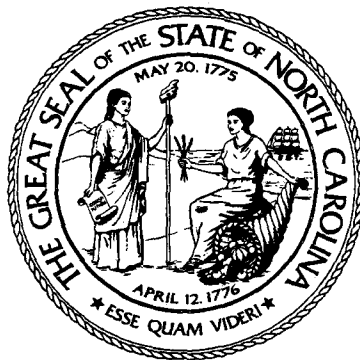


LEGISLATIVE RESEARCH COMMISSION

ELECTION LAWS REFORM



REPORT TO THE
1997 GENERAL ASSEMBLY
OF NORTH CAROLINA

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STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27601-1096

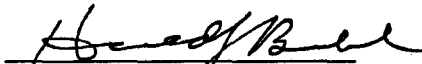


January 3, 1996

TO THE MEMBERS OF THE 1997 GENERAL ASSEMBLY (REGULAR SESSION 1997):

The Legislative Research Commission herewith submits to you for your consideration its Final report on Election Laws Reform. The report was prepared by the Legislative Research Commission's Committee on Election Laws Reform pursuant to G.S. 120-30.17(1).

Respectfully submitted,


Harold J. Brubaker
Speaker of the House


Marc Basnight
President Pro Tempore

Cochairs
Legislative Research Commission





1995-1996

LEGISLATIVE RESEARCH COMMISSION

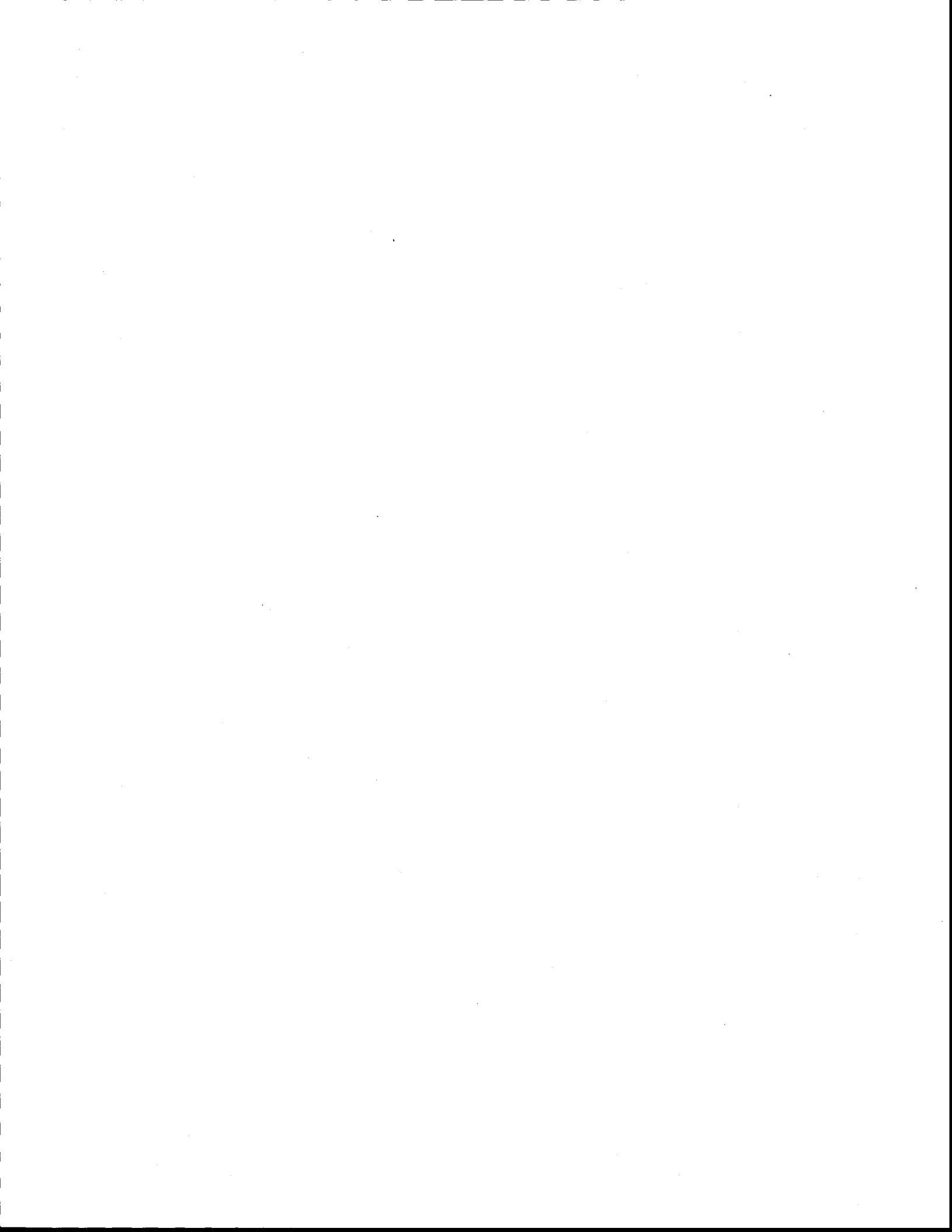
MEMBERSHIP

President Pro Tempore of
the Senate
Marc Basnight, Cochair

Senator Frank W. Ballance, Jr.
Senator R. L. Martin
Senator Henry McKoy
Senator J. K. Sherron, Jr.
Senator Ed N. Warren

Speaker of the House
of Representatives
Harold J. Brubaker, Cochair

Rep. Jerry C. Dockham
Rep. Larry Linney
Rep. Edd Nye
Rep. Gregory J. Thompson
Rep. Constance K. Wilson

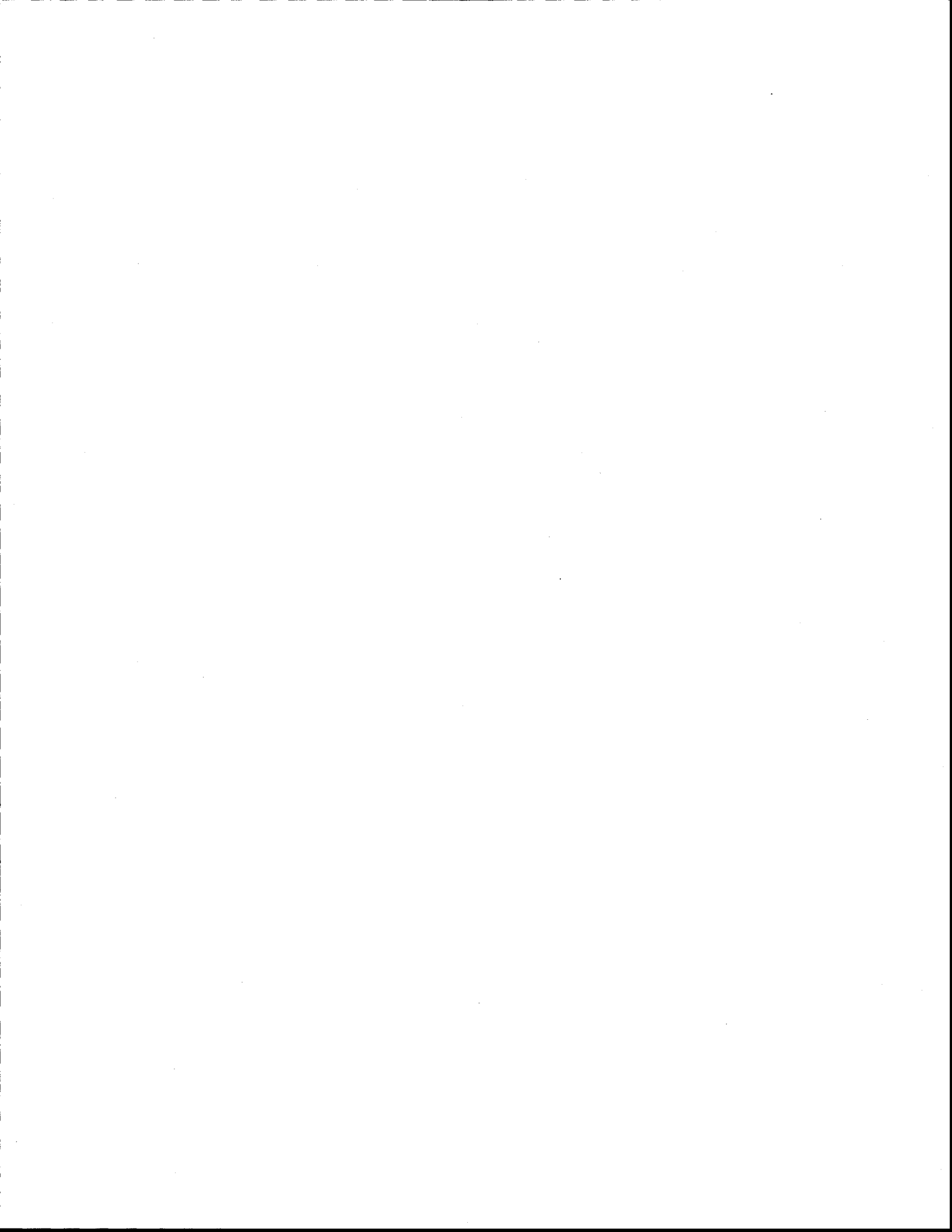


PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is the general purpose study group in the Legislative Branch of State Government. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

The Legislative Research Commission, prompted by actions during the 1995 Session and 1996 Sessions, has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Cochairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Cochairs, one from each house of the General Assembly, were designated for each committee.

The study of Election Laws Reform was authorized by Section 2.7 of Chapter 542 of the 1995 Session Laws (First Session, 1995). The relevant portions of Chapter 542 are included in Appendix A. The Legislative Research Commission authorized this study under authority of G.S. 120-30.17(1) and grouped this study in its Election Laws Reform area under the direction of Representative Connie Wilson. The Committee was chaired by Senator Wib Gulley and Representative Lanier Cansler. The full membership of the Committee is listed in Appendix B of this report. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.



COMMITTEE PROCEEDINGS

REPORT TO 1996 SHORT SESSION.

After its initial appointment in 1995, the Election Laws Reform Committee held four meetings before the 1996 Short Session. The Committee made a report to the Short Session that contained recommendations for nine pieces of legislation. That report was transmitted by the LRC to the Short Session. All nine of the recommendations were introduced as bills, and seven of those bills were ratified:

1. Chapter 561 (Senate Bill 1116) – AN ACT TO ALLOW PERSONS WHO ARE UNABLE TO GO TO THE POLLS BECAUSE OF OBSERVANCE OF A RELIGIOUS HOLIDAY TO CAST AN ABSENTEE BALLOT.
2. Chapter 608 (House Bill 1159) -- AN ACT TO REPEAL THE SUNSET ON DESIGNATION OF EMPLOYMENT SECURITY COMMISSION OFFICES AS VOTER REGISTRATION AGENCIES AND TO PROVIDE FOR FUNDING.
3. Chapter 553 (House Bill 1158) -- AN ACT TO PROVIDE FOR HOLDING THE CANVASS FOR PRIMARIES AND ELECTIONS ON THE THIRD RATHER THAN THE SECOND DAY AFTER ELECTION DAY. (The General Assembly made a small clarifying amendment to the bill.)
4. Chapter 554 (House Bill 1173) -- AN ACT TO ALLOW PRECINCT ASSISTANTS TO WORK SPLIT SHIFTS.
5. Chapter 734 (House Bill 1203) -- AN ACT TO ALLOW THE APPOINTMENT IN CERTAIN CIRCUMSTANCES OF PRECINCT OFFICIALS, OBSERVERS, AND BALLOT COUNTERS FOR A PRECINCT WHO ARE NOT REGISTERED TO VOTE IN THAT PRECINCT. (The General Assembly amended the Study Committee's recommendation before ratifying the bill. The chief amendments were to require a unanimous vote of the board of elections before it could appoint a precinct official from outside the precinct, and to include the appointment of nonresidents as observers.)
6. Chapter 694 (House Bill 1162) -- AN ACT TO PROHIBIT THE USE OF INELIGIBLE VOTER'S TESTIMONY ABOUT HOW THE VOTE WAS CAST; TO GIVE THE PERSON PROTESTING THE ELECTION THE RIGHT TO CALL FOR A NEW ELECTION WHEN THE NUMBER OF INELIGIBLE VOTERS EXCEEDS THE MARGIN OF VICTORY; AND TO MAKE RELATED CHANGES. (The General Assembly amended the Study Committee's recommendation before ratifying the bill. The chief amendment was to remove a provision that would have required that any new election be held in the entire jurisdiction in which the original election was held.)
7. Chapter 593 (House Bill 1157) -- AN ACT TO CODIFY AND CLARIFY THE STATE BOARD OF ELECTIONS' RULING CONCERNING CONTRIBUTIONS TO STATE CAMPAIGNS BY FEDERAL COMMITTEES. (The General Assembly made a small clarifying amendment to the bill.)

All seven of those ratified bills were submitted for preclearance to the U.S. Department of Justice as required by the Voting Rights Act of 1965. All seven were precleared by September 30.

Two of the Study Committee's recommendations to the Short Session were not enacted. They were:

- A BILL TO BE ENTITLED AN ACT TO MAKE CORRECTIONS IN THE 1994 LEGISLATION DESIGNED TO BRING NORTH CAROLINA INTO COMPLIANCE WITH THE NATIONAL VOTER REGISTRATION ACT. This was introduced as House Bill 1160 and Senate Bill 1123. SB 1123 passed both the Senate and the House, but an amendment added to the bill in the House was not agreed to by the Senate.

- A BILL TO BE ENTITLED AN ACT TO ADD TO THE MODES OF ELECITON THAT MAY BE CHOSEN LOCALLY FOR CITY AND COUNTY GOVERNMENTS THE FOLLOWING:CUMULATIVE VOTING AND PREFERENCE VOTING. This was introduced as House Bill 1161 and Senate Bill 1121. SB 1121 was debated in the Senate Judiciary II Committee, but was not reported out.

PUBLIC HEARINGS – August 29 through October 14, 1996

The Study Committee conducted four public hearings on the subject of campaign finance reform. The hearings were as follows:

August 29 – Asheville. Eighteen people signed the attendance list, and 17 spoke.

September 12 – Charlotte. Eleven people signed the attendance list, and five spoke.

September 18 – Durham. Fifty-two signed the attendance list, and 29 spoke.

October 14 -- Wilmington. Thirty signed the attendance list, and 16 spoke.

At each of the four hearings, Senator Gulley explained his proposed North Carolina Clean Election Act. That draft bill would appropriate General Fund money to fund the campaign of any candidate for Governor, Council of State, or General Assembly who agreed to spending limits. If the candidate agreed to the spending limit and met certain threshold qualifications, that candidate would get from the public treasury the full amount that candidate would be permitted to spend.

