

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**SENATE BILL 47  
Judiciary I Committee Substitute Adopted 6/7/11**

Short Title: Restore Partisan Judicial Elections.

(Public)

Sponsors:

Referred to:

February 9, 2011

A BILL TO BE ENTITLED  
AN ACT TO RESTORE JUDICIAL ELECTIONS TO A PARTISAN BASIS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Subchapter X (Article 25) of Chapter 163 of the General Statutes is repealed.

**SECTION 2.** G.S. 163-106(c) reads as rewritten:

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

Governor

Lieutenant Governor

All State executive officers

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

Judges of the superior courts

Judges of the district courts

United States Senators

Members of the House of Representatives of the United States

District attorneys

Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the county board of elections 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 primary:

State Senators

Members of the State House of Representatives

All county offices."

**SECTION 3.** G.S. 163-106(d) reads as rewritten:

"(d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any primary in which there are two or more vacancies for associate justices for the Supreme Court, two or more vacancies for the Court of Appeals, two or more vacancies for district court judge, or two vacancies for United States Senator from North Carolina, each candidate shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the vacancy to which ~~he~~ that candidate seeks nomination. Votes cast for a candidate shall be effective only for ~~his~~ his-nomination to the vacancy for which ~~he~~ that candidate has given notice of candidacy as provided in this subsection."

**SECTION 4.** G.S. 163-107(a) reads as rewritten:



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

<b>Office Sought</b>	<b>Amount of Filing Fee</b>
Governor	One percent (1%) of the annual salary of the office sought
Lieutenant Governor	One percent (1%) of the annual salary of the office sought
All State executive offices	One percent (1%) of the annual salary of the office sought
All <u>Justices, Judges, and District Attorneys of the General Court of Justice</u>	One percent (1%) of the annual salary of the office sought
United States Senator	One percent (1%) of the annual salary of the office sought
Members of the United States House of Representatives	One percent (1%) of the annual salary of the office sought
State Senator	One percent (1%) of the annual salary of the office sought
Member of the State House of Representatives	One percent (1%) of the annual salary of the office sought
All county offices not compensated by fees	One percent (1%) of the annual salary of the office sought
All county offices compensated partly by salary and partly by fees	One percent (1%) of the first annual salary to be received (exclusive of fees)

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

**SECTION 5.** G.S. 163-107.1(c) reads as rewritten:

"(c) County, Municipal and District Primaries. – If the candidate is seeking one of the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this section, or a municipal or any other office requiring a partisan primary which is not set forth in G.S. 163-106(c) or (d), ~~he~~the candidate shall file a written petition with the appropriate board of elections no later than 12:00 noon on Monday preceding the filing deadline before the primary. The petition shall be signed by ten percent (10%) of the registered voters of the election area in which the office will be voted for, who are affiliated with the same political party in whose primary the candidate desires to run, or in the alternative, the petition shall be signed by no less than 200 registered voters regardless of said voter's political party affiliation, whichever requirement is greater. The board of elections shall verify the names on the petition, and if the petition is found to be sufficient, the candidate's name shall be printed on the appropriate primary ballot. Petitions for candidates for member of the U.S. House of Representatives, District Attorney, judge of the superior court, judge of the district court, and members of the State House of Representatives from multi-county districts or members of the State Senate from multi-county districts must be presented to the county board of elections for verification at least 15 days before the petition is due to be filed with the State Board of Elections, and such petition must be filed with the State Board of Elections no later than 12:00 noon on Monday preceding the filing deadline. The State Board of Elections may adopt rules to implement this section and to provide standard petition forms."

**SECTION 6.** G.S. 163-111(c)(1) reads as rewritten:

"(c) Procedure for Requesting Second Primary.

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

Governor,  
 Lieutenant Governor,  
 All State executive officers,  
Justices, Judges, or District Attorneys of the General Court of Justice,  
 United States Senators,  
 Members of the United States House of Representatives,  
 State Senators in multi-county senatorial districts, and  
 Members of the State House of Representatives in multi-county representative districts."

