GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021  

SENATE BILL 716  

Short Title:  Fix Our Democracy.  
Sponsors:  Senators J. Jackson, Mohammed, and Salvador (Primary Sponsors).  
Referred to:  Rules and Operations of the Senate  

April 14, 2021

A BILL TO BE ENTITLED

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

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

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

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

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

The General Assembly of North Carolina enacts:

PART I. REDISTRICTING CHANGES

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

(1) Each member of each body identified above shall represent, as nearly as may be, an equal number of inhabitants. The ideal population for a district is the number of members in a plan divided into the population of the State as reported by the decennial census. 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.

(2) All districts shall comply with at least the following:
   a. The Constitution of the United States, including the equal protection clause of the Fourteenth Amendment.
   b. Federal law.
   c. As applicable, the North Carolina Constitution and State law.

(3) All districts shall, to the extent possible, meet at least the following criteria:
   a. Minimize the number of split counties.
   b. Be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.
   c. Minimize the number of split municipalities.
   d. To the extent practicable, be compact. Districts should not bypass nearby communities for more distant communities.

(4) The General Assembly shall not consider electoral results, political considerations, or incumbency in the preparation of a plan for State legislative districts, except to the extent necessary to comply with federal law.

(5) State legislative districts shall minimize the number of split communities of interest. For purposes of this section, a "community of interest" is a recognizable area with similarities of interests, including, but not limited to, geographic, social, cultural, or historic interests, as well as commonality of communications.

(6) Precincts shall not be split in the preparation of a plan for State legislative districts, except to the extent necessary to comply with federal law.

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

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

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

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

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

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

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

SECTION 1.2.(b) Section 5 of Article II of the North Carolina Constitution reads as rewritten:
"Sec. 5. Representative districts; apportionment of Representatives.

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

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

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

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

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

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

"Sec. 25. Redistricting.

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

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

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

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

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

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

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

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

"[ ] FOR [ ] AGAINST

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

SECTION 1.2.(e) If a majority of votes cast on the question are in favor of the amendments set out in subsections (a), (b), and (c) of this section, the State Board of Elections shall certify the amendments to the Secretary of State. The Secretary of State shall enroll the amendments so certified among the permanent records of that office. The amendments set out in subsections (a), (b), and (c) of this section are effective upon certification.
SECTION 1.2.(f) Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 1B.
"Redistricting.

§ 120-4.50. Definitions.

As used in this Article, unless the context requires otherwise, the following definitions shall apply:

(1) Census Bureau. – The United States Bureau of the Census.
(3) Communities of interest. – Contiguous and cohesive populations of persons that share common social, economic, or policy interests. Communities of interest include, but are not limited to, populations that share any of the following characteristics:
a. A racial, cultural, or ethnic identity.
b. A common history of marginalization or discrimination.
c. Natural resources.
d. Excessive damage from past or present natural disasters or pollution.
e. An organized decision-making body.
(4) Congressional districts or plans. – Districts or plans for the House of Representatives of the United States Congress.
(5) Federal census. – The decennial census required by federal law to be conducted by the Census Bureau in every year ending in zero.
(6) Final plan. – A plan adopted by the Commission to be used for the purpose of nominating and electing identified representatives. In accordance with Section 25 of Article II of the North Carolina Constitution, final plans shall have the force and effect of acts of the General Assembly.
(7) Ideal population. – The number determined by dividing the number of members in a plan into the population of the State as reported in the federal census.
(8) Identified representative. – A member of the Senate or House of Representatives of the General Assembly or a member of the House of Representatives of the United States Congress.
(9) Legislative districts or plans. – Districts or plans for the Senate and House of Representatives of the General Assembly.
(10) Plan. – A plan for legislative or congressional reapportionment drawn in accordance with Section 25 of Article II of the North Carolina Constitution and this Article.
(11) Preliminary plan. – An initial plan released by the Commission for public input at the beginning of the redistricting cycle.
(12) Proposed and alternative plans. – Plans released by the Commission following public input.
(13) Public office. – Elective State, local, or federal office.
(14) Relative. – An individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

