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HOUSE BILL 908
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Short Title: Election Administration Amendments.

(Public)

Sponsors:

Referred to:

April 1, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO
3 VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF
4 THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF
5 ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED
6 INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO
7 EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH
8 SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL
9 BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND
10 PREREGISTRATION OF STUDENTS; TO PERMIT THE RETENTION OF VOTER
11 REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT
12 OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION
13 DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND
14 THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL
15 TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A
16 VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER
17 AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY
18 REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO
19 PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE
20 BOARD OF ELECTIONS IN ELECTION PROTEST CASES; TO REQUIRE A PUBLIC
21 HEARING BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT RUNOFF
22 VOTING AND TO ALLOW THE USE OF THE TERM RANKED CHOICE VOTING;
23 AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN
24 LOCAL ELECTED OFFICES.

25 The General Assembly of North Carolina enacts:

26 SECTION 1. G.S. 163-22 reads as rewritten:

27 "§ 163-22. Powers and duties of State Board of Elections.

28 ...

29 (p) The State Board of Elections shall require counties with voting systems to have
30 sufficient personnel available on election day with technical expertise to make repairs in such
31 equipment, to investigate election day problems, and assist in curbside voting.

32 (q) The State Board of Elections may assign responsibility for enumerated
33 administrative matters to the Executive Director by resolution, if that resolution provides a



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1 process for the State Board to review any administrative decision made by the Executive
2 Director."

3 **SECTION 2.** G.S. 163-33(1) and (12) read as rewritten:

4 "**§ 163-33. Powers and duties of county boards of elections.**

5 The county boards of elections within their respective jurisdictions shall exercise all powers
6 granted to such boards in this Chapter, and they shall perform all the duties imposed upon them
7 by law, which shall include the following:

8 (1) To make and issue such rules, regulations, and instructions, not inconsistent
9 with ~~law—law, with directives promulgated under the provisions of~~
10 G.S. 163-132.4, or the rules with the rules, orders, and directives established
11 by the State Board of Elections, as it may deem necessary for the guidance
12 of election officers and voters.

13 ...

14 (12) To perform such other duties as may be prescribed by this ~~Chapter or~~
15 Chapter, by directives promulgated pursuant to G.S. 163-132.4, or by the
16 rules—rules, orders, and directives of the State Board of Elections.

17"

18 **SECTION 3.** G.S. 163-35(b) reads as rewritten:

19 "(b) Appointment, Duties; Termination. – Upon receipt of a nomination from the county
20 board of elections stating that the nominee for director of elections is submitted for
21 appointment upon majority selection by the county board of elections the Executive Director
22 shall issue a letter of appointment of such nominee to the chairman of the county board of
23 elections within 10 days after receipt of the nomination. Thereafter, the county board of
24 elections shall enter in its official minutes the specified duties, responsibilities and designated
25 authority assigned to the director by the county board of elections. The specified duties and
26 responsibilities shall include adherence to the duties delegated to the county board of elections
27 pursuant to G.S. 163-33. A copy of the specified duties, responsibilities and designated
28 authority assigned to the director shall be filed with the State Board of Elections.

29 The county board of elections may, by petition signed by a majority of the board,
30 recommend to the Executive Director of the State Board of Elections the termination of the
31 employment of the county board's director of elections. The petition shall clearly state the
32 reasons for termination. Upon receipt of the petition, the Executive Director shall forward a
33 copy of the petition by certified mail, return receipt requested, to the county director of
34 elections involved. The county director of elections may reply to the petition within 15 days of
35 receipt thereof. Within 20 days of receipt of the county director of elections' reply or the
36 expiration of the time period allowed for the filing of the reply, the State Executive Director
37 shall render a decision as to the termination or retention of the county director of elections. The
38 decision of the Executive Director of the State Board of Elections shall be final unless the
39 decision is, within 20 days from the official date on which it was made, deferred by the State
40 Board of Elections. If the State Board defers the decision, then the State Board shall make a
41 final decision on the termination after giving the county director of elections an opportunity to
42 be heard and to present witnesses and information to the State Board, and then notify the
43 Executive Director of its decision in writing. Any one or more members of the State Board
44 designated by the remaining members of the State Board may conduct the hearing and make a
45 final determination on the termination. For the purposes of this subsection, the member(s)
46 designated by the remaining members of the State Board shall possess the same authority
47 conferred upon the chairman pursuant to G.S. 163-23. If the decision, rendered after the
48 hearing, results in concurrence with the decision entered by the Executive Director, the
49 decision becomes final. If the decision rendered after the hearing is contrary to that entered by
50 the Executive Director, then the Executive Director shall, within 15 days from the written

1 notification, enter an amended decision consistent with the results of the decision by the State
2 Board of Elections or its designated member(s).

3 Upon majority vote on the recommendation of the Executive Director, the State Board of
4 Elections may initiate proceedings for the termination of a county director of elections for just
5 cause. If the State Board votes to initiate proceedings for termination, the State Board shall
6 state the reasons for the termination in writing and send a copy by certified mail, return receipt
7 requested, to the county director of elections. The director has 15 days to reply in writing to the
8 notice. The State Board of Elections shall also notify the chair of the county board of elections
9 and the chair of the county board of commissioners that the State Board has initiated
10 termination proceedings. The State Board shall make a final decision on the termination after
11 giving the county director of elections an opportunity to be heard, present witnesses, and
12 provide information to the State Board. Any one or more members of the State Board
13 designated by the remaining members of the State Board may conduct the hearing and make a
14 final decision. For the purposes of this subsection, the member(s) designated by the remaining
15 members of the State Board shall possess the same authority conferred upon the chairman
16 pursuant to G.S. 163-23.