**SECTION 7.** G.S. 163-114 reads as rewritten:

**"§ 163-114. Filling vacancies among party nominees occurring after nomination and before election.**

If any person nominated as a candidate of a political party for one of the offices listed below (either in a primary or convention or by virtue of having no opposition in a primary) dies, resigns, or for any reason becomes ineligible or disqualified before the date of the ensuing general election, the vacancy shall be filled by appointment according to the following instructions:

32	Position	
33	President	Vacancy is to be filled by appointment of
34	Vice President	national executive committee of
35		political party in which vacancy occurs
36	Presidential elector or alternate elector	Vacancy is to be filled by appointment of
37	Any elective State office	State executive committee of political
38	United States Senator	party in which vacancy occurs
39	A district office, including:	Appropriate district executive committee of
40	Member of the United States House	political party in which vacancy occurs
41	of Representatives	
42	<u>Judge of district court</u>	
43	District Attorney	
44	State Senator in a multi-county	
45	senatorial district	
46	Member of State House of	
47	Representatives in a multi-county	
48	representative district	
49	State Senator in a single-county	County executive committee of political
50	senatorial district	party in which vacancy occurs,
51	Member of State House of	provided, in the case of the State

1 Representatives in a single-county  
 2 representative district  
 3 Any elective county office

Senator or State Representative in a  
 single-county district where not all the  
 county is located in that district, then in  
 voting, only those members of the  
 county executive committee who reside  
 within the district shall vote

4  
 5  
 6  
 7 Judge of superior court in a  
 8 single-county judicial  
 9 district where the district  
 10 is the whole county or part  
 11 of the county

County executive committee  
of political party in  
which vacancy occurs;  
provided, in the case of  
a superior court judge in a  
single-county district where  
not all the county is  
located in that district,  
then in voting, only those  
members of the county  
executive committee who  
reside within the  
district shall vote

12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20 Judge of superior court in a  
 21 multicounty judicial  
 22 district

Appropriate district  
executive committee of  
political party in which  
vacancy occurs.

23  
 24 The party executive making a nomination in accordance with the provisions of this section shall  
 25 certify the name of its nominee to the chairman of the board of elections, State or county, that  
 26 has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made  
 27 under this section the general election ballots have already been printed, the provisions of  
 28 G.S.163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that  
 29 vacancy arises from a cause other than death and the vacancy in nomination occurs more than  
 30 120 days before the general election, the vacancy in nomination may be filled under this section  
 31 only if the appropriate executive committee certifies the name of the nominee in accordance  
 32 with this paragraph at least 75 days before the general election.

33 In a county which is partly in a multicounty judicial district, in choosing that county's  
 34 member or members of the judicial district executive committee for the multicounty district,  
 35 only the county convention delegates or county executive committee members who reside  
 36 within the area of the county which is within that multicounty district may vote.

37 In a county not all of which is located in one congressional district, in choosing the  
 38 congressional district executive committee member or members from that area of the county,  
 39 only the county convention delegates or county executive committee members who reside  
 40 within the area of the county which is within the congressional district may vote.

41 In a county which is partly in a multi-county senatorial district or which is partly in a  
 42 multi-county House of Representatives district, in choosing that county's member or members  
 43 of the senatorial district executive committee or House of Representatives district executive  
 44 committee for the multi-county district, only the county convention delegates or county  
 45 executive committee members who reside within the area of the county which is within that  
 46 multi-county district may vote.

47 An individual whose name appeared on the ballot in a primary election preliminary to the  
 48 general election shall not be eligible to be nominated to fill a vacancy in the nomination of  
 49 another party for the same office in the same year."

50 **SECTION 8.** G.S. 138A-22(d) reads as rewritten:

1       "(d) A candidate for an office subject to this Article shall file the statement of economic  
2 interest at the same place and in the same manner as the notice of candidacy for that office is  
3 required to be filed under G.S. 163-106 ~~or G.S. 163-323~~ within 10 days of the filing deadline  
4 for the office the candidate seeks. An individual who is nominated under G.S. 163-114 after the  
5 primary and before the general election, and an individual who qualifies under G.S. 163-122 as  
6 an unaffiliated candidate in a general election, shall file a statement of economic interest with  
7 the county board of elections of each county in the senatorial or representative district. An  
8 individual nominated under G.S. 163-114 shall file the statement within three days following  
9 the individual's nomination, or not later than the day preceding the general election, whichever  
10 occurs first. An individual seeking to qualify as an unaffiliated candidate under G.S. 163-122  
11 shall file the statement of economic interest with the petition filed under that section. An  
12 individual seeking to have write-in votes counted for that individual in a general election shall  
13 file a statement of economic interest at the same time the candidate files a declaration of intent  
14 under G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of  
15 economic interest at the same time that the president of the convention certifies the names of its  
16 candidates to the State Board of Elections under G.S. 163-98."

