

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10259-LUxfy-29B

Short Title: Fix Our Democracy.

(Public)

Sponsors: Representative Clemmons.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING MINIMUM CRITERIA FOR LEGISLATIVE AND
3 CONGRESSIONAL REDISTRICTING FOLLOWING THE RETURN OF THE 2020
4 DECENNIAL CENSUS, AMENDING THE NORTH CAROLINA CONSTITUTION TO
5 PROVIDE FOR AN INDEPENDENT REDISTRICTING PROCESS, ESTABLISHING
6 THE NORTH CAROLINA CITIZENS REDISTRICTING COMMISSION, AND MAKING
7 CONFORMING CHANGES TO THE REDISTRICTING LAWS; REENACTING
8 LEGISLATION THAT ESTABLISHED A NONPARTISAN METHOD OF ELECTING
9 SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES BEGINNING IN
10 2022; EXTENDING THE WAITING PERIOD FOR FORMER LEGISLATORS WHO
11 BECOME LOBBYISTS; PROVIDING FOR ONLINE VOTER REGISTRATION AND
12 AUTOMATIC VOTER REGISTRATION; INCREASING TRANSPARENCY IN THE
13 LEGISLATIVE PROCESS BY REQUIRING FORTY-EIGHT HOURS' NOTICE OF
14 MEETINGS OF ALL LEGISLATIVE COMMITTEES AND DIRECTING THE
15 LEGISLATIVE SERVICES OFFICER TO DEVELOP A PLAN TO PROVIDE LIVE
16 VIDEO AND AUDIO STREAMING OF ALL MEETINGS OF LEGISLATIVE
17 COMMITTEES AND COMMISSIONS MEETING IN THE LEGISLATIVE COMPLEX;
18 ENSURING VOTING PLACES ON CERTAIN COLLEGE CAMPUSES; PROHIBITING
19 VOTER ROLL PURGING; MAKING VARIOUS CHANGES TO THE CAMPAIGN
20 FINANCE LAWS REGARDING TRANSPARENCY IN SOURCES OF SPENDING,
21 DIGITAL ADVERTISEMENT CAMPAIGNS, PROTECTIONS AGAINST FOREIGN
22 INTERFERENCE IN ELECTIONS, AND LIMITING SUPER PAC INFLUENCE; AND
23 REESTABLISHING PUBLIC FINANCING FOR JUDICIAL CAMPAIGNS.

24 Whereas, short-term political incentives are currently set against the long-term public
25 good; and

26 Whereas, the needed reforms are generally well known and likely inevitable; and

27 Whereas, there is no constituency for political self-serving but universal demand for
28 our service to others; and

29 Whereas, restoring the people's trust in our work begins with restoring the people's
30 fundamental role in our elections; Now, therefore,

31 The General Assembly of North Carolina enacts:

32

33 **PART I. REDISTRICTING CHANGES**

34

35 **SECTION 1.1.** Following the return of the 2020 decennial census, for the purpose
of revising districts and the apportionment among those districts of members of the Senate and



* D R H 1 0 2 5 9 - L U X F Y - 2 9 B *

1 the House of Representatives of the General Assembly and the House of Representatives of the
2 United States Congress, at least the following requirements shall apply in order of priority:

- 3 (1) Each member of each body identified above shall represent, as nearly as may
4 be, an equal number of inhabitants. The ideal population for a district is the
5 number of members in a plan divided into the population of the State as
6 reported by the decennial census. The population for a legislative district shall
7 be within five percent (5%) of the ideal population for that district.
8 Congressional districts shall each have a population that is as nearly equal as
9 practicable to the ideal population, but in all cases within one-tenth of one
10 percent (0.1%) of the ideal population for that district.
- 11 (2) All districts shall comply with at least the following:
12 a. The Constitution of the United States, including the equal protection
13 clause of the Fourteenth Amendment.
14 b. Federal law.
15 c. As applicable, the North Carolina Constitution and State law.
- 16 (3) All districts shall, to the extent possible, meet at least the following criteria:
17 a. Minimize the number of split counties.
18 b. Be composed of convenient contiguous territory. Areas which meet
19 only at the points of adjoining corners are not contiguous.
20 c. Minimize the number of split municipalities.
21 d. To the extent practicable, be compact. Districts should not bypass
22 nearby communities for more distant communities.
- 23 (4) The General Assembly shall not consider electoral results, political
24 considerations, or incumbency in the preparation of a plan for State legislative
25 districts, except to the extent necessary to comply with federal law.
- 26 (5) State legislative districts shall minimize the number of split communities of
27 interest. For purposes of this section, a "community of interest" is a
28 recognizable area with similarities of interests, including, but not limited to,
29 geographic, social, cultural, or historic interests, as well as commonality of
30 communications.
- 31 (6) Precincts shall not be split in the preparation of a plan for State legislative
32 districts, except to the extent necessary to comply with federal law.

33 **SECTION 1.2.(a)** Section 3 of Article II of the North Carolina Constitution reads as
34 rewritten:

35 **"Sec. 3. Senate districts; apportionment of Senators.**

36 The Senators shall be elected from districts. ~~The General Assembly, at the first regular session~~
37 ~~convening after the return of every decennial census of population taken by order of Congress,~~
38 ~~shall revise the senate districts and the apportionment of Senators among those districts, subject~~
39 ~~to the following requirements: Assembly shall establish an independent process to revise the~~
40 ~~senate districts and the apportionment of Senators among those districts pursuant to Section 25~~
41 ~~of this Article.~~

42 (1) ~~Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the~~
43 ~~number of inhabitants that each Senator represents being determined for this purpose by dividing~~
44 ~~the population of the district that he represents by the number of Senators apportioned to that~~
45 ~~district;~~

46 (2) ~~Each senate district shall at all times consist of contiguous territory;~~

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

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

50 **SECTION 1.2.(b)** Section 5 of Article II of the North Carolina Constitution reads as
51 rewritten:

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

2 The Representatives shall be elected from districts. The General Assembly, ~~at the first regular~~
3 ~~session convening after the return of every decennial census of population taken by order of~~
4 ~~Congress, shall revise the representative districts and the apportionment of Representatives~~
5 ~~among those districts, subject to the following requirements:~~ Assembly shall establish an
6 independent process to revise the representative districts and the apportionment of
7 Representatives among those districts pursuant to Section 25 of this Article.

8 (1) ~~Each Representative shall represent, as nearly as may be, an equal number of~~
9 ~~inhabitants, the number of inhabitants that each Representative represents being determined for~~
10 ~~this purpose by dividing the population of the district that he represents by the number of~~
11 ~~Representatives apportioned to that district;~~

12 (2) ~~Each representative district shall at all times consist of contiguous territory;~~

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

14 (4) ~~When established, the representative districts and the apportionment of~~
15 ~~Representatives shall remain unaltered until the return of another decennial census of population~~
16 ~~taken by order of Congress."~~

17 **SECTION 1.2.(c)** Article II of the North Carolina Constitution is amended by adding
18 a new section to read:

19 **"Sec. 25. Redistricting.**

20 The General Assembly shall establish by law an independent process to revise electoral
21 districts for Congress and the General Assembly after the return of every decennial census of
22 population taken by order of Congress. The process shall meet at least all of the following
23 requirements:

24 (1) The General Assembly shall have no role in revising electoral districts for Congress
25 or the General Assembly.

26 (2) Each member of the Senate and House of Representatives of the General Assembly
27 and the House of Representatives of the United States Congress shall represent, as nearly as may
28 be, an equal number of inhabitants.

29 (3) Each electoral district shall at all times consist of contiguous territory.

30 (4) To the extent practicable and consistent with federal law, no county shall be divided
31 in the formation of an electoral district for the Senate or House of Representatives of the General
32 Assembly.

33 (5) When established, the electoral districts for the Senate and House of Representatives
34 of the General Assembly shall remain unaltered until the return of another decennial census of
35 population taken by order of Congress.

36 (6) Electoral districts adopted pursuant to the process shall have the force and effect of
37 acts of the General Assembly."

38 **SECTION 1.2.(d)** The amendments set out in subsections (a), (b), and (c) of this
39 section shall be submitted to the qualified voters of the State at the general election in November
40 2022, which election shall be conducted under the laws then governing elections in the State.
41 Ballots, voting systems, or both may be used in accordance with Subchapter III of Chapter 163A
42 of the General Statutes. The question to be used in the voting systems and ballots shall be:

43 "[] FOR [] AGAINST

44 A constitutional amendment providing for an independent redistricting process for
45 electoral districts for Congress and the General Assembly. The General Assembly would
46 establish the process but have no role in the revising of districts."

47 **SECTION 1.2.(e)** If a majority of votes cast on the question are in favor of the
48 amendments set out in subsections (a), (b), and (c) of this section, the State Board of Elections
49 shall certify the amendments to the Secretary of State. The Secretary of State shall enroll the
50 amendments so certified among the permanent records of that office. The amendments set out in
51 subsections (a), (b), and (c) of this section are effective upon certification.

1 (a) Establishment. – There is established the North Carolina Citizens Redistricting
2 Commission in accordance with Section 25 of Article II of the North Carolina Constitution to
3 prepare preliminary, proposed, and alternative plans and to adopt final plans for the purpose of
4 nominating and electing members of the Senate and House of Representatives of the General
5 Assembly and the House of Representatives of the United States Congress.

6 (b) Eligibility. – A resident of North Carolina is eligible to apply for membership on the
7 Commission if that person meets all of the following requirements:

8 (1) Has been a registered voter in North Carolina with the same affiliation, or lack
9 thereof, for at least three years prior to commencement of service on the
10 Commission.

11 (2) Has not contributed more than two thousand dollars (\$2,000) to any candidate
12 for public office.

13 (3) No person who has served as a member of the Commission shall be eligible
14 to hold any public office for three years after termination of service on the
15 Commission.

16 (4) Is not any of the following:

17 a. A relative of a current member of the General Assembly.

18 b. A political appointee of the General Assembly.

19 c. A staff member of or legal counsel to the General Assembly.

20 d. An official of a political party or a consultant or legal counsel to a
21 political party in the United States.

22 (5) Has never done any of the following:

23 a. Served in public office for any period of time during the 10 years
24 preceding the date of his or her application.

25 b. Held a political appointment.

26 c. Served as an elected or appointed officer of a political party, body, or
27 committee at any level of government in the United States.

28 d. Served as an officer, employee, or paid consultant of a political party
29 or body or of the campaign or campaign committee of a candidate for
30 public office in the United States.

31 e. Been employed by Congress.

32 f. Been convicted of any of the following crimes against a governmental
33 body of the United States or a crime with a direct connection to the
34 crimes:

35 1. Espionage.

36 2. Terrorism.

37 3. Treason.

38 4. Sabotage.

39 5. Sedition.

40 g. Been a member of an organization that advocates any of the crimes
41 listed in sub-subdivision f. of this subdivision or any of the following:

42 1. Overthrowing or attacking any governmental body of the
43 United States.

44 2. Preventing any official of any governmental body of the
45 United States from performing his or her official duties.

46 3. Preventing persons from exercising their rights under the laws
47 of any governmental body of the United States.

48 (6) Is not a legislative staffer, lobbyist, or legislative liaison.

49 (c) Membership Application; Evaluations. – Any citizen of North Carolina may apply to
50 the State Auditor to be a member of the Commission. As part of a person's application, that
51 person shall (i) disclose all relevant relationships and positions and (ii) submit to the State

1 Auditor an attestation that the person is eligible to serve as a member of the Commission pursuant
2 to subsection (b) of this section. The State Auditor shall evaluate applications to ensure they meet
3 the requirements of this section and any other requirements of State law. The State Auditor shall
4 submit all eligible applications to the North Carolina Human Relations Commission. The North
5 Carolina Human Relations Commission shall review the eligible applications and submit a
6 diverse group of up to 60 applications to the General Assembly as follows:

7 (1) Applications submitted to the General Assembly shall reflect the State's
8 diverse races, ethnicities, nationalities, sexual orientations, socioeconomic
9 statuses, and geography.

10 (2) The North Carolina Human Relations Commission shall submit no more than
11 20 applications from persons registered in each of the following ways, as
12 reflected by the latest registration statistics published by the State Board of
13 Elections:

14 a. As affiliated with the political party with the highest number of
15 registered affiliates.

16 b. As affiliated with the political party with the second highest number
17 of registered affiliates.

18 c. As not affiliated with either of the two political parties having the
19 highest and second highest number of registered affiliates.

20 (3) If there are fewer than 20 applications from persons registered in accordance
21 with any sub-subdivision of subdivision (c)(2) of this section, the North
22 Carolina Human Relations Commission may submit additional eligible
23 applications to the General Assembly, as necessary, to reach a total of 60
24 applications.

25 (d) Appointment. – The Commission shall be composed of 15 members appointed from
26 the pool of candidates submitted to the General Assembly pursuant to subsection (c) of this
27 section as follows:

28 (1) Two by the President Pro Tempore of the Senate from the pool of applications
29 that share his or her political party affiliation or lack thereof.

30 (2) Two by the minority leader in the Senate from the pool of applications that
31 share his or her political party affiliation or lack thereof.

32 (3) Two by the Speaker of the House of Representatives from the pool of
33 applications that share his or her political party affiliation or lack thereof.

34 (4) Two by the minority leader in the House of Representatives from the pool of
35 applications that share his or her political party affiliation or lack thereof.

36 (5) Seven randomly selected by the North Carolina Human Relations
37 Commission as follows:

38 a. One from the pool of applications submitted pursuant to
39 sub-subdivision (c)(2)a. of this section.

40 b. One from the pool of applications submitted pursuant to
41 sub-subdivision (c)(2)b. of this section.

42 c. Five from the pool of applications submitted pursuant to
43 sub-subdivision (c)(2)c. of this section.

44 (6) All appointing authorities shall consider the importance of diversity, as
45 defined in subdivision (c)(1) of this section, when making their appointments.

46 (e) Term of Office. – The term of office for members of the Commission shall begin on
47 July 1 of each year ending in zero. The members shall continue in office for 10 years until their
48 successors are appointed and qualified.

49 (f) Chair. – The position of chair of the Commission shall rotate every three months
50 following a schedule randomly generated at the beginning of the redistricting cycle. No two

1 members who share the same party affiliation, or lack thereof, shall serve as chair in the same
2 six-month period. No member shall serve as chair more than once in a 12-month period.

3 (g) Removal from Office. – A member of the Commission may be removed from office
4 as follows:

5 (1) By the authority that appointed the member for any of the following:

6 a. Failure to comply with G.S. 120-4.65.

7 b. Ineligibility pursuant to subsection (b) of this section.

