

March 31, 2009

H 908. ELECTION ADMINISTRATION AMENDMENTS. Filed 3/31/09. *TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; AND TO COMPLETE THE BURDEN OF PROOF PROVISIONS IN THE CANDIDATE-CHALLENGE STATUTE.*

Amends GS 163-166.4 to add that the Executive Director of the State Board of Elections (Board) must find, in order to allow a county board of elections to enter into an agreement with the owners or managers of a nonpublic building to use the building as a voting place on the condition that certain election-related activity is to be prohibited on their property adjacent to the buffer zone, that any restriction of political expression is also extended to commercial expression. Makes a conforming change.

Amends GS 163-82.6A (In-person registration and voting at one-stop sites) to provide that any person who will become qualified by age to register and vote in the general election or regular municipal election for which a party primary is held, even though not qualified by age by the date of the primary, may register for the primary and general or regular municipal election prior to the primary and then vote in the primary after being registered in accordance with this statute. Enacts new GS 163-283.1 to provide that any person who will become qualified by age or residence to register and vote in the general election for which a nonpartisan primary is held, even though not so qualified by the date of the primary, is entitled to register for the primary and general election prior to the primary and then vote in the primary after registering. Prohibits such a person from registering (1) earlier than 60 days or (2) later than the last day for making an application to register, under GS 163-82.6(c), prior to the primary.

Amends GS 6-19.1 (Attorney's fees to parties appealing or defending against agency decision) to prohibit attorneys' fees from being awarded against the Board in any election protest brought under Article 15A (Counting Official Ballots, Canvassing Votes, Hearing Protests, and Certifying Results) of GS Chapter 163.

Amends GS 163-127.5 to provide that, if a challenge to a candidate's qualifications for office is based upon an allegation that the candidate is not qualified based on abandonment of residency required as a qualification of the office, the burden of proof is upon the challenger. However, if a challenge is based upon a failure to establish residency required as a qualification of the office through a change of permanent domicile, the burden of proof is on the candidate.

Intro. by Goodwin.

GS 6, 136

April 9, 2009

H 908. ELECTION ADMINISTRATION AMENDMENTS. Filed 3/3/09. House committee substitute makes the following changes to 1st edition. Provides that amendments to GS 163-166.4 and GS 163-127.5 become effective January 1, 2010, and apply to primaries and elections held on or after that date. Rewrites new GS 163-82.6A(f) to make it applicable to partisan and nonpartisan primaries. Rewrites new GS 163-283.1 (Voting in nonpartisan primary) to make it applicable to persons who will become qualified by age to register and vote in the general election for which the primary is held but not to those who will become qualified only by residence to vote in the general election. Makes additional conforming amendments to GS 163-330, GS 163-59, and GS 163-55(a). Makes a conforming change to the title.

May 4, 2009

H 908. ELECTION ADMINISTRATION AMENDMENTS. Filed 3/31/09. House amendment makes the following changes to 2nd edition. Amends GS 163-12 to clarify that the section references a "challenge to qualification" (was, challenge) with respect to challenges to a candidate's qualification for an office. Requires that the person who challenges the candidate's qualifications must show by a preponderance of the evidence that the candidate is not qualified to be a candidate for the office based on abandonment of residency required as a qualification of the office.

July 30, 2009

H 908. ELECTION ADMINISTRATION AMENDMENTS. Filed 3/31/09. Senate committee substitute makes the following changes to 3rd edition. Amends GS 163-22 to allow the State Board of Elections (Board) to delegate enumerated administrative matters to the Executive Director (Director) by resolution if the Board provides a process for Board review of the Director's administrative decisions. Amends GS 163-165.7(e) to provide that the state training facilitated by the Board for the voting systems utilized by counties may be conducted through the use of videoconferencing or other technology. Amends GS 163-165.9 to (1) prohibit county boards of elections from replacing any voting system, or portion of the system, without approval from the Board; (2) require notification to the Board at the time of every repair to the voting system; (3) require county boards to *annually* maintain software license and maintenance agreements necessary to maintain the warranty of its voting system; and (4) to prohibit the Board from providing routine maintenance to any county board that does not maintain the warranty of its voting system but, if the Board provides any maintenance for such a county, the county is required to reimburse the state for the cost. Amends GS 163-166.1 to require county boards to provide adequate technical support for the county's voting system in conjunction with the Board. Amends GS 163-227.2(g) to permit a county board of elections to demand and use as a one-stop voting site any facility that it may demand and use under GS 163-129 as an election day voting place, except buildings supported or maintained by or through tax revenues that are used primarily for public safety or emergency services purposes. Amends GS 163-182.14 to prohibit attorneys' fees from being awarded against the Board in any election protest brought under Article 15A (Counting Official Ballots, Canvassing Votes, Hearing Protests, and Certifying Results) of GS Chapter 163.

