
46 about the provisions of this act.
- 47 (3) Counties that maintain a board of elections Web site shall include
48 information about the provisions of this act.
- 49 (4) Notices of elections published by county boards of elections under
50 G.S. 163-22(8) for the May 2012 primary and 2012 general election shall
51 include a brief statement that photo identification is required to vote.

- 1 (5) The State Board of Elections shall include on its Web site information about
2 the provisions of this act.
3 (6) Counties shall post at the polls and at early voting sites beginning with the
4 May 2012 primary elections information about the provisions of this act.
5 (7) The State Board of Education shall include in the Judicial Voter Guide
6 described in G.S. 163-278.69 information about the provisions of this act
7 and shall also include the information in the Voter Guide under
8 G.S. 163-278.99E if it is published separately.
9 (8) The State Board of Elections and the county boards of elections shall take
10 reasonable steps to provide public service announcements about the
11 provisions of this act through print, radio, television, online, and social
12 media. The sum of six hundred thousand dollars (\$600,000) is appropriated
13 from the General Fund for the 2011-2012 fiscal year to a special reserve to
14 carry out the provisions of this subdivision and to provide for issuance of
15 North Carolina voter identification cards under G.S. 163-166.13 as enacted
16 by this act. Those funds shall be made available as follows:
17 a. One hundred thousand dollars (\$100,000) to the State Board of
18 Elections.
19 b. One hundred thousand dollars (\$100,000) in an equal share to each
20 county board of elections.
21 c. Two hundred thousand dollars (\$200,000) to county boards of
22 elections in proportion to the number of registered voters in the
23 county.
24 d. Two hundred thousand dollars (\$200,000) to county boards of
25 elections in counties covered by section 5 of the Voting Rights Act of
26 1965, in proportion to the number of registered voters in the county.

27 **SECTION 1.10.(a)** Funds under Title I and Title II of the Help America Vote Act
28 may be used for the purpose of Section 1.9 of this act and to provide for issuance of North
29 Carolina voter identification cards under G.S. 163-166.13 as enacted by this act.

30 **SECTION 1.10.(b)** Funds under the Election Assistance for Individuals with
31 Disabilities (EAID) provisions of the Help America Vote Act may be used for the purpose of
32 Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards
33 under G.S. 163-166.13 as enacted by this act to persons eligible for assistance under EAID.

34 **SECTION 1.10.(c)** Unexpended funds in the North Carolina Voter-Owned
35 Elections Fund may be for the purpose of Section 1.9 of this act and to provide for issuance of
36 North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act.

37 **SECTION 1.10.(d)** Funds from the surcharge on attorney membership fees under
38 G.S. 84-34 may be used for the purpose of Section 1.9 of this act as it relates to judicial
39 elections.

40 **SECTION 1.11.(a)** Sections 1.1 through 1.7 of this act are effective:

- 41 (1) In counties not subject to Section 5 of the Voting Rights Act of 1965
42 beginning with the statewide primary in 2012.
43 (2) In any county covered by Section 5 of the Voting Rights Act of 1965,
44 beginning with the later of the statewide primary in 2012 or the date this act
45 is precleared or approved under Section 5 of the Voting Rights Act of 1965.

46 **SECTION 1.11.(b)** Sections 1.8, 1.9, and 1.10 of this act become effective July 1,
47 2011. This Part is effective when it becomes law.

48
49 Part 2. Candidate and Treasurer Duty and Liability.

50 **SECTION 2.1.** Article 22A of Chapter 163 of the General Statutes is amended by
51 adding two new sections to read:

§ 163-278.11A. Duty of candidate to correct violation.

Upon actual notice of a violation under this Article which may result in a criminal penalty under G.S. 163-278.27 or a civil penalty under G.S. 163-278.34 to a candidate or candidate campaign committee, a candidate shall take immediate action to correct the violation. As used in this section, the term "candidate campaign committee" means the same as in G.S. 163-278.38Z(3).

§ 163-278.11B. Duty of treasurer to correct violation.

Upon actual notice of a violation under this Article which may result in a criminal penalty under G.S. 163-278.27 or a civil penalty under G.S. 163-278.34 to a candidate or candidate campaign committee, a treasurer shall take immediate action to correct the violation. If the actual notice of a violation is received by a former treasurer, that former treasurer shall immediately report the violation to the State Board of Elections. As used in this section, the term "candidate campaign committee" means the same as in G.S. 163-278.38Z(3)."

SECTION 2.2. G.S. 163-278.34 is amended by adding a new subsection to read:

"(d1) A candidate shall be jointly and severally liable for a civil penalty assessed by the State Board against a candidate campaign committee if the candidate had actual notice of the violation for which the penalty is assessed at the time the violation occurred and the candidate failed to correct the violation as required by G.S. 163-278.11A. As used in this subsection, the term "candidate campaign committee" means the same as in G.S. 163-278.38Z(3)."

SECTION 2.3. This Part becomes effective January 1, 2012, and applies to civil penalties assessed for any violation occurring on or after that date.

Part 3. State Board of Elections Chair Term Limit.

SECTION 3.1. G.S. 163-19 reads as rewritten:

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

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

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

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

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

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

(c) After taking the prescribed oath, the Board shall organize by electing one of its members chairman and another secretary. The term of office of the chairman is two years and begins on May 1 of each odd-numbered year. In the case of a vacancy, a new chairman shall be elected to serve the remainder of the unexpired term. No person may be elected as chairman for more than two terms. For the purpose of this subsection, cumulative service as chair for more than two years prior to May 1, 2009, shall be considered as one term.

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

SECTION 3.2. The State Board of Elections shall next elect a chairman for a two-year term beginning May 1, 2011.

SECTION 3.3. This Part is effective when it becomes law.

