

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 641*

Short Title: Fix Our Democracy. (Public)

Sponsors: Senators J. Jackson, Foushee, and deViere (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 4, 2019

A BILL TO BE ENTITLED

AN ACT AMENDING THE NORTH CAROLINA CONSTITUTION TO ESTABLISH THE CITIZENS REDISTRICTING COMMISSION; REENACTING LEGISLATION THAT ESTABLISHED A NONPARTISAN METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES BEGINNING 2020; EXTENDING THE WAITING PERIOD FOR FORMER LEGISLATORS WHO BECOME LOBBYISTS; MODERNIZING THE VOTER REGISTRATION PROCESS BY ESTABLISHING THE FAIR ELECTIONS PROGRAM; INCREASING TRANSPARENCY IN THE LEGISLATIVE PROCESS BY REQUIRING FORTY-EIGHT HOURS NOTICE OF MEETINGS OF ALL LEGISLATIVE COMMITTEES; AND DIRECTING THE LEGISLATIVE SERVICES OFFICER TO DEVELOP A PLAN TO PROVIDE LIVE VIDEO AND AUDIO STREAMING OF ALL MEETINGS OF LEGISLATIVE COMMITTEES AND COMMISSIONS MEETING IN THE LEGISLATIVE COMPLEX.

Whereas, short-term political incentives are currently set against the long-term public good; and

Whereas, the needed reforms are generally well known and likely inevitable; and

Whereas, there is no constituency for political self-serving but universal demand for our service to others; and

Whereas, restoring the people's trust in our work begins with restoring the people's fundamental role in our elections; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. CITIZENS REDISTRICTING COMMISSION

SECTION 1.1. Effective beginning with the redistricting done upon the return of the 2020 decennial census, Section 3 of Article II of the North Carolina Constitution reads as rewritten:

"Sec. 3. Senate districts; apportionment of Senators.

The Senators shall be elected from districts. ~~The General Assembly, at the first regular session convening~~ The Citizens Redistricting Commission, beginning as soon as practical after the return of every decennial census of population taken by order of Congress, shall revise the senate districts and the apportionment of Senators among those districts, subject to the following requirements: so that, to the extent possible, those districts meet the following goals:

(1) ~~Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants that each Senator represents being determined for this purpose by dividing the population of the District that he represents by the number of Senators apportioned to that district;~~ The goal of one person, one vote to ensure each voter's vote.



1 ~~(2) Each senate district shall at all times consist of contiguous territory;~~The goal of
2 minimizing the number of split counties, municipalities, and other communities of interest.

3 Precincts shall not be split in the preparation of a plan for State Senate districts, except to the
4 extent necessary to comply with federal law. All districts shall be contiguous.

5 ~~(3) No county shall be divided in the formation of a senate district;~~The goal of
6 compactness, to avoid elongated and irregularly shaped districts.

7 ~~(4) A plan adopted by the Citizens Redistricting Commission shall have the force and~~
8 effect of acts of the General Assembly. When established, the senate districts and the
9 apportionment of Senators shall remain unaltered until the return of another decennial census of
10 population taken by order of Congress."

11 **SECTION 1.2.** Effective beginning with the redistricting done upon the return of the
12 2020 decennial census, Section 5 of Article II of the North Carolina Constitution reads as
13 rewritten:

14 **"Sec. 5. Representative districts; apportionment of Representatives.**

15 The Representatives shall be elected from districts. ~~The General Assembly, at the first regular~~
16 ~~session convening~~The Citizens Redistricting Commission, as soon as practical after the return
17 of every decennial census of population taken by order of Congress, shall revise the
18 representative districts and the apportionment of Representatives among those districts, ~~subject~~
19 ~~to the following requirements:~~so that, to the extent possible, those districts meet the following
20 goals:

21 ~~(1) Each Representative shall represent, as nearly as may be, an equal number of~~
22 ~~inhabitants, the number of inhabitants that each Representative represents being determined for~~
23 ~~this purpose by dividing the population of the district that he represents by the number of~~
24 ~~Representatives apportioned to that district;~~The goal of one person, one vote to ensure each
25 voter's vote.

26 ~~(2) Each representative district shall at all times consist of contiguous territory;~~The goal
27 of minimizing the number of split counties, municipalities, and other communities of interest.

28 Precincts shall not be split in the preparation of a plan for State House of Representatives
29 districts, except to the extent necessary to comply with federal law. All districts shall be
30 contiguous.

31 ~~(3) No county shall be divided in the formation of a representative district;~~The goal of
32 compactness, to avoid elongated and irregularly shaped districts.

33 ~~(4) A plan adopted by the Citizens Redistricting Commission shall have the force and~~
34 effect of acts of the General Assembly. When established, the representative districts and the
35 apportionment of Representatives shall remain unaltered until the return of another decennial
36 census of population taken by order of Congress."

37 **SECTION 1.3.** Effective January 1, 2020, Article II of the North Carolina
38 Constitution is amended by adding a new section to read:

39 **"Sec. 25. Citizens Redistricting Commission.**

40 ~~(1) Establishment.~~ There is established the Citizens Redistricting Commission to adopt
41 plans for the House of Representatives of the Congress of the United States and for the Senate
42 and House of Representatives of the General Assembly.

43 ~~(2) No person shall be eligible for appointment to the Commission if any of the following~~
44 apply:

45 ~~(a) The individual, or a relative thereof as defined by law, has done any of the~~
46 following:

47 ~~1. Been appointed to, elected to, or been a candidate for any elective~~
48 public office, or been appointed to a State board or commission.

49 ~~2. Served as an officer or executive committee member of a political~~
50 party, or as an officer, paid employee, or paid consultant of a
51 candidate's campaign committee.

- 1 3. Been a lobbyist registered under Chapter 120C of the General Statutes.
2 (b) The individual is or has ever been an employee of the General Assembly or
3 Congress, or is or has ever been a consultant or under contract with the
4 General Assembly or Congress.
5 (c) The individual has ever had a financial relationship with the Governor.
6 (d) The individual has ever contributed more than one thousand dollars (\$1,000)
7 to any candidate for public office.
8 (3) No member of the Commission shall be eligible, during service on the Commission
9 or within five years after service on the Commission, to do any of the following:
10 (a) Be appointed to a State board or commission.
11 (b) Serve as an officer or executive committee member of a political party, or as
12 an officer, paid employee, or paid consultant of a candidate's campaign
13 committee.
14 (c) Register as a lobbyist under Chapter 120C of the General Statutes.
15 (4) Membership application. Any citizen of North Carolina may apply to the State
16 Auditor to be a member of the Citizens Redistricting Commission. The Auditor shall evaluate
17 applications to ensure they meet the requirements of this section and any other requirements of
18 State law. The Auditor shall submit all eligible applications to the General Assembly.
19 (5) Appointment. The Citizens Redistricting Commission shall be composed of 15
20 members appointed from the pool of candidates submitted to the General Assembly as follows:
21 (a) Two persons affiliated with the political party with the highest number of
22 registered affiliates by the President Pro Tempore of the Senate.
23 (b) Two persons affiliated with the political party with the second-highest number
24 of affiliates by the minority leader in the Senate.
25 (c) Two persons affiliated with the political party with the highest number of
26 registered affiliates by the Speaker of the House of Representatives.
27 (d) Two persons affiliated with the political party with the second-highest number
28 of registered affiliates by the minority leader in the House of Representatives.
29 (e) Five persons not affiliated with either of the two political parties having the
30 highest and second-highest number of registered affiliates, one person
31 affiliated with the political party with the highest number of registered
32 affiliates, and one person affiliated with the political party with the
33 second-highest number of registered affiliates, each person by a vote of at least
34 six members appointed pursuant to subdivisions (a), (b), (c), and (d) of this
35 subsection.
36 (f) All appointing authorities shall consider the importance of racial, ethnic,
37 geographic, and gender diversity when making their appointments.
38 (6) Term of office. The term of office for members of the Commission shall begin on
39 April 1 of the year the member is selected, and shall continue for four years, and until a successor
40 is appointed and qualified. Members shall not serve more than three consecutive full terms.
41 (7) Vacancies. Any vacancy occurring in the membership of the Citizens Redistricting
42 Commission shall be filled in the manner prescribed in this section for the appointment of that
43 member by the authority that made the initial appointment. Vacancies shall be filled for the
44 remainder of the unexpired term.
45 (8) Duties and adoption of plans. The Citizens Redistricting Commission shall prepare
46 and adopt plans for revising the districts and apportioning the members of districts for the House
47 of Representatives of the United States Congress and the Senate and House of Representatives
48 of the General Assembly. Plans shall be adopted by a vote of at least three members from each
49 of the following groups:
50 (a) The members affiliated with the political party having the highest number of
51 registered affiliates.

- 1 (b) The members affiliated with the political party having the second-highest
2 number of registered affiliates.
3 (c) The members not affiliated with either of the two political parties having the
4 highest number of registered affiliates.

5 (9) Special master. As soon as practicable after the return of the decennial census of
6 population taken by order of Congress, the Citizens Redistricting Commission shall appoint a
7 special master from a list of names provided by the State Auditor. The special master shall be
8 appointed by a vote in the Commission of at least three members from each of the groups listed
9 in subdivisions (a) through (c) of subsection (8) of this section. In the event the Citizens
10 Redistricting Commission is unable to adopt a plan in accordance with subsection (8) of this
11 section, the special master shall draw a final plan and submit that plan, along with the rationale
12 for the plan, to the Citizens Redistricting Commission. The Commission shall adopt that plan.

13 (10) Dismissal in certain circumstances. In the event the Citizens Redistricting
14 Commission is unable to adopt a plan pursuant to subsection (8) of this section and select a
15 special master pursuant to subsection (9) of this section, the members of the Commission shall
16 be dismissed, effective immediately, and ineligible to serve on any future Citizens Redistricting
17 Commission. No later than 15 days after this dismissal, the appointing authorities shall appoint
18 new members of the Commission pursuant to subsection (5) of this section."

19 **SECTION 1.4.** The amendments set out in Sections 1.1 through 1.3 of this act shall
20 be submitted to the qualified voters of the State at the primary election in March 2020, which
21 election shall be conducted under the laws then governing elections in the State. Ballots, voting
22 systems, or both may be used in accordance with Subchapter III of Chapter 163A of the General
23 Statutes. The question to be used in the voting systems and ballots shall be:

24 " FOR AGAINST

25 A constitutional amendment providing for the creation of a 15-member Citizens
26 Redistricting Commission with membership divided among persons affiliated with the two major
27 political parties and persons who are politically unaffiliated. The Citizens Redistricting
28 Commission would adopt districting plans for members of the General Assembly and the House
29 of Representatives of the United States Congress. If the Citizens Redistricting Commission could
30 not agree to adopt any districting plan, a special master appointed by the Commission would
31 draw that plan."

32 **SECTION 1.5.** If a majority of votes cast on the question are in favor of the
33 amendments set out in Sections 1.1 through 1.3 of this act, the State Board of Elections shall
34 certify the amendments to the Secretary of State. The Secretary of State shall enroll the
35 amendments so certified among the permanent records of that office. The amendments set out in
36 Sections 1.1 through 1.3 of this act are effective upon certification.

37 **SECTION 1.6.** Chapter 120 of the General Statutes is amended by adding a new
38 Article to read:

39 "Article 1B.

40 "Redistricting.

41 "**§ 120-4.50. Definitions.**

42 As used in this Article, unless the context requires otherwise, the following definitions shall
43 apply:

- 44 (1) Census Bureau. – The United States Bureau of the Census.
45 (2) Commission. – The Citizens Redistricting Commission established pursuant
46 to Section 25 of Article II of the North Carolina Constitution.
47 (3) Congressional districts or plans. – Districts or plans for the House of
48 Representatives of the United States Congress.
49 (4) Federal census. – The decennial census required by federal law to be
50 conducted by the Census Bureau in every year ending in zero.

- 1 (5) Ideal population. – The number determined by dividing the number of
2 members in a plan into the population of the State as reported in the federal
3 census.
- 4 (6) Legislative districts or plans. – Districts or plans for the Senate and House of
5 Representatives of the General Assembly.
- 6 (7) Plan. – A plan for legislative or congressional reapportionment drawn in
7 accordance with this Article.
- 8 (8) Public office. – For purposes of membership eligibility under Section 25 of
9 Article II of the North Carolina Constitution, "public office" refers to elective
10 State, local, or federal office.
- 11 (9) Relative. – For purposes of membership eligibility under Section 25 of Article
12 II of the North Carolina Constitution, a "relative" is an individual who is
13 related to the person in question as father, mother, son, daughter, brother,
14 sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather,
15 grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law,
16 brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter,
17 stepbrother, stepsister, half-brother, or half-sister.
- 18 (10) Voting districts. – The State's voting precincts as reported by the State Board
19 of Elections to the Bureau of the Census as required by G.S. 163-132.1C.

20 **§ 120-4.54. Citizens Redistricting Commission.**

21 (a) Membership; Attestation. – Membership on the Citizens Redistricting Commission
22 shall comply with the requirements of Section 25 of Article II of the North Carolina Constitution.

23 (b) Duties. – The duties of the Commission shall be as follows:

24 (1) Prepare proposed legislative and congressional plans.

25 (2) Adopt final legislative and congressional plans.

26 (3) Appoint a special master as soon as practicable after the return of the federal
27 census to draw a plan in the event the Commission cannot adopt a final plan.

28 (4) Maintain meeting notes, all plans, with corresponding maps, and any data used
29 to develop the plans.

30 (5) Maintain a Web site or other similar electronic platform to disseminate
31 information about the Commission, including records of its meetings and
32 hearings, any plans, and assessments and reports on plans. The Web site shall
33 allow the public to view the Commission's meetings and hearings in both live
34 and archived form, and shall allow the public to submit plans and comments
35 on plans to the Commission for consideration.

36 (c) Chair. – The position of Chair of the Commission shall rotate every two months,
37 following a schedule randomly generated at the beginning of the redistricting cycle. No two
38 members who share the same party affiliation, or lack thereof, shall serve as chair in the same
39 four-month period.

