

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 336

Short Title: Omnibus Election Reform.

(Public)

Sponsors: Senators Allran, Horton; Ballantine, Carpenter, Forrester, Hartsell, Moore, and Rucho.

Referred to: Judiciary I.

March 11, 1999

A BILL TO BE ENTITLED

AN ACT TO MAKE SEVERAL CHANGES TO REFORM THE ELECTION LAWS
OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

– STRENGTHEN THE LAW LIMITING CONTRIBUTIONS.

Section 1.(a) G.S. 163-278.13 reads as rewritten:

"§ 163-278.13. **Limitation on contributions.**

(a) No individual or political committee shall contribute to any candidate or other political committee any money or make any other contribution in any election in excess of ~~four~~ two thousand dollars (~~\$4,000~~) (\$2,000) for that election.

(b) No candidate or political committee shall accept or solicit any contribution from any individual or other political committee of any money or any other contribution in any election in excess of ~~four~~ two thousand dollars (~~\$4,000~~) (\$2,000) for that election.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, it shall be lawful for a candidate or a candidate's spouse, parents, brothers and sisters to make a contribution to the candidate or to the candidate's treasurer of any amount of money or to make any other contribution in any election in excess of ~~four~~ two thousand dollars (~~\$4,000~~) (\$2,000) for that election.

1 (d) For the purposes of this section, the term 'an election' means any primary,
2 second primary, or general election in which the candidate or political committee may be
3 involved, without regard to whether the candidate is opposed or unopposed in the
4 election, except that where a candidate is not on the ballot in a second primary, that
5 second primary is not 'an election' with respect to that candidate.

6 (e) This section shall ~~not apply to any national, State, district or county district,~~
7 ~~county, precinct, or other executive committee committees~~ of any political party. The
8 limitation in this section on contributions to or from political party executive committees
9 shall apply collectively to all executive committees of the same political party nationally
10 or within the State. For the purposes of this section only, the term 'political party' means only
11 those political parties officially recognized under G.S. 163-96. Contributions by political
12 party executive committees under G.S. 163-278.42 are subject to the limitations of this
13 section.

14 (e1) No referendum committee which received any contribution from a corporation,
15 labor union, insurance company, business entity, or professional association may make
16 any contribution to another referendum committee, to a candidate or to a political
17 committee.

18 (e2) Political committees and candidates' campaigns that are affiliated by joint
19 control, as determined by the State Board of Elections, shall be considered as one
20 political committee for the purposes of applying the contribution limits of this section. No
21 individual or political committee shall contribute funds to a candidate or political
22 committee for the purpose of circumventing the contribution limits of this section.

23 (f) Any individual, candidate, political committee, or referendum committee who
24 violates the provisions of this section is guilty of a Class 2 misdemeanor."

25 Section 1.(b) Article 22A of Chapter 163 of the General Statutes is amended by
26 adding a new section to read:

27 "**§ 163-278.13C. Limitations on campaign committees of unopposed candidates.**

28 If a candidate is unopposed in an election, the principal campaign treasury of that
29 candidate's campaign, whether it is controlled by a political committee or by the
30 candidate's treasurer, shall not receive in contributions for the election more than the
31 yearly salary of the office the candidate seeks."

32 Section 1.(c) This section becomes effective January 1, 2000, and applies to all
33 elections occurring on or after that date.

34 – ALLOW SPECIAL NON-BUSINESS CORPORATIONS TO MAKE
35 CONTRIBUTIONS AND EXPENDITURES TO SATISFY FEDERAL COURT
36 DECISION.

37 Section 2.(a) G.S. 163-278.19 is amended by adding a new subsection to read:

38 "(f) This section does not prohibit contributions and expenditures by an entity that:

39 (1) Was formed for the express purpose of promoting political ideas and
40 does not engage in business activities;

41 (2) Does not have shareholders or other persons which have an economic
42 interest in its assets and earnings; and

1 (3) Was not established by a business corporation, included, but not limited
2 to, those chartered under Chapter 55 or Chapter 55A of the General
3 Statutes, by an insurance company, by a business entity, by a
4 professional association, or by a labor union and does not receive a
5 significant portion of its revenues from such entities."