Part 4. Prohibit Piece-Work Payment for Voter Registration.

SECTION 4.1. Article 7A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-82.25A. Piece payment in voter registration drives prohibited.

No person who employs or contracts with another person to register voters or assist or encourage voters to fill out voter registration forms shall pay that person per voter registration application completed. No person shall accept payment on that basis. A violation of this section is a Class 2 misdemeanor."

SECTION 4.2. G.S. 163-274 is amended by adding a new subdivision to read:

"(14) For any person to pay or accept payment per voter registration application completed in violation of G.S. 163-82.25A."

SECTION 4.3. This Part becomes effective with respect to voter registration applications completed on or after January 1, 2012.

Part 5. No Pay-to-Play.

SECTION 5.1. Article 3 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 163-278.13D. Prohibition on contributions by entity affiliated with a vendor.

(a) Definitions. – The following definitions apply in this section:

(1) Contribution. – As defined in G.S. 163-278.6(6). A contribution is made during the term of a contract if it is dated or pledged on or after the first day of the term of the contract, but not later than the last day of the term of the contract, if it is delivered on or after the first day of the term of the contract, but not later than the last day of the term of the contract, or if the entity affiliated with the vendor pledges during the term of the contract to deliver the contribution after the last day of the term of the contract. However, a contribution will not be deemed to be made if (i) the vendor or entity affiliated with the vendor discovers the contribution within two months of the date of such contribution; (ii) such contribution exceeds one thousand dollars (\$1,000); and (iii) the vendor or entity affiliated with the vendor obtains a return of the contribution within 60 calendar days of the date of discovery of the contribution. A contribution is accepted during the term of a contract if the relevant political campaign receives the contribution on or after the first day of the term of the contract, but not later than the last day of the term of the contract and does not return the contribution within 10 days.

1 or the relevant political campaign agrees on or after the first day of the term
2 of the contract to receive the contribution after the last day of the term of the
3 contract.

4 (2) Entity affiliated with a vendor. – An officer, director, member, or manager
5 of the vendor, if the vendor is an incorporated business or a limited liability
6 company, a partner or general manager if the vendor is an unincorporated
7 business entity, or any political committee of which the vendor is the parent
8 entity as provided in G.S. 163-278.19. Director of a vendor means any
9 director of the vendor whether or not receiving compensation. An advisory
10 director is not a director of a vendor if the advisory director (i) is not elected
11 by the vendor's shareholders and the vendor is a company or bank; (ii) is not
12 authorized to vote on matters before the Board of Directors; and (iii)
13 provides solely general policy advice to the Board of Directors.

14 (3) Office with authority to award contract. – Any of the principal offices or
15 departments listed in G.S. 143A-11. Notwithstanding any other provision of
16 law or delegation of authority and for the purposes of subsection (b) of this
17 section, the head of the principal office or department shall be deemed to
18 award all contracts for that principal office or department and for any other
19 offices, agencies, or commissions administratively housed within that
20 principal office or department.

21 (4) Relevant political campaign. – A candidate for the office with authority to
22 award the contract, the officer holding the office with authority to award the
23 contract, or a political committee controlled by a candidate for or officer
24 holding the office with authority to award the contract.

25 (b) Prohibition. – No entity affiliated with a vendor that has entered into a contract for
26 supplies, materials, equipment, other tangible personal property, or services in excess of
27 twenty-five thousand dollars (\$25,000) with any of the principal offices or departments listed in
28 G.S. 143A-11 and subject to the provisions of Article 3 of Chapter 143 of the General Statutes
29 shall make during the term of the contract a contribution to a relevant political campaign. No
30 relevant political campaign shall knowingly accept a contribution during the term of the
31 contract from an entity affiliated with a vendor that has entered into a contract for supplies,
32 materials, equipment, other tangible personal property, or services in excess of twenty-five
33 thousand dollars (\$25,000) with any of the principal offices or departments listed in
34 G.S. 143A-11 and subject to the provisions of Article 3 of Chapter 143 of the General Statutes.
35 This subsection does not apply if the contributions by all entities affiliated with the vendor to
36 the relevant political campaign during the term of the contract do not exceed one thousand
37 dollars (\$1,000). The State Board of Elections shall adopt any procedures for reporting it deems
38 necessary for the enforcement of this subsection.

39 (c) Penalty. – A violation of this section is a Class 2 misdemeanor."

40 SECTION 5.2. This Part becomes effective January 1, 2012, and applies to
41 contributions made on or after that date.

42 Part 6. Absentee Ballot Request Flexibility.

43 SECTION 6.1. G.S. 163-230.2 reads as rewritten:

44 "§ 163-230.2. Method of requesting absentee ballots.

45 (a) Valid Types of Written Requests. – A written request for an absentee ballot as
46 required by G.S. 163-230.1 is valid only if it is written entirely by the requester personally, or
47 is on a form generated by the county board of elections and signed by the requester. The county
48 board of elections shall issue a request form only to the voter seeking to vote by absentee ballot
49 or to a person authorized by G.S. 163-230.1 to make a request for the voter. If a requester, due
50

1 ~~to disability or illiteracy, is unable to complete a written request, that requester may receive~~
2 ~~assistance in writing that request from an individual of that requester's choice.~~

3 (b) Invalid Types of Written Requests. – A request is not valid if it does not comply
4 with subsection (a) of this section. If a county board of elections receives a request for an
5 absentee ballot that does not comply with subsection (a) of this section, the board shall not
6 issue an application and ballot under G.S. 163-230.1.

7 (c) Rules by State Board. – The State Board of Elections shall adopt rules for the
8 enforcement of this section."

9 **SECTION 6.2.** This Part becomes effective with respect to primaries and elections
10 conducted on or after January 1, 2012.