17 A county director of elections may be suspended, with pay, without warning for causes
18 relating to personal conduct detrimental to service to the county or to the State Board of
19 Elections, pending the giving of written reasons, in order to avoid the undue disruption of work
20 or to protect the safety of persons or property or for other serious reasons. Any suspension may
21 be initiated by the Executive Director but may not be for more than five days. Upon placing a
22 county director of elections on suspension, the Executive Director shall, as soon as possible,
23 reduce to writing the reasons for the suspension and forward copies to the county director of
24 elections, the members of the county board of elections, the chair of the county board of
25 commissioners, and the State Board of Elections. If no action for termination has been taken
26 within five days, the county director of elections shall be fully reinstated.

27 Termination of any county director of elections shall comply with this subsection."

28 **SECTION 4.(a)** G.S. 163-35(d) reads as rewritten:

29 "(d) Duties. – The director of elections may be empowered by the county board of
30 elections to perform such administrative duties as might be assigned by the board and the
31 chairman. In addition, the director of elections may be authorized by the chairman to execute
32 the responsibilities devolving upon the chairman provided such authorization by any chairman
33 shall in no way transfer the responsibility for compliance with the law. The chairman shall
34 remain liable for proper execution of all matters specifically assigned to him by law.

35 The county board of elections shall have authority, by resolution adopted by majority vote,
36 to delegate to its director of elections so much of the administrative detail of the election
37 functions, duties, and work of the board, its officers and members, as is now, or may hereafter
38 be vested in the board or its members as the county board of elections may see fit: Provided,
39 that the board shall not delegate to a director of elections any of its quasi-judicial or
40 policy-making duties and authority. Such a resolution shall require adherence to the duties
41 delegated to the county board of elections pursuant to G.S. 163-33. Within the limitations
42 imposed upon ~~him~~ the director of elections by the resolution of the county board of elections
43 the acts of a properly appointed director of elections shall be deemed to be the acts of the
44 county board of elections, its officers and members."

45 **SECTION 4.(b)** This section is effective when it becomes law, and every county
46 board of elections shall amend or adopt the resolution of duties and responsibilities required by
47 this act on or before January 1, 2010.

48 **SECTION 5.** G.S. 163-55(a) reads as rewritten:

49 "(a) Residence Period for State Elections. – Every person born in the United States, and
50 every person who has been naturalized, and who shall have resided in the State of North
51 Carolina and in the precinct, ward, or other election district in which the person offers to vote

1 for 30 days next preceding an election, shall, if otherwise qualified as prescribed in this
2 Chapter, be qualified to vote in any election held in this State. Removal from one precinct,
3 ward, or other election district to another in this State shall not operate to deprive any person of
4 the right to vote in the precinct, ward, or other election district from which he has removed
5 until 30 days after the person's removal.

6 Except as otherwise provided in ~~G.S. 163-59, this Chapter,~~ the following classes of persons
7 shall not be allowed to vote in this State:

8 (1) Persons under 18 years of age.

9 (2) Any person adjudged guilty of a felony against this State or the United
10 States, or adjudged guilty of a felony in another state that also would be a
11 felony if it had been committed in this State, unless that person shall be first
12 restored to the rights of citizenship in the manner prescribed by law."

13 **SECTION 6.** G.S. 163-59 reads as rewritten:

14 "**§ 163-59. Right to participate or vote in party primary.**

15 No person shall be entitled to vote or otherwise participate in the primary election of any
16 political party unless ~~he~~that person complies with all of the following:

17 (1) Is a registered ~~voter, and~~voter.

18 (2) Has declared and has had recorded on the registration book or record the fact
19 that ~~he~~the voter affiliates with the political party in whose primary ~~he~~the
20 voter proposes to vote or ~~participate, and~~participate.

21 (3) Is in good faith a member of that party.

22 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under
23 G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that
24 primary except for subdivisions (2) and (3) of the previous paragraph.

25 Any person who will become qualified by age to register and vote in the general election ~~or~~
26 ~~regular municipal election~~ for which the primary is held, even though not so qualified by the
27 date of the primary, shall be entitled to register for the primary and general ~~or regular municipal~~
28 election prior to the primary and then to vote in the primary after being registered. Such person
29 may register not earlier than 60 days nor later than the last day for making application to
30 register under G.S. 163-82.6(c) prior to the primary. In addition, persons who will become
31 qualified by age to register and vote in the general election ~~or regular municipal election~~ for
32 which the primary is held, who do not register during the special period may register to vote
33 after such period as if they were qualified on the basis of age, but until they are qualified by age
34 to vote, they may vote only in primary elections. Such a person also may register and vote in
35 the primary and general election pursuant to G.S. 163-82.6A(f)."

36 **SECTION 7.(a)** G.S. 163-82.1 is amended by adding a new subsection to read:

37 "(d) Preregistration. – A person who is at least 16 years of age but will not be 18 years of
38 age by the date of the next election and who is otherwise qualified to register may preregister to
39 vote and shall be automatically registered upon reaching the age of eligibility following
40 verification of the person's qualifications and address in accordance with G.S. 163-82.7."

41 **SECTION 7.(b)** This section becomes effective January 1, 2010.