17       **SECTION 9.** G.S. 163-22.3 reads as rewritten:

18       "**§ 163-22.3. State Board of Elections littering notification.**

19       At the time an individual files with the State Board of Elections a notice of candidacy  
20 pursuant to G.S. 163-106, 163-112, 163-291, ~~163-294.2, or 163-323,~~ or 163-294.2, is certified  
21 to the State Board of Elections by a political party executive committee to fill a nomination  
22 vacancy pursuant to G.S. 163-114, is certified to the State Board of Elections by a new political  
23 party as that party's nominee pursuant to G.S. 163-98, qualifies with the State Board of  
24 Elections as an unaffiliated or write-in candidate pursuant to Article 11 of this Chapter, or  
25 formally initiates a candidacy with the State Board of Elections pursuant to any statute or local  
26 act, the State Board of Elections shall notify the candidate of the provisions concerning  
27 campaign signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the Department of  
28 Transportation pursuant to G.S. 136-18."

29       **SECTION 10.** G.S. 163-82.10B reads as rewritten:

30       "**§ 163-82.10B. Confidentiality of date of birth.**

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

- 33       (1) When a voter has filed notice of candidacy for elective office under  
34 G.S. 163-106, 163-122, 163-123, or 163-294.2, ~~or 163-323,~~ has been  
35 nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has  
36 otherwise formally become a candidate for elective office. The exception of  
37 this subdivision does not extend to an individual who meets the definition of  
38 "candidate" only by beginning a tentative candidacy by receiving funds or  
39 making payments or giving consent to someone else to receive funds or  
40 transfer something of value for the purpose of exploring a candidacy.
- 41       (2) When a voter is serving in an elective office.
- 42       (3) When a voter has been challenged pursuant to Article 8 of this Chapter.
- 43       (4) When a voter-registration applicant or registered voter expressly authorizes  
44 in writing the disclosure of that individual's date of birth.

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

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

50       Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of  
51 action. This limitation of liability does not apply to the disclosure of a date of birth in violation

1 of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing  
2 that would otherwise be actionable."

3 **SECTION 11.** G.S. 163-165.5(3) reads as rewritten:

4 **"§ 163-165.5. Contents of official ballots.**

5 Each official ballot shall contain all the following elements:

6 ...

- 7 (3) The names of the candidates as they appear on their notice of candidacy filed  
8 pursuant to G.S. 163-106 ~~or G.S. 163-323~~, or on petition forms filed in  
9 accordance with G.S. 163-122. No title, appendage, or appellation indicating  
10 rank, status, or position shall be printed on the official ballot in connection  
11 with the candidate's name. Candidates, however, may use the title Mr., Mrs.,  
12 Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the  
13 notice of candidacy or qualifying petition, but the nickname shall appear  
14 according to standards adopted by the State Board of Elections. Those  
15 standards shall allow the presentation of legitimate nicknames in ways that  
16 do not mislead the voter or unduly advertise the candidacy. In the case of  
17 candidates for presidential elector, the official ballot shall not contain the  
18 names of the candidates for elector but instead shall contain the nominees for  
19 President and Vice President which the candidates for elector represent. The  
20 State Board of Elections shall establish a review procedure that local boards  
21 of elections shall follow to ensure that candidates' names appear on the  
22 official ballot in accordance with this subdivision.

23 ...."

24 **SECTION 12.** G.S. 163-278.100(1) reads as rewritten:

25 **"§ 163-278.100. Definitions.**

26 As used in this Article, the following terms have the following definitions:

- 27 (1) The term "candidate-specific communication" means any broadcast, cable,  
28 or satellite communication that has all the following characteristics:
- 29 a. Refers to a clearly identified candidate for a statewide office or the  
30 General Assembly.
  - 31 b. Is aired in an even-numbered year after the final date on which a  
32 Notice of Candidacy can be filed for the office, pursuant to  
33 ~~G.S. 163-106(e) or G.S. 163-323~~, G.S. 163-106(c), and through the  
34 day on which the general election is conducted, excluding the time  
35 period set in the definition for "electioneering communication" in  
36 G.S. 163-278.80(2)b.
  - 37 c. Is targeted to the relevant electorate.

