

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE DRS65260-RR-32 (3/8)

Short Title: Election Admin. Amendments.

(Public)

Sponsors: Senator Clodfelter.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP
3 VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING
4 AN OBSERVER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE
5 DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT
6 DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT; TO ALLOW THE
7 CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY
8 LINE; TO ALLOW THE STUDY OF PAPER BALLOTS BY SCHOLARS; TO
9 CHANGE THE DEADLINE FOR FILING A PROTEST FROM 6:00 P.M. TO 5:00
10 P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP
11 SITES AS AT VOTING PLACES ON ELECTION DAY; TO CHANGE THE
12 REQUIREMENT FOR A STATEWIDE UNAFFILIATED CANDIDATE TO
13 CONFORM TO A FEDERAL COURT DECISION; TO ALLOW A UNANIMOUS
14 STATE BOARD OF ELECTIONS TO DISMISS A PROTEST AS FRIVOLOUS;
15 TO PROHIBIT PIECE PAYMENT FOR VOTER REGISTRATION DRIVES; TO
16 EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT
17 ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE
18 THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW
19 TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A
20 FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE OUTDATED
21 REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED
22 ENTIRELY BY FEES"; TO ALLOW ONE-STOP SITES IN SOME NONPUBLIC
23 BUILDINGS; TO ALLOW THE STATE BOARD OF ELECTIONS TO
24 AUTOMATICALLY CANCEL A VOTER'S REGISTRATION IN A FORMER
25 COUNTY WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE
26 AND MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE

1 STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA;
2 AND TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS.

3 The General Assembly of North Carolina enacts:

4 SECTION 1.(a) G.S. 163-45 reads as rewritten:

5 "§ 163-45. Observers; appointment.

6 The ~~chairman~~-chair of each political party in the county shall have the right to
7 designate two observers to attend each voting place at each primary and election and
8 such observers may, at the option of the designating party ~~chairman~~,chair, be relieved
9 during the day of the primary or election after serving no less than four hours and
10 provided the list required by this section to be filed by each ~~chairman~~-chair contains the
11 names of all persons authorized to represent such ~~chairman's~~chair's political party. Not
12 more than two observers from the same political party shall be permitted in the voting
13 enclosure at any time. This right shall not extend to the ~~chairman~~-chair of a political
14 party during a primary unless that party is participating in the primary. In any election in
15 which an unaffiliated candidate is named on the ballot, the candidate or the candidate's
16 campaign manager shall have the right to appoint two observers for each voting place
17 consistent with the provisions specified herein. Persons appointed as observers must be
18 registered voters of the county for which appointed and must have good moral
19 character. No person who is a candidate on the ballot in a primary or election may serve
20 as an observer in that primary or election. Observers shall take no oath of office.

21 Individuals authorized to appoint observers must submit in writing to the chief judge
22 of each precinct a signed list of the observers appointed for that precinct. Individuals
23 authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any
24 primary or general election, submit in writing to the ~~chairman~~-chair of the county board
25 of elections two signed copies of a list of observers appointed by them, designating the
26 precinct for which each observer is appointed. Before the opening of the voting place on
27 the day of a primary or general election, the ~~chairman~~-chair shall deliver one copy of the
28 list to the chief judge for each affected precinct. ~~He~~-The chair shall retain the other
29 copy. The ~~chairman~~,chair, or the chief judge and judges for each affected precinct, may
30 for good cause reject any appointee and require that another be appointed. The names of
31 any persons appointed in place of those persons rejected shall be furnished in writing to
32 the chief judge of each affected precinct no later than the time for opening the voting
33 place on the day of any primary or general election, either by the ~~chairman~~-chair of the
34 county board of elections or the person making the substitute appointment.

35 An observer shall do no electioneering at the voting place, and ~~he~~ shall in no manner
36 impede the voting process or interfere or communicate with or observe any voter in
37 casting ~~his~~-a ballot, but, subject to these restrictions, the chief judge and judges of
38 elections shall permit ~~him~~-the observer to make such observation and take such notes as
39 ~~he~~-the observer may desire.