40 (d) Staff. – The Commission shall be located within the Department of Administration
41 for administrative purposes only, but shall exercise all of its powers, including the power to
42 employ, direct, and supervise all personnel, independent of the Secretary of Administration. The
43 Department shall provide administrative support to the Commission free of charge. The
44 Commission may employ professional, technical, and support staff, including consultants and
45 legal representation, and may contract for other expertise as needed. Except for public input and
46 comment, Commission staff or contract employees shall not have any communications about the
47 content or development of any plan outside public hearings with anyone except other
48 Commission staff. Commission staff shall report to the Commission any attempt to exert
49 influence over the staff member's role in the drafting of plans. A person is ineligible to serve as
50 a staff member to the Commission if that person would be ineligible to serve as a member of the

1 Commission pursuant to subsection (2) or (3) of Section 25 of Article II of the North Carolina
2 Constitution.

3 (e) Files, Documents, or Other Information. – For any files, documents, or other
4 information submitted to the Commission, or any member thereof, the following information
5 shall be recorded by the Commission and is a public record:

6 (1) The name of the individual or entity submitting the file, document, or other
7 information.

8 (2) The date the file, document, or other information was received.

9 (3) A brief description or summary of the contents of the file, document, or other
10 information.

11 (f) Verbal Conversations. – The Commission shall adopt procedures for each member of
12 the Commission to document verbal conversations between members of the Commission, when
13 not sitting as a public body, and individuals holding public office or declared candidates for
14 public office, to include at least the following:

15 (1) The names of the parties to the conversation.

16 (2) The date and location of the conversation.

17 (3) A brief description or summary of the conversation.

18 **§ 120-4.58. Redistricting standards.**

19 (a) Legislative plans shall comply with Sections 3 and 5 of Article II of the North
20 Carolina Constitution.

21 (b) Congressional plans shall minimize the number of split counties, municipalities, and
22 other communities of interest. Precincts shall not be split in the preparation of a plan for
23 congressional districts, except to the extent necessary to comply with federal law. All
24 congressional districts shall be contiguous.

25 (c) The population for a legislative district shall be within five percent (5%) of the ideal
26 population for that district. Congressional districts shall each have a population that is as nearly
27 equal as practicable to the ideal population, but in all cases within one-tenth of one percent (0.1%)
28 of the ideal population for that district.

29 (d) To the extent consistent with other standards provided by this section, district
30 boundaries in a plan shall coincide with the boundaries of political subdivisions of the State. In
31 legislative plans, the "whole county" requirements established by the North Carolina Constitution
32 shall be complied with in a manner consistent with federal law. The number of counties and cities
33 divided among more than one district shall be as small as possible, but in the case of cities located
34 in more than one county, minimizing the division of counties prevails. The division of voting
35 districts shall also be minimized consistent with the other standards of this section.

36 (e) Districts shall be composed of convenient contiguous territory. Areas which meet
37 only at the points of adjoining corners are not contiguous.

38 (f) Districts shall be reasonably compact in form, to the extent consistent with the
39 standards established by this section. In general, reasonably compact districts are those that are
40 square, rectangular, or hexagonal in shape, and not irregularly shaped, to the extent of natural or
41 political boundaries or those of voting districts. If it is necessary to compare the relative
42 compactness of two or more districts, or of two or more alternative plans, the tests prescribed by
43 this subsection shall be used as follows:

44 (1) Length-width compactness. – The compactness of a district is greatest when
45 the length of the district and the width of the district are equal. The measure
46 of a district's compactness is the absolute value of the difference between the
47 length and the width of the district. In general, the length-width compactness
48 of a district is calculated by measuring the distance from the northernmost
49 point or portion of the boundary of a district to the southernmost point or
50 portion of the boundary of the same district and the distance from the
51 westernmost point or portion of the boundary of the district to the easternmost

1 point or portion of the boundary of the same district. The absolute values
2 computed for individual districts under this subdivision may be cumulated for
3 all districts in a plan in order to compare the overall compactness of two or
4 more alternative districting plans for the State or for a portion of the State.

5 (2) Perimeter compactness. – The compactness of a district is greatest when the
6 distance needed to traverse the perimeter boundary of a district is as short as
7 possible. The total perimeter distance computed for individual districts under
8 this subdivision may be cumulated for all districts in a plan in order to compare
9 the overall compactness of two or more alternative plans for the State or for a
10 portion of the State.

11 (g) Except to the extent required by the North Carolina and United States Constitutions,
12 the Voting Rights Act of 1965, and applicable court decisions, the Commission shall not do any
13 of the following:

14 (1) Draw a district for the purpose of favoring a political party, incumbent
15 legislator or member of Congress, or other person or group.

16 (2) Draw a district for the purpose of augmenting or diluting the voting strength
17 of a language or racial minority group.

18 (3) Make any use of any of the following:

19 a. Political affiliations of registered voters.

20 b. Previous election results.

21 c. Demographic information, other than population head counts.

22 d. The location of incumbents' residences.

23 **"§ 120-4.62. Preparations for redistricting.**

24 (a) By December 31 of each year ending in zero, the Commission shall obtain from the
25 Census Bureau information regarding geographic and political units in this State for which
26 federal census population data have been gathered and will be tabulated. The Commission shall
27 use the data so obtained to:

28 (1) Prepare necessary descriptions of geographic and political units for which
29 census data will be reported and that are suitable for use as components of
30 legislative districts.

31 (2) Prepare maps of counties, cities, precincts, voting districts, and other
32 geographic units within the State that may be used to illustrate the locations
33 of legislative district boundaries proposed in plans drawn in accordance with
34 this Article.

35 (b) As soon as possible after January 1 of each year ending in one, the Commission shall
36 obtain from the Census Bureau the population data needed for congressional and legislative
37 districting that the Census Bureau is required to provide this State under P.L. 94-171 and shall
38 use that data to assign a population figure to geographic and political units based upon that data.

39 (c) Upon receipt of population data from the Census Bureau, the Commission shall begin
40 the process of adopting legislative and congressional plans in accordance with G.S. 120-4.66. In
41 preparing plans, the Commission shall ensure that each plan complies with the redistricting
42 standards as provided in Article II of the North Carolina Constitution and G.S. 120-4.58.

43 (d) The Commission shall conduct at least 21 public hearings throughout the State before
44 adopting a plan under G.S. 120-4.66. The majority of these public hearings shall occur
45 throughout the State before the Commission releases any proposed plan, and at least 10 public
46 hearings must occur throughout the State after the Commission releases any proposed plan.

47 (e) In conducting the public hearings required in subsection (d) of this section, the
48 Commission shall provide an opportunity for racial and language minorities to participate in the
49 public hearings, including issuing notices in multiple languages and providing translation
50 services at all hearings at the Commission's expense or through partnership with outside
51 organizations. The public hearings shall be open to all members of the public and shall be planned

1 to encourage attendance and participation across the State, including the use of technology that
2 allows for real-time, virtual participation and feedback during the hearings.

3 (f) When preparing plans under G.S. 120-4.66, the Commission shall release population
4 data, geographic data, election data, and any other data used to create the plan.

5 (g) When preparing plans under G.S. 120-4.66, the Commission shall provide terminals
6 for members of the public to access the data and associated software. Any member of the public
7 may submit maps for consideration to the Commission, and those submissions shall be public
8 records and open to public comment.

9 **"§ 120-4.66. Adoption of legislative and congressional plans.**

10 (a) Not later than April 1 of each year ending in one, the Commission shall adopt plans
11 for revising the legislative and congressional districts. In voting to adopt a plan, at least three
12 members from each of the following groups must vote in the affirmative:

13 (1) The members affiliated with the political party having the highest number of
14 registered affiliates.

15 (2) The members affiliated with the political party having the second-highest
16 number of registered affiliates.

17 (3) The members not affiliated with either of the two political parties having the
18 highest number of registered affiliates.

19 (b) If the population data for legislative districting that the Census Bureau is required to
20 provide this State under P.L. 94-171 and, if used by the Commission, the corresponding
21 geographic referencing data file for that population data are not available to the Commission on
22 or before February 15 of a year ending in one, the April 1 date set forth in subsection (a) of this
23 section shall be extended by a number of days equal to the number of days after February 15 of
24 the year ending in one that the federal census population data and the geographic encoding and
25 referencing data file for legislative districting become available.

26 (c) If the Commission fails to adopt any plan pursuant to this section, the special master
27 appointed by the Commission pursuant to Section 25 of Article II of the North Carolina
28 Constitution shall draw that plan. The Commission shall provide the special master with any
29 relevant maps considered by the Commission and all supporting data for those maps.

30 (d) Within 30 days of the Commission's failure to adopt a plan, the special master shall
31 prepare and release the final plan. The special master shall present the final plan to the
32 Commission, and the Commission shall adopt that plan.

33 (e) A final plan adopted by the Commission shall have the force and effect of acts of the
34 General Assembly.

35 (f) In the event the Commission is unable to adopt a plan and unable to select a special
36 master, the members of the Commission shall be dismissed, effective immediately, and ineligible
37 to serve on any future Citizens Redistricting Commission. No later than 15 days after that
38 dismissal, the appointing authorities shall appoint new members of the Commission pursuant to
39 subsection (5) of Section 25 of the North Carolina Constitution. Notwithstanding any
40 requirements in this Article to adopt a plan by a certain date, the newly appointed Commission
41 shall adopt any plan that could not be adopted by the prior Commission as soon as practicable
42 following their appointment. If the newly appointed Commission is unable to adopt a plan, the
43 process outlined in this section shall repeat until a Commission is able to successfully adopt that
44 plan.

45 (g) In the event that an adopted plan is held invalid, a new district plan shall be adopted
46 using the process described in this Article, modified as necessary to reflect the timing and nature
47 of the holding.

48 (h) In adopting any plan under this section, the Commission shall take into consideration
49 all relevant requirements of the United States Constitution and Acts of Congress and shall comply
50 with the North Carolina Constitution.

(i) The General Assembly may by law assign to the Commission the duty to prepare districting and redistricting plans for any county, city, town, special district, and other governmental subdivision if the governing board of the unit or a court of competent jurisdiction so requests."

SECTION 1.7. G.S. 120-133 is repealed.

SECTION 1.8. Sections 1.6 and 1.7 of this act become effective January 1, 2020, if the constitutional amendments proposed by Sections 1.1 through 1.3 of this act are approved by the qualified voters as provided in Sections 1.4 and 1.5 of this act.

PART II. NONPARTISAN SUPREME COURT/COURT OF APPEALS ELECTIONS

SECTION 2.1. Chapter 163A of the General Statutes is amended by adding a new Article to read:

"Article 28.

"Nomination and Election of Appellate Justices and Judges.

"§ 163A-1700. Applicability.

The nomination and election of justices of the Supreme Court and judges of the Court of Appeals shall be as provided by this Article.

"§ 163A-1701. Nonpartisan primary election method.

(a) General. – Except as provided in G.S. 163A-1707, there shall be a primary to narrow the field of candidates to two candidates for each position to be filled if, when the filing period closes, there are more than two candidates for a single office or the number of candidates for a group of offices exceeds twice the number of positions to be filled. If only one or two candidates file for a single office, no primary shall be held for that office and the candidates shall be declared nominated. If the number of candidates for a group of offices does not exceed twice the number of positions to be filled, no primary shall be held for those offices and the candidates shall be declared nominated.

(b) Determination of Nominees. – In the primary, the two candidates for a single office receiving the highest number of votes, and those candidates for a group of offices receiving the highest number of votes, equal to twice the number of positions to be filled, shall be declared nominated. If two or more candidates receiving the highest number of votes each receive the same number of votes, the State Board shall determine their relative ranking by lot and shall declare the nominees accordingly. The canvass of the primary shall be held on the same date as the primary canvass fixed under G.S. 163A-1172. The canvass shall be conducted in accordance with Article 20 of this Chapter.

(c) Determination of Election Winners. – In the election, the names of those candidates declared nominated without a primary and those candidates nominated in the primary shall be placed on the ballot. The candidate for a single office receiving the highest number of votes shall be elected. Those candidates for a group of offices receiving the highest number of votes, equal in number to the number of positions to be filled, shall be elected. If two candidates receiving the highest number of votes each received the same number of votes, the State Board shall determine the winner by lot.

"§ 163A-1702. Notice of candidacy.

(a) Form of Notice. – Each person offering to be a candidate for election shall do so by filing a notice of candidacy with the State Board in the following form, inserting the words in parentheses when appropriate:

Date: _____

I hereby file notice that I am a candidate for election to the office of _____ in the regular election to be held _____.

Signed: _____

(Name of Candidate)

Witness: _____

The notice of candidacy shall be either signed in the presence of the chair or secretary of the State Board or signed and acknowledged before an officer authorized to take acknowledgments who shall certify the notice under seal. An acknowledged and certified notice may be mailed to the State Board. In signing a notice of candidacy, the candidate shall use only the candidate's legal name and, in the candidate's discretion, any nickname by which the candidate is commonly known. A candidate may also, in lieu of that candidate's first name and legal middle initial or middle name, if any, sign that candidate's nickname, provided the candidate appends to the notice of candidacy an affidavit that the candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the affidavit the way the candidate's name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office.

A notice of candidacy signed by an agent or any person other than the candidate himself or herself shall be invalid.

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

Justices of the Supreme Court

Judges of the Court of Appeals

(c) Withdrawal of Notice of Candidacy. – Any person who has filed a notice of candidacy for an office shall have the right to withdraw it at any time prior to the close of business on the third business day prior to the date on which the right to file for that office expires under the terms of subsection (b) of this section.

(d) Certificate That Candidate Is Registered Voter. – Candidates shall file, along with their notice, a certificate signed by the chair of the board of elections or the supervisor of elections of the county in which they are registered to vote, stating that the person is registered to vote in that county. In issuing such certificate, the chair or supervisor shall check the registration records of the county to verify such information. During the period commencing 36 hours immediately preceding the filing deadline, the State Board shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed to secure the verification ordered herein subject to receipt of verification no later than three days following the filing deadline. The State Board shall prescribe the form for such certificate and distribute it to each county board of elections no later than the last Monday in December of each odd-numbered year.

(e) Candidacy for More Than One Office Prohibited. – No person may file a notice of candidacy for more than one office or group of offices described in subsection (b) of this section, or for an office or group of offices described in subsection (b) of this section and an office described in G.S. 163A-974, for any one election. If a person has filed a notice of candidacy with a board of elections under this section or under G.S. 163A-974 for one office or group of offices, then a notice of candidacy may not later be filed for any other office or group of offices under this section when the election is on the same date unless the notice of candidacy for the first office is withdrawn under subsection (c) of this section.

(f) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any election in which there are two or more vacancies for the office of justice of the Supreme Court or judge of the Court of Appeals to be filled by nominations, each candidate shall, at the time of filing notice of candidacy, file with the State Board a written statement designating the vacancy to which the

1 candidate seeks election. Votes cast for a candidate shall be effective only for election to the
2 vacancy for which the candidate has given notice of candidacy as provided in this subsection.

