

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE BILL 1743  
Committee Substitute Favorable 5/8/07**

Short Title: Election Amendments.

(Public)

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Sponsors:

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Referred to:

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April 19, 2007

A BILL TO BE ENTITLED

1  
2 AN ACT TO ACCEPT ABSENTEE BALLOTS THAT ARRIVE BY FIVE O'CLOCK  
3 P.M. ON ELECTION DAY; TO CLARIFY THE PERJURY PROVISION IN  
4 CAMPAIGN FINANCE STATUTES; TO PROVIDE CIVIL PENALTIES FOR  
5 DECEPTIVE LATE FILING OF CAMPAIGN REPORTS; TO REPEAL THE  
6 THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR  
7 PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL  
8 VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH  
9 STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS  
10 REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF  
11 ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT  
12 AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY  
13 DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A  
14 MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO  
15 PROVIDE THAT A BALLOT NEED NOT HAVE A WRITE-IN SPACE IF NO  
16 WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE  
17 CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR  
18 RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW  
19 APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON  
20 POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION  
21 BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE  
22 PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE  
23 MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT VOTER  
24 REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR  
25 INSTRUCTING OR COERCING NONCITIZEN VOTING; TO UPDATE THE  
26 REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC  
27 RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION;  
28 TO BROADEN THE STATUTE REGARDING CORRECTING VOTER  
29 REGISTRATION FORMS; TO APPLY THE IDENTIFICATION REQUIREMENT

1 TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY  
2 NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE  
3 FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO  
4 PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE,  
5 ENTERING, OR EXITING THE VOTING ENCLOSURE; TO MAKE THE  
6 STATE BOARD OF ELECTIONS RESPONSIBLE FOR BALLOT CODING;  
7 AND TO REQUIRE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH  
8 SPECIFICATIONS FOR BALLOT PRINTERS AND TO MAINTAIN THEIR  
9 SOFTWARE WARRANTIES.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.(a)** G.S. 163-231(b) reads as rewritten:

12 "(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The  
13 sealed container-return envelope in which executed absentee ballots have been placed  
14 shall be transmitted to the county board of elections who issued them as follows: All  
15 ballots issued under the provisions of Articles 20 and 21 of this Chapter shall be  
16 transmitted by mail or by commercial courier service, at the voter's expense, or  
17 delivered in person, or by the voter's near relative or verifiable legal guardian not later  
18 than 5:00 p.m. on the day ~~before~~of the statewide primary or general election or county  
19 bond election. If such ballots are received later than that hour, they shall not be accepted  
20 for unless federal law so requires."

21 **SECTION 1.(b)** G.S. 163-234(1) reads as rewritten:

22 "(1) Only those absentee ballots returned to the county board of elections  
23 no later than 5:00 p.m. on ~~the day before~~ election day in a properly  
24 executed container-return envelope shall be counted, except to the  
25 extent federal law requires otherwise."

26 **SECTION 1.(c)** G.S. 163-89(a) reads as rewritten:

27 "(a) Time for Challenge. – The absentee ballot of any voter may be challenged on  
28 the day of any statewide primary or general election or county bond election beginning  
29 no earlier than noon and ending no later than 5:00 P.M., or by the chief judge at the time  
30 of closing of the polls as provided in G.S. 163-232 and G.S. 163-251(b). If an absentee  
31 ballot has been received after 5:00 P.M. on the day before the election but before the  
32 deadline for accepting absentee ballots provided in G.S. 163-234(1) of 5:00 P.M. on the  
33 day of the election, the deadline for challenging that ballot shall be 5:00 P.M. on the day  
34 after the election."

35 **SECTION 1.(d)** G.S. 163-232 reads as rewritten:

36 "**§ 163-232. Certified list of executed absentee ballots; distribution of list.**

37 (a) Certified List. – The county board of elections shall prepare, or cause to be  
38 prepared, a list in at least quadruplicate, of all absentee ballots returned to the county  
39 board of elections to be counted, which have been approved by the county board of  
40 elections, and which have been received as of 5:00 p.m. on the day before the election.  
41 At the end of the list, the chairman shall execute the following certificate under oath:

42 "State of North Carolina

43 County of \_\_\_\_\_

1 I, \_\_\_\_\_, chairman of the \_\_\_\_\_ County board of elections, do  
 2 hereby certify that the foregoing is a list of all executed absentee ballots to be voted in  
 3 the election to be conducted on the \_\_\_\_\_ day of \_\_\_\_\_,  
 4 which have been approved by the county board of elections and which have been  
 5 returned no later than 5:00 p.m. on the day before the election. I certify that the  
 6 chairman, member, officer, or employee of the board of elections has not delivered  
 7 ballots for absentee voting to any person other than the voter, by mail or by commercial  
 8 courier service or in person, except as provided by law, and have not mailed or  
 9 delivered ballots when the request for the ballot was received after the deadline  
 10 provided by law.

11 This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
 (Signature of chairman of  
 county board of elections)

15 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_.

16 Witness my hand and official seal.

\_\_\_\_\_  
 (Signature of officer  
 administering oath)

\_\_\_\_\_  
 (Title of officer)"

22 No later than 10:00 a.m. on election day, the county board of elections shall cause  
 23 one copy of the list of executed absentee ballots, which may be a continuing countywide  
 24 list or a separate list for each precinct, to be immediately deposited as "first-class" mail  
 25 to the State Board of Elections. The board shall retain one copy in the board office for  
 26 public inspection and the board shall cause two copies of the appropriate precinct list to  
 27 be delivered to the chief judge of each precinct in the county. The county board of  
 28 elections shall be authorized to call upon the sheriff of the county to distribute the list to  
 29 the precincts. In addition the county board of elections shall, upon request, provide a  
 30 copy of the complete list to the chairman of each political party, recognized under the  
 31 provisions of G.S. 163-96, represented in the county.

32 The chief judge shall post one copy of the list immediately in a conspicuous location  
 33 in the voting place and retain one copy until all challenges of absentee ballots have been  
 34 heard by the county board of elections. Challenges shall be made to absentee ballots as  
 35 provided in G.S. 163-89.

36 ~~After receipt of the list of absentee voters required by this section the chief judge~~  
 37 ~~shall call the name of each person recorded on the list and enter an "A" in the~~  
 38 ~~appropriate voting square on the voter's permanent registration record, or a similar entry~~  
 39 ~~on the computer list used at the polls. The computer lists used at the polls shall be~~  
 40 generated by the county board of elections and shall indicate all persons who have voted  
 41 absentee. If such person is already recorded as having voted in that election, the chief  
 42 judge shall enter a challenge which shall be presented to the county board of elections  
 43 for resolution by the board of elections prior to certification of results by the board.