8 (2) By a vote of at least 11 members of the Commission, in open session at any
9 duly held meeting, for any cause that renders the member incapable or unfit
10 to discharge the duties of the office, including neglect of duty or gross
11 misconduct. All Commission member votes on removal of a member pursuant
12 to this subdivision shall be recorded in the record.

13 (h) Vacancies. – Any vacancy occurring in the membership of the Commission shall be
14 filled in the manner prescribed in this section by the authority that made the initial appointment.
15 Vacancies shall be filled for the remainder of the unexpired term.

16 (i) Stipend. – Members of the Commission shall receive a stipend of one thousand two
17 hundred dollars (\$1,200) for each month that the Commission meets.

18 (j) Other Expenses. – Members of the Commission may receive travel and subsistence
19 as follows:

20 (1) Members who are officials or employees of a State agency or unit of local
21 government, in accordance with G.S. 138-6.

22 (2) All other members at the rate established in G.S. 138-5.

23 **"§ 120-4.60. Staff.**

24 (a) The Commission shall be administratively housed in the Legislative Services Office
25 of the General Assembly.

26 (b) The Commission may exercise its prescribed powers independently of the General
27 Assembly and the Legislative Services Officer. In order to pay expenses incidental to
28 implementing its purposes, the Commission may enter into contracts, own property, and accept
29 funds, grants, and gifts from academic and nonprofit entities that have never contributed to
30 political parties, persons holding public office, or candidates for public office.

31 (c) The Legislative Services Officer shall provide general administrative support to the
32 Commission, including purchasing, payroll, and similar administrative services.

33 (d) The Commission shall retain independent staff under contract, including an executive
34 secretary and any additional necessary supporting staff. As a whole, the political affiliations of
35 staff members, or lack thereof, shall be divided approximately into thirds among the two political
36 parties with the highest number of affiliates and among persons unaffiliated with a political party.
37 A person is ineligible to serve as a staff member to the Commission if that person would be
38 ineligible to serve as a member of the Commission pursuant to G.S. 120-4.55(b). Staff shall be
39 selected as follows:

40 (1) If there are at least three members appointed to the Commission from each
41 sub-subdivision of G.S. 120-4.55(c)(2), staff shall be selected by a vote of at
42 least nine members composed of at least three members appointed to the
43 Commission from each sub-subdivision of G.S. 120-4.55(c)(2).

44 (2) If there are not at least three members appointed to the Commission from each
45 sub-subdivision of G.S. 120-4.55(c)(2), staff shall be selected by a vote of all
46 of the following:

47 a. At least three members from each sub-subdivision of
48 G.S. 120-4.55(c)(2) with more than three members appointed to the
49 Commission.

50 b. A unanimous vote from each sub-subdivision of G.S. 120-4.55(c)(2)
51 with three or fewer members appointed to the Commission.

"§ 120-4.65. Open meetings and public records.

The Commission shall be subject to the Public Records Act, Chapter 132 of the General Statutes, and the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes, except to the extent those enactments conflict with the below requirements:

- (1) Members of the Commission and staff shall not discuss the business of the Commission outside public meetings.
- (2) If a member of the Commission violates subdivision (1) of this section, he or she shall place in the public records of the Commission (i) any violating written communication and (ii) a written description of any violating oral communication. The written description of an oral communication must include the name of the parties to the communication, the date and approximate time of the communication, and a description of the nature and substance of the communication.
- (3) The Commission shall provide at least 14 days' notice prior to any meeting in which votes will be taken.

"§ 120-4.70. Redistricting criteria.

All plans shall meet the following goals, in order of priority:

- (1) Each identified representative shall represent, as nearly as may be, an equal number of inhabitants.
- (2) Compliance with the North Carolina Constitution, State law, the Constitution of the United States, including the equal protection clause of the Fourteenth Amendment, and federal law.
- (3) In accordance with subdivisions (1) and (2) of this section, the population for a legislative district shall be within five percent (5%) of the ideal population for that district. Congressional districts shall each have a population that is as nearly equal as practicable to the ideal population but in all cases within one-tenth of one percent (0.1%) of the ideal population for that district.
- (4) Minimizing the number of split counties.
- (5) All districts shall be contiguous. Areas that meet only at the points of adjoining corners are not contiguous.
- (6) Minimizing the number of split municipalities.
- (7) To the extent practicable, all districts shall be compact. Districts should not bypass nearby communities for more distant communities.
- (8) Electoral impartiality. The Commission shall not consider electoral results, political considerations, or incumbency in the preparation of a plan, except to the extent necessary to comply with federal law.
- (9) Minimizing the number of split communities of interest. Precincts shall not be split in the preparation of a plan, except to the extent necessary to comply with federal law.

"§ 120-4.75. Adoption of redistricting plans by the Commission.

(a) Duties. – The Commission shall adopt preliminary, proposed, alternative, and final plans as follows:

- (1) If there are at least three members appointed to the Commission from each sub-subdivision of G.S. 120-4.55(c)(2), plans shall be adopted by a vote of at least nine members composed of at least three members appointed to the Commission from each sub-subdivision of G.S. 120-4.55(c)(2).
- (2) If there are not at least three members appointed to the Commission from each sub-subdivision of G.S. 120-4.55(c)(2), plans shall be adopted by a vote of all of the following:

- 1 a. At least three members from each sub-subdivision of
2 G.S. 120-4.55(c)(2) with more than three members appointed to the
3 Commission.
- 4 b. A unanimous vote from each sub-subdivision of G.S. 120-4.55(c)(2)
5 with three or fewer members appointed to the Commission.
- 6 (b) Special Master. – At the beginning of the redistricting cycle, the State Auditor shall
7 submit to the Commission a list of names of persons with an expertise in redistricting who are
8 qualified to serve as a special master. In the event a plan cannot be adopted pursuant to subsection
9 (a) of this section, the Commission shall appoint a special master from the list of names provided
10 by the State Auditor, and the special master shall draw a plan and submit the plan, along with the
11 rationale for the plan, to the Commission, which shall adopt that plan. The special master shall
12 be appointed as follows:
- 13 (1) If there are at least three members appointed to the Commission from each
14 sub-subdivision of G.S. 120-4.55(c)(2), the special master shall be appointed
15 by a vote of at least nine members composed of at least three members
16 appointed to the Commission from each sub-subdivision of
17 G.S. 120-4.55(c)(2).
- 18 (2) If there are not at least three members appointed to the Commission from each
19 sub-subdivision of G.S. 120-4.55(c)(2), the special master shall be appointed
20 by a vote of all of the following:
- 21 a. At least three members from each sub-subdivision of
22 G.S. 120-4.55(c)(2) with more than three members appointed to the
23 Commission.
- 24 b. A unanimous vote from each sub-subdivision of G.S. 120-4.55(c)(2)
25 with three or fewer members appointed to the Commission.
- 26 (c) Time Line. – The Commission shall adopt all plans no later than October 1 of the year
27 following each federal census. Prior to the adoption of a plan, the Commission shall adhere to
28 the following maximum time line:
- 29 (1) Within 30 days of receipt of data from the Census Bureau, the Commission
30 shall hold the initial 10 public hearings pursuant to G.S. 120-4.85.
- 31 (2) Within 50 days of receipt of data from the Census Bureau, the Commission
32 shall release to the public preliminary plans for revising the congressional and
33 legislative districts.
- 34 (3) Within 70 days of receipt of data from the Census Bureau, the Commission
35 shall hold an additional 10 public hearings pursuant to G.S. 120-4.85.
- 36 (4) Within 90 days of receipt of data from the Census Bureau, the Commission
37 shall release to the public all of the following:
- 38 a. Proposed plans for revising the congressional and legislative districts.
- 39 b. Alternative plans for revising the congressional and legislative
40 districts.
- 41 c. A summary of public input provided pursuant to G.S. 120-4.85.
- 42 (5) Within 110 days of receipt of data from the Census Bureau, the Commission
43 shall vote to adopt final plans from its proposed or alternative plans for
44 revising the congressional and legislative districts.
- 45 (6) Within 130 days of receipt of data from the Census Bureau, if the Commission
46 fails to adopt any final plan pursuant to subdivision (5) of this subsection, the
47 Commission shall select from the list of names provided by the State Auditor
48 pursuant to subsection (b) of this section a special master to complete the plan
49 or plans. The Commission shall provide the special master with its proposed
50 and alternative plans and all supporting data.

- 1 (7) Within 150 days of receipt of data from the Census Bureau, if the Commission
2 fails to adopt any plan pursuant to subdivision (5) of this subsection, the
3 special master selected pursuant to subsection (b) of this section shall prepare
4 and release a plan and rationale for any changes from the plans released by
5 the Commission. The special master shall present the plan to the Commission.
6 (8) Within 160 days of receipt of data from the Census Bureau, the Commission
7 shall adopt as a final plan the plan presented by the special master.
8 (9) Notwithstanding subdivisions (1) through (8) of this subsection, the
9 Commission may extend the maximum number of days between any event
10 required in this subsection by as many as seven days, up to a total of 40 days
11 over the course of a year, for good cause.

12 **"§ 120-4.80. Public input.**

13 (a) Public Hearings. – The Commission shall engage in a minimum of 20 public hearings
14 across the State. Of those public hearings, at least 10 hearings shall occur before a preliminary
15 plan is released to the public, and at least 10 hearings shall occur after a preliminary plan is
16 released to the public but before a proposed or alternative plan is released to the public.

17 (b) Public Input. – To the extent possible, the Commission shall facilitate the ability of
18 members of the public to provide substantive comments on any plan released to the public. To
19 achieve that goal, the Commission shall provide members of the public with all of the following
20 resources:

- 21 (1) Sufficient time to review any plan released to the public.
22 (2) The opportunity to communicate comments, questions, and recommendations
23 on any plan released to the public, at a minimum, in person, online, and
24 through the mail.
25 (3) Access to the same demographic data that is used by the Commission in a
26 machine-readable form.
27 (4) Access to mapping software and census data in a minimum of 30 public library
28 facilities in the State within 20 days of receipt of that data from the United
29 States Bureau of the Census.
30 (5) A public, written response to every substantive comment or recommendation
31 regarding a specific component of a plan released to the public. The response
32 shall address the viability of any recommendation and indicate whether it was
33 or will be incorporated in any other plan.
34 (6) At the conclusion of the redistricting process, the Commission shall publish a
35 summary of the public input received by the Commission.
36 (7) A website with all of the following information:
37 a. Background information on the redistricting process available in at
38 least English and Spanish. The Commission shall provide information
39 in other languages if at least 50,000 people petition the Commission
40 to have a particular language included.
41 b. Livestreams and recordings of all public meetings in audio, video, or
42 both formats and minutes from those meetings.
43 c. Meeting announcements.
44 d. A searchable database of feedback and plans discussed by the
45 Commission.
46 e. Plans discussed by the Commission and the data used to create those
47 plans.

48 **"§ 120-4.85. Local redistricting.**

49 The General Assembly may by law assign to the Commission the duty to prepare district
50 plans for any county, city, town, special district, and other governmental subdivision, if the
51 governing board of the unit or a court of appropriate jurisdiction so requests."

1 **SECTION 1.2.(g)** Notwithstanding G.S. 120-4.55(f), as enacted by this act, for any
2 redistricting that may occur pursuant to G.S. 120-2.4, as amended by this act, based on data from
3 the 2020 federal census, the term of office for members of the North Carolina Citizens
4 Redistricting Commission shall begin on January 1, 2023, and conclude on June 30, 2030.

5 **SECTION 1.3.(a)** G.S. 120-2.3 reads as rewritten:

6 "**§ 120-2.3. Contents of judgments invalidating apportionment or redistricting acts.**

7 Every order or judgment declaring unconstitutional or otherwise invalid, in whole or in part
8 and for any reason, any ~~act of the General Assembly plan~~ that apportions or redistricts State
9 legislative or congressional districts shall find with specificity all facts supporting that
10 declaration, shall state separately and with specificity the court's conclusions of law on that
11 declaration, and shall, with specific reference to those findings of fact and conclusions of law,
12 identify every defect found by the court, both as to the plan as a whole and as to individual
13 districts."

14 **SECTION 1.3.(b)** G.S. 120-2.4 reads as rewritten:

15 "**§ 120-2.4. Opportunity for ~~General Assembly to remedy defects.~~**

16 (a) If ~~the General Assembly enacts~~ a plan apportioning or redistricting State legislative
17 or congressional ~~districts, districts becomes effective,~~ in no event may a court impose its own
18 substitute plan unless the court first gives the ~~General Assembly~~ North Carolina Citizens
19 Redistricting Commission a period of time to remedy any defects identified by the court in its
20 findings of fact and conclusions of law. That period of time shall not be less than two ~~weeks,~~
21 ~~provided, however, that if the General Assembly is scheduled to convene legislative session~~
22 ~~within 45 days of the date of the court order that period of time shall not be less than two weeks~~
23 ~~from the convening of that legislative session weeks.~~

24 (a1) In the event the ~~General Assembly~~ North Carolina Citizens Redistricting Commission
25 does not act to remedy any identified defects to its plan within that period of time, the court may
26 impose an interim districting plan for use in the next general election only, but that interim
27 districting plan may differ from the previous districting plan ~~enacted by the General Assembly~~
28 only to the extent necessary to remedy any defects identified by the court.

29 (b) Notwithstanding any other provision of law or authority of the State Board of
30 Elections under Chapter 163 of the General Statutes, the State Board of Elections shall have no
31 authority to alter, amend, correct, impose, or substitute any plan apportioning or redistricting
32 State legislative or congressional districts other than a plan imposed by a court under this section
33 or a plan ~~enacted by the General Assembly~~ adopted by the North Carolina Citizens Redistricting
34 Commission."

35 **SECTION 1.3.(c)** G.S. 120-133 is repealed.

36 **SECTION 1.4.(a)** If the constitutional amendments proposed by subsections (a), (b),
37 and (c) of Section 1.2 of this act are approved by the qualified voters as provided in subsections
38 (d) and (e) of Section 1.2 of this act, the following shall become effective January 1, 2023:

39 (1) Subsections (f) and (g) of Section 1.2 of this act.

40 (2) Section 1.3 of this act.

41 **SECTION 1.4.(b)** Except as otherwise provided, this Part is effective when it
42 becomes law.

43 **PART II. NONPARTISAN SUPREME COURT/COURT OF APPEALS ELECTIONS**

44 **SECTION 2.1.** Chapter 163 of the General Statutes is amended by adding a new
45 Subchapter to read:

46 **"SUBCHAPTER XI. ELECTION OF APPELLATE COURT JUDGES.**

47 **"Article 26.**

48 **"Nomination and Election of Appellate Justices and Judges.**

49 **"§ 163-350. Applicability.**

The nomination and election of justices of the Supreme Court and judges of the Court of Appeals shall be as provided by this Article.

