

March 31, 2005

H 1024. INSTANT RUNOFF VOTING. TO PROVIDE FOR INSTANT RUNOFF VOTING IN STATEWIDE PARTY PRIMARIES AND CERTAIN STATEWIDE JUDICIAL VACANCY ELECTIONS. Enacts new GS 163-111A, providing a procedure for instant runoff voting in which voters rank candidates by order of preference and ballots are counted in rounds, with second and subsequent choices being counted only if an earlier round does not yield a candidate with a substantial plurality. Includes among other things, specifications for ballots and counting. Removes the offices of Governor, Lieutenant Governor, State executive officers, and United States Senators from the procedure for requesting a second primary in GS 163-111(c)(1). Enacts a new GS 163-111(c1) providing that in primaries for statewide office, if no candidate receives a substantial plurality, the winner is determined by instant runoff voting and that instant runoff voting is used without the need for the second-place candidate to call for it. Amends GS 163-329 to provide that if a vacancy is created on the Supreme Court or Court of Appeals after the primary filing period, it will be filled by instant runoff voting, except that a candidate wins in the first round of counting only if that candidate has a majority of all votes cast. Effective January 1, 2008, and applies to any primaries or elections held on or after that date

Intro. by Luebke.

Ref. to Election Law

GS 163

May 12, 2005

H 1024. INSTANT RUNOFF VOTING PILOT. Intro. 3/31/05. House committee substitute makes the following changes to 1st edition. Replaces original bill with direction to State Board of Elections to select up to 10 counties, with concurrence of county board of elections from each county, to use instant runoff method of voting set out in original bill, during 2005 and 2006 elections. Directs State Board to report findings and recommendations to General Assembly at 2006 and 2007 sessions.

May 18, 2005

H 1024. INSTANT RUNOFF VOTING PILOT. Intro. 3/31/05. House amendment makes the following changes to 2nd edition. Makes technical change only.

July 11, 2006

H 1024. RUNOFF CHANGES (NEW). Filed 3/30/05. Senate committee substitute makes the following changes to 3rd edition. (1) Revises Section 1 to require that the State Board of Elections (SBE) select up to ten counties for the 2008 elections and ten cities for the 2007 elections (was, 10 counties for the 2005 and 2006 elections) for instant runoff pilot program. Makes conforming change to replace references to "counties" with "local jurisdictions." In cities that are located in more than one county, requires that all county boards of elections that conduct the city's elections concur with the pilot program. Provides that the instant runoff pilot program will be used to determine winner(s) of a partisan primary or in a nonpartisan election that normally uses a nonpartisan election and runoff or a nonpartisan primary and election. Also permits the use of runoff voting to determine the results in an election where nonpartisan plurality elections are normally used, but only if the governing board of the jurisdiction concurs. Defines "instant runoff voting" and sets forth method for determining the threshold of victory and for vote counting. Requires that the SBE report its findings on the pilot program to the 2007 General Assembly (was, 2006).

(2) Amends GS 163-111(e) to require that second primaries be held seven (was, four) weeks after the first primary and to provide that a voter who files a timely written affirmation (was, affidavit) of the voter's change of address (was, transfer of precinct) in the first primary may vote in the second primary without having to refile the written affirmation. (3) Amends GS 163-279(a)(1) to change the time of the first primary in partisan municipal elections to the second Tuesday after Labor Day (was, the sixth Tuesday before the election) and the second primary on the fourth Tuesday before the election (was, the third Tuesday before the election). (4) Amends GS 163-291(2) (municipal partisan primaries) and GS 163-294.2(c) (municipal nonpartisan

primaries) to require that candidates file a notice of candidacy no later than noon on the third Friday in July (was, the first Friday in August) preceding the election. (5) Amendments to GS 163-111(e), GS 163-279(a), 163-291(2), and GS 163-294.2(c) are effective January 1, 2007, and apply to primaries and elections conducted on or after that date.

(6) Enacts new GS 163-245(b)(6) to permit individuals meeting the definitions of "absent uniformed services voter" and "overseas voter" in the federal Uniformed and Overseas Citizens Absentee Voting Act to register to vote by mail or to vote by absentee ballot, or both. (7) Amends GS 163-182.1(b)(1) and GS 163-182.2(b)(1) to require that the identity of precincts selected for sample hand-to-eye counts of the paper ballots or paper records be kept confidential until the day set for the county canvass.

(8) Deletes GS 163-329(b), which established plurality election rules to fill vacancies on the NC Supreme Court, the Court of Appeals, or superior court that occur after the candidate filing period but more than 60 days before the general election. Enacts new GS 163-329(b1) to change the method of filling vacancies in those circumstances by requiring that a vacancy that occurred more than 63 days before the second primary be filled by a nonpartisan primary for the vacancy; and that if the vacancy occurred less than 64 days before the second primary the vacancy would be filled on the day of the general election in November using instant runoff voting. Authorizes the SBE to resolve a tie. Requires that the SBE adopt rules for the implementation of GS 163-329 and delineates the content of those rules. Makes conforming changes to GS 163-327.1(3). (9) Repeals GS 163-327 and transfers those provisions to new GS 163-328(a1) and (e). Further amends section to require that a candidate vacancy be handled the same as a vacancy in office as described in new GS 163-329(b1). Enacts new GS 163-327(d) to prohibit qualified candidates for Supreme Court, Court of Appeals, or superior or district court judge from withdrawing after the close of filing.