40 Whether or not the observer attends to the polls for the requisite time provided by
41 this section, each observer shall be entitled to obtain at times specified by the State
42 Board of Elections, but not less than three times during election day with the spacing
43 not less than one hour apart, a list of the persons who have voted in the precinct so far in
44 that election day. Counties that use an "authorization to vote document" instead of poll

1 books may comply with the requirement in the previous sentence by permitting each
2 observer to inspect election records so that the observer may create a list of persons who
3 have voted in the precinct so far that election day; each observer shall be entitled to
4 make the inspection at times specified by the State Board of Elections, but not less than
5 three times during election day with the spacing not less than one hour apart. Instead of
6 having an observer receive the voting list, the county party chair may send a runner to
7 do so. The runner may be any person named by the county party chair. That party chair
8 must notify the chair of the county board of elections or the board chair's designee of
9 the names of all runners to be used in each precinct before the runner goes to the
10 precinct. The runner may receive a voter list from the precinct on the same schedule as
11 an observer. Whether obtained by observer or runner, each party is entitled to only one
12 voter list at each of the scheduled times. No runner may enter the voting enclosure
13 except when necessary to announce that runner's presence and then may not linger in the
14 voting enclosure."

15 **SECTION 1.(b)** G.S. 163-166.3 reads as rewritten:

16 **"§ 163-166.3. Limited access to the voting enclosure.**

17 During the time allowed for voting in the voting place, only the following persons
18 may enter the voting enclosure:

- 19 (1) An election official.
- 20 (2) An observer appointed pursuant to G.S. 163-45.
- 21 (2a) A runner appointed pursuant to G.S. 163-45, but only to the extent
22 necessary to announce that runner's presence as provided in
23 G.S. 163-45.
- 24 (3) A person seeking to vote in that voting place on that day but only
25 while in the process of voting or seeking to vote.
- 26 (4) A voter in that precinct while entering or explaining a challenge
27 pursuant to G.S. 163-87 or G.S. 163-88.
- 28 (5) A person authorized under G.S. 163-166.8 to assist a voter but, except
29 as provided in subdivision (6) of this section, only while assisting that
30 voter.
- 31 (6) Minor children of the voter under the age of 18, or minor children
32 under the age of 18 in the care of the voter, but only while
33 accompanying the voter and while under the control of the voter.
- 34 (7) Persons conducting or participating in a simulated election within the
35 voting place or voting enclosure, if that simulated election is approved
36 by the county board of elections.
- 37 (8) Any other person determined by election officials to have an urgent
38 need to enter the voting enclosure but only to the extent necessary to
39 address that need."

40 **SECTION 2.** G.S. 163-165.10 reads as rewritten:

41 **"§ 163-165.10. Adequacy of voting system for each precinct.**

42 The county board of elections shall make available for each precinct voting place an
43 adequate quantity of official ballots or equipment so that all voters qualified to vote at
44 the precinct may do so. When the board of county commissioners has decided to adopt

1 and purchase or lease a voting system for voting places under the provisions of
2 G.S. 165-165.8, the board of county commissioners shall, as soon as practical, provide
3 for each of those voting places sufficient equipment of the approved voting system in
4 complete working order. If it is impractical to furnish each voting place with the
5 equipment of the approved voting system, that which has been obtained may be placed
6 in voting places chosen by the county board of elections. In that case, the county board
7 of elections shall choose the voting places and allocate the equipment in a way that as
8 nearly as practicable provides equal access to the voting system for each voter. The
9 county board of elections shall appoint as many voting system custodians as may be
10 necessary for the proper preparation of the system for each election and for its
11 maintenance, storage, and care. The Executive Director of the State Board of Elections
12 may permit a county board of elections to provide more than one type of voting system
13 in a precinct, but only upon a finding that doing so is an effective way to comply with
14 federal or State law."