"§ 163-351. Nonpartisan primary election method.

(a) General. – Except as provided in G.S. 163-357, there shall be a primary to narrow the field of candidates to two candidates for each position to be filled if, when the filing period closes, there are more than two candidates for a single office or the number of candidates for a group of offices exceeds twice the number of positions to be filled. If only one or two candidates file for a single office, no primary shall be held for that office and the candidates shall be declared nominated. If the number of candidates for a group of offices does not exceed twice the number of positions to be filled, no primary shall be held for those offices and the candidates shall be declared nominated.

(b) Determination of Nominees. – In the primary, the two candidates for a single office receiving the highest number of votes, and those candidates for a group of offices receiving the highest number of votes, equal to twice the number of positions to be filled, shall be declared nominated. If two or more candidates receiving the highest number of votes each receive the same number of votes, the State Board shall determine their relative ranking by lot and shall declare the nominees accordingly. The canvass of the primary shall be held on the same date as the primary canvass fixed under G.S. 163-182.5. The canvass shall be conducted in accordance with Article 15A of this Chapter.

(c) Determination of Election Winners. – In the election, the names of those candidates declared nominated without a primary and those candidates nominated in the primary shall be placed on the ballot. The candidate for a single office receiving the highest number of votes shall be elected. Those candidates for a group of offices receiving the highest number of votes, equal in number to the number of positions to be filled, shall be elected. If two candidates receiving the highest number of votes each received the same number of votes, the State Board shall determine the winner by lot.

"§ 163-352. Notice of candidacy.

(a) Form of Notice. – Each person offering to be a candidate for election shall do so by filing a notice of candidacy with the State Board in the following form, inserting the words in parentheses when appropriate:

Date: _____

I hereby file notice that I am a candidate for election to the office of _____ in the regular election to be held _____.

Signed: _____
(Name of Candidate)

Witness: _____

The notice of candidacy shall be either signed in the presence of the chair or secretary of the State Board or signed and acknowledged before an officer authorized to take acknowledgments who shall certify the notice under seal. An acknowledged and certified notice may be mailed to the State Board. In signing a notice of candidacy, the candidate shall use only the candidate's legal name and, in the candidate's discretion, any nickname by which the candidate is commonly known. A candidate may also, in lieu of that candidate's first name and legal middle initial or middle name, if any, sign that candidate's nickname, provided the candidate appends to the notice of candidacy an affidavit that the candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the

1 affidavit the way the candidate's name (as permitted by law) should be listed on the ballot if
2 another candidate with the same last name files a notice of candidacy for that office.

3 A notice of candidacy signed by an agent or any person other than the candidate himself or
4 herself shall be invalid.

5 (b) Time for Filing Notice of Candidacy. – Candidates seeking election to the following
6 offices shall file their notice of candidacy with the State Board no earlier than 12:00 noon on the
7 second Monday in December and no later than 12:00 noon on the third Friday in December
8 preceding the election:

9 (1) Justices of the Supreme Court

10 (2) Judges of the Court of Appeals

11 (c) Withdrawal of Notice of Candidacy. – Any person who has filed a notice of candidacy
12 for an office shall have the right to withdraw it at any time prior to the close of business on the
13 third business day prior to the date on which the right to file for that office expires under the
14 terms of subsection (b) of this section.

15 (d) Certificate That Candidate Is Registered Voter. – Candidates shall file, along with
16 their notice, a certificate signed by the chair of the board of elections or the supervisor of elections
17 of the county in which they are registered to vote, stating that the person is registered to vote in
18 that county. In issuing such certificate, the chair or supervisor shall check the registration records
19 of the county to verify such information. During the period commencing 36 hours immediately
20 preceding the filing deadline, the State Board shall accept, on a conditional basis, the notice of
21 candidacy of a candidate who has failed to secure the verification ordered herein subject to receipt
22 of verification no later than three days following the filing deadline. The State Board shall
23 prescribe the form for such certificate and distribute it to each county board of elections no later
24 than the last Monday in December of each odd-numbered year.

25 (e) Candidacy for More Than One Office Prohibited. – No person may file a notice of
26 candidacy for more than one office or group of offices described in subsection (b) of this section,
27 or for an office or group of offices described in subsection (b) of this section and an office
28 described in G.S. 163-106.2, for any one election. If a person has filed a notice of candidacy with
29 a board of elections under this section or under G.S. 163-106.2 for one office or group of offices,
30 then a notice of candidacy may not later be filed for any other office or group of offices under
31 this section when the election is on the same date unless the notice of candidacy for the first
32 office is withdrawn under subsection (c) of this section.

33 (f) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any election in
34 which there are two or more vacancies for the office of justice of the Supreme Court or judge of
35 the Court of Appeals to be filled by nominations, each candidate shall, at the time of filing notice
36 of candidacy, file with the State Board a written statement designating the vacancy to which the
37 candidate seeks election. Votes cast for a candidate shall be effective only for election to the
38 vacancy for which the candidate has given notice of candidacy as provided in this subsection.

39 **"§ 163-353. Filing fees required of candidates; refunds.**

40 (a) Fee Schedule. – At the time of filing a notice of candidacy under this Article, each
41 candidate shall pay to the State Board a filing fee for the office the candidate seeks in the amount
42 of one percent (1%) of the annual salary of the office sought.

43 (b) Refund of Fees. – If any person who has filed a notice of candidacy and paid the filing
44 fee prescribed in subsection (a) of this section withdraws his or her notice of candidacy within
45 the period prescribed in G.S. 163-352(c), the candidate shall be entitled to have the fee the
46 candidate paid refunded. The chair of the State Board shall cause a warrant to be drawn on the
47 State Treasurer for the refund payment.

48 (c) Refund of Fees Upon Death of Candidate. – If any person who has filed a notice of
49 candidacy and paid the filing fee prescribed in subsection (a) of this section dies prior to the date
50 of the election, the personal representative of the estate shall be entitled to have the fee refunded
51 if application is made to the board of elections to which the fee was paid no later than one year

1 after the date of death, and refund shall be made in the same manner as in withdrawal of notice
2 of candidacy.

3 **"§ 163-354. Petition in lieu of payment of filing fee.**

4 (a) General. – Any qualified voter who seeks election under this Article may, in lieu of
5 payment of any filing fee required for the office he or she seeks, file a written petition requesting
6 to be a candidate for a specified office with the State Board of Elections.

7 (b) Requirements of Petition; Deadline for Filing. – If the candidate is seeking the office
8 of justice of the Supreme Court or judge of the Court of Appeals, that individual shall file a
9 written petition with the State Board no later than 12:00 noon on Monday preceding the filing
10 deadline before the primary. The petition shall be signed by 8,000 registered voters in the State.
11 The board of elections shall verify the names on the petition, and if the petition and notice of
12 candidacy are found to be sufficient, the candidate's name shall be printed on the appropriate
13 ballot. Petitions must be presented to the county board of elections for verification at least 15
14 days before the petition is due to be filed with the State Board of Elections. The State Board of
15 Elections may adopt rules to implement this section and to provide standard petition forms.

16 **"§ 163-355. Certification of notices of candidacy.**

17 (a) Names of Candidates Sent to Secretary of State. – Within three days after the time for
18 filing notices of candidacy with the State Board under the provisions of G.S. 163-352(b) has
19 expired, the chairman or secretary of that Board shall certify to the Secretary of State the name
20 and address of each person who has filed with the State Board, indicating in each instance the
21 office sought.

22 (b) Notification of Local Boards. – No later than 10 days after the time for filing notices
23 of candidacy under the provisions of G.S. 163-352(b) has expired, the chair of the State Board
24 shall certify to the chair of the county board of elections in each county in the appropriate district
25 the names of candidates for nomination to the offices of justice of the Supreme Court and judge
26 of the Court of Appeals who have filed the required notice and paid the required filing fee or
27 presented the required petition to the State Board so that their names may be printed on the
28 official judicial ballot for justice of the Supreme Court and judge of the Court of Appeals.

29 (c) Receipt of Notification by County Board. – Within two days after receipt of each of
30 the letters of certification from the chair of the State Board required by subsection (b) of this
31 section, each county elections board chair shall acknowledge receipt by letter addressed to the
32 chair of the State Board.

33 **"§ 163-356. Failure of candidates to file; death or other disqualification of a candidate; no**
34 **withdrawal from candidacy.**

35 (a) Insufficient Number of Candidates. – If, when the filing period expires, candidates
36 have not filed for an office to be filled under this Article, the State Board shall extend the filing
37 period for five days for any such offices.

38 (b) Death or Disqualification of Candidate Before Primary. – If a candidate for
39 nomination in a primary dies or becomes disqualified before the primary but after the ballots
40 have been printed, the State Board shall determine whether or not there is time to reprint the
41 ballots. If the Board determines that there is not enough time to reprint the ballots, the deceased
42 or disqualified candidate's name shall remain on the ballots. If that candidate receives enough
43 votes for nomination, such votes shall be disregarded, and the candidate receiving the next
44 highest number of votes below the number necessary for nomination shall be declared nominated.
45 If the death or disqualification of the candidate leaves only two candidates for each office to be
46 filled, the nonpartisan primary shall not be held, and all candidates shall be declared nominees.

47 (c) Earlier Non-Primary Vacancies; Reopening Filing. – If there is no primary because
48 only one or two candidates have filed for a single office, or the number of candidates filed for a
49 group of offices does not exceed twice the number of positions to be filled, or if a primary has
50 occurred and eliminated candidates, and thereafter a remaining candidate dies or otherwise
51 becomes disqualified before the election and before the ballots are printed, the State Board shall,

1 upon notification of the death or other disqualification, immediately reopen the filing period for
2 an additional five days during which time additional candidates shall be permitted to file for
3 election. If the ballots have been printed at the time the State Board receives notice of the
4 candidate's death or other disqualification, the Board shall determine whether there will be
5 sufficient time to reprint them before the election if the filing period is reopened for three days.
6 If the Board determines that there will be sufficient time to reprint the ballots, it shall reopen the
7 filing period for three days to allow other candidates to file for election, and that election shall
8 be conducted as provided in G.S. 163-357(b).

9 (d) Later Vacancies; Ballots Not Reprinted. – If the ballots have been printed at the time
10 the State Board receives notice of a candidate's death or other disqualification, and if the Board
11 determines that there is not enough time to reprint the ballots before the election if the filing
12 period is reopened for three days, then regardless of the number of candidates remaining for the
13 office or group of offices, the ballots shall not be reprinted and the name of the vacated candidate
14 shall remain on the ballots. If a vacated candidate should poll the highest number of votes in the
15 election for a single office or enough votes to be elected to one of a group of offices, the State
16 Board shall declare the office vacant and it shall be filled in the manner provided by law.

17 (e) No Withdrawal Permitted of Living, Qualified Candidate After Close of Filing. –
18 After the close of the candidate filing period, a candidate who has filed a notice of candidacy for
19 the office, who has not withdrawn notice before the close of filing as permitted by
20 G.S. 163-352(b), who remains alive, and has not become disqualified for the office may not
21 withdraw his or her candidacy. That candidate's name shall remain on the ballot, any votes cast
22 for the candidacy shall be counted in primary or election, and if the candidate wins, the candidate
23 may fail to qualify by refusing to take the oath of office.

24 (f) Death, Disqualification, or Failure to Qualify After Election. – If a person elected to
25 the office of justice of the Supreme Court or judge of the Court of Appeals dies or becomes
26 disqualified on or after election day and before the person has qualified by taking the oath of
27 office, or fails to qualify by refusing to take the oath of office, the office shall be deemed vacant
28 and shall be filled as provided by law.

29 **"§ 163-357. Elections to fill vacancy in office created after primary filing period opens.**

30 (a) General. – If a vacancy is created in the office of justice of the Supreme Court or
31 judge of the Court of Appeals after the filing period for the primary opens but more than 60 days
32 before the general election, and under the Constitution of North Carolina an election is to be held
33 for that position, such that the office shall be filled in the general election as provided in
34 G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted without
35 a primary using the method provided in subsection (b) of this section. If a vacancy is created in
36 the office of justice of the Supreme Court or judge of the Court of Appeals before the filing
37 period for the primary opens, and under the Constitution of North Carolina an election is to be
38 held for that position, such that the office shall be filled in the general election as provided in
39 G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted in
40 accordance with G.S. 163-351.

41 (b) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme
42 Court or judge of the Court of Appeals occurs more than 60 days before the general election and
43 after the opening of the filing period for the primary, then the State Board shall designate a special
44 filing period of one week for candidates for the office. If more than two candidates file and
45 qualify for the office in accordance with G.S. 163-352, then the Board shall conduct the election
46 for the office as follows:

- 47 (1) When the vacancy described in this section occurs more than 63 days before
48 the date of the second primary for members of the General Assembly, a special
49 primary shall be held on the same day as the second primary. The two
50 candidates with the most votes in the special primary shall have their names

1 placed on the ballot for the general election held on the same day as the general
2 election for members of the General Assembly.

3 (2) When the vacancy described in this section occurs less than 64 days before
4 the date of the second primary, a general election for all the candidates shall
5 be held on the same day as the general election for members of the General
6 Assembly, and the results shall be determined on a plurality basis as provided
7 by G.S. 163-292.

8 (c) Applicable Provisions. – Except as provided in this section, the provisions of this
9 Article apply to elections conducted under this section.

10 **"§ 163-358. Voting in primary.**

11 Any person who will become qualified by age or residence to register and vote in the general
12 election for which the primary is held, even though not so qualified by the date of the primary,
13 shall be entitled to register for the primary and general election prior to the primary and then to
14 vote in the primary after being registered. Such person may register not earlier than 60 days nor
15 later than the last day for making application to register under G.S. 163-82.6(d) prior to the
16 primary.

17 **"§ 163-359. Date of primary.**

18 The primary shall be held on the same date as established for primary elections under
19 G.S. 163-1(b).

20 **"§ 163-360. Ballots.**

21 (a) General. – In elections there shall be official ballots. The ballots shall be printed to
22 conform to the requirement of G.S. 163-165.6(c) and to show the name of each person who has
23 filed notice of candidacy and the office for which each aspirant is a candidate.

24 Only those who have filed the required notice of candidacy with the proper board of elections,
25 and who have paid the required filing fee or qualified by petition, shall have their names printed
26 on the official primary ballots. Only those candidates properly nominated shall have their names
27 appear on the official general election ballots.

28 (b) Ballots to Be Furnished by County Board of Elections. – It shall be the duty of the
29 county board of elections to print official ballots for the following offices to be voted for in the
30 primary:

31 (1) Justice of the Supreme Court

32 (2) Judge of the Court of Appeals

33 In printing ballots, the county board of elections shall be governed by instructions of the State
34 Board with regard to width, color, kind of paper, form, and size of type.