Most speakers at the hearings reacted to Sen. Gulley's proposal, or to the concept of public funding of campaigns. Others simply spoke about the need for campaign finance reform generally.

FIFTH MEETING OF COMMITTEE – December 3, 1996

At its fifth meeting December 3, 1996 (its first meeting since the Short Session), the Committee voted to recommend to the 1997 General Assembly a bill to remove the extra contribution limit period for the second primary for candidates who are not on the ballot in a second primary. The bill was proposed by Sen. Gulley. That bill is contained as Legislative Proposal I at Appendix F. In their discussion of the proposal, some Committee members questioned the need to continue having second primaries. They requested the following information about second primaries in North Carolina since 1990:

- How many second primaries were held since 1990? (In 1990 the threshold for nomination of the front-runner in the first primary changed from 50% to 40%.)
- What was the drop off in turnout between first and second primaries?
- Where a second primary occurred, what percentage of the vote did the front-runner have in the first primary?
- How often did the front-runner in the first primary lose in the second primary?

The answers to those questions were presented at the December 17 meeting. They are included at Appendix C.

The Committee heard three draft bills presented by members:

1. Senator Gulley's proposed Clean Election Act.
2. Representative Cansler's proposed Campaign Standards Code.
3. Representative Weatherly's proposed Independent Redistricting Commission.

The Committee debated the three bills and agreed to delay a vote on them until the December 17 meeting.

Several members indicated that they wanted the Committee to consider several things before making its final report. Mr. Mortimer asserted that the Committee had a duty to consider proposals made in April by the Libertarian Party about ballot access. He said a subcommittee on ballot access that had been appointed in April should meet, consider the Libertarians' recommendations, and report to the full Committee. Mr. Mortimer said he would like to ask the Committee to recommend again to the General Assembly his proposal for cumulative voting and preference voting by local option. Representative Weatherly asked that he be allowed to present his proposal to prohibit the use of limited voting and extension of terms for local governments. Representative Connie Wilson said that she would like to bring to the Committee several ideas, including the possibility of requiring voter identification.

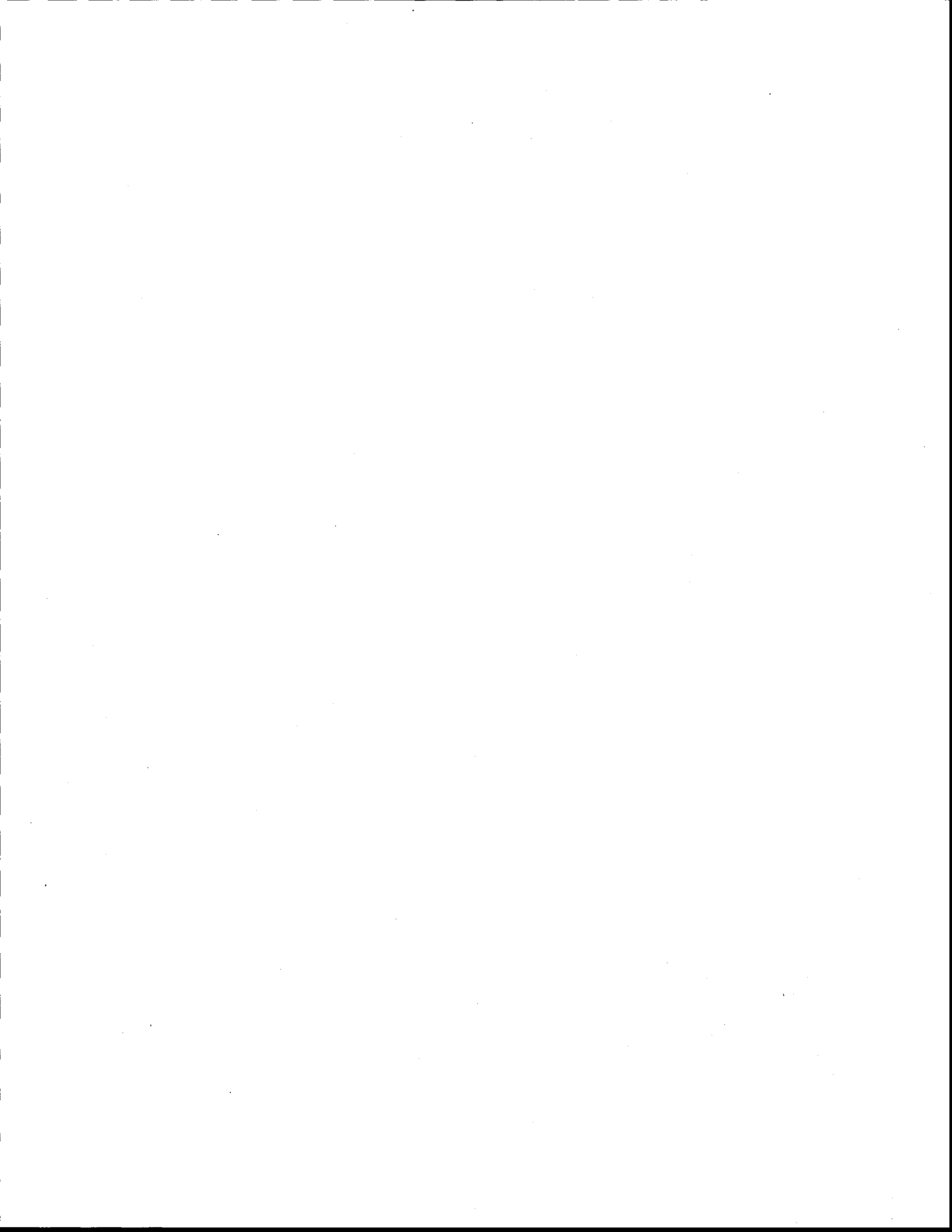
SIXTH MEETING – December 17, 1996

At its sixth meeting on December 17, 1996, the Committee adopted four of the five recommendations contained in this report, all of them proposals that had been presented to the Committee earlier. They were:

- The Campaign Standards Code, proposed by Representative Cansler at the December 3 meeting. That is included at Appendix G as Legislative Proposal II.
- The Independent Redistricting Commission, proposed by Representative Weatherly at the December 3 meeting. That is included at Appendix H as Legislative Proposal III.
- Ballot Access Changes, which included several proposals made at the March 5 meeting by Candace Copas of the Libertarian Party and recommended by the subcommittee on ballot access. That subcommittee met on December 17 before the full Committee meeting. The subcommittee's co-chairs were Representative Weatherly and Senator Leslie Winner. Representative John Rayfield and Mr. Jerry Meek were also members. (Senator Winner was not present at the subcommittee meeting.) The Committee's recommendation is included at Appendix I as Legislative Proposal IV.
- Modified At-Large Voting, the same proposal recommended by the Committee to the Short Session. That is included at Appendix J as Legislative Proposal V.

The Committee heard and discussed other proposals without taking a vote on whether to recommend them to the General Assembly:

- Sen. Gulley's proposed Clean Campaign Act. After a continuation of the previous meeting's debate on the bill, Sen. Gulley withdrew it from consideration before the Committee, saying that he nonetheless wanted the idea to receive further consideration by the public and the General Assembly. Before Sen. Gulley withdrew the bill, however, the Committee voted in favor of an amendment to it offered by Sen. Daniel Page. His amendment dealt with political committees designed to support a party's legislative candidates. It would prohibit such committees from receiving contributions from, or at the behest of, registered lobbyists during the General Assembly's long session. Currently, legislators are prohibited from receiving such contributions, but party legislative PACs are not.
 - Rep. Wilson's proposed Political Information Act. Her proposal contained six items that dealt with campaign finance reform and with electing all legislators from single-member districts. One of the items was identical to the amendment from Sen. Page that the Committee had voted to attach to Sen. Gully's bill before it was withdrawn. Rep. Wilson said that because the committee had not seen her proposal before, she would not ask that the Committee vote to recommend it to the General Assembly.
 - Some alternative proposals from Rep. Cansler to require voter identification at the polls. He did not ask that they be voted on.
 - A proposal by Rep. Weatherly to prohibit limited voting and extending terms. He said he believes court action is likely to make his immediate concern moot, but he would like for the next election study to include mention of the bill. The committee voted to do so.
 - The concept of early voting, suggested by Ms. Sarah Gullledge.
- Fuller summaries of some of those proposals are included at Appendix E.



FINDINGS AND RECOMMENDATIONS

I. SECOND PRIMARY LOOPHOLE.

FINDING I -- The General Assembly has decided to limit the impact of big money on politics by setting a \$4,000 limit on the amount one contributor may give to one politician in one election. Primary, second primary, and general election each count as one "election." The purpose of the \$4,000 contribution limit is undercut by a loophole that allows a candidate to receive an additional \$4,000 from a single donor for a second primary even if the candidate is not on the ballot in a second primary.

RECOMMENDATION I -- The Committee recommends that the law be made clear that a second primary counts as an "election" for purposes of the contribution limit law only with respect to a candidate who is on the ballot in a second primary. (See Legislative Proposal I at Appendix F.)

II. CAMPAIGN STANDARDS.

FINDING II -- The public's growing disgust with politics has been fueled by the lowering standards of discourse in campaigns. The lion's share of campaign ads are attack ads. In an effort to "raise the negatives" of their opponents, candidates feel justified in using, if not outright lies, at least substantial distortions of their opponents' records. The First Amendment prevents most government regulation of political speech. Knowing use of falsehood, however, is actionable both civilly and criminally, even in political expression. The State of Ohio has given the bipartisan commission that enforces its campaign-finance laws the additional duty of addressing complaints about intentional false statements in campaigns. The Ohio Statute contains a code on campaign conduct that specifies types of false statements that should not be made in a campaign. Although a court has invalidated the Ohio commission's power to fine violators and issue cease-and-desist orders, the commission continues to rule on false-statement complaints and write letters of reprimand. In other places, such as Minnesota, voluntary groups have worked out codes of campaign conduct that address misleading as well as merely false statements.

RECOMMENDATION II -- The Committee recommends that the 1997 General Assembly consider placing in the statutes a Code of Campaign Standards that addresses the intentional use of false or misleading statements in a campaign. The Code would be enforced by a bipartisan Campaign Standards Commission, independent but administratively housed in the State Board of Elections. The Commission's remedy would consist of issuing a letter of reprimand to any person it found to have violated the Code. If the Commission additionally found evidence of violation of the existing criminal statute against campaign slander, it could forward the matter to the appropriate district attorney. (See Legislative Proposal II at Appendix G)

III. REDISTRICTING.

FINDING III -- The North Carolina General Assembly faces the constitutional duty of redrawing the districts of its own houses and of the State's U.S. House delegation every 10 years after each federal census. The process drains energy from other legislative endeavors and cannot be divorced from political considerations if done by legislators whose interests are at stake. At the urging of Common Cause and other reform-minded groups, some states have attempted to insulate redistricting from direct control by the legislature.

RECOMMENDATION III -- The Committee recommends that the 1997 General Assembly consider putting before the people a constitutional amendment to create an Independent Redistricting Commission. The Commission would be charged with drawing legislative and congressional districts after every census without considering party politics or the

residency of incumbents. The General Assembly would no longer decide on legislative or congressional redistricting. (See Legislative Proposal III at Appendix H.)

IV. BALLOT ACCESS.

FINDING IV -- North Carolina is one of the more restrictive states in allowing third parties access to the general election ballot. Although there may be benefits to current laws in preventing ballot clutter and confusion, some of the restrictions may need to be loosened. Specifically,

1. The deadline for new parties to file their petitions for ballot access is the June 1 before the general election, an earlier deadline than election-administration concerns make necessary.
2. County boards of elections are given two weeks to verify all the names on a new party's petitions, regardless of whether the party's qualifying deadline, or any other deadline of concern to the party, is imminent.
3. The petition wording prescribed in the statute ends with this sentence: "THE SIGNERS OF THIS PETITION INTEND TO ORGANIZE A NEW POLITICAL PARTY TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION." Third-party proponents feel that statement has a chilling effect on potential signers, making them think they would be committing themselves to do something more to "organize" the party, when in fact they only desire that the party have the right to be on the ballot.
4. When a party loses its ballot status, boards of elections are required to go to the expense of changing the records of voters affiliated with that party to "Unaffiliated."

RECOMMENDATION IV -- The Committee recommends that the 1997 General Assembly do the following:

1. Move to the second Thursday in July before the general election the deadline for new parties to file their petitions for ballot access.
2. Give county boards of elections 15 business days to verify all the names on a new party's petitions, and allow them to extend their deadline if there is no disadvantage to the petitioners.
3. Change the petition wording to say: "THE SIGNERS OF THIS PETITION DESIRE THAT A NEW POLITICAL PARTY BE ORGANIZED TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION."
4. Allow voters affiliated with an expired political party to keep that designation on the registration books.

(See Legislative Proposal IV at Appendix I.)

V. MODIFIED AT-LARGE VOTING.

FINDING V -- There is an interest in the use of voting methods that afford minorities of all sorts the ability to have a voice in choosing representatives without the drawing of gerrymandered districts. Among the methods that have been proposed are cumulative and preference voting. (For an explanation of those methods, see Appendix H of the Committee's report to the 1996 Short Session) An appropriate vehicle for experimenting with those methods might be the election of Boards of Commissioners and City Councils in North Carolina. A local-option law for election of local boards appears in both the city and county government chapters of the General Statutes. That local option law allows the local governing board to change its own mode of election, selecting from a menu of choices listed in the law. The menu now includes at-large representation, district representation, partisan primary and election, nonpartisan primary and election, etc. The county local option law requires such a change to be initiated by the commissioners and approved by the voters in a referendum. The city local option law allows the City Council to make the change, subject to a referendum only if 10% of the voters petition for a vote. The city law, unlike the county law, also provides for voters to initiate the change by petition, bypassing the council. There is no such local option law for school boards.

RECOMMENDATION V -- The Committee recommends that the 1997 General Assembly consider adding cumulative and preference voting to the menu of choices available to counties and cities in the election of Boards of County Commissioners and City Councils. (See Legislative Proposal V at Appendix J.)

APPENDIX A

CHAPTER 542

1995 Session Laws (1995 Session)

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMISSIONS, TO DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES, TO MAKE VARIOUS STATUTORY CHANGES, AND TO MAKE TECHNICAL CORRECTIONS TO CHAPTER 507 OF THE 1995 SESSION LAWS.

The General Assembly of North Carolina enacts:

PART I.-----TITLE

Section 1. This act shall be known as "The Studies Act of 1995".