3 **"§ 163A-1703. Filing fees required of candidates; refunds.**

4 (a) Fee Schedule. – At the time of filing a notice of candidacy under this Article, each
5 candidate shall pay to the State Board a filing fee for the office the candidate seeks in the amount
6 of one percent (1%) of the annual salary of the office sought.

7 (b) Refund of Fees. – If any person who has filed a notice of candidacy and paid the filing
8 fee prescribed in subsection (a) of this section withdraws his or her notice of candidacy within
9 the period prescribed in G.S. 163A-1702(c), the candidate shall be entitled to have the fee the
10 candidate paid refunded. The chair of the State Board shall cause a warrant to be drawn on the
11 State Treasurer for the refund payment.

12 (c) Refund of Fees Upon Death of Candidate. – If any person who has filed a notice of
13 candidacy and paid the filing fee prescribed in subsection (a) of this section dies prior to the date
14 of the election, the personal representative of the estate shall be entitled to have the fee refunded
15 if application is made to the board of elections to which the fee was paid no later than one year
16 after the date of death, and refund shall be made in the same manner as in withdrawal of notice
17 of candidacy.

18 **"§ 163A-1704. Petition in lieu of payment of filing fee.**

19 (a) General. – Any qualified voter who seeks election under this Article may, in lieu of
20 payment of any filing fee required for the office he or she seeks, file a written petition requesting
21 to be a candidate for a specified office with the State Board of Elections.

22 (b) Requirements of Petition; Deadline for Filing. – If the candidate is seeking the office
23 of justice of the Supreme Court or judge of the Court of Appeals, that individual shall file a
24 written petition with the State Board no later than 12:00 noon on Monday preceding the filing
25 deadline before the primary. The petition shall be signed by 8,000 registered voters in the State.
26 The board of elections shall verify the names on the petition, and if the petition and notice of
27 candidacy are found to be sufficient, the candidate's name shall be printed on the appropriate
28 ballot. Petitions must be presented to the county board of elections for verification at least 15
29 days before the petition is due to be filed with the State Board of Elections. The State Board of
30 Elections may adopt rules to implement this section and to provide standard petition forms.

31 **"§ 163A-1705. Certification of notices of candidacy.**

32 (a) Names of Candidates Sent to Secretary of State. – Within three days after the time for
33 filing notices of candidacy with the State Board under the provisions of G.S. 163A-1702(b) has
34 expired, the chairman or secretary of that Board shall certify to the Secretary of State the name
35 and address of each person who has filed with the State Board, indicating in each instance the
36 office sought.

37 (b) Notification of Local Boards. – No later than 10 days after the time for filing notices
38 of candidacy under the provisions of G.S. 163A-1702(b) has expired, the chair of the State Board
39 shall certify to the chair of the county board of elections in each county in the appropriate district
40 the names of candidates for nomination to the offices of justice of the Supreme Court and judge
41 of the Court of Appeals who have filed the required notice and paid the required filing fee or
42 presented the required petition to the State Board, so that their names may be printed on the
43 official judicial ballot for justice of the Supreme Court and judge of the Court of Appeals.

44 (c) Receipt of Notification by County Board. – Within two days after receipt of each of
45 the letters of certification from the chair of the State Board required by subsection (b) of this
46 section, each county elections board chair shall acknowledge receipt by letter addressed to the
47 chair of the State Board.

48 **"§ 163A-1706. Failure of candidates to file; death or other disqualification of a candidate;
49 no withdrawal from candidacy.**

1 (a) Insufficient Number of Candidates. – If, when the filing period expires, candidates
2 have not filed for an office to be filled under this Article, the State Board shall extend the filing
3 period for five days for any such offices.

4 (b) Death or Disqualification of Candidate Before Primary. – If a candidate for
5 nomination in a primary dies or becomes disqualified before the primary but after the ballots
6 have been printed, the State Board shall determine whether or not there is time to reprint the
7 ballots. If the Board determines that there is not enough time to reprint the ballots, the deceased
8 or disqualified candidate's name shall remain on the ballots. If that candidate receives enough
9 votes for nomination, such votes shall be disregarded, and the candidate receiving the next
10 highest number of votes below the number necessary for nomination shall be declared nominated.
11 If the death or disqualification of the candidate leaves only two candidates for each office to be
12 filled, the nonpartisan primary shall not be held, and all candidates shall be declared nominees.

13 (c) Earlier Non-Primary Vacancies; Reopening Filing. – If there is no primary because
14 only one or two candidates have filed for a single office, or the number of candidates filed for a
15 group of offices does not exceed twice the number of positions to be filled, or if a primary has
16 occurred and eliminated candidates, and thereafter a remaining candidate dies or otherwise
17 becomes disqualified before the election and before the ballots are printed, the State Board shall,
18 upon notification of the death or other disqualification, immediately reopen the filing period for
19 an additional five days during which time additional candidates shall be permitted to file for
20 election. If the ballots have been printed at the time the State Board receives notice of the
21 candidate's death or other disqualification, the Board shall determine whether there will be
22 sufficient time to reprint them before the election if the filing period is reopened for three days.
23 If the Board determines that there will be sufficient time to reprint the ballots, it shall reopen the
24 filing period for three days to allow other candidates to file for election, and that election shall
25 be conducted as provided in G.S. 163A-1707(b).

26 (d) Later Vacancies; Ballots Not Reprinted. – If the ballots have been printed at the time
27 the State Board receives notice of a candidate's death or other disqualification, and if the Board
28 determines that there is not enough time to reprint the ballots before the election if the filing
29 period is reopened for three days, then regardless of the number of candidates remaining for the
30 office or group of offices, the ballots shall not be reprinted and the name of the vacated candidate
31 shall remain on the ballots. If a vacated candidate should poll the highest number of votes in the
32 election for a single office or enough votes to be elected to one of a group of offices, the State
33 Board shall declare the office vacant and it shall be filled in the manner provided by law.

34 (e) No Withdrawal Permitted of Living, Qualified Candidate After Close of Filing. –
35 After the close of the candidate filing period, a candidate who has filed a notice of candidacy for
36 the office, who has not withdrawn notice before the close of filing as permitted by
37 G.S. 163A-1702(b), who remains alive, and has not become disqualified for the office may not
38 withdraw his or her candidacy. That candidate's name shall remain on the ballot, any votes cast
39 for the candidacy shall be counted in primary or election, and if the candidate wins, the candidate
40 may fail to qualify by refusing to take the oath of office.

41 (f) Death, Disqualification, or Failure to Qualify After Election. – If a person elected to
42 the office of justice of the Supreme Court or judge of the Court of Appeals dies or becomes
43 disqualified on or after election day and before the person has qualified by taking the oath of
44 office, or fails to qualify by refusing to take the oath of office, the office shall be deemed vacant
45 and shall be filled as provided by law.

46 **"§ 163A-1707. Elections to fill vacancy in office created after primary filing period opens.**

47 (a) General. – If a vacancy is created in the office of justice of the Supreme Court or
48 judge of the Court of Appeals after the filing period for the primary opens but more than 60 days
49 before the general election, and under the Constitution of North Carolina an election is to be held
50 for that position, such that the office shall be filled in the general election as provided in
51 G.S. 163A-717, the election to fill the office for the remainder of the term shall be conducted

1 without a primary using the method provided in subsection (b) of this section. If a vacancy is
2 created in the office of justice of the Supreme Court or judge of the Court of Appeals before the
3 filing period for the primary opens, and under the Constitution of North Carolina an election is
4 to be held for that position, such that the office shall be filled in the general election as provided
5 in G.S. 163A-717, the election to fill the office for the remainder of the term shall be conducted
6 in accordance with G.S. 163A-1701.

7 (b) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme
8 Court or judge of the Court of Appeals occurs more than 60 days before the general election and
9 after the opening of the filing period for the primary, then the State Board shall designate a special
10 filing period of one week for candidates for the office. If more than two candidates file and
11 qualify for the office in accordance with G.S. 163A-1702, then the Board shall conduct the
12 election for the office as follows:

13 (1) When the vacancy described in this section occurs more than 63 days before
14 the date of the second primary for members of the General Assembly, a special
15 primary shall be held on the same day as the second primary. The two
16 candidates with the most votes in the special primary shall have their names
17 placed on the ballot for the general election held on the same day as the general
18 election for members of the General Assembly.

19 (2) When the vacancy described in this section occurs less than 64 days before
20 the date of the second primary, a general election for all the candidates shall
21 be held on the same day as the general election for members of the General
22 Assembly and the results shall be determined on a plurality basis as provided
23 by G.S. 163A-1616.

24 (c) Applicable Provisions. – Except as provided in this section, the provisions of this
25 Article apply to elections conducted under this section.

26 **"§ 163A-1708. Voting in primary.**

27 Any person who will become qualified by age or residence to register and vote in the general
28 election for which the primary is held, even though not so qualified by the date of the primary,
29 shall be entitled to register for the primary and general election prior to the primary and then to
30 vote in the primary after being registered. Such person may register not earlier than 60 days nor
31 later than the last day for making application to register under G.S. 163A-865(d) prior to the
32 primary.

33 **"§ 163A-1709. Date of primary.**

34 The primary shall be held on the same date as established for primary elections under
35 G.S. 163A-700(b).

36 **"§ 163A-1710. Ballots.**

37 (a) General. – In elections there shall be official ballots. The ballots shall be printed to
38 conform to the requirement of G.S. 163A-1114(c) and to show the name of each person who has
39 filed notice of candidacy and the office for which each aspirant is a candidate.

40 Only those who have filed the required notice of candidacy with the proper board of elections,
41 and who have paid the required filing fee or qualified by petition, shall have their names printed
42 on the official primary ballots. Only those candidates properly nominated shall have their names
43 appear on the official general election ballots.

44 (b) Ballots to Be Furnished by County Board of Elections. – It shall be the duty of the
45 county board of elections to print official ballots for the following offices to be voted for in the
46 primary:

47 Justice of the Supreme Court

48 Judge of the Court of Appeals

49 In printing ballots, the county board of elections shall be governed by instructions of the State
50 Board with regard to width, color, kind of paper, form, and size of type.

1 Three days before the election, the chair of the county board of elections shall distribute
2 official ballots to the chief judge of each precinct in his or her county, and the chief judge shall
3 give a receipt for the ballots received. On the day of the primary, it shall be the chief judge's duty
4 to have all the ballots so delivered available for use at the precinct voting place.

5 **"§ 163A-1711. Counting of ballots.**

6 Counting of ballots in primaries and elections held under this Article shall be under the same
7 rules as for counting of ballots in nonpartisan municipal elections under Part 2 of Article 27 of
8 this Chapter.

9 **"§ 163A-1712. Other rules.**

10 Except as provided by this Article, the conduct of elections shall be governed by Article 20
11 of this Chapter."

12 **SECTION 2.2.** G.S. 18C-112(e)(1) reads as rewritten:

13 "(e) If any member takes any of the following actions, the member vacates office as a
14 member of the Commission and the vacancy shall be filled as provided by G.S. 18C-111(c):

- 15 (1) Files a notice of candidacy under G.S. 163A-972 through 163A-978 or
16 G.S. 163A-1702 or a petition under G.S. 163A-980."

17 **SECTION 2.3.** G.S. 163A-700(b) reads as rewritten:

18 "(b) On Tuesday next after the first Monday in March preceding each general election to
19 be held in November for the officers referred to in subsection (a) of this section, there shall be
20 held in all election precincts within the territory for which the officers are to be elected a primary
21 election for the purpose of nominating candidates for each political party in the State for those
22 ~~offices~~ offices and nonpartisan candidates as to the offices elected under the provision of Article
23 28 of this Chapter."

24 **SECTION 2.4.** G.S. 163A-743 reads as rewritten:

25 **"§ 163A-743. State Board littering notification.**

26 At the time an individual files with the State Board a notice of candidacy pursuant to
27 G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and 163A-978,
28 163A-985, 163A-1615, ~~or~~ 163A-1620, or 163A-1702, is certified to the State Board by a political
29 party executive committee to fill a nomination vacancy pursuant to G.S. 163A-987, is certified
30 to the State Board by a new political party as that party's nominee pursuant to G.S. 163A-953,
31 qualifies with the State Board as an unaffiliated or write-in candidate pursuant to Part 2 of Article
32 19 of this Chapter, or formally initiates a candidacy with the State Board pursuant to any statute
33 or local act, the State Board shall notify the candidate of the provisions concerning campaign
34 signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the Department of Transportation
35 pursuant to G.S. 136-18."

36 **SECTION 2.5.** G.S. 163A-873 reads as rewritten:

37 **"§ 163A-873. Confidentiality of date of birth.**

38 Boards of elections shall keep confidential the date of birth of every voter-registration
39 applicant and registered voter, except in the following situations:

- 40 (1) When a voter has filed notice of candidacy for elective office under
41 G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and
42 163A-978, 163A-1005, 163A-1006, ~~or 163A-1620~~, 163A-1620 or 163A-1702,
43 has been nominated as a candidate under G.S. 163A-953 or G.S. 163A-987,
44 or has otherwise formally become a candidate for elective office. The
45 exception of this subdivision does not extend to an individual who meets the
46 definition of "candidate" only by beginning a tentative candidacy by receiving
47 funds or making payments or giving consent to someone else to receive funds
48 or transfer something of value for the purpose of exploring a candidacy.
- 49 (2) When a voter is serving in an elective office.
- 50 (3) When a voter has been challenged pursuant to Part 3 of Article 17 of this
51 Chapter.

- 1 (4) When a voter-registration applicant or registered voter expressly authorizes in
- 2 writing the disclosure of that individual's date of birth.
- 3 (5) When requested by a county jury commission established pursuant to G.S. 9-1
- 4 for purposes of preparing the master jury list in that county pursuant to
- 5 G.S. 9-2.

6 The disclosure of an individual's age does not constitute disclosure of date of birth in violation
7 of this section.

8 The county board of elections shall give precinct officials access to a voter's date of birth
9 where necessary for election administration, consistent with the duty to keep dates of birth
10 confidential.

11 Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of
12 action. This limitation of liability does not apply to the disclosure of a date of birth in violation
13 of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that
14 would otherwise be actionable."

15 **SECTION 2.6.** G.S. 163A-974(a) reads as rewritten:

16 "(a) Candidates seeking party primary nominations for the following offices shall file their
17 notice of candidacy with the State Board no earlier than 12:00 noon on the first Monday in
18 December and no later than 12:00 noon on the third Friday in December preceding the primary:

- 19 Governor
- 20 Lieutenant Governor
- 21 All State executive officers
- 22 ~~Justices of the Supreme Court~~
- 23 ~~Judges of the Court of Appeals~~
- 24 Judges of the superior court
- 25 Judges of the district court
- 26 United States Senators
- 27 Members of the House of Representatives of the United States
- 28 District ~~attorneys~~attorneys."