35 Three days before the election, the chair of the county board of elections shall distribute
36 official ballots to the chief judge of each precinct in his or her county, and the chief judge shall
37 give a receipt for the ballots received. On the day of the primary, it shall be the chief judge's duty
38 to have all the ballots so delivered available for use at the precinct voting place.

39 **"§ 163-361. Counting of ballots.**

40 Counting of ballots in primaries and elections held under this Article shall be under the same
41 rules as for counting of ballots in nonpartisan municipal elections under Article 24 of this
42 Chapter.

43 **"§ 163-362. Other rules.**

44 Except as provided by this Article, the conduct of elections shall be governed by Article 12
45 of this Chapter."

46 **SECTION 2.2.** G.S. 18C-112(e)(1) reads as rewritten:

47 "(e) If any member takes any of the following actions, the member vacates office as a
48 member of the Commission and the vacancy shall be filled as provided by G.S. 18C-111(c):

49 (1) Files a notice of candidacy under G.S. 163-106 through 163-106.6 or
50 G.S. 163-352 or a petition under G.S. 163-107.1."

51 **SECTION 2.3.** G.S. 163-1(b) reads as rewritten:

1 "(b) On Tuesday next after the first Monday in March preceding each general election to
2 be held in November for the officers referred to in subsection (a) of this section, there shall be
3 held in all election precincts within the territory for which the officers are to be elected a primary
4 election for the purpose of nominating candidates for each political party in the State for those
5 ~~offices, offices and nonpartisan candidates as to the offices elected under the provisions of Article~~
6 26 of this Chapter."

7 **SECTION 2.4.** G.S. 163-22.3 reads as rewritten:

8 "**§ 163-22.3. State Board of Elections littering notification.**

9 At the time an individual files with the State Board of Elections a notice of candidacy
10 pursuant to G.S. 163-106, 163-112, 163-291, ~~or~~ 163-294.2, or 163-352, is certified to the State
11 Board of Elections by a political party executive committee to fill a nomination vacancy pursuant
12 to G.S. 163-114, is certified to the State Board of Elections by a new political party as that party's
13 nominee pursuant to G.S. 163-98, qualifies with the State Board of Elections as an unaffiliated
14 or write-in candidate pursuant to Article 11 of this Chapter, or formally initiates a candidacy with
15 the State Board of Elections pursuant to any statute or local act, the State Board of Elections shall
16 notify the candidate of the provisions concerning campaign signs in G.S. 136-32 and
17 G.S. 14-156, and the rules adopted by the Department of Transportation pursuant to
18 G.S. 136-18."

19 **SECTION 2.5.** G.S. 163-82.10B reads as rewritten:

20 "**§ 163-82.10B. Confidentiality of date of birth.**

21 Boards of elections shall keep confidential the date of birth of every voter-registration
22 applicant and registered voter, except in the following situations:

- 23 (1) When a voter has filed notice of candidacy for elective office under
24 G.S. 163-106, 163-122, 163-123, ~~or~~ 163-294.2, or 163-352, has been
25 nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has otherwise
26 formally become a candidate for elective office. The exception of this
27 subdivision does not extend to an individual who meets the definition of
28 "candidate" only by beginning a tentative candidacy by receiving funds or
29 making payments or giving consent to someone else to receive funds or
30 transfer something of value for the purpose of exploring a candidacy.
- 31 (2) When a voter is serving in an elective office.
- 32 (3) When a voter has been challenged pursuant to Article 8 of this Chapter.
- 33 (4) When a voter-registration applicant or registered voter expressly authorizes in
34 writing the disclosure of that individual's date of birth.
- 35 (5) When requested by a county jury commission established pursuant to G.S. 9-1
36 for purposes of preparing the master jury list in that county pursuant to
37 G.S. 9-2.

38 The disclosure of an individual's age does not constitute disclosure of date of birth in violation
39 of this section.

40 The county board of elections shall give precinct officials access to a voter's date of birth
41 where necessary for election administration, consistent with the duty to keep dates of birth
42 confidential.

43 Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of
44 action. This limitation of liability does not apply to the disclosure of a date of birth in violation
45 of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that
46 would otherwise be actionable."

47 **SECTION 2.6.** G.S. 163-106.2(a) reads as rewritten:

48 "(a) Candidates seeking party primary nominations for the following offices shall file their
49 notice of candidacy with the State Board no earlier than 12:00 noon on the first Monday in
50 December and no later than 12:00 noon on the third Friday in December preceding the primary:

51 Governor

1 Lieutenant Governor
 2 All State executive officers
 3 ~~Justices of the Supreme Court~~
 4 ~~Judges of the Court of Appeals~~
 5 Judges of the superior court
 6 Judges of the district court
 7 United States Senators
 8 Members of the House of Representatives of the United States
 9 District ~~attorneys~~attorneys."

10 **SECTION 2.7.** G.S. 163-106.3 reads as rewritten:

11 "**§ 163-106.3. Notice of candidacy for certain offices to indicate vacancy.**

12 In any primary in which there are ~~two or more vacancies for associate justices for the Supreme~~
 13 ~~Court, two or more vacancies for the Court of Appeals,~~ two or more vacancies for superior or
 14 district court ~~judge,~~ judge or two vacancies for United States Senator from North Carolina, each
 15 candidate shall, at the time of filing notice of candidacy, file with the State Board of Elections a
 16 written statement designating the vacancy to which the candidate seeks nomination. The
 17 designation shall not be the name or names of any incumbent or other individual but shall be
 18 designated as determined by the State Board of Elections. A person seeking election for a
 19 specialized district judgeship established under G.S. 7A-147 shall, at the time of filing notice of
 20 candidacy, file with the State Board of Elections a written statement designating the specialized
 21 judgeship to which the person seeks nomination. Votes cast for a candidate shall be effective
 22 only for nomination to the vacancy for which the candidate has given notice of candidacy as
 23 provided in this section."

24 **SECTION 2.8.** G.S. 163-107(a) reads as rewritten:

25 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay
 26 to the board of elections with which the candidate files under the provisions of G.S. 163-106,
 27 163-106.1, 163-106.2, 163-106.3, 163-106.4, 163-106.5, and 163-106.6, a filing fee for the office
 28 sought in the amount specified in the following tabulation:

Office Sought	Amount of Filing Fee
30 Governor	One percent (1%) of the annual salary of the office sought
31 Lieutenant Governor	One percent (1%) of the annual salary of the office sought
32 All State executive offices	One percent (1%) of the annual salary of the office sought
33	
34 All Justices, Judges, Superior and 35 District Court Judges and District At- 36 torneys of the General Court of 37 Justice	One percent (1%) of the annual salary of the office sought
38 United States Senator	One percent (1%) of the annual salary of the office sought
39	
40 Members of the United States House 41 of Representatives	One percent (1%) of the annual salary of the office sought
42	
43 State Senator	One percent (1%) of the annual salary of the office sought
44	
45 Member of the State House 46 of Representatives	One percent (1%) of the annual salary of the office sought
47	
48 All county offices not compensated by 49 fees	One percent (1%) of the annual salary of office sought
50	
51 All county offices compensated partly	One percent (1%) of the first annual

1 by salary and partly by fees salary to be received (exclusive of fees)

2
3 The salary of any office that is the basis for calculating the filing fee is the starting salary for the
4 office, rather than the salary received by the incumbent, if different. If no starting salary can be
5 determined for the office, then the salary used for calculation is the salary of the incumbent, as
6 of January 1 of the election year."

7 **SECTION 2.9.** G.S. 163-107.1(b) reads as rewritten:

8 "(b) If the candidate is seeking the office of United States Senator, Governor, Lieutenant
9 Governor, or any State executive officer, Justice of the Supreme Court, or Judge of the Court of
10 Appeals, the petition must be signed by 10,000 registered voters who are members of the political
11 party in whose primary the candidate desires to run, except that in the case of a political party as
12 defined by G.S. 163-96(a)(2) which will be making nominations by primary election, the petition
13 must be signed by five percent (5%) of the registered voters of the State who are affiliated with
14 the same political party in whose primary the candidate desires to run, or in the alternative, the
15 petition shall be signed by no less than 8,000 registered voters regardless of the voter's political
16 party affiliation, whichever requirement is greater. The petition must be filed with the State Board
17 of Elections not later than 12:00 noon on Monday preceding the filing deadline before the
18 primary in which he seeks to run. The names on the petition shall be verified by the board of
19 elections of the county where the signer is registered, and the petition must be presented to the
20 county board of elections at least 15 days before the petition is due to be filed with the State
21 Board of Elections. When a proper petition has been filed, the candidate's name shall be printed
22 on the primary ballot."

23 **SECTION 2.10.** G.S. 163-111(c)(1) reads as rewritten:

24 "(c) Procedure for Requesting Second Primary. –

25 (1) A candidate who is apparently entitled to demand a second primary, according
26 to the unofficial results, for one of the offices listed below, and desiring to do
27 so, shall file a request for a second primary in writing with the Executive
28 Director of the State Board of Elections no later than 12:00 noon on the ninth
29 day (including Saturdays and Sundays) following the date on which the
30 primary was conducted, and such request shall be subject to the certification
31 of the official results by the State Board of Elections. If the vote certification
32 by the State Board of Elections determines that a candidate who was not
33 originally thought to be eligible to call for a second primary is in fact eligible
34 to call for a second primary, the Executive Director of the State Board of
35 Elections shall immediately notify such candidate and permit the candidate to
36 exercise any options available to the candidate within a 48-hour period
37 following the notification:

38 Governor,
39 Lieutenant Governor,
40 All State executive officers,
41 ~~Justices, Superior or District Court Judges, or District Attorneys of the~~
42 General Court of Justice,
43 United States Senators,
44 Members of the United States House of Representatives,
45 State Senators in multi-county senatorial districts, and
46 Members of the State House of Representatives in multi-county
47 representative districts."

48 **SECTION 2.11.** G.S. 163-122 is amended by adding a new subsection to read:

49 "(c1) This section does not apply to elections under Article 26 of this Chapter."

50 **SECTION 2.12.** G.S. 163-123(h) reads as rewritten:

1 "(h) Municipal and Nonpartisan Elections Excluded. – This section does not apply to
2 municipal elections conducted under Subchapter IX of this ~~Chapter~~.Chapter and does not apply
3 to nonpartisan elections, except for elections under Subchapter XI of this Chapter."

4 **SECTION 2.13.** This Part becomes effective January 1, 2022, and applies to
5 elections held on or after that date.

6 7 **PART III. EXTEND REVOLVING DOOR PERIOD**

8 **SECTION 3.1.** G.S. 120C-304 reads as rewritten:

9 **"§ 120C-304. Restrictions.**

10 (a) No legislator or former legislator may register as a lobbyist under this Article:

11 (1) While in office.

12 (2) ~~Before the later of the close of session as set forth in G.S. 120C-100(a)(7)b.1~~
13 ~~in which the legislator served or six months~~ For a period of two years after
14 leaving office.

15 (b) No public servant or former public servant as defined in G.S. 138A-3(70)a. may
16 register as a lobbyist under this Chapter while in office or ~~within six months~~ for a period of two
17 years after leaving office.

18 (c) No public servant or former public servant as defined in G.S. 138A-3(70)c. may
19 register as a lobbyist under this Chapter ~~within six months~~ for a period of two years after
20 separation from employment as a public servant. No other employee of any State agency may
21 register as a lobbyist under this Chapter to lobby the State agency that previously employed the
22 former employee ~~within six months~~ for a period of two years after voluntary separation or
23 separation for cause from that State agency.

24"

25 **SECTION 3.2.** This Part becomes effective October 1, 2021.

26 27 **PART IV. ONLINE VOTER REGISTRATION**

28 **SECTION 4.1.** G.S. 163-82.5 reads as rewritten:

29 **"§ 163-82.5. Distribution of application forms.**

30 (a) The State Board of Elections shall make the forms described in G.S. 163-82.3
31 available for distribution through governmental and private entities, with particular emphasis on
32 making them available for organized voter registration drives.

33 (b) The State Board shall make the forms available for completion and submission on a
34 secure internet website in accordance with this Article."

35 **SECTION 4.2.** Article 7A of Chapter 163 of the General Statutes is amended by
36 adding a new section to read:

37 **"§ 163-82.5A. Online voter registration.**

38 (a) An individual who meets all of the following criteria may register to vote or change
39 voter registration online:

40 (1) The individual is eligible to register to vote.

41 (2) The individual possesses one of the following that is current and valid:

42 a. North Carolina drivers license issued under Article 2 of Chapter 20 of
43 the General Statutes, including a learner's permit or a provisional
44 license.

45 b. Special identification card for nonoperators issued under G.S. 20-37.7.

46 (b) The State Board shall establish a secure internet website to permit individuals
47 described in subsection (a) of this section to complete and submit voter registration applications
48 online.

49 (c) The secure website established under subsection (b) of this section shall allow an
50 individual described in subsection (a) of this section to submit:

51 (1) An application for any of the following:

- 1 a. Voter registration.
2 b. Reporting of a change of name, address, or party affiliation. If the
3 individual is already registered to vote and the change of address is to
4 another county, it shall be treated as an application to register to vote.
5 (2) Information to establish that the individual is eligible under this section to
6 register online.
7 (3) The individual's email address.
8 (d) Upon receipt of an individual's application under subsection (c) of this section, the
9 county board of elections, in conjunction with the State Board, shall verify the North Carolina
10 drivers license or social security number in accordance with G.S. 163-82.12, update the statewide
11 registration database and search for possible duplicate registrations, and proceed under
12 G.S. 163-82.7 to verify the person's address.
13 (e) If the State Board verifies the North Carolina drivers license or social security number
14 in accordance with G.S. 163-82.12, the Division of Motor Vehicles shall transfer the digital
15 signature of the applicant in the Division of Motor Vehicles records to the State Board.
16 (f) If the State Board cannot verify the North Carolina drivers license or social security
17 number in accordance with G.S. 163-82.12, the State Board shall so notify the individual
18 submitting the application by email, if provided, and in accordance with this Article. That
19 individual shall be offered an opportunity to register in accordance with G.S. 163-82.6 or
20 G.S. 163-82.6A, as applicable."

