

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 1046  
Committee Substitute Favorable 4/23/01  
Senate Redistricting Committee Substitute Adopted 11/13/01  
Fourth Edition Engrossed 11/13/01**

Short Title: Election Changes.

(Public)

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Sponsors:

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Referred to:

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April 10, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO PROVIDE FOR POSTPONING THE FILING PERIOD FOR  
3 CANDIDATES IN 2002 PRIMARY ELECTIONS AND FOR POSTPONING THE  
4 2002 PRIMARY ELECTIONS IF NECESSARY; TO PERMANENTLY CHANGE  
5 FILING PERIODS BEGINNING AFTER 2002; TO IMPROVE THE ACCURACY  
6 AND UNDERSTANDABILITY OF PRECINCT DATA; AND TO MAKE  
7 DEFINITIONAL AND TECHNICAL CHANGES TO THE ELECTION LAWS.

8 The General Assembly of North Carolina enacts:

9       **SECTION 1.(a)** The filing of notices of candidacy for 2002 only shall be  
10 postponed for primary elections for all offices and for elections for all other offices  
11 conducted on the day of the primary. The filing period for those offices shall begin at  
12 noon on February 18, 2002, and end at noon March 1, 2002.

13       **SECTION 1.(b)** If by 10:00 A.M. on February 18, 2002, an act to redistrict  
14 the State House of Representatives, the State Senate, or North Carolina's districts for  
15 electing members of the United States House of Representatives has not been approved  
16 under section 5 of the Voting Rights Act of 1965, the State Board of Elections shall  
17 postpone the primary election for all offices until a date the State Board determines to  
18 be fair to all parties, potential candidates, and voters. The State Board shall make its  
19 decision as soon as practical, taking into account the likelihood of receiving a final  
20 approval of any pending redistricting plan.

21       **SECTION 1.(c)** If the filing period or primary election or both are  
22 postponed under this section, the State Board of Elections shall adopt rules for the  
23 implementation of the primary election schedule. Adoption of those rules is not subject  
24 to Chapter 150B of the General Statutes. Those rules shall include a postponed filing  
25 period and other necessary parts of the election schedule. The rules shall include reset  
26 dates for absentee balloting that shall as nearly as practical provide the same amount of  
27 time for voters and election officials set forth in Article 20 of Chapter 163 of the

1 General Statutes. The State Board shall, as soon as practical, distribute its rules,  
2 including a Revised Primary Timetable, to county boards of elections.

3 **SECTION 1.(d)** The State Board of Elections shall be governed by the  
4 following limitations:

- 5 (1) Any postponement of the candidate filing period or the primary shall  
6 apply to all offices whose primary elections are regularly scheduled on  
7 primary day, so that there is one candidate filing period for all those  
8 offices and one primary election for all those offices. The State Board  
9 shall not set a separate filing period or election date for any election  
10 that regularly set on the date of the primary. The postponement shall  
11 also apply to any elections to office held on that date (such as elections  
12 for boards of education under G.S. 115C-37) and the filing period for  
13 those offices.
- 14 (2) The State Board of Elections does not have the authority to dispense  
15 with a second primary. The State Board shall provide for a second  
16 primary in its schedule to any candidate entitled to call for a second  
17 primary under the provisions of G.S. 163-111.
- 18 (3) The State Board shall set a filing period no shorter than 10 business  
19 days.
- 20 (4) Before making its decision to postpone a filing period or primary  
21 election under this section, the State Board of Elections shall consult  
22 with the President Pro Tem of the Senate, the Speaker of the House,  
23 and the Majority and Minority Leaders of the House and Senate.

24 **SECTION 1.(e)** If the primary election is postponed under subsection (b) of  
25 this section, any local act for election of a board of education elected at the primary  
26 which provides that persons elected shall take office in July of the year of the election is  
27 modified for the 2002 election only to provide that the persons elected shall take office  
28 in September of the year of the election.

29 **SECTION 1.(f)** For the 2002 primary election only, G.S. 163-112 shall be  
30 applied by substituting "10 days" for "30 days" wherever it appears.