29 **SECTION 2.7.** G.S. 163A-975 reads as rewritten:

30 **"§ 163A-975. Notice of candidacy for certain offices to indicate vacancy.**

31 In any primary in which there are ~~two or more vacancies for associate justices for the Supreme~~
32 ~~Court, two or more vacancies for the Court of Appeals,~~ two or more vacancies for superior or
33 district court ~~judge, judge~~ or two vacancies for United States Senator from North Carolina, each
34 candidate shall, at the time of filing notice of candidacy, file with the State Board a written
35 statement designating the vacancy to which the candidate seeks nomination. The designation
36 shall not be the name or names of any incumbent or other individual but shall be designated as
37 determined by the State Board. A person seeking election for a specialized district judgeship
38 established under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State
39 Board a written statement designating the specialized judgeship to which the person seeks
40 nomination. Votes cast for a candidate shall be effective only for nomination to the vacancy for
41 which the candidate has given notice of candidacy as provided in this section."

42 **SECTION 2.8.** G.S. 163A-979(a) reads as rewritten:

43 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay
44 to the board of elections with which the candidate files under the provisions of G.S. 163A-972,
45 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and 163A-978, a filing fee for the office
46 sought in the amount specified in the following tabulation:

47 Office Sought	Amount of Filing Fee
48 Governor	One percent (1%) of the annual salary of the 49 office sought
50 Lieutenant Governor	One percent (1%) of the annual salary of the 51 office sought

1	All State executive offices	One percent (1%) of the annual salary of the
2		office sought
3	All Justices, Judges, Superior and District	
4	Court Judges and District	One percent (1%) of the annual salary of the
5	Attorneys of the General Court	office sought
6	of Justice	
7	United States Senator	One percent (1%) of the annual salary of the
8		office sought
9	Members of the United States House	One percent (1%) of the annual salary of the
10	of Representatives	office sought
11	State Senator	One percent (1%) of the annual salary of the
12		office sought
13	Member of the State House	One percent (1%) of the annual salary of the
14	of Representatives	office sought
15	All county offices not compensated	One percent (1%) of the annual salary of the
16	by fees	office sought
17	All county offices compensated partly	One percent (1%) of the first annual
18	by salary and partly by fees	salary to be received (exclusive of fees)
19	The salary of any office that is the basis for calculating the filing fee is the starting salary for	
20	the office, rather than the salary received by the incumbent, if different. If no starting salary can	
21	be determined for the office, then the salary used for calculation is the salary of the incumbent,	
22	as of January 1 of the election year."	

23 **SECTION 2.9.** G.S. 163A-980(b) reads as rewritten:

24 "(b) If the candidate is seeking the office of United States Senator, Governor, Lieutenant
 25 Governor, or any State executive officer, ~~Justice of the Supreme Court, or Judge of the Court of~~
 26 ~~Appeals~~, the petition must be signed by 10,000 registered voters who are members of the political
 27 party in whose primary the candidate desires to run, except that in the case of a political party as
 28 defined by G.S. 163A-950(a)(2) which will be making nominations by primary election, the
 29 petition must be signed by five percent (5%) of the registered voters of the State who are affiliated
 30 with the same political party in whose primary the candidate desires to run, or in the alternative,
 31 the petition shall be signed by no less than 8,000 registered voters regardless of the voter's
 32 political party affiliation, whichever requirement is greater. The petition must be filed with the
 33 State Board not later than 12:00 noon on Monday preceding the filing deadline before the primary
 34 in which he seeks to run. The names on the petition shall be verified by the board of elections of
 35 the county where the signer is registered, and the petition must be presented to the county board
 36 of elections at least 15 days before the petition is due to be filed with the State Board. When a
 37 proper petition has been filed, the candidate's name shall be printed on the primary ballot."

38 **SECTION 2.10.** G.S. 163A-984(c)(1) reads as rewritten:

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

- 40 (1) A candidate who is apparently entitled to demand a second primary, according
 41 to the unofficial results, for one of the offices listed below, and desiring to do
 42 so, shall file a request for a second primary in writing with the Executive
 43 Director of the State Board no later than 12:00 noon on the ninth day
 44 (including Saturdays and Sundays) following the date on which the primary
 45 was conducted, and such request shall be subject to the certification of the
 46 official results by the State Board. If the vote certification by the State Board
 47 determines that a candidate who was not originally thought to be eligible to
 48 call for a second primary is in fact eligible to call for a second primary, the
 49 Executive Director of the State Board shall immediately notify such candidate
 50 and permit the candidate to exercise any options available to the candidate
 51 within a 48-hour period following the notification:

1 Governor,
 2 Lieutenant Governor,
 3 All State executive officers,
 4 ~~Justices, Superior or District Court~~ Judges, or District Attorneys of the
 5 General Court of Justice,
 6 United States Senators,
 7 Members of the United States House of Representatives,
 8 State Senators in multi-county senatorial districts, and
 9 Members of the State House of Representatives in multi-county
 10 representative districts.

11"

12 **SECTION 2.11.** G.S. 163A-1005 is amended by adding a new subsection to read:

13 **"§ 163A-1005. Unaffiliated candidates nominated by petition.**

14 ...

15 (c1) This section does not apply to elections under Article 28 of this Chapter.

16"

17 **SECTION 2.12.** G.S. 163A-1006(h) reads as rewritten:

18 "(h) Municipal and Nonpartisan Elections Excluded. – This section does not apply to
 19 municipal elections conducted under Article 27 of this ~~Chapter~~ Chapter and does not apply to
 20 nonpartisan elections except for elections under Article 28 of this Chapter."

21 **SECTION 2.13.** G.S. 163A-1114(c) reads as rewritten:

22 "(c) Order of Candidates on Official Ballots. – The order in which candidates shall appear
 23 on official ballots in any election ballot item shall be either alphabetical order or reverse
 24 alphabetical order by the last name of the candidate, which order shall be determined each
 25 election by drawing at the State Board of Elections ~~and Ethics Enforcement~~ after the closing of
 26 the filing period for all offices on the ballot."

27 **SECTION 2.14.** This part becomes effective January 1, 2020, and applies to
 28 elections held on or after that date.

30 **PART III. EXTEND REVOLVING DOOR PERIOD**

31 **SECTION 3.1.** G.S. 163A-308 reads as rewritten:

32 **"§ 163A-308. Restrictions.**

33 (a) No legislator or former legislator may register as a lobbyist under this Article:

34 (1) While in office.

35 (2) ~~Before the later of the close of session as set forth in G.S. 163A-250(a)(7)b.1~~
 36 ~~in which the legislator served or six months~~ For a period of two years after
 37 leaving office.

38 (b) No public servant or former public servant as defined in G.S. 163A-152(70)a. may
 39 register as a lobbyist under this Article while in office or ~~within six months~~ for a period of two
 40 years after leaving office.

41 (c) No public servant or former public servant as defined in G.S. 163A-152(70)c. may
 42 register as a lobbyist under this Article ~~within six months~~ for a period of two years after separation
 43 from employment as a public servant. No other employee of any State agency may register as a
 44 lobbyist under this Article to lobby the State agency that previously employed the former
 45 employee ~~within six months~~ for a period of two years after voluntary separation or separation for
 46 cause from that State agency.

47"

48 **SECTION 3.2.** This part becomes effective October 1, 2019.

50 **PART IV. ONLINE VOTER REGISTRATION**

51 **SECTION 4.1.** G.S. 163A-864 reads as rewritten:

1 **"§ 163A-864. Distribution of application forms.**

2 (a) The State Board shall make the forms described in G.S. 163A-862 available for
3 distribution through governmental and private entities, with particular emphasis on making them
4 available for organized voter registration drives.

5 (b) The State Board shall make the forms available for completion and submission on a
6 secure Internet Web site in accordance with this Article."

7 **SECTION 4.2.** Article 17 of Chapter 163A of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 163A-864.1. Online voter registration.**

10 (a) An individual who meets all of the following criteria may register to vote or change
11 voter registration online:

12 (1) The individual is eligible to register to vote.

13 (2) The individual possesses one of the following that is current and valid:

14 a. North Carolina drivers license issued under Article 2 of Chapter 20 of
15 the General Statutes, including a learner's permit or a provisional
16 license.

17 b. Special identification card for nonoperators issued under G.S. 20-37.7.

18 (b) The State Board shall establish a secure Internet Web site to permit individuals
19 described in subsection (a) of this section to complete and submit voter registration applications
20 online.

21 (c) The secure Web site established under subsection (b) of this section shall allow an
22 individual described in subsection (a) of this section to submit:

23 (1) An application for any of the following:

24 a. Voter registration.

25 b. Reporting of a change of name, address, or party affiliation. If the
26 individual is already registered to vote and the change of address is to
27 another county, it shall be treated as an application to register to vote.

28 (2) Information to establish that the individual is eligible under this section to
29 register online.

30 (3) The individual's e-mail address.

31 (d) Upon receipt of an individual's application under subsection (c) of this section, the
32 county board of elections, in conjunction with the State Board, shall verify the North Carolina
33 drivers license or Social Security number in accordance with G.S. 163A-875, update the
34 statewide registration database and search for possible duplicate registrations, and proceed under
35 G.S. 163A-867 to verify the person's address.

36 (e) If the State Board verifies the North Carolina drivers license or Social Security
37 number in accordance with G.S. 163A-875, the Division of Motor Vehicles shall transfer the
38 digital signature of the applicant in the Division of Motor Vehicles records to the State Board.

39 (f) If the State Board cannot verify the North Carolina drivers license or Social Security
40 number in accordance with G.S. 163A-875, the State Board shall so notify the individual
41 submitting the application by e-mail, if provided, and in accordance with this Article. That
42 individual shall be offered an opportunity to register in accordance with G.S. 163A-865 or
43 G.S. 163A-866, as applicable."

44 **SECTION 4.3.** G.S. 163A-871(a) reads as rewritten:

45 "(a) Official Record. – The State voter registration system is the official voter registration
46 list for the conduct of all elections in the State. The State Board and the county board of elections
47 may keep copies of voter registration data, including voter registration applications, in any
48 medium and format expressly approved by the Department of Natural and Cultural Resources
49 pursuant to standards and conditions established by the Department and mutually agreed to by
50 the Department and the State Board. A completed and signed registration application form, if
51 available, described in G.S. 163A-862, once approved by the county board of elections, becomes

1 backup to the official registration record of the voter. Full or partial social security numbers,
 2 dates of birth, the identity of the public agency at which the voter registered under
 3 G.S. 163A-884, any electronic mail address submitted under Part 2 of this Article or Part 2 of
 4 Article 21 of this Chapter, any electronic data associated with online registration under
 5 G.S. 163A-864.1, and drivers license numbers that may be generated ~~in the voter registration~~
 6 process, ~~by either the State Board~~ by the voter, the State Board, or a county board of
 7 elections, elections in the voter registration process are confidential and shall not be considered
 8 public records and subject to disclosure to the general public under Chapter 132 of the General
 9 Statutes. Cumulative data based on those items of information may be publicly disclosed as long
 10 as information about any individual cannot be discerned from the disclosed data. Disclosure of
 11 information in violation of this subsection shall not give rise to a civil cause of action. This
 12 limitation of liability does not apply to the disclosure of information in violation of this
 13 subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that would
 14 otherwise be actionable. The signature of the voter, either on the paper application or an
 15 electronically captured image of it, may be viewed by the public but may not be copied or traced
 16 except by election officials for election administration purposes. Any such copy or tracing is not
 17 a public record."

18 **SECTION 4.4.** This Part becomes effective December 1, 2019.

19
 20 **PART V. AUTOMATIC VOTER REGISTRATION**

21 **SECTION 5.1.** G.S. 163A-862 reads as rewritten:

22 "**§ 163A-862. Voter registration application forms.**forms; automatic voter registration at
 23 certain agencies.

24 ...

25 (c) Agency ~~Application Form~~Application. – The county board of elections where an
 26 applicant resides shall accept as application for any of the purposes set out in subsection (a) of
 27 this section ~~a form~~automatic voter registration developed pursuant to G.S. 163A-883 or
 28 G.S. 163A-884."

29 **SECTION 5.2.** G.S. 163A-865 reads as rewritten:

30 "**§ 163A-865. Acceptance of application forms.**

31 (a) How the Form May Be Submitted. – The county board of elections shall accept any
 32 form described in G.S. 163A-862 if the applicant submits the form by mail, facsimile
 33 transmission, transmission of a scanned document, or in ~~person~~person or by automatic voter
 34 registration pursuant to G.S. 163A-883, 163A-884, 115D-5, or 116-11. The applicant may
 35 delegate the submission of the form to another person. Any person who communicates to an
 36 applicant acceptance of that delegation shall deliver that form so that it is received by the
 37 appropriate county board of elections in time to satisfy the registration deadline in subdivision
 38 (1) or (2) of subsection (d) of this section for the next election. It shall be a Class 2 misdemeanor
 39 for any person to communicate to the applicant acceptance of that delegation and then fail to
 40 make a good faith effort to deliver the form so that it is received by the county board of elections
 41 in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (d) of this section
 42 for the next election. It shall be an affirmative defense to a charge of failing to make a good faith
 43 effort to deliver a delegated form by the registration deadline that the delegatee informed the
 44 applicant that the form would not likely be delivered in time for the applicant to vote in the next
 45 election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a completed
 46 voter registration form or to condition its delivery upon payment.

47 ...

48 (d) Registration Deadlines for a Primary or Election. – In order to be valid for a primary
 49 or election, the ~~form~~form must comply with one of the following:

- 50 (1) If submitted by mail, must be postmarked at least 25 days before the primary
 51 or election, except that any mailed application on which the postmark is

1 missing or unclear is validly submitted if received in the mail not later than 20
2 days before the primary or ~~election, election.~~

- 3 (2) If submitted in person, by facsimile transmission, ~~or~~ by transmission of a
4 scanned document, or by automatic voter registration, must be received by the
5 county board of elections by a time established by that board, but no earlier
6 than 5:00 P.M., on the twenty-fifth day before the primary or ~~election, election.~~
7 (3) If submitted through a delegatee who violates the duty set forth in subsection
8 (a) of this section, must be signed by the applicant and given to the delegatee
9 not later than 25 days before the primary or election, except as provided in
10 subsection (f) of this section.