15 **SECTION 3.** Article 7A of Chapter 163 of the General Statutes is amended
16 by adding a new section to read:

17 **"§ 163-82.15A. Administrative change of registration when county line is adjusted.**

18 When a boundary between counties is changed by legislation, or adjusted by the
19 counties pursuant to G.S. 153A-18, the Executive Director of the State Board of
20 Elections shall direct the county boards of elections involved to administratively change
21 the voter registration of any voter whose residence the change or adjustment places in a
22 different county. The voter shall not be required to submit a new application to register.
23 The Executive Director shall prescribe a method of notifying the voter of the change of
24 county registration, the correct precinct, and other relevant information."

25 **SECTION 4.** G.S. 163-165.1 reads as rewritten:

26 **"§ 163-165.1. Scope and general rules.**

- 27 (a) Scope. – This Article shall apply to all elections in this State.
- 28 (b) Requirements of Official Ballots in Voting. – In any election conducted under
29 this Article:
- 30 (1) All voting shall be by official ballot.
- 31 (2) Only votes cast on an official ballot shall be counted.
- 32 (c) Compliance With This Article. – All ballots shall comply with the provisions
33 of this Article.
- 34 (d) Other Uses Prohibited. – An official ballot shall not be used for any purpose
35 not authorized by this Article.
- 36 (e) Confidentiality of Official Ballots. – Voted official ballots shall be treated as
37 confidential, and no person other than elections officials performing their duties may
38 have access to voted official ballots except by court order or order of the appropriate
39 board of elections as part of the resolution of an election protest or investigation of an
40 alleged election irregularity or violation. Voted official ballots shall not be disclosed to
41 members of the public in such a way as to disclose how a particular voter voted, unless
42 a court orders otherwise.
- 43 (f) Academic Research of Ballots. – After the end of the retention period for
44 official ballots, the Executive Director of the State Board of Elections may approve a

1 proposal by a county board of elections to contract with an accredited institution of
2 higher education to dispose of paper official ballots. The Executive Director shall
3 approve a contract under this subsection only after making all the following findings:

- 4 (1) That the contract provides that the ballots will be used by the
5 institution for research purposes.
- 6 (2) The confidentiality of the way any particular voter voted is not
7 compromised.
- 8 (3) No election protest or contest or litigation of any kind is pending in
9 which the ballot would be material evidence.

10 Nothing published based on the study of ballots disposed under this subsection shall
11 affect the finality of any election certificate already issued. Ballots disposed of under
12 this section cease to be public records under Chapter 132 of the General Statutes."

13 **SECTION 5.** G.S. 163-182.9(b)(4) reads as rewritten:

14 "(4) The timing for filing a protest shall be as follows:

- 15 a. If the protest concerns the manner in which votes were counted
16 or results tabulated, the protest shall be filed before the
17 beginning of the county board of election's canvass meeting.
- 18 b. If the protest concerns the manner in which votes were counted
19 or results tabulated and the protest states good cause for delay
20 in filing, the protest may be filed until ~~6:00~~5:00 P.M. on the
21 second day after the county board of elections has completed its
22 canvass and declared the results.
- 23 c. If the protest concerns an irregularity other than vote counting
24 or result tabulation, the protest shall be filed no later than ~~6:00~~
25 5:00 P.M. on the second day after the county board has
26 completed its canvass and declared the results.
- 27 d. If the protest concerns an irregularity on a matter other than
28 vote counting or result tabulation and the protest is filed before
29 election day, the protest proceedings shall be stayed, unless a
30 party defending against the protest moves otherwise, until after
31 election day if any one of the following conditions exists:
 - 32 1. The ballot has been printed.
 - 33 2. The voter registration deadline for that election has
34 passed.
 - 35 3. Any of the proceedings will occur within 30 days before
36 election day."

