

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1999**

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HOUSE BILL 1074

Committee Substitute Reported Without Prejudice 4/21/99

Committee Substitute #2 Favorable 4/23/99

Senate Judiciary II Committee Substitute Adopted 7/7/99

Short Title: Election Law Changes – 1.

(Public)

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Sponsors:

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Referred to:

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April 15, 1999

A BILL TO BE ENTITLED

1  
2 AN ACT TO REQUIRE THAT A SIGNED VOTER REGISTRATION FORM BE  
3 DELIVERED TO THE BOARD OF ELECTIONS BY ANYONE DELEGATED  
4 THAT RESPONSIBILITY AND TO MAKE VIOLATION A CLASS 2  
5 MISDEMEANOR; TO ESTABLISH THE CLASS 2 MISDEMEANOR OF AN  
6 ELECTION OFFICIAL OR EMPLOYEE ALTERING VOTER REGISTRATION  
7 RECORDS WITHOUT WRITTEN AUTHORIZATION; TO ALLOW COUNTIES  
8 TO USE A VOTING PLACE OUTSIDE THE PRECINCT; TO CREATE A PILOT  
9 PROGRAM TO ALLOW THE TEMPORARY USE OF TWO VOTING PLACES  
10 FOR THE SAME PRECINCT; TO ALLOW COUNTIES TO REQUIRE THAT  
11 ADEQUATE PARKING BE PROVIDED AT VOTING PLACES THAT ARE  
12 PUBLIC BUILDINGS; TO PROVIDE FOR SUPERVISION, ASSISTANCE, AND  
13 TRAINING BY THE STATE BOARD OF ELECTIONS FOR MUNICIPAL  
14 BOARDS OF ELECTIONS AND TO PROVIDE FOR REMEDIES; TO INCREASE  
15 MINIMUM COMPENSATION FOR COUNTY ELECTIONS DIRECTORS; TO  
16 LOWER THE THRESHOLD FOR A FULL-TIME ELECTIONS OFFICE; TO  
17 PROVIDE FOR CERTAIN DONATIONS TO POLITICAL PARTY

1 HEADQUARTERS BUILDING FUNDS; AND TO CHANGE THE STATUTE  
2 CONCERNING A CANDIDATE'S SIGNATURE ON A FINANCE REPORT TO  
3 REFLECT TRADITIONAL PRACTICE.

4 The General Assembly of North Carolina enacts:

5 – REQUIRING THAT A SIGNED VOTER REGISTRATION FORM BE DELIVERED  
6 TO THE BOARD OF ELECTIONS BY ANYONE DELEGATED THAT  
7 RESPONSIBILITY.

8 Section 1.(a) G.S. 163-82.6(a) reads as rewritten:

9 "(a) How the Form May Be Submitted. – The county board of elections shall accept  
10 any form described in G.S. 163-82.3 if the applicant submits the form by mail or in  
11 person. The applicant may delegate the submission of the form to another person. Any  
12 person who communicates to an applicant acceptance of that delegation shall deliver that  
13 form so that it is received by the appropriate county board of elections in time to satisfy  
14 the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the  
15 next election. It shall be a Class 2 misdemeanor for any person to communicate to the  
16 applicant acceptance of that delegation and then fail to make a good faith effort to deliver  
17 the form so that it is received by the county board of elections in time to satisfy the  
18 registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next  
19 election. It shall be an affirmative defense to a charge of failing to make a good faith  
20 effort to deliver a delegated form by the registration deadline that the delegatee informed  
21 the applicant that the form would not likely be delivered in time for the applicant to vote  
22 in the next election. It shall be a Class 2 misdemeanor for any person to sell or attempt to  
23 sell a completed voter registration form or to condition its delivery upon payment."

24 Section 1.(b) G.S. 163-82.6(c) reads as rewritten:

25 "(c) Registration Deadlines for an Election. – In order to be valid for an election,  
26 the form:

- 27 (1) If submitted by mail, must be postmarked at least 25 days before the  
28 election, except that any mailed application on which the postmark is  
29 missing or unclear is validly submitted if received in the mail not later  
30 than 20 days before the election,  
31 (2) If submitted in ~~person (by the applicant or another person), person,~~ person, must be  
32 received by the county board of elections by 5:00 p.m. on the twenty-  
33 fifth day before the election,  
34 (3) If submitted through a delegatee who violates the duty set forth in  
35 subsection (a) of this section, must be signed by the applicant and given  
36 to the delegatee not later than 25 days before the election,

37 except as provided in subsection (d) of this section."

