

April 18, 2007

**H 1743. ELECTION AMENDMENTS.** Filed 4/18/07. *TO AMEND THE ELECTION LAWS.*

To be summarized in tomorrow's *Daily Bulletin*.

**Intro. by Goodwin.**

GS 163

April 19, 2007

**H 1743. ELECTION AMENDMENTS.** Filed 4/18/07. *TO AMEND THE ELECTION LAWS.*

Amends GS 163-234 to provide for counting absentee ballots returned by 5:00 pm on the day of the election (was, day before the election). Amends GS 163-278.32 to provide that certifications on campaign contribution and expenditure statements are treated as being under oath and that making a certification known to be untrue is a Class F felony. Amends GS 163-278.34 to provide that if the State Board of Elections (SBE) finds that a late filing constituted a willful attempt to conceal campaign contributions or expenditures, a civil penalty of up to three times the amount attempted to be concealed may be imposed. Amends GS 163-278.6 regarding definitions of campaign contributions regarding volunteer services, independent expenditures, and payments by campaign staffers that are to be reimbursed by the campaign. Amends GS 163-132.1B to define voting precincts to be submitted to the Bureau of the Census. Amends GS 163-165.5B to allow combination of ballot items on the same official ballot. Amends GS 163-165.1 to make electronic records of individual voted ballots confidential and to make disclosure of individual votes a Class I felony. Revises GS 163-165.5 to provide no space for write-ins unless a write-in candidate has qualified (or qualification is not required). Amends GS 163-182.12 to provide that SBE may allow revotes two weeks after canvass (was, two weeks after election). Amends GS 163-166.4 requiring limitations on campaign activity within buffer zone around polling places to apply to one-stop voting sites. Amends GS 163-82.6 to make it a misdemeanor to change a person's information on a voter registration form, to intimidate a person into making a particular party affiliation, or to pre-mark a registration form with a party affiliation without the request of the person receiving the form. Amends GS 163-274 to make it a misdemeanor to knowingly instruct a non-US citizen to register or to vote. Amends GS 163-82.10 to provide that signatures within the state voter registration system may be viewed by the public but may not be copied except for election purposes. Amends GS 163-166.3 to prevent photographs of persons in, entering, or leaving voting enclosures except with permission of both the voter and the chief judge of the precinct (with the chief judge's permission not required if the voter is a candidate). Amends GS 163-165.3 to make SBE responsible for all ballot coding and equipment programming. Makes other technical and conforming amendments.

**Intro. by Goodwin.**

GS 163

May 8, 2007

**H 1743. ELECTION AMENDMENTS.** Filed 4/18/07. House committee substitute makes the following changes to 1st edition.

*Absentee ballots:* Under current law, to be accepted, an absentee ballot must be received by the county board of elections (CBE) by 5:00 pm on the day before the election. The first edition amended GS 163-234(1) to extend the deadline for receipt until 5:00 pm on election day. The committee substitute makes a conforming change to GS 163-231(b) regarding transmitting executed absentee ballots to county board's of elections. Amends GS 163-232 to require the CBE to make public a supplemental list of the absentee ballots received by the 5:00 pm on election day deadline. Amends GS 163-89(a) to extend the deadline for challenging the late-coming absentee ballots. Effective January 1, 2008.

*False campaign reports:* The first edition amended GS 163-278.32 to provide that a certification of a campaign report is to be treated as if it were made under oath. Amends GS 163-278.27 to provide that it is a Class F felony to make a certification in violation of GS 278.32 (apparently intends GS 163-278.32) knowing the information to be untrue.

*Defining Political Committee:* Amends GS 163-278.6(14) to delete the part of the definition of *political committee* that sets a rebuttable presumption that an organization has as its major purpose supporting or opposing candidates if it contributes and/or expends more than \$3,000 in an election cycle.

