

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 932

Short Title: Instant Runoff Voting Hearings. (Public)

Sponsors: Representatives Insko; and Harrison.

Referred to: Election Law and Campaign Finance Reform, if favorable, Judiciary I.

April 1, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE PUBLIC HEARINGS WITH ADEQUATE NOTICE BEFORE A LOCAL GOVERNMENT PARTICIPATES IN THE INSTANT RUNOFF VOTING PILOT; AND TO REQUIRE INFORMATION PRESENTED BY THE LOCAL GOVERNMENT AT SUCH A HEARING TO BE DOCUMENTED WITH THE ORIGINAL SOURCE OF THE INFORMATION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of Session Law 2008-150 reads as rewritten:

"SECTION 3.(a) The State Board of Elections is authorized to select elections for offices of local government in which to use instant runoff voting in up to 10 local jurisdictions in each of the following years: 2009, 2010, and 2011. The selection of jurisdictions and administration of instant runoff voting shall follow the provisions of Section 1(a) of Session Law 2006-192, except that the local governing board that is the subject of the election must approve participation in the pilot and also must agree to cooperate with the county board of elections and the Board in the development and implementation of a plan to educate candidates and voters about how to use the runoff voting method.

Before approving participation in the pilot, the local governing board shall first adopt a resolution of intent to consider participation. At the same time that a resolution of intent is adopted, the local governing board shall also call a public hearing on the question of participation, the date of the hearing to be not more than 45 days after adoption of the resolution. A notice of the hearing shall be published in a newspaper of general circulation in the jurisdiction and on the local government's Web site and the State Board of Elections Web site at least once not less than 20 days prior to the date fixed for the public hearing. The notice shall contain information about the purpose and process of instant runoff voting. Any information about instant runoff voting in the notice or any other information provided by the local government or the State Board of Elections about instant runoff voting shall document the original source of the information. Documentation shall include the name of the producing agency or author, the date the information was published or produced, and whether the producing agency is a governmental entity; a private nonprofit entity; or a private, for-profit entity. Following the public hearing, but not earlier than the next regular meeting of the local governing body and not later than 60 days from the date of the hearing, the local governing body may approve participation in the pilot.

In a multiseat contest, the Board shall modify the method used for instant runoff voting in single-seat contests to apply its essential principles suitably to that election. In the case of a board of education election where the "local governing board" must be asked to authorize instant runoff voting because nonpartisan plurality elections are normally used, the "local governing board" is the board of education itself. If instant runoff voting is used in place of the



1 nonpartisan election and runoff method as described in G.S. 163-293, the county board of
2 elections, with the approval of the local governing board, may hold the election on the first
3 Tuesday after the first Monday in November. The State Board of Elections, in consultation with
4 the School of Government at the University of North Carolina, shall by January 1, 2009,
5 develop for the pilot program authorized in this section goals, standards consistent with general
6 election law, and criteria for implementation and evaluation. The pilot program shall be
7 conducted according to those goals, standards, and criteria.

8 **"SECTION 3.(b)** This section is effective when it becomes law."

9 **SECTION 2.** This act is effective when it becomes law and applies to any action
10 by a local governing body to participate in the instant runoff voting pilot that occurs on or after
11 that date.