38 Section 1.(c) This section becomes effective January 1, 2000, and applies to all  
39 offenses occurring and all applications signed on and after that date.

40 – ESTABLISHING THE CLASS 2 MISDEMEANOR OF AN ELECTION OFFICIAL  
41 OR EMPLOYEE ALTERING VOTER REGISTRATION RECORDS WITHOUT  
42 WRITTEN AUTHORIZATION.

43 Section 2.(a) G.S. 163-274 is amended by adding a new subdivision to read:

1                    "(1a) For any member, director, or employee of a board of  
2                    elections to alter a voter registration application or other voter  
3                    registration record without either the written authorization of  
4                    the applicant or voter or the written authorization of the State  
5                    Board of Elections;".

6            Section 2.(b) This section becomes effective October 1, 1999, and applies to all  
7 offenses committed on and after that date.

8 – ALLOWING COUNTIES TO USE A VOTING PLACE OUTSIDE THE PRECINCT,  
9 WITH APPROVAL BY THE STATE BOARD OF ELECTIONS.

10            Section 3.(a) Article 12 of Chapter 163 of the General Statutes is amended by  
11 adding a new section to read:

12 **"§ 163-130A. Out-of-precinct voting places.**

13            A county board of elections, by unanimous vote of all its members, may establish a  
14 voting place for a precinct that is located outside that precinct. The county board's  
15 proposal is subject to approval by the Executive Secretary-Director of the State Board of  
16 Elections. The county board shall submit its proposal in writing to the Executive  
17 Secretary-Director. Approval by the Executive Secretary-Director of the county's  
18 proposed plan shall be conditioned upon the county board of elections' demonstrating  
19 that:

- 20            (1) No facilities adequate to serve as a voting place are located in the  
21 precinct;  
22            (2) Adequate notification and publicity are provided to notify voters in the  
23 precinct of the new polling location;  
24            (3) The plan does not unfairly favor or disfavor voters with regard to race or  
25 party affiliation;  
26            (4) The new voting place meets all requirements for voting places including  
27 accessibility for elderly and disabled voters; and  
28            (5) The proposal provides adequately for security against fraud.

29            Any approval granted by the Executive Secretary-Director for a voting place outside  
30 the precinct is effective only for one primary and election and must be reevaluated by the  
31 county board of elections and the Executive Secretary-Director annually to determine  
32 whether it is still the only available alternative for that precinct."

33            Section 3.(b) This section is effective when this act becomes law and expires  
34 January 1, 2002.

35 – CREATING A PILOT PROGRAM TO ALLOW THE TEMPORARY USE OF TWO  
36 VOTING PLACES FOR THE SAME PRECINCT.

37            Section 4.(a) Article 12 of Chapter 163 of the General Statutes is amended by  
38 adding a new section to read:

39 **"§ 163-130B. Temporary use of two voting places for certain precincts; pilot**  
40 **program.**

41            A county board of elections, by unanimous vote of all its members, may propose to  
42 designate two voting places to be used temporarily for the same precinct. The temporary  
43 designation of a voting place shall continue only for the term of office of the county

1 board of elections making the designation. For any precinct that is temporarily given two  
2 voting places, the county board shall assign every voter to one or the other of those  
3 voting places.

4 The county board's proposal is subject to approval by the Executive Secretary-  
5 Director of the State Board of Elections. The county board shall submit its proposal in  
6 writing to the Executive Secretary-Director. The Executive Secretary-Director may  
7 approve a proposal under this section in not more than three counties, to be a pilot  
8 program. The Executive Secretary-Director shall approve that proposal only if it finds all  
9 of the following:

- 10 (1) That the precinct has more registered voters than can adequately be  
11 accommodated by any single potential voting place available for the  
12 precinct.
- 13 (2) That no boundary line that complies with Article 12A of this Chapter  
14 can be identified that adequately divides the precinct.
- 15 (3) That the county board can account for, by street address number, the  
16 location of every registered voter in the precinct and fix that voter's  
17 residence with certainty on a map.
- 18 (4) That no more than three other precincts in the same county will have  
19 two voting places.
- 20 (5) That both voting places for the precinct would have adequate facilities  
21 for the elderly and disabled.
- 22 (6) That the proposal provides adequately for security against fraud.
- 23 (7) That the proposal does not unfairly favor or disfavor voters with regard  
24 to race or party affiliation.