6 Section 2.(b) This section is effective when it becomes law.

7 – REQUIRE THAT VOTERS SIGN POLLBOOK BEFORE VOTING.

8 Section 3.(a) G.S. 163-150(a) reads as rewritten:

9 "(a) Checking Registration. – A person seeking to vote shall enter the voting
10 enclosure at the voting place through the appropriate entrance and shall at once state his
11 name and place of residence to one of the judges of election. In a primary election, the
12 voter shall also state the political party with which he affiliates and in whose primary he
13 desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a
14 particular party under G.S. 163-116, the voter shall state the name of the authorizing
15 political party in whose primary he wishes to vote. The judge to whom the voter gives
16 this information shall announce the name and residence of the voter in a distinct tone of
17 voice. After examining the precinct registration records, the chief judge shall state
18 whether the person seeking to vote is duly registered. If the chief judge states that the
19 person is duly registered, the person shall sign the pollbook in accordance with
20 subsection (f) of this section before voting."

21 Section 3.(b) G.S. 163-150(f) reads as rewritten:

22 "(f) Maintenance of Pollbook or Other Record of Voting. – At each primary,
23 general or special election, the precinct chief judge shall appoint two precinct assistants
24 (one from each political party as recommended by the county chairman thereof), one to
25 be assigned to keep the pollbook or other voting record used in the county as approved by
26 the State Board of Elections, and the other to keep the registration books under the
27 supervision of the precinct officials. ~~The names of all persons voting shall be checked on the~~
28 ~~registration records and entered on the pollbook or other voting record.~~ The names of all
29 persons voting shall be checked on the registration records and the voter, before voting,
30 shall sign his or her name on the pollbook or other voting record, unless the voter shall be
31 unable to sign his or her name, in which event the voter's name shall be entered on the
32 pollbook by a precinct official before the voter votes. In an election where observers may
33 be appointed under G.S. 163-45 each voter's party affiliation shall be entered in the
34 proper column of the book or other approved record opposite his name. The precinct
35 assistant shall make each entry at the time the ballots are handed to the voter. As soon as
36 the polls are closed, the chief judge and judges of election shall sign the pollbook or other
37 approved record immediately beneath the last voter's name entered therein. The chief
38 judge or the judge appointed to attend the county canvass shall deliver the pollbook or
39 other approved record to the chairman of the county board of elections at the time of the
40 county canvass, and the chairman shall remain responsible for its safekeeping."

41 Section 3.(c) This act becomes effective January 1, 2000, and applies to all
42 primaries and elections occurring on or after that date.

1 – PROHIBIT FUND-RAISING FROM LOBBYISTS AND RELATED POLITICAL
2 COMMITTEES.

3 Section 4.(a) G.S. 163-278.13B reads as rewritten:

4 **"§ 163-278.13B. Limitation on fund-raising during legislative session.**

5 (a) Definitions. – For purposes of this section:

6 (1) "Limited contributor" means a lobbyist registered pursuant to Article 9A
7 of Chapter 120 of the General Statutes, that lobbyist's agent, or a
8 political committee that employs or contracts with or whose parent
9 entity employs or contracts with a lobbyist registered pursuant to Article
10 9A of Chapter 120 of the General Statutes.

11 (2) "Limited contributee" means a member of or candidate for the Council
12 of State, a member of or candidate for the General Assembly, or a
13 political committee the purpose of which is to assist a member or
14 members of or candidate or candidates for the Council of State or
15 General Assembly.

16 (3) The General Assembly is in "regular session" from the date set by law or
17 resolution that the General Assembly convenes until the General
18 Assembly either adjourns sine die or recesses or adjourns for more than
19 10 days.

20 (4) A contribution is "made" during regular session if the check or other
21 instrument is dated during the session, or if the check or other
22 instrument is delivered to the limited contributee during session, or if
23 the limited contributor pledges during the session to deliver the check or
24 other instrument at a later time.

25 (5) A contribution is "accepted" during regular session if the check or other
26 instrument is dated during the session, or if the limited contributee
27 receives the check or other instrument during session and does not
28 return it within 10 days, or agrees during session to receive the check or
29 other instrument at a later time.