11"

12 **SECTION 5.3.** G.S. 163A-883 reads as rewritten:

13 **"§ 163A-883. ~~Voter~~ Automatic voter registration at drivers license offices; coordination on**
14 **data interface.**

15 (a) Automatic Voter Registration at Drivers License Offices. – The Beginning January 1,
16 2020, the Division of Motor Vehicles shall, pursuant to the rules adopted by in consultation with
17 the State Board, modify its forms so that implement a method by which any eligible person who
18 applies for original issuance, renewal or correction of a drivers license, or special identification
19 card issued under G.S. 20-37.7 may, on a part of the form, complete an application to register shall
20 be automatically registered to vote, or able to update the voter's registration if the voter has
21 changed his or her address or moved from one precinct to another or from one county to another.
22 The person taking the application shall ask if the applicant is a citizen of the United States. If the
23 applicant states that the applicant is not a citizen of the United States, or declines to answer the
24 question, the person taking the application shall inform the applicant that it is a felony for a
25 person who is not a citizen of the United States to apply to register to vote. The application shall
26 state in clear language the penalty for violation of this section. The necessary forms shall be
27 prescribed by the State Board. The form must ask for the previous voter registration address of
28 the voter, if any. If a previous address is listed, and it is not in the county of residence of the
29 applicant, the appropriate county board of elections shall treat the application as an authorization
30 to cancel the previous registration and also process it as such under the procedures of
31 G.S. 163A-870. If a previous address is listed and that address is in the county where the voter
32 applies to register, the application shall be processed as if it had been submitted under
33 G.S. 163A-870. inform the applicant of the following:

- 34 (1) That the applicant shall be registered to vote or have the applicant's voter
35 registration record updated, as applicable, unless the applicant declines.
36 (2) The qualifications to vote under G.S. 163A-841.
37 (3) That the applicant should not register if the applicant does not meet the
38 qualifications described under subdivision (2) of this subsection.
39 (4) That any person who willfully and knowingly and with fraudulent intent gives
40 false information on the application is guilty of a Class I felony.
41 (5) That if the applicant declines to register to vote, the fact that the applicant has
42 declined to register will remain confidential and be used for voter registration
43 purposes only.
44 (6) Information regarding the address confidentiality program under Chapter 15C
45 of the General Statutes, including how to register for the program and how
46 voter registration may impact participation in the program.

47 (a1) Requirements. – If the applicant does not decline voter registration, the person taking
48 the application shall require the applicant to provide all information requested of the applicant
49 under G.S. 163A-863, including declaring a preference to be affiliated with a political party or a
50 preference to be an unaffiliated voter. If the applicant fails to declare a political party affiliation,
51 the applicant's political affiliation shall be designated as unaffiliated. The applicant shall provide

1 an electronic signature as required under G.S. 163A-865(b), subject to the penalty of perjury, by
 2 which the applicant attests that the information provided by the applicant is true, and the applicant
 3 meets all qualifications to become a registered voter.

4 (a2) When Registration Effective. – Registration shall become effective as provided in
 5 G.S. 163A-867. Applications to register to vote accepted at a drivers license office under this
 6 section until the deadline established in G.S. 163A-865(d)(2) shall be treated as timely made for
 7 an election, and no person who completes an application at that drivers license office shall be
 8 denied the vote in that election for failure to apply earlier than that deadline.

9 (a3) All applications shall be forwarded by the Transmittal from Department of
 10 Transportation to Board of Elections. – The Department of Transportation shall electronically
 11 transmit the applications of applicants who have not declined voter registration to the appropriate
 12 board of elections not later than five business days after the date of acceptance, according to rules
 13 which shall be promulgated by the State Board. Those rules shall provide for a paperless, instant,
 14 electronic transfer of applications to the appropriate board of elections.

15 (a4) Confidentiality of Declination to Register. – No information relating to a declination
 16 to register to vote in connection with a voter registration application at a Division of Motor
 17 Vehicles office may be used for any purpose other than voter registration. The State Board shall
 18 ensure that information acquired for purposes of automatic voter under this section is kept
 19 confidential in accordance with G.S. 163A-863(b), including compliance with any voter
 20 registration requirements under G.S. 163A-871(d).

21 (b) Any Ineligible Applications Prohibited. – If a person who is ineligible to vote
 22 becomes registered to vote pursuant to this section, the presumption shall be that the person's
 23 registration is deemed officially authorized and shall not be attributed to any fault of the person.
 24 However, any person who willfully and knowingly and with fraudulent intent gives false
 25 information on the application {described in subsection (a) of this section}described under this
 26 section is guilty of a Class I felony.

27 ...

28 (d) No Requirement to Determine Eligibility. – Nothing in this section shall be construed
 29 as requiring the Department of Transportation to determine eligibility for voter registration and
 30 voting."

31 **SECTION 5.4.** G.S. 163A-884 reads as rewritten:

32 **"§ 163A-884. Voter registration at other public agencies.agencies; automatic voter**
 33 **registration.**

34 ...

35 (b) Duties of Voter Registration Agencies.Agencies; Automatic Voter Registration
 36 Information. – A Beginning January 1, 2021, a voter registration agency described in subsection
 37 (a) of this section shall, unless the applicant declines, in writing, to register to vote; in consultation
 38 with the State Board, provide, with each application for service or assistance, and with each
 39 recertification, renewal, or change of address relating to such service or assistance, an application
 40 process for automatic voter registration. The person taking the application shall inform the
 41 applicant of the following:

42 (1) Distribute with each application for service or assistance, and with each
 43 recertification, renewal, or change of address relating to such service or
 44 assistance:

45 a. The voter registration application form described in G.S. 163A-863(a)
 46 or (b); or

47 b. The voter registration agency's own form, if it is substantially
 48 equivalent to the form described in G.S. 163A-863(a) or (b) and has
 49 been approved by the State Board, provided that the agency's own
 50 form may be a detachable part of the agency's paper application or may

1 be a paperless computer process, as long as the applicant is required to
2 sign an attestation as part of the application to register.

3 That the applicant shall be registered to vote or have the applicant's voter
4 registration record updated, as applicable, unless the applicant declines.

5 (2) Provide a form that contains the elements required by section 7(a)(6)(B) of
6 the National Voter Registration Act; and The qualifications to vote under
7 G.S. 163A-841.

8 (3) Provide to each applicant who does not decline to register to vote the same
9 degree of assistance with regard to the completion of the registration
10 application as is provided by the office with regard to the completion of its
11 own forms. That the applicant should not register if the applicant does not meet
12 the qualifications described under subdivision (2) of this subsection.

13 (4) That any person who willfully and knowingly and with fraudulent intent gives
14 false information on the application is guilty of a Class I felony.

15 (5) That if the applicant declines to register to vote, the fact that the applicant has
16 declined to register will remain confidential and be used for voter registration
17 purposes only.

18 (6) Information regarding the address confidentiality program under Chapter 15C
19 of the General Statutes, including how to register for the program and how
20 voter registration may impact participation in the program.

21 (b1) Requirements. – If the applicant does not decline voter registration, the person taking
22 the application shall require the applicant to provide all information requested of the applicant
23 under G.S. 163A-863, including declaring a preference to be affiliated with a political party or a
24 preference to be an unaffiliated voter. If the applicant fails to declare a political party affiliation,
25 the applicant's political affiliation shall be designated as unaffiliated. The applicant shall provide
26 an electronic signature as required under G.S. 163A-865(b), subject to the penalty of perjury, by
27 which the applicant attests that the information provided by the applicant is true, and the applicant
28 meets all qualifications to become a registered voter.

29 (c) Employment Security Law Applicants. – Provided that voter registration agencies
30 designated under subdivision (a)(3) of this section shall only be required to provide the services
31 set out in this subsection to applicants for new claims, reopened claims, and changes of address
32 under Chapter 96 of the General Statutes, the Employment Security Law.

33 (d) Home Registration for Disabled. – If a voter registration agency provides services to
34 a person with disability at the person's home, the voter registration agency shall provide the
35 services described in subsection (b) of this section at the person's home. However, the agency is
36 not required to provide automatic voter registration at the person's home.

37 ...

38 (f) Confidentiality of Declination to Register. – No information relating to a declination
39 to register to vote in connection with an application made at a voter registration agency may be
40 used for any purpose other than voter registration. The State Board shall ensure that information
41 acquired for purposes of automatic voter registration under this section is kept confidential in
42 accordance with G.S. 163A-863(b), including compliance with any voter registration
43 requirements under G.S. 163A-871(d).

44 (g) Transmittal From Agency to Board of Elections. – Any voter registration application
45 completed at a voter registration agency shall be accepted by that agency in lieu of the applicant's
46 mailing the application. Any such application so received shall be transmitted The agency shall
47 electronically transmit the applications of applicants who did not decline voter registration to the
48 appropriate board of elections not later than five business days after acceptance, according to
49 rules which shall be promulgated by the State Board.

50 ...

1 (i) Ineligible Applications Prohibited. – No person shall make application to register to
 2 vote under this section if that person is ineligible on account of age, citizenship, lack of residence
 3 for the period of time provided by law, or because of conviction of a felony. However, if a person
 4 who is ineligible to vote becomes registered to vote pursuant to this section, the presumption
 5 shall be that the person's registration is deemed officially authorized and shall not be attributed
 6 to any fault of the person.

7 (j) No Requirement to Determine Eligibility. – Nothing in this section shall be construed
 8 as requiring agencies to determine eligibility for voter registration and voting."

9 **SECTION 5.5.(a)** G.S. 163A-885 reads as rewritten:

10 **"§ 163A-885. Voter registration upon restoration of citizenship.**

11 The State Board, the Division of Adult Correction and Juvenile Justice of the Department of
 12 Public Safety, and the Administrative Office of the Courts shall jointly develop and implement
 13 educational programs and procedures for persons to apply to register to vote at the time they are
 14 restored to citizenship and all filings required have been completed under Chapter 13 of the
 15 General Statutes. Those procedures shall be designed to do both of the following:

- 16 (1) Inform the person that the restoration of rights removes the person's
 17 disqualification from voting, but that in order to vote the person must register
 18 to vote.
 19 (2) Provide an opportunity to that person to register to ~~vote~~ vote, including
 20 informing the person of automatic voter registration in accordance with
 21 G.S. 163A-883 or G.S. 163A-884.

22 At a minimum, the program shall include a written notice to the person whose citizenship has
 23 been restored, informing that person that the person may now register to vote, with a voter
 24 registration form enclosed with the notice."

25 **SECTION 5.5.(b)** G.S. 163A-885, as amended by subsection (a) of this section,
 26 reads as rewritten:

27 **"§ 163A-885. Voter registration upon restoration of citizenship.**

28 The State Board, the Division of Adult Correction and Juvenile Justice of the Department of
 29 Public Safety, and the Administrative Office of the Courts shall jointly develop and implement
 30 educational programs and procedures for persons to apply to register to vote at the time they are
 31 restored to citizenship and all filings required have been completed under Chapter 13 of the
 32 General Statutes. Those procedures shall be designed to do both of the following:

- 33 (1) Inform the person that the restoration of rights removes the person's
 34 disqualification from voting, but that in order to vote the person must register
 35 to vote.
 36 (2) Provide an opportunity to that person to register to vote, including informing
 37 the person of automatic voter registration in accordance with ~~G.S. 163A-883~~
 38 ~~or 163A-884.~~ G.S. 163A-883, 163A-884, 115D-5, or 116-11.

39 At a minimum, the program shall include a written notice to the person whose citizenship has
 40 been restored, informing that person that the person may now register to vote, with a voter
 41 registration form enclosed with the notice."

42 **SECTION 5.6.** G.S. 115D-5 reads as rewritten:

43 **"§ 115D-5. Administration of institutions by State Board of Community Colleges;**
 44 **personnel exempt from North Carolina Human Resources Act; extension**
 45 **courses; tuition waiver; in-plant training; contracting, etc., for establishment**
 46 **and operation of extension units of the community college system; use of existing**
 47 **public school facilities.** facilities; automatic voter registration.

48 ...

49 (z) Automatic Voter Registration. – Beginning January 1, 2021, the State Board of
 50 Community Colleges, in consultation with the State Board of Elections, shall provide each person

1 who is enrolled and registering for courses as a student in a State community college the option
2 for automatic voter registration as follows:

- 3 (1) Information provided to student. – In providing an automatic voter registration
4 application process, the person taking the application shall inform the student
5 of the following:
- 6 a. That the student shall be registered to vote or have the student's voter
7 registration record updated, as applicable, unless the student declines.
 - 8 b. The qualifications to vote under G.S. 163A-841.
 - 9 c. That the student should not register if the student does not meet the
10 qualifications described under sub-subdivision b. of this subdivision.
 - 11 d. That any person who willfully and knowingly and with fraudulent
12 intent gives false information on the application is guilty of a Class I
13 felony.
 - 14 e. That if the student declines to register to vote, the fact that the student
15 has declined to register will remain confidential and be used for voter
16 registration purposes only.
 - 17 f. Information regarding the address confidentiality program under
18 Chapter 15C of the General Statutes, including how to register for the
19 program and how voter registration may impact participation in the
20 program.
- 21 (2) Requirements. – If the student does not decline voter registration, the person
22 taking the application shall require the student to provide all information
23 requested of the student under G.S. 163A-863, including declaring a
24 preference to be affiliated with a political party or a preference to be an
25 unaffiliated voter. If the student fails to declare a political party affiliation, the
26 student's political affiliation shall be designated as unaffiliated. The student
27 shall provide an electronic signature as required under G.S. 163A-865(b),
28 subject to the penalty of perjury, by which the student attests that the
29 information provided by the student is true, and the student meets all
30 qualifications to become a registered voter.
- 31 (3) Confidentiality of declination to register. – No information relating to a
32 declination to register to vote in connection with an application made at a State
33 community college may be used for any purpose other than voter registration.
34 The State Board shall ensure that information acquired for purposes of
35 automatic voter registration under this section is kept confidential in
36 accordance with G.S. 163A-863(b), including compliance with any voter
37 registration requirements under G.S. 163A-871(d).
- 38 (4) Transmittal from State community college to board of elections. – The State
39 community college shall electronically transmit the applications of students
40 who did not decline voter registration to the appropriate board of elections not
41 later than five business days after acceptance, according to rules which shall
42 be promulgated by the State Board.
- 43 (5) Twenty-five-day deadline for an election. – Applications to register accepted
44 by a State community college shall entitle a registrant to vote in any primary,
45 general, or special election unless the registrant shall have made application
46 later than the twenty-fifth calendar day immediately preceding the primary,
47 general, or special election, provided that nothing shall prohibit State
48 community colleges from continuing to accept applications during that period.
- 49 (6) Ineligible applications prohibited. – No person shall make application to
50 register to vote under this subsection if that person is ineligible because of age,
51 citizenship, lack of residence for the period of time provided by law, or

1 conviction of a felony. However, if a person who is ineligible to vote becomes
2 registered to vote pursuant to this subsection, the presumption shall be that the
3 person's registration is deemed officially authorized and shall not be attributed
4 to any fault of the person.