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

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

31 – ALLOWING COUNTIES TO REQUIRE THAT ADEQUATE PARKING BE  
32 PROVIDED AT VOTING PLACES THAT ARE PUBLIC BUILDINGS.

33 Section 5.(a) G.S. 163-129 reads as rewritten:

34 **"§ 163-129. Structure at voting place; marking off limits of voting place.**

35 At the voting place in each precinct established under the provisions of G.S. 163-128,  
36 the county board of elections shall provide or procure by lease or otherwise a suitable  
37 structure or part of a structure in which registration and voting may be conducted. To this  
38 end, the county board of elections shall be entitled to demand and use any school or other  
39 State, county, or municipal building, or a part thereof, or any other building, or a part  
40 thereof, which is supported or maintained, in whole or in part by or through tax revenues  
41 provided, however, that this section shall not be construed to permit any board of  
42 elections to demand and use any tax exempt church property for such purposes without  
43 the express consent of the individual church involved, for the purpose of conducting

1 registration and voting for any primary or election, and it may require that the  
2 requisitioned premises, or a part thereof, be vacated for these purposes.

3 If a county board of elections requires that a tax-supported building be used as a  
4 voting place, that county board of elections may require that those in control of that  
5 building provide parking that is adequate for voters at the precinct, as determined by the  
6 county board of elections.

7 The county board of elections shall inspect each precinct voting place to ascertain  
8 how it should be arranged for voting purposes, and shall direct the chief judge and judges  
9 of any precinct to define the voting place by roping off the area or otherwise enclosing it  
10 or by marking its boundaries. The boundaries of the voting place shall at any point lie no  
11 more than 100 feet from each ballot box or voting machine. The space so roped off or  
12 enclosed or marked for the voting place may contain area both inside and outside the  
13 structure in which registration and voting are to take place.”

14 Section 5.(b) This section becomes effective January 1, 2000.

15 – PROVIDING FOR SUPERVISION, ASSISTANCE, AND TRAINING BY THE  
16 STATE BOARD OF ELECTIONS FOR MUNICIPAL BOARDS OF ELECTIONS  
17 AND PROVIDING FOR REMEDIES.

18 Section 6.(a) G.S. 163-304 reads as rewritten:

19 "**§ 163-304. State Board of Elections to have jurisdiction over municipal elections**  
20 **and election officials, and to ~~advise.~~ advise; emergency and ongoing**  
21 **administration by county board.**

22 (a) Authority and Duty of State Board. – The State Board of Elections shall have  
23 the same authority over municipal elections and election officials as it has over county  
24 and State elections and election officials. The State Board of Elections shall advise and  
25 assist cities, towns, incorporated villages and special districts, municipal boards of  
26 elections, their members and legal officers on the conduct and administration of their  
27 elections and registration procedure.

28 The city council shall provide written notification to the State Board of Elections of  
29 the appointment of each member of its municipal board of elections within five days after  
30 the appointment. The municipal board of elections and the city council shall provide such  
31 other information about the municipal board of elections as the State Board may require.  
32 Members of the municipal board of elections and municipal elections officials shall  
33 participate in training provided by the State Board pursuant to G.S. 163-82.24. The State  
34 Board shall provide the same training, materials, and assistance to municipal boards of  
35 elections that it provides to county boards of elections.

36 The county and municipal boards of elections shall be governed by the same rules for  
37 settling controversies with respect to counting ballots or certification of the returns of the  
38 vote in any municipal or special district election as are in effect for settling such  
39 controversies in county and State elections.

