

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 831**

Short Title: Election Changes.

(Public)

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Sponsors: Representatives Alexander; and Luebke.

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Referred to: Election Law and Campaign Finance Reform.

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March 28, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES IN THE ADMINISTRATION OF ELECTIONS.

The General Assembly of North Carolina enacts:

**--CHANGES CONCERNING COUNTY ELECTION DIRECTORS.**

**SECTION 1.(a)** G.S. 163-35(b) reads as rewritten:

"(b) Appointment, Duties; Termination. – Upon receipt of a nomination from the county board of elections stating that the nominee for director of elections is submitted for appointment upon majority selection by the county board of elections the Executive Secretary-Director shall issue a letter of appointment of such nominee to the chairman of the county board of elections within 10 days after receipt of the nomination. Thereafter, the county board of elections shall enter in its official minutes the specified duties, responsibilities and designated authority assigned to the director by the county board of elections. A copy of the specified duties, responsibilities and designated authority assigned to the director shall be filed with the State Board of Elections.

The county board of elections may, by petition signed by a majority of the board, recommend to the Executive Secretary-Director of the State Board of Elections the termination of the employment of the county board's director of elections. The petition shall clearly state the reasons for termination. Upon receipt of the petition, the Executive Secretary-Director shall forward a copy of ~~same~~ the petition by certified mail, return receipt requested, to the county director of elections involved. The county director of elections may reply to ~~said~~ the petition within 15 days of receipt thereof. Within 20 days of receipt of the county director of elections' reply or the expiration of the time period allowed for the filing of ~~said~~ the reply, the State Executive Secretary-Director shall render a decision as to the termination or retention of the county director of elections. The decision of the Executive Secretary-Director of the State Board of Elections shall be final unless such decision shall, within 20 days from the official date on which it was made, be deferred by the State Board of Elections, in which event a public hearing shall be conducted by ~~said~~ the State Board or any single

1 member designated by the remaining four members, in the county seat of the county  
2 involved. Following the conduct of ~~such that~~ public hearing and a decision by the State  
3 Board of Elections, the chairman of said Board shall notify the Executive  
4 Secretary-Director of the State Board of Elections, in writing, of the decision resulting  
5 from the public hearing. If the decision, rendered by the State Board of Elections,  
6 results in concurrence with the decision entered by the Executive Secretary-Director, the  
7 decision becomes final. If the decision rendered by the Board is contrary to that entered  
8 by the Executive Secretary-Director, then the Executive Secretary-Director shall, within  
9 15 days from the written notification, enter an amended decision consistent with the  
10 results of the decision by the State Board of Elections. The employment of any director  
11 of elections presently employed or hereafter employed shall not be terminated except in  
12 compliance with the procedures herein prescribed. For the purposes of this subsection  
13 the individual designated by the remaining four members of the State Board shall  
14 possess the same authority conferred upon the chairman pursuant to G.S. 163-23.

15 The State Board of Elections, upon the recommendation of the Executive Secretary-  
16 Director and upon majority vote of the State Board, may initiate proceedings for the  
17 termination for good cause of a county director of elections. If the State Board initiates  
18 proceedings for termination, the State Board shall state the reasons in writing and send a  
19 copy by certified mail, return receipt requested, to the county director of elections. The  
20 director shall be given 15 days to reply to the writing. If the county director of elections  
21 so requests, the State Board or a member of the State Board shall conduct a public  
22 hearing. That hearing shall be held in the county seat of the county involved. After that  
23 hearing, the State Board shall make a final decision on the termination."

24 **SECTION 1.(b)** G.S. 163-35 is amended by adding a new subsection to  
25 read:

26 "(e) Training and Certification. – The State Board of Elections shall conduct a  
27 training program consisting of four weeks for each new county director of elections.  
28 The director shall complete that program. Each director appointed after May 1995 shall  
29 successfully complete a certification program as provided in G.S. 163-82.24(b) within a  
30 year after appointment or by January 1, 2003, whichever occurs later."

31 **SECTION 1.(c)** This section becomes effective January 1, 2002.

32 **--CERTIFICATION OF ELECTION OFFICIALS.**

33 **SECTION 2.(a)** G.S. 163-82.24 reads as rewritten:

34 **"§ 163-82.24. Statewide training and certification for election officials.**

35 (a) Training. -- The State Board of Elections shall conduct training programs in  
36 election law and procedures. Every county elections director shall receive training  
37 conducted by the State Board at least as often as required in the following schedule:

- 38 (1) Once during each odd-numbered year before the municipal election  
39 held in the county;
- 40 (2) Once during each even-numbered year before the first partisan  
41 primary; and
- 42 (3) Once during each even-numbered year after the partisan primaries but  
43 before the general election.