42 **SECTION 8.(a)** G.S. 163-82.3(a) reads as rewritten:

43 "(a) Form Developed by State Board of Elections. – The State Board of Elections shall
44 develop an application form for voter registration. Any person may use the form to apply to do
45 any of the following:

46 (1) Register to ~~vote;~~vote.

47 (2) Change party affiliation or unaffiliated ~~status;~~status.

48 (3) Report a change of address within a ~~county;~~county.

49 (4) Report a change of name.

50 (5) Preregister to vote.

1 The county board of elections for the county where the applicant resides shall accept the
2 form as application for any of those purposes if the form is submitted as set out in
3 G.S. 163-82.3."

4 **SECTION 8.(b)** This section becomes effective January 1, 2010.

5 **SECTION 9.(a)** G.S. 163-82.4(d) reads as rewritten:

6 "(d) Citizenship and Age Questions. – Voter registration application forms shall include
7 all of the following:

8 (1) The following question and statement:

9 a. "Are you a citizen of the United States of America?" and boxes for
10 the applicant to check to indicate whether the applicant is or is not a
11 citizen of the United States.

12 b. "If you checked 'no' in response to this question, do not submit this
13 form."

14 (2) ~~The question~~ following questions and statement:

15 a. "Will you be 18 years of age on or before election day?" and boxes
16 for the applicant to check to indicate whether the applicant will be 18
17 years of age or older on election day.

18 b. "Are you at least 16 years of age and understand that you must be 18
19 years of age on or before election day to vote?" and boxes for the
20 applicant to check to indicate whether the applicant is at least 16
21 years of age and understands that the applicant must be at least 18
22 years of age or older by election day to vote.

23 c. "If you checked 'no' in response to both of these questions, do not
24 submit this form."

25 (3) ~~The statement "If you checked 'no' in response to either of these questions,~~
26 ~~do not complete this form."~~

27 **SECTION 9.(b)** This section becomes effective January 1, 2010.

28 **SECTION 10.(a)** G.S. 163-82.6 is amended by adding a new subsection to read:

29 "(f) The county board of elections shall forward by electronic means any application
30 submitted for the purpose of preregistration to the State Board of Elections. No later than 60
31 days prior to the first election in which the applicant will be legally entitled to vote, the State
32 Board of Elections shall notify the appropriate county board of elections to verify the
33 qualifications and address of the applicant in accordance with G.S. 163-82.7."

34 **SECTION 10.(b)** This section becomes effective January 1, 2010.

35 **SECTION 11.** G.S. 163-82.6A is amended by adding the following new subsection
36 to read:

37 "(f) Voting in Primary. – Any person who will become qualified by age to register and
38 vote in the general election for which a partisan or nonpartisan primary is held, even though not
39 so qualified by the date of the primary, may register for the primary and general election prior
40 to the primary and then vote in the primary and general election after being registered in
41 accordance with the provisions of this section."

42 **SECTION 12.** G.S. 163-82.10(a) reads as rewritten:

43 **"§ 163-82.10. Official record of voter registration.**

44 (a) Official Record. – The State voter registration system is the official voter
45 registration list for the conduct of all elections in the State. The State Board of Elections and
46 the county board of elections may keep copies of voter registration data, including voter
47 registration applications, in any medium and format expressly approved by the Department of
48 Cultural Resources pursuant to standards and conditions established by the Department and
49 mutually agreed to by the Department and the State Board of Elections. A completed and
50 signed registration application form, if available, described in G.S. 163-82.3, once approved by
51 the county board of elections, becomes backup to the official registration record of the voter.

1 Full or partial social security numbers, dates of birth, the identity of the public agency at which
2 the voter registered under G.S. 163-82.20, and drivers license numbers that may be generated in
3 the voter registration process, by either the State Board of Elections or a county board of
4 elections, are confidential and shall not be considered public records and subject to disclosure
5 to the general public under Chapter 132 of the General Statutes. Cumulative data based on
6 those items of information may be publicly disclosed as long as information about any
7 individual cannot be discerned from the disclosed data. Disclosure of information in violation
8 of this subsection shall not give rise to a civil cause of action. This limitation of liability does
9 not apply to the disclosure of information in violation of this subsection as a result of gross
10 negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The
11 signature of the voter, either on the paper application or an electronically captured image of it,
12 may be viewed by the public but may not be copied or traced except by election officials for
13 election administration purposes. Any such copy or tracing is not a public record.~~The county~~
14 ~~board of elections shall maintain custody of any paper hard copy registration records of voters~~
15 ~~in the county and shall keep them in a place where they are secure."~~

16 **SECTION 13.(a)** G.S. 163-82.19(a) reads as rewritten:

17 "(a) Voter Registration at Drivers License Offices. – The Division of Motor Vehicles
18 shall, pursuant to the rules adopted by the State Board of Elections, modify its forms so that
19 any eligible person who applies for original issuance, renewal or correction of a drivers license,
20 or special identification card issued under G.S. 20-37.7 may, on a part of the form, complete an
21 application to register to ~~vote~~ vote, or to update ~~his~~ the voter's registration if the voter has
22 changed his or her address or moved from one precinct to another or from one county to
23 ~~another~~ another, or to preregister to vote. The person taking the application shall ask if the
24 applicant is a citizen of the United States. If the applicant states that the applicant is not a
25 citizen of the United States, or declines to answer the question, the person taking the
26 application shall inform the applicant that it is a felony for a person who is not a citizen of the
27 United States to apply to register to vote. Any person who willfully and knowingly and with
28 fraudulent intent gives false information on the application is guilty of a Class I felony. The
29 application shall state in clear language the penalty for violation of this section. The necessary
30 forms shall be prescribed by the State Board of Elections. The form must ask for the previous
31 voter registration address of the voter, if any. If a previous address is listed, and it is not in the
32 county of residence of the applicant, the appropriate county board of elections shall treat the
33 application as an authorization to cancel the previous registration and also process it as such
34 under the procedures of G.S. 163-82.9. If a previous address is listed and that address is in the
35 county where the voter applies to register, the application shall be processed as if it had been
36 submitted under G.S. 163-82.9.