40 (b) Emergency Administration if Municipal Board Is Not Appointed. – If a city  
41 council in a city that has elected pursuant to G.S. 163-285 to conduct its own elections  
42 has not appointed a municipal board of elections and reported the appointments to the  
43 Executive Secretary-Director by March 1 in the year in which the city election is to

1 occur, the Executive Secretary-Director shall notify the city council that, unless a  
2 municipal board of elections is appointed and the Executive Secretary-Director notified  
3 of its appointment by April 1 of that year, the county board of elections shall be ordered  
4 to conduct that city's elections that year on an emergency basis. If the city council does  
5 not so appoint and so notify by April 1, the Executive Secretary-Director shall order the  
6 county board of elections to conduct the city's elections that year on an emergency basis.

7 (c) Emergency Administration Due to Serious Violations. – If a city council or  
8 municipal board of elections has committed violations of the applicable portions of this  
9 Chapter prior to a city election and those violations are of such magnitude as to give rise  
10 to reasonable doubt as to the ability of the municipal board of elections to conduct that  
11 election with competence and fairness, the Executive Secretary-Director of the State  
12 Board, with the approval of at least four members of the State Board, may order the  
13 county board of elections to conduct the remainder of that election on an emergency  
14 basis. Before an order is made under this subsection, the city council and municipal board  
15 of elections shall be given an opportunity to be heard by the State Board.

16 (d) Ongoing County Administration. – The State Board of Elections may designate  
17 the county board of elections as the ongoing agency to conduct a city's elections if all the  
18 following conditions are met:

19 (1) In more than one election conducted by that city either (i) the city's  
20 elections have been administered on an emergency basis pursuant to  
21 subsection (b) or (c) of this section or (ii) a new election has been  
22 ordered because of irregularities in the city's administration of the  
23 election.

24 (2) The State Board finds that the interest of the residents of the city in fair  
25 and competent administration of elections requires that the city not  
26 conduct its own elections.

27 (3) The city council and municipal board of elections are given an  
28 opportunity to be heard before the State Board.

29 (4) The State Board by a vote of at least four of its members designates the  
30 county board of elections as the ongoing agency to conduct that city's  
31 elections.

32 The city council may not elect to conduct its own elections under G.S. 163-285 until  
33 every member of the city council has been elected in a election conducted by the county  
34 board of elections after the State Board's designation.

35 (e) Reimbursement. – If the county board of elections administers a city's elections  
36 pursuant to subsection (b), (c), or (d) of this section, the city shall reimburse the county  
37 board of elections in the manner set forth in G.S. 163-285."

38 Section 6.(b) This section becomes effective January 1, 2000, except that every  
39 city council shall provide to the State Board of Elections by August 1, 1999, a list of the  
40 members and supervisor of the municipal board of elections in its municipality. That list  
41 shall indicate who is the chair and shall provide addresses and telephone numbers for the  
42 members and supervisors.

1 – INCREASING MINIMUM COMPENSATION FOR COUNTY ELECTIONS  
2 DIRECTORS.

3 Section 7.(a) G.S. 163-35(c) reads as rewritten:

4 "(c) Compensation of Directors of Elections. – Compensation paid to directors of  
5 elections in all counties maintaining full-time registration (five days per week) shall be in  
6 the form of a salary in an amount recommended by the county board of elections and  
7 approved by the Board of County Commissioners and shall be commensurate with the  
8 salary paid to directors in counties similarly situated and similar in population and  
9 number of registered voters.

10 ~~Beginning July 1, 1991, in any county operating under modified registration PLAN A, B, C,~~  
11 ~~or D, the~~ The Board of County Commissioners in each county, whether or not the county  
12 maintains full-time or modified full-time registration, shall compensate the director of  
13 elections at a minimum rate of ~~eight~~ twelve dollars (~~\$8.00~~) (\$12.00) per hour for hours  
14 worked in attendance to his or her duties as prescribed by law, including rules and  
15 regulations adopted by the State Board of Elections. In addition, the county shall pay to  
16 the director an hourly wage of at least ~~eight~~ twelve dollars (~~\$8.00~~) (\$12.00) per hour for all  
17 hours worked in excess of those prescribed in rules and regulations adopted by the State  
18 Board of Elections, when such additional hours have been approved by the county board  
19 of elections and such approval has been recorded in the official minutes of the county  
20 board of elections.