37 **SECTION 6.(a)** G.S. 163-227.2(e) reads as rewritten:

38 "(e) The voter shall vote that voter's absentee ballot in a voting booth in the office
39 of the county board of elections, and the county board of elections shall provide a voting
40 booth for that purpose, provided however, that the county board of elections may in the
41 alternative provide a private room for the voter adjacent to the office of the board, in
42 which case the voter shall vote that voter's absentee ballot in that room. ~~If the voter~~
43 ~~needs assistance in getting to and from the voting booth and in preparing and marking~~
44 ~~that voter's ballots or if the voter is a blind voter, only a member of the county board of~~

1 ~~elections, the director of elections, an employee of the board of elections authorized by~~
2 ~~the board, a near relative of the voter or the voter's verifiable legal guardian shall be~~
3 ~~entitled to assist the voter. A voter at a one-stop site shall be entitled to the same~~
4 ~~assistance as a voter at a voting place on election day under G.S. 163-166.8. The State~~
5 ~~Board of Elections shall, where appropriate, adapt the rules it adopts under~~
6 ~~G.S. 163-166.8 to one-stop voting."~~

7 **SECTION 6.(b)** G.S. 163-226.3(a) reads as rewritten:

8 "(a) Any person who shall, in connection with absentee voting in any election
9 held in this State, do any of the acts or things declared in this section to be unlawful,
10 shall be guilty of a Class I felony. It shall be unlawful:

11 (1) For any person except the voter's near relative or the voter's verifiable
12 legal guardian to assist the voter to vote an absentee ballot when the
13 voter is voting an absentee ballot other than under the procedure
14 described in G.S. 163-227.2; provided that if there is not a near relative
15 or legal guardian available to assist the voter, the voter may request
16 some other person to give assistance;

17 (2) For any person to assist a voter to vote an absentee ballot under the
18 absentee voting procedure authorized by G.S. 163-227.2 except a
19 ~~member of the county board of elections, the director of elections, an~~
20 ~~employee of the board authorized by the board, the voter's near relative~~
21 ~~or the voter's verifiable legal guardian; as provided in that section;~~

22 (3) For a voter who votes an absentee ballot under the procedures
23 authorized by G.S. 163-227.2 to vote that voter's absentee ballot
24 outside of the voting booth or private room provided to the voter for
25 that purpose in or adjacent to the office of the county board of
26 elections or at the additional site provided by G.S. 163-227.2(f1), or to
27 receive assistance ~~in getting to and from the voting booth or private~~
28 ~~room and in preparing and marking that voter's ballots from any~~
29 ~~person other than a member of the county board of elections, the~~
30 ~~director of elections, an employee of the board of elections authorized~~
31 ~~by the board, a near relative of the voter or the voter's verifiable legal~~
32 ~~guardian; except as provided in G.S. 163-227.2;~~

33 (4) For any owner, manager, director, employee, or other person, other
34 than the voter's near relative or verifiable legal guardian, to make a
35 written request pursuant to G.S. 163-230.1 or an application on behalf
36 of a registered voter who is a patient in any hospital, clinic, nursing
37 home or rest home in this State or for any owner, manager, director,
38 employee, or other person other than the voter's near relative or
39 verifiable legal guardian, to mark the voter's absentee ballot or assist
40 such a voter in marking an absentee ballot;

41 (5) Repealed by Session Laws 1987, c. 583, s. 8.

42 (6) For any person to take into that person's possession for delivery to a
43 voter or for return to a county board of elections the absentee ballot of

1 any voter, provided, however, that this prohibition shall not apply to a
2 voter's near relative or the voter's verifiable legal guardian;

- 3 (7) Except as provided in subsections (1), (2), (3) and (4) of this section,
4 G.S. 163-231(a), G.S. 163-250(a), and G.S. 163-227.2(e), for any voter
5 to permit another person to assist the voter in marking that voter's
6 absentee ballot, to be in the voter's presence when a voter votes an
7 absentee ballot, or to observe the voter mark that voter's absentee
8 ballot."