37 Registration shall become effective as provided in G.S. 163-82.7. Applications to register to
38 vote accepted at a drivers license office under this section until the deadline established in
39 G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no person who
40 completes an application at that drivers license office shall be denied the vote in that election
41 for failure to apply earlier than that deadline.

42 All applications shall be forwarded by the Department of Transportation to the appropriate
43 board of elections not later than five business days after the date of acceptance, according to
44 rules which shall be promulgated by the State Board of Elections. Those rules shall provide for
45 a paperless, instant, electronic transfer of applications to the appropriate board of elections.
46 Applications for preregistration to vote shall be forwarded to the State Board of Elections."

47 **SECTION 13.(b)** This section becomes effective January 1, 2010.

48 **SECTION 14.(a)** G.S. 163-82.20 reads as rewritten:

49 "§ 163-82.20. **Voter registration at other public agencies.**

50 (a) Voter Registration Agencies. – Every office in this State which accepts:

1 (1) Applications for a program of public assistance under Article 2 of Chapter
2 108A of the General Statutes or under Article 13 of Chapter 130A of the
3 General Statutes;
4 (2) Applications for State-funded State or local government programs primarily
5 engaged in providing services to persons with disabilities, with such office
6 designated by the State Board of Elections; or
7 (3) Claims for benefits under Chapter 96 of the General Statutes, the
8 Employment Security Law,
9 is designated as a voter registration agency for purposes of this section.

10 (b) Duties of Voter Registration Agencies. – A voter registration agency described in
11 subsection (a) of this section shall, unless the applicant declines, in writing, to register or
12 preregister to vote:

13 (1) Distribute with each application for service or assistance, and with each
14 recertification, renewal, or change of address relating to such service or
15 assistance:
16 a. The voter registration application form described in G.S. 163-82.3(a)
17 or (b); or
18 b. The voter registration agency's own form, if it is substantially
19 equivalent to the form described in G.S. 163-82.3(a) or (b) and has
20 been approved by the State Board of Elections, provided that the
21 agency's own form may be a detachable part of the agency's paper
22 application or may be a paperless computer process, as long as the
23 applicant is required to sign an attestation as part of the application to
24 ~~register~~register or preregister.
25 (2) Provide a form that contains the elements required by section 7(a)(6)(B) of
26 the National Voter Registration Act; and
27 (3) Provide to each applicant who does not decline to register or preregister
28 to vote the same degree of assistance with regard to the completion of the
29 registration application as is provided by the office with regard to the
30 completion of its own forms.

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

35 (d) Home Registration for Disabled. – If a voter registration agency provides services to
36 a person with disability at the person's home, the voter registration agency shall provide the
37 services described in subsection (b) of this section at the person's home.

38 (e) Prohibitions. – Any person providing any service under subsection (b) of this
39 section shall not:

40 (1) Seek to influence an applicant's political preference or party registration,
41 except that this shall not be construed to prevent the notice provided by
42 G.S. 163-82.4(c) to be given if the applicant refuses to declare his party
43 affiliation;
44 (2) Display any such political preference or party allegiance;
45 (3) Make any statement to an applicant or take any action the purpose or effect
46 of which is to discourage the applicant from registering or preregistering
47 to vote; or
48 (4) Make any statement to an applicant or take any action the purpose or effect
49 of which is to lead the applicant to believe that a decision to register or
50 preregister or not to register or preregister has any bearing on the availability
51 of services or benefits.

1 (f) Confidentiality of Declination to Register. – No information relating to a declination
2 to register or preregister to vote in connection with an application made at a voter registration
3 agency may be used for any purpose other than voter registration.

4 (g) Transmittal From Agency to Board of Elections. – Any voter registration or
5 preregistration application completed at a voter registration agency shall be accepted by that
6 agency in lieu of the applicant's mailing the application. Any such application so received shall
7 be transmitted to the appropriate board of elections not later than five business days after
8 acceptance, according to rules which shall be promulgated by the State Board of Elections.

9 (h) Twenty-Five-Day Deadline for an Election. – Applications to register accepted by a
10 voter registration agency shall entitle a registrant to vote in any primary, general, or special
11 election unless the registrant shall have made application later than the twenty-fifth calendar
12 day immediately preceding such primary, general, or special election, provided that nothing
13 shall prohibit voter registration agencies from continuing to accept applications during that
14 period.

15 (i) Ineligible Applications Prohibited. – No person shall make application to register or
16 preregister to vote under this section if that person is ineligible ~~to vote~~ on account of age,
17 citizenship, lack of residence for the period of time provided by law, or because of conviction
18 of a felony."

19 **SECTION 14.(b)** This section becomes effective January 1, 2010.