1       (b) Supplemental Lists. – Where feasible, the county board of elections shall  
2 provide to the precinct officials a supplemental list of voters whose absentee  
3 applications and ballots have been received after 5:00 P.M. on the day before the  
4 election, but before the deadline provided in G.S. 163-234(1) for acceptance of absentee  
5 ballots at 5:00 P.M. on election day. In any event, the county board of elections shall  
6 make public a supplemental list of all absentee voters whose absentee ballots were  
7 received after 5:00 P.M. on the day before the election but before 5:00 P.M. on election  
8 day. The State Board of Elections shall provide the supplemental list and instructions on  
9 how to make the supplemental list public, and the county board of elections shall make  
10 the list public as soon as practicable.

11       (c) Retention of Lists. – All lists required by this section shall be retained by the  
12 county board of elections for a period of 22 months after which they may then be  
13 destroyed."

14       **SECTION 1.(e)** This section becomes effective January 1, 2008.

15       **SECTION 2.(a)** G.S. 163-278.32 reads as rewritten:

16       "**§ 163-278.32. Statements under oath.**

17       Any statement required to be filed under this Article shall be signed and certified as  
18 true and correct by the individual, media, candidate, treasurer or others required to file  
19 it, and shall be certified as true and correct to the best of the knowledge of the  
20 individual, media, candidate, treasurer or others filing the statement; provided further  
21 that the candidate shall certify as true and correct to the best of his knowledge the  
22 organizational report and appointment of treasurer filed for the candidate or the  
23 candidate's principal campaign committee. ~~Any~~ A certification under this Article shall  
24 be treated as under oath, and any person making a certification under this Article  
25 knowing the information to be untrue may be prosecuted for perjury under G.S. 14-209.  
26 is guilty of a Class F felony."

27       **SECTION 2.(b)** G.S. 163-278.27 is amended by adding a new subsection to  
28 read:

29       "(a1) A violation of G.S. 278.32 by making a certification knowing the information  
30 to be untrue is a Class F felony."

31       **SECTION 3.(a)** G.S. 163-278.34(a) reads as rewritten:

32       "(a) **Civil Penalties for Late Filing.** – Except as provided in G.S. 163-278.9 and  
33 G.S. 163-278.9A, all reports, statements or other documents required by this Article to  
34 be filed with the Board shall be filed either by manual delivery to or by mail addressed  
35 to the Board. Timely filing shall be complete if postmarked on the day the reports,  
36 statements or other documents are to be delivered to the Board. If a report, statement or  
37 other document is not filed within the time required by this Article, then the individual,  
38 person, media, candidate, political committee, referendum committee or treasurer  
39 responsible for filing shall pay to the State Board of Elections election enforcement  
40 costs and a civil late penalty as follows:

41       (1) Two hundred fifty dollars (\$250.00) per day for each day the filing is  
42 late for a report that affects statewide elections, not to exceed a total of  
43 ten thousand dollars (\$10,000); and

- 1           (2) Fifty dollars (\$50.00) per day for each day the filing is late for a report  
2           that affects only nonstatewide elections, not to exceed a total of five  
3           hundred dollars (\$500.00).

4           If the form is filed by mail, no civil late penalty shall be assessed for any day after  
5           the date of postmark. No civil late penalty shall be assessed for any day when the Board  
6           office at which the report is due is closed. The State Board shall immediately notify, or  
7           cause to be notified, late filers, from which reports are apparently due, by mail, of the  
8           penalties under this section. The State Board of Elections may waive a late penalty if it  
9           determines there is good cause for the waiver.

10          If the Board determines by clear and convincing evidence that the late filing  
11          constitutes a willful attempt to conceal contributions or expenditures, the Board may  
12          assess a civil penalty in an amount to be determined by that Board, plus the costs of  
13          investigation, assessment, and collection. The civil penalty shall not exceed three times  
14          the amount of the contributions and expenditures willfully attempted to be concealed."

15          **SECTION 3.(b)** This section is effective when this act becomes law and  
16          applies to all offenses committed on or after that date.

17          **SECTION 4.** G.S. 163-278.6(14) reads as rewritten:

18          "(14) The term "political committee" means a combination of two or more  
19          individuals, such as any person, committee, association, organization,  
20          or other entity that makes, or accepts anything of value to make,  
21          contributions or expenditures and has one or more of the following  
22          characteristics:

- 23           a. Is controlled by a candidate;  
24           b. Is a political party or executive committee of a political party or  
25           is controlled by a political party or executive committee of a  
26           political party;  
27           c. Is created by a corporation, business entity, insurance company,  
28           labor union, or professional association pursuant to  
29           G.S. 163-278.19(b); or  
30           d. Has as a major purpose to support or oppose the nomination or  
31           election of one or more clearly identified candidates.

32           Supporting or opposing the election of clearly identified candidates  
33           includes supporting or opposing the candidates of a clearly identified  
34           political party.

35           ~~An entity is rebuttably presumed to have as a major purpose to~~  
36           ~~support or oppose the nomination or election of one or more clearly~~  
37           ~~identified candidates if it contributes or expends or both contributes~~  
38           ~~and expends during an election cycle more than three thousand dollars~~  
39           ~~(\$3,000). The presumption may be rebutted by showing that the~~  
40           ~~contributions and expenditures giving rise to the presumption were not~~  
41           ~~a major part of activities of the organization during the election cycle.~~  
42           ~~Contributions to referendum committees and expenditures to support~~  
43           ~~or oppose ballot issues shall not be facts considered to give rise to the~~

1           presumption or otherwise be used in determining whether an entity is a  
2           political committee.

3           If the entity qualifies as a "political committee" under  
4           sub-subdivision a., b., c., or d. of this subdivision, it continues to be a  
5           political committee if it receives contributions or makes expenditures  
6           or maintains assets or liabilities. A political committee ceases to exist  
7           when it winds up its operations, disposes of its assets, and files its final  
8           report.

9           Special definitions of "political action committee" and "candidate  
10          campaign committee" that apply only in Part 1A of this Article are set  
11          forth in G.S. 163-278.38Z."

12          **SECTION 5.** G.S. 163-278.69(a) reads as rewritten:

13          "(a)   Judicial Voter Guide. – The Board shall publish a Judicial Voter Guide that  
14          explains the functions of the appellate courts and the laws concerning the election of  
15          appellate judges, the purpose and function of the Public Campaign Fund, and the laws  
16          concerning voter registration. The Board shall distribute the Guide to as many  
17          voting-age individuals in the State as practical, through a mailing to all residences or  
18          other means it deems effective. The distribution shall occur no more than ~~428~~ days nor  
19          fewer than seven days before the one-stop voting period provided in G.S. 163-227.2 for  
20          the primary and no more than ~~428~~ days nor fewer than seven days before the one-stop  
21          voting period provided in G.S. 163-227.2 for the general election."