9 **SECTION 7.** G.S. 163-122(a) reads as rewritten:

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

- 13 (1) If the office is a statewide office, file written petitions with the State
14 Board of Elections supporting ~~his~~ candidacy for a specified office.
15 These petitions must be filed with the State Board of Elections on or
16 before 12:00 noon on the last Friday in June preceding the general
17 election and must be signed by qualified voters of the State equal in
18 number to two percent (2%) of the total number of ~~registered voters in~~
19 ~~the State as reflected by the most recent statistical report issued by the~~
20 ~~State Board of Elections.~~ voters who voted in the most recent general
21 election for Governor. Also the petition must be signed by at least 200
22 registered voters in each of four congressional districts in North
23 Carolina. No later than 5:00 p.m. on the fifteenth day preceding the
24 date the petitions are due to be filed with the State Board of Elections,
25 each petition shall be presented to the ~~chairman~~chair of the board of
26 elections of the county in which the signatures were obtained.
27 Provided the petitions are timely submitted, the ~~chairman~~chair shall
28 examine the names on the petition and place a check mark on the
29 petition by the name of each signer who is qualified and registered to
30 vote in ~~his~~that county and shall attach to the petition ~~his~~the
31 petitioner's signed certificate. Said certificates shall state that the
32 signatures on the petition have been checked against the registration
33 records and shall indicate the number of signers to be qualified and
34 registered to vote in ~~his~~that county. The ~~chairman~~chair shall return
35 each petition, together with the certificate required in this section, to
36 the person who presented it ~~to him~~ for checking. Verification by the
37 ~~chairman~~chair of the county board of elections shall be completed
38 within two weeks from the date such petitions are presented."

39 **SECTION 8.(a)** G.S. 163-182.11(b) reads as rewritten:

40 "(b) Consideration of Appeal by State Board. – In its consideration of an appeal
41 from a decision of a county board of elections on a protest, the State Board of Elections
42 may do any of the following:

- 1 (1) Decide the appeal on the basis of the record from the county board, as
2 long as the county board has made part of the record a transcript of the
3 evidentiary hearing.
- 4 (2) Request the county board or any interested person to supplement the
5 record from the county board, and then decide the appeal on the basis
6 of that supplemented record.
- 7 (3) Receive additional evidence and then decide the appeal on the basis of
8 the record and that additional evidence.
- 9 (4) Hold its own hearing on the protest and resolve the protest on the basis
10 of that hearing.
- 11 (5) Remand the matter to the county board for further proceedings in
12 compliance with an order of the State Board.
- 13 (6) Dismiss the appeal as frivolous. The State Board may only dismiss an
14 appeal as frivolous on a unanimous vote of all five members.

15 The State Board shall follow the procedures set forth in subsections (c) and (d) of
16 G.S. 163-182.10 except where they are clearly inapplicable.

17 The State Board shall give notice of its decision as required by G.S. 163-182.14, and
18 may notify the county board and other interested persons in its discretion."

19 **SECTION 8.(b)** G.S. 163-182.14 reads as rewritten:

20 "**§ 163-182.14. Appeal of a final decision to superior court.**

21 A copy of the final decision of the State Board of Elections on an election protest
22 shall be served on the parties personally or by certified mail. A decision to order a new
23 election is considered a final decision for purposes of seeking review of the decision.
24 An aggrieved party has the right to appeal the final decision to the Superior Court of
25 Wake County within 10 days of the date of service.

26 After the decision by the State Board of Elections has been served on the parties, the
27 certification of nomination or election or the results of the referendum shall issue
28 pursuant to G.S. 163-182.15 unless an appealing party obtains a stay of the certification
29 from the Superior Court of Wake County within 10 days after the date of service. The
30 court shall not issue a stay of certification unless the petitioner shows the court that the
31 petitioner has appealed the decision of the State Board of Elections, that the petitioner is
32 an aggrieved party, and that the petitioner is likely to prevail in the appeal. If the State
33 Board of Elections has dismissed the protest as frivolous pursuant to
34 G.S. 163-182.11(b)(6), the court shall not issue a stay of certification."

35 **SECTION 9.(a)** Article 7A of Chapter 163 of the General Statutes is
36 amended by adding a new section to read:

37 "**§ 163-82.25A. Piece payment in voter registration drives prohibited.**

38 No person who employs or contracts with another person to register voters or assist
39 or encourage voters to fill out voter registration forms shall pay that person per voter
40 registration application completed. No person shall accept payment on that basis. A
41 violation of this section is a Class 2 misdemeanor."