30 (b) Prohibited Solicitations. – While the General Assembly is in regular session,
31 no limited contributee or the real or purported agent of a limited contributee shall:

32 (1) Solicit a contribution from a limited contributor to be made to that
33 limited contributee or to be made to any other candidate, officeholder,
34 or political committee; or

35 (2) Solicit a third party, requesting or directing that the third party directly
36 or indirectly relay to the prohibited contributor the prohibited
37 contributee's solicitation of a contribution.

38 (c) Prohibited Contributions. – While the General Assembly is in regular session:

39 (1) No limited contributor shall make or offer to make a contribution to a
40 limited contributee.

41 (2) No limited contributor shall make a contribution to any candidate,
42 officeholder, or political committee, directing or requesting that the
43 contribution be made in turn to a limited contributee.

1 (3) No limited contributor shall transfer any amount of money or anything
2 of value to any entity, directing or requesting that the entity use what
3 was transferred to contribute to a limited contributee.

4 (4) No limited contributee shall accept a contribution from a limited
5 contributor.

6 (5) No limited contributor shall solicit a contribution from any individual or
7 political committee on behalf of a limited contributee.

8 (d) Exception. – The provisions of this section do not apply with regard to a
9 limited contributee during the three weeks prior to the day of a second primary if that
10 limited contributee is a candidate who will be on the ballot in that second primary.

11 (e) Prosecution. – A violation of this section is a Class 2 misdemeanor."

12 Section 4.(b) This section becomes effective October 1, 1999, and applies to all
13 contributions made, accepted, or solicited on or after that date.

14 – REQUIRE DISCLOSURE STATEMENTS ON PUSH POLLS.

15 Section 5.(a) Article 22A of Chapter 163 of the General Statutes is amended by
16 adding a new section to read:

17 "**§ 163-278.16A. Disclosure requirements on push polls.**

18 (a) 'Push Poll' Defined. – For the purpose of this section, 'push poll' means a
19 telephone call that:

20 (1) Has the appearance of a political poll; and

21 (2) Has the effect of disseminating any derogatory statement or statements
22 or derogatory information about an elected official or a candidate for
23 public office, or which has the effect of casting that elected official or
24 candidate for public office in a false light.

25 (b) Disclosure Required. – No telephone call that is a push poll shall be made
26 unless at the beginning of the call the caller makes the following statement: 'This is
27 [name of caller] calling from [city and state from which the call originates]. I am making
28 this call at the direction of [name of company, organization, or other entity conducting
29 the push poll]. It is paid for by [name of client paying the entity conducting the poll].
30 This call is made supporting [name of any candidate the call is intended to support] for
31 [name of office that candidate seeks] and opposing [name of any candidate the call is
32 intended to oppose] for [name of office that candidate seeks]. This call was authorized by
33 [name of any candidate who authorized the push poll or who established or directs a
34 political committee that authorized the push poll], a candidate for [office that candidate
35 seeks] (or This call was not authorized by any candidate).' If any of the entities required
36 to be mentioned in the statement is a political party committee, the disclosure shall use
37 the name of the party as it appears on the ballot. If any of the entities required to be
38 mentioned is a political committee covered by the provisions of G.S. 163-278.7(b)(1), the
39 disclosure shall use the name required to be used by that subdivision.

40 (c) Criminal Penalty. – A violation of this section is a Class 1 misdemeanor.

41 (d) Civil Remedy. – Pursuant to the conditions established in subdivisions (1), (2),
42 and (3) of this subsection, a candidate for an elective office who complied with the
43 disclosure requirements of this section throughout that candidate's entire campaign shall

1 have a monetary remedy in a civil action against (i) an opposing candidate or candidate
2 committee that has sponsored a push poll regarding the plaintiff candidate violating these
3 disclosure requirements and (ii) against any political party organization, political action
4 committee, or individual whose push poll regarding the plaintiff candidate violates these
5 disclosure requirements.