22          **SECTION 6.** G.S. 163-33.1 reads as rewritten:

23          "**§ 163-33.1. Power of chairman to administer oaths.**

24          The chairman of the county board of elections is authorized to administer to election  
25          officials specified in ~~G.S. 163-80~~ Articles 4, 5, and 20 of this Chapter the required oath,  
26          and may also administer the required oath to witnesses appearing before the county  
27          board at a duly called public hearing."

28          **SECTION 7.(a)** G.S. 163-132.1B reads as rewritten:

29          "**§ 163-132.1B. Participation in 2010 Census Redistricting Data Program of the**  
30          **United States Bureau of the Census.**

31          (a)   Purpose. – The State of North Carolina shall participate in the 2010 Census  
32          Redistricting Data Program, conducted pursuant to P.L. 94-171, of the United States  
33          Bureau of the Census, so that the State will receive 2010 Census data by voting precinct  
34          and be able to revise districts at all levels without splitting precincts and in compliance  
35          with the United States and North Carolina Constitutions and the Voting Rights Act of  
36          1965, as amended.

37          (a1) Reporting of Voting Tabulation Districts. – The Executive Director of the  
38          State Board of Elections shall report to the Bureau of the Census as this State's voting  
39          tabulation districts the voting precincts as of January 1, 2009. The Executive Director  
40          shall make that report no later than January 1, 2010.

41          (a2) Reporting from Unchanged Voting Tabulation Districts. – After January 1,  
42          2009, every county board of elections shall report all election returns by voting  
43          tabulation districts as required by G.S. 163-132.5G. No county board of elections may  
44          alter the voting tabulation districts reported to the Census Bureau by the Executive

1 Director of the State Board of Elections. The county board of elections may change the  
2 boundaries of the county's precincts so that those precincts differ from the county's  
3 voting tabulation districts, but only to the extent permitted by G.S. 163-132.3.

4 (b) Additional Rules. – In addition to directives promulgated by the Executive  
5 Director of the State Board of Elections under G.S. 163-132.4, the Legislative Services  
6 Commission may promulgate rules to implement this section."

7 **SECTION 7.(b)** G.S. 163-132.3 reads as rewritten:

8 **"§ 163-132.3. Alterations to approved precinct boundaries.**

9 (a) No county board of elections may change any precinct boundary ~~except in~~  
10 ~~one of the following ways:~~

11 (1) ~~By dividing an existing precinct into one or more new precincts,~~  
12 ~~without involving other existing precincts. The lines on which the~~  
13 ~~precincts are divided shall follow census blocks established under the~~  
14 ~~latest U.S. Census.~~

15 (2) ~~By combining one or more existing precincts into a new precinct. If~~  
16 ~~one or more precincts are combined into a single precinct, the new~~  
17 ~~precinct shall not be divided until at least four years after the effective~~  
18 ~~date of the combination.~~

19 (3) ~~By moving a precinct boundary that does not follow a census block~~  
20 ~~boundary established under the latest U.S. Census so that that precinct~~  
21 ~~boundary does follow such a census block boundary.~~

22 unless the Executive Director of the State Board of Elections determines that the county  
23 board has a current capability of complying with G.S. 163-132.1B(a2) by reporting all  
24 election returns by voting tabulation district as required by G.S. 163-132.5G. If the  
25 Executive Director so determines, the county board may make any changes to precinct  
26 boundaries, provided that All all proposed new precincts shall consist solely of  
27 contiguous territory.

28 ~~This section does not prohibit a county from continuing to use precincts that were~~  
29 ~~allowed under the Combined Reporting Unit provisions of G.S. 163-132.1(c)(6).~~

30 The county boards of elections shall report precinct boundary changes by filing with  
31 ~~the Legislative Services Office on current official census maps or on other maps or~~  
32 ~~electronic databases approved by the Executive Director the new boundaries of these~~  
33 ~~precincts. to the Executive Director in the manner the Executive Director directs. The~~  
34 ~~Executive Director may require a county board of elections to file a written description~~  
35 ~~of the boundaries of any precinct or part thereof. No newly created or altered precinct~~  
36 ~~boundary is effective until approved by the Executive Director of the State Board as~~  
37 ~~being in compliance with this section.~~

38 (b) The Executive Director of the State Board of Elections ~~and the Legislative~~  
39 ~~Services Office~~ shall examine the maps of the proposed new or altered precincts and  
40 any required written descriptions. ~~After its examination of the maps and their written~~  
41 ~~descriptions, the Legislative Services Office shall submit to the Executive Director of~~  
42 ~~the State Board of Elections its opinion as to whether all of the proposed precinct~~  
43 ~~boundaries are in compliance with subsection (a) of this section, with notations as to~~  
44 ~~where those boundaries do not comply with these standards. If the Executive Director of~~

1 the State Board determines that all precinct boundaries are in compliance with this  
2 section, the Executive Director of the State Board shall approve the maps and written  
3 descriptions as filed and these precincts shall be the official precincts.

4 (c) If the Executive Director of the State Board determines that the proposed  
5 precinct boundaries are not in compliance with subsection (a) of this section, the  
6 Executive Director shall not approve those precinct boundaries. The Executive Director  
7 shall notify the county board of elections of his disapproval specifying the reasons. The  
8 county board of elections may then resubmit new precinct maps and written descriptions  
9 to cure the reasons for their disapproval.

10 (d) Repealed by Session Laws 2004-127, s. 1(a), effective August 15, 2004, and  
11 applicable to precincts established or changed on or after that date.

12 ~~(e) During the period beginning October 1, 2002, and ending August 15, 2004,  
13 no county board of elections may change any precinct boundary. However, a county  
14 that has a precinct line that does not follow a 2000 Census Block Boundary may change  
15 that precinct line to conform to the way that precinct is shown on the General  
16 Assembly's redistricting database, provided the total population of the area moved from  
17 one precinct to another is not greater than ten percent (10%) of the total population of  
18 either precinct. A county board of elections proposing a change to a precinct during this  
19 period shall submit that change to the Legislative Services Office, which shall examine  
20 the proposed change and give its opinion of its compliance with this subsection to the  
21 Executive Director of the State Board of Elections. If the proposed change is in  
22 compliance with this subsection, the Executive Director shall approve it."~~

23 **SECTION 7.(c)** G.S. 163-132.5G reads as rewritten:

24 "**§ 163-132.5G. Voting data maintained by precinct-voting tabulation district.**

25 To the extent that it can do so without compromising the secrecy of an individual's  
26 ballot, each county board of elections shall maintain voting data by precinct-voting  
27 tabulation district so that precinct-voting tabulation district returns for each item on the  
28 ballot shall include the votes cast by residents of the precinct-voting tabulation district  
29 who voted by provisional ballot and by absentee ballot, both mail and ~~one-stop~~  
30 one-stop, and who in any way voted outside the voting tabulation district. The county  
31 board shall not be required to report provisional and absentee voting data by precinct  
32 voting tabulation district until 60 days after the election. The State Board of Elections  
33 shall adopt rules for the enforcement of this section with the goal that all voting data  
34 shall be reported by precinct by the 2006 election.section."