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Sec. 2.1. The Legislative Research Commission may study the topics listed below. When applicable, the 1995 bill or resolution that originally proposed the issue or study and the name of the sponsor is listed. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The topics are:

. . .

(8) Election laws reform (S.B. 982 - Plexico; H.B. 922 - Cansler; H.B. 858 - Miner)

. . .

Sec. 2.8. Committee Membership. For each Legislative Research Commission committee created during the 1995-96 biennium, the cochairs of the Legislative Research Commission shall appoint the committee membership.

Sec. 2.9. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1996 Regular Session of the 1995 General Assembly, if approved by the cochairs, or the 1997 General Assembly, or both.

Sec. 2.10. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

Sec. 2.11. Funding. From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission....

. . .

PART XXVI.-----EFFECTIVE DATE

Sec. 26.1. This act is effective upon ratification.

**APPENDIX B
ELECTION LAWS REFORM COMMITTEE
MEMBERSHIP
1995 - 1996**

LRC Member: Rep. Constance K. Wilson
726 Lansdowne Road
Charlotte, NC 28270
(704) 364-2311

President Pro Tempore Appointments

Sen. Wib Gulley, Cochair
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(919) 419-4447

Ms. Sara Gullede
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Monroe, NC 28112

Mr. Jerry Meek
110-J Lake Claire Place
Fayetteville, NC 28304

Mr. Lee Mortimer
4116 Livingstone Place
Durham, NC 27707

Sen. Daniel E. Page
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Sen. J. Clark Plexico
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Hendersonville, NC 28739
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Sen. Leslie Winner
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Staff:

Mr. Bill Gilkeson
Research Division
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Mr. Gerry Cohen
Bill Drafting Division
(919) 733-6660

Speaker's Appointments

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Asheville, NC 28803
(704) 298-8514

Rep. Frances M. Cummings
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Lumberton, NC 28359
(910) 739-6800

Rep. Linwood E. Mercer
100 North Main Street
Farmville, NC 27828
(919) 753-2026

Rep. David M. Miner
108 Lakewater Drive
Cary, NC 27511
(919) 552-2311

Rep. John M. Rayfield
119 Oak Trail
Belmont, NC 28012
(704) 827-2679

Mr. C.P. Stewart
Route 3, Box 718
Lillington, NC 27546

Rep. John H. Weatherly
142 Quail Hollow Drive
Kings Mountain, NC 28086

Clerk:

Ms. Betty Harrison
Room 420/LOB
(919) 715-3001

APPENDIX C

SECOND PRIMARIES 1990-1996 Statewide Races, U.S. House races, Legislative Races.

| Year | Office | Total # of Votes in First Primary | Front-runner and Second Candidate in First Primary (by party) | % of Votes for Front-runner in First Primary | % of Votes for Second Candidate in First Primary | Total # of Votes in Second Primary | Second Primary Winner | % drop-off in Voting between First and Second Primary |
|------|---|-----------------------------------|---|--|--|------------------------------------|-----------------------|---|
| 1990 | U.S. Senate | 693,496 | 1. Gantt (D) 2. Easley (D) | 37.52% | 30.27% | 480,850 | Gantt | 30.66% |
| 1992 | Superintendent of Public Instruction | 214,409 | 1. Little (R) 2. Robinson (R) | 35.22% | 32.57% | 45,556 | Little | 78.75% |
| | U.S. Congress - 1 st District | 88,199 | 1. Jones (D) 2. Clayton (D) | 38.13% | 31.15% | 78,939 | Clayton | 10.50% |
| | U.S. Congress - 2 nd District | 19,836 | 1. Davis (R) 2. Israel (R) | 24.44% | 24.32% | 7,316 | Davis | 63.12% |
| | U.S. Congress - 12 th District | 8,687 | 1. Washington (R) 2. Jones (R) | 33.82% | 22.07% | 1,932 | Washington | 77.76% |
| | N.C. House - District 46* | 17,807 | 1. Buchanan (R) 2. Thompson (R) | 39.43% | 39.15% | 5,352 | Thompson | 69.94% |
| | N.C. House - District 77 | 6,965 | 1. Moore (D) 2. Stewart (D) | 39.18% | 35.16% | 5,841 | Moore | 16.14% |
| 1994 | N.C. Court of Appeals | 479,954 | 1. Tyson (D) 2. McCrodden (D) | 38.77% | 34.73% | 171,072 | McCrodden | 64.36% |
| | U.S. Congress - 9 th District | 35,313 | 1. Myrick (R) 2. Balmer (R) | 34.47% | 28.02% | 25,991 | Myrick | 26.40% |
| | N.C. House - District 28 | 3,216 | 1. Burton (D) 2. Boyd-McIntyre (D) | 36.91% | 34.79% | 1,200 | Boyd-McIntyre | 62.69% |
| | N.C. House - District 69 | 3,801 | 1. Lemmond (R) 2. Daly (R) | 37.91% | 31.52% | 3,946 | Lemmond | -3.81% |
| 1996 | N.C. Secretary of State | 481,159 | 1. Marshall (D) 2. Lee (D) | 27.13% | 20.49% | 116,202 | Marshall | 75.85% |
| | N.C. Commissioner of Agriculture | 199,455 | 1. Davidson (R) 2. Gray (R) | 33.11% | 27.43% | 40,058 | Davidson | 79.92% |
| | U.S. Congress - 7 th District | 52,684 | 1. Lowry-Townsend (D) 2. McIntyre (D) | 30.23% | 23.40% | 31,153 | McIntyre | 40.87% |
| | U.S. Congress - 7 th District | 19,198 | 1. Anderson (R) 2. Caster (R) | 37.38% | 32.30% | 9,982 | Caster | 48.01% |
| | U.S. Congress - 8 th District | 22,797 | 1. Morgan (R) 2. Blackwood (R) | 35.32% | 28.88% | 5,321 | Blackwood | 76.66% |

* House District 46 is a two-member district. In the Republican first primary, David T. Flaherty, Jr. received more than 40% of half the total votes cast in the race and therefore was declared nominated without a second primary. Rep. Charles Buchanan and Greg Thompson were in a second primary for the other seat.

Sarah Kamprath of the Legislative Services Office did most of the research for this chart.

N.C. 2ND Primaries in Which Frontrunner in 1ST Primary Was Defeated

| | US Senate | US House | Governor | Lt. Gov. | C-O-S | NC Senate | NC House |
|------|---------------|------------------------------|--------------------|--------------|-----------------------------|-----------|---|
| 1988 | | | | | | | Dist. 19 - ^{John} Stewart - Marshall |
| 1986 | | | | | | | Dist. 1 - R. Thompson Winnie Wood |
| 1984 | | Dist. 9 - Martin Susan Green | | | | | |
| 1982 | | Dist. 7 - Valentine Michaux | | | | ↑ | ↑ |
| 1980 | | | | | | No | No |
| 1978 | Ingram-Hodges | | | | | | |
| 1976 | | Dist. 3 - Whitley-Love | | Green-Lee | Labor - Brooks-Scott | | |
| 1974 | | | | | | Data | Data |
| 1972 | | Dist. 4 - Andrews-Coggins | Holshouser-Gardner | | Insurance - Ingram Sechrest | Included | Included |
| 1970 | | | | | | Before | Before |
| 1968 | | | | | | 1984. | 1984. |
| 1966 | | | | | | | |
| 1964 | | | Moore-Preyer | | | | |
| 1962 | | | | | | | |
| 1960 | | | | | | | |
| 1958 | | | | | | | |
| 1956 | | Dist. 11 - Whitener-Gardner | | | | | |
| 1954 | | | | | | | |
| 1952 | | | | | | | |
| 1950 | Smith-Graham | | | | | | |
| 1948 | | | Scott-Johnson | | | | |
| 1946 | | Dist. 5 - Folger-Chatham | | | | | |
| 1944 | | | | | | | |
| 1942 | | | | | | | |
| 1940 | | | | | | | |
| 1938 | | | | | | | |
| 1936 | | | | Horton-Grady | Secy of State - Eure - Wade | | |
| 1934 | | | | | | | |
| 1932 | | | | | | | |
| 1930 | | | | | | | |
| 1928 | | | | | | | |
| 1926 | | | | | | | |
| 1924 | | | | | | | |
| 1922 | | | | | | | |
| 1920 | | | | | | | |

* Frontrunner in First Primary is the name listed second in each case.


EMPLOYMENT SECURITY COMMISSION OF NORTH CAROLINA

POST OFFICE BOX 25903, RALEIGH, NORTH CAROLINA 27611



MEMORANDUM

TO: Mark Trogdon
Fiscal Research Division
General Assembly

FROM: J. Parker Chesson, Jr. 

DATE: December 2, 1996

SUBJECT: Voter Registration Fund

The attached information regarding the use of funds and voter registration statistics is provided as required by House Bill 230, Section 25.10(b), as ratified by the 1995 Session of the General Assembly.

The Employment Security Commission has not developed any changes in the procedures utilized for voter registration. I certainly appreciate your providing a copy of this report to the Election Law Reform Committee of the Legislative Research Commission.

Please advise if there are any questions.

Attachment

EMPLOYMENT SECURITY COMMISSION OF NORTH CAROLINA
Voter Registration Cost and Activity
PY96

COSTS

| MONTH | PS's & PB's | NPS | TOTAL | HOURS | |
|---------------|-----------------|-----------------|------------------|-----------------|-----------------|
| | | | | WORKED | PAID |
| July | \$22,447 | \$2,368 | \$24,815 | 1,316.49 | 1,564.82 |
| August | \$22,948 | \$2,961 | \$25,909 | 1,396.10 | 1,546.89 |
| September | \$23,221 | \$2,616 | \$25,837 | 1,242.81 | 1,414.39 |
| October | \$22,641 | \$2,733 | \$25,374 | 1,346.10 | 1,487.37 |
| November | | | \$0 | 0.00 | 0.00 |
| December | | | \$0 | 0.00 | 0.00 |
| January | | | \$0 | 0.00 | 0.00 |
| February | | | \$0 | 0.00 | 0.00 |
| March | | | \$0 | 0.00 | 0.00 |
| April | | | \$0 | 0.00 | 0.00 |
| May | | | \$0 | 0.00 | 0.00 |
| June | | | \$0 | 0.00 | 0.00 |
| TOTAL: | \$91,257 | \$10,678 | \$101,935 | 5,301.50 | 6,013.47 |

ACTIVITY

| P96 | REGISTERED | REFUSED | PREV. REGISTERED | TOTAL |
|---------------|--------------|--------------|---------------------|---------------|
| July | 2,500 | 2,502 | 7,562 | 12,564 |
| August | 2,314 | 2,122 | 6,353 | 10,789 |
| September | 2,279 | 1,900 | 6,261 | 10,440 |
| October | 2,049 | 2,169 | 6,932 | 11,150 |
| November | 0 | 0 | 0 | 0 |
| December | 0 | 0 | 0 | 0 |
| January | 0 | 0 | 0 | 0 |
| February | 0 | 0 | 0 | 0 |
| March | 0 | 0 | 0 | 0 |
| April | 0 | 0 | 0 | 0 |
| May | 0 | 0 | 0 | 0 |
| June | 0 | 0 | 0 | 0 |
| TOTAL: | 9,142 | 8,693 | 27,108 | 44,943 |

Cost per all Voter Registration activity (Through Oct. 1996):

\$2.27

Cost per Registered Voter (Through October 1996):

\$11.15

EMPLOYMENT SECURITY COMMISSION OF NORTH CAROLINA
Voter Registration Cost and Activity
JUNE 1996

| 1996 | COSTS | | | HOURS | |
|---------------|------------------|-----------------|------------------|------------------|------------------|
| | PS's & PB's | NPS | TOTAL | WORKED | PAID |
| JANUARY | \$38,072 | \$4,223 | \$42,295 | 1,939.95 | 2,304.85 |
| FEBRUARY | \$36,219 | \$4,495 | \$40,714 | 1,851.40 | 2,036.90 |
| MARCH | \$33,076 | \$4,320 | \$37,396 | 1,745.80 | 1,885.90 |
| APRIL | \$34,512 | \$3,941 | \$38,453 | 1,729.30 | 1,965.85 |
| MAY | \$33,990 | \$3,797 | \$37,787 | 1,817.80 | 2,076.19 |
| JUNE | \$31,502 | \$4,426 | \$35,928 | 1,437.60 | 1,645.93 |
| JULY | | | | | |
| AUGUST | | | | | |
| SEPTEMBER | | | | | |
| OCTOBER | | | | | |
| NOVEMBER | | | | | |
| DECEMBER | | | | | |
| TOTAL: | \$207,371 | \$25,202 | \$232,573 | 10,521.85 | 11,915.62 |

ACTIVITY

| 1996 | REGISTERED | REFUSED | PREV. REGISTERED | TOTAL |
|---------------|---------------|---------------|------------------|---------------|
| JANUARY | 3,598 | 3,362 | 9,324 | 16,284 |
| FEBRUARY | 2,946 | 2,749 | 7,244 | 12,939 |
| MARCH | 2,731 | 2,622 | 7,019 | 12,372 |
| APRIL | 2,520 | 2,392 | 6,747 | 11,659 |
| MAY | 2,480 | 2,468 | 6,729 | 11,677 |
| JUNE | 2,464 | 2,358 | 6,923 | 11,745 |
| JULY | | | | 0 |
| AUGUST | | | | 0 |
| SEPTEMBER | | | | 0 |
| OCTOBER | | | | 0 |
| NOVEMBER | | | | 0 |
| DECEMBER | | | | 0 |
| TOTAL: | 16,739 | 15,951 | 43,986 | 76,676 |

Cost per all Voter Registration activity (through June 1996): **\$3.03**
 Cost per Registered Voter (through June 1996): **\$13.89**

EMPLOYMENT SECURITY COMMISSION OF NORTH CAROLINA
Voter Registration Cost and Activity
Calendar Year 1995

| 1995 | COSTS | | | HOURS | |
|---------------|------------------|-----------------|------------------|------------------|------------------|
| | PS's & PB's | NPS | TOTAL | WORKED | PAID |
| January | \$23,437 | \$7,301 | \$30,738 | 1,157.60 | 1,366.70 |
| February | \$37,182 | \$5,337 | \$42,519 | 1,863.20 | 2,023.09 |
| March | \$37,149 | \$5,869 | \$43,018 | 2,135.15 | 2,313.74 |
| April | \$39,636 | \$3,791 | \$43,427 | 1,799.10 | 2,109.99 |
| May | \$38,982 | \$2,212 | \$41,194 | 2,084.90 | 2,381.73 |
| June | \$37,587 | \$5,363 | \$42,950 | 2,028.70 | 2,222.70 |
| July | \$38,324 | \$3,971 | \$42,295 | 1,793.35 | 2,163.44 |
| August | \$38,857 | \$4,088 | \$42,945 | 1,970.60 | 2,182.25 |
| September | \$39,529 | \$4,094 | \$43,623 | 1,827.60 | 2,137.46 |
| October | \$39,457 | \$4,104 | \$43,561 | 1,940.10 | 2,194.18 |
| November | \$38,094 | \$5,616 | \$43,710 | 1,723.20 | 2,190.30 |
| December | \$39,892 | \$4,924 | \$44,816 | 1,719.10 | 2,191.81 |
| TOTAL: | \$448,126 | \$56,670 | \$504,796 | 22,042.60 | 25,477.39 |

| 1995 | ACTIVITY | | | TOTAL |
|---------------|---------------|---------------|------------------|----------------|
| | REGISTERED | REFUSED | PREV. REGISTERED | |
| January | 3,876 | 2,691 | 7,192 | 13,759 |
| February | 3,734 | 2,765 | 7,659 | 14,158 |
| March | 3,608 | 2,857 | 7,929 | 14,394 |
| April | 2,886 | 2,366 | 6,647 | 11,899 |
| May | 3,102 | 2,525 | 7,213 | 12,840 |
| June | 3,218 | 2,579 | 7,499 | 13,296 |
| July | 3,057 | 2,510 | 7,556 | 13,123 |
| August | 3,403 | 2,664 | 7,595 | 13,662 |
| September | 2,860 | 2,232 | 6,429 | 11,521 |
| October | 3,167 | 2,496 | 7,160 | 12,823 |
| November | 3,096 | 2,705 | 7,504 | 13,305 |
| December | 2,561 | 2,490 | 6,194 | 11,245 |
| TOTAL: | 38,568 | 30,880 | 86,577 | 156,025 |

Cost per all Voter Registration activity (through December 1995): \$3.24
 Cost per Registered Voter (through December 1995): \$13.09

APPENDIX E

The Study Committee heard the following proposals but did not take a vote on whether to recommend them to the 1997 General Assembly.