42 **SECTION 9.(b)** G.S. 163-274 is amended by adding a new subdivision to
43 read:

1 "(14) For any person to pay or accept payment per voter registration
2 application completed in violation of G.S. 163-82.25A."

3 **SECTION 10.(a)** G.S. 163-227.2 is amended by adding a new subsection to
4 read:

5 "(e2) A voter who has moved within the county more than 30 days before election
6 day but has not reported the move to the board of elections shall not be required to vote
7 a provisional ballot at the one-stop site, as long as the one-stop site has available all the
8 information necessary to determine whether a voter is registered to vote in the county
9 and which ballot the voter is eligible to vote based on the voter's proper residence
10 address. The voter with that kind of unreported move shall be allowed to vote the same
11 kind of absentee ballot as other one-stop voters."

12 **SECTION 10.(b)** G.S. 163-166.11 is amended by adding a new subdivision
13 to read:

14 "(2a) A voter who has moved within the county more than 30 days before
15 election day but has not reported the move to the board of elections
16 shall not be required to vote a provisional ballot at the one-stop site, as
17 long as the one-stop site has available all the information necessary to
18 determine whether a voter is registered to vote in the county and which
19 ballot the voter is eligible to vote based on the voter's proper residence
20 address. The voter with that kind of unreported move shall be allowed
21 to vote the same kind of absentee ballot as other one-stop voters as
22 provided in G.S. 163-227.2(e2)."

23 **SECTION 11.** G.S. 163-227.2(c) reads as rewritten:

24 "(c) If the application is properly filled out, the authorized member or employee
25 shall enter the voter's name in the register of absentee requests, applications, and ballots
26 ~~issued; shall furnish the voter with the instruction sheets called for by G.S. 163-229(e);~~
27 ~~and issued and~~ shall furnish the voter with the ballots to which the application for
28 absentee ballots applies. The voter thereupon shall vote in accordance with subsection
29 (e) of this section.

30 All actions required by this subsection shall be performed in the office of the board
31 of elections, except that the voting may take place in an adjacent room as provided by
32 subsection (e) of this section. The application under this subsection shall be signed in
33 the presence of the ~~chairman~~ chair, member, director of elections of the board, or
34 full-time employee, authorized by the board who shall sign the application and
35 certificate as the witness and indicate the official title held by him or her.
36 Notwithstanding G.S. 163-231(a), in the case of this subsection, only one witness shall
37 be required on the certificate."

38 **SECTION 12.** 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.~~ place and any other building that is suitable for use as a one-stop site. No

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

23 **SECTION 13.** G.S. 163-107(a) reads as rewritten:

24 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate
 25 shall pay to the board of elections with which he files under the provisions of
 26 G.S. 163-106 a filing fee for the office he seeks in the amount specified in the following
 27 tabulation:

29 Office Sought	Amount of Filing Fee
30 Governor	One percent (1%) of the annual salary of the office sought
32 Lieutenant Governor	One percent (1%) of the annual salary of the office sought
34 All State executive offices	One percent (1%) of the annual salary of the office sought
36 All District Attorneys of the General Court of Justice	One percent (1%) of the annual salary of the office sought
38 United States Senator	One percent (1%) of the annual salary of the office sought
40 Members of the United States House of Representatives	One percent (1%) of the annual salary of the office sought
42 State Senator	One percent (1%) of the annual salary of the office sought
44 Member of the State House of	One percent (1%) of the annual salary of