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

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

1. Has been a registered voter in North Carolina with the same affiliation, or lack thereof, for at least three years prior to commencement of service on the Commission.
2. Has not contributed more than two thousand dollars ($2,000) to any candidate for public office.
3. No person who has served as a member of the Commission shall be eligible to hold any public office for three years after termination of service on the Commission.
4. Is not any of the following:
   a. A relative of a current member of the General Assembly.
   b. A political appointee of the General Assembly.
   c. A staff member of or legal counsel to the General Assembly.
   d. An official of a political party or a consultant or legal counsel to a political party in the United States.
5. Has never done any of the following:
   a. Served in public office for any period of time during the 10 years preceding the date of his or her application.
   b. Held a political appointment.
   c. Served as an elected or appointed officer of a political party, body, or committee at any level of government in the United States.
   d. Served as an officer, employee, or paid consultant of a political party or body or of the campaign or campaign committee of a candidate for public office in the United States.
   e. Been employed by Congress.
   f. Been convicted of any of the following crimes against a governmental body of the United States or a crime with a direct connection to the crimes:
      1. Espionage.
      2. Terrorism.
      3. Treason.
      4. Sabotage.
   g. Been a member of an organization that advocates any of the crimes listed in sub-subdivision f. of this subdivision or any of the following:
      1. Overthrowing or attacking any governmental body of the United States.
      2. Preventing any official of any governmental body of the United States from performing his or her official duties.
      3. Preventing persons from exercising their rights under the laws of any governmental body of the United States.
6. Is not a legislative staffer, lobbyist, or legislative liaison.

(c) Membership Application: Evaluations. – Any citizen of North Carolina may apply to the State Auditor to be a member of the Commission. As part of a person’s application, that person shall (i) disclose all relevant relationships and positions and (ii) submit to the State
Auditor an attestation that the person is eligible to serve as a member of the Commission pursuant to subsection (b) of this section. The State Auditor shall evaluate applications to ensure they meet the requirements of this section and any other requirements of State law. The State Auditor shall submit all eligible applications to the North Carolina Human Relations Commission. The North Carolina Human Relations Commission shall review the eligible applications and submit a diverse group of up to 60 applications to the General Assembly as follows:

1. Applications submitted to the General Assembly shall reflect the State’s diverse races, ethnicities, nationalities, sexual orientations, socioeconomic statuses, and geography.

2. The North Carolina Human Relations Commission shall submit no more than 20 applications from persons registered in each of the following ways, as reflected by the latest registration statistics published by the State Board of Elections:
   a. As affiliated with the political party with the highest number of registered affiliates.
   b. As affiliated with the political party with the second highest number of registered affiliates.
   c. As not affiliated with either of the two political parties having the highest and second highest number of registered affiliates.

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

4. Appointment. – The Commission shall be composed of 15 members appointed from the pool of candidates submitted to the General Assembly pursuant to subsection (c) of this section as follows:
   a. One from the pool of applications submitted pursuant to sub-subdivision (c)(2)a. of this section.
   b. One from the pool of applications submitted pursuant to sub-subdivision (c)(2)b. of this section.
   c. Five from the pool of applications submitted pursuant to sub-subdivision (c)(2)c. of this section.

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

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

7. Chair. – The position of chair of the Commission shall rotate every three months following a schedule randomly generated at the beginning of the redistricting cycle. No two
members who share the same party affiliation, or lack thereof, shall serve as chair in the same
six-month period. No member shall serve as chair more than once in a 12-month period.

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

(1) By the authority that appointed the member for any of the following:
   a. Failure to comply with G.S. 120-4.65.
   b. Ineligibility pursuant to subsection (b) of this section.