1 Every member of a county board of elections shall receive training conducted by the  
2 State Board at least once during the six months after the member's initial appointment  
3 and at least once again during the first two years of the member's service. The State  
4 Board of Elections shall promulgate rules for the training of precinct officials, which  
5 shall be followed by the county boards of elections.

6 (b) Certification. – The State Board of Elections shall conduct a program for  
7 certification of election officials. The program shall include training in election law and  
8 procedures. Before issuing certification to an election official, the State Board shall  
9 administer an examination designed to determine the proficiency of the official in  
10 election law and procedures. The State Board shall set adequate standards for the  
11 passage of the examination."

12 **SECTION 2.(b)** This sections becomes effective when this act becomes law.

13 **--REMOVE SUNSET FROM OUT-OF-PRECINCT VOTING PLACE**  
14 **PROVISION.**

15 **SECTION 3.(a)** Section 3(b) of S.L. 1999-426 reads as rewritten:

16 "Section 3.(b) This section is effective when this act becomes ~~law and expires~~  
17 ~~January 1, 2002.~~ law."

18 **SECTION 3.(b)** This section is effective when this act becomes law.

19 **--REMOVE SUNSET AND 3-COUNTY PILOT LIMITATION FROM**  
20 **2-VOTING-PLACE-PER-PRECINCT PROVISION.**

21 **SECTION 4.(a)** G.S. 163-130.2 reads as rewritten:

22 **"§ 163-130.2. Temporary use of two voting places for certain ~~precincts; pilot~~**  
23 **~~program.~~ precincts.**

24 A county board of elections, by unanimous vote of all its members, may propose to  
25 designate two voting places to be used temporarily for the same precinct. The temporary  
26 designation of a voting place shall continue only for the term of office of the county  
27 board of elections making the designation. For any precinct that is temporarily given  
28 two voting places, the county board shall assign every voter to one or the other of those  
29 voting places.

30 The county board's proposal is subject to approval by the Executive  
31 Secretary-Director of the State Board of Elections. The county board shall submit its  
32 proposal in writing to the Executive Secretary-Director. ~~The Executive Secretary-~~  
33 ~~Director may approve a proposal under this section in not more than three counties, to~~  
34 ~~be a pilot program.~~ The Executive Secretary-Director shall approve that proposal only if  
35 it finds all of the following:

- 36 (1) That the precinct has more registered voters than can adequately be  
37 accommodated by any single potential voting place available for the  
38 precinct.
- 39 (2) That no boundary line that complies with Article 12A of this Chapter  
40 can be identified that adequately divides the precinct.
- 41 (3) That the county board can account for, by street address number, the  
42 location of every registered voter in the precinct and fix that voter's  
43 residence with certainty on a map.

- 1 (4) That no more than three other precincts in the same county will have  
2 two voting places.
- 3 (5) That both voting places for the precinct would have adequate facilities  
4 for the elderly and disabled.
- 5 (6) That the proposal provides adequately for security against fraud.
- 6 (7) That the proposal does not unfairly favor or disfavor voters with regard  
7 to race or party affiliation.

8 The county board shall designate a full set of precinct officials, in the manner set forth  
9 in Article 5 of this Chapter, for each voting place designated for the precinct."

10 **SECTION 4.(b)** Section 4(b) of S.L. 1999-426 reads as rewritten:

11 "Section 4.(b) This section becomes effective January 2, 2000, and expires January  
12 ~~2, 2002.~~ 2000. The Executive Secretary-Director of the State Board of Elections shall  
13 study the operation and consequences of the pilot program created by this section and  
14 report findings and recommendations to the 2001 General Assembly by February 1,  
15 2001."

16 **SECTION 4.(c)** This section is effective when this act becomes law.

17 **--CHANGES CONCERNING ONE-STOP VOTING.**

18 **SECTION 5.(a)** G.S. 163-227.2(b) reads as rewritten:

19 "(b) Not earlier than the first business day after the ~~twenty-fifth~~ eighteenth day  
20 before an election, in which absentee ballots are authorized, in which a voter seeks to  
21 vote and not later than 5:00 p.m. on the Friday prior to that election, the voter shall  
22 appear in person only at the office of the county board of elections, except as provided  
23 in subsection ~~(f1)~~ (g) of this section. That voter shall enter the voting enclosure at the  
24 board office through the appropriate entrance and shall at once state his or her name and  
25 place of residence to an authorized member or employee of the board.