35 **SECTION 7.(d)** G.S. 163-165.7(a)(3) reads as rewritten:

36 "(3) That the voting system must have the capacity to include in precinct  
37 voting tabulation district returns the votes cast by voters outside of the  
38 voter's precinct-voting tabulation district as required by  
39 G.S. 163-132.5G."

40 **SECTION 7.(e)** G.S. 163-132.5F reads as rewritten:

41 "**§ 163-132.5F. U.S. Census data by precinct-voting tabulation district.**

42 The State shall request the U.S. ~~Census~~ Bureau of the Census for each decennial  
43 census to provide summaries of census data by precinct-voting tabulation district and  
44 shall participate in any U.S. Bureau of the Census' program to effectuate this provision."



1           **SECTION 7.(f)** Subsections 8(b) through 8(e) of this section become  
2 effective January 1, 2009. The remainder of this section is effective when this act  
3 becomes law.

4           **SECTION 8.** Article 14A of Chapter 163 of the General Statutes is amended  
5 by adding a new section to read:

6 **"§ 163-165.5B. Ballots may be combined.**

7           Notwithstanding any other statute or local act, a county board of elections, with the  
8 approval of the State Board of Elections, may combine ballot items on the same official  
9 ballot."

10          **SECTION 9.(a)** G.S. 163-122(a)(2) reads as rewritten:

11          "(2) If the office is a district office ~~comprised of two or more counties,~~  
12               under the jurisdiction of the State Board of Elections under  
13               G.S. 163-182.4(b), file written petitions with the State Board of  
14               Elections supporting ~~his~~that voter's 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 district equal in  
18               number to four percent (4%) of the total number of registered voters in  
19               the district as reflected by the voter registration records of the State  
20               Board of Elections as of January 1 of the year in which the general  
21               election is to be held. Each petition shall be presented to the chairman  
22               of the board of elections of the county in which the signatures were  
23               obtained. The chairman shall examine the names on the petition and  
24               the procedure for certification and deadline for submission to the  
25               county board shall be the same as specified in (1) above."

26          **SECTION 9.(b)** G.S. 163-123(c)(2) reads as rewritten:

27          "(2) If the office is a district office ~~comprising all or part of two or more~~  
28               ~~counties,~~under the jurisdiction of the State Board of Elections under  
29               G.S. 163-182.4(b), file written petitions with the State Board of  
30               Elections supporting ~~his~~that applicant's candidacy for a specified  
31               office. These petitions must be filed with the State Board of Elections  
32               on or before noon on the 90th day before the general election and must  
33               be signed by 250 qualified voters. Before being filed with the State  
34               Board of Elections, each petition shall be presented to the board of  
35               elections of the county in which the signatures were obtained. A  
36               petition presented to a county board of elections shall contain only  
37               names of voters registered in that county who are eligible to vote for  
38               that office. The chairman of the county board shall examine the names  
39               on the petition and the procedure for certification shall be the same as  
40               specified in subdivision (1)."

41          **SECTION 10.(a)** G.S. 163-165.1(e) reads as rewritten:

42          "(e) Voted ballots and paper and electronic records of individual voted ballots  
43 shall be treated as confidential, and no person other than elections officials performing  
44 their duties may have access to voted ballots or paper or electronic records of individual

1 voted ballots except by court order or order of the appropriate board of elections as part  
2 of the resolution of an election protest or investigation of an alleged election irregularity  
3 or violation. Voted ballots and paper and electronic records of individual voted ballots  
4 shall not be disclosed to members of the public in such a way as to disclose how a  
5 particular voter voted, unless a court orders otherwise. Any person who has access to an  
6 official voted ballot or record and knowingly discloses in violation of this section how  
7 an individual has voted that ballot is guilty of a Class 1 misdemeanor."

8 **SECTION 10.(b)** G.S. 163-274 reads as rewritten:

9 **"§ 163-274. Certain acts declared misdemeanors.**

10 (a) Class 2 Misdemeanors. – Any person who shall, in connection with any  
11 primary or election in this State, do any of the acts and things declared in this ~~section~~  
12 subsection to be unlawful, shall be guilty of a Class 2 misdemeanor. It shall be  
13 unlawful:

- 14 (1) For any person to fail, as an officer or as a judge or chief judge of a  
15 primary or election, or as a member of any board of elections, to  
16 prepare the books, ballots, and return blanks which it is his duty under  
17 the law to prepare, or to distribute the same as required by law, or to  
18 perform any other duty imposed upon him within the time and in the  
19 manner required by law;
- 20 (1a) For any member, director, or employee of a board of elections to alter  
21 a voter registration application or other voter registration record  
22 without either the written authorization of the applicant or voter or the  
23 written authorization of the State Board of Elections;
- 24 (2) For any person to continue or attempt to act as a judge or chief judge  
25 of a primary or election, or as a member of any board of elections,  
26 after having been legally removed from such position and after having  
27 been given notice of such removal;
- 28 (3) For any person to break up or by force or violence to stay or interfere  
29 with the holding of any primary or election, to interfere with the  
30 possession of any ballot box, election book, ballot, or return sheet by  
31 those entitled to possession of the same under the law, or to interfere in  
32 any manner with the performance of any duty imposed by law upon  
33 any election officer or member of any board of elections;
- 34 (4) For any person to be guilty of any boisterous conduct so as to disturb  
35 any member of any election board or any chief judge or judge of  
36 election in the performance of his duties as imposed by law;
- 37 (5) For any person to bet or wager any money or other thing of value on  
38 any election;
- 39 (5a) Repealed by Session Laws 1999-455, s. 21, applicable to elections  
40 held on or after January 1, 2000.
- 41 (6) For any person, directly or indirectly, to discharge or threaten to  
42 discharge from employment, or otherwise intimidate or oppose any  
43 legally qualified voter on account of any vote such voter may cast or

1 consider or intend to cast, or not to cast, or which he may have failed  
2 to cast;

3 (7) For any person to publish in a newspaper or pamphlet or otherwise,  
4 any charge derogatory to any candidate or calculated to affect the  
5 candidate's chances of nomination or election, unless such publication  
6 be signed by the party giving publicity to and being responsible for  
7 such charge;