The Study Committee heard this proposal but did not take a vote on whether to recommend it to the 1997 General Assembly.

NORTH CAROLINA CLEAN ELECTION ACT

(Proposed by Senator Wib Gulley)

Beginning with elections in the year 2000, the N.C. Clean Election Act would provide comprehensive public funding for any candidate for Governor, Lieutenant Governor, any other Council of State office, State Senate, or State House – if that candidate agreed to strict spending limits in the primary and general elections.

Candidates for those offices would have the choice of participating in the Clean Election Act or of financing their campaigns with no spending limits. But the system is designed to provide such adequate public funding that any candidate of ordinary wealth would want to choose it.

To participate in the North Carolina Clean Elections option, a candidate must:

- Demonstrate outreach abilities and public support from the voters the candidate hopes to represent by collecting a specified number of \$5 qualifying contributions:
 - ◆ 6,000/Governor;
 - ◆ 3,000/other Council of State;
 - ◆ 300/State Senate;
 - ◆ 200/State House.
- Agree not to accept or spend private money for his or her campaign, except for a small amount of “seed money” to be used for the qualifying process.
- Agree to strict campaign spending limits designed to be practical but also to control the growth of campaign costs.
- Not start their campaign fundraising until January of an election year (November of the pre-election year for gubernatorial candidates.)

A candidate who is certified to participate in the North Carolina Clean Elections option would:

- Receive a specific amount of funding based upon the average amount spent over the last two election cycles. All participating candidates for the same office would get the same amount. That would be all that candidate could spend, unless outspent by a nonparticipating opponent.
- Receive an additional amount of matching funding, if the candidate is outspent by nonparticipating opponents. These rescue funds could go up to a ceiling of double the Act’s regular spending limits. (This provision would also match independent expenditures against the later cases participating candidate.) This provision is a recognition that, under the U.S. Supreme Court rulings in Buckley v. Valeo and, there can be no State control of spending by a billionaire candidate or of independent expenditures.
- Return all unspent funds to the N.C. Clean Election Fund.

The Clean Elections option would be financed by qualifying contributions of the candidates, by voluntary contributions, and by appropriations the General Assembly would be directed to make from the General Fund. The existing balance in the N.C. Candidates Financing Fund would be transferred to the Clean Elections Fund, and the funding mechanism for the Candidates Financing Fund would be converted to a funding mechanism for the Clean Elections Fund. The Campaign Financing Fund has brought in about \$221,000 since 1988 through taxpayer contributions of their refunds on the State Income Tax Return.

The Act would be administered by a newly created Commission on Election Practices. The Commission would consist of five members. They would be appointed by the Governor and confirmed by the General Assembly. No more than two commissioners could be members of the same political party and none could be elected officials or candidates. The Act would direct the Governor, with the advice of the legislative leadership, to set up a nomination period to bring forth qualified individuals for appointment.

Effective immediately, the Act would change the current system by reducing the contribution limitation from \$4,000/donor/donee/election to \$500. It would also remove the exemption that political parties now have from the contribution limitation.

The Study Committee heard this proposal but did not take a vote on whether to recommend it to the 1997 General Assembly. A provision identical to Item #1 below received a favorable vote by the Committee as an amendment to Sen. Gulley's Clean Election proposal. But Sen. Gulley's proposal never reached a vote.

POLITICAL INFORMATION ACT.

(Proposed by Representative Connie Wilson.)

This draft bill contains six different elements:

1. Fundraising Limit in Session by Party Legislative PACs. – The bill would remove an exemption from the general law that says no legislator or Council of State member may receive a political contribution from a lobbyist, or at the behest of a lobbyist, during the long session of the General Assembly. That law now exempts any “political committee that operates on a statewide basis in conjunction with the executive committee of a political party for the purpose of assisting that party’s candidates for Council of State or General Assembly.” The bill would remove that exemption.
2. Single-Member Districts. –The bill would propose an amendment to the State Constitution to require that all State House and State Senate districts be single-member. The proposed amendment would go to the voters in November of 1998. It would go into effect for the 2001 redistricting.
3. Quarterly Campaign Reports. – The bill would replace the current schedule of campaign reports with a system of quarterly reports during every even-numbered year and semi-annual reports every odd-numbered year.
4. Donor's Occupation. – The bill would require a recipient of a political contribution to report the occupation of the donor along with the other information (name and address) now required.
5. Individual Authorization for Use of Dues in PAC. – The bill would require any union or professional association to obtain direct approval from each member before using that member’s dues to support the union’s or association’s political committee.
6. Study for Quicker Public Access. – The bill would require the State Board of Elections to report to the Joint Legislative Commission on Governmental Operations by August 1, 1997 on how it can provide quicker access to the public for campaign finance reports.

The Study Committee heard a discussion of the following ideas but did not take a vote on whether to recommend them to the 1997 General Assembly.

VOTER IDENTIFICATION OPTIONS

(Presented by Representative Lanier Cansler.)

A. WHO MUST SHOW AN ID AT THE POLLS?

1. Every voter.
2. Any voter not recognized by the precinct officials.(Rep. Larry Justus's proposal during the 1990s)
3. Any voter voting for the first time in the precinct.
4. Any voter voting for the first time in the county.
5. Any voter voting for the first time in the county who did not register in person. (Virginia.)
6. Any person for whom a first confirmation mailing has been returned as undeliverable, and there hasn't been time for a second mailing. ((G.S. 163-82.7(g) says these voters must vote in person.))
7. Any voter who is not listed on the books in the precinct. (These are voters who currently are required to vote a provisional ballot.)

B. WHAT KIND OF ID MUST THE VOTER SHOW?

1. Picture ID with all relevant information provided by the Board of Elections.
2. Picture ID with all relevant information (including age and address) provided by some other government agency, such as DMV.
3. Current N.C. voter registration card. (All counties would have to be required to issue them.)
4. Any preprinted form of ID that shows name and address, name and photo, or name and signature. (Virginia.)
5. Current N.C. voter registration card, picture ID, or other ID acceptable to precinct official (Justus proposal).

C. WHAT HAPPENS IF VOTER DOESN'T HAVE AN ID?

1. Voter is turned away.
2. Voter is allowed to vote a provisional ballot. (Justus proposal in 1996 Short Session).
3. Voter is allowed to vote a regular nonretrievable ballot after signing a statement of eligibility. (Va.)

Under current North Carolina law, voters are not required to present identification in order to register or vote.

The Study Committee heard this proposal but did not take a vote on whether to recommend it to the 1997 General Assembly. The Committee instead voted to recommend that the proposal be included in the authorization for the next study committee on election law.

BAN ON LIMITED VOTING/EXTENDING TERMS.

(Proposed by Representative John Weatherly.)

House Bill 857, introduced by Representative Weatherly in 1995, would state a public policy against using limited voting and extending terms of office without an election. The bill would prohibit the use of those devices with regard to county commissioners, city councils, and school boards.

Limited voting is a method by which all voters in a multi-seat contest are limited to voting for a certain number of candidates less than the number to be elected. For example, if three commissioners are to be elected in one election contest, all voters might be limited to voting for one candidate instead of being allowed to vote for three. Limited voting might be called a "mandatory single-shot." Federal courts have ordered limited voting for several local boards in North Carolina as a way of resolving litigation brought under the Voting Rights Act. The theory has been that limited voting would give minority voters a chance to overcome dilution of their voting strength, but without the drawing of minority-majority voting districts.

HB 857 prohibits the General Assembly from establishing any limited voting plan for county commissioners, city councils, or school boards. The bill prohibits counties, cities, and school boards from agreeing to limited voting to settle a lawsuit.

The bill contains the same kind of prohibitions against extending terms without an election. For example, if a commissioner was elected to a four-year term, a plan could not be adopted that would extend the term the commissioner was serving to six years without an election at the end of the four-year term to which the commissioner was elected.

The bill is essentially a statement of policy. If the General Assembly were to pass it and then later enact a local bill for limited voting, the local bill would be valid as a specific exception to the general rule.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

S

D

97-RRZ-001 ()

Short Title: Close Runoff Loophole.

(Public)

Sponsor:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE THE EXTRA CONTRIBUTION LIMIT PERIOD
3 FOR THE SECOND PRIMARY FOR CANDIDATES WHO ARE NOT ON
4 THE BALLOT IN A SECOND PRIMARY.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 163-278.13 reads as rewritten:
7 **"§ 163-278.13. Limitation on contributions.**
8 (a) No individual or political committee shall contribute to any candidate or
9 other political committee any money or make any other contribution in any
10 election in excess of four thousand dollars (\$4,000) for that election.
11 (b) No candidate or political committee shall accept or solicit any
12 contribution from any individual or other political committee of any money or
13 any other contribution in any election in excess of four thousand dollars
14 (\$4,000) for that election.
15 (c) Notwithstanding the provisions of subsections (a) and (b) of this section,
16 it shall be lawful for a candidate or a candidate's spouse, parents, brothers and
17 sisters to make a contribution to the candidate or to the candidate's treasurer of
18 any amount of money or to make any other contribution in any election in
19 excess of four thousand dollars (\$4,000) for that election.
20 (d) For the purposes of this section, the term "an election" means any
21 primary, second primary, or general election in which the candidate or
22 political committee may be involved, without regard to whether the candidate
23 is opposed or unopposed in the ~~election~~, election, except that where a
24 candidate is not on the ballot in a second primary, that second primary is not
25 'an election' with respect to that candidate.

1 (e) This section shall not apply to any State, district or county executive
2 committee of any political party. For the purposes of this section only, the
3 term "political party" means only those political parties officially recognized
4 under G.S. 163-96.

5 (e1) No referendum committee which received any contribution from a
6 corporation, labor union, insurance company, business entity, or professional
7 association may make any contribution to another referendum committee, to a
8 candidate or to a political committee.

9 (f) Any individual, candidate, political committee, or referendum committee
10 who violates the provisions of this section is guilty of a Class 2 misdemeanor."

11 Section 2. This act is effective upon ratification and applies to all
12 primaries conducted on and after that date.

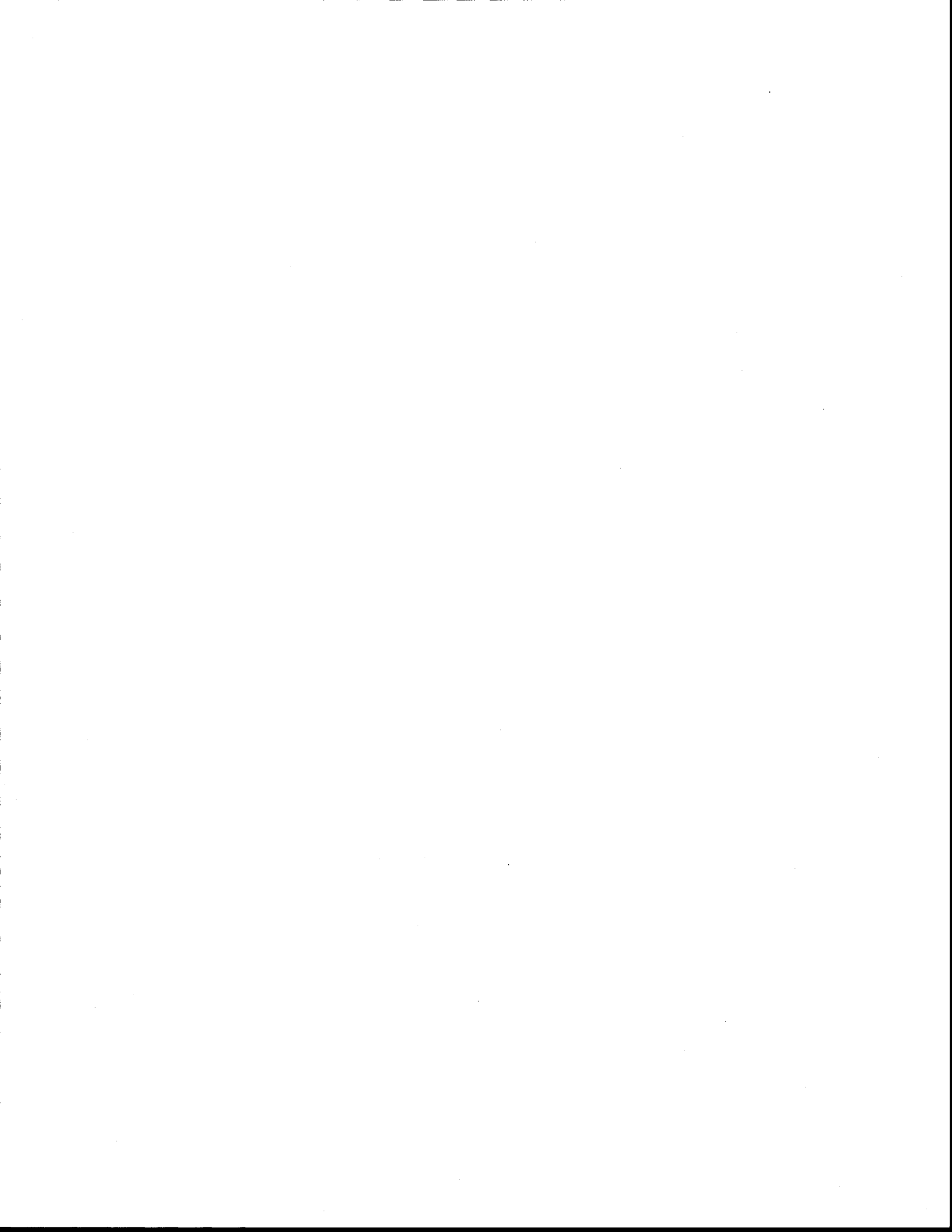
SUMMARY OF

LEGISLATIVE PROPOSAL I

Legislative Proposal I would make clear that a second primary counts as an "election" for purposes of the contribution limit law only with respect to a candidate who is on the ballot in a second primary.