20 **SECTION 15.(a)** G.S. 163-82.23 reads as rewritten:

21 "**§ 163-82.23. Voter registration at public high schools.**

22 Every public high school shall make available to its students and others who are eligible to
23 register and preregister to vote the application forms described in G.S. 163-82.3, and shall keep
24 a sufficient supply of the forms so that they are always available. A local board of education
25 may, but is not required to, designate high school employees to assist in completing the forms.
26 Only employees who volunteer for this duty may be designated by boards of education."

27 **SECTION 15.(b)** This section becomes effective January 1, 2010.

28 **SECTION 16.(a)** G.S. 163-82.25 reads as rewritten:

29 "**§ 163-82.25. Mandated voter registration drive.**

30 The Governor shall proclaim as Citizens Awareness Month the month designated by the
31 State Board of Elections ~~during every even-numbered year annually.~~ During that month, the
32 State Board of Elections shall initiate a statewide voter registration drive and shall adopt rules
33 under which county boards of elections shall conduct the drives. Each county board of elections
34 shall participate in the statewide voter registration drives ~~in accordance with the rules adopted~~
35 by the State Board and conduct voter registration and preregistration drives at public high
36 schools in accordance with local board of education policies, school system administrative
37 procedures, and guidelines of the State Board of Elections."

38 **SECTION 16.(b)** This section becomes effective January 1, 2010.

39 **SECTION 16.1(a)** G.S. 163-85(c) reads as rewritten:

40 "(c) Grounds for Challenge. – Such challenge may be made only for one or more of the
41 following reasons:

- 42 (1) That a person is not a resident of the State of North Carolina, or
- 43 (2) That a person is not a resident of the county in which the person is
44 registered, provided that no such challenge may be made if the person
45 removed his residency and the period of removal has been less than 30 days,
46 or
- 47 (3) That a person is not a resident of the precinct in which the person is
48 registered, provided that no such challenge may be made if the person
49 removed his residency and the period of removal has been less than 30 days,
50 or

- 1 (4) That a person is not 18 years of age, or if the challenge is made within 60
2 days before a primary, that the person will not be 18 years of age by the next
3 general election, or
4 (5) That a person has been adjudged guilty of a felony and is ineligible to vote
5 under G.S. 163-55(2), or
6 (6), (7) Repealed by Session Laws 1985, c. 563, ss. 11.1, 11.2.
7 (7a) That a person is dead,
8 (8) That a person is not a citizen of the United States, or
9 (9) With respect to municipal registration only, that a person is not a resident of
10 the municipality in which the person is registered.
11 (10) That the person presenting himself to vote is not who he represents himself
12 to be."

13 **SECTION 16.1.(b)** G.S. 163-87 reads as rewritten:

14 **"§ 163-87. Challenges allowed on day of primary or election.**

15 On the day of a primary or election, at the time a registered voter offers to vote, any other
16 registered voter of the precinct may exercise the right of challenge, and when he does so may
17 enter the voting enclosure to make the challenge, but he shall retire therefrom as soon as the
18 challenge is heard.

19 On the day of a primary or election, any other registered voter of the precinct may
20 challenge a person for one or more of the following reasons:

- 21 (1) One or more of the reasons listed in G.S. 163-85(c).
22 (2) That the person has already voted in that primary or election.
23 ~~(3) That the person presenting himself to vote is not who he represents himself~~
24 ~~to be.~~
25 (4) If the challenge is made with respect to voting in a partisan primary, that the
26 person is a registered voter of another political party.

27 The chief judge, judge, or assistant appointed under G.S. 163-41 or 163-42 may enter
28 challenges under this section against voters in the precinct for which appointed regardless of
29 the place of residence of the chief judge, judge, or assistant.

30 If a person is challenged under this subsection, and the challenge is sustained under G.S.
31 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if eligible
32 under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if the
33 transfer is made. A person who has transferred his registration under G.S. 163-82.15(e) may be
34 challenged at the precinct to which the registration is being transferred."

35 **SECTION 17.** G.S. 163-132.1B reads as rewritten:

36 **"§ 163-132.1B. Participation in 2010 Census Redistricting Data Program of the United**
37 **States Bureau of the Census.**

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

43 (a1) Reporting of Voting Tabulation Districts. – The Executive Director of the State
44 Board of Elections shall report to the Bureau of the Census as this State's voting tabulation
45 districts the voting precincts as of January 1, 2008. In reporting the precincts, the Executive
46 Director may make to the precincts the minimum of adjustments necessary to assure accurate
47 election administration and the consistent reporting of election results from the precincts as
48 they existed on January 1, 2008. Before making that report, the Executive Director shall consult
49 with the Legislative Services Office concerning the accuracy of the voting precincts to be
50 reported. The Legislative Services Office shall submit to the Executive Director its opinion as
51 to whether the description of the precincts to be reported to the Bureau of the Census is

1 accurate. The Executive Director shall submit the report to the Bureau of the Census in time to
2 comply with the deadlines of that Bureau for the 2010 Census Redistricting Data Program. The
3 Executive Director, with the assistance of the county boards of elections, shall participate in the
4 Census Bureau's verification program and notify the Census Bureau of any errors in the entry
5 of the voting tabulation districts in time for the Census Bureau to correct those errors.