*Voting tabulation districts:* Modifies GS 163-132.1B to prohibit CBEs from changing voting tabulation districts, and beginning January 1, 2009, requires every CBE to report all election returns by voting tabulation districts. Effective January 1, 2009, amends GS 163-132.3 to provide that no CBE may change any precinct boundary unless the Executive Director (ED) of the State Board of Elections approves the changes (current law allows CBEs to change precinct boundaries in specified ways). Also requires CBEs to report boundary changes to the ED (current law requires changes to be reported by indicating changes on maps that are then filed with the Legislative Services Office). Effective January 1, 2009, makes conforming changes to GS 163-132.5G, 163-165.7(a)(3), and 163-132.5F.

*Criminal penalties:* Modifies GS 163-165.1(e) declaring it a Class 1 misdemeanor for a person with access to an official voted ballot or record to knowingly disclose how another individual has voted (was, Class I felony). Makes a conforming change to GS 163-274. Amends GS 163-274 to make a conforming change adding as Class 2 misdemeanors activities related to voter registration drives. Amends GS 163-275 to make it a Class I felony to instruct or coerce a person to register to vote, knowing the person is not a citizen. Effective December 1, 2007, and applies to any offense committed on or after that date.

*Lost votes:* Amends GS 163-182.12 to provide that when there is a group of known voters who were given the wrong ballot style, the State Board of elections may allow voters to recast their votes. Provides guidelines for recasting of votes.

*Voter registration form:* Modifies GS 163-82.10(a) to specify that cumulative voter registration data may be released as public record as long as information about any individual may not be discerned from the disclosed data. Modifies GS 163-82.4(e) to allow a person who fails to complete any item on a voter registration form to correct or complete the form up until 5:00 pm on the day before the county canvass. If the form is incomplete on election day, the voter will be allowed to vote a provisional ballot.

Effective January 1, 2008, amends GS 163-38, 163-39, and 163-40 to extend prohibitions from certain activities on behalf of candidates whose names are on the ballots the county boards of election and the State Board of Election supervise to include employees of the State Board of Elections and county boards of election. Modifies GS 163-166.12 providing that if a driver's license or a Social Security number a voter puts on a registration form does not match in the computer check, the voter will be required to show an I.D. the first time he or she votes. Amends GS 163-166.3 to extend the prohibition on photographing voters to one-stop voting sites.

Removes proposed revisions in the first edition to GS 163-278.6(6), GS 163-278.11(a), GS 163-278.9(a)(4a), GS 163-278.9A(a)(2a), GS 163-82.20, and GS 163-165.9A.

Makes technical and conforming changes. Rewrites the title to reflect the content of the bill.

May 15, 2007

**H 1743. ELECTION AMENDMENTS.** Filed 4/18/07. House committee substitute makes the following changes to 2nd edition. Modifies GS 163-278.32 to make it a Class I felony for any person to make a certification in violation of GS Chapter 163, Article 22A (regulating contributions and expenditures in political campaigns) knowing it to be untrue (was, class F). Modifies GS 163-165.9 to authorize the county board of elections to contract with noncertified ballot printers that meet all specifications and quality assurance guidelines set by the State Board of Elections. Makes technical corrections.

May 17, 2007

**H 1743. ELECTION AMENDMENTS.** Filed 4/18/07. House amendment makes the following changes to 3rd edition. Directs that the proposed amendments to the following provisions become effective only if any funds necessary to implement them are appropriated: GS 163-132.1B (participation in 2010 census redistricting data program of the US Bureau of the Census), GS 163-132.3 (alterations to approved precinct boundaries), GS 163-132.5G (voting data maintained by voting tabulation district), GS 163-165.7(a)(3) (regarding voting system capacity), GS 163-132.5F (US census data by voting tabulation district), and GS 163-165.3 (responsibilities for preparing official ballots). Makes conforming change.