Effective July 1, 2010, amends GS 163-165.3(a) to require each county to contract with a qualified vendor certified by the Board or to be certified by the Board to produce the data necessary for equipment programming. Clarifies that the Board is responsible for *oversight* of all ballot coding.

Amends GS 163-33 to clarify that county boards of elections must perform duties imposed upon them by law and issue rules, regulations, and instructions consistent with directives promulgated under the provisions of GS 163-132.4 or the rules, orders, and directives established by the Board. Makes conforming and technical changes to GS 163-35(b) and (d). Requires that every county board of elections must amend or adopt the resolution of duties and responsibilities required by the act by January 1, 2010.

Enacts new GS 163-82.1(d) to allow preregistration for individuals who are at least 16 years old but will not be 18 by the date of the next election if they are otherwise qualified to register. Provides that when they preregister they automatically become registered upon reaching their age of eligibility, following verification of the individual's qualifications and address. Amends GS 163-82.3(a) to allow those eligible to use the Board's form for voter registration to use it to preregister. Amends GS 163-82.4(d) to make various clarifying and conforming changes to the voter registration application form. Adds new GS 163-82.6(f) to direct the county board of elections to forward each application for preregistration to the Board. Directs the Board, no later than 60 days prior to the first election in which the applicant is entitled to vote, to notify the county board of elections to verify the qualifications and address of the applicant pursuant to GS 163-82.7. Amends GS 163-82.19(a) to direct the Division of Motor Vehicles to revise its driver's license related application form to allow an applicant to apply to preregister to vote as well. Amends GS 163-82.23 to direct public high schools to make available application forms to preregister to vote as well as to register to vote. Amends GS 163-82.25 to direct the Governor to proclaim as Citizens Awareness Month the month designated by the Board each year (was, every even-numbered year). Directs each county board of elections to conduct voter registration and preregistration drives at public high schools in accordance with local board of election policies, school system administrative procedures, and guidelines of the state board of elections. Makes conforming changes to GS 163-82.20. Amends GS 115C-81(g1) to direct the Board to include in the high school civic and citizenship education curriculum instruction on voter registration and preregistration. Beginning with the 2010-11 school year, enacts new GS 115C-47(53) to

encourage local boards of education to adopt policies to promote student voter registration and preregistration and to collaborate with efforts by county boards of elections. Prohibits making completion and submission of voter registration or preregistration forms a course requirement or graded assignment for students. Effective January 1, 2010.

Amends GS 163-82.10(a) to allow the Board and the county board of elections to keep copies of voter registration data, including voter registration applications, in any medium and format expressly approved by the Department of Cultural Resources (DCR) and mutually agreed to by DCR and the Board. Amends GS 163-132.1B to allow the Director, in reporting the precincts, to make the minimum adjustments necessary to assure accurate election administration and the consistent reporting of election results from the precincts as they existed on January 1, 2008. Requires the Director, with the assistance of the county boards of elections, to participate in the Census Bureau's verification program and notify the Census Bureau of any errors in the entry of the voting tabulation districts in time for the Census Bureau to correct those errors. Makes conforming changes.