21 **SECTION 4.3.** G.S. 163-82.10(a1) reads as rewritten:

22 "(a1) Personal Identifying Information. – Full or partial social security numbers, dates of
23 birth, the identity of the public agency at which the voter registered under G.S. 163-82.20, any
24 electronic mail address submitted under this Article, Article 20, or Article 21A of this Chapter,
25 photocopies of identification for voting, any electronic data associated with online voter
26 registration under G.S. 163-82.5A, and drivers license numbers, whether held by the State Board
27 or a county board of elections, are confidential and shall not be considered public records and
28 subject to disclosure to the general public under Chapter 132 of the General Statutes. Cumulative
29 data based on those items of information may be publicly disclosed as long as information about
30 any individual cannot be discerned from the disclosed data. Disclosure of information in violation
31 of this subsection shall not give rise to a civil cause of action. This limitation of liability does not
32 apply to the disclosure of information in violation of this subsection as a result of gross
33 negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable."

34 **SECTION 4.4.** This Part becomes effective December 1, 2021.
35

36 **PART V. AUTOMATIC VOTER REGISTRATION**

37 **SECTION 5.1.** G.S. 163-82.3 reads as rewritten:

38 "**§ 163-82.3. Voter registration application ~~forms~~forms; automatic voter registration at**
39 **certain agencies.**

40 (a) Form Developed by State Board of Elections. – The State Board of Elections shall
41 develop an application form for voter registration. Any person may use the form to apply to do
42 any of the following:

43 ...

44 (c) ~~Agency Application Form.~~ Application. – The county board of elections where an
45 applicant resides shall accept as application for any of the purposes set out in subsection (a) of
46 this section ~~a form~~ automatic voter registration developed pursuant to G.S. 163-82.19 or
47 G.S. 163-82.20."

48 **SECTION 5.2.** G.S. 163-82.6 reads as rewritten:

49 "**§ 163-82.6. Acceptance of application forms.**

50 (a) How the Form May Be Submitted. – The county board of elections shall accept any
51 form described in G.S. 163-82.3 if the applicant submits the form by mail, facsimile transmission,

1 transmission of a scanned document, or in ~~person~~ person or by automatic voter registration
 2 pursuant to G.S. 163-82.19 or G.S. 163-82.20. The applicant may delegate the submission of the
 3 form to another person. Any person who communicates to an applicant acceptance of that
 4 delegation shall deliver that form so that it is received by the appropriate county board of
 5 elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (d) of
 6 this section for the next election. It shall be a Class 2 misdemeanor for any person to communicate
 7 to the applicant acceptance of that delegation and then fail to make a good faith effort to deliver
 8 the form so that it is received by the county board of elections in time to satisfy the registration
 9 deadline in subdivision (1) or (2) of subsection (d) of this section for the next election. It shall be
 10 an affirmative defense to a charge of failing to make a good faith effort to deliver a delegated
 11 form by the registration deadline that the delegatee informed the applicant that the form would
 12 not likely be delivered in time for the applicant to vote in the next election. It shall be a Class 2
 13 misdemeanor for any person to sell or attempt to sell a completed voter registration form or to
 14 condition its delivery upon payment.

15 ...

16 (d) Registration Deadlines for a Primary or Election. – In order to be valid for a primary
 17 or election, the ~~form~~ form must comply with one of the following:

- 18 (1) If submitted by mail, must be postmarked at least 25 days before the primary
 19 or election, except that any mailed application on which the postmark is
 20 missing or unclear is validly submitted if received in the mail not later than 20
 21 days before the primary or ~~election~~ election.
- 22 (2) If submitted in person, by facsimile transmission, ~~or~~ by transmission of a
 23 scanned document, or by automatic voter registration, must be received by the
 24 county board of elections by a time established by that board, but no earlier
 25 than 5:00 P.M., on the twenty-fifth day before the primary or ~~election~~ election.
- 26 (3) If submitted through a delegatee who violates the duty set forth in subsection
 27 (a) of this section, must be signed by the applicant and given to the delegatee
 28 not later than 25 days before the primary or election, except as provided in
 29 subsection (f) of this section.

30"

31 **SECTION 5.3.** G.S. 163-82.19 reads as rewritten:

32 "**§ 163-82.19. ~~Voter~~ Automatic voter registration at drivers license offices; coordination on**
 33 **data interface.**

34 (a) Automatic Voter Registration at Drivers License Offices. – ~~The~~ Beginning January 1,
 35 2022, the Division of Motor Vehicles shall, ~~pursuant to the rules adopted by~~ in consultation with
 36 the State Board of Elections, ~~modify its forms so that~~ implement a method by which any eligible
 37 person who applies for original issuance, renewal or correction of a drivers license, or special
 38 identification card issued under G.S. 20-37.7 ~~may, on a part of the form, complete an application~~
 39 ~~to register~~ shall be automatically registered to vote, or able to update the voter's registration if
 40 the voter has changed his or her address or moved from one precinct to another or from one
 41 county to another. The person taking the application shall ~~ask if the applicant is a citizen of the~~
 42 ~~United States. If the applicant states that the applicant is not a citizen of the United States, or~~
 43 ~~declines to answer the question, the person taking the application shall inform the applicant that~~
 44 ~~it is a felony for a person who is not a citizen of the United States to apply to register to vote. The~~
 45 ~~application shall state in clear language the penalty for violation of this section. The necessary~~
 46 ~~forms shall be prescribed by the State Board of Elections. The form must ask for the previous~~
 47 ~~voter registration address of the voter, if any. If a previous address is listed, and it is not in the~~
 48 ~~county of residence of the applicant, the appropriate county board of elections shall treat the~~
 49 ~~application as an authorization to cancel the previous registration and also process it as such~~
 50 ~~under the procedures of G.S. 163-82.9. If a previous address is listed and that address is in the~~

1 county where the voter applies to register, the application shall be processed as if it had been
 2 submitted under G.S. 163-82.9; inform the applicant of the following:

- 3 (1) That the applicant shall be registered to vote or have the applicant's voter
 4 registration record updated, as applicable, unless the applicant declines.
- 5 (2) The qualifications to vote under G.S. 163-55.
- 6 (3) That the applicant should not register if the applicant does not meet the
 7 qualifications described under subdivision (2) of this subsection.
- 8 (4) That any person who willfully and knowingly and with fraudulent intent gives
 9 false information on the application is guilty of a Class I felony.
- 10 (5) That if the applicant declines to register to vote, the fact that the applicant has
 11 declined to register will remain confidential and be used for voter registration
 12 purposes only.
- 13 (6) Information regarding the address confidentiality program under Chapter 15C
 14 of the General Statutes, including how to register for the program and how
 15 voter registration may impact participation in the program.

16 (a1) Requirements. – If the applicant does not decline voter registration, the person taking
 17 the application shall require the applicant to provide all information requested of the applicant
 18 under G.S. 163-82.4, including declaring a preference to be affiliated with a political party or a
 19 preference to be an unaffiliated voter. If the applicant fails to declare a political party affiliation,
 20 the applicant's political affiliation shall be designated as unaffiliated. The applicant shall provide
 21 an electronic signature as required under G.S. 163-82.6(c), subject to the penalty of perjury, by
 22 which the applicant attests that the information provided by the applicant is true and that the
 23 applicant meets all qualifications to become a registered voter.

24 (a2) When Registration Effective. – Registration shall become effective as provided in
 25 G.S. 163-82.7. Applications to register to vote accepted at a drivers license office under this
 26 section until the deadline established in G.S. 163-82.6(d)(2) shall be treated as timely made for
 27 an election, and no person who completes an application at that drivers license office shall be
 28 denied the vote in that election for failure to apply earlier than that deadline.

29 (a3) ~~All applications shall be forwarded by the Transmittal from Department of~~
 30 Transportation to Board of Elections. – The Department of Transportation shall electronically
 31 transmit the applications of applicants who have not declined voter registration to the appropriate
 32 board of elections not later than five business days after the date of acceptance, according to rules
 33 which shall be promulgated by the State Board of Elections. Those rules shall provide for a
 34 paperless, instant, electronic transfer of applications to the appropriate board of elections.

35 (a4) Confidentiality of Declination to Register. – No information relating to a declination
 36 to register to vote in connection with a voter registration application at a Division of Motor
 37 Vehicles office may be used for any purpose other than voter registration. The State Board shall
 38 ensure that information acquired for purposes of automatic voter registration under this section
 39 is kept confidential in accordance with G.S. 163-82.4(c), including compliance with any voter
 40 registration requirements under G.S. 163-82.10.

41 (b) ~~Any Ineligible Applications Prohibited. – If a person who is ineligible to vote~~
 42 becomes registered to vote pursuant to this section, the presumption shall be that the person's
 43 registration is deemed officially authorized and shall not be attributed to any fault of the person.
 44 However, any person who willfully and knowingly and with fraudulent intent gives false
 45 information on the application [described in subsection (a) of this section] described under this
 46 section is guilty of a Class I felony.

47 ...

48 (d) No Requirement to Determine Eligibility. – Nothing in this section shall be construed
 49 as requiring the Department of Transportation to determine eligibility for voter registration and
 50 voting."

51 **SECTION 5.4.** G.S. 163-82.20 reads as rewritten:

1 "§ 163-82.20. Voter registration at other public agencies; automatic voter
2 registration.

3 (a) Voter Registration Agencies. – Every office in this State which accepts:

4 ...

5 (b) Duties of Voter Registration Agencies.—A Agencies; Automatic Voter Registration
6 Information. – Beginning January 1, 2023, a voter registration agency described in subsection
7 (a) of this section shall, unless the applicant declines, in writing, to register to vote; in consultation
8 with the State Board, provide, with each application for service or assistance, and with each
9 recertification, renewal, or change of address relating to such service or assistance, an application
10 process for automatic voter registration. The person taking the application shall inform the
11 applicant of the following:

12 (1) ~~Distribute with each application for service or assistance, and with each~~
13 ~~recertification, renewal, or change of address relating to such service or~~
14 ~~assistance:~~

15 a. ~~The voter registration application form described in G.S. 163-82.3(a)~~
16 ~~or (b); or~~

17 b. ~~The voter registration agency's own form, if it is substantially~~
18 ~~equivalent to the form described in G.S. 163-82.3(a) or (b) and has~~
19 ~~been approved by the State Board of Elections, provided that the~~
20 ~~agency's own form may be a detachable part of the agency's paper~~
21 ~~application or may be a paperless computer process, as long as the~~
22 ~~applicant is required to sign an attestation as part of the application to~~
23 ~~register.~~

24 That the applicant shall be registered to vote or have the applicant's voter
25 registration record updated, as applicable, unless the applicant declines.

26 (2) ~~Provide a form that contains the elements required by section 7(a)(6)(B) of~~
27 ~~the National Voter Registration Act; and~~The qualifications to vote under
28 G.S. 163-55.

29 (3) ~~Provide to each applicant who does not decline to register to vote the same~~
30 ~~degree of assistance with regard to the completion of the registration~~
31 ~~application as is provided by the office with regard to the completion of its~~
32 ~~own forms.~~That the applicant should not register if the applicant does not meet
33 the qualifications described under subdivision (2) of this subsection.

34 (4) That any person who willfully and knowingly and with fraudulent intent gives
35 false information on the application is guilty of a Class I felony.

36 (5) That if the applicant declines to register to vote, the fact that the applicant has
37 declined to register will remain confidential and be used for voter registration
38 purposes only.

39 (6) Information regarding the address confidentiality program under Chapter 15C
40 of the General Statutes, including how to register for the program and how
41 voter registration may impact participation in the program.

42 (b1) Requirements. – If the applicant does not decline voter registration, the person taking
43 the application shall require the applicant to provide all information requested of the applicant
44 under G.S. 163-82.4, including declaring a preference to be affiliated with a political party or a
45 preference to be an unaffiliated voter. If the applicant fails to declare a political party affiliation,
46 the applicant's political affiliation shall be designated as unaffiliated. The applicant shall provide
47 an electronic signature as required under G.S. 163-82.6(c), subject to the penalty of perjury, by
48 which the applicant attests that the information provided by the applicant is true and that the
49 applicant meets all qualifications to become a registered voter.

50 (c) Employment Security Law Applicants. – Provided that voter registration agencies
51 designated under subdivision (a)(3) of this section shall only be required to provide the services

1 set out in this subsection to applicants for new claims, reopened claims, and changes of address
2 under Chapter 96 of the General Statutes, the Employment Security Law.

3 (d) Home Registration for Disabled. – If a voter registration agency provides services to
4 a person with disability at the person's home, the voter registration agency shall provide the
5 services described in subsection (b) of this section at the person's home. However, the agency is
6 not required to provide automatic voter registration at the person's home.

7 ...

8 (f) Confidentiality of Declination to Register. – No information relating to a declination
9 to register to vote in connection with an application made at a voter registration agency may be
10 used for any purpose other than voter registration. The State Board shall ensure that information
11 acquired for purposes of automatic voter registration under this section is kept confidential in
12 accordance with G.S. 163-82.4(c), including compliance with any voter registration requirements
13 under G.S. 163-82.10.

14 (g) Transmittal From Agency to Board of Elections. – ~~Any voter registration application~~
15 ~~completed at a voter registration agency shall be accepted by that agency in lieu of the applicant's~~
16 ~~mailing the application. Any such application so received shall be transmitted~~ The agency shall
17 electronically transmit the applications of applicants who did not decline voter registration to the
18 appropriate board of elections not later than five business days after acceptance, according to
19 rules which shall be promulgated by the State Board of Elections.

20 ...

21 (i) Ineligible Applications Prohibited. – No person shall make application to register to
22 vote under this section if that person is ineligible on account of age, citizenship, lack of residence
23 for the period of time provided by law, or because of conviction of a felony. However, if a person
24 who is ineligible to vote becomes registered to vote pursuant to this section, the presumption
25 shall be that the person's registration is deemed officially authorized and shall not be attributed
26 to any fault of the person.

27 (j) No Requirement to Determine Eligibility. – Nothing in this section shall be construed
28 as requiring agencies to determine eligibility for voter registration and voting."

29 **SECTION 5.5.** G.S. 163-82.20A reads as rewritten:

30 **"§ 163-82.20A. Voter registration upon restoration of citizenship.**

31 The State Board of Elections, the Division of Adult Correction and Juvenile Justice of the
32 Department of Public Safety, and the Administrative Office of the Courts shall jointly develop
33 and implement educational programs and procedures for persons to apply to register to vote at
34 the time they are restored to citizenship and all filings required have been completed under
35 Chapter 13 of the General Statutes. Those procedures shall be designed to do both of the
36 following:

- 37 (1) Inform the person that the restoration of rights removes the person's
38 disqualification from voting, but that in order to vote the person must register
39 to vote.
- 40 (2) Provide an opportunity to that person to register to ~~vote~~ vote, including
41 informing the person of automatic voter registration in accordance with
42 G.S. 163-82.19 or G.S. 163-82.20.

43 At a minimum, the program shall include a written notice to the person whose citizenship has
44 been restored, informing that person that the person may now register to vote, with a voter
45 registration form enclosed with the notice."