8 (8) For any person to publish or cause to be circulated derogatory reports  
9 with reference to any candidate in any primary or election, knowing  
10 such report to be false or in reckless disregard of its truth or falsity,  
11 when such report is calculated or intended to affect the chances of such  
12 candidate for nomination or election;

13 (9) For any person to give or promise, in return for political support or  
14 influence, any political appointment or support for political office;

15 (10) For any chairman of a county board of elections or other returning  
16 officer to fail or neglect, willfully or of malice, to perform any duty,  
17 act, matter or thing required or directed in the time, manner and form  
18 in which said duty, matter or thing is required to be performed in  
19 relation to any primary, general or special election and the returns  
20 thereof;

21 (11) For any clerk of the superior court to refuse to make and give to any  
22 person applying in writing for the same a duly certified copy of the  
23 returns of any primary or election or of a tabulated statement to a  
24 primary or election, the returns of which are by law deposited in his  
25 office, upon the tender of the fees therefor;

26 (12) For any person willfully and knowingly to impose upon any blind or  
27 illiterate voter a ballot in any primary or election contrary to the wish  
28 or desire of such voter, by falsely representing to such voter that the  
29 ballot proposed to him is such as he desires; or

30 (13) Except as authorized by G.S. 163-82.15, for any person to provide  
31 false information, or sign the name of any other person, to a written  
32 report under G.S. 163-82.15.

33 "(b) Class 1 Misdemeanor. – Any person who shall, in connection with any  
34 primary or election in this State, do any of the acts and things declared in this subsection  
35 to be unlawful shall be guilty of a Class 1 misdemeanor. It shall be unlawful for any  
36 person who has access to an official voted ballot or record to knowingly disclose in  
37 violation of G.S. 163-165.1(e) how an individual has voted that ballot."

38 **SECTION 10.(c)** This section becomes effective December 1, 2007, and  
39 applies to any offense occurring on or after that date.

40 **SECTION 11.** G.S. 163-165.5(5) reads as rewritten:

41 **"§ 163-165.5. Contents of official ballots.**

42 Each official ballot shall contain all the following elements:

43 ...

1 (5) A means by which the voter may cast write-in votes, as provided in  
2 G.S. 163-123. No space for write-ins is required unless a write-in  
3 candidate has qualified under G.S. 163-123 or unless the ballot item is  
4 exempt from G.S. 163-123.

5 ..."

6 **SECTION 12.** G.S. 163-182.15(2) reads as rewritten:

7 "(2) The certificate shall be issued ~~10 days~~ on the tenth day after the final  
8 decision of the State Board, unless the State Board has ordered a new  
9 election or the issuance of the certificate is stayed by the Superior  
10 Court of Wake County pursuant to G.S. 163-182.14."

11 **SECTION 13.** G.S. 163-182.12 reads as rewritten:

12 **"§ 163-182.12. Authority of State Board of Elections over protests.**

13 The State Board of Elections may consider protests that were not filed in compliance  
14 with G.S. 163-182.9, may initiate and consider complaints on its own motion, may  
15 intervene and take jurisdiction over protests pending before a county board, and may  
16 take any other action necessary to assure that an election is determined without taint of  
17 fraud or corruption and without irregularities that may have changed the result of an  
18 election. Where a known group of voters cast votes that were lost beyond ~~retrieval,~~  
19 retrieval or where a known group of voters was given an incorrect ballot style, the State  
20 Board of Elections may authorize a county board of elections to allow those voters to  
21 recast their ~~ballots~~ votes during a period of two weeks after the ~~election.~~ canvass by the  
22 State Board of Elections required in G.S. 163-182.5(c). If there is no State Board  
23 canvass after the election, the State Board may authorize the county board to allow the  
24 recasting of votes during the two weeks after the county canvass set in  
25 G.S. 163-182.5(a). If the State Board approves a recasting of votes under this section,  
26 any procedures the county board uses to contact those voters and allow them to recast  
27 their votes shall be subject to approval by the State Board. Those recast votes shall be  
28 added to the returns and included in the canvass. The recasting of those votes shall not  
29 be deemed a new election for purposes of G.S. 163-182.13."

30 **SECTION 14.** G.S. 163-166.4 is amended by adding a new subsection to  
31 read:

32 "(d) Buffer Zone at One-Stop Sites. – The provisions of this section shall apply to  
33 one-stop voting sites in G.S. 163-227.2, except that the notice in subsection (c) of this  
34 section shall be provided no later than 10 days before the opening of one-stop voting at  
35 the site."

36 **SECTION 15.(a)** Article 4A of Chapter 163 of the General Statutes reads as  
37 rewritten:

38 "Article 4A.

39 "Political Activities by Board of Elections ~~Members.~~ Members and Employees.

40 **"§ 163-38. Applicability of Article.**

41 This Article applies to members and employees of the State Board of Elections and  
42 of each county and municipal board of elections. With regard to prohibitions in this  
43 Article concerning candidates, referenda, and committees, the prohibitions do not apply  
44 if the candidate or referendum will not be on the ballot in an area within the jurisdiction

1 of the board, or if the political committee or referendum committee is not involved with  
2 an election or referendum that will be on the ballot in an area within the jurisdiction of  
3 the board.

4 **"§ 163-39. Limitation on political activities.**

5 No individual subject to this Article shall:

- 6 (1) Make written or oral statements intended for general distribution or  
7 dissemination to the public at large supporting or opposing the  
8 nomination or election of one or more clearly identified candidates for  
9 public office.
- 10 (2) Make written or oral statements intended for general distribution or  
11 dissemination to the public at large supporting or opposing the passage  
12 of one or more clearly identified referendum proposals.
- 13 (3) Solicit contributions for a candidate, political committee, or  
14 referendum committee.

15 Individual expressions of opinion, support, or opposition not intended for general public  
16 distribution shall not be deemed a violation of this Article. Nothing in this Article shall  
17 be deemed to prohibit participation in a political party convention as a delegate. Nothing  
18 in this Article shall be deemed to prohibit a board member or board employee from  
19 making a contribution to a candidate, political committee, or referendum committee.

20 **"§ 163-40. Violation may be ground for removal.**

21 A violation of this Article may be a ground to remove a State Board of Elections  
22 member under G.S. 143B-16, a county board of elections member under G.S. 163-22(c),  
23 or a municipal board of elections member under G.S. 163-280(i). A violation of this  
24 Article may be a ground for dismissal of an employee of the State Board of Elections or  
25 of a county board of elections. No criminal penalty shall be imposed for a violation of  
26 this Article.

27 **"§ 163-40.1. Definitions.**

28 The provisions of Article 22A of this Chapter apply to the definition and proof of  
29 terms used in this Article."

30 **SECTION 15.(b)** This section becomes effective January 1, 2008.