21 In addition to the compensation provided for herein, the director of elections to the  
22 county board of elections shall be granted the same vacation leave, sick leave, and petty  
23 leave as granted to all other county employees. It shall also be the responsibility of the  
24 Board of County Commissioners to appropriate sufficient funds to compensate a  
25 replacement for the director of elections when authorized leave is taken."

26 Section 7.(b) This section becomes effective July 1, 2000.

27 – LOWERING THE THRESHOLD FOR A FULL-TIME COUNTY ELECTIONS  
28 OFFICE.

29 Section 8.(a) G.S. 163-36 reads as rewritten:

30 "**§ 163-36. Modified full-time offices.**

31 The State Board of Elections shall promulgate rules permitting counties that have  
32 fewer than ~~14,001~~ 6,501 registered voters to operate a modified full-time elections office  
33 to the extent that the operation of a full-time office is not necessary. Nothing in this  
34 section shall preclude any county from keeping an elections office open at hours  
35 consistent with the hours observed by other county offices."

36 Section 8.(b) This section becomes effective July 1, 2000.

37 – PROVIDING FOR GIFTS TO POLITICAL PARTY HEADQUARTERS BUILDING  
38 FUNDS.

39 Section 9.(a) Article 22A of Chapter 163 of the General Statutes is amended by  
40 adding a new section to read:

41 "**§ 163-278.19B. Political party headquarters building funds.**

42 Notwithstanding the provisions of G.S. 163-278.19, a person prohibited by that  
43 section from making a contribution may donate to political parties and political parties

1 may accept from such a person money and other things of value donated to a political  
2 party headquarters building fund. Donations to the political party headquarters building  
3 fund shall be subject to all the following rules:

- 4       (1) The donations solicited and accepted are designated to the political  
5 party headquarters building fund.
- 6       (2) Potential donors to that fund are advised that all donations will be  
7 exclusively for the political party headquarters building fund.
- 8       (3) The political party establishes a separate segregated bank account into  
9 which shall be deposited only donations for the political party  
10 headquarters building fund from persons prohibited by G.S. 163-278.19  
11 from making contributions.
- 12       (4) The donations deposited in the separate segregated bank account for the  
13 political party headquarters building fund will be spent only to purchase  
14 a headquarters building, to construct a headquarters building, to  
15 renovate a headquarters building, to pay a mortgage on a headquarters  
16 building, or to repay donors if a headquarters building is not purchased,  
17 constructed, or renovated. Donations deposited into that account shall  
18 not be used for headquarters rent, utilities, or equipment other than  
19 fixtures.
- 20       (5) The political party executive committee shall report donations to and  
21 spending by a political party headquarters building fund on every report  
22 required to be made by G.S. 163-278.9. If a committee is excused from  
23 making general campaign finance reports under G.S. 163-278.10A, that  
24 committee shall nonetheless report donations in any amount to and  
25 spending in any amount by the political party headquarters building  
26 fund at the times required for reports in G.S. 163-278.9.

27 If all the criteria set forth in subdivisions (1) through (5) of this section are complied  
28 with, then donations to and spending by a political party headquarters building fund do  
29 not constitute contributions or expenditures as defined in G.S. 163-278.6. If those criteria  
30 are complied with, then donations may be made to a political party headquarters building  
31 fund."

32       Section 9.(b) This section is effective when this act becomes law.

33 – CHANGING THE STATUTE CONCERNING A CANDIDATE'S SIGNATURE ON  
34 A FINANCE REPORT TO REFLECT TRADITIONAL PRACTICE.

35       Section 10.(a) G.S. 163-278.32 reads as rewritten:

36 "**§ 163-278.32. Statements under oath.**

37       Any statement required to be filed under this Article shall be signed and certified as  
38 true and correct by the individual, media, candidate, treasurer or others required to file it,  
39 and shall be verified by the oath or affirmation of the individual, media, candidate,  
40 treasurer or others filing the statement, taken before any officer authorized to administer  
41 oaths; provided further that the candidate shall certify as true and correct to the best of his  
42 knowledge ~~each report~~ the organizational report and appointment of treasurer filed by a



1 ~~treasurer appointed by him or by his~~ for the candidate or the candidate's principal campaign  
2 committee."

3 Section 10.(b) This section is effective when this act becomes law.

4 Section 11. This act is effective when it becomes law.