1	Representatives	the office sought
2	All county offices not compensated by fees	One percent (1%) of the annual salary of
3		the office sought
4	County commissioners, if compensated-	Ten dollars (\$10.00)
5	entirely by fees	
6	Members of county board of education,-	Five dollars (\$5.00)
7	if compensated entirely by fees	
8	Sheriff, if compensated entirely by fees	Forty dollars (\$40.00), plus one percent
9		(1%) of the income of the office above
10		four thousand dollars (\$4,000)
11	Clerk of superior court, if compensated	Forty dollars (\$40.00), plus one percent
12	entirely by fees	(1%) of the income of the office above
13		four thousand dollars (\$4,000)
14	Register of deeds, if compensated-	Forty dollars (\$40.00), plus one percent
15	entirely by fees	(1%) of the income of the office above
16		four thousand dollars (\$4,000)
17	Any other county office, if compensated-	Twenty dollars (\$20.00), plus one percent
18	entirely by fees	(1%) of the income of the office above
19		two thousand dollars (\$2,000)
20	All county offices compensated partly	One percent (1%) of the first annual
21	by salary and partly by fees	salary to be received (exclusive of
22		fees)

23 The salary of any office that is the basis for calculating the filing fee is the starting
 24 salary for the office, rather than the salary received by the incumbent, if different. If no
 25 starting salary can be determined for the office, then the salary used for calculation is
 26 the salary of the incumbent, as of January 1 of the election year."

27 **SECTION 14.** G.S. 163-82.9 reads as rewritten:

28 **"§ 163-82.9. Cancellation of prior registration.**

29 If an applicant indicates on an application form described in G.S. 163-82.3 a current
 30 registration to vote in any other county, municipality, or state, the county board of
 31 elections, upon registering the person to vote, shall send a notice to the appropriate
 32 officials in the other county, municipality, or state and shall ask them to cancel the
 33 person's voter registration there. If an applicant completes an application form described
 34 in G.S. 163-82.3 except that the applicant neglects to complete the portion of the form
 35 that authorizes cancellation of previous registration in another county, the State Board
 36 of Elections shall notify the county board of elections in the previous county of the new
 37 registration, and the board in the previous county shall cancel the registration. The State
 38 Board of Elections shall adopt rules to prevent disenfranchisement in the
 39 implementation of this section."

40 **SECTION 15.(a)** G.S. 163-82.10(b) reads as rewritten:

41 "(b) Access to Registration Records. – Upon request by that person, the county
 42 board of elections shall provide to any person a list of the registered voters of the county
 43 or of any precinct or precincts in the county. The county board may furnish selective
 44 lists according to party affiliation, gender, race, date of registration, precinct name,

1 precinct identification code, congressional district, senate district, representative district,
2 and, where applicable, county commissioner district, city governing board district, fire
3 district, soil and water conservation district, and voter history including primary,
4 general, and special districts, or any other reasonable category. No list produced under
5 this section shall contain a voter's date of birth. However, lists may be produced
6 according to voters' ages. ~~The Both the following shall apply if a county maintains or~~
7 ~~has its voter registration list maintained on a computer:~~ to all counties:

8 (1) ~~In addition to the typed, mimeographed, photocopied, computer~~
9 ~~printout or label lists, the~~ The county board of elections shall make the
10 voter registration information available to the public on electronic or
11 magnetic medium. ~~Magnetic medium for the purpose of this section~~
12 shall consist of nine track tape or 3.5 inch diskettes and 5.25 inch
13 diskettes readily accessible using MS DOS or Microsoft Windows
14 operating systems or both such systems; and For purposes of this
15 section, "electronic or magnetic medium" means any of the media in
16 use by the State Board of Elections at the time of the request.

17 (2) Information requested on electronic or magnetic medium shall contain
18 the following: voter name, county voter identification number,
19 residential address, mailing address, sex, race, age but not date of
20 birth, party affiliation, precinct name, precinct identification code,
21 congressional district, senate district, representative district, and,
22 where applicable, county commissioner district, city governing board
23 district, fire district, soil and water conservation district, and any other
24 district information available, and voter history including primary,
25 general, and special districts, or any other reasonable
26 category, category.