31 **SECTION 16.** G.S. 130A-50(a) reads as rewritten:

32 "(a) The Department shall send a copy of the resolution creating the sanitary  
33 district to the ~~county~~ board or boards of county commissioners of the county or counties  
34 in which all or part of the district is located. The Department shall file or cause to be  
35 filed with the county board or boards of elections in the same county or counties a map  
36 of the district. With the map it shall include supporting documents. That map and  
37 documents shall be filed within 10 business days after the creation of the district and  
38 amended within 10 days after any change to the boundaries of the district. The board or  
39 boards of commissioners shall hold a meeting or joint meeting for the purpose of  
40 electing the members of the sanitary district board."

41 **SECTION 17.(a)** G.S. 163-82.6(a) reads as rewritten:

42 "(a) How the Form May Be Submitted. – The county board of elections shall  
43 accept any form described in G.S. 163-82.3 if the applicant submits the form by mail,  
44 facsimile transmission, transmission of a scanned document, or in person. The applicant

1 may delegate the submission of the form to another person. Any person who  
2 communicates to an applicant acceptance of that delegation shall deliver that form so  
3 that it is received by the appropriate county board of elections in time to satisfy the  
4 registration deadline in subdivision (1) or (2) of subsection (c) of this section for the  
5 next election.

6 (a1) Misdemeanors. – It shall be a Class 2 misdemeanor for any person to do any  
7 of the following:

8 (1) ~~to~~To communicate to the applicant acceptance of ~~that~~the delegation  
9 described in subsection (a) of this section and then fail to make a good  
10 faith effort to deliver the form so that it is received by the county board  
11 of elections in time to satisfy the registration deadline in subdivision  
12 (1) or (2) of subsection (c) of this section for the next election. It shall  
13 be an affirmative defense to a charge of failing to make a good faith  
14 effort to deliver a delegated form by the registration deadline that the  
15 delegatee informed the applicant that the form would not likely be  
16 delivered in time for the applicant to vote in the next election.

17 (2) ~~It shall be a Class 2 misdemeanor for any person to~~To sell or attempt  
18 to sell a completed voter registration form or to condition its delivery  
19 upon payment.

20 (3) To change a person's information on a voter registration form prior to  
21 its delivery to a county board of elections.

22 (4) To coerce a person into marking a party affiliation other than the party  
23 affiliation the person desires.

24 (5) To offer a person a voter registration form that has a party affiliation  
25 premarked unless the person receiving the form has requested the  
26 premarking."

27 **SECTION 17.(b)** G.S. 163-274 is amended by adding a new subdivision to  
28 read:

29 "(14) For any person to commit any of the voter registration violations set  
30 forth in G.S. 163-82.6(a1)."

31 **SECTION 17.(c)** This section becomes effective December 1, 2007, and  
32 applies to any offense committed on or after that date.

33 **SECTION 18.(a)** G.S. 163-275 is amended by adding a new subdivision to  
34 read:

35 "(18) For any person, knowing that a person is not a citizen of the United  
36 States, to instruct or coerce that person to register to vote or to vote."

37 **SECTION 18.(b)** This section becomes effective December 1, 2007, and  
38 applies to any offense committed on or after that date.

39 **SECTION 19.** G.S. 163-82.14(c)(1) reads as rewritten:

40 "(1) Report of Conviction Within the State. – The ~~clerk of superior court,~~  
41 State Board of Elections, on or before the fifteenth day of every  
42 month, shall report to the county board of elections of that county the  
43 name, county of residence, and residence address if available, of each  
44 individual against whom a final judgment of conviction of a felony has

1           been entered in that county in the preceding calendar month.—Any  
2           county board of elections receiving such a report about an individual  
3           who is a resident of another county in this State shall forward a copy  
4           of that report to the board of elections of that county as soon as  
5           possible."

6           **SECTION 20.** G.S. 163-82.10(a) reads as rewritten:

7           "(a) Official Record. – The State voter registration system is the official voter  
8           registration list for the conduct of all elections in the State. A completed and signed  
9           registration application form, if available, described in G.S. 163-82.3, once approved by  
10          the county board of elections, becomes backup to the official registration record of the  
11          voter. ~~Electronically captured images of the signatures of voters, full~~ Full or partial  
12          social security numbers, dates of birth, the identity of the public agency at which the  
13          voter registered under G.S. 163-82.20, and drivers license numbers that may be  
14          generated in the voter registration process, by either the State Board of Elections or a  
15          county board of elections, are confidential and shall not be considered public records  
16          and subject to disclosure to the general public under Chapter 132 of the General  
17          Statutes. Cumulative data based on those items of information may be publicly  
18          disclosed as long as information about any individual cannot be discerned from the  
19          disclosed data. Disclosure of drivers license numbers or dates of birth information in  
20          violation of this subsection shall not give rise to a civil cause of action. This limitation  
21          of liability does not apply to the disclosure of ~~drivers license numbers or dates of birth~~  
22          information in violation of this subsection as a result of gross negligence, wanton  
23          conduct, or intentional wrongdoing that would otherwise be actionable. The signature of  
24          the voter, either on the paper application or an electronically captured image of it, may  
25          be viewed by the public but may not be copied or traced except by election officials for  
26          election administration purposes. Any such copy or tracing is not a public record. The  
27          county board of elections shall maintain custody of any paper hard copy registration  
28          records of voters in the county and shall keep them in a place where they are secure."

29          **SECTION 21.** G.S. 163-82.4(e) reads as rewritten:

30          "(e) Correcting Registration Forms. – If the voter fails to ~~answer the question set~~  
31          ~~out in subdivision (1) of subsection (d) of this section,~~ complete any required item on  
32          the voter registration form but provides enough information on the form to enable the  
33          county board of elections to identify and contact the voter, the voter shall be notified of  
34          the omission and given the opportunity to complete the form ~~at any time before casting~~  
35          ~~a vote in the election on election day.~~ at least by 5:00 P.M. on the day before the county  
36          canvass as set in G.S. 163-182.5(b). If the voter corrects that omission within that time,  
37          ~~the voter may vote in the election.~~ time and is determined by the county board of  
38          elections to be eligible to vote, the board shall permit the voter to vote. If the  
39          information is not corrected by election day, the voter shall be allowed to vote a  
40          provisional official ballot. If the correct information is provided to the county board of  
41          elections by at least 5:00 P.M. on the day before the county canvass, the board shall  
42          count any portion of the provisional official ballot that the voter is eligible to vote."

43          **SECTION 22.** G.S. 163-166.12 reads as rewritten:

44          "**§ 163-166.12. Requirements for certain voters who register by mail.**

1 (a) Voting in Person. – An individual who has registered to vote by mail on or  
2 after January 1, 2003, and has not previously voted in an election that includes a ballot  
3 item for federal office in North Carolina, shall present to a local election official at a  
4 voting place before voting there one of the following:

5 (1) A current and valid photo identification.