6 (1) Any plaintiff candidate in a statewide race in an action under this
7 section shall complete and file a Notice of Complaint Regarding Failure
8 to Disclose Push Polls with the State Board of Elections after the call
9 but no later than the first Friday after the Tuesday on which the election
10 occurred. Candidates in nonstatewide races may file the notice during
11 the same time period with one county board of elections within the
12 electoral area in which they are candidates. The timely filing of this
13 notice preserves the candidate's right to bring an action in superior court
14 any time within 90 days after the election. A candidate shall bring the
15 civil action in the county where the candidate filed the notice.

16 (2) Upon receiving a favorable verdict in accordance with existing law, the
17 plaintiff candidate shall receive a monetary award of actual damages.

18 The court shall award reasonable attorneys' fees to a plaintiff
19 candidate who prevails in an action under this section. The plaintiff
20 candidate may bring the civil action personally or authorize his or her
21 candidate campaign committee to bring the civil action.

22 (3) A candidate who violates the disclosure requirements of State law in
23 this section and that candidate's campaign committee shall be jointly
24 and severally liable for the payment of damages and attorneys' fees. If
25 the candidate is held personally liable for any payment of damages or
26 attorneys' fees, the candidate shall not use or be reimbursed by funds
27 from the candidate's campaign committee in paying any amount."

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

29 – CHANGE THE DATE OF THE PRIMARY.

30 Section 6.(a) G.S. 163-1(b) reads as rewritten:

31 "(b) ~~On Tuesday next after the first Monday in May~~ the Tuesday after the last Monday
32 in August preceding each general election to be held in November for the officers
33 referred to in subsection (a) of this section, there shall be held in all election precincts
34 within the territory for which the officers are to be elected a primary election for the
35 purpose of nominating candidates for each political party in the State for those offices."

36 Section 6.(b) G.S. 163-111(e) reads as rewritten:

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

40 There shall be no registration of voters between the dates of the first and second
41 primaries. Persons whose qualifications to register and vote mature after the day of the
42 first primary and before the day of the second primary may register on the day of the
43 second primary and, when thus registered, shall be entitled to vote in the second primary.

1 The second primary is a continuation of the first primary and any voter who files a proper
2 and timely affidavit of transfer of precinct, under the provisions of G.S. 163-72(c), before
3 the first primary may vote in the second primary without having to refile the affidavit of
4 transfer if he is otherwise qualified to vote in the second primary. Subject to this
5 provision for registration, the second primary shall be held under the laws, rules, and
6 regulations provided for the first primary."

7 Section 6.(c) G.S. 163-106(c) reads as rewritten:

8 "(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary
9 nominations for the following offices shall file their notice of candidacy with the State
10 Board of Elections no earlier than 12:00 noon on the ~~first Monday in January~~ last Monday
11 in June and no later than 12:00 noon on the ~~first Monday in February~~ second Monday
12 thereafter preceding the primary:

13 Governor

14 Lieutenant Governor

15 All State executive officers

16 Justices of the Supreme Court, Judges of the Court of Appeals

17 Judges of the district courts

18 United States Senators

19 Members of the House of Representatives of the United States

20 District attorneys

21 Candidates seeking party primary nominations for the following offices shall file their
22 notice of candidacy with the county board of elections no earlier than 12:00 noon on the
23 ~~first Monday in January~~ last Monday in June and no later than 12:00 noon on the ~~first~~
24 ~~Monday in February~~ second Monday thereafter preceding the primary:

25 State Senators

26 Members of the State House of Representatives

27 All county offices."

28 Section 6.(d) G.S. 163-323(b) reads as rewritten:

29 "(b) Time for Filing Notice of Candidacy. – Candidates seeking election to the
30 following offices shall file their notice of candidacy with the State Board of Elections no
31 earlier than 12:00 noon on the ~~first Monday in January~~ last Monday in June and no later
32 than 12:00 noon on the ~~first Monday in February~~ second Monday thereafter preceding the
33 election:

34 Judges of the superior courts."

35 Section 6.(e) G.S. 163-98 reads as rewritten:

36 "**§ 163-98. General election participation by new political party.**

37 In the first general election following the date on which a new political party qualifies
38 under the provisions of G.S. 163-96, it shall be entitled to have the names of its
39 candidates for State, congressional, and national offices printed on the official ballots, but
40 it shall not be entitled to have the names of candidates for other offices printed on State,
41 district, or county ballots at that election.