26 In a primary election, the voter shall also state the political party with which the  
27 voter affiliates and in whose primary the voter desires to vote, or if the voter is an  
28 unaffiliated voter permitted to vote in the primary of a particular party under G.S.  
29 163-119, the voter shall state the name of the authorizing political party in whose  
30 primary he wishes to vote. The board member or employee to whom the voter gives this  
31 information shall announce the name and residence of the voter in a distinct tone of  
32 voice. After examining the registration records, an employee of the board shall state  
33 whether the person seeking to vote is duly registered. If the voter is found to be  
34 registered that voter may request that the authorized member or employee of the board  
35 furnish the voter with an application form as specified in G.S. 163-227. The voter shall  
36 complete the application in the presence of the authorized member or employee of the  
37 board, and shall deliver the application to that person."

38 **SECTION 5.(b)** G.S. 163-227.2(g) reads as rewritten:

39 "(g) Notwithstanding any other provision of this section, a county board of  
40 elections by unanimous vote of all its members may provide for one or more sites in that  
41 county for absentee ballots to be applied for and cast under this section. Any site other  
42 than the county board of elections office shall be in any building or part of a building  
43 that the county board of elections is entitled under G.S. 163-129 to demand and use as a  
44 voting place. Every individual staffing any of those sites shall be a member or full-time

1 employee of the county board of elections or an employee of the county board of  
2 elections whom the board has given training equivalent to that given a full-time  
3 employee. Those sites must be approved by the State Board of Elections as part of a  
4 Plan for Implementation approved by both the county board of elections and by the  
5 State Board of Elections which shall also provide adequate security of the ballots and  
6 provisions to avoid allowing persons to vote who have already voted. The Plan for  
7 Implementation shall include a provision for the presence of political party observers at  
8 each one-stop site equivalent to the provisions in G.S. 163-45 for party observers at  
9 voting places on election day. By unanimous vote of all its members, a county board of  
10 elections may propose in its Plan not to offer one-stop voting at the county board of  
11 elections office but to rely exclusively on the other sites; the State Board shall approve  
12 that proposal in a Plan only if it finds that the other sites provide adequate coverage of  
13 the county's electorate. If a county board of elections has considered a proposed Plan or  
14 Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a  
15 member or members of that county board of elections may petition the State Board of  
16 Elections to adopt a plan for it. If petitioned, the State Board may also receive and  
17 consider alternative petitions from another member or members of that county board.  
18 The State Board of Elections may adopt a Plan for that county. The State Board, in that  
19 plan, shall take into consideration factors including geographic, demographic, and  
20 partisan interests of that county."

21 **SECTION 5.(c)** This section becomes effective January 1, 2002.

22 **--ELECTRONIC TRANSFER OF DMV REGISTRATIONS.**

23 **SECTION 6.(a)** G.S. 163-82.19 reads as rewritten:

24 **"§ 163-82.19. Voter registration at drivers license offices.**

25 The Division of Motor Vehicles shall, pursuant to the rules adopted by the State  
26 Board of Elections, modify its forms so that any eligible person who applies for original  
27 issuance, renewal or correction of a drivers license, or special identification card issued  
28 under G.S. 20-37.7 may, on a part of the form, complete an application to register to  
29 vote or to update his registration if the voter has changed his address or moved from one  
30 precinct to another or from one county to another. The person taking the application  
31 shall ask if the applicant is a citizen of the United States. If the applicant states that the  
32 applicant is not a citizen of the United States, or declines to answer the question, the  
33 person taking the application shall inform the applicant that it is a felony for a person  
34 who is not a citizen of the United States to apply to register to vote. Any person who  
35 willfully and knowingly and with fraudulent intent gives false information on the  
36 application is guilty of a Class I felony. The application shall state in clear language the  
37 penalty for violation of this section. The necessary forms shall be prescribed by the  
38 State Board of Elections. The form must ask for the previous voter registration address  
39 of the voter, if any. If a previous address is listed, and it is not in the county of residence  
40 of the applicant, the appropriate county board of elections shall treat the application as  
41 an authorization to cancel the previous registration and also process it as such under the  
42 procedures of G.S. 163-82.9. If a previous address is listed and that address is in the  
43 county where the voter applies to register, the application shall be processed as if it had  
44 been submitted under G.S. 163-82.9.

1 Registration shall become effective as provided in G.S. 163-82.7. Applications to  
2 register to vote accepted at a drivers license office under this section until the deadline  
3 established in G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no  
4 person who completes an application at that drivers license office shall be denied the  
5 vote in that election for failure to apply earlier than that deadline.

6 All applications shall be forwarded by the Department of Transportation to the  
7 appropriate board of elections not later than five business days after the date of  
8 acceptance, according to rules which shall be promulgated by the State Board of  
9 Elections. Those rules shall provide for a paperless, instant, electronic transfer of  
10 applications to the appropriate county board of elections."