Current law sets a \$4,000 limit on the amount one contributor may give to one candidate or committee in one election. Primary, second primary, and general election each count as one "election." The State Board of Elections has ruled that a candidate may receive an additional \$4,000 from a single donor for a second primary even if the candidate is not on the ballot in a second primary.

Legislative Proposal I would specify that a second primary will not give rise to an additional \$4,000 contribution to with regard to a candidate unless that candidate is on the ballot in a second primary.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

97-RRZ-002 ()

Short Title: Campaign Standards.

(Public)

Sponsor:

Referred to:

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A NORTH CAROLINA CAMPAIGN
3 STANDARDS CODE TO BE ENFORCED BY A CAMPAIGN
4 STANDARDS COMMISSION.
5 The General Assembly of North Carolina enacts:
6 Section 1. Chapter 163 of the General Statutes is amended by
7 adding a new Article to read:
8 "Article 22D
9
10 "163-278.60. Purpose of Article.
11 The purpose of this Article is to use constitutional means to encourage
12 informative and civil political campaigning in North Carolina elections and to
13 discourage false or misleading attacks.
14
15 "163-278.61. North Carolina Campaign Standards Commission established.
16 (a) Establishment of the Commission. -- There is established within the
17 office of the State Board of Elections the North Carolina Campaign Standards
18 Commission.
19 (b) Appointment of Members -- The Commission shall consist of six
20 members to be appointed by the Governor. No more than three members shall
21 be affiliated with the same political party. The Governor shall appoint the
22 members from a list of nominees submitted by the State Chair of each of the
23 two political parties having the highest number of registered affiliates as
24 reflected by the latest registration statistics published by the State Board of

1 Elections. Each party Chair shall submit a list of at least six nominees who are
2 affiliated with that party.

3 (c) Terms of Office. -- By October 1, 1997, and as needed thereafter, the
4 Governor shall appoint the six members of the Commission. Of the initial
5 appointees, two shall be appointed for one-year terms, two shall be appointed
6 for two-year terms, and two shall be appointed for three-year terms according
7 to random lot. Thereafter, appointees shall be appointed to serve four-year
8 terms. A person may not serve more than two full terms. The appointed
9 members receive the legislative per diem pursuant to G.S.120-3.1.

10 (d) Election of Chair. -- One of the Commission members shall be elected
11 by the members as chair.

12 (e) Vacancies. -- A vacancy during an unexpired term shall be filled in the
13 same manner as a full term.

14 (f) Prohibitions. -- No member of the Commission shall do or be any of the
15 following:

16 (1) Hold, or be a candidate for, public office;

17 (2) Serve in a political party office or on a political party
18 executive committee or on a committee supporting or
19 opposing a candidate;

20 (3) Be a registered lobbyist;

21 (4) Make or solicit a contribution on behalf of a candidate or
22 political committee; or

23 (5) Be a state employee.

24 (g) Staff Assistance. -- The State Board of Elections shall provide staff
25 assistance to the Commission.

26
27 **"163-278.62. Powers and duties of the Commission.**

28 (a) Adoption of Rules. -- The Commission shall adopt any rules necessary
29 for the effective administration of this Article, not inconsistent with the
30 provisions of this Article.

31 (b) Receipt and Processing of Complaints. -- The Commission shall
32 prescribe the form of complaints alleging violation of G.S. 163-278.63. A
33 complaint shall be made by affidavit under penalty of perjury. Upon the filing
34 of a complaint with the Commission, the Commission shall process the
35 complaint in accordance with G.S. 163-278.64.

36 (c) Reports to the General Assembly. -- The Commission shall report to the
37 General Assembly by the convening of every regular session of the General
38 Assembly. The report shall review the most recent campaign with respect to
39 the purpose of this Article and the Code of Campaign Standards set out in
40 G.S. 163-278.63. The Commission may recommend legislation.

41
42
43 **"163-278.63. Code of Campaign Standards.**

1 No person, during the course of any campaign for nomination or election to
2 public office, by means of campaign materials, including sample ballots, an
3 advertisement in radio or television or in a newspaper or periodical, a public
4 speech, press release, or otherwise, shall knowingly and with intent to affect
5 the outcome of the campaign do any of the following:

- 6 (1) Make a false or misleading statement concerning the voting
7 record of a candidate or public official. 'Voting record' under
8 this subdivision means the recorded affirmative or negative on
9 a bill, ordinance, resolution, motion, amendment, or
10 confirmation. A 'misleading statement' under this subdivision
11 includes taking votes or actions significantly out of context or
12 distorting the opponent's record by the use of demonstrably
13 unrepresentative votes or actions.
- 14 (2) Make a false or misleading statement that a candidate or
15 public official has been indicted or convicted of a theft
16 offense, extortion, or other crime involving financial
17 corruption or moral turpitude.
- 18 (3) Make a statement that a candidate has been indicted for any
19 crime or has been the subject of a finding by the Campaign
20 Standards Commission without disclosing the outcome of any
21 legal proceedings resulting from the indictment or finding.
- 22 (4) Make a false or misleading statement that a candidate or
23 official has a record of treatment or confinement for mental
24 disorder.
- 25 (5) Make a false or misleading statement that a candidate or
26 official has been subjected to military discipline for criminal
27 misconduct or dishonorably discharged from the armed
28 services.
- 29 (6) Identify in a false or misleading way the source of a
30 statement, issue statements under the name of another person
31 without attribution, or state in a false or misleading way the
32 endorsement of or opposition to a candidate by a person or
33 publication.
- 34 (7) Use the title of an office not currently held by a candidate in
35 a manner that implies that the candidate does currently hold
36 that office or use the term 're-elect' when the candidate has
37 never been elected at a primary, general, or special election
38 to the office for which that person is a candidate.
- 39 (8) Make a false or misleading statement concerning the formal
40 schooling or training completed or attempted by a candidate;
41 a degree, diploma, certificate, scholarship, grant, award,
42 prize, or honor received, earned, or held by a candidate; or
43 the period of time during which a candidate attended any
44 school, college, community technical school, or institution.

- 1 (9) Make a false or misleading statement concerning the
2 professional, occupational, or vocational licenses held by a
3 candidate, or concerning any position the candidate held for
4 which the candidate received a salary or wages.
5 (10) Use an appeal to discrimination based on race, gender, or
6 religious belief.
7 (11) Use any still photo, film or video of a candidate that is
8 designed to make that candidate look personally unpleasant or
9 contorted or that is taken significantly out of context.

10
11 **"163-278.64. Processing of complaint.**

12 (a) Probable Cause Hearing. -- If a complaint is filed alleging a violation of
13 the Code of Campaign Standards in G.S. 163-278.63, a panel of two members
14 of the Commission shall determine whether there is probable cause to refer the
15 matter to the full Commission. The two members of the panel shall not be of
16 the same political party. The panel shall meet within three business days after
17 the attorney makes a determination, unless it finds good cause to postpone the
18 meeting. All members of the panel shall participate if the panel refers a
19 complaint to the full Commission, provided that the panel's meeting may be
20 conducted by conference call. The panel shall make only one of the following
21 two findings:

- 22 (1) That there is no probable cause to believe that a violation of
23 the Code has occurred. If the panel so finds, it shall dismiss
24 the complaint.
25 (2) That there is probable cause to believe that a violation of the
26 Code has occurred. If the panel so finds, it shall refer the
27 complaint to the full Commission.

28 A finding of probable cause may be entered only by a unanimous vote of the
29 panel.

30 (b) Hearing by Full Commission. -- If a panel of the Commission finds
31 pursuant to subsection (a) of this section that there is probable cause that a
32 violation of the Code has taken place, the full Commission shall conduct a
33 hearing within ten business days after the panel makes its finding. At the
34 hearing, the Commission shall determine whether or not a violation of the
35 Code occurred and shall do one of the following:

- 36 (1) Enter a finding that a violation of the Code has not been
37 proven by clear and convincing evidence and dismiss the
38 complaint.
39 (2) Enter a finding that a violation of the Code has occurred, and
40 issue a letter of reprimand to the individual or entity that it
41 determines is in violation.

42 A finding that a violation has occurred may be entered only by a majority vote
43 of all the members of the Commission.

1 (c) Referral to District Attorney. -- If as a result of the evidence it has heard
2 the Commission determines that there is probable cause that a violation of G.S.
3 163-274(8) has occurred in a matter that is before it, the Commission shall
4 refer the matter to the appropriate district attorney. The referral may be made
5 only upon a positive vote of a majority of all the members of the
6 Commission."

7 Sec. 2. This act is effective upon ratification.



SUMMARY OF
LEGISLATIVE PROPOSAL II

Legislative Proposal II would establish a North Carolina Campaign Standards Code, to be enforced by a bipartisan commission.

The Code contains 11 points. It prohibits the knowing or reckless use during a campaign for elective office of various named tactics, most of which consist of false or misleading statements about oneself or another candidate. The prohibitions are:

1. False or misleading statements about a candidate's voting record.
2. False or misleading allegation of certain crimes.
3. Statement that someone has been indicted or accused without disclosing the outcome of the proceedings.
4. False or misleading statement about mental treatment.
5. False or misleading statement about military discharge.
6. False or misleading attribution of sources or claim of someone's endorsement or opposition.
7. Misleading suggestion that candidate is an incumbent.
8. False or misleading suggestion about educational credentials.
9. False or misleading statement about a professional licensing.
10. Use of appeal to discrimination.
11. Use of photo, film, or video that makes a candidate look unpleasant or contorted or is taken out of context.

(The language comes from an Ohio statute and from the proposed voluntary Minnesota Compact.)

The six-member Campaign Standards Commission would be appointed by the Governor from a list nominated by the State Chairs of the two biggest political parties. No more than three members could be of the same party. The Commission would be housed administratively under the State Board of Elections: The State Board would provide staffing, but would not have a say in the Commission's decision-making.

The Commission would receive complaints about violation of the Code. It would meet in 2-member bipartisan panels to determine whether probable cause existed for a hearing by the full Commission. Probable cause could be found only by a vote of both members of the panel. The full Commission could find a violation only by a majority of its full membership—meaning that there would have to be at least some bipartisan support for the finding. Upon finding that there was a violation, the Commission would be empowered to write a letter of reprimand to the violator.

The procedure would be expedited to try to be relevant in a fast-moving campaign: three business days from filing of complaint to probable -cause hearing, and 10 business days from finding of probable cause to a hearing by the full Commission.

(The procedures are patterned to some extent on those prescribed by statute for the Ohio Elections Commission. That Commission also enforces campaign finance laws. At one time, the Ohio commission was empowered to levy fines and issue cease-and-desist orders against campaign code violations, but a federal court invalidated those powers, leaving it with the power to write letters of reprimand.)

Currently in North Carolina law, if a person felt aggrieved by negative campaigning, one of two avenues of relief might be pursued:

- The person could file a defamation suit in civil court and, if the plaintiff was a candidate, be faced with a daunting task of overcoming the First Amendment protections the Supreme Court has built around political expression.
- The district attorney could bring a misdemeanor charge under G.S. 163-274(8), which makes it a Class 2 misdemeanor "For any person to publish or cause to be circulated derogatory reports with reference to any candidate in any primary or election, knowing such report to be false or in reckless disregard of its truth or falsity, when such report is calculated or intended to affect the chances of such candidate for nomination or election."

Under Legislative Proposal II, the Commission would not be empowered to impose criminal penalties for violations of the Code, but it would be empowered to refer to the district attorney any apparent violations of G.S. 163-274(8) that arise from evidence it has heard.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

97-RRYZ-003 ()

Short Title: Independent Redistricting Commission.

(Public)

Sponsors:

Referred to:

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH AN INDEPENDENT REDISTRICTING
3 COMMISSION TO HANDLE REDISTRICTING MATTERS AND TO
4 DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY
5 PREPARATION FOR THE 2001 REDISTRICTING.
6 The General Assembly of North Carolina enacts:
7 Section 1. Section 3 of Article II of the Constitution of North
8 Carolina reads as rewritten:
9 "Sec. 3. Senate districts; apportionment of Senators.
10 The Senators shall be elected from districts. ~~The General Assembly, at the~~
11 ~~first regular session convening~~ The Independent Redistricting Commission,
12 beginning as soon as practical after the return of every decennial census of
13 population taken by order of Congress, shall revise the senate districts and the
14 apportionment of Senators among those districts, subject to the following
15 requirements:
16 (1) Each Senator shall represent, as nearly as may be, an equal
17 number of inhabitants, ~~the number of inhabitants that each~~
18 ~~Senator represents being determined for this purpose by~~
19 ~~dividing the population of the District that he represents by~~
20 ~~the number of Senators apportioned to that district and each~~
21 district shall elect one Senator;
22 (2) Each senate district shall at all times consist of compact and
23 contiguous territory;

1 (3) ~~No county shall be divided in the formation of a senate~~
2 ~~district;~~

3 (4) When established, the senate districts and the apportionment
4 of Senators shall remain unaltered until the return of another
5 decennial census of population taken by order of Congress."

