

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 25

Short Title: Election Laws Review.

(Public)

Sponsors: Representatives Michaux, Lemmond, Luebke; Adams, Boyd-McIntyre, and Earle.

Referred to: Judiciary II.

January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE ELECTION LAWS REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. (a) There is created an Election Laws Review Commission to be composed of 18 members appointed as follows:

(1) The President Pro Tempore of the Senate shall appoint six members;

(2) The Speaker of the House of Representatives shall appoint six members; and

(3) The Governor shall appoint six members.

As used in this Part and unless otherwise clearly indicated, "Commission" shall refer to the Election Laws Review Commission.

(b) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Commission from their appointees. Either cochair may call the first meeting of the Commission.

(c) Members shall serve until the termination of the Commission or, in case of a State legislator member, until the member either does not file for reelection to the General Assembly or is not reelected, whichever occurs first. Vacancies shall be filled in the same manner as the original appointments were made.

Sec. 2. (a) The Election Laws Review Commission shall study thoroughly:

(1) The election laws, policies, and procedures of the State, specifically to include those relating to campaign finance regulation, the appropriateness of their sanctions, and the appropriate handling and disposition of campaign contributions;

- 1 (2) The administration of those laws, policies, and procedures at the State
2 and local levels and the responsibilities of those administering these
3 laws; and
- 4 (3) Federal and State case rulings impinging on these laws, policies, and
5 practices.
- 6 (b) The Commission shall recommend changes to the law that will:
- 7 (1) Clarify the present law by removing inconsistencies and outdated
8 provisions, including those of dubious constitutionality;
- 9 (2) Incorporate in the law any desirable uncodified procedures, practices,
10 and rulings of a general nature that have been implemented by the
11 State Board of Elections and its Executive Secretary-Director;
- 12 (3) Conform the law to State and federal case law and to any requirements
13 of federal statutory law and regulation;
- 14 (4) Ensure the efficient and effective administration of elections in this
15 State;
- 16 (5) Continue the impartial, professional administration of elections, which
17 the citizens of the State expect and demand; and
- 18 (6) Recodify the election laws, as necessary, to produce a comprehensive
19 current statement of law and practice of elections in North Carolina.

20 Sec. 3. With the prior approval of the Legislative Services Commission, the
21 Legislative Administrative Officer shall assign professional and clerical staff to assist in
22 the work of the Election Laws Review Commission. Clerical staff shall be furnished to
23 the Commission through the Offices of the House of Representatives and Senate
24 Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne
25 by the Commission. With the prior approval of the Legislative Services Commission,
26 the Election Laws Review Commission may hold its meetings in the State Legislative
27 Building or the Legislative Office Building.

28 Sec. 4. The Commission shall submit a final written report of its findings and
29 recommendations on or before the convening of the 1997 General Assembly. The
30 Commission may submit a written report to the 1996 Regular Session of the 1995
31 General Assembly. All reports shall be filed with the President Pro Tempore of the
32 Senate and the Speaker of the House of Representatives, the Principal Clerks of the
33 Senate and the House of Representatives, and the Legislative Librarian. Upon filing its
34 final report, the Commission shall terminate.

35 Sec. 5. Members of the Commission shall be paid per diem, subsistence, and
36 travel allowances as follows:

- 37 (1) Commission members who are also members of the General
38 Assembly, at the rate established in G.S. 120-3.1;
- 39 (2) Commission members who are officials or employees of the State or
40 local government agencies, at the rate established in G.S. 138-6;
- 41 (3) All other Commission members, at the rate established in G.S. 138-5.

42 Sec. 6. The State Board of Elections and its Executive Secretary-Director,
43 local boards of election, and all other State departments and agencies, and local
44 governments and their subdivisions shall cooperate with the Commission and, upon

1 request, shall furnish to the Commission and its staff any information in their possession
2 or available to them.

3 Sec. 7. From the appropriations to the General Assembly for studies, the
4 Legislative Services Commission may allocate funds to conduct the work of the
5 Election Laws Review Commission.

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