11 **SECTION 6.(b)** This section becomes effective January 1, 2002.

12 **--UPDATING OF VOTER REGISTRATION LIST-MAINTENANCE**  
13 **PROVISION TO REFLECT CURRENT FEDERALLY APPROVED**  
14 **PRACTICE.**

15 **SECTION 7.(a)** G.S. 163-82.14(d) reads as rewritten:

16 "(d) Change of Address. – A county board of elections shall conduct a systematic  
17 program to remove from its list of registered voters those who have moved out of the  
18 county, and to update the registration records of persons who have moved within the  
19 county. The county board shall remove a person from its list if the registrant:

- 20 (1) Gives confirmation in writing of a change of address for voting  
21 purposes out of the county. "Confirmation in writing" for purposes of  
22 this subdivision shall include:
- 23 a. A report to the county board from the Department of  
24 Transportation or from a voter registration agency listed in G.S.  
25 163-82.20 that the voter has reported a change of address for  
26 voting purposes outside the county;
  - 27 b. A notice of cancellation received under G.S. 163-82.9; or
  - 28 c. A notice of cancellation received from an election jurisdiction  
29 outside the State.
- 30 (2) Fails to respond to a confirmation mailing sent by the county board in  
31 accordance with this subdivision and does not vote or appear to vote in  
32 an election beginning on the date of the notice and ending on the day  
33 after the date of the second general election for the United States  
34 House of Representatives that occurs after the date of the notice. A  
35 county board sends a confirmation notice in accordance with this  
36 subdivision if the notice:
- 37 a. Is a postage prepaid and preaddressed return card, sent by  
38 forwardable mail, on which the registrant may state current  
39 address;
  - 40 b. Contains or is accompanied by a notice to the effect that if the  
41 registrant did not change residence but remained in the county,  
42 the registrant should return the card not later than the deadline  
43 for registration by mail in G.S. 163-82.6(c)(1); and

1 c. Contains or is accompanied by information as to how the  
2 registrant may continue to be eligible to vote if the registrant  
3 has moved outside the county.

4 A county board shall send a confirmation mailing in accordance with  
5 this subdivision ~~if the to every registrant remains on the list, the~~  
6 ~~registrant has not voted in two successive presidential elections or in~~  
7 ~~any election in between, and after every congressional election if the~~  
8 county board has not confirmed the registrant's address by another  
9 means. ~~The county board may send a confirmation mailing in~~  
10 ~~accordance with this subdivision if the registrant has been identified as~~  
11 ~~residing outside the county through change of address information~~  
12 ~~supplied by the Postal Service through its licensees."~~

13 **SECTION 7.(b)** This section is effective when this act becomes law.

14 **--APPLYING WRITE-IN STATUTE TO SUPERIOR COURT JUDGE**  
15 **ELECTIONS.**

16 **SECTION 8.(a)** G.S. 163-123(g) reads as rewritten:

17 "(g) Municipal and Nonpartisan Elections Excluded. – This section does not apply  
18 to municipal elections conducted under Subchapter IX of Chapter 163 of the General  
19 Statutes, and does not apply to nonpartisan ~~elections~~ elections except for superior court  
20 judge elections under Article 25 of this Chapter."

21 **SECTION 8.(b)** This section is effective when this act becomes law.

22 **--CORRECTING REFERENCE TO FUND FOR RETURNING ILLEGAL**  
23 **CONTRIBUTIONS.**

24 **SECTION 9.(a)** G.S. 163-278.14(a) reads as rewritten:

25 "(a) No individual, political committee, or other entity shall make any  
26 contribution anonymously, except as provided in G.S. 163-278.8(d), or in the name of  
27 another. No candidate, political committee, referendum committee, political party, or  
28 treasurer shall knowingly accept any contribution made by any individual or person in  
29 the name of another individual or person or made anonymously except as provided in  
30 G.S. 163-278.8(d). If a candidate, political committee, referendum committee, political  
31 party, or treasurer receives anonymous contributions or contributions determined to  
32 have been made in the name of another, he shall pay the money over to the Board, by  
33 check, and all such moneys received by the Board shall be deposited in the ~~general fund~~  
34 Civil Penalty and Forfeiture Fund of the State of North Carolina."

35 **SECTION 9.(b)** This section is effective when this act becomes law.

36 **SECTION 10.** The headings to the sections of this act are a convenience to  
37 the reader and are for reference only. The headings do not expand, limit, or define the  
38 text of this act.

39 **SECTION 11.** Except as otherwise provided in each section, this act is  
40 effective when it becomes law.