July 30, 2007

**H 1743. ELECTION AMENDMENTS.** Filed 4/18/07. Senate committee substitute makes the following changes to 4th edition. Deletes Section 1 of the bill, which would have extended the deadline for absentee ballots by one day. Provides that proposed GS 163-278.27(a1) (Class I felony for making a certification knowing the information is false) is effective for offenses committed on or after December 1, 2007. Provides for a conforming change to GS 163-278.99E(a) extending the time period during which the voter guide must be distributed, if H 1517 (voter-owned elections pilot) is enacted.

Modifies proposed GS 163-132.1B to require the Executive Director of the State Board of Elections (SBOE) to report as the state's voting tabulation districts the voting precincts as of January 1, 2008 (was, 2009). Requires the Executive Director to consult with the Legislative Services Office concerning the accuracy of the voting precincts before reporting to the Bureau of Census and requires the report to the Bureau in time to comply with the deadlines for the 2010 Census Redistricting Data Program (was, by January 1, 2010). Also requires county boards of elections to report election returns by voting tabulation districts after January 1, 2008 (was, 2009). Also provides that voting tabulation districts are the precincts as of January 1, 2008. Modifies proposed amendments to GS 163-132.3 to allow the SBOE to set uniform standards for precinct boundaries that must be followed by the county boards of elections. Requires the county boards of elections to report every change in precinct boundary to the Executive Director. Modifies proposed amendments to GS 163-132.5G to provide that the 60-day deadline for reporting returns by voting tabulation district does not relieve the county board of the duty to report all returns as soon as practicable. Changes the effective date of changes to GS 163-132.3, GS 163-132.5G, GS 163-165.7(a)(3), and GS 163-132.5F, from January 1, 2009, to January 1, 2008. Modifies GS 163-39 to provide that nothing in the article prohibits a board member or board employee from advising other government entities as to technical matters related to election administration or revision of electoral district boundaries.

Modifies proposed GS 163-166.12(b2) to provide that the procedure for voting when identification numbers do not match applies regardless of whether an individual has registered by mail or another method. Provides that if the individual registers and votes under GS 163-82.6A, the identification documents required by that statute apply. Amends GS 163-82.12 to require the SBOE's guidelines for the administration of the voter registration system to include a provision for notifying voter-registration applicants whose driver's license or last four social security number digits do not result in a validation, attempting to resolve the discrepancy, initiating investigations or challenges, and notifying any voters of the requirement to present identification when voting.

Modifies proposed GS 163-166.3(b) to prohibit a person from photographing, videotaping, or recording the image of a voter within the voting enclosure (was, within, or entering or leaving the voting enclosure). Excludes from the prohibition cameras used as a regular part of the facility's security. Prohibits a person from photographing, videotaping, or recording the image of a voted official ballot for any purpose that is not otherwise permitted by law.

Enacts new GS 163-82.20A requiring the SBOE, Department of Correction, and Administrative Office of the Courts to implement educational programs and procedures for persons to apply to register to vote when they are restored to citizenship and all required filings have been completed. Sets minimum steps that must be taken by the program. Effective October 1, 2007.

Enacts new GS 128-7.2, to implement Section 8 of Article VI of the NC Constitution, requiring a person to have been qualified to vote for the office as of the date of appointment in order for a person to be eligible for appointment to fill a vacancy in any elected office. Makes the same change to GS 163-11.

Effective January 1, 2008, amends GS 163-59 to require that a person be qualified by age (was, by age or residency) to vote in the general election in order to vote in the primary. Amends GS 163-226.3(a)(4) to allow the county board of elections to provide multi-partisan teams of board members, employees, or volunteers to assist voters with absentee ballots. The teams are allowed to go into nursing homes with training and authorization from the county board of elections.

Amends GS 163-82.14 to require the county board of elections to complete its voter list maintenance mailing program by April 15 of every odd-numbered year unless the SBOE approves a different date for that county.