46 **SECTION 5.6.** Sections 5.1 through 5.3 and Section 5.5 of this Part become effective
47 January 1, 2022. Section 5.4 of this Part becomes effective January 1, 2023. The remainder of
48 this Part is effective when it becomes law.

49
50 **PART VI. OPEN MEETINGS LAW REFORM LIVE/VIDEO AND AUDIO**
51 **STREAMING IN LEGISLATIVE COMPLEX**

1 **SECTION 6.1.** G.S. 143-318.14A reads as rewritten:

2 "**§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.**

3 ...

4 (b) Reasonable public notice of all meetings of commissions, committees, and standing
5 subcommittees of the General Assembly shall be ~~given~~ given to all members of the General
6 Assembly; to all members of the commissions, committees, and standing subcommittees; and to
7 the Legislative Services Office, which shall post the notice on the General Assembly website.
8 For purposes of this subsection, "~~reasonable~~" adequate public notice ~~includes, but is not limited~~
9 ~~to;~~ means written or electronic notice that is posted and mailed or emailed to those who have
10 requested notice at least 48 hours before the time of the meeting. The notice shall include the
11 time, date, location, and, to the extent known, the agenda of the meeting.

12 (1) ~~Notice given openly at a session of the Senate or of the House; or~~

13 (2) ~~Notice mailed or sent by electronic mail to those who have requested notice,~~
14 ~~and to the Legislative Services Office, which shall post the notice on the~~
15 ~~General Assembly web site.~~

16 (b1) The chair of the commission, committee, or standing committee shall make the
17 agenda for a meeting noticed under subsection (b) of this section readily available for public
18 inspection no less than 24 hours in advance of the time of the meeting. Except for items of an
19 emergency nature, the agenda shall not be altered after the notice has been made available to the
20 public. The commission, committee, or standing subcommittee may modify the agenda to include
21 items of an emergency nature only during the meeting. As used in this subsection, items of an
22 emergency nature are matters that involve unexpected circumstances that require immediate
23 consideration by the commission, committee, or standing subcommittee.

24 (b2) No later than 24 hours in advance of the time of the meeting, the chair of the
25 commission, committee, or standing subcommittee shall make available to the members of the
26 same the text of all bills, proposed committee substitutes, and amendments that will be considered
27 during the scheduled meeting. No commission, committee, or standing subcommittee shall
28 consider or act on a bill, proposed committee substitute, or amendment that has not been made
29 available to the members in accordance with this subsection.

30 (b3) G.S. 143-318.12 shall not apply to meetings of commissions, committees, and
31 standing subcommittees of the General Assembly.

32 "

33 **SECTION 6.2.** The Legislative Services Officer (LSO) shall develop a plan to install
34 equipment to provide live audiovisual streaming of all floor proceedings and all committee
35 meetings held in either the Legislative Building and the Legislative Office Building. The plan
36 shall provide for (i) public participation and comment to the extent allowed by the streaming
37 technology and (ii) access to the recorded live stream on a centralized website within 48 hours
38 after all floor proceedings or committee meetings. The plan shall include estimated costs and a
39 proposed schedule for implementation. The LSO shall submit the plan to the chairs of the
40 Legislative Services Commission and the chairs of the Joint Legislative Oversight Committee on
41 General Government no later than April 1, 2022.

42 **SECTION 6.3.** This Part is effective when it becomes law.

43 **PART VII. ABSENTEE BALLOTS**

44 **SECTION 7.1.(a)** G.S. 163-229(b) reads as rewritten:

45 (b) Application on Container-Return Envelope. – In time for use not later than 60 days
46 before a statewide general election in an even-numbered year, and not later than 50 days before
47 a statewide primary, other general election or county bond election, the county board of elections
48 shall print a sufficient number of envelopes in which persons casting absentee ballots may
49 transmit their marked ballots to the county board of elections. However, in the case of municipal
50 elections, sufficient container-return envelopes shall be made available no later than 30 days
51

1 before an election. Each container-return envelope shall have printed on it an application which
2 shall be designed and prescribed by the State Board, providing for all of the following:

3 ...

- 4 (3) A space for the identification of the ~~two persons~~ person witnessing the casting
5 of the absentee ballot in accordance with G.S. 163-231, ~~those persons'~~
6 ~~signatures, and those persons' addresses that~~ person's signature, and that
7 person's address.

8 ...

9 The container-return envelope shall be printed in accordance with the instructions of the State
10 Board, which shall prohibit the display of the voter's party affiliation on the outside of the
11 container-return envelope."

12 **SECTION 7.1.(b)** G.S. 163-231(a) reads as rewritten:

13 "(a) Procedure for Voting Absentee Ballots. – In the presence of ~~two persons~~ one person
14 who ~~are~~ is at least 18 years of age, and who ~~are~~ is not disqualified by G.S. 163-226.3(a)(4) or
15 G.S. 163-237(c), the voter shall do all of the following:

- 16 (1) Mark the voter's ballots, or cause them to be marked by that person in the
17 voter's presence according to the voter's instruction.
- 18 (2) Fold each ballot separately, or cause each of them to be folded in the voter's
19 presence.
- 20 (3) Place the folded ballots in the container-return envelope and securely seal it,
21 or have this done in the voter's presence.
- 22 (4) Make the application printed on the container-return envelope according to
23 the provisions of G.S. 163-229(b) and make the certificate printed on the
24 container-return envelope according to the provisions of G.S. 163-229(b).
- 25 (5) Require ~~those two persons~~ the person in whose presence the voter marked that
26 voter's ballots to sign the application and certificate as ~~witnesses~~ a witness and
27 to indicate ~~those persons' addresses~~ the person's address. Failure to list a ZIP
28 code does not invalidate the application and certificate.
- 29 (6) ~~Do one of the following:~~ Have the witness in whose presence the voter marked
30 that voter's ballots certify that the voter is the person submitting the marked
31 ballots.
- 32 a. ~~Have the application notarized. The notary public may be the person~~
33 ~~in whose presence the voter marked that voter's ballot.~~
- 34 b. ~~Have the two persons in whose presence the voter marked that voter's~~
35 ~~ballots to certify that the voter is the registered voter submitting the~~
36 ~~marked ballots.~~

37 ~~Alternatively to the prior paragraph of this subsection, any requirement for two witnesses~~
38 ~~shall be satisfied if witnessed by one notary public, who shall comply with all the other~~
39 ~~requirements of that paragraph. The notary shall affix a valid notarial seal to the envelope, and~~
40 ~~include the word "Notary Public" below his or her signature.~~

41 The ~~persons~~ person in whose presence the ballot is marked shall at all times respect the
42 secrecy of the ballot and the privacy of the absentee voter, unless the voter requests assistance
43 and that person is otherwise authorized by law to give assistance. When thus executed, the sealed
44 container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the
45 provisions of subsection (b) of this section to the county board of elections which issued the
46 ballots."

47 **SECTION 7.2.** G.S. 163-230.2(c) reads as rewritten:

48 "(c) Return of Request. – The completed request form for absentee ballots shall be
49 delivered either in person or by mail, email, or fax to the county board of elections only by any
50 of the following:

- 51 (1) The voter.

- 1 (2) The voter's near relative or verifiable legal guardian.
 2 (3) A member of a bipartisan team trained and authorized by the county board
 3 of elections pursuant to G.S. 163-226.3."

4 **SECTION 7.3.** This Part is effective when it becomes law and applies to elections
 5 held on or after that date.

6
 7 **PART VIII. USE OF CERTAIN CAMPUSES/VOTING PLACES**

8 **SECTION 8.1.** G.S. 163-129(a) reads as rewritten:

9 "(a) At the voting place in each precinct established under the provisions of G.S. 163-128,
 10 the county board of elections shall provide or procure by lease or otherwise a suitable structure
 11 or part of a structure in which registration and voting may be conducted. To this end, the county
 12 board of elections shall be entitled to demand and use any school or other State, county, or
 13 municipal building, or a part thereof, or any other building, or a part thereof, which is supported
 14 or maintained, in whole or in part by or through tax revenues provided, however, that revenues,
 15 including ensuring the use of voting places on college campuses with at least an enrollment of
 16 4,500 students. However, this section shall not be construed to permit any board of elections to
 17 demand and use any tax exempt church property for such purposes without the express consent
 18 of the individual church involved, for the purpose of conducting registration and voting for any
 19 primary or election, and it may require that the requisitioned premises, or a part thereof, be
 20 vacated for these purposes."

21
 22 **PART IX. VOTER POLL PURGING**

23 **SECTION 9.1.** G.S. 163-82.14(d)(2) reads as rewritten:

24 "(d) Change of Address. – A county board of elections shall conduct a systematic program
 25 to remove from its list of registered voters those who have moved out of the county, and to update
 26 the registration records of persons who have moved within the county. The county board shall
 27 remove a person from its list if the registrant:

28 ...

- 29 (2) ~~Fails to respond to a confirmation mailing sent by the county board in~~
 30 ~~accordance with this subdivision and does not vote or appear to vote in an~~
 31 ~~election beginning on the date of the notice and ending on the day after the~~
 32 ~~date of the second general election for the United States House of~~
 33 ~~Representatives that occurs after the date of the notice. A county board sends~~
 34 ~~a confirmation notice in accordance with this subdivision if the notice:~~
 35 a. ~~Is a postage prepaid and preaddressed return card, sent by forwardable~~
 36 ~~mail, on which the registrant may state current address;~~
 37 b. ~~Contains or is accompanied by a notice to the effect that if the~~
 38 ~~registrant did not change residence but remained in the county, the~~
 39 ~~registrant should return the card not later than the deadline for~~
 40 ~~registration by mail in G.S. 163-82.6(d)(1); and~~
 41 e. ~~Contains or is accompanied by information as to how the registrant~~
 42 ~~may continue to be eligible to vote if the registrant has moved outside~~
 43 ~~the county.~~

44 ~~A county board shall send a confirmation mailing in accordance with this subdivision to every~~
 45 ~~registrant after every congressional election if the county board has not confirmed the registrant's~~
 46 ~~address by another means. Has a postcard sent by nonforwardable mail from the county board of~~
 47 ~~elections returned as undeliverable."~~

48
 49 **PART X. TRUE SOURCE OF SPENDING**

50 **SECTION 10.1.** G.S. 163-278.12 is amended by adding a new subsection to read:

1 "(h) Except for political committees that do not receive more than five thousand two
 2 hundred dollars (\$5,200) from any one person in an election, a filer, when reporting donations of
 3 one thousand dollars (\$1,000) or more in the aggregate under this subsection, shall disclose the
 4 identity of the original source of the funds, the amounts of those donations, and any
 5 intermediaries who transferred the funds before they were contributed to the filer. For purposes
 6 of this subsection, "original source" means an individual who contributes wages, investment
 7 income, or bequests or a person that contributes money received through ordinary commercial
 8 transactions. Any person or entity making a donation of one thousand dollars (\$1,000) or more,
 9 in the aggregate, in an election to a person or entity required to report donations under this
 10 subsection shall inform that person or entity of the identity of the original sources of funds being
 11 transferred, the amounts of the persons' original funds being transferred, and the identity of any
 12 persons who previously transferred the original funds."

13 **SECTION 10.2.** G.S. 163-278.12C is amended by adding a new subsection to read:

14 "(e) Except for political committees that do not receive more than five thousand two
 15 hundred dollars (\$5,200) from any one person in an election, a filer, when reporting donations of
 16 one thousand dollars (\$1,000) or more in the aggregate under this subsection, shall disclose the
 17 identity of the original source of the funds, the amounts of those donations, and any
 18 intermediaries who transferred the funds before they were contributed to the filer. "Original
 19 source" has the same meaning as in G.S. 163-278.12(h). Any person or entity making a donation
 20 of one thousand dollars (\$1,000) or more, in the aggregate, in an election to a person or entity
 21 required to report donations under this subsection shall inform that person or entity of the identity
 22 of the original sources of funds being transferred, the amounts of the persons' original funds being
 23 transferred, and the identity of any persons who previously transferred the original funds."

24 **SECTION 10.3.** G.S. 163-278.39(a) is amended by adding a new subdivision to
 25 read:

26 "(5) In an advertisement made by a sponsor other than a candidate, political party
 27 organization, an individual solely spending the individual's own personal
 28 funds received through wages, investment income, or bequests or a person
 29 solely spending money received through ordinary commercial transactions,
 30 the advertisement bears the legend or includes the statement: "[Names of top
 31 three donors] are the top donors who helped pay for this message." In a
 32 television advertisement or digital communication, this disclosure shall be
 33 made by visual legend. In advertisements made by a sponsor that reports
 34 original sources under G.S. 163-278.12 or G.S. 163-278.12C, the top three
 35 donors shall be the three original sources who have donated the highest
 36 aggregate amounts to the sponsor in the election cycle."

37 38 **PART XI. TRANSPARENCY FOR DIGITAL CAMPAIGN ADS**

39 **SECTION 11.1.** G.S. 163-278.6 reads as rewritten:

40 **"§ 163-278.6. Definitions.**

41 When used in this Article:

42 ...

43 (29) The term "digital communication" means any communication, for a fee,
 44 placed or promoted on a public-facing website, web application, or digital
 45 application, including a social network, advertising network, or search engine.

46 ...

47 (41) The term "electioneering communication" means any broadcast, cable, or
 48 satellite communication, or mass mailing, or telephone bank-bank, or digital
 49 communication that has all the following characteristics:

50 a. Refers to a clearly identified candidate for elected office.

- b. In the case of the general election in November of the even-numbered year is aired or transmitted within 60 days of the election for that office.
- c. May be received by either:
 - 1. 50,000 or more individuals in the State in an election for statewide office or 7,500 or more individuals in any other election if in the form of broadcast, cable, or satellite communication.
 - 2. 20,000 or more households, cumulative per election, in a statewide election or 2,500 households, cumulative per election, in any other election if in the form of mass mailing or telephone bank.

...."

SECTION 11.2. G.S. 163-278.38Z(1) reads as rewritten:

"(1) "Advertisement" means any message appearing in the print media, on ~~television, or on radio~~ television or radio, or through digital communication that constitutes a contribution or expenditure under this Article."

SECTION 11.3. G.S. 163-278.39 reads as rewritten:

"§ 163-278.39. Basic disclosure requirements for all political advertisements.

(a) Basic Requirements. – It shall be unlawful for any sponsor to sponsor an advertisement in the print ~~media~~ media, or on radio or ~~television~~ television, or through digital communication that constitutes an expenditure, independent expenditure, electioneering communication, or contribution required to be disclosed under this Article unless all the following conditions are met:

- (1) It bears the legend or includes the statement: "Paid for by ____ [Name of candidate, candidate campaign committee, political party organization, political action committee, referendum committee, individual, or other sponsor]." In television or digital communication advertisements, this disclosure shall be made by visual legend.