6 Sec. 2. Section 5 of Article II of the Constitution of North
7 Carolina reads as rewritten:

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

9 The Representatives shall be elected from districts. ~~The General Assembly,~~
10 ~~at the first regular session convening~~ The Independent Redistricting
11 Commission, as soon as practical after the return of every decennial census of
12 population taken by order of Congress, shall revise the representative districts
13 and the apportionment of Representatives among those districts, subject to the
14 following requirements:

15 (1) Each Representative shall represent, as nearly as may be, an
16 equal number of inhabitants, ~~the number of inhabitants that~~
17 ~~each Representative represents being determined for this~~
18 ~~purpose by dividing the population of the district that he~~
19 ~~represents by the number of Representatives apportioned to~~
20 ~~that district and each District shall elect one Representative;~~

21 (2) Each representative district shall at all times consist of
22 compact and contiguous territory;

23 (3) ~~No county shall be divided in the formation of a~~
24 ~~representative district;~~

25 (4) When established, the representative districts and the
26 apportionment of Representatives shall remain unaltered until
27 the return of another decennial census of population taken by
28 order of Congress."

29 Sec. 3. Article II of the Constitution of North Carolina is amended
30 by adding a new section to read:

31 "**Sec. 25. Independent Redistricting Commission.**

32 (1) Establishment and Membership. There is established the Independent
33 Redistricting Commission, to consist of nine persons appointed as follows:

34 (a) Two by the Chief Justice of the Supreme Court, with no more
35 than one affiliated with the same political party;

36 (b) Three by the Governor, with no more than two affiliated with
37 the same political party;

38 (c) Two by the Speaker of the House of Representatives, with no
39 more than one affiliated with the same political party; and

40 (d) Two by the President Pro Tempore of the Senate, with no
41 more than one affiliated with the same political party.

42 The appointing officers shall make their initial appointments no earlier than
43 February 1 of the year prior to the year in which the appointed members are to
44 take office under subdivision (2) of this section and no later than June 1 of the

1 year in which the members are to take office under subdivision (2) of this
2 section.

3 (2) Term of Office; Vacancies, Chair. The members of the Independent
4 Redistricting Commission shall take office on the first day of July of each year
5 ending in the number 0, and shall continue in office until their successors are
6 appointed and qualified. Any vacancy occurring in the membership of the
7 Commission shall be filled for the remainder of the unexpired term by the
8 officer who appointed the vacating member. The Independent Redistricting
9 Commission shall elect from its members a Chair, who will serve throughout
10 the term of the Commission unless replaced by vote of the Commission.

11 (3) Eligibility. To be eligible for appointment to the Independent
12 Redistricting Commission, a person must be a resident of North Carolina. No
13 person may serve on the Commission who has held elective public office or
14 been a candidate for elective public office, in the four years prior to
15 commencement of service on the Independent Redistricting Commission. No
16 person who has served as a member of the Independent Redistricting
17 Commission shall be eligible to hold any elective public office for four years
18 after termination of service on the Independent Redistricting Commission.

19 (4) Legislative Plans. The Independent Redistricting Commission shall
20 adopt, in accordance with Sections 3 and 5 of this Article, plans for revising
21 the senate districts and representative districts, which shall have the force and
22 effect of acts of the General Assembly. The General Assembly shall not adopt
23 any legislative district plan.

24 (5) Congressional Plans. The Independent Redistricting Commission is
25 responsible for adopting a district plan for election of members of the House of
26 Representatives of the Congress of the United States. The General Assembly
27 shall not adopt any district plan for election of members of the United States
28 House of Representatives.

29 (6) Preparation and Adoption of Plans. The Independent Redistricting
30 Commission shall adopt district plans as required by subdivisions (4) and (5) of
31 this section no later than October 1 of the year following each decennial census
32 of population taken by order of Congress. In preparing or adopting its plans,
33 the Independent Redistricting Commission shall not consider the following
34 information:

- 35 (1) The political affiliation of voters;
36 (2) Voting data from previous elections;
37 (3) The location of incumbents' residences;
38 (4) Demographic data from sources other than the United States
39 Bureau of the Census.

40 There shall be a minimum period of 45 days of public comment on a plan
41 before it is finally adopted.

42 (7) In Case Plan Held Invalid. The Independent Redistricting Commission
43 shall adopt a new district plan in the event that a plan it has adopted is held
44 invalid.

1 (8) Federal Law. In adopting any plan under this section, the Independent
 2 Redistricting Commission shall take into consideration all relevant requirements
 3 of the United States Constitution and Acts of Congress.

4 (9) Local Redistricting. The General Assembly may by law assign to the
 5 Independent Redistricting Commission the duty to adopt districting and
 6 redistricting plans for any county, city, town, special district, and other
 7 governmental subdivision if the governing board of the unit or a court of
 8 competent jurisdiction so requests."

9 Sec. 4. Subdivision (5) of Section 22 of Article II of the
 10 Constitution of North Carolina reads as rewritten:

11 "~~(5) Other exceptions. — Appointments to Office.~~ Every bill:

12 ~~(a) In bill in which the General Assembly makes an appointment~~
 13 ~~or appointments to public office and which contains no other~~
 14 ~~matter;~~

15 ~~(b) Revising the senate districts and the apportionment of~~
 16 ~~Senators among those districts and containing no other~~
 17 ~~matter;~~

18 ~~(c) Revising the representative districts and the apportionment of~~
 19 ~~Representatives among those districts and containing no other~~
 20 ~~matter; or~~

21 ~~(d) Revising the districts for the election of members of the~~
 22 ~~House of Representatives of the Congress of the United States~~
 23 ~~and the apportionment of Representatives among those~~
 24 ~~districts and containing no other matter,~~

25 matter shall be read three times in each house before it becomes law and shall
 26 be signed by the presiding officers of both houses."

27 Sec. 5. The amendments set out in Sections 1 through 4 of this act
 28 shall be submitted to the qualified voters of the State at the general election in
 29 November 1998, which election shall be conducted under the laws then
 30 governing elections in the State. Ballots, voting systems, or both may be used
 31 in accordance with Chapter 163 of the General Statutes. The question to be
 32 used in the voting systems and ballots shall be:

33 "[] FOR [] AGAINST

34 A constitutional amendment providing for an Independent
 35 Redistricting Commission to redistrict the State for the purpose of electing
 36 members of the General Assembly and members of the United State House of
 37 Representatives."

38 Sec. 6. If a majority of votes cast on the question are in favor of the
 39 amendments set out in Sections 1 through 4 of this act, the State Board of
 40 Elections shall certify the amendments to the Secretary of State. The
 41 amendments become effective upon this certification. The Secretary of State
 42 shall enroll the amendments so certified among the permanent records of that
 43 office.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

1 Sec. 7. The Legislative Research Commission shall study the
2 preparation for the 2001 redistricting, including the transition from
3 redistricting done by the General Assembly to redistricting done by the
4 Independent Redistricting Commission. The Legislative Research Commission
5 shall report its findings and recommendations to the 1998 Regular Session of
6 the 1997 General Assembly or to the 1999 General Assembly or to both. There
7 is appropriated from the General Fund to the Legislative Research Commission
8 the sum of twenty thousand dollars (\$20,000) for the 1997-98 fiscal year and
9 the sum of twenty thousand dollars (\$20,000) for the 1998-99 fiscal year for
10 the purpose of conducting the study required by this section.

11 Sec. 8. This act is effective upon ratification.



SUMMARY OF
LEGISLATIVE PROPOSAL III

Legislative Proposal III would amend the North Carolina Constitution to move the function of redistricting from the General Assembly to an Independent Redistricting Commission.

Current, the State Constitution calls for the General Assembly to redistrict the State House and State Senate after every Census. Once it has done so, the General Assembly may not change the legislative plan unless required to do so by federal law. The State Constitution does not mention congressional redistricting, except that the new veto provision exempts from the Governor's veto any legislative bill to draw either legislative or congressional districts.

Ten states now have provisions that provide for a Commission to draw legislative districts rather than leaving the power with the Legislature. Those states are Arkansas, Colorado, Hawaii, Idaho, Missouri, Montana, New Jersey, Ohio, Pennsylvania, and Washington.

Legislative Proposal III would put before the voters a constitutional amendment to create an Independent Redistricting Commission to draw both legislative and congressional districts.

The Commission would have nine members to be appointed as follows:

- 2 by the Chief Justice.
- 3 by the Governor.
- 2 by the Speaker of the House.
- 2 by the President Pro Tem of the Senate.

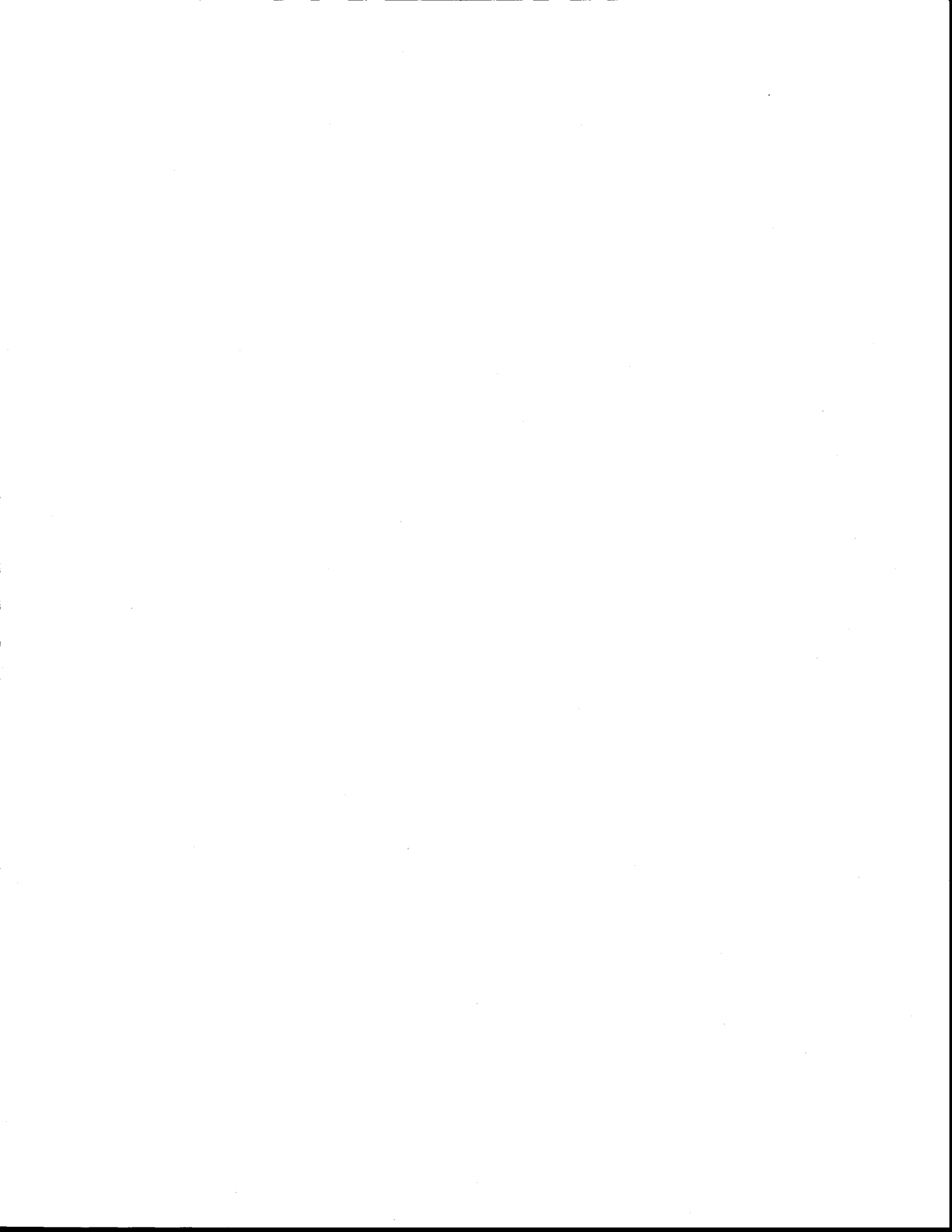
All those appointing authorities would be required to diversify their appointees by political party. No member could have been an elected official within four years before appointment, and no member could run for office within four years after leaving the Commission.

The Commission would adopt redistricting plans by October 1 of the year after the Census, beginning in 2001. In developing its plans, the Commission could not consider:

- Party affiliation of voters.
- Voting data from previous elections.
- The residences of incumbents.
- Non-Census demographic data.

The public would have 45 days to comment on a proposed plan before its final adoption. Beyond the role of the Speaker and President Pro Tem in appointing Commission members, the General Assembly would have no role in legislative or congressional redistricting. The General Assembly would still have the authority to draw districts by local bill for local governmental bodies such as City Councils and Boards of County Commissioners, but it could assign any such job to the Independent Redistricting Commission.

The proposed constitutional amendment would go before the voters at the general election in November 1998.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

97-RRZ-004 ()

Short Title: Ballot Access Changes.

(Public)

Sponsor: .

Referred to:

- 1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO STATUTES CONCERNING BALLOT
3 ACCESS FOR POLITICAL PARTIES.
4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 163-96 reads as rewritten:
6 **"163-96. 'Political party' defined; creation of new party.**
7 (a) Definition. -- A political party within the meaning of the election laws of
8 this State shall be either:
9 (1) Any group of voters which, at the last preceding general State
10 election, polled for its candidate for Governor, or for
11 presidential electors, at least ten percent (10%) of the entire
12 vote cast in the State for Governor or for presidential electors;
13 or
14 (2) Any group of voters which shall have filed with the State
15 Board of Elections petitions for the formulation of a new
16 political party which are signed by registered and qualified
17 voters in this State equal in number to two percent (2%) of
18 the total number of voters who voted in the most recent
19 general election for Governor. Also the petition must be
20 signed by at least 200 registered voters from each of four
21 congressional districts in North Carolina. To be effective, the
22 petitioners must file their petitions with the State Board of
23 Elections before 12:00 noon on the ~~first day of June~~ second
24 Thursday in July preceding the day on which is to be held the
25 first general State election in which the new political party

1 desires to participate. The State Board of Elections shall
2 forthwith determine the sufficiency of petitions filed with it
3 and shall immediately communicate its determination to the
4 State chairman of the proposed new political party.

5 (b) Petitions for New Political Party. -- Petitions for the creation of a new
6 political party shall contain on the heading of each page of the petition in bold
7 print or all in capital letters the words: 'THE UNDERSIGNED REGISTERED
8 VOTERS IN COUNTY HEREBY PETITION FOR THE
9 FORMATION OF A NEW POLITICAL PARTY TO BE NAMED
10 AND WHOSE STATE CHAIRMAN IS, RESIDING
11 AT..... AND WHO CAN BE REACHED BY TELEPHONE AT.....
12 THE SIGNERS OF THIS PETITION ~~INTEND TO ORGANIZE A NEW~~
13 ~~POLITICAL PARTY~~ DESIRE THAT A NEW POLITICAL PARTY BE
14 ORGANIZED TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL
15 ELECTION.'