27 ~~provided that this subsection shall not require a county to computerize its lists, but if a~~
28 ~~county does computerize it shall comply with subdivisions (1) and (2) of this~~
29 ~~subsection.~~ ~~The county board shall require each person to whom a list is furnished to~~
30 ~~reimburse the board for the actual cost incurred in preparing it, except as provided in~~
31 ~~subsection (c) of this section. Actual cost for the purpose of this section shall not~~
32 ~~include the cost of any equipment or any imputed overhead expenses. It may include the~~
33 ~~actual cost of paper, labels, and magnetic medium. The purchaser at its discretion may~~
34 ~~provide the magnetic medium. When furnishing information under this subsection to a~~
35 ~~purchaser on a magnetic medium provided by the county board or the purchaser, the~~
36 ~~county board may impose a service charge of up to twenty-five dollars (\$25.00)."~~

37 **SECTION 15.(b)** G.S. 163-82.10(c) reads as rewritten:

38 "(c) Free Lists. ~~Free lists of all registered voters in the county shall be provided~~
39 ~~in the following cases:~~

40 (1) A county board ~~that maintains voter records on computer~~ shall
41 provide, upon written request, one free list ~~to~~ of all the registered
42 voters in the county to

43 a. ~~The~~ the State chair of each political ~~party;~~ party and

1 b. ~~The~~ to the county chair of each political party once in every
2 odd-numbered year, once during the first six calendar months of
3 every even-numbered year, and once during the latter six
4 calendar months of every even-numbered year.

5 (2) ~~A county board that does not maintain voter records on computer shall~~
6 ~~provide one free paper list every two years to the county chair of each~~
7 ~~political party.~~

8 Each free list shall include the name, address, gender, age but not date of birth, race,
9 political affiliation, voting history, precinct, precinct name, precinct identification code,
10 congressional district, senate district, representative district, and, where applicable,
11 county commissioner district, city governing board district, fire district, soil and water
12 conservation district, and voter history including primary, general, and special districts
13 of each registered voter. ~~The free paper list to the county party chairs shall group voters~~
14 ~~by precinct.~~ All free lists shall be provided as soon as practicable on one of any
15 electronic or magnetic media, but no later than 30 days after written request. Each State
16 party chair shall provide ~~the discs or tapes~~ the information on the media received from
17 the county boards or a copy of the media containing the data itself to candidates of that
18 party who request the ~~discs or tapes~~ data in writing. ~~Each State party chair shall return~~
19 ~~discs and tapes to the county boards within 30 days after receiving them.~~ As used in this
20 section, "political party" means a political party as defined in G.S. 163-96."

21 **SECTION 16.** G.S. 163-166.7(c) reads as rewritten:

22 "(c) The State Board of Elections shall promulgate rules for the process of voting.
23 Those rules shall emphasize the appearance as well as the reality of dignity, good order,
24 impartiality, and the convenience and privacy of the voter. Those rules, at a minimum,
25 shall include procedures to ensure that all the following occur:

- 26 (1) The voting system remains secure throughout the period voting is
27 being conducted.
- 28 (2) Only properly voted official ballots are introduced into the voting
29 system.
- 30 (3) Except as provided by G.S. 163-166.9, no official ballots leave the
31 voting enclosure during the time voting is being conducted there.
- 32 (4) All improperly voted official ballots are returned to the precinct
33 officials and marked as spoiled.
- 34 (5) Voters leave the voting place promptly after voting.
- 35 (6) Voters not clearly eligible to vote in the precinct but who seek to vote
36 there are given proper assistance in voting a provisional official ballot
37 or guidance to another voting place where they are eligible to vote.
- 38 (7) Information gleaned through the voting process that would be helpful
39 to the accurate maintenance of the voter registration records is
40 recorded and delivered to the county board of elections.
- 41 (8) The registration records are kept secure. The State Board of Elections
42 shall permit the use of electronic registration records in the voting
43 place in lieu of or in addition to a paper pollbook or other registration
44 record.

1 (9) Party observers are given access as provided by G.S. 163-45 to current
2 information about which voters have voted.

3 (10) The voter, before voting, shall sign that voter's name on the pollbook,
4 other voting record, or voter authorization document. If the voter is
5 unable to sign, a precinct official shall enter the person's name on the
6 same document before the voter votes."

7 **SECTION 17.** This act becomes effective July 1, 2005, and applies to all
8 primaries and elections held on or after that date.