Amends Section 3(a) of SL 2008-150 to require that a local governing board that is the subject of the election must approve participation in an instant runoff voting pilot *and must hold at least one public hearing on the pilot before approving it, with notice of the hearing published at least 10 days before the hearing*. Provides that the term *ranked choice voting* has the same meaning as, and may be used as a substitute for, the term *instant runoff voting* in describing the pilot. Specifies that the requirement for holding a public hearing applies only to primaries and elections held on or after January 1, 2010, but a local governing board may give notice of and conduct a public hearing to satisfy the requirement before January 1, 2010.

Requires the Joint Legislative Elections Oversight Committee to study issues raised by (1) Senate Bill 417, *National Popular Vote Interstate Compact*; (2) Senate Bill 596, *Filling Vacancies in Local Offices*; and (3) Senate Bill 878, *Judicial Appointment/Voter Retention*, and make recommendations regarding standardization of the process to the 2010 Regular Session by the time the General Assembly convenes.

Deletes amendments to GS 163-166.4, which required that any restriction of political expression in a special agreement prohibiting election-related activity on the property adjacent to the buffer zone be extended to commercial expression. Instead, prohibits in subsection (d) that a special agreement may be entered into under subsection (b) (special agreements about election-related activity) for one-stop voting sites so that those sites are required to have an area for election-related activity adjacent to the buffer zone. Also makes organizational changes. Effective January 1, 2010, and applies to primaries and elections held on or after that date.

Deletes amendments to GS 6-19.1 (Attorney's fees to parties appealing or defending against agency decision) and GS 163-127.5 (Burden of proof).

Makes other technical changes.

Changes the title to *AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS; TO PERMIT THE RETENTION OF VOTER REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; TO REQUIRE A PUBLIC HEARING BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT RUNOFF VOTING AND TO ALLOW THE USE OF THE*

TERM RANKED CHOICE VOTING; AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN LOCAL ELECTED OFFICES.

August 4, 2009

H 908. ELECTION ADMINISTRATION AMENDMENTS. Filed 3/31/09. Senate amendment makes the following changes to 4th edition. GS 163-85 provides that any registered voter of a county may challenge the right of any person to register, remain registered, or vote in that county; however, prohibits making such a challenge after the twenty-fifth day before each primary, general, or special election. Amends GS 163-85(c) to include, as a basis for making the challenge, an allegation that the person who intends to vote is not the person that he or she claims to be.

GS 163-87 provides criteria under which a challenge to voting rights may be made on the day of a primary or election. Amends GS 163-87 to delete as a basis for such a challenge that the person who presents himself or herself to vote is not who he or she represents himself to be.

August 7, 2009

H 908. ELECTION ADMINISTRATION AMENDMENTS. Filed 3/31/09. Conference report recommends the following changes to 5th edition to reconcile matters in controversy. Amends GS 163-227.2(g) to delete the proposed amendment allowing a county board of elections to demand and use as a one-stop voting site any facility that it may demand and use under GS 163-129 as an election day voting place, except buildings supported or maintained by or through tax revenues that are used primarily for public safety or emergency services purposes. Enacts new subsection (g1) to require a county board of elections, in providing a site for one-stop absentee voting, to request the entity in control of the building that is supported or maintained by tax revenues at least 90 days before the start of one-stop absentee voting. Specifies what must be included in the request. Provides that if the entity in control of the building (1) does not respond to the request within 20 days, the building may be used for one-stop absentee voting as stated in the request or (2) responds negatively to the request within 20 days, the entity and the county board of elections must work to identify a building in which to conduct the one-stop absentee voting. Provides that if an agreement is not reached 45 days from the date the board of elections received a response to the request, the matter must be resolved by the State Board of Elections.

September 1, 2009

SL 2009-541 (H 908). ELECTION ADMINISTRATION AMENDMENTS. AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS; TO PERMIT THE RETENTION OF VOTER REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; TO REQUIRE A PUBLIC HEARING BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT RUNOFF VOTING AND TO ALLOW THE USE OF THE TERM RANKED CHOICE VOTING; AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN LOCAL ELECTED OFFICES. Summarized in *Daily Bulletin* 3/31/09,

4/9/09, 5/4/09, 7/30/09, 8/4/09, and 8/7/09. Enacted August 28, 2009. Effective August 28, 2009, except as otherwise provided.