16 All printing required to appear on the heading of the petition shall be in type
17 no smaller than 10 point or in all capital letters, double spaced typewriter size.
18 In addition to the form of the petition, the organizers and petition circulators
19 shall inform the signers of the general purpose and intent of the new party.

20 The petitions must specify the name selected for the proposed political
21 party. The State Board of Elections shall reject petitions for the formation of a
22 new party if the name chosen contains any word that appears in the name of
23 any existing political party recognized in this State or if, in the Board's
24 opinion, the name is so similar to that of an existing political party recognized
25 in this State as to confuse or mislead the voters at an election.

26 The petitions must state the name and address of the State chairman of the
27 proposed new political party.

28 The validity of the signatures on the petitions shall be proved in accordance
29 with one of the following alternative procedures:

- 30 (1) The signers may acknowledge their signatures before an
31 officer authorized to take acknowledgments, after which that
32 officer shall certify the validity of the signatures by
33 appropriate notation attached to the petition, or
34 (2) A person in whose presence a petition was signed may go
35 before an officer authorized to take acknowledgments and,
36 after being sworn, testify to the genuineness of the signatures
37 on the petition, after which the officer before whom he has
38 testified shall certify his testimony by appropriate notation
39 attached to the petition.

40 Each petition shall be presented to the chairman of the board of elections of
41 the county in which the signatures were obtained, and it shall be the
42 chairman's duty:

- 1 (1) To examine the signatures on the petition and place a check
2 mark on the petition by the name of each signer who is
3 qualified and registered to vote in his county.
4 (2) To attach to the petition his signed certificate
5 a. Stating that the signatures on the petition have been
6 checked against the registration records and
7 b. Indicating the number found qualified and registered to
8 vote in his county.
9 (3) To return each petition, together with the certificate required
10 by the preceding subdivision, to the person who presented it
11 to him for checking.

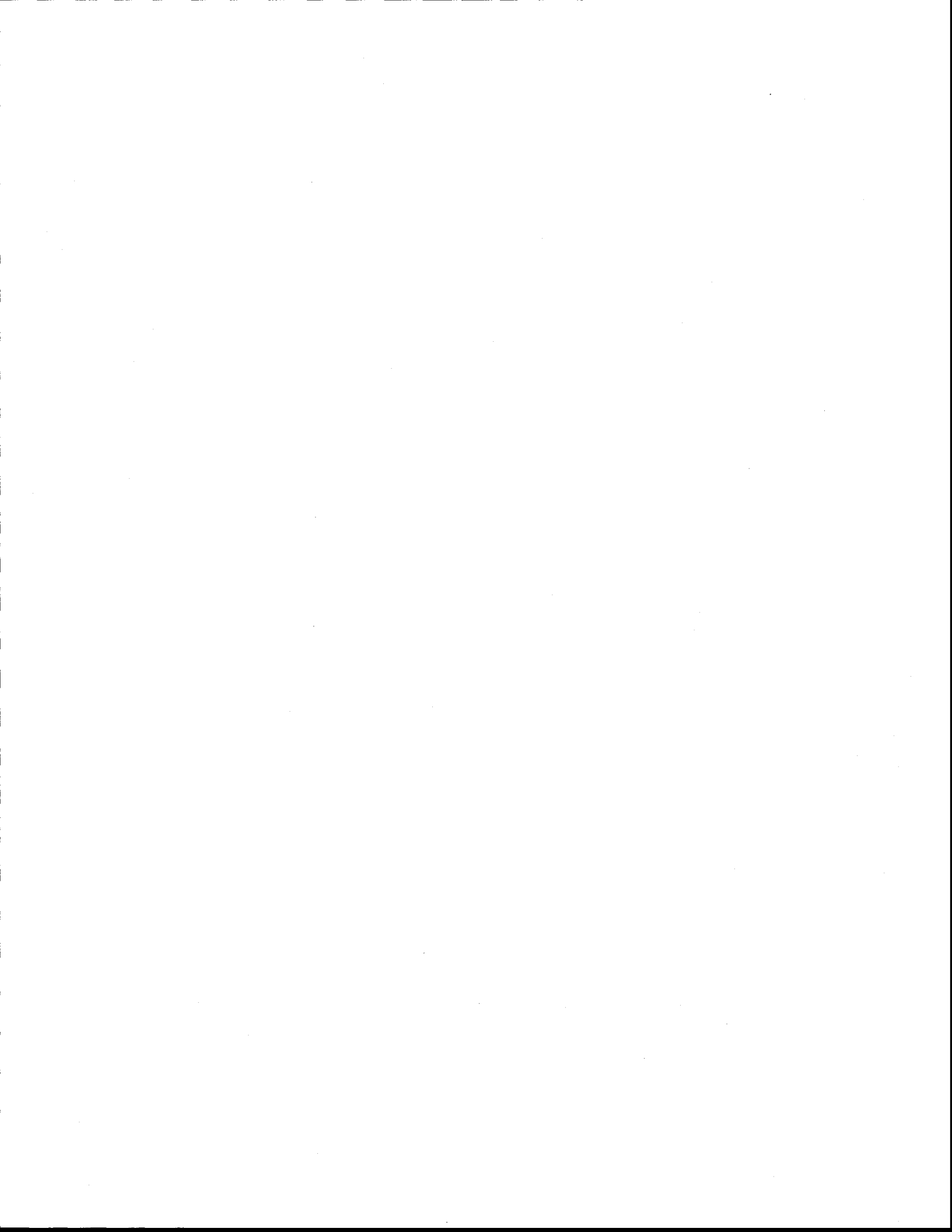
12 The group of petitioners shall submit the petitions to the chairman of the
13 county board of elections in the county in which the signatures were obtained
14 no later than 5:00 P.M. on the fifteenth business day preceding the date the
15 petitions are due to be filed with the State Board of Elections as provided in
16 subsection (a)(2) of this section. Provided the petitions are timely submitted,
17 the chairman of the county board of elections shall require a fee of five cents
18 (5¢) for each signature appearing and shall proceed to examine and verify the
19 signatures under the provisions of this subsection. Verification shall be
20 completed within ~~two weeks~~ fifteen business days from the date such petitions
21 are presented and the required fee ~~received~~ received. Notwithstanding the
22 previous sentence, the county board may extend its deadline for verifying the
23 signatures for a reasonable length of time, if meeting the deadline is unduly
24 burdensome and extending it will not disadvantage the petitioners."

25 Section 2. G.S. 163-97.1 reads as rewritten:

26 "**§163-97.1. Voters affiliated with expired political party.**

27 ~~The State Board of Elections shall be authorized to promulgate appropriate~~
28 ~~procedures to order the county boards of elections to change the registration~~
29 ~~affiliation of all voters who are recorded on the voter registration books as~~
30 ~~being affiliated with a political party which has lost its legal status as provided~~
31 ~~in G.S. 163-97. The State Board of Elections shall not implement the authority~~
32 ~~contained in this section earlier than 90 days following the certification of the~~
33 ~~election in which the political party failed to continue its legal status as~~
34 ~~provided in G.S. 163-97. All voters affiliated with such expired political party~~
35 ~~shall be changed to "unaffiliated" designation by the State Board's order and~~
36 ~~all such registrants shall be entitled to declare a political party affiliation as~~
37 ~~provided in G.S. 163-74(b). Any voter registered with a political party shall be~~
38 ~~allowed to retain that affiliation even if that party loses its status as a political~~
39 ~~party under the provisions of G.S. 163-97. Unless the voter indicates an~~
40 ~~intention otherwise, the county board of elections shall carry that voter on its~~
41 ~~registration lists as a member of the expired party."~~

42 Section 3. This act is effective upon ratification.



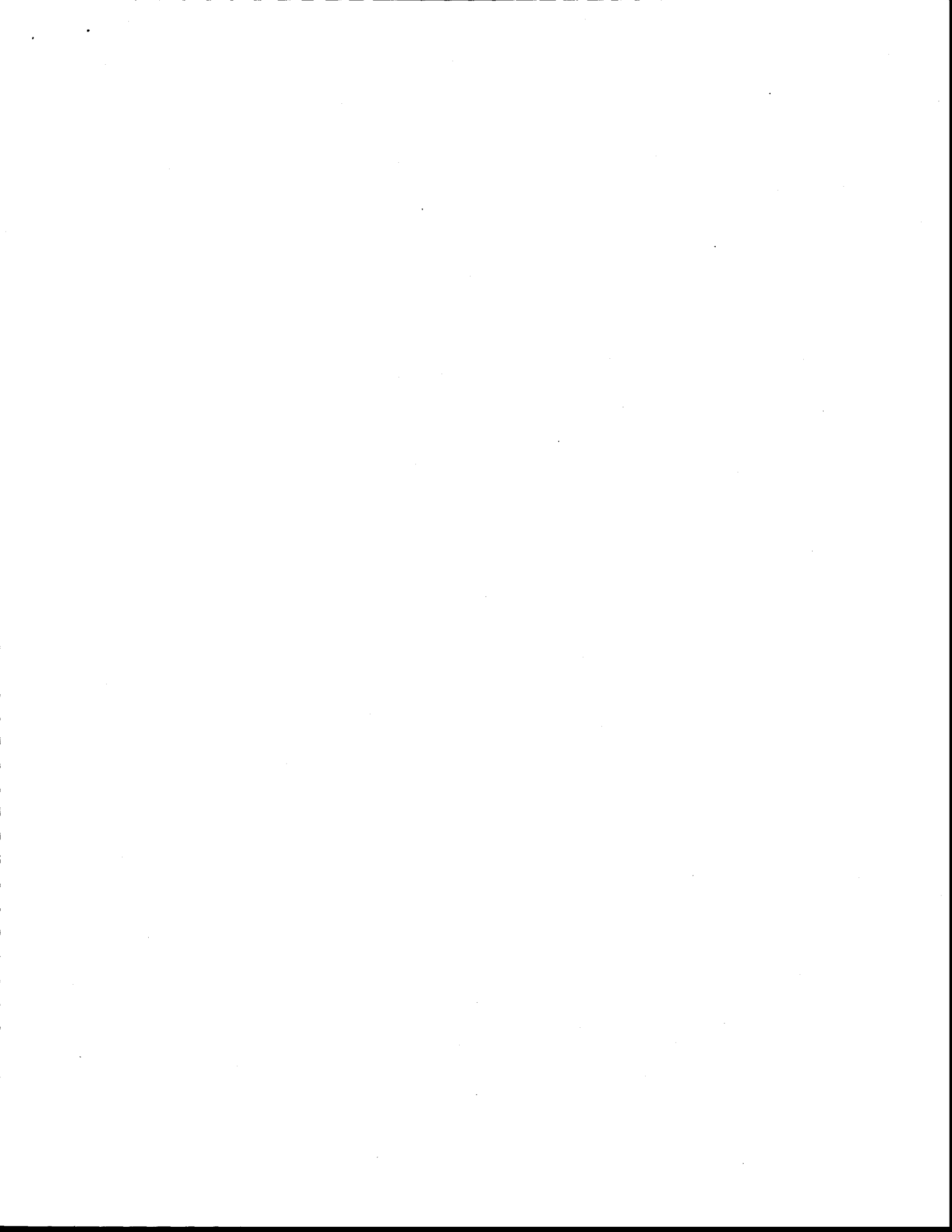
SUMMARY OF

LEGISLATIVE PROPOSAL IV

Legislative Proposal IV would make four changes to the ballot access laws relating to new political parties. The changes are designed to remove barriers and to ease administrative burdens on the boards of elections.

The changes are the following:

1. Move to the second Thursday in July before the general election the deadline for new parties to file their petitions for ballot access. Currently, the deadline is June 1.
2. Give county boards of elections 15 business days to verify all the names on a new party's petitions, and allow them to extend their deadline if there is no disadvantage to the petitioners. Currently, county boards of elections are given two weeks to verify all the names on a new party's petitions, regardless of whether the party's qualifying deadline, or any other deadline of concern to the party, is imminent.
3. Change the petition wording prescribed in the statute so that its final sentence says: "THE SIGNERS OF THIS PETITION DESIRE THAT A NEW POLITICAL PARTY BE ORGANIZED TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION." Currently, the final sentence says: "THE SIGNERS OF THIS PETITION INTEND TO ORGANIZE A NEW POLITICAL PARTY TO PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION."
4. Allow voters affiliated with an expired political party to keep that designation on the registration books. Currently, when a party loses its ballot status, boards of elections are required to go to the expense of changing the records of voters affiliated with that party to "Unaffiliated."



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

D

97-RRZ-005 ()

Short Title: Modified At-Large Election Methods.

(Public)

Sponsors:

Referred to:

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ADD TO THE MODES OF ELECTION THAT MAY BE
3 CHOSEN LOCALLY FOR CITY AND COUNTY GOVERNMENTS THE
4 FOLLOWING: CUMULATIVE VOTING AND PREFERENCE VOTING.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 160A-101 reads as rewritten:
7 "**§ 160A-101. Optional forms.**
8 Any city may change its name or alter its form of government by adopting
9 any one or combination of the options prescribed by this section:
10 (1) Name of the corporation:
11 The name of the corporation may be changed to any name
12 not deceptively similar to that of another city in this State.
13 (2) Style of the corporation:
14 The city may be styled a city, town, or village.
15 (3) Style of the governing board:
16 The governing board may be styled the board of
17 commissioners, the board of aldermen, or the council.
18 (4) Terms of office of members of the council:
19 Members of the council shall serve terms of office of either
20 two or four years. All of the terms need not be of the same
21 length, and all of the terms need not expire in the same year.
22 (5) Number of members of the council:
23 The council shall consist of any number of members not less
24 than three nor more than 12.

1 (6) Mode of election of the council:

2 a. All candidates shall be nominated and elected at large
3 by all the qualified voters of the ~~city.~~ city, using one of
4 the following methods:

5 1. One Vote Per Office. As used in this Article, 'one
6 vote per office' means a system in which a voter
7 may cast as many votes as the number to be
8 elected but may cast fewer votes than the number
9 to be elected, and a voter may cast only one vote
10 for any one candidate. G.S. 163-291, 163-292,
11 163-293, and 163-294 apply the one vote per
12 office method to the four election systems set out
13 in subdivision (7) of this section.

14 2. Cumulative Voting. As used in this Article,
15 'cumulative voting' means a system in which a
16 voter may cast a number of votes up to the
17 number of members to be elected, and the voter
18 may distribute those votes in any combination,
19 including all votes for one candidate.