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

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

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

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

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

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

§ 120-4.60. Staff.

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

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

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

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

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

b. A unanimous vote from each sub-subdivision of G.S. 120-4.55(c)(2)
   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:
the following each

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

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

(b) Special Master. – At the beginning of the redistricting cycle, the State Auditor shall
submit to the Commission a list of names of persons with an expertise in redistricting who are
qualified to serve as a special master. In the event a plan cannot be adopted pursuant to subsection
(a) of this section, the Commission shall appoint a special master from the list of names provided
by the State Auditor, and the special master shall draw a plan and submit the plan, along with the
rationale for the plan, to the Commission, which shall adopt that plan. The special master shall
be appointed 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), the special master shall be appointed
   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), the special master shall be appointed
   by a vote of all of the following:
   a. At least three members from each sub-subdivision of
      G.S. 120-4.55(c)(2) with more than three members appointed to the
      Commission.
   b. A unanimous vote from each sub-subdivision of G.S. 120-4.55(c)(2)
      with three or fewer members appointed to the Commission.

(c) Time Line. — The Commission shall adopt all plans no later than October 1 of the year
following each federal census. Prior to the adoption of a plan, the Commission shall adhere to
the following maximum time line:

1. Within 30 days of receipt of data from the Census Bureau, the Commission
   shall hold the initial 10 public hearings pursuant to G.S. 120-4.85.

2. Within 50 days of receipt of data from the Census Bureau, the Commission
   shall release to the public preliminary plans for revising the congressional and
   legislative districts.

3. Within 70 days of receipt of data from the Census Bureau, the Commission
   shall hold an additional 10 public hearings pursuant to G.S. 120-4.85.

4. Within 90 days of receipt of data from the Census Bureau, the Commission
   shall release to the public all of the following:
   a. Proposed plans for revising the congressional and legislative districts.
   b. Alternative plans for revising the congressional and legislative
      districts.
   c. A summary of public input provided pursuant to G.S. 120-4.85.

5. Within 110 days of receipt of data from the Census Bureau, the Commission
   shall vote to adopt final plans from its proposed or alternative plans for
   revising the congressional and legislative districts.

6. Within 130 days of receipt of data from the Census Bureau, if the Commission
   fails to adopt any final plan pursuant to subdivision (5) of this subsection, the
   Commission shall select from the list of names provided by the State Auditor
   pursuant to subsection (b) of this section a special master to complete the plan
   or plans. The Commission shall provide the special master with its proposed
   and alternative plans and all supporting data.
Within 150 days of receipt of data from the Census Bureau, if the Commission fails to adopt any plan pursuant to subdivision (5) of this subsection, the special master selected pursuant to subsection (b) of this section shall prepare and release a plan and rationale for any changes from the plans released by the Commission. The special master shall present the plan to the Commission.

Within 160 days of receipt of data from the Census Bureau, the Commission shall adopt as a final plan the plan presented by the special master. Notwithstanding subdivisions (1) through (8) of this subsection, the Commission may extend the maximum number of days between any event required in this subsection by as many as seven days, up to a total of 40 days over the course of a year, for good cause.

§ 120-4.80. Public input.

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

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

(1) Sufficient time to review any plan released to the public.

(2) The opportunity to communicate comments, questions, and recommendations on any plan released to the public, at a minimum, in person, online, and through the mail.

(3) Access to the same demographic data that is used by the Commission in a machine-readable form.

(4) Access to mapping software and census data in a minimum of 30 public library facilities in the State within 20 days of receipt of that data from the United States Bureau of the Census.

(5) A public, written response to every substantive comment or recommendation regarding a specific component of a plan released to the public. The response shall address the viability of any recommendation and indicate whether it was or will be incorporated in any other plan.

(6) At the conclusion of the redistricting process, the Commission shall publish a summary of the public input received by the Commission.