...

If an advertisement described in this section is jointly sponsored, the disclosure statement shall name all the sponsors.

(b) Size Requirements. – The following shall apply to the various forms of advertisement:

- (1) In a print media advertisement covered by subsection (a) of this section, the height of all disclosure statements required by that subsection shall constitute at least five percent (5%) of the height of the printed space of the advertisement, provided that the type shall in no event be less than 12 points in size. In an advertisement in a newspaper or a newspaper insert, the total height of the disclosure statement need not constitute five percent of the printed space of the advertisement if the type of the disclosure statement is at least 28 points in size. If a single advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face.
- (2) In a television advertisement covered by subsection (a) of this section, the visual disclosure legend shall constitute four percent (4%) of vertical picture height in size, and where the television advertisement that appears is paid for by a candidate or candidate campaign committee, the visual disclosure legend shall appear simultaneously with an easily identifiable photograph of the candidate for at least two seconds.

1 (3) In a radio advertisement covered by subsection (a) of this section, the
2 disclosure statement shall last at least two seconds, provided the statement is
3 spoken so that its contents may be easily understood.

4 (4) In a digital communication advertisement covered by subsection (a) of this
5 section, the disclosure statement shall appear (i) in letters at least as large as
6 the smallest text in the digital communication or (ii) in a heading or similar
7 section of text displayed above or within the digital communication that is
8 visually distinct from the text of the digital communication and shall have a
9 reasonable degree of color contrast between the background and the disclosure
10 statement. If the digital communication is disseminated through a medium in
11 which the provision of the disclosure statement is not possible, the digital
12 communication shall, in a clear and conspicuous manner, include the
13 following:

14 a. The name of the person who paid for the digital communication.

15 b. A means for the recipient of the digital communication to obtain the
16 remainder of the information required by this section with minimal
17 effort and without receiving or viewing any additional material other
18 than the disclosure statement.

19 (c) Misrepresentation of Authorization. – Notwithstanding G.S. 163-278.27(a), any
20 candidate, candidate campaign committee, political party organization, political action
21 committee, referendum committee, individual, or other sponsor making an advertisement in the
22 print ~~media~~ media, or on radio or ~~television~~ television, or through digital communication bearing
23 any legend required by subsection (a) of this section that misrepresents the sponsorship or
24 authorization of the advertisement is guilty of a Class 1 misdemeanor."

25 **SECTION 11.4.** G.S. 163-278.39C reads as rewritten:

26 "**§ 163-278.39C. Scope of disclosure requirements.**

27 The disclosure requirements of this Part apply to any sponsor of an advertisement in the print
28 ~~media or media~~, on radio or ~~television~~ television, or through digital communication the cost or
29 value of which constitutes an expenditure or contribution required to be disclosed under this
30 Article, except that the disclosure requirements of this Part:

31 (1) Do not apply to an individual who makes uncoordinated independent
32 expenditures aggregating less than one thousand dollars (\$1,000) in a political
33 campaign; and

34 (2) Do not apply to an individual who incurs expenses with respect to a
35 referendum.

36 The disclosure requirements of this Part do not apply to any advertisement the expenditure
37 for which is required to be disclosed by G.S. 163-278.12A alone and by no other law."

38 **SECTION 11.5.** Part 1A of Article 22A of Chapter 163 of the General Statutes is
39 amended by adding a new section to read:

40 "**§ 163-278.39D. State Board of Elections to maintain records of digital communications**
41 **for political advertising.**

42 Any person using digital communication, as defined under G.S. 163-278.6(29), that is
43 covered by G.S. 163-278.39(a) shall submit that digital communication to the State Board of
44 Elections along with the disclosure information required under G.S. 163-278.39. The State Board
45 of Elections shall maintain the information submitted pursuant to this section on the State Board
46 of Elections website and the information shall be deemed public records and available for
47 inspection on the website. The State Board shall display the following information on its website
48 as related to the digital communication:

49 (1) The name of the person.

50 (2) The city and state where the entity is located.

51 (3) The amount spent by the person for each candidate.

1 The purpose of this Article is to ensure the fairness of democratic elections in North Carolina
2 and to protect the constitutional rights of voters and candidates from the detrimental effects of
3 increasingly large amounts of money being raised and spent to influence the outcome of
4 elections, those effects being especially problematic in elections of the judiciary, since
5 impartiality is uniquely important to the integrity and credibility of the courts. Accordingly, this
6 Article establishes the North Carolina Public Campaign Fund as an alternative source of
7 campaign financing for candidates who demonstrate public support and voluntarily accept strict
8 fundraising and spending limits. This Article is available to candidates for justice of the Supreme
9 Court and judge of the Court of Appeals in elections to be held in 2022 and thereafter.

10 **"§ 163-278.151. Definitions.**

11 The following definitions apply in this Article:

- 12 (1) Board. – The State Board of Elections.
- 13 (2) Candidate. – An individual who becomes a candidate as described in
14 G.S. 163-278.6(9). The term includes a political committee authorized by the
15 candidate for that candidate's election.
- 16 (3) Certified candidate. – A candidate running for office who chooses to receive
17 campaign funds from the Fund and who is certified under
18 G.S. 163-278.153(c).
- 19 (4) Contested primary and contested general election. – An election in which
20 there are more candidates than the number to be elected. A distribution from
21 the Fund pursuant to this Article is not a "contribution" and is not subject to
22 the limitations of G.S. 163-278.13 or the prohibitions of G.S. 163-278.15 or
23 G.S. 163-278.19.
- 24 (5) Contribution. – Defined in G.S. 163-278.6. A distribution from the Fund
25 pursuant to this Article is not a "contribution" and is not subject to the
26 limitations of G.S. 163-278.13 or the prohibitions of G.S. 163-278.15 or
27 G.S. 163-278.19.
- 28 (6) Electioneering communication. – As defined in G.S. 163-278.6, except that it
29 is made during the period beginning 30 days before absentee ballots become
30 available for a primary and ending on primary election day and during the
31 period 60 days before absentee ballots become available for a general election
32 and ending on general election day.
- 33 (7) Expenditure. – Defined in G.S. 163-278.6.
- 34 (8) Fund. – The North Carolina Public Campaign Fund established in
35 G.S. 163-278.152.
- 36 (9) Independent expenditure. – Defined in G.S. 163-278.6.
- 37 (10) Maximum qualifying contributions. – An amount of qualifying contributions
38 equal to 60 times the filing fee for candidacy for the office.
- 39 (11) Minimum qualifying contributions. – An amount of qualifying contributions
40 equal to 30 times the filing fee for candidacy for the office.
- 41 (12) Nonparticipating candidate. – A candidate running for office who is not
42 seeking to be certified under G.S. 163-278.153(c).
- 43 (13) Office. – A position on the North Carolina Court of Appeals or North Carolina
44 Supreme Court.
- 45 (14) Participating candidate. – A candidate for office who has filed a declaration
46 of intent to participate under G.S. 163-278.153.
- 47 (15) Political committee. – Defined in G.S. 163-278.6.
- 48 (16) Qualifying contribution. – A contribution of not less than ten dollars (\$10.00)
49 and not more than five hundred dollars (\$500.00) in the form prescribed for
50 noncash monetary contributions in G.S. 163-278.14(b) to the candidate or the
51 candidate's committee that meets both of the following conditions:

- 1 a. Made by an individual who is a registered voter in this State at the time
2 of the submittal of the report specified in G.S. 163-278.153(c).
3 b. Made during the qualifying period and obtained with the approval of
4 the candidate or candidate's committee.

5 (17) Qualifying period. – The period beginning September 1 in the year before the
6 election and ending on the day of the primary of the election year.

7 (18) Referendum committee. – Defined in G.S. 163-278.6.

8 **"§ 163-278.152. North Carolina Public Campaign Fund established; sources of funding.**

9 (a) Establishment of Fund. – The North Carolina Public Campaign Fund is established to
10 finance the election campaigns of certified candidates for office and to pay administrative and
11 enforcement costs of the Board related to this Article. The Fund is a special, dedicated,
12 nonlapsing, nonreverting fund. All expenses of administering this Article, including production
13 and distribution of the Voter Guide required by G.S. 163-278.158 and personnel and other costs
14 incurred by the Board, including public education about the Fund, shall be paid from the Fund
15 and not from the General Fund. Any interest generated by the Fund is credited to the Fund. The
16 Board shall administer the Fund.

17 (b) Sources of Funding. – Money received from all of the following sources shall be
18 deposited in the Fund:

19 (1) Designations made to the Public Campaign Fund by individual taxpayers
20 pursuant to G.S. 105-159.3.

21 (2) Public Campaign Fund revenues distributed for an election that remain
22 unspent or uncommitted at the time the recipient is no longer a certified
23 candidate in the election.

24 (3) Money ordered returned to the Public Campaign Fund in accordance with
25 G.S. 163-278.157.

26 (4) Voluntary donations made directly to the Public Campaign Fund.
27 Corporations, other business entities, labor unions, and professional
28 associations may make donations to the Fund.

29 (5) Money collected from the sixty dollar (\$60.00) surcharge on attorney
30 membership fees in G.S. 84-34.

31 (c) Determination of Fund Amount. – By October 1, 2022, and every two years thereafter,
32 the State Board shall prepare and provide to the Joint Legislative Elections Oversight Committee
33 a report documenting, evaluating, and making recommendations relating to the administration,
34 implementation, and enforcement of this Article. In its report, the Board shall set out the funds
35 received to date and the expected needs of the Fund for the next election.

36 **"§ 163-278.153. Requirements for participation; certification of candidates.**

37 (a) Declaration of Intent to Participate. – Any individual choosing to receive campaign
38 funds from the Fund shall first file with the Board a declaration of intent to participate under this
39 Article as a candidate for a stated office. The declaration of intent shall be filed before or during
40 the qualifying period and before collecting any qualifying contributions. In the declaration, the
41 candidate shall swear or affirm that only one political committee, identified with its treasurer,
42 shall handle all contributions, expenditures, and obligations for the participating candidate and
43 that the candidate will comply with the contribution and expenditure limits set forth in subsection
44 (d) of this section and all other requirements set forth in this Article or adopted by the Board.
45 Failure to comply is a violation of this Article.

46 (b) Demonstration of Support of Candidacy. – Participating candidates who seek
47 certification to receive campaign funds from the Fund shall first, during the qualifying period, if
48 seeking office on the Supreme Court, obtain qualifying contributions from at least 425 registered
49 voters in an aggregate sum that at least equals the amount of minimum qualifying contributions
50 described in G.S. 163-278.151(11) but that does not exceed the amount of maximum qualifying
51 contributions described in G.S. 163-278.151(10). If a participating candidate is seeking

1 certification for an office on the Court of Appeals, the candidate shall obtain qualifying
2 contributions from at least 400 registered voters in an aggregate sum that at least equals the
3 amount of minimum qualifying contributions described in G.S. 163-278.151(11) but that does
4 not exceed the amount of maximum qualifying contributions described in G.S. 163-278.151(10).

5 No payment, gift, anything of value, or the opportunity to win anything of value shall be
6 given in exchange for a qualifying contribution.

7 (c) Certification of Candidates. – Upon receipt of a submittal of the record of
8 demonstrated support by a participating candidate, the Board shall determine whether or not the
9 candidate has complied with all of the following requirements:

10 (1) Signed and filed a declaration of intent to participate in this Article.

11 (2) Submitted a report itemizing the appropriate number of qualifying
12 contributions received from registered voters, which the Board shall verify
13 through a random sample or other means it adopts. The report shall include
14 the county of residence of each registered voter listed.

15 (3) Filed a valid notice of candidacy pursuant to Article 26 of this Chapter.

16 (4) Otherwise met the requirements for participation in this Article.

17 The Board shall certify candidates complying with the requirements of this section as soon
18 as possible and no later than five business days after receipt of a satisfactory record of
19 demonstrated support.

20 (d) Restrictions on Contributions and Expenditures for Participating and Certified
21 Candidates. – The following restrictions shall apply to contributions and expenditures with
22 respect to participating and certified candidates:

23 (1) Beginning January 1 of the year before the election and before the filing of a
24 declaration of intent, a candidate for office may accept in contributions up to
25 twenty-five thousand dollars (\$25,000) from sources and in amounts
26 permitted by Article 22A of this Chapter and may expend up to twenty-five
27 thousand dollars (\$25,000) for any campaign purpose. A candidate who
28 exceeds either of these limits shall be ineligible to file a declaration of intent
29 or receive funds from the Public Campaign Fund.

30 (2) From the filing of a declaration of intent through the end of the qualifying
31 period, a candidate may accept only qualifying contributions, contributions
32 under ten dollars (\$10.00) from North Carolina voters, and personal and
33 family contributions permitted under subdivision (4) of this subsection. The
34 total contributions the candidate may accept during this period shall not
35 exceed the maximum qualifying contributions for that candidate. In addition
36 to these contributions, the candidate may only expend during this period the
37 remaining money raised pursuant to subdivision (1) of this subsection. Except
38 for personal and family contributions permitted under subdivision (4) of this
39 subsection, multiple contributions from the same contributor to the same
40 candidate shall not exceed five hundred dollars (\$500.00).

41 (3) After the qualifying period and through the date of the general election, the
42 candidate shall expend only the funds the candidate receives from the Fund
43 pursuant to G.S. 163-278.155(b)(4) plus any funds remaining from the
44 qualifying period.

45 (4) During the qualifying period, the candidate may contribute up to one thousand
46 dollars (\$1,000) of that candidate's own money to the campaign and may
47 accept in contributions one thousand dollars (\$1,000) from each member of
48 that candidate's family consisting of spouse, parent, child, brother, and sister.
49 Up to five hundred dollars (\$500.00) of a contribution from the candidate's
50 family member may be treated as a qualifying contribution if it meets the
51 requirements of G.S. 163-278.151(16)a. and b.

1 (5) A candidate and the candidate's committee shall limit the use of all revenues
2 permitted by this subsection to expenditures for campaign-related purposes
3 only. The Board shall publish guidelines outlining permissible
4 campaign-related expenditures. In establishing those guidelines, the Board
5 shall differentiate expenditures that reasonably further a candidate's campaign
6 from expenditures for personal use that would be incurred in the absence of
7 the candidacy. In establishing the guidelines, the Board shall review relevant
8 provisions of the Federal Election Campaign Act, and rules adopted pursuant
9 to it, and similar provisions in other states.

10 (6) Any contribution received by a participating or certified candidate that falls
11 outside that permitted by this subsection shall be returned to the donor as soon
12 as practicable. Contributions intentionally made, solicited, or accepted in
13 violation of this Article are subject to civil penalties as specified in
14 G.S. 163-278.157. The funds involved shall be forfeited to the Civil Penalty
15 and Forfeiture Fund.