6 (2) A copy of one of the following documents that shows the name and  
7 address of the voter: a current utility bill, bank statement, government  
8 check, paycheck, or other government document.

9 (b) Voting Mail-In Absentee. – An individual who has registered to vote by mail  
10 on or after January 1, 2003, and has not previously voted in an election that includes a  
11 ballot item for federal office in North Carolina, in order to cast a mail-in absentee vote,  
12 shall submit with the mailed-in absentee ballot one of the following:

13 (1) A copy of a current and valid photo identification.

14 (2) A copy of one of the following documents that shows the name and  
15 address of the voter: a current utility bill, bank statement, government  
16 check, paycheck, or other government document.

17 (b1) The county board of elections shall note the type of identification proof  
18 submitted by the voter under the provisions of subsection (a) or (b) of this section and  
19 may dispose of the tendered copy of identification proof as soon as the type of proof is  
20 noted in the voter registration records.

21 (b2) Voting When Identification Numbers Do Not Match. – If an individual has  
22 registered and provided a drivers license number or last four digits of a Social Security  
23 number but the computer validation of the number as required by G.S. 163-82.12 did  
24 not result in a match, and the number has not been otherwise validated by the board of  
25 elections, in the first election in which the individual votes that individual shall submit  
26 with the ballot the form of identification required in subsection (a) or subsection (b) of  
27 this section, depending upon whether the ballot is voted in person or absentee. If that  
28 identification is provided and unless the board of elections determines that an individual  
29 is otherwise ineligible to vote a ballot, the failure of identification numbers to match  
30 shall not prevent an individual from registering to vote or a vote from being counted.

31 (c) The Right to Vote Provisionally. – If an individual is required under  
32 subsection ~~(a) or (b)~~ (a), (b), or (b2) of this section to present identification in order to  
33 vote, but that individual does not present the required identification, that individual may  
34 vote a provisional official ballot. If the voter is at the voting place, the voter may vote  
35 provisionally there without unnecessary delay. If the voter is voting by mail-in absentee  
36 ballot, the mailed ballot without the required identification shall be treated as a  
37 provisional official ballot.

38 (d) Exemptions. – This section does not apply to any of the following:

39 (1) An individual who registers by mail and submits as part of the  
40 registration application either of the following:

41 a. A copy of a current and valid photo identification.

42 b. A copy of one of the following documents that shows the name  
43 and address of the voter: a current utility bill, bank statement,  
44 government check, paycheck, or other government document.



- 1           (2) An individual who registers by mail and submits as part of the  
2 registration application the individual's drivers license number or at  
3 least the last four digits of the individual's social security number  
4 where an election official matches either or both of the numbers  
5 submitted with an existing State identification record bearing the same  
6 number, name, and date of birth contained in the submitted  
7 registration. If any individual's number does not match, the individual  
8 shall provide identification as required in subsection (b2) of this  
9 section in the first election in which the individual votes.
- 10          (3) An individual who is entitled to vote by absentee ballot under the  
11 Uniformed and Overseas Citizens Absentee Voting Act.
- 12          (4) An individual who is entitled to vote otherwise than in person under  
13 section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and  
14 Handicapped Act.
- 15          (5) An individual who is entitled to vote otherwise than in person under  
16 any other federal law."

17           **SECTION 23.** G.S. 163-45 reads as rewritten:

18           **"§ 163-45. Observers; appointment.**

19           The chair of each political party in the county shall have the right to designate two  
20 observers to attend each voting place at each primary and election and such observers  
21 may, at the option of the designating party chair, be relieved during the day of the  
22 primary or election after serving no less than four hours and provided the list required  
23 by this section to be filed by each chair contains the names of all persons authorized to  
24 represent such chair's political party. Not more than two observers from the same  
25 political party shall be permitted in the voting enclosure at any time. This right shall not  
26 extend to the chair of a political party during a primary unless that party is participating  
27 in the primary. In any election in which an unaffiliated candidate is named on the ballot,  
28 the candidate or the candidate's campaign manager shall have the right to appoint two  
29 observers for each voting place consistent with the provisions specified herein. Persons  
30 appointed as observers must be registered voters of the county for which appointed and  
31 must have good moral character. No person who is a candidate on the ballot in a  
32 primary or election may serve as an observer or runner in that primary or election.  
33 Observers shall take no oath of office.

34           Individuals authorized to appoint observers must submit in writing to the chief judge  
35 of each precinct a signed list of the observers appointed for that precinct. Individuals  
36 authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any  
37 primary or general election, submit in writing to the chair of the county board of  
38 elections two signed copies of a list of observers appointed by them, designating the  
39 precinct for which each observer is appointed. Before the opening of the voting place on  
40 the day of a primary or general election, the chair shall deliver one copy of the list to the  
41 chief judge for each affected precinct. The chair shall retain the other copy. The chair,  
42 or the chief judge and judges for each affected precinct, may for good cause reject any  
43 appointee and require that another be appointed. The names of any persons appointed in  
44 place of those persons rejected shall be furnished in writing to the chief judge of each

1 affected precinct no later than the time for opening the voting place on the day of any  
2 primary or general election, either by the chair of the county board of elections or the  
3 person making the substitute appointment.

4 If party chairs appoint observers at one-stop sites under G.S. 163-227.2, those party  
5 chairs shall provide a list of the observers appointed before 10:00 A.M. on the fifth day  
6 before the observer is to observe.

7 An observer shall do no electioneering at the voting place, and shall in no manner  
8 impede the voting process or interfere or communicate with or observe any voter in  
9 casting a ballot, but, subject to these restrictions, the chief judge and judges of elections  
10 shall permit the observer to make such observation and take such notes as the observer  
11 may desire.

12 Whether or not the observer attends to the polls for the requisite time provided by  
13 this section, each observer shall be entitled to obtain at times specified by the State  
14 Board of Elections, but not less than three times during election day with the spacing  
15 not less than one hour apart, a list of the persons who have voted in the precinct so far in  
16 that election day. Counties that use an "authorization to vote document" instead of poll  
17 books may comply with the requirement in the previous sentence by permitting each  
18 observer to inspect election records so that the observer may create a list of persons who  
19 have voted in the precinct so far that election day; each observer shall be entitled to  
20 make the inspection at times specified by the State Board of Elections, but not less than  
21 three times during election day with the spacing not less than one hour apart.