38 ...."

39 **SECTION 13.** G.S. 163-278.110(1) reads as rewritten:

40 **"§ 163-278.110. Definitions.**

41 As used in this Article, the following terms have the following definitions:

- 42 (1) The term "candidate-specific communication" means any mass mailing or  
43 telephone bank that has all the following characteristics:
- 44 a. Refers to a clearly identified candidate for a statewide office or the  
45 General Assembly.
  - 46 b. Is transmitted in an even-numbered year after the final date on which  
47 a Notice of Candidacy can be filed for the office, pursuant to  
48 ~~G.S. 163-106(e) or G.S. 163-323~~, G.S. 163-106(c), and through the  
49 day on which the general election is conducted, excluding the time  
50 period set in the definition for "electioneering communication" in  
51 G.S. 163-278.90(2)b.

1 c. Is targeted to the relevant electorate.

2 ...."

3 **SECTION 14.** G.S. 163-1(b) reads as rewritten:

4 "(b) On Tuesday next after the first Monday in May preceding each general election to  
5 be held in November for the officers referred to in subsection (a) of this section, there shall be  
6 held in all election precincts within the territory for which the officers are to be elected a  
7 primary election for the purpose of nominating candidates for each political party in the State  
8 for those ~~offices, and nonpartisan candidates as to offices elected under the provisions of~~  
9 ~~Article 25 of this Chapter, offices."~~

10 **SECTION 15.** G.S. 163-122(c) is repealed.

11 **SECTION 16.** G.S. 163-123(g) reads as rewritten:

12 "(g) Municipal and Nonpartisan Elections Excluded. – This section does not apply to  
13 municipal elections conducted under Subchapter IX of Chapter 163 of the General Statutes, and  
14 does not apply to nonpartisan elections. ~~elections except for elections under Article 25 of this~~  
15 ~~Chapter."~~

16 **SECTION 17.** G.S. 163-278.64(c) reads as rewritten:

17 "(c) Certification of Candidates. – Upon receipt of a submittal of the record of  
18 demonstrated support by a participating candidate, the Board shall determine whether or not the  
19 candidate has complied with all the following requirements:

- 20 (1) Signed and filed a declaration of intent to participate in this Article.
- 21 (2) Submitted a report itemizing the appropriate number of qualifying  
22 contributions received from registered voters, which the Board shall verify  
23 through a random sample or other means it adopts. The report shall include  
24 the county of residence of each registered voter listed.
- 25 (3) Filed a valid notice of candidacy pursuant to Article ~~25~~ 10 of this ~~Chapter.~~  
26 Chapter, a valid petition or declaration of intent under Article 11 of this  
27 Chapter, or is nominated under G.S. 163-98.
- 28 (4) Otherwise met the requirements for participation in this Article.

29 The Board shall certify candidates complying with the requirements of this section as soon  
30 as possible and no later than five business days after receipt of a satisfactory record of  
31 demonstrated support."

32 **SECTION 18.** G.S. 163-278.64A is repealed.

33 **SECTION 19.(a)** Notwithstanding Section 1 of this act, G.S. 163-329 reads as  
34 rewritten:

35 **"§ 163-329. Elections to fill vacancy in office created after primary filing period opens.**

36 (a) General. – If a vacancy is created in the office of justice of the Supreme Court,  
37 judge of the Court of Appeals, or judge of superior court after the filing period for the primary  
38 opens but more than 60 days before the general election, and under the Constitution of North  
39 Carolina an election is to be held for that position, such that the office shall be filled in the  
40 general election as provided in G.S. 163-9, the election to fill the office for the remainder of the  
41 term shall be conducted without a primary using the method provided in subsection (b1) of this  
42 section. If a vacancy is created in the office of justice of the Supreme Court, judge of the Court  
43 of Appeals, or judge of superior court before the filing period for the primary opens, and under  
44 the Constitution of North Carolina an election is to be held for that position, such that the office  
45 shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for  
46 the remainder of the term shall be conducted in accordance with G.S. 163-322.

47 (b) Repealed by Session Laws 2006-192, s. 8(a), effective August 3, 2006, and  
48 applicable to vacancies occurring on or after that date.