20 3. Preference Voting. As used in this Article,
21 'preference voting' means a system in which a
22 voter ranks the candidates in the order the voter
23 prefers them, and candidates win by reaching a
24 required threshold of top-ranked votes; votes in
25 excess of the threshold are transferred to the
26 voter's next-choice candidates; candidates with
27 the fewest top-ranked votes are eliminated, and
28 all their votes are transferred to the next-choice
29 candidates. Voters may rank candidates equally.
30 The threshold is calculated as votes divided by
31 number of seats; or votes divided by number of
32 seats plus one, plus one vote; or any number in
33 between.

34 b. The city shall be divided into single-member electoral
35 districts; council members shall be apportioned to the
36 districts so that each member represents the same
37 number of persons as nearly as possible, except for
38 members apportioned to the city at large, if any; the
39 qualified voters of each district shall nominate and elect
40 candidates who reside in the district for seats
41 apportioned to that district; and all the qualified voters
42 of the city shall nominate and elect candidates
43 apportioned to the city at large, if any. In any multiseat
44 contest under this sub-subdivision, the city may adopt

- 1 any of the voting methods listed in sub-subdivision a. of
2 this subdivision.
- 3 c. The city shall be divided into single-member electoral
4 districts; council members shall be apportioned to the
5 districts so that each member represents the same
6 number of persons as nearly as possible, except for
7 members apportioned to the city at large; and
8 candidates shall reside in and represent the districts
9 according to the apportionment plan adopted, but all
10 candidates shall be nominated and elected by all the
11 qualified voters of the city. In any multi-seat contest
12 under this sub-subdivision, the city may adopt any of
13 the voting methods listed in sub-subdivision a. of this
14 subdivision.
- 15 d. The city shall be divided into electoral districts equal in
16 number to one half the number of council seats; the
17 council seats shall be divided equally into 'ward seats'
18 and 'at-large seats,' one each of which shall be
19 apportioned to each district, so that each council
20 member represents the same number of persons as
21 nearly as possible; the qualified voters of each district
22 shall nominate and elect candidates to the 'ward seats';
23 candidates for the 'at-large seats' shall reside in and
24 represent the districts according to the apportionment
25 plan adopted, but all candidates for 'at-large' seats shall
26 be nominated and elected by all the qualified voters of
27 the city. In any multiseat contest under this sub-
28 subdivision, the city may adopt any of the voting
29 methods listed in sub-subdivision a. of this subdivision.
- 30 e. The city shall be divided into single-member electoral
31 districts; council members shall be apportioned to the
32 districts so that each member represents the same
33 number of persons as nearly as possible, except for
34 members apportioned to the city at large, if any; in a
35 nonpartisan primary, the qualified voters of each district
36 shall nominate two candidates who reside in the district,
37 and the qualified voters of the entire city shall nominate
38 two candidates for each seat apportioned to the city at
39 large, if any; and all candidates shall be elected by all
40 the qualified voters of the city. In any multiseat contest
41 under this sub-subdivision, the city may adopt any of
42 the voting methods listed in sub-subdivision a. of this
43 subdivision.

1 Notwithstanding the provisions of G.S. 163-111, 163-291,
2 163-292, or 163-294, the city may choose options 1. through
3 3. of sub-subdivision a. of this subdivision for use for a
4 multiseat contest in a primary, or in a general election, or in
5 both, except that if the nonpartisan election and runoff
6 method is used as provided by sub-subdivision (7)c. of this
7 section, the city may not choose option 2. or 3. of sub-
8 subdivision a. of this subdivision.

9 If either of options b, c, d or e is adopted, the council shall
10 divide the city into the requisite number of single-member
11 electoral districts according to the apportionment plan
12 adopted, and shall cause a map of the districts so laid out to
13 be drawn up and filed as provided by G.S. 160A-22 and
14 160A-23. No more than one half of the council may be
15 apportioned to the city at large. An initiative petition may
16 specify the number of single-member electoral districts to be
17 laid out, but the drawing of district boundaries and
18 apportionment of members to the districts shall be done in all
19 cases by the council.

20 (7) Elections:

- 21 a. Partisan. -- Municipal primaries and elections shall be
22 conducted on a partisan basis as provided in G.S.
23 163-291.
24 b. Nonpartisan Plurality. -- Municipal elections shall be
25 conducted as provided in G.S. 163-292.
26 c. Nonpartisan Election and Runoff Election. -- Municipal
27 elections and runoff elections shall be conducted as
28 provided in G.S. 163-293.
29 d. Nonpartisan Primary and Election. -- Municipal
30 primaries and elections shall be conducted as provided
31 in G.S. 163-294.

32 (8) Selection of mayor:

- 33 a. The mayor shall be elected by all the qualified voters of
34 the city for a term of not less than two years nor more
35 than four years.
36 b. The mayor shall be selected by the council from among
37 its membership to serve at its pleasure.

38 Under option a, the mayor may be given the right to vote
39 on all matters before the council, or he may be limited to
40 voting only to break a tie. Under option b, the mayor has the
41 right to vote on all matters before the council. In both cases
42 the mayor has no right to break a tie vote in which he
43 participated.

44 (9) Form of government:

- 1 a. The city shall operate under the mayor-council form of
 2 government in accordance with Part 3 of Article 7 of
 3 this Chapter.
 4 b. The city shall operate under the council-manager form
 5 of government in accordance with Part 2 of Article 7 of
 6 this Chapter and any charter provisions not in conflict
 7 therewith."

8 Sec. 2. G.S. 153A-58 reads as rewritten:

9 "§ 153A-58. **Optional structures.**

10 A county may alter the structure of its board of commissioners by adopting
 11 one or any combination of the options prescribed by this section.

12 (1) Number of members of the board of commissioners: The
 13 board may consist of any number of members not less than
 14 three, except as limited by subdivision (2)d of this section.

15 (2) Terms of office of members of the board of commissioners:

16 a. Members shall be elected for two-year terms of office.

17 b. Members shall be elected for four-year terms of office.

18 c. Members shall be elected for overlapping four-year
 19 terms of office.

20 d. The board shall consist of an odd number of members,
 21 who are elected for a combination of four- and two-year
 22 terms of office, so that a majority of members is elected
 23 each two years. This option may be used only if all
 24 members of the board are nominated and elected by the
 25 voters of the entire county, and only if the chairman of
 26 the board is elected by and from the members of the
 27 board.

28 (3) Mode of election of the board of commissioners:

29 a. The qualified voters of the entire county shall nominate
 30 all candidates for and elect all members of the ~~board~~
 31 board at large, using one of the following methods:

32 1. One Vote Per Office. As used in this Article, 'one
 33 vote per office' means a system in which a voter
 34 may cast as many votes as the number to be
 35 elected but may cast fewer votes than the number
 36 to be elected, and a voter may cast only one vote
 37 for any one candidate.

38 2. Cumulative Voting. As used in this Article,
 39 'cumulative voting' means a system in which a
 40 voter may cast a number of votes up to the
 41 number of members to be elected, and the voter
 42 may distribute those votes in any combination,
 43 including all votes for one candidate.

1 3. Preference Voting. As used in this Article,
2 'preference voting' means a system in which a
3 voter ranks the candidates in the order the voter
4 prefers them, and candidates win by reaching a
5 required threshold of top-ranked votes; votes in
6 excess of the threshold are transferred to the
7 voter's next-choice candidates; candidates with
8 the fewest top-ranked votes are eliminated, and
9 all their votes are transferred to the next-choice
10 candidates. Voters may rank candidates equally.
11 The threshold is calculated as votes divided by
12 number of seats; or votes divided by number of
13 seats plus one, plus one vote; or any number in
14 between.

15 Notwithstanding the provisions of G.S. 163-111 and of
16 Articles 13 and 15 of Chapter 163 of the General Statutes,
17 the county may choose options 1. through 3. of sub-
18 subdivision a. of this section for use in a primary, or in a
19 general election, or in both.

20 For options b, c, and d, the county shall be divided into
21 electoral districts, and board members shall be apportioned to
22 the districts so that the quotients obtained by dividing the
23 population of each district by the number of commissioners
24 apportioned to the district are as nearly equal as practicable.

25 b. The qualified voters of each district shall nominate
26 candidates and elect members who reside in the district
27 for seats apportioned to that district; and the qualified
28 voters of the entire county shall nominate candidates
29 and elect members apportioned to the county at large,
30 if any. In any multiseat contest under this sub-
31 subdivision, the county may adopt any of the voting
32 methods listed in sub-subdivision a. of this subdivision.

33 c. The qualified voters of each district shall nominate
34 candidates who reside in the district for seats
35 apportioned to that district, and the qualified voters of
36 the entire county shall nominate candidates for seats
37 apportioned to the county at large, if any; and the
38 qualified voters of the entire county shall elect all the
39 members of the board. In any multiseat contest under
40 this sub-subdivision, the county may adopt any of the
41 voting methods listed in sub-subdivision a. of this
42 subdivision.

43 d. Members shall reside in and represent the districts
44 according to the apportionment plan adopted, but the

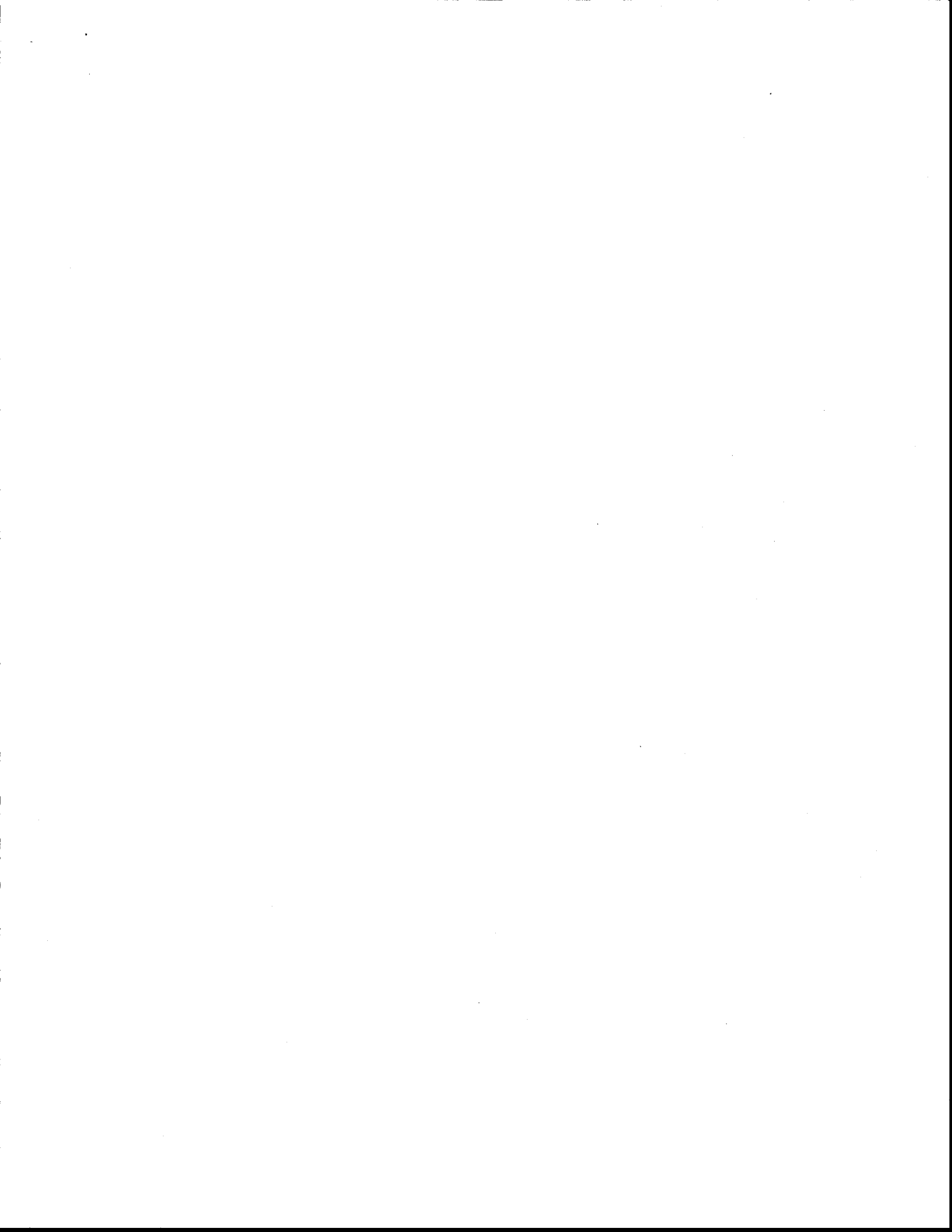
1 qualified voters of the entire county shall nominate all
2 candidates for and elect all members of the board. In
3 any multiseat contest under this sub-subdivision, the
4 county may adopt any of the voting methods listed in
5 sub-subdivision a. of this subdivision.

6 If any of options b, c, or d is adopted, the board shall
7 divide the county into the requisite number of electoral
8 districts according to the apportionment plan adopted, and
9 shall cause a delineation of the districts so laid out to be
10 drawn up and filed as required by G.S. 153A-20. No more
11 than half the board may be apportioned to the county at
12 large.

13 (4) Selection of chairman of the board of commissioners:

- 14 a. The board shall elect a chairman from among its
15 membership to serve a one-year term, as provided by
16 G.S. 153A-39.
- 17 b. The chairmanship shall be a separate office. The
18 qualified voters of the entire county nominate
19 candidates for and elect the chairman for a two- or
20 four-year term."

21 Sec. 3. This act is effective upon ratification.



SUMMARY OF
LEGISLATIVE PROPOSAL V

Legislative Proposal V would add two choices to the menu of local options for modes of election for City Councils and Boards of County Commissioners. The two new methods would be cumulative voting and preference voting. Both methods apply to multi-seat contests, rather than single-seat contests.

Under cumulative voting, in a two-seat race, the voter would have two votes to cast. The voter could use the conventional approach and give one vote to each of the two candidates. Or the voter could give both votes to one candidate.

Under preference voting in a two-seat race, the voter could rank the candidates according to preference. (For a fuller explanation of both cumulative and preference voting, see Appendix H of the Study Committee's report to the 1996 Short Session, published in May 1996.)

Legislative Proposal V is permissive legislation. The current local-option law, which this proposal would amend, allows the local governing board (Board of County Commissioners or City Council) to change its own mode of election, selecting from a menu of choices listed in the statute. The menu currently includes at-large representation, district representation, partisan primary and election, nonpartisan plurality election, etc. The county local option law requires such a change to be initiated by the commissioners and then approved by the county's voters in a referendum. The city local option law allows the City Council to make the change, subject to a referendum only if 10% of the voters petition for a vote. The city law, unlike the county law, also allows the voters to initiate the change by petition, bypassing the City Council.