22 Instead of having an observer receive the voting list, the county party chair may send  
23 a runner to do ~~so~~, so, even if an observer has not been appointed for that precinct. The  
24 runner may be the precinct party chair or any person named by the county party chair.  
25 Each county party chair using runners in an election shall provide to the county board of  
26 elections before 10:00 A.M. on the fifth day before election day a list of the runners to  
27 be used. That party chair must notify the chair of the county board of elections or the  
28 board chair's designee of the names of all runners to be used in each precinct before the  
29 runner goes to the precinct. The runner may receive a voter list from the precinct on the  
30 same schedule as an observer. Whether obtained by observer or runner, each party is  
31 entitled to only one voter list at each of the scheduled times. No runner may enter the  
32 voting enclosure except when necessary to announce that runner's presence and to  
33 receive the list. The runner must leave immediately after being provided with the list."

34 **SECTION 24.** G.S. 163-166.3 reads as rewritten:

35 **"§ 163-166.3. Limited access to the voting enclosure.**

36 (a) Persons Who May Enter Voting Enclosure. – During the time allowed for  
37 voting in the voting place, only the following persons may enter the voting enclosure:

38 (1) An election official.

39 (2) An observer appointed pursuant to G.S. 163-45.

40 (2a) A runner appointed pursuant to G.S. 163-45, but only to the extent  
41 necessary to announce that runner's presence and to receive the voter  
42 list as provided in G.S. 163-45.

43 (3) A person seeking to vote in that voting place on that day but only  
44 while in the process of voting or seeking to vote.

- 1 (4) A voter in that precinct while entering or explaining a challenge  
2 pursuant to G.S. 163-87 or G.S. 163-88.
- 3 (5) A person authorized under G.S. 163-166.8 to assist a voter but, except  
4 as provided in subdivision (6) of this section, only while assisting that  
5 voter.
- 6 (6) Minor children of the voter under the age of 18, or minor children  
7 under the age of 18 in the care of the voter, but only while  
8 accompanying the voter and while under the control of the voter.
- 9 (7) Persons conducting or participating in a simulated election within the  
10 voting place or voting enclosure, if that simulated election is approved  
11 by the county board of elections.
- 12 (8) Any other person determined by election officials to have an urgent  
13 need to enter the voting enclosure but only to the extent necessary to  
14 address that need.

15 (b) Photographing Voters Prohibited. – No person shall photograph, videotape, or  
16 otherwise record the image of any voter within the voting enclosure or entering or  
17 leaving the voting enclosure, except with the permission of both the voter and the chief  
18 judge of the precinct. If the voter is a candidate, the permission of the voter is all that is  
19 necessary, not also that of the chief judge. This subsection shall also apply to one-stop  
20 sites under G.S. 163-227.2."

21 **SECTION 25.** G.S. 163-165.3 reads as rewritten:

22 "**§ 163-165.3. Responsibilities for preparing official ballots.**

23 (a) ~~State Board to Certify Official Ballots and Instructions to Voters.~~  
24 Responsibilities. – The State Board of Elections shall certify the official ballots and  
25 voter instructions to be used in every election that is subject to this Article. In  
26 conducting its certification, the State Board shall adhere to the following:

- 27 (1) No later than January 31 of every calendar year, the State Board shall  
28 establish a schedule for the certification of all official ballots and  
29 instructions during that year. The schedule shall include a time for  
30 county boards of elections to submit their official ballots and  
31 instructions to the State Board for certification and times for the State  
32 Board to complete the certification.
- 33 (2) The State Board of Elections shall compose model ballot instructions,  
34 which county boards of elections may amend subject to approval by  
35 the State Board as part of the certification process. The State Board of  
36 Elections may permit a county board of elections to place instructions  
37 elsewhere than on the official ballot itself, where placing them on the  
38 official ballot would be impractical.
- 39 (3) With regard only to multicounty ballot items on the official ballot, the  
40 State Board shall certify the accuracy of the content on the official  
41 ballot.
- 42 (4) With regard to the entire official ballot, the State Board shall certify  
43 that the content and arrangement of the official ballot are in substantial

1 compliance with the provisions of this Article and standards adopted  
2 by the State Board.

3 (5) The State Board shall proofread the official ballot of every county, if  
4 practical, prior to final production.

5 (6) The State Board is not required to certify or review every official  
6 ballot style in the county but may require county boards to submit and  
7 may review a composite official ballot showing races that will appear  
8 in every district in the county.

9 The State Board shall be responsible for all ballot coding and shall contract with a  
10 qualified vendor or supervise trained election staff to produce the data necessary for  
11 equipment programming.

12 (b) ~~County Board to Prepare and Produce Official Ballots and Instructions.~~  
13 Responsibilities. – Each county board of elections shall prepare and produce official  
14 ballots for all elections in that county. The county board of elections shall submit the  
15 format of each official ballot and set of instructions to the State Board of Elections for  
16 review and certification in accordance with the schedule established by the State Board.  
17 The county board of elections shall follow the directions of the State Board in placing  
18 candidates, referenda, and other material on official ballots and in placing instructions.

19 (c) Late Changes in Ballots. – The State Board shall promulgate rules for late  
20 changes in ballots. The rules shall provide for the reprinting, where practical, of official  
21 ballots as a result of replacement candidates to fill vacancies in accordance with  
22 G.S. 163-114 or other late changes. If an official ballot is not reprinted, a vote for a  
23 candidate who has been replaced in accordance with G.S. 163-114 will count for the  
24 replacement candidate.

25 (d) Special Ballots. – The State Board of Elections, with the approval of a county  
26 board of elections, may produce special official ballots, such as those for disabled  
27 voters, where production by the State Board would be more practical than production by  
28 the county board."

29 **SECTION 26.** G.S. 163-165.9 reads as rewritten:

30 **"§ 163-165.9. Voting systems: powers and duties of county board of elections.**

31 (a) Before approving the adoption and acquisition of any voting system by the  
32 board of county commissioners, the county board of elections shall do all of the  
33 following:

34 (1) Recommend to the board of county commissioners which type of  
35 voting system should be acquired by the county.

36 (2) Witness a demonstration, in that county or at a site designated by the  
37 State Board of Elections, of the type of voting system to be  
38 recommended and also witness a demonstration of at least one other  
39 type of voting system certified by the State Board of Elections.

40 (3) Test, during an election, the proposed voting system in at least one  
41 precinct in the county where the voting system would be used if  
42 adopted.

43 (b) After the acquisition of any voting system, the county board of elections shall  
44 comply with any requirements of the State Board of Elections regarding training and

1 support of the voting system. The county board of elections shall comply with all  
2 specifications of its voting system vendor for ballot printers. The county board of  
3 elections shall maintain software license and maintenance agreements necessary to  
4 maintain the warranty of its voting system."

5           **SECTION 27.** Except as otherwise provided in this act, this act is effective  
6 when it becomes law.