6 (a2) Reporting From Unchanged Voting Tabulation Districts. – After January 1, 2008,
7 every county board of elections shall report all election returns by voting tabulation districts as
8 required by G.S. 163-132.5G. For purposes of this section and G.S. 163-132.5G, "voting
9 tabulation districts" shall be the precincts as of January 1, ~~2008~~–2008, as modified by the
10 Executive Director of the State Board of Elections in reports to the Census Bureau in
11 accordance with subsection (a1) of this section. No county board of elections may alter the
12 voting tabulation districts reported to the Census Bureau by the Executive Director of the State
13 Board of Elections–districts. The county board of elections may change the boundaries of the
14 county's precincts so that those precincts differ from the county's voting tabulation districts, but
15 only to the extent permitted by G.S. 163-132.3.

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

19 **SECTION 18.(a)** G.S. 163-165.3(a) reads as rewritten:

20 "(a) State Board Responsibilities. – The State Board of Elections shall certify the official
21 ballots and voter instructions to be used in every election that is subject to this Article. In
22 conducting its certification, the State Board shall adhere to the following:

- 23 (1) No later than January 31 of every calendar year, the State Board shall
24 establish a schedule for the certification of all official ballots and
25 instructions during that year. The schedule shall include a time for county
26 boards of elections to submit their official ballots and instructions to the
27 State Board for certification and times for the State Board to complete the
28 certification.
- 29 (2) The State Board of Elections shall compose model ballot instructions, which
30 county boards of elections may amend subject to approval by the State
31 Board as part of the certification process. The State Board of Elections may
32 permit a county board of elections to place instructions elsewhere than on
33 the official ballot itself, where placing them on the official ballot would be
34 impractical.
- 35 (3) With regard only to multicounty ballot items on the official ballot, the State
36 Board shall certify the accuracy of the content on the official ballot.
- 37 (4) With regard to the entire official ballot, the State Board shall certify that the
38 content and arrangement of the official ballot are in substantial compliance
39 with the provisions of this Article and standards adopted by the State Board.
- 40 (5) The State Board shall proofread the official ballot of every county, if
41 practical, prior to final production.
- 42 (6) The State Board is not required to certify or review every official ballot style
43 in the county but may require county boards to submit and may review a
44 composite official ballot showing races that will appear in every district in
45 the county.

46 The State Board shall be responsible for ~~oversight of all ballot coding-coding.~~ In order
47 to produce the data necessary for equipment programming, each county shall either contract
48 with a qualified vendor certified by the State Board or supervise trained election staff to
49 produce the data necessary for equipment programming. be certified by the State Board to
50 produce the data."

51 **SECTION 18.(b)** This section becomes effective July 1, 2010.

1 **SECTION 19.** G.S. 163-165.7(e) reads as rewritten:

2 "(e) The State Board of Elections shall facilitate training and support of the voting
3 systems utilized by the counties. The training may be conducted through the use of
4 videoconferencing or other technology."

5 **SECTION 20.** G.S. 163-165.9(b) reads as rewritten:

6 "(b) After the acquisition of any voting system, the county board of elections shall
7 comply with any requirements of the State Board of Elections regarding training and support of
8 the voting system by completing all of the following:

9 (1) The county board of elections shall comply with all specifications of its
10 voting system vendor for ballot printers. The county board of elections is
11 authorized to contract with noncertified ballot printing vendors, so long as
12 the noncertified ballot printing vendor meets all specifications and all quality
13 assurance requirements as set by the State Board of Elections.

14 (2) The county board of elections shall annually maintain software license and
15 maintenance agreements necessary to maintain the warranty of its voting
16 system. The State Board of Elections shall not provide routine maintenance
17 to any county board of elections that does not maintain the warranty of its
18 voting system. If the State Board of Elections provides any maintenance to a
19 county that has not maintained the warranty of its voting system, the county
20 shall reimburse the State for the cost.

21 (3) The county board of elections shall not replace any voting system, or any
22 portion thereof, without approval of the State Board of Elections.

23 (4) The county board of elections may have its voting system repaired pursuant
24 to its maintenance agreement but shall notify the State Board of Elections at
25 the time of every repair, according to guidelines that shall be provided by the
26 State Board of Elections."

27 **SECTION 21.** G.S. 163-166.1 reads as rewritten:

28 "**§ 163-166.1. Duties of county board of elections.**

29 The county board of elections shall:

30 (1) Provide for the timely delivery to each voting place of the supplies, records,
31 and equipment necessary for the conduct of the election.

32 (2) Ensure that adequate procedures are in place at each voting place for a safe,
33 secure, fair, and honest election.

34 (3) Respond to precinct officials' questions and problems where necessary.

35 (4) Provide adequate technical support for the voting system, which shall be
36 done in conjunction with the State Board of Elections."

37 **SECTION 22.(a)** G.S. 163-166.4 reads as rewritten:

38 "**§ 163-166.4. Limitation on activity in the voting place and in a buffer zone around it.**

39 (a) ~~Buffer Zone and Adjacent Area for Election-Related Activity.~~Zone. – No person or
40 group of persons shall hinder access, harass others, distribute campaign literature, place
41 political advertising, solicit votes, or otherwise engage in election-related activity in the voting
42 place or in a buffer zone which shall be prescribed by the county board of elections around the
43 voting place. In determining the dimensions of that buffer zone for each voting place, the
44 county board of elections shall, where practical, set the limit at 50 feet from the door of
45 entrance to the voting place, measured when that door is closed, but in no event shall it set the
46 limit at more than 50 feet or at less than 25 feet.

47 (a1) Area for Election-Related Activity. – Except as provided in subsection ~~(b)~~,(b) of this
48 section, the county board of elections shall also provide an area adjacent to the buffer zone for
49 each voting place in which persons or groups of persons may distribute campaign literature,
50 place political advertising, solicit votes, or otherwise engage in election-related activity.