31 **SECTION 1.(g)** The provisions of this section apply during the 2002  
32 election year only.

33 **SECTION 2.** Article 12A of Chapter 163 of the General Statutes is amended  
34 by adding a new section to read:

35 **"§ 163-132.5G. Voting data maintained by precinct.**

36 To the extent that it can do so without compromising the secrecy of an individual's  
37 ballot, each county board of elections shall maintain voting data by precinct so that  
38 precinct returns for each item on the ballot shall include the votes cast by residents of  
39 the precinct who voted by absentee ballot, both mail and one-stop. The county board  
40 shall not be required to report absentee voting data by precinct until 60 days after the  
41 election. The State Board of Elections shall adopt rules for the enforcement of this  
42 section with the goal that all voting data shall be reported by precinct by the 2006

1 election. Those rules shall provide for exemptions where the expense of compliance  
2 would place a financial hardship on a county."

3       **SECTION 3.(a)** If Senate Bill 17 of the 2001 General Assembly becomes  
4 law, then G.S. 163-165(9) as enacted by that bill reads as rewritten:

5       "(9) 'Voting enclosure' means the room ~~or connected rooms~~ within the  
6 voting place that is used for voting."

7       **SECTION 3.(b)** If Senate Bill 17 of the 2001 General Assembly becomes  
8 law, then G.S. 163-165(10) as enacted by that bill reads as rewritten:

9       "(10) 'Voting place' means the building or area of the building that contains  
10 the voting enclosure."

11       **SECTION 4.(a)** G.S. 163-245(b)(1) reads as rewritten:

12       "~~(1) Persons serving in the armed forces of the United States, including~~  
13 ~~(but not limited to) the army, the navy, the air force, the marine corps,~~  
14 ~~the coast guard, the Army Nurse Corps, the Navy Nurse Corps, the~~  
15 ~~Women's Navy Reserve, the Marine Corps Women's Reserve, the~~  
16 ~~Women's Army Corps, the Merchant Marine, and members of the~~  
17 ~~national guard and military reserve who on the day of a primary or~~  
18 ~~general election are absent on active duty. Individuals serving in the~~  
19 ~~armed forces of the United States, including, but not limited to, the~~  
20 ~~army, the navy, the air force, the marine corps, the coast guard, the~~  
21 ~~Merchant Marine, the National Oceanic and Atmospheric~~  
22 ~~Administration, the commissioned corps of the Public Health Service,~~  
23 ~~and members of the national guard and military reserve."~~

24       **SECTION 4.(b)** G.S. 163-246 reads as rewritten:

25       "**§ 163-246. Provisions of Article 20 applicable except as otherwise provided; State**  
26 **Board of Elections to adopt regulations.**

27       Except as otherwise provided in this Article, registration by mail and absentee  
28 voting by individuals to whom this Article is applicable shall be governed by the  
29 provisions of Article 20 of this Chapter. By way of illustration rather than limitation, the  
30 provisions of this paragraph shall apply to the form of absentee ballots, certificates and  
31 container-return envelopes; the manner of depositing and voting military absentee  
32 ballots; the counting and certifying of results; the hearing of challenges; and the  
33 preservation of container- return envelopes in which executed military absentee ballots  
34 are transmitted. The intent of this Article is that each uniformed services voter receives  
35 the utmost consideration and cooperation when voting, that each valid ballot cast by that  
36 voter is duly counted, and that all qualified uniformed and overseas voters have equal  
37 opportunity to cast a vote and have it counted if it conforms with the law. For purposes  
38 of this Article, 'uniformed services voter' means those individuals set forth as such in  
39 The Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA).

40       The State Board of Elections is authorized to adopt and promulgate whatever rules  
41 and regulations (not in conflict with other provisions of this Chapter) it may deem  
42 necessary to carry out the true intent and purpose of this Article."