42 For the first general election following the date on which it qualifies under G.S. 163-
43 96, a new political party shall select its candidates by party convention. Following

1 adjournment of the nominating convention, but not later than the ~~first day of July prior to~~
2 ~~the general election, day of the primary election~~ under G.S. 163-1(b), the president of the
3 convention shall certify to the State Board of Elections the names of persons chosen in
4 the convention as the new party's candidates for ~~State, congressional, and national~~ offices in
5 the ensuing general election. The State Board of Elections shall print names thus certified
6 on the appropriate ballots as the nominees of the new party."

7 Section 6.(f) G.S. 163-122(a) reads as rewritten:

8 "(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. – Any
9 qualified voter who seeks to have his name printed on the general election ballot as an
10 unaffiliated candidate shall:

11 (1) If the office is a statewide office, file written petitions with the State
12 Board of Elections supporting his candidacy for a specified office.
13 These petitions must be filed with the State Board of Elections on or
14 before 12:00 noon on the ~~last-first~~ Friday in ~~June-September~~ preceding
15 the general election and must be signed by qualified voters of the State
16 equal in number to two percent (2%) of the total number of registered
17 voters in the State as reflected by the most recent statistical report issued
18 by the State Board of Elections. Each petition shall be presented to the
19 chairman of the board of elections of the county in which the signatures
20 were obtained. The chairman shall examine the names on the petition
21 and place a check mark on the petition by the name of each signer who
22 is qualified and registered to vote in his county and shall attach to the
23 petition his signed certificate. Said certificates shall state that the
24 signatures on the petition have been checked against the registration
25 records and shall indicate the number of signers to be qualified and
26 registered to vote in his county. The chairman shall return each petition,
27 together with the certificate required in this section, to the person who
28 presented it to him for checking. Verification by the chairman of the
29 county board of elections shall be completed within two weeks from the
30 date such petitions are presented and a fee of five cents (5¢) for each
31 name appearing on the petition has been received.

32 (2) If the office is a district office comprised of two or more counties, file
33 written petitions with the State Board of Elections supporting his
34 candidacy for a specified office. These petitions must be filed with the
35 State Board of Elections on or before 12:00 noon on the ~~last-first~~ Friday
36 in ~~June-September~~ preceding the general election and must be signed by
37 qualified voters of the district equal in number to four percent (4%) of
38 the total number of registered voters in the district as reflected by the
39 latest statistical report issued by the State Board of Elections. Each
40 petition shall be presented to the chairman of the board of elections of
41 the county in which the signatures were obtained. The chairman shall
42 examine the names on the petition and the procedure for certification
43 shall be the same as specified in (1) above.

1 (3) If the office is a county office or a single county legislative district, file
2 written petitions with the chairman or director of the county board of
3 elections supporting his candidacy for a specified county office. These
4 petitions must be filed with the county board of elections on or before
5 12:00 noon on the ~~last~~first Friday in ~~June~~September preceding the
6 general election and must be signed by qualified voters of the county
7 equal in number to four percent (4%) of the total number of registered
8 voters in the county as reflected by the most recent statistical report
9 issued by the State Board of Elections, except if the office is for a
10 district consisting of less than the entire county and only the voters in
11 that district vote for that office, the petitions must be signed by qualified
12 voters of the district equal in number to four percent (4%) of the total
13 number of voters in the district according to the most recent figures
14 certified by the State Board of Elections. Each petition shall be
15 presented to the chairman or director of the county board of elections.
16 The chairman shall examine, or cause to be examined, the names on the
17 petition and the procedure for certification shall be the same as specified
18 in (1) above.

19 (4) If the office is a partisan municipal office, file written petitions with the
20 chairman or director of the county board of elections in the county
21 wherein the municipality is located supporting his candidacy for a
22 specified municipal office. These petitions must be filed with the
23 county board of elections on or before the time and date specified in
24 G.S. 163-296 and must be signed by the number of qualified voters
25 specified in G.S. 163-296. The procedure for certification shall be the
26 same as specified in (1) above.