1 (b) Special Agreements About Election-Related Activity. – The Executive Director of
2 the State Board of Elections may grant special permission for a county board of elections to
3 enter into an agreement with the owners or managers of a nonpublic building to use the
4 building as a voting place on the condition that election-related activity as described in
5 subsection ~~(a)~~(a1) of this section not be permitted on their property adjacent to the buffer zone,
6 if the Executive Director finds all of the following:

- 7 (1) That no other suitable voting place can be secured for the precinct.
- 8 (2) That the county board will require the chief judge of the precinct to monitor
9 the grounds around the voting place to ensure that the restriction on
10 election-related activity shall apply to all candidates and parties equally.
- 11 (3) That the pattern of voting places subject to agreements under this subsection
12 does not disproportionately favor any party, racial or ethnic group, or
13 candidate.

14 An agreement under this subsection shall be valid for as long as the nonpublic building is used
15 as a voting place.

16 (c) Notice About Buffer ~~Zone~~Zone and Area for Election-Related Activity. – No later
17 than 30 days before each election, the county board of elections shall make available to the
18 public the following information concerning each voting place:

- 19 (1) The door from which the buffer zone is measured.
- 20 (2) The distance the buffer zone extends from that door.
- 21 (3) Any available information concerning where political activity, including
22 sign placement, is permitted beyond the buffer zone.

23 (d) Buffer Zone and Area for Election-Related Activity at One-Stop Sites. – Except as
24 modified in this subsection, the~~The~~ provisions of this section shall apply to one-stop voting
25 sites in ~~G.S. 163-227.2, G.S. 163-227.2.~~

26 (1) Subsection (b) of this section shall not apply.

27 (2) ~~except that the~~The notice in subsection (c) of this section shall be provided
28 no later than 10 days before the opening of one-stop voting at the site."

29 **SECTION 22.(b)** This section becomes effective January 1, 2010, and applies to
30 primaries and elections held on and after that date.

31 **SECTION 23.** G.S. 163-227.2(g) reads as rewritten:

32 "(g) Notwithstanding any other provision of this section, a county board of elections by
33 unanimous vote of all its members may provide for one or more sites in that county for
34 absentee ballots to be applied for and cast under this section. A county board of elections may
35 demand and use as a one-stop site under this section any facility that it may demand and use
36 under G.S. 163-129 as an election day voting place except for buildings supported or
37 maintained in whole or in part by or through tax revenues that are utilized primarily for public
38 safety or emergency services purposes. Every individual staffing any of those sites shall be a
39 member or full-time employee of the county board of elections or an employee of the county
40 board of elections whom the board has given training equivalent to that given a full-time
41 employee. Those sites must be approved by the State Board of Elections as part of a Plan for
42 Implementation approved by both the county board of elections and by the State Board of
43 Elections which shall also provide adequate security of the ballots and provisions to avoid
44 allowing persons to vote who have already voted. The Plan for Implementation shall include a
45 provision for the presence of political party observers at each one-stop site equivalent to the
46 provisions in G.S. 163-45 for party observers at voting places on election day. A county board
47 of elections may propose in its Plan not to offer one-stop voting at the county board of elections
48 office; the State Board may approve that proposal in a Plan only if the Plan includes at least one
49 site reasonably proximate to the county board of elections office and the State Board finds that
50 the sites in the Plan as a whole provide adequate coverage of the county's electorate. If a county
51 board of elections has considered a proposed Plan or Plans for Implementation and has been

1 unable to reach unanimity in favor of a Plan, a member or members of that county board of
2 elections may petition the State Board of Elections to adopt a plan for it. If petitioned, the State
3 Board may also receive and consider alternative petitions from another member or members of
4 that county board. The State Board of Elections may adopt a Plan for that county. The State
5 Board, in that plan, shall take into consideration factors including geographic, demographic,
6 and partisan interests of that county. The State Board of Elections shall not approve, either in a
7 Plan approved unanimously by a county board of elections or in an alternative Plan proposed
8 by a member or members of that board, a one-stop site in a building that the county board of
9 elections is not entitled under G.S. 163-129 to demand and use as an election-day voting place,
10 unless the State Board of Elections finds that other equally suitable sites were not available and
11 that the use of the sites chosen will not unfairly advantage or disadvantage geographic,
12 demographic, or partisan interests of that county."

13 **SECTION 24.** G.S. 163-283 reads as rewritten:

14 "**§ 163-283. Right to participate or vote in party primary.**

15 No person shall be entitled to vote or otherwise participate in the primary election of any
16 political party unless ~~he~~that person complies with all of the following:

- 17 (1) Is a registered ~~voter, and~~voter.
- 18 (2) Has declared and has had recorded on the registration book or record the fact
19 that ~~he~~the voter affiliates with the political party in whose primary ~~he~~the
20 voter proposes to vote or ~~participate, and~~participate.
- 21 (3) Is in good faith a member of that party.

22 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under
23 G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that
24 primary except for subdivisions (2) and (3) of the previous paragraph.