- 5 (7) No requirement to determine eligibility. – Nothing in this subsection shall be
6 construed as requiring State community colleges to determine eligibility for
7 voter registration and voting."

8 **SECTION 5.7.** G.S. 116-11 is amended by adding a new subdivision to read:

9 **"§ 116-11. Powers and duties generally.**

10 The powers and duties of the Board of Governors shall include the following:

11 ...

- 12 (15) Automatic voter registration. – Beginning January 1, 2021, the Board of
13 Governors, in consultation with the State Board of Elections, shall provide
14 each person who is enrolled and registering for courses as a student in a State
15 college or university in The University of North Carolina System the option
16 for automatic voter registration as follows:

- 17 a. Information provided to student. – In providing an automatic voter
18 registration application process, the person taking the application shall
19 inform the student of the following:

- 20 1. That the student shall be registered to vote or have the student's
21 voter registration record updated, as applicable, unless the
22 student declines.
23 2. The qualifications to vote under G.S. 163A-841.
24 3. That the student should not register if the student does not meet
25 the qualifications described under sub-sub-subdivision a.2. of
26 this sub-subdivision.
27 4. That any person who willfully and knowingly and with
28 fraudulent intent gives false information on the application is
29 guilty of a Class I felony.
30 5. That if the student declines to register to vote, the fact that the
31 student has declined to register will remain confidential and be
32 used for voter registration purposes only.
33 6. Information regarding the address confidentiality program
34 under Chapter 15C of the General Statutes, including how to
35 register for the program and how voter registration may impact
36 participation in the program.

- 37 b. Requirements. – If the student does not decline voter registration, the
38 person taking the application shall require the student to provide all
39 information requested of the student under G.S. 163A-863, including
40 declaring a preference to be affiliated with a political party or a
41 preference to be an unaffiliated voter. If the student fails to declare a
42 political party affiliation, the student's political affiliation shall be
43 designated as unaffiliated. The student shall provide an electronic
44 signature as required under G.S. 163A-865(b), subject to the penalty
45 of perjury, by which the student attests that the information provided
46 by the student is true, and the student meets all qualifications to
47 become a registered voter.

- 48 c. Confidentiality of declination to register. – No information relating to
49 a declination to register to vote in connection with an application made
50 at a State college or university in The University of North Carolina
51 System may be used for any purpose other than voter registration. The

1 State Board shall ensure that information acquired for purposes of
 2 automatic voter registration under this section is kept confidential in
 3 accordance with G.S. 163A-863(b), including compliance with any
 4 voter registration requirements under G.S. 163A-871(d).

5 d. Transmittal from State college or university to board of elections. –
 6 The State college or university in The University of North Carolina
 7 System shall electronically transmit the applications of students who
 8 did not decline voter registration to the appropriate board of elections
 9 not later than five business days after acceptance, according to rules
 10 which shall be promulgated by the State Board.

11 e. Twenty-five-day deadline for an election. – Applications to register
 12 accepted by a State college or university in The University of North
 13 Carolina system shall entitle a registrant to vote in any primary,
 14 general, or special election unless the registrant shall have made
 15 application later than the twenty-fifth calendar day immediately
 16 preceding the primary, general, or special election, provided that
 17 nothing shall prohibit State colleges or universities in The University
 18 of North Carolina System from continuing to accept applications
 19 during that period.

20 f. Ineligible applications prohibited. – No person shall make application
 21 to register to vote under this subdivision if that person is ineligible
 22 because of age, citizenship, lack of residence for the period of time
 23 provided by law, or conviction of a felony. However, if a person who
 24 is ineligible to vote becomes registered to vote pursuant to this
 25 subdivision, the presumption shall be that the person's registration is
 26 deemed officially authorized and shall not be attributed to any fault of
 27 the person.

28 g. No requirement to determine eligibility. – Nothing in this subdivision
 29 shall be construed as requiring State colleges or universities in The
 30 University of North Carolina System to determine eligibility for voter
 31 registration and voting."

32 **SECTION 5.8.** The State Board of Elections shall establish and implement an
 33 education and outreach campaign to inform voters of the automatic voter registration procedures
 34 established pursuant to this act.

35 **SECTION 5.9.** Sections 5.1 through 5.3 and Section 5.5(a) of this act become
 36 effective January 1, 2020. Sections 5.4, 5.5(b), 5.6, and 5.7 of this act become effective January
 37 1, 2021. The remainder of this act is effective when it becomes law.

38
 39 **PART VI. FAIR ELECTIONS FUND**

40 **SECTION 6.1.** Article 23 of Chapter 163A of the General Statutes is amended by
 41 adding a new Part to read:

42 "Part 4. Fair Elections Program.

43 **"§ 163A-1510.1. Definitions.**

44 The following definitions apply under this Part:

- 45 (1) Candidate. – The same meaning as provided in G.S. 163A-1475(2).
- 46 (2) Candidate campaign committee. – The same meaning as provided in
 47 G.S. 163A-1475(3).
- 48 (3) Depository account. – The single checking account at the depository
 49 institution designated as the depository for the candidate campaign
 50 committee's moneys.
- 51 (4) Fund. – The Fair Elections Fund established under G.S. 163A-1510.2.

- 1 (5) General election campaign. – In the case of a candidate nominated at a
2 primary, the period beginning on the day following the primary and ending on
3 the date the treasurer files the final statement for the campaign or, in the case
4 of a candidate nominated without a primary, the period beginning on the day
5 following the day on which the candidate is nominated and ending on the date
6 the treasurer files the final statement for the campaign.
- 7 (6) Petitioning candidate. – A candidate who uses the nominating petition
8 procedure to obtain ballot access.
- 9 (7) Political party. – The same meaning as provided in G.S. 163A-950.
- 10 (8) Primary campaign. – The period beginning on the day following the close of
11 filing period under G.S. 163A-974 and ending on the day of a primary held
12 for the purpose of nominating a candidate for such office.
- 13 (9) Qualified candidate committee. – A candidate committee established to aid or
14 promote the success of any candidate for nomination or election to the office
15 and approved by the State Board to receive a grant from the Fair Elections
16 Fund.
- 17 (10) State Board. – The State Board of Elections.
- 18 (11) State executive office. – State offices of persons seeking election as Governor,
19 Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent
20 of Public Instruction, Attorney General, Commissioner of Agriculture,
21 Commissioner of Labor, or Commissioner of Insurance.
- 22 (12) State legislative office. – State offices of persons seeking election to office as
23 a State Senator or State Representative.
- 24 (13) Third-party candidate. – A candidate affiliated with a political party that is not
25 one of the two political parties with the highest number of registered voters
26 with the State Board.

27 **§ 163A-1510.2. Fair Elections Fund.**

28 There is established the "Fair Elections Fund," which shall be a separate, nonreverting
29 account within the General Fund. The Fund may contain any moneys required by law to be
30 deposited in the Fund. Investment earnings credited to the assets of the Fund shall become part
31 of the assets of the Fund. The State Treasurer shall administer the Fund. All moneys deposited
32 in the Fund shall be used for purposes of this Part.

33 **§ 163A-1510.3. Fair Elections Program established; grant eligibility.**

34 (a) There is established the Fair Elections Program under which the candidate campaign
35 committee of a candidate for nomination or election to office in this State may receive a grant
36 from the Fund for the candidate's primary campaign, if applicable, or general election campaign
37 for the office for which the candidate seeks.

38 (b) Any candidate campaign committee is eligible to receive grants for a primary
39 campaign, if applicable, and a general election campaign if each of the following are met:

- 40 (1) The candidate certifies as a participating candidate under G.S. 163A-1510.4.
41 (2) The candidate's candidate campaign committee receives the required amount
42 of qualifying contributions under G.S. 163A-1510.5.
43 (3) The candidate's candidate campaign committee returns all contributions that
44 do not meet the criteria for qualifying contributions under G.S. 163A-1510.5.
45 (4) The candidate agrees to limit the campaign expenditures of the candidate's
46 candidate campaign committee in accordance with the provisions of
47 subsection (c) of this section.
48 (5) The candidate submits an application and the State Board approves the
49 application in accordance with the provisions of G.S. 163A-1510.7.

50 (c) A candidate participating in the Fair Elections Program shall limit the expenditures
51 of the candidate's candidate campaign committee before a primary campaign and a general

1 election campaign to the amount of qualifying contributions permitted under this Part and any
2 personal funds provided by the candidate under G.S. 163A-1510.10(c). For a primary campaign,
3 expenditures shall be limited to the sum of (i) the amount of such qualifying contributions and
4 personal funds that have not been spent before the primary campaign and (ii) the amount of the
5 grant for the primary campaign authorized under G.S. 163A-1510.6. For a general election
6 campaign, expenditures shall be limited to the sum of (i) the amount of such qualifying
7 contributions and personal funds that have not been spent before the general election campaign,
8 (ii) any unexpended funds from any grant for a primary campaign authorized under
9 G.S. 163A-1510.6, and (iii) the amount of the grant for the general election campaign authorized
10 under G.S. 163A-1510.6.

11 (d) For the purposes of this Part, if a qualified candidate campaign committee receives a
12 grant for a primary campaign and has qualifying contributions that have not been spent before
13 the primary campaign, no expenditures by the committee during the primary campaign shall be
14 deemed to have been made from the qualifying contributions until the primary campaign grant
15 funds have been fully spent.

16 (e) No grants or moneys paid to a qualified candidate committee from the Fund under
17 this Part shall be deemed to be public funds under any other provision of law unless specifically
18 stated by the provision.

19 **"§ 163A-1510.4. Affidavit certifying candidate's intent to comply with expenditure limits.**

20 (a) Each candidate for nomination or election to State executive office or State legislative
21 office in this State shall file an affidavit with the State Board. The affidavit shall include a written
22 certification that the candidate either intends to abide by the expenditure limits under the Fair
23 Elections Program set forth in G.S. 163A-1510.3(c) or does not intend to abide by the limits. If
24 the candidate intends to abide by the limits, the affidavit shall also include the following written
25 certifications:

- 26 (1) That the treasurer of the candidate campaign committee for the candidate shall
27 expend any moneys received from the Fund in accordance with rules adopted
28 by the State Board.
29 (2) That the candidate shall repay to the Fund any such moneys that are not
30 expended in accordance with rules adopted by the State Board.
31 (3) That the candidate and the treasurer shall comply with the provisions of
32 G.S. 163A-1510.11(a)(1).

33 The written certification described in subdivision (3) of this subsection shall be made by both the
34 candidate and the treasurer of the candidate campaign committee for the candidate. A candidate
35 for nomination or election to any State executive office or State legislative office shall file the
36 affidavit not later than 4:00 P.M. on the twenty-fifth day before the day of a primary, if applicable,
37 or on the fortieth day before the day of the election for such office. Notwithstanding the
38 provisions of this subsection, a candidate who does not intend to participate in the Fair Elections
39 Program and certifies to such shall not be required to file the affidavit of intent not to abide by
40 the expenditure limits of the Fair Elections Program. Any such candidate shall be referred to as
41 a nonparticipating candidate, in accordance with subsection (b) of this section.

42 (b) A candidate who so certifies the candidate's intent to abide by the expenditure limits
43 under the Fair Elections Program shall be referred to under this Part as a "participating candidate"
44 and a candidate who so certifies the candidate's intent to not abide by the limits shall be referred
45 to as a "nonparticipating candidate." The State Board shall prepare a list of the participating
46 candidates and a list of the nonparticipating candidates and shall make the lists available for
47 public inspection.

48 (c) A participating candidate may withdraw from participation in the Fair Elections
49 Program before applying for an initial grant under this Part by filing an affidavit with the State
50 Board, which includes a written certification of withdrawal. A candidate who files an affidavit
51 of withdrawal shall be deemed to be a nonparticipating candidate under this Part and shall not be

1 penalized for the candidate's withdrawal. No participating candidate shall withdraw from
2 participation in the Fair Elections Program after applying for an initial grant under this Part.

3 **"§ 163A-1510.5. Qualifying contributions.**

4 (a) The amount of qualifying contributions the candidate campaign committee of a
5 candidate is required to receive to be eligible for grants from the Fund is as follows:

6 (1) A candidate for nomination or election to the office of Governor shall receive
7 contributions from individuals in the aggregate amount of two hundred fifty
8 thousand dollars (\$250,000), of which at least two hundred twenty-five
9 thousand dollars (\$225,000) is contributed by individuals residing in this
10 State.

11 (2) A candidate for nomination or election to State executive office, other than
12 Governor, shall receive contributions from individuals in the aggregate
13 amount of seventy-five thousand dollars (\$75,000), of which at least
14 sixty-seven thousand five hundred dollars (\$67,500) is contributed by
15 individuals residing in this State.

16 (3) A candidate for nomination or election to the office of State Senator for a
17 district shall receive contributions from individuals in the aggregate amount
18 of fifteen thousand dollars (\$15,000), including contributions from at least 300
19 individuals residing in municipalities included, in whole or in part, in the
20 candidate's district.

21 (4) A candidate for nomination or election to the office of State Representative
22 for a district shall receive contributions from individuals in the aggregate
23 amount of six thousand dollars (\$6,000), including contributions from at least
24 120 individuals residing in municipalities included, in whole or in part, in the
25 candidate's district.

26 (5) Notwithstanding the provisions of subdivisions (3) and (4) of this subsection,
27 in the case of a special election for the office of State Senator or State
28 Representative for a district, (i) the aggregate amount of qualifying
29 contributions that the candidate campaign committee of a candidate for such
30 office is required to receive to be eligible for a grant from the Fund shall be at
31 least seventy-five percent (75%) of the corresponding amount required under
32 subdivision (3) or (4) of this section, whichever is applicable, and (ii) the
33 number of contributions required from individuals residing in municipalities
34 included, in whole or in part, in the candidate's district shall be at least
35 seventy-five percent (75%) of the corresponding number required under
36 subdivision (3) or (4) of this section, as applicable.

37 (6) Except as otherwise provided, the following additional requirements shall
38 apply to candidates making qualifying contributions under this subsection:

39 a. The candidate campaign committee shall return the portion of any
40 contribution from any individual, including the candidate, that exceeds
41 one hundred dollars (\$100.00) and any excess portion shall not be
42 considered in calculating the aggregate contribution amounts.