1           **SECTION 4.(c)** G.S. 163-247(1) reads as rewritten:

2           "(1) Federal Postcard Application Form. – At any time prior to the  
3           statewide primary or general election in which he seeks to vote, the  
4           applicant may make and sign a written application to the County Board  
5           of Election[s] in County of Voter's Residence for absentee ballots on  
6           the postcard form specified in or promulgated by regulation under 42  
7           U.S.C. 1973ee-14. The Uniformed and Overseas Citizens Absentee  
8           Voting Act of 1986 (UOCAVA), 42 U.S.C. § 1973ff(b) and  
9           § 1973ff-3."

10          **SECTION 4.(d)** G.S. 163-247(3) reads as rewritten:

11          "~~(3) Notwithstanding subdivisions (1) and (2) of this section, if the~~  
12          ~~application under either of those subdivisions so requests, it shall~~  
13          ~~constitute an application for more than one or for all of the primaries~~  
14          ~~and elections held during the calendar year when the application is~~  
15          ~~received. If a single application from an absentee uniformed voter is~~  
16          received by an election official, it shall be considered a valid absentee  
17          ballot request with respect to all general, primary, and runoff elections  
18          for federal, State, county, or those municipal offices in which absentee  
19          ballots are allowed under the provisions of G.S. 163-302, held during  
20          the calendar year the application was received. This subdivision does  
21          not apply to a special election not involving the election of candidates,  
22          unless that special election is being held on the same day as a general  
23          or primary election."

24          **SECTION 4.(e)** G.S. 163-253 reads as rewritten:

25          "**§ 163-253. Article inapplicable to persons after change of status; reregistration**  
26          **not required.**

27          Upon discharge from the armed forces of the United States or termination of any  
28          other status qualifying ~~him~~ the voter to register and vote by absentee ballot under the  
29          provisions of this Article, the voter shall not be entitled to vote by military absentee  
30          ballot, ~~and but if he~~ the voter was registered under the provisions of this Article ~~his~~ that  
31          voter's registration shall become void and he shall be required to register under the  
32          provisions of Article 7A before being entitled to vote in any primary or election. remain  
33          valid for the remainder of the calendar year that voter registered, and that voter shall be  
34          entitled to vote in any primary or election for the remainder of the calendar year without  
35          having to reregister. If requested by election officials, the voter shall present proof of  
36          military status at the time of registration. This section does not entitle a person to vote in  
37          North Carolina if that person has become disqualified because of change of permanent  
38          residence to another State or because of conviction of a felony."

39          **SECTION 5.1.(a)** Effective January 1, 2003, G.S. 163-106(c) as rewritten  
40          by Section 3 of S.L. 2001-403 reads as rewritten:

41          "(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary  
42          nominations for the following offices shall file their notice of candidacy with the State

1 Board of Elections no earlier than 12:00 noon on the ~~first Monday in January~~ second  
2 Monday in February and no later than 12:00 noon on the ~~first Monday~~ last business day  
3 in February preceding the primary:

4 Governor

5 Lieutenant Governor

6 All State executive officers

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

8 United States Senators

9 Members of the House of Representatives of the United States

10 District attorneys

11 Candidates seeking party primary nominations for the following offices shall file  
12 their notice of candidacy with the county board of elections no earlier than 12:00 noon  
13 on the ~~first Monday in January~~ second Monday in February and no later than 12:00  
14 noon on the ~~first Monday~~ last business day in February preceding the primary:

15 State Senators

16 Members of the State House of Representatives

17 All county offices."

18 **SECTION 5.1.(b)** Effective January 1, 2003, G.S. 163-323(b) as rewritten  
19 by Section 1 of S.L. 2001-403 reads as rewritten:

20 "(b) Time for Filing Notice of Candidacy. – Candidates seeking election to the  
21 following offices shall file their notice of candidacy with the State Board of Elections  
22 no earlier than 12:00 noon on the ~~first Monday in January~~ second Monday in February  
23 and no later than 12:00 noon on the ~~first Monday~~ last business day in February  
24 preceding the election:

25 Judges of the superior courts.

26 Judges of the district courts."

27 **SECTION 5.** This act is effective when it becomes law.