(10) Enacts new GS 163-278.64A to establish procedures for candidates in plurality elections to participate in the NC Public Campaign Fund. Amends GS 163-278.65(c) to clarify that if the Fund is insufficient to fully fund all certified candidates, a candidate may make up the difference through private contributions in an amount up to the candidate's Fund eligibility amount. (11) Amends GS 163-278.66(a) to require that entities making expenditures in support of noncertified candidates must report the total funds spent to the Board of Elections once the amount exceeds \$5,000 (was, exceeds \$3,000 and 50% of the trigger for rescue funds). (12) Effective for tax years beginning on or after January 1, 2007, amends GS 105-159.2 to refer to the NC Public Campaign Fund (was, Public Campaign Financing Fund. Requires that the Fund allocations made by individual taxpayers during annual tax filings be credited to the Fund on a quarterly basis (was, monthly). Also amends section to modify tax form description of Fund. (13) Amends GS 163-278.13(e2) (contributions to candidates for the Supreme Court and the Court of Appeals) to prohibit a candidate from accepting a contribution during the period beginning 21 days before the general election and ending the day after election if the contribution causes the candidate to exceed the "trigger for rescue funds" defined in GS 163-278.62(18). (14) Effective January 1, 2007, enacts new GS 163-278.13(e3) to prohibit a candidate for superior court judge from accepting a contribution exceeding \$1,000, except as provided in subsection (c) (allowing contributions up to \$4,000 from a candidate's family members). Makes conforming change to GS 163-278.13(e). (15) Amends GS 163-278.68(b) to conform the name of the Advisory Council for the Public Campaign Fund by deleting "Financing," to clarify that the terms of the members of the Council will expire on December 31st of the year when the term is scheduled to end, regardless of the date on which member was appointed, and to provide that upon the expiration of a member's term, the member will continue to serve on the Council until a successor is appointed. (16) Amends GS 163-278.69(c) to require that the Judicial Voter Guide state that: "Statements by candidates (was, the above statements) do not express or reflect the opinions of the State Board of Elections."

July 19, 2006

H 1024. RUNOFF CHANGES. Filed 3/30/05. Senate amendments make the following changes to 4th edition. Amendment #3 changes the title to *AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN WHICH THE INSTANT RUNOFF*

METHOD OF VOTING WOULD BE USED IN LOCAL ELECTIONS; TO SET THE DATE OF FUTURE SECOND PRIMARIES AT SEVEN WEEKS AFTER THE FIRST PRIMARY; TO REVISE THE MUNICIPAL ELECTION SCHEDULE TO PROVIDE MORE TIME FOR ABSENTEE VOTING AND ELECTION ADMINISTRATION; TO CONFORM NORTH CAROLINA ABSENTEE VOTING LAW TO THE U.S. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT; TO REVISE THE PROCEDURE FOR SELECTION OF PRECINCTS AND OTHER VOTING UNITS FOR SAMPLE COUNTS; TO PROVIDE FOR FILLING MID-ELECTION-YEAR JUDICIAL VACANCIES; AND TO FURTHER AMEND THE LAW CONCERNING JUDICIAL CANDIDACIES. Amendment #3 amends both GS 163-182.1(b) and GS 163-182.2(b) by requiring the State Board of Elections to approve in open meeting the procedure for randomly selecting the sample precincts for a sample hand-to-eye count of paper ballots or paper records for each election, and by deleting the proposed language to require that boards of elections keep the identity of sample precincts confidential. Amendment #1 adds new section 14.1, amending GS 163-278.63(a) by clarifying that costs related to public education about the North Carolina Public Campaign Fund are included among costs incurred by the State Board of Elections that are to be paid from that Fund and not from the General Fund. Amendment #2 makes stylistic changes to the proposed language in GS 105-159.2(b) explaining the taxpayer's opportunity to allocate \$3.00 of individual tax liability to the North Carolina Public Campaign Fund.

August 4, 2006

SL 2006-192 (H 1024). RUNOFF CHANGES. *AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO CONDUCT A PILOT PROGRAM IN WHICH THE INSTANT RUNOFF METHOD OF VOTING WOULD BE USED IN LOCAL ELECTIONS; TO SET THE DATE OF FUTURE SECOND PRIMARIES AT SEVEN WEEKS AFTER THE FIRST PRIMARY; TO REVISE THE MUNICIPAL ELECTION SCHEDULE TO PROVIDE MORE TIME FOR ABSENTEE VOTING AND ELECTION ADMINISTRATION; TO CONFORM NORTH CAROLINA ABSENTEE VOTING LAW TO THE U.S. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT; TO REVISE THE PROCEDURE FOR SELECTION OF PRECINCTS AND OTHER VOTING UNITS FOR SAMPLE COUNTS; TO PROVIDE FOR FILLING MID-ELECTION-YEAR JUDICIAL VACANCIES; AND TO FURTHER AMEND THE LAW CONCERNING JUDICIAL CANDIDACIES.* Summarized in *Daily Bulletin* 3/31/05, 5/12/05, 5/18/05, 7/11/06, and 7/19/06. Enacted August 3, 2006. Sections 2–5, 17, and the portion of Section 15 that affects GS 163-278.13(e3) are effective January 1, 2007. Section 18 is effective for taxable years beginning on or after January 1, 2006. The remainder is effective August 3, 2006.