49 (b1) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme  
50 Court, judge of the Court of Appeals, or judge of the superior court occurs more than 60 days  
51 before the general election and after the opening of the filing period for the primary, then the

1 State Board of Elections shall designate a special filing period of one week for candidates for  
2 the office. If more than two candidates file and qualify for the office in accordance with  
3 G.S. 163-323, then the Board shall conduct the election for the office as follows:

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

10 (2) When the vacancy described in this section occurs less than 64 days before  
11 the date of the second primary, a general election for all the candidates shall  
12 be held on the same day as the general election for members of the General  
13 Assembly and the plurality method of determining the results shall be used,  
14 as follows:

15 a. When more than one person is seeking election to a single office, the  
16 candidate who receives the highest number of votes shall be declared  
17 elected.

18 b. When more persons are seeking election to two or more offices as  
19 superior court judge (constituting a group) than there are offices to be  
20 filled, those candidates receiving the highest numbers of votes, equal  
21 in number to the number of offices to be filled, shall be declared  
22 elected.

23 ~~"instant runoff voting" method shall be used to determine the winner. Under~~  
24 ~~"instant runoff voting," voters rank up to three of the candidates by order of~~  
25 ~~preference, first, second, or third. If the candidate with the greatest number~~  
26 ~~of first choice votes receives more than fifty percent (50%) of the~~  
27 ~~first choice votes, that candidate wins. If no candidate receives that~~  
28 ~~minimum number, the two candidates with the greatest number of~~  
29 ~~first choice votes advance to a second round of counting. In this round, each~~  
30 ~~ballot counts as a vote for whichever of the two final candidates is ranked~~  
31 ~~highest by the voter. The candidate with the most votes in the second round~~  
32 ~~wins the election. If more than one seat is to be filled in the same race, the~~  
33 ~~voter votes the same way as if one seat were to be filled. The counting is the~~  
34 ~~same as when one seat is to be filled, with one or two rounds as needed,~~  
35 ~~except that counting is done separately for each seat to be filled. The first~~  
36 ~~count results in the first winner. Then the second count proceeds without the~~  
37 ~~name of the first winner. This process results in the second winner. For each~~  
38 ~~additional seat to be filled, an additional count is done without the names of~~  
39 ~~the candidates who have already won. In multi-seat contests, the State Board~~  
40 ~~of Elections may give the voter more than three choices.~~

41 (3) If two or more candidates receiving the highest number of votes each receive  
42 the same number of votes, the board of elections shall resolve the tie in  
43 accordance with G.S. 163-182.8.

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

46 (d) Rules. – The State Board of Elections shall adopt rules for the implementation of  
47 this section. The rules are not subject to Article 2A of Chapter 150B of the General Statutes.  
48 ~~The rules shall include the following:~~

49 (1) ~~If after the first choice candidate is eliminated, a ballot does not indicate one~~  
50 ~~of the uneliminated candidates as an alternative choice, the ballot is~~  
51 ~~exhausted and shall not be counted after the initial round.~~



- 1           (2)    ~~The fact that the voter does not designate a second or third choice does not~~  
2           ~~invalidate the voter's higher choice or choices.~~
- 3           (3)    ~~The fact that the voter gives more than one ranking to the same candidate~~  
4           ~~shall not invalidate the vote. The highest ranking given a particular candidate~~  
5           ~~shall count as long as the candidate is not eliminated.~~
- 6           (4)    ~~In case of a tie between candidates such that two or more candidates have an~~  
7           ~~equal number of first choices and more than two candidates qualify for the~~  
8           ~~second round, instant runoff voting shall be used to determine which two~~  
9           ~~candidates shall advance to the second round."~~

10           **SECTION 19.(b)** G.S. 163-329, as amended by this section, is recodified as  
11 G.S. 163-120.

12           **SECTION 20.** G.S. 105-159.2(b) reads as rewritten:

13           "(b) Returns. – Individual income tax returns must give an individual an opportunity to  
14 agree to the allocation of three dollars (\$3.00) of the individual's tax liability to the North  
15 Carolina Public Campaign Fund. The Department must make it clear to the taxpayer that the  
16 dollars ~~will support a nonpartisan court system, that the dollars will go to the Fund if the~~  
17 taxpayer marks an agreement, and that allocation of the dollars neither increases nor decreases  
18 the individual's tax liability. The following statement must be used to meet this requirement:  
19 "Mark 'Yes' if you want to designate \$3 of taxes to this special Fund for voter education  
20 materials and for candidates who accept spending limits. Marking 'Yes' does not change your  
21 tax or refund." The Department must consult with the State Board of Elections to ensure that  
22 the information given to taxpayers complies with the intent of this section.