43 b. Regarding contributions from individuals residing in municipalities in
44 the candidate's district under subdivision (3) or (4) of this subsection,
45 no contribution shall be counted unless the contribution is at least five
46 dollars (\$5.00).

47 c. All contributions received by an exploratory committee established by
48 the candidate that meet the criteria for qualifying contributions to
49 candidate campaign committees under this section shall be considered
50 in calculating the aggregate amounts.

1 (b) Each individual who makes a contribution of more than fifty dollars (\$50.00) to a
2 candidate campaign committee established to aid or promote the success of a participating
3 candidate for nomination or election shall include with the contribution a certification that
4 contains the same information required by G.S. 163A-1422(a)(1).

5 (c) The following shall not be deemed to be qualifying contributions under subsection
6 (a) of this section and shall be returned by the treasurer of the candidate campaign committee to
7 the contributor or transmitted to the State Board for deposit in the Fund:

8 (1) A contribution of less than five dollars (\$5.00) or a contribution of five dollars
9 (\$5.00) or more from an individual who does not provide the full name and
10 complete address of the individual.

11 (2) A contribution under subdivision (1) or (2) of subsection (a) of this section
12 from an individual who does not reside in the State, in excess of the applicable
13 limit on contributions from out-of-state individuals.

14 (3) A contribution made by an individual who is less than 16 years of age.

15 (d) After a candidate campaign committee receives the applicable aggregate amount of
16 qualifying contributions under subsection (a) of this section, the candidate campaign committee
17 shall transmit any additional contributions that it receives to the State Treasurer for deposit in the
18 Fund.

19 **"§ 163A-1510.6. Grants for primary and general election campaigns; supplemental grants**
20 **for third-party and petitioning candidates.**

21 (a) A candidate for the office of Governor may qualify for grant funds under this Part in
22 the following manner:

23 (1) The qualified candidate campaign committee of a candidate for the office of
24 Governor who has a primary for nomination to that office is eligible to receive
25 a grant from the Fund for the primary campaign in the amount of one million
26 two hundred fifty thousand dollars (\$1,250,000).

27 (2) The qualified candidate campaign committee of a candidate for the office of
28 Governor who has been nominated, or who has qualified to appear on the
29 election ballot as an unaffiliated candidate in accordance with Part 2 of Article
30 19 of this Chapter, shall be eligible to receive a grant from the Fund for the
31 general election campaign in the amount of ten million dollars (\$10,000,000).

32 (b) A candidate for any State executive office, other than Governor, may qualify for grant
33 funds under this Part in the following manner:

34 (1) The qualified candidate campaign committee of a candidate for State
35 executive office who has a primary for nomination to that office is eligible to
36 receive a grant from the Fund for the primary campaign in the amount of three
37 hundred seventy-five thousand dollars (\$375,000).

38 (2) The qualified candidate campaign committee of a candidate for State
39 executive office who has been nominated, or who has qualified to appear on
40 the election ballot as an unaffiliated candidate in accordance with Part 2 of
41 Article 19 of this Chapter, shall be eligible to receive a grant from the Fund
42 for the general election campaign in the amount of one million dollars
43 (\$1,000,000).

44 (c) The State Board shall adjust the amount of grant funds received by candidates under
45 subsections (a) and (b) of this section, quadrennially, in accordance with any change in the
46 consumer price index for all urban consumers, as published by the United States Department of
47 Labor, Bureau of Labor Statistics.

48 (d) A candidate for the office of State Senator may qualify for grant funds under this Part
49 in the following manner:

50 (1) The qualified candidate campaign committee of a candidate for the office of
51 State Senator who has a primary for nomination to that office shall be eligible

- 1 to receive a grant from the Fund for the primary campaign in the amount of
2 thirty-five thousand dollars (\$35,000).
- 3 (2) The qualified candidate campaign committee of a candidate for the office of
4 State Senator who has been nominated, or has qualified to appear on the
5 election ballot as an unaffiliated candidate in accordance with Part 2 of Article
6 19 of this Chapter, shall be eligible to receive a grant from the Fund for the
7 general election campaign in the amount of eighty-five thousand dollars
8 (\$85,000).
- 9 (e) A candidate for the office of State Representative may qualify for grant funds under
10 this Part in the following manner:
- 11 (1) The qualified candidate committee of a candidate for the office of State
12 Representative who has a primary for nomination to that office is eligible to
13 receive a grant from the Fund for the primary campaign in the amount of
14 fourteen thousand dollars (\$14,000).
- 15 (2) The qualified candidate committee of a candidate for the office of State
16 Representative who has been nominated, or has qualified to appear on the
17 election ballot as an unaffiliated candidate in accordance with Part 2 of Article
18 19 of this Chapter, shall be eligible to receive a grant from the Fund for the
19 general election campaign in the amount of thirty-four thousand dollars
20 (\$34,000).
- 21 (f) The State Board shall adjust the amount of grant funds received by candidates under
22 subsections (d) and (e) of this section, biennially, in accordance with any change in the consumer
23 price index for all urban consumers, as published by the United States Department of Labor,
24 Bureau of Labor Statistics.
- 25 (g) Notwithstanding the provisions of subsections (d), (e), and (f) of this section, in the
26 case of a special election for the office of State legislative office, the amount of the grant for a
27 general election campaign shall be seventy-five percent (75%) of the amount authorized under
28 subsection (d), (e), or (f), as applicable.
- 29 (h) Notwithstanding the provisions of this section, each of the following shall apply:
- 30 (1) The initial grant that a qualified candidate campaign committee for a candidate
31 is eligible to receive under this section shall be reduced by the amount of any
32 personal funds that the candidate provides for the candidate's campaign for
33 nomination or election pursuant to G.S. 163A-1510.10(c).
- 34 (2) If a participating candidate is nominated at a primary and does not expend the
35 entire grant for the primary campaign authorized under this section, the
36 amount of the grant for the general election campaign shall be reduced by the
37 total amount of any unexpended primary campaign grant and moneys.
- 38 (3) If a participating candidate who is nominated for election does not have an
39 opponent in the general election campaign, the amount of the general election
40 campaign grant for which the qualified candidate campaign committee for the
41 candidate is eligible to receive shall be thirty percent (30%) of the applicable
42 amount set forth in subsections (a) through (f) of this section. For purposes of
43 this subdivision, a participating candidate is deemed to have an opponent if
44 any of the following apply:
- 45 a. A political party has properly endorsed any other candidate and made
46 the requisite filing in accordance with this Chapter.
- 47 b. Any candidate of any new political party has met the requisite
48 requirements under G.S. 163A-950(a)(2) or (3).
- 49 (i) Third-party candidates and petitioning candidates are eligible for grant funds as
50 follows:
- 51 (1) For a full general election grant:

- 1 a. If the third-party candidate has obtained the nomination of a third party
2 whose candidate seeking election for the same office in the same
3 district at the last preceding regular election received at least twenty
4 percent (20%) of the votes cast for that office.
- 5 b. If the petitioning candidate has obtained ballot access and petition
6 signatures of voters equaling at least twenty percent (20%) of the votes
7 cast for that office in the prior general election.
- 8 (2) For two-thirds of a full general election grant:
- 9 a. If the third-party candidate has obtained the nomination of a third party
10 whose candidate seeking election for the same office in the same
11 district at the last preceding regular election received at least fifteen
12 percent (15%) of the votes cast for that office.
- 13 b. If the petitioning candidate has obtained ballot access and petition
14 signatures of voters equaling at least fifteen percent (15%) of the votes
15 cast for that office in the prior general election.
- 16 (3) For one-third of a full general election grant:
- 17 a. If the third-party candidate has obtained the nomination of a third party
18 whose candidate seeking election for the same office in the same
19 district at the last preceding regular election received at least ten
20 percent (10%) of the votes cast for that office.
- 21 b. If the petitioning candidate has obtained ballot access and petition
22 signatures of voters equaling at least ten percent (10%) of the votes
23 cast for that office in the prior general election.
- 24 (4) Third-party or petitioning candidates who receive less than the full grant
25 amount may continue to raise and spend additional contributions, known as
26 "differential contributions," which shall meet the criteria for qualifying
27 contributions, up to the amount of the full applicable grant for the general
28 election for that office.

29 **"§ 163A-1510.7. Grant applications and payment.**

- 30 (a) A participating candidate may apply for a grant from the Fund in the following
31 manner:
- 32 (1) A participating candidate for nomination to State executive office or State
33 legislative office may apply to the State Board for a grant from the Fund under
34 the Fair Elections Program for a primary campaign after receiving the
35 qualifying contributions as required by G.S. 163A-1510.5. The State Board
36 shall make any such grants to participating candidates in accordance with the
37 provisions of this section.
- 38 (2) A participating candidate for nomination to State executive office or State
39 legislative office may apply to the State Board for a grant from the Fund under
40 the Fair Elections Program for a general election campaign by doing one of
41 the following:
- 42 a. After the primary has been held and the candidate for office is declared
43 the party nominee for that office in accordance with G.S. 163A-984.
- 44 b. In the case of a petitioning candidate, the candidate for office has met
45 the qualifications under Part 2 of Article 19 of this Chapter to be placed
46 on the general election ballot.
- 47 (3) Notwithstanding subdivisions (1) and (2) of this subsection, no participating
48 candidate for nomination or election who changes the candidate's party
49 affiliation after filing the affidavit required under G.S. 163A-1510.4 shall be
50 eligible to apply for a grant under the Fair Elections Program for the
51 candidate's primary campaign or general election campaign. The provisions

1 of this subdivision shall not apply in the case of a candidate who is nominated
2 by more than one party and does not otherwise change the candidate's party
3 affiliation.

4 (b) The application shall include a written certification that contains each of the
5 following:

- 6 (1) The candidate campaign committee has received the required amount of
7 qualifying contributions.
- 8 (2) The candidate campaign committee has repaid all moneys borrowed on behalf
9 of the campaign, as required by G.S. 163A-1510.10(b).
- 10 (3) The candidate campaign committee has returned any contribution of at least
11 five dollars (\$5.00) from an individual who does not include the individual's
12 name and address with the contribution.
- 13 (4) The candidate campaign committee has returned all contributions or portions
14 of contributions that do not meet the criteria for qualifying contributions under
15 G.S. 163A-1510.5 and transmitted all excess qualifying contributions to the
16 Fund.
- 17 (5) The treasurer of the candidate campaign committee has complied with the
18 provisions of this Article and maintained and furnished all records required
19 under this Article or rules adopted by the State Board.
- 20 (6) All moneys received from the Fund shall be deposited upon receipt into the
21 depository account of the candidate campaign committee.
- 22 (7) The treasurer of the candidate campaign committee shall expend all moneys
23 received from the Fund in accordance with the provisions of this Article and
24 regulations adopted by the State Board pursuant to subsection (e) of this
25 section.
- 26 (8) If the candidate withdraws from the campaign or becomes ineligible or dies
27 during the campaign, the candidate campaign committee of the candidate shall
28 return to the State Board all moneys received from the Fund under this Part
29 that the candidate campaign committee has not expended as of the date of the
30 occurrence. Any funds returned pursuant to this subdivision shall be deposited
31 in the Fund.
- 32 (9) The treasurer has paid any civil penalties or forfeitures assessed under this
33 Chapter and has not been convicted of or pled guilty or nolo contendere to, in
34 a court of competent jurisdiction, any (i) felony involving fraud, forgery,
35 larceny, embezzlement, or bribery or (ii) criminal offense under this Chapter,
36 unless at least eight years have elapsed from the date of the conviction or plea
37 or the completion of any sentence, whichever is later, without a subsequent
38 conviction of or plea to another such felony or offense.

39 (c) The application shall be accompanied by a cumulative itemized accounting of all
40 funds received, expenditures made, and expenses incurred, but not yet paid, by the candidate
41 campaign committee from the three days preceding the date the application is filed. The
42 accounting shall be sworn to under penalty of false statement by the treasurer of the candidate
43 campaign committee. The State Board shall prescribe the form of the application and the
44 cumulative itemized accounting. Both the candidate and the treasurer of the candidate campaign
45 committee shall sign the application.

46 (d) In accordance with the provisions of subsection (h) of this section, the State Board
47 shall review the application and make each of the following determinations:

- 48 (1) Whether the candidate campaign committee for the applicant has received the
49 required qualifying contributions.
- 50 (2) For an application for a grant from the Fund for a primary campaign or general
51 election campaign, the applicant has met the applicable condition under

1 subsection (a) of this section for applying for the grant and complied with the
2 provisions of subsections (b) and (c) of this section.

3 (e) If the State Board approves an application, the State Board shall determine the amount
4 of the grant payable to the candidate campaign committee for the applicant pursuant to
5 G.S. 163A-1510.6 and notify the State Controller and the candidate campaign committee of such
6 amount. If the timing of the State Board's approval of the grant in relation to the determination
7 of ballot status is such that the State Board cannot determine whether the qualified candidate
8 campaign committee is entitled to the applicable full initial grant for the primary or election or
9 the applicable partial grant for the primary or election, as applicable, the State Board shall
10 approve the lesser applicable partial initial grant. The State Board shall then authorize the
11 payment of the remaining portion of the applicable grant after the State Board has knowledge of
12 the circumstances regarding the ballot status of the opposing candidates in the primary or
13 election. Not later than two business days following notification by the State Board, the State
14 Controller shall draw an order on the State Treasury for payment of the approved amount to the
15 qualified candidate campaign committee from the Fund.

16 (f) The State Board shall adopt rules regarding permissible expenditures for qualified
17 candidate campaign committees receiving grants from the Fund under this Part.

18 (g) If a nominated participating candidate dies, withdraws the candidate's candidacy, or
19 becomes disqualified to hold the office for which the candidate has been nominated after the
20 State Board approves the candidate's application for a grant under this section, the candidate
21 campaign committee of the candidate who is nominated to replace the candidate shall be eligible
22 to receive grants from the Fund without complying with the provisions of G.S. 163A-1510.5, if
23 the replacement candidate files an affidavit under G.S. 163A-1510.4 certifying the candidate's
24 intent to abide by the expenditure limits set forth in G.S. 163A-1510.3(c) and notifies the State
25 Board of such on a form prescribed by the State Board.

26 (h) Any application submitted pursuant to this section for a primary or general election
27 shall be submitted in accordance with a schedule established by the State Board. The State Board
28 shall publish the application review schedules and meeting schedules on the State Board's Web
29 site.

30 **"§ 163A-1510.8. Limit on deposits into depository account of a qualified candidate**
31 **campaign committee.**

32 Following the initial deposit of moneys from the Fund into the depository account of a
33 qualified candidate campaign committee, no contribution, loan, or amount of the candidate's own
34 moneys or any other moneys received by the candidate or the treasurer on behalf of the candidate
35 campaign committee shall be deposited into the depository account, except grants from the Fund
36 and reimbursement from another candidate campaign committee for shared expenses, as
37 approved by the State Board.