16 (7) A candidate shall return to the Fund any amount distributed for an election
17 that is unspent and uncommitted at the date of the election, or at the time the
18 individual ceases to be a certified candidate, whichever occurs first. For
19 accounting purposes, all qualifying, personal, and family contributions shall
20 be considered spent before revenue from the Fund is spent or committed.

21 (e) Revocation. – A candidate may revoke, in writing to the Board, a decision to
22 participate in the Public Campaign Fund at any time before the deadline set by the Board for the
23 candidate's submission of information for the Voter Guide described in G.S. 163-278.158. After
24 a timely revocation, that candidate may accept and expend outside the limits of this Article
25 without violating this Article. Within 10 days after revocation, a candidate shall return to the
26 State Board all money received from the Fund.

27 **"§ 163-278.154. Special participation provisions for candidates in vacancy elections.**

28 (a) Participation Provisions Modified. – Candidates involved in elections described in
29 G.S. 163-358 may participate in the Fund subject to the provisions of G.S. 163-278.153 as
30 modified by this section. The Board shall adapt other provisions of this Article to those elections.

31 (b) Qualifying. – The Board shall designate a special qualifying period of no less than
32 four weeks for these candidates, beginning at the close of the notice-of-candidacy filing period.
33 To receive certification, a participating candidate shall raise at least 225 qualifying contributions,
34 totaling at least 20 times the amount of the filing fee for the office, for a four-week qualifying
35 period. If the Board sets a longer qualifying period, then for each additional week that the
36 qualifying period extends beyond four weeks, the minimum number of qualifying contributions
37 required for certification shall increase by 25, and the minimum amount of the qualifying
38 contributions shall increase by two times the filing fee. The minimum qualifying contributions
39 shall not exceed the limit set by G.S. 163-278.153(b).

40 (c) Allocations. – Certified candidates shall receive one percent (1%) of the funding to
41 which they would be eligible under G.S. 163-278.155 times the number of calendar days between
42 the end of the special qualifying period and the day of the general election. That amount shall
43 not exceed one hundred percent (100%) of the funding to which they would be eligible under
44 G.S. 163-278.155.

45 **"§ 163-278.155. Distribution from the Fund.**

46 (a) Timing of Fund Distribution. – The Board shall distribute to a certified candidate
47 revenue from the Fund in an amount determined under subdivision (b)(4) of this section within
48 five business days after the certified candidate's name is approved to appear on the ballot in a
49 contested general election but no earlier than five business days after the primary.

1 (b) Amount of Fund Distribution. – By August 1, 2022, and no less frequently than every
2 two years thereafter, the Board shall determine the amount of funds, rounded to the nearest one
3 hundred dollars (\$100.00), to be distributed to certified candidates as follows:

4 (1) Uncontested primaries. – No funds shall be distributed.

5 (2) Contested primaries. – No funds shall be distributed.

6 (3) Uncontested general elections. – No funds shall be distributed.

7 (4) Contested general elections. – Funds shall be distributed to a certified
8 candidate for a position on the Court of Appeals in an amount equal to 225
9 times the candidate's filing fee as set forth in G.S. 163-353. Funds shall be
10 distributed to a certified candidate for a position on the Supreme Court in an
11 amount equal to 350 times the candidate's filing fee as set forth in
12 G.S. 163-353.

13 (c) Method of Fund Distribution. – The Board, in consultation with the State Treasurer
14 and the State Controller, shall develop a rapid, reliable method of conveying funds to certified
15 candidates. In all cases, the Board shall distribute funds to certified candidates in a manner that
16 is expeditious, ensures accountability, and safeguards the integrity of the Fund. If the money in
17 the Fund is insufficient to fully fund all certified candidates, then the available money shall be
18 distributed proportionally, according to each candidate's eligible funding, and the candidate may
19 raise additional money in the same manner as a noncertified candidate for the same office up to
20 the unfunded amount of the candidate's eligible funding.

21 (d) Beginning October 1, 2026, and every five years thereafter, the Board shall appoint a
22 three-member committee to conduct an independent review regarding any need for modification
23 of funds distributed to certified candidates pursuant to this section. The committee shall consist
24 of one member from the North Carolina Bar Association, one member who is a public financing
25 expert, as determined by the Board, and one member who is a former Justice of the North
26 Carolina Supreme Court or Judge of the North Carolina Court of Appeals who has used the Fund.
27 In conducting the independent review, the committee shall, at a minimum, consider the need for
28 modification of funds as a result of changes in election costs and inflationary adjustments.

29 **"§ 163-278.156. Reporting requirements.**

30 (a) Reporting by Participating and Certified Candidates. – Notwithstanding other
31 provisions of law, participating and certified candidates shall report any money received,
32 including all previously unreported qualifying contributions, all campaign expenditures,
33 obligations, and related activities to the Board according to procedures developed by the Board.
34 A certified candidate who ceases to be certified or ceases to be a candidate or who loses an
35 election shall file a final report with the Board and return any unspent revenues received from
36 the Fund. In developing these procedures, the Board shall utilize existing campaign reporting
37 procedures whenever practical.

38 (b) Timely Access to Reports. – The Board shall ensure prompt public access to the
39 reports received in accordance with this Article. The Board may utilize electronic means of
40 reporting and storing information.

41 **"§ 163-278.157. Civil penalty.**

42 In addition to any other penalties that may be applicable, any individual, political committee,
43 or other entity that violates any provision of this Article is subject to a civil penalty of up to ten
44 thousand dollars (\$10,000) per violation or three times the amount of any financial transactions
45 involved in the violation, whichever is greater. In addition to any fine, for good cause shown, a
46 candidate found in violation of this Article may be required to return to the Fund all amounts
47 distributed to the candidate from the Fund. If the Board makes a determination that a violation
48 of this Article has occurred, the Board shall calculate and assess the amount of the civil penalty
49 and shall notify the entity that is assessed the civil penalty of the amount that has been assessed.
50 The Board shall then proceed in the manner prescribed in G.S. 163-278.34. In determining

1 whether or not a candidate is in violation of this Article, the Board may consider as a mitigating
2 factor any circumstances out of the candidate's control."

3 **SECTION 14.2.** G.S. 163-278.69 is recodified as G.S. 163-278.158.

4 **SECTION 14.3.** G.S. 84-34 reads as rewritten:

5 **"§ 84-34. Membership fees and list of members.**

6 Every active member of the North Carolina State Bar shall, prior to the first day of July of
7 each year, pay to the secretary-treasurer an annual membership fee in an amount determined by
8 the Council but not to exceed three hundred dollars (\$300.00), ~~and every~~ plus a surcharge of sixty
9 dollars (\$60.00) for the implementation of Article 22J of Chapter 163 of the General Statutes. A
10 member shall be provided the option to designate that the surcharge required by this section be
11 used in its entirety for the Judicial Voter Guide described in G.S. 163-278.158. Each member
12 shall notify the secretary-treasurer of the member's correct mailing address. Any member who
13 fails to pay the required dues by the last day of June of each year shall be subject to a late fee in
14 an amount determined by the Council but not to exceed thirty dollars (\$30.00). All dues for prior
15 years shall be as were set forth in the General Statutes then in effect. The membership fee shall
16 be regarded as a service charge for the maintenance of the several services authorized by this
17 Article, and shall be in addition to all fees required in connection with admissions to practice,
18 and in addition to all license taxes required by law. The fee shall not be prorated: Provided, that
19 no fee shall be required of an attorney licensed after this Article shall have gone into effect until
20 the first day of January of the calendar year following that in which the attorney was licensed;
21 but this proviso shall not apply to attorneys from other states admitted on certificate. The fees
22 shall be disbursed by the secretary-treasurer on the order of the Council. The sixty dollar (\$60.00)
23 surcharge shall be sent on a monthly schedule to the State Board of Elections. The
24 secretary-treasurer shall annually, at a time and in a law magazine or daily newspaper to be
25 prescribed by the Council, publish an account of the financial transactions of the Council in a
26 form to be prescribed by it. The secretary-treasurer shall compile and keep currently correct from
27 the names and mailing addresses forwarded to the secretary-treasurer and from any other
28 available sources of information a list of members of the North Carolina State Bar and furnish to
29 the clerk of the superior court in each county, not later than the first day of October in each year,
30 a list showing the name and address of each attorney for that county who has not complied with
31 the provisions of this Article. The name of each of the active members who are in arrears in the
32 payment of membership fees shall be furnished to the presiding judge at the next term of the
33 superior court after the first day of October of each year, by the clerk of the superior court of
34 each county wherein the member or members reside, and the court shall thereupon take action
35 that is necessary and proper. The names and addresses of attorneys so certified shall be kept
36 available to the public. The Secretary of Revenue is hereby directed to supply the
37 secretary-treasurer, from records of license tax payments, with any information for which the
38 secretary-treasurer may call in order to enable the secretary-treasurer to comply with this
39 requirement.

40 The list submitted to several clerks of the superior court shall also be submitted to the Council
41 at its October meeting of each year and it shall take the action thereon that is necessary and
42 proper."

43 **SECTION 14.4.** Part 2 of Article 4 of Chapter 105 of the General Statutes is amended
44 by adding a new section to read:

45 **"§ 105-159.3. Designation of tax to North Carolina Public Campaign Fund.**

46 (a) Allocation to the North Carolina Public Campaign Fund. – To ensure the financial
47 viability of the North Carolina Public Campaign Fund established in Article 22N of Chapter 163
48 of the General Statutes, the Department must allocate to that Fund three dollars (\$3.00) from the
49 income taxes paid each year by each individual with an income tax liability of at least that
50 amount, if the individual agrees. A taxpayer must be given the opportunity to indicate an
51 agreement to that allocation in the manner described in subsection (b) of this section. In the case

1 of a married couple filing a joint return, each individual must have the option of agreeing to the
2 allocation. The amounts allocated under this subsection to the Fund must be credited to it on a
3 quarterly basis.

4 (b) Returns. – Individual income tax returns must give an individual an opportunity to
5 agree to the allocation of three dollars (\$3.00) of the individual's tax liability to the North Carolina
6 Public Campaign Fund. The Department must make it clear to the taxpayer that the dollars will
7 support a nonpartisan court system, that the dollars will go to the Fund if the taxpayer marks an
8 agreement, and that allocation of the dollars neither increases nor decreases the individual's tax
9 liability. The following statement satisfies the intent of this requirement: "Three dollars (\$3.00)
10 will go to the North Carolina Public Campaign Fund to support a nonpartisan court system, if
11 you agree. Your tax remains the same whether or not you agree." The Department must consult
12 with the State Board of Elections to ensure that the information given to taxpayers complies with
13 the intent of this section.

14 The Department must inform the entities it approves to reproduce the return of the
15 requirements of this section and that a return may not reflect an agreement or objection unless
16 the individual completing the return decided to agree or object after being presented with the
17 information required by subsection (c) of this section. No software package used in preparing
18 North Carolina income tax returns may default to an agreement or objection. A paid preparer of
19 tax returns may not mark an agreement or objection for a taxpayer without the taxpayer's consent.

20 (c) Instructions. – The instructions for individual income tax returns must include the
21 following explanatory statement: "The North Carolina Public Campaign Fund provides campaign
22 money to nonpartisan candidates for the North Carolina Supreme Court and Court of Appeals
23 who voluntarily accept strict campaign spending and fundraising limits. The Fund also helps
24 finance educational materials about voter registration, the role of the appellate courts, and the
25 candidates seeking election as appellate judges in North Carolina. Three dollars (\$3.00) from the
26 taxes you pay will go to the Fund if you mark an agreement. Regardless of what choice you make,
27 your tax will not increase, nor will any refund you are entitled to be reduced.""

28 **SECTION 14.5.** G.S. 163-278.5 reads as rewritten:

29 **"§ 163-278.5. Scope of Article; severability.**

30 ...

31 This section applies to Articles ~~and [Article] 22J and 22M of the General Statutes of this~~
32 Chapter to the same extent that it applies to this Article."

33 **SECTION 14.6.** G.S. 163-278.23 reads as rewritten:

34 **"§ 163-278.23. Duties of Executive Director of State Board.**

35 ...

36 This section applies to Articles ~~and [Article] 22J and 22M of [this Chapter of] the General~~
37 Statutes this Chapter to the same extent that it applies to this Article."

38 **SECTION 14.7.** G.S. 163-278.99E reads as rewritten:

39 **"§ 163-278.99E. Voter education.**

40 Relationship to the Judicial Voter Guide. – The State Board may publish the Voter Guide in
41 conjunction with the Judicial Voter Guide described in ~~G.S. 163-278.69~~ G.S. 163-278.158."

42 **SECTION 14.8.** Section 38.1(a) of S.L. 2013-381 reads as rewritten:

43 **"SECTION 38.1.(a)** Article 22D of Chapter 163 of the General Statutes is ~~repealed, except~~
44 ~~that G.S. 163-278.69 is repealed effective upon exhaustion of the funds for publication of the~~
45 ~~Judicial Voter Guide, repealed."~~

46 **SECTION 14.9.** Sections 21.1(i), 21.1(j), and 21.1(l) of S.L. 2013-360 and Sections
47 38.1(l), 38.1(m), and 38.1(o) of S.L. 2013-381 are repealed.

48 **SECTION 14.10.** Sections 14.1, 14.2, and 14.5 through 14.9 of this Part are effective
49 when it becomes law, provided that distributions from the Fund shall begin in the 2022 election
50 year. G.S. 163-278.152(b)(5), as enacted by Section 14.1 of this Part, and Section 14.3 of this
51 Part become effective January 1, 2022, and apply to the membership fees due for 2022. Section

1 14.4 of this Part is effective for taxable years beginning on or after January 1, 2022. The
2 remainder of this Part is effective when it becomes law.
3

4 **PART XV. PENALTIES FOR VIOLATIONS OF THIS ACT**

5 **SECTION 15.1.** It is unlawful to try to evade the reporting and disclosure
6 requirements of Parts X through XIV of this act by structuring, or attempting to structure, any
7 solicitation, contribution, donation, expenditure, disbursement, or other transaction. The penalty
8 for any violation of these Parts of the act shall be not less than the amount contributed or
9 undisclosed or greater than double that amount contributed or undisclosed.
10

11 **PART XVI. SEVERABILITY**

12 **SECTION 16.1.** If any provision of this act or its application is held invalid, the
13 invalidity does not affect other provisions or applications of this act that can be given effect
14 without the invalid provisions or application, and to this end, the provisions of this act are
15 severable.
16

17 **PART XVII. EFFECTIVE DATE**

18 **SECTION 17.1.** Except as otherwise provided, this act is effective when it becomes
19 law.