23           The Department must inform the entities it approves to reproduce the return that they must  
24 comply with the requirements of this section and that a return may not reflect an agreement or  
25 objection unless the individual completing the return decided to agree or object after being  
26 presented with the statement required by subsection (b) of this section and, as available  
27 background information or instructions, the information required by subsection (c) of this  
28 section. No software package used in preparing North Carolina income tax returns may default  
29 to an agreement or objection. A paid preparer of tax returns may not mark an agreement or  
30 objection for a taxpayer without the taxpayer's consent."

31           **SECTION 21.(a)** G.S. 84-34 reads as rewritten:

32           "**§ 84-34. Membership fees and list of members.**

33           Every active member of the North Carolina State Bar shall, prior to the first day of July of  
34 each year, pay to the secretary-treasurer an annual membership fee in an amount determined by  
35 the Council but not to exceed ~~three hundred dollars (\$300.00), plus a surcharge of fifty dollars~~  
36 ~~(\$50.00) for the implementation of Article 22D of Chapter 163 of the General Statutes, three~~  
37 hundred dollars (\$300.00) and every member shall notify the secretary-treasurer of the  
38 member's correct mailing address. Any member who fails to pay the required dues by the last  
39 day of June of each year shall be subject to a late fee in an amount determined by the Council  
40 but not to exceed thirty dollars (\$30.00). All dues for prior years shall be as were set forth in  
41 the General Statutes then in effect. The membership fee shall be regarded as a service charge  
42 for the maintenance of the several services authorized by this Article, and shall be in addition to  
43 all fees required in connection with admissions to practice, and in addition to all license taxes  
44 required by law. The fee shall not be prorated: Provided, that no fee shall be required of an  
45 attorney licensed after this Article shall have gone into effect until the first day of January of  
46 the calendar year following that in which the attorney was licensed; but this proviso shall not  
47 apply to attorneys from other states admitted on certificate. The fees shall be disbursed by the  
48 secretary-treasurer on the order of the Council. ~~The fifty dollar (\$50.00) surcharge shall be sent~~  
49 ~~on a monthly schedule to the State Board of Elections.~~ The secretary-treasurer shall annually, at  
50 a time and in a law magazine or daily newspaper to be prescribed by the Council, publish an  
51 account of the financial transactions of the Council in a form to be prescribed by it. The

1 secretary-treasurer shall compile and keep currently correct from the names and mailing  
2 addresses forwarded to the secretary-treasurer and from any other available sources of  
3 information a list of members of the North Carolina State Bar and furnish to the clerk of the  
4 superior court in each county, not later than the first day of October in each year, a list showing  
5 the name and address of each attorney for that county who has not complied with the provisions  
6 of this Article. The name of each of the active members who are in arrears in the payment of  
7 membership fees shall be furnished to the presiding judge at the next term of the superior court  
8 after the first day of October of each year, by the clerk of the superior court of each county  
9 wherein the member or members reside, and the court shall thereupon take action that is  
10 necessary and proper. The names and addresses of attorneys so certified shall be kept available  
11 to the public. The Secretary of Revenue is hereby directed to supply the secretary-treasurer,  
12 from records of license tax payments, with any information for which the secretary-treasurer  
13 may call in order to enable the secretary-treasurer to comply with this requirement.

14 The list submitted to several clerks of the superior court shall also be submitted to the  
15 Council at its October meeting of each year and it shall take the action thereon that is necessary  
16 and proper."

17 **SECTION 21.(b)** G.S. 163-278.63(b)(7) is repealed.

18 **SECTION 21.(c)** Any unexpended funds from the tax on attorneys under  
19 G.S. 163-278.63(b)(7) and G.S. 84-34 shall be retained by the State Board of Elections for the  
20 North Carolina Public Campaign Fund.

21 **SECTION 22.** This act becomes effective with respect to primaries and elections  
22 held on or after January 1, 2012.