38 **"§ 163A-1510.9. Payment of general election campaign grant to eligible qualified candidate**
39 **campaign committee.**

40 A qualified candidate campaign committee that received moneys from the Fund for a primary
41 campaign and whose candidate is the party nominee shall receive a grant from the Fund for a
42 general election campaign. Upon receiving verification from the State Board of the results of the
43 votes cast at the primary, the State Board shall notify the State Controller of the amount payable
44 to the qualified candidate campaign committee pursuant to G.S. 163A-1510.6. Not later than two
45 business days following notification by the State Board, the State Controller shall draw funds
46 from the State treasury for payment of the general election campaign grant to the candidate
47 campaign committee from the Fund.

48 **"§ 163A-1510.10. Limits on loans and personal funds for campaigns.**

49 (a) The candidate campaign committee for a candidate who intends to participate in the
50 Fair Elections Program may borrow moneys on behalf of a campaign for a primary or a general
51 election from one or more financial institutions, as defined in G.S. 54B-4(b)(25), in an aggregate

1 amount not to exceed one thousand dollars (\$1,000). The amount borrowed shall not constitute
2 a qualifying contribution under G.S. 163A-1510.5. No individual or political committee, except
3 the candidate or, in a general election, the State executive committee of a political party, shall
4 endorse or guarantee a loan in an aggregate amount in excess of five hundred dollars (\$500.00).
5 An endorsement or guarantee of such a loan shall constitute a contribution by the individual or
6 political committee for as long as the loan is outstanding. The amount endorsed or guaranteed by
7 the individual or political committee shall cease to constitute a contribution upon repayment of
8 the amount endorsed or guaranteed.

9 (b) All loans shall be repaid in full prior to the date the candidate campaign committee
10 applies for a grant from the Fund pursuant to G.S. 163A-1510.7. A candidate who fails to repay
11 any loans or fails to certify the repayment of any loans to the State Board shall not be eligible to
12 receive and shall not receive grants from the Fund.

13 (c) A candidate who intends to participate in the Fair Elections Program may provide
14 personal funds for the candidate's campaign for nomination or election, not to exceed the
15 following amounts:

- 16 (1) For a candidate for the office of Governor, twenty thousand dollars (\$20,000).
- 17 (2) For a candidate for State executive office other than the Governor, ten
18 thousand dollars (\$10,000).
- 19 (3) For a candidate for the office of State Senator, two thousand dollars (\$2,000).
- 20 (4) For a candidate for the office of State Representative, one thousand dollars
21 (\$1,000).

22 (d) Personal funds provided pursuant to subsection (c) of this section shall not constitute
23 a qualifying contribution under G.S. 163A-1510.5.

24 **"§ 163A-1510.11. Excess expenditures; penalties.**

25 (a) If an expenditure in excess of the applicable expenditure limit set forth in
26 G.S. 163A-1510.3(c) is made or incurred by a qualified candidate campaign committee that
27 receives a grant from the Fund, each of the following shall apply:

- 28 (1) The candidate and treasurer of the candidate campaign committee shall be
29 jointly and severally liable for paying for the excess expenditure.
- 30 (2) The candidate campaign committee shall not receive any additional grants or
31 moneys from the Fund for the remainder of the election cycle if the State
32 Board determines that the candidate or treasurer of the candidate campaign
33 committee had knowledge of the excess expenditure.
- 34 (3) The treasurer shall be subject to penalties under this Chapter.
- 35 (4) The candidate of the candidate campaign committee shall be deemed to be a
36 nonparticipating candidate for the purposes of this Part if the State Board
37 determines that the candidate or treasurer of the candidate campaign
38 committee had knowledge of the excess expenditure.

39 (b) The State Board may waive the provisions of subsection (a) of this section upon
40 determining that an excess expenditure is de minimis. The State Board shall adopt rules
41 establishing standards for making these determinations. The standards shall include, but not be
42 limited to, a finding by the State Board that the candidate or treasurer has, from the candidate's
43 or treasurer's personal funds, either paid the excess expenditure or reimbursed the qualified
44 candidate campaign committee for its payment of the excess expenditure.

45 (c) If an individual, who is associated with the campaign of a candidate whose qualified
46 candidate campaign committee has received a grant from the Fund, makes or incurs an
47 expenditure in excess of the applicable expenditure limit set forth in G.S. 163A-1510.3(c) for the
48 candidate campaign committee without the consent of the candidate or treasurer of the candidate
49 campaign committee, the individual shall (i) repay to the Fund the amount of the excess
50 expenditure and (ii) be subject to penalties under this Chapter as determined by the State Board.

1 The provisions of this subsection shall not apply to an individual who is the candidate or the
2 treasurer of the candidate campaign committee.

3 **"§ 163A-1510.12. Supplemental statements; declaration of excess expenditures statement.**

4 (a) Supplemental campaign finance statements shall be filed in the following manner:

5 (1) The treasurer of each candidate campaign committee in a primary campaign
6 or a general election campaign in which there is at least one participating
7 candidate shall file weekly supplemental campaign finance statements with
8 the State Board in accordance with subdivision (2) of this subsection.

9 (2) Each treasurer shall file weekly supplemental campaign finance statements
10 with the State Board pursuant to a schedule established by the State Board.

11 (3) If a participating candidate campaign committee in a primary campaign or a
12 general election campaign in which there is at least one participating candidate
13 makes expenditures or incurs an obligation to make expenditures that, in the
14 aggregate, exceed one hundred percent (100%) of the applicable expenditure
15 limit for the applicable primary or general election campaign period, the
16 treasurer of the candidate campaign committee shall file a declaration of
17 excess expenditures statement with the State Board, pursuant to the following
18 schedule:

19 a. If a candidate campaign committee makes expenditures or incurs an
20 obligation to make such expenditures more than 20 days before the
21 day of the primary or election, the treasurer for the candidate shall file
22 a statement with the State Board not later than 48 hours after making
23 the expenditures or incurring an obligation to make the expenditures.

24 b. If a candidate campaign committee makes expenditures or incurs an
25 obligation to make such expenditures less than 20 days before the day
26 of the primary or election, the treasurer of the candidate shall file a
27 statement with the State Board not later than 24 hours after making the
28 expenditures or incurring an obligation to make the expenditures. The
29 statement shall be complete as of 11:59 P.M. of the first day
30 immediately preceding the required filing day. The statement shall
31 cover a period beginning with the first day not included in the last filed
32 statement.

33 (4) No statements are required to be filed for (i) a candidate campaign committee
34 of a candidate who is no longer eligible for a position on the ballot or (ii) a
35 candidate campaign committee of a participating candidate that is unopposed,
36 except that the candidate campaign committee shall file a supplemental
37 statement on the last Thursday before the applicable primary or general
38 election. Such statement shall be complete as of 11:59 P.M. of the second day
39 immediately preceding the required filing day. The statement shall cover a
40 period beginning with the first day not included in the last filed statement.

41 (5) Each supplemental statement required under subdivision (1), (2), or (3) of this
42 subsection for a candidate shall disclose the information required under
43 G.S. 163A-1422(a)(2). The State Board shall provide a means for the
44 transmission of the statements to the State Board, which shall include
45 electronic filing.

46 (b) For purposes of this section, the phrase "excess expenditure" means an expenditure
47 made, or obligated to be made, by a nonparticipating or a participating candidate who is opposed
48 by one or more other participating candidates in a primary campaign or a general election
49 campaign, which is in excess of the amount of the applicable limit on expenditures for the
50 participating candidates for the campaign, and which is the sum of (i) the applicable qualifying
51 contributions that the participating candidate is required to receive under G.S. 163A-1510.5 to

1 be eligible for grants from the Fund and (ii) one hundred percent (100%) of the applicable full
2 grant amount for a candidate authorized under G.S. 163A-1510.6 for the applicable campaign
3 period. The State Board shall confirm whether an expenditure described in a declaration filed
4 under this subsection is an excess expenditure.

5 (c) If a treasurer fails to file any statement or declaration required by this section within
6 the time required, the treasurer shall be subject to a civil penalty, imposed by the State, of not
7 more than one thousand dollars (\$1,000) for the first failure to file the statement within the time
8 required and not more than five thousand dollars (\$5,000) for any subsequent failure to file the
9 statement within the required time.

10 **"§ 163A-1510.13. Voter registration lists for participating candidates.**

11 The State Board shall provide to each participating candidate a copy of the voter registration
12 list for the State or applicable district, which is generated from the statewide centralized voter
13 registration system established under this Chapter. The State Board shall provide the copy in
14 electronic format, free of charge.

15 **"§ 163A-1510.14. Organization expenditure by local committee, legislative caucus**
16 **committee, or leadership committee for State legislative office; limit for general**
17 **election and primary campaign; biennial adjustments to limits.**

18 (a) Notwithstanding any provision of the law to the contrary, and except as provided in
19 subsection (e) of this section, no local committee, legislative caucus committee, or legislative
20 leadership committee shall make an organization expenditure for the benefit of a participating
21 candidate or the candidate campaign committee of a participating candidate in the Fair Elections
22 Program for the office of State Senator in an amount that exceeds ten thousand dollars (\$10,000)
23 for a general election campaign.

24 (b) Notwithstanding any provision of the law to the contrary, and except as provided in
25 subsection (d) of this section, no local committee, legislative caucus committee, or legislative
26 leadership committee shall make an organization expenditure for the benefit of a participating
27 candidate or the candidate campaign committee of a participating candidate in the Fair Elections
28 Program for the office of State Representative in an amount that exceeds three thousand five
29 hundred dollars (\$3,500) for a general election campaign.

30 (c) Notwithstanding any provision of the law to the contrary, no political committee,
31 legislative caucus committee, or legislative leadership committee shall make an organization
32 expenditure for the benefit of a participating candidate or the candidate committee of a
33 participating candidate in the Fair Elections Program for State legislative office for a primary
34 campaign.

35 (d) The amount of the limitations on organization expenditures provided in subsections
36 (a) and (c) of this section shall be adjusted by the State Board, biennially, in accordance with any
37 change in the consumer price index for all urban consumers, as published by the United States
38 Department of Labor, Bureau of Labor Statistics.

39 **"§ 163A-1510.15. Report on grant amounts; expenditures.**

40 (a) After each general election, the State Board shall compile and analyze each of the
41 following:

- 42 (1) The amount of grants made during the election cycle from the Fund
43 established under this Part.
- 44 (2) The amount of expenditures reported by each candidate participating in the
45 Fair Elections Program and by each candidate not participating in the Program
46 during the election cycle.
- 47 (3) The amount of money returned to the Fund during the election cycle by each
48 candidate.
- 49 (4) The overall and average amounts of spending for each election contest for
50 each office during the election cycle.

1 (5) The amount of independent expenditures for each election contest for each
2 office during the election cycle.

3 (b) The State Board shall report its analysis conducted under subsection (a) of this
4 section, biennially, along with any recommendations for adjustments to grant amounts under the
5 Fair Elections Program to the Joint Legislative Elections Oversight Committee.

6 **"§ 163A-1510.16. Contributions to Fair Elections Fund.**

7 Any person, business entity, organization, or political committee may contribute to the Fund
8 established under this Part. Any contribution shall be made by check or money order. The State
9 Board shall immediately transmit all contributions received pursuant to this section to the State
10 Treasurer for deposit in the Fund."

11 **SECTION 6.2.** This part becomes effective December 1, 2019, and applies to
12 election grants sought on or after that date.

13
14 **PART VII. OPEN MEETINGS LAW REFORM LIVE/VIDEO AND AUDIO**
15 **STREAMING IN LEGISLATIVE COMPLEX**

16 **SECTION 7.1.** G.S. 143-318.14A reads as rewritten:

17 **"§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.**

18 ...

19 (b) Reasonable public notice of all meetings of commissions, committees, and standing
20 subcommittees of the General Assembly shall be ~~given~~ given to all members of the General
21 Assembly; to all members of the commissions, committees, and standing subcommittees; and to
22 the Legislative Services Office which shall post the notice on the General Assembly Web site.
23 For purposes of this subsection, ~~"reasonable"~~ "adequate public notice" ~~includes, but is not limited~~
24 ~~to~~ means written or electronic notice that is posted and mailed or e-mailed to those who have
25 requested notice at least 48 hours before the time of the meeting. The notice shall include the
26 time, date, location, and, to the extent known, the agenda of the meeting.

27 (1) ~~Notice given openly at a session of the Senate or of the House; or~~

28 (2) ~~Notice mailed or sent by electronic mail to those who have requested notice,~~
29 ~~and to the Legislative Services Office, which shall post the notice on the~~
30 ~~General Assembly web site.~~

31 (b1) The chair of the commission, committee, or standing committee shall make the
32 agenda for a meeting noticed under subsection (b) of this section readily available for public
33 inspection no less than 24 hours in advance of the time of the meeting. Except for items of an
34 emergency nature, the agenda shall not be altered after the notice has been made available to the
35 public. The commission, committee, or standing subcommittee may modify the agenda to include
36 items of an emergency nature only during the meeting. As used in this subsection, items of an
37 emergency nature are matters that involve generally unexpected circumstances that require
38 immediate consideration by the commission, committee, or standing subcommittee.

39 (b2) No later than 24 hours in advance of the time of the meeting, the chair of the
40 commission, committee, or standing subcommittee shall make available to the members of the
41 same the text of all bills, proposed committee substitutes, and amendments that will be considered
42 during the scheduled meeting. No commission, committee, or standing subcommittee shall
43 consider or act on a bill, proposed committee substitute, or amendment that has not been made
44 available to the members in accordance with this subsection.

45 (b3) G.S. 143-318.12 shall not apply to meetings of commissions, committees, and
46 standing subcommittees of the General Assembly.

47 "

48 **SECTION 7.2.** The Legislative Services Officer (LSO) shall develop a plan to install
49 equipment to provide live video and audio streaming in both chambers and in all committee
50 rooms in the Legislative Building and the Legislative Office Building. The plan shall include
51 estimated costs and a proposed time line for implementation. The LSO shall submit the plan to

1 the chairs of the Legislative Services Commission and the chairs of the Joint Legislative
2 Oversight Committee on General Government no later than April 1, 2020.

3 **SECTION 7.3.** This section is effective when it becomes law.

4

5 **PART VIII. EFFECTIVE DATE**

6 **SECTION 8.1.** Except as otherwise provided, this act is effective when it becomes
7 law.