25 Any person who will become qualified by age to register and vote in the general election
26 for which the primary is held, even though not so qualified by the date of the primary election,
27 shall be entitled to register while the registration books are open during the regular registration
28 period prior to the primary and then to vote in the primary after being registered, provided
29 however, under full-time and permanent registration, such an individual may register not earlier
30 than 60 days nor later than the last day for making application to register under
31 G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to
32 register and vote in the general election for which the primary is held, who do not register
33 during the special period may register to vote after such period as if they were qualified on the
34 basis of age, but until they are qualified by age to vote, they may vote only in primary
35 elections. Such a person also may register and vote in the primary and general election pursuant
36 to G.S. 163-82.6A(f)."

37 **SECTION 25.** Article 23 of Chapter 163 of the General Statutes is amended by
38 adding a new section to read:

39 "**§ 163-283.1. Voting in nonpartisan primary.**

40 Any person who will become qualified by age to register and vote in the general election
41 for which a nonpartisan primary is held, even though not so qualified by the date of the
42 primary, shall be entitled to register for the primary and general election prior to the primary
43 and then to vote in the primary after being registered. Such a person may register not earlier
44 than 60 days nor later than the last day for making application to register under
45 G.S. 163-82.6(c) prior to the primary. Such a person also may register and vote in the primary
46 and general election pursuant to G.S. 163-82.6A(f)."

47 **SECTION 26.** G.S. 163-330 reads as rewritten:

48 "**§ 163-330. Voting in primary.**

49 Any person who will become qualified by age ~~or residence~~ to register and vote in the
50 general election for which the primary is held, even though not so qualified by the date of the
51 primary, shall be entitled to register for the primary and general election prior to the primary

1 and then to vote in the primary after being registered. Such person may register not earlier than
2 60 days nor later than the last day for making application to register under G.S. 163-82.6(c)
3 prior to the primary. Such a person also may register and vote in the primary and general
4 election pursuant to G.S. 163-82.6A(f)."

5 **SECTION 27.** G.S. 163-182.14 is amended by adding a new subsection to read:

6 "(d) Attorney's fees shall not be awarded against the State Board of Elections in any
7 election protest brought under this Article.

8 **SECTION 28.(a)** G.S. 115C-81(g1)(1)b. reads as rewritten:

9 "b. Instruction on the importance of voting and otherwise participating in
10 the democratic ~~process;~~process, including instruction on voter
11 registration and preregistration."

12 **SECTION 28.(b)** This section becomes effective January 1, 2010.

13 **SECTION 29.(a)** G.S. 115C-47 is amended by adding a new subdivision to read:

14 "(58) To Encourage Student Voter Registration and Preregistration. – Local boards
15 of education are encouraged to adopt policies to promote student voter
16 registration and preregistration. These policies may include collaboration
17 with county boards of elections to conduct voter registration and
18 preregistration in high schools. Completion and submission of voter
19 registration or preregistration forms shall not be a course requirement or
20 graded assignment for students."

21 **SECTION 29.(b)** This section becomes effective January 1, 2010, and applies
22 beginning with the 2010-2011 school year.

23 **SECTION 30.(a)** Section 3(a) of S.L. 2008-150 reads as rewritten:

24 "**SECTION 3.(a)** The State Board of Elections is authorized to select elections for offices
25 of local government in which to use instant runoff voting in up to 10 local jurisdictions in each
26 of the following years: 2009, 2010, and 2011. The selection of jurisdictions and administration
27 of instant runoff voting shall follow the provisions of Section 1(a) of Session Law 2006-192,
28 except that the local governing board that is the subject of the election must approve
29 participation in the pilot and must hold at least one public hearing on the pilot before approving
30 it, with notice of the hearing published at least 10 days before the hearing. The local governing
31 board also must agree to cooperate with the county board of elections and the Board in the
32 development and implementation of a plan to educate candidates and voters about how to use
33 the runoff voting method. In a multiseat contest, the Board shall modify the method used for
34 instant runoff voting in single-seat contests to apply its essential principles suitably to that
35 election. In the case of a board of education election where the "local governing board" must be
36 asked to authorize instant runoff voting because nonpartisan plurality elections are normally
37 used, the "local governing board" is the board of education itself. If instant runoff voting is
38 used in place of the nonpartisan election and runoff method as described in G.S. 163-293, the
39 county board of elections, with the approval of the local governing board, may hold the election
40 on the first Tuesday after the first Monday in November. The State Board of Elections, in
41 consultation with the School of Government at the University of North Carolina, shall by
42 January 1, 2009, develop for the pilot program authorized in this section goals, standards
43 consistent with general election law, and criteria for implementation and evaluation. The pilot
44 program shall be conducted according to those goals, standards, and criteria. The term "ranked
45 choice voting" shall have the same meaning as, and may be used as a substitute for, the term
46 "instant runoff voting" in describing the pilot."

47 **SECTION 30.(b)** This section is effective when it becomes law. The requirement
48 for holding a public hearing applies only to primaries and elections held on and after January 1,
49 2010, but a local governing board may give notice of and conduct a public hearing to satisfy the
50 requirement before January 1, 2010.

1 **SECTION 31.** The Joint Legislative Elections Oversight Committee shall study the
2 following issues raised by the listed bills introduced in the 2009 Regular Session of the 2009
3 General Assembly and make recommendations regarding the standardization of that process to
4 the 2010 Regular Session of the 2009 General Assembly on or before its convening:

5 (1) Senate Bill 417, National Popular Vote Interstate Compact.

6 (2) Senate Bill 596, Filling Vacancies in Local Offices.

7 (3) Senate Bill 878, Judicial Appointment/Voter Retention.

8 **SECTION 32.** Except as otherwise provided, this act is effective when it becomes
9 law.