27 Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the
28 board of elections with which the petitions and affidavit have been timely filed shall
29 cause the unaffiliated candidate's name to be printed on the general election ballots in
30 accordance with G.S. 163-140.

31 An individual whose name appeared on the ballot in a primary election preliminary to
32 the general election shall not be eligible to have his name placed on the general election
33 ballot as an unaffiliated candidate for the same office in that year."

34 Section 6.(g) G.S. 163-123(c) reads as rewritten:

35 "(c) Petitions for Write-in Candidacy. – An applicant for write-in candidacy shall:

36 (1) If the office is a statewide office, file written petitions with the State
37 Board of Elections supporting his candidacy for a specified office.
38 These petitions shall be filed on or before noon on the ~~90th day before the~~
39 ~~general election~~first Friday in September. They shall be signed by 500
40 qualified voters of the State. Before being filed with the State Board of
41 Elections, each petition shall be presented to the board of elections of
42 the county in which the signatures were obtained. A petition presented
43 to a county board of elections shall contain only names of voters

1 registered in that county. The chairman of the county board of elections
2 shall examine the names on the petition and place a check mark by the
3 name of each signer who is qualified and registered to vote in his
4 county. The chairman of the county board shall attach to the petition his
5 signed certificate. On his certificate the chairman shall state that the
6 signatures on the petition have been checked against the registration
7 records and shall indicate the number of signers who are qualified and
8 registered to vote in his county and eligible to vote for that office. The
9 chairman shall return each petition, together with the certificate required
10 in this section, to the person who presented it to him for checking. The
11 chairman of the county board shall complete the verification within two
12 weeks from the date the petition is presented. At the time of submitting
13 the petition, a fee of five cents (5¢) shall be paid for each name
14 appearing on the petition.

15 (2) If the office is a district office comprising all or part of two or more
16 counties, file written petitions with the State Board of Elections
17 supporting his candidacy for a specified office. These petitions must be
18 filed with the State Board of Elections on or before noon on the ~~90th day~~
19 ~~before the general election~~ first Friday in September and must be signed
20 by 250 qualified voters. Before being filed with the State Board of
21 Elections, each petition shall be presented to the board of elections of
22 the county in which the signatures were obtained. A petition presented
23 to a county board of elections shall contain only names of voters
24 registered in that county who are eligible to vote for that office. The
25 chairman of the county board shall examine the names on the petition
26 and the procedure for certification shall be the same as specified in
27 subdivision (1).

28 (3) If the office is a county office, or is a school administrative unit office
29 elected on a partisan basis, or is a legislative district consisting of a
30 single county or a portion of a county, file written petitions with the
31 county board of elections supporting his candidacy for a specified
32 office. A petition presented to a county board of elections shall contain
33 only names of voters registered in that county. These petitions must be
34 filed on or before noon on the ~~90th day before the general election~~ first
35 Friday in September and must be signed by 100 qualified voters who are
36 eligible to vote for the office, unless fewer than 5,000 persons are
37 eligible to vote for the office as shown by the most recent records of the
38 appropriate board of elections. If fewer than 5,000 persons are eligible
39 to vote for the office, an applicant's petition must be signed by not less
40 than one percent (1%) of those registered voters. Before being filed
41 with the county board of elections, each petition shall be presented to
42 the county board of elections for examination. The chairman of the
43 county board of elections shall examine the names on the petition and

1
2 The party executive making a nomination in accordance with the provisions of this
3 section shall certify the name of its nominee to the chairman of the board of elections,
4 State or county, charged with the duty of printing the ballots on which the name is to
5 appear. If at the time a nomination is made under this section the general election ballots
6 have already been printed, the provisions of G.S. 163-139 shall apply. ~~If any person
7 nominated as a candidate of a political party vacates such nomination and such vacancy arises
8 from a cause other than death and the vacancy in nomination occurs more than 120 days before
9 the general election, the vacancy in nomination may be filled under this section only if the
10 appropriate executive committee certifies the name of the nominee in accordance with this
11 paragraph at least 75 days before the general election.~~

12 In a county which is partly in a multi-county superior court district, in choosing that
13 county's member or members of the superior court district executive committee for the
14 multi-county district, only the county convention delegates or county executive
15 committee members who reside within the area of the county which is within that multi-
16 county district may vote.