Amends GS 163-213.4 to require the chair of each political party to submit a list of its presidential candidates to be placed on the presidential preference primary ballot by the first Tuesday in February of the year preceding the North Carolina presidential preference primary. Removes the requirement that presidential primary candidates be eligible to receive federal matching funds. Provides for candidates that must be included on the list. Requires the SBOE to publish a list of the names of the presidential candidates submitted.

Effective January 1, 2008, amends GS 163-227.2(g) to require the SBOE to find that other equally suitable sites were not available and that the use of the sites chosen will not unfairly advantage or disadvantage interests of that county before approving a one-stop voting site in a building that the county board of elections is not entitled to demand and use as an election-day voting place.

Amends GS 163-278.11 to provide that a treasurer is not required to report the name, address, or occupation of *any* individual (was, resident of the state) contributing \$50 or less. Makes a conforming change to Section 2-8 of SL 1987-476, if S 488 (Carrboro campaign regulation) becomes law.

Amends GS 163-278.13 to allow a candidate or political committee to accept a contribution knowing that the contribution is to be reimbursed if specified conditions are met. Any contribution that is not submitted for reimbursement or that is not reimbursed is treated as a contribution.

Amends GS 163-278.34(b) to allow the SBOE to impose a penalty for making an illegal expenditure. Amends GS 163-285 to require all elections held under Article 23 (municipal election procedure) to be reported to the SBOE within 30 days of the certification of the election.

Makes technical changes to GS 163-278.16B. Amends GS 163-278.110 to provide that the definitions in Article 22 apply.

Conforms the title.

July 31, 2007

**H 1743. ELECTION AMENDMENTS.** Filed 4/18/07. Senate amendments make the following changes to 5th edition. Amendment #1 makes technical corrections to GS 163-166.12(b2) and to GS 163-213.4. Amendment #2 modifies proposed GS 163-278.13(d1) to provide that a candidate or political committee must also know that there are sufficient funds to make the reimbursement when accepting a contribution.

August 2, 2007

**H 1743. ELECTION AMENDMENTS.** Filed 4/18/07. Conference report recommends the following changes to 6th edition to reconcile matters in controversy. Modifies proposed GS 163-278.13(d1), which allows a candidate or political committee to accept a contribution under specified conditions knowing that the contribution is to be reimbursed to limit the provision to contributions not exceeding \$1,000. Also modifies proposed amendments to GS 163-278.34(b) to change the term *illegal expenditures* to *unlawful expenditures*.

August 27, 2007

**SL 2007-391 (H 1743). ELECTION AMENDMENTS. AN ACT TO CLARIFY THE PERJURY PROVISION IN CAMPAIGN FINANCE STATUTES; TO PROVIDE CIVIL PENALTIES FOR DECEPTIVE LATE FILING OF CAMPAIGN REPORTS; TO REPEAL THE THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO**

PROVIDE THAT A BALLOT NEED NOT HAVE A WRITE-IN SPACE IF NO WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT VOTER REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR INSTRUCTING OR COERCING NONCITIZEN VOTING; TO UPDATE THE REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION; TO BROADEN THE STATUTE REGARDING CORRECTING VOTER REGISTRATION FORMS; TO APPLY THE IDENTIFICATION REQUIREMENT TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE THE VOTING ENCLOSURE; TO MAKE THE STATE BOARD OF ELECTIONS RESPONSIBLE FOR BALLOT CODING; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH SPECIFICATIONS FOR BALLOT PRINTERS AND TO MAINTAIN THEIR SOFTWARE WARRANTIES; TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP; AND TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE QUALIFIED TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT; AND TO MAKE OTHER AMENDMENTS TO THE ELECTION LAWS. Summarized in *Daily Bulletin* 4/19/07, 5/8/07, 5/15/07, 5/17/07, 7/30/07, 7/31/07, and 8/2/07. Enacted August 19, 2007. Effective August 19, 2007, except as otherwise provided.