17 In a county not all of which is located in one congressional district, in choosing the
18 congressional district executive committee member or members from that area of the
19 county, only the county convention delegates or county executive committee members
20 who reside within the area of the county which is within the congressional district may
21 vote.

22 In a county which is partly in a multi-county senatorial district or which is partly in a
23 multi-county House of Representatives district, in choosing that county's member or
24 members of the senatorial district executive committee or House of Representatives
25 district executive committee for the multi-county district, only the county convention
26 delegates or county executive committee members who reside within the area of the
27 county which is within that multi-county district may vote."

28 Section 6.(i) Article 20 of Chapter 163 of the General Statutes is amended by
29 adding a new section to read:

30 "**§ 163-226.4. Special deadlines for general election.**

31 Notwithstanding any other provision of this Article or Article 21 of this Chapter, the
32 State Board of Elections shall provide that absentee ballots shall be available for the
33 primary or general election at the earliest time practicable and may provide an alternative
34 schedule for meetings of the county board of elections under G.S. 163-230 to
35 accommodate the revised schedule."

36 Section 6.(j) G.S. 163-179.1(a) reads as rewritten:

37 "(a) Whenever, according to the canvass made under this Article, the difference
38 between the number of votes received by a candidate who:

- 39 (1) Has received the number of votes necessary to be declared nominated
40 for an office in a primary election with a majority; or
41 (2) Has received the number of votes necessary to be declared nominated
42 for an office in a second primary election

1 and the number of votes received by any candidate in the race is not more than one
2 percent (1%) of the total votes which were cast for that office, except in multi-seat races
3 one percent (1%) of the total votes cast for those two candidates, the county board of
4 elections shall, before declaring the person nominated, order a recount of the primary if a
5 candidate whose votes fell within one percent (1%) of a successful candidate shall, by
6 noon on the ~~second~~ day (Saturdays and Sundays excepted) following the canvass, request
7 in writing such a recount."

8 Section 6.(k) G.S. 163-192.1(a) reads as rewritten:

9 "(a) Whenever, according to the canvass made under this Article, the difference
10 between the number of votes received by a candidate who:

- 11 (1) Has received the number of votes necessary to be declared nominated
12 for an office in a primary election with a majority; or
13 (2) Received the number of votes necessary to be declared nominated for an
14 office in a second primary election

15 and the number of votes received by any candidate in the race is not more than one
16 percent (1%) of the total votes which were cast for that office, except in multi-seat races
17 one percent (1%) of the total votes cast for those two candidates, the State Board of
18 Elections shall, before declaring the person nominated, order a recount of the primary if a
19 candidate whose votes, according to a tally of the canvasses made under Article 15 of this
20 Chapter, fell within one percent (1%) of a successful candidate shall, by noon on the
21 ~~eighth~~ sixth day (Saturdays and Sundays included) following the election, request in
22 writing such a recount. Provided, however, that in a statewide contest, no candidate shall
23 be entitled to an automatic recount under this section unless the difference is at least one-
24 half of one percent (0.5%) of the votes cast, or 10,000 votes, whichever is less. Provided
25 further that if the canvass made under this Article determines that a candidate who was
26 not originally thought to be within the percentage entitling him to a recount based on the
27 tally of canvasses made under Article 15 of this Chapter is in fact within the percentage
28 entitling him to a recount, the Executive Secretary-Director of the State Board of
29 Elections shall immediately notify the candidate and the candidate shall be entitled to a
30 recount if he so requests within ~~48~~ 24 hours of notification."

31 Section 6.(l) If any members of any county board of education are elected at
32 the primary election and take office under a local act in July after the primary, they shall
33 instead take office on the same day in October after the primary, and the terms of any
34 such member which would otherwise expire in July of 2000 or July of 2002 are extended
35 accordingly.

36 Section 6.(m) G.S. 163-111(c) reads as rewritten:

37 "(c) Procedure for Requesting Second Primary. –

- 38 (1) A candidate who is apparently entitled to demand a second primary,
39 according to the unofficial results, for one of the offices listed below,
40 and desiring to do so, shall file a request for a second primary in writing
41 or by telegram with the Executive Secretary-Director of the State Board
42 of Elections no later than 12:00 noon on the ~~seventh~~ sixth day (including
43 Saturdays and Sundays) following the date on which the primary was

1 conducted, and such request shall be subject to the certification of the
2 official results by the State Board of Elections. If the vote certification
3 by the State Board of Elections determines that a candidate who was not
4 originally thought to be eligible to call for a second primary is in fact
5 eligible to call for a second primary, the Executive Secretary-Director of
6 the State Board of Elections shall immediately notify such candidate
7 and permit him to exercise any options available to him within a ~~48-hour~~
8 24-hour period following the notification:

9 Governor,
10 Lieutenant Governor,
11 All State executive officers,
12 Justices, Judges, or District Attorneys of the General Court of
13 Justice,
14 United States Senators,
15 Members of the United States House of Representatives,
16 State Senators in multi-county senatorial districts, and
17 Members of the State House of Representatives in multi-county
18 representative districts.

19 (2) A candidate who is apparently entitled to demand a second primary,
20 according to the unofficial results, for one of the offices listed below
21 and desiring to do so, shall file a request for a second primary in writing
22 or by telegram with the chairman or director of the county board of
23 elections no later than 12:00 noon on the ~~seventh~~sixth day (including
24 Saturdays and Sundays) following the date on which the primary was
25 conducted, and such request shall be subject to the certification of the
26 official results by the county board of elections:

27 State Senators in single-county senatorial districts,
28 Members of the State House of Representatives in single-county
29 representative districts, and
30 All county officers.

31 (3) Immediately upon receipt of a request for a second primary the
32 appropriate board of elections, State or county, shall notify all
33 candidates entitled to participate in the second primary, by telephone
34 followed by written notice, that a second primary has been requested
35 and of the date of the second primary."

36 Section 6.(n) G.S. 163-111(d) reads as rewritten:

37 "(d) Tie Votes; How Determined. –

38 (1) In the event of a tie for the highest number of votes in a first primary
39 between two candidates for party nomination for a single county, or
40 single-county legislative district office, the board of elections of the
41 county in which the two candidates were voted for shall conduct a
42 recount and declare the results. If the recount shows a tie vote, a second
43 primary shall be held on the date prescribed in subsection (e) of this

1 section between the two candidates having an equal vote, unless one of
2 the aspirants, within ~~three days~~ one day after the result of the recount has
3 been officially declared, files a written notice of withdrawal with the
4 board of elections with which he filed notice of candidacy. Should that
5 be done, the remaining aspirant shall be declared the nominee. In the
6 event of a tie for the highest number of votes in a first primary among
7 more than two candidates for party nomination for one of the offices
8 mentioned in this subdivision, no recount shall be held, but all of the
9 tied candidates shall be entered in a second primary.

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

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

39 Section 6.(o) G.S. 163-213.2 reads as rewritten:

40 **"§ 163-213.2. Primary to be held; date; qualifications and registration of voters.**

41 On the Tuesday after the first Monday in ~~May, 1992,~~ March 2000, and every four
42 years thereafter, the voters of this State shall be given an opportunity to express their
43 preference for the person to be the presidential candidate of their political party.

1 Any person otherwise qualified who will become qualified by age to vote in the
2 general election held in the same year of the presidential preference primary shall be
3 entitled to register and vote in the presidential preference primary. Such persons may
4 register not earlier than 60 days nor later than ~~the last day for making application to register~~
5 ~~under G.S. 163-67~~ the twenty-fifth day prior to the said primary. In addition, persons who
6 will become qualified by age to register and vote in the general election for which the
7 primary is held, who do not register during the special period may register to vote after
8 such period as if they were qualified on the basis of age, but until they are qualified by
9 age to vote, they may vote only in primary elections."

10 Section 6.(p) This section becomes effective January 1, 2000.

11 Section 7. This act is effective when it becomes law.