(7) A website with all of the following information:

a. Background information on the redistricting process available in at least English and Spanish. The Commission shall provide information in other languages if at least 50,000 people petition the Commission to have a particular language included.

b. Livestreams and recordings of all public meetings in audio, video, or both formats and minutes from those meetings.

c. Meeting announcements.

d. A searchable database of feedback and plans discussed by the Commission.

e. Plans discussed by the Commission and the data used to create those plans.

§ 120-4.85. Local redistricting.

The General Assembly may by law assign to the Commission the duty to prepare district plans for any county, city, town, special district, and other governmental subdivision, if the governing board of the unit or a court of appropriate jurisdiction so requests.
SECTION 1.2.(g) Notwithstanding G.S. 120-4.55(f), as enacted by this act, for any redistricting that may occur pursuant to G.S. 120-2.4, as amended by this act, based on data from the 2020 federal census, the term of office for members of the North Carolina Citizens Redistricting Commission shall begin on January 1, 2023, and conclude on June 30, 2030.

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

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

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

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

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

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

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

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

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

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

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

(2) Section 1.3 of this act.

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

PART II. NONPARTISAN SUPREME COURT/COURT OF APPEALS ELECTIONS

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

"SUBCHAPTER XI. ELECTION OF APPELLATE COURT JUDGES."

"Article 26.

"Nomination and Election of Appellate Justices and Judges.

§ 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.


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

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

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

(1) Justices of the Supreme Court
(2) Judges of the Court of Appeals
(3) Judges of the Court of Appeals
(c) Withdrawal of Notice of Candidacy. – Any person who has filed a notice of candidacy for an office shall have the right to withdraw it at any time prior to the close of business on the third business day prior to the date on which the right to file for that office expires under the terms of subsection (b) of this section.

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

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

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

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

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

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

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

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

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

(b) Requirements of Petition; Deadline for Filing. – If the candidate is seeking the office of justice of the Supreme Court or judge of the Court of Appeals, that individual shall file a written petition with the State Board no later than 12:00 noon on Monday preceding the filing deadline before the primary. The petition shall be signed by 8,000 registered voters in the State.

The board of elections shall verify the names on the petition, and if the petition and notice of candidacy are found to be sufficient, the candidate's name shall be printed on the appropriate ballot. Petitions must be presented to the county board of elections for verification at least 15 days before the petition is due to be filed with the State Board of Elections. The State Board of Elections may adopt rules to implement this section and to provide standard petition forms.


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

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

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

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

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

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

(c) Earlier Non-Primary Vacancies; Reopening Filing. – If there is no primary because only one or two candidates have filed for a single office, or the number of candidates filed for a group of offices does not exceed twice the number of positions to be filled, or if a primary has occurred and eliminated candidates, and thereafter a remaining candidate dies or otherwise becomes disqualified before the election and before the ballots are printed, the State Board shall,
upon notification of the death or other disqualification, immediately reopen the filing period for
an additional five days during which time additional candidates shall be permitted to file for
election. If the ballots have been printed at the time the State Board receives notice of the
candidate's death or other disqualification, the Board shall determine whether there will be
sufficient time to reprint them before the election if the filing period is reopened for three days.
If the Board determines that there will be sufficient time to reprint the ballots, it shall reopen the
filing period for three days to allow other candidates to file for election, and that election shall
be conducted as provided in G.S. 163-357(b).
(d) Later Vacancies; Ballots Not Reprinted. – If the ballots have been printed at the time
the State Board receives notice of a candidate's death or other disqualification, and if the Board
determines that there is not enough time to reprint the ballots before the election if the filing
period is reopened for three days, then regardless of the number of candidates remaining for the
office or group of offices, the ballots shall not be reprinted and the name of the vacated candidate
shall remain on the ballots. If a vacated candidate should poll the highest number of votes in the
election for a single office or enough votes to be elected to one of a group of offices, the State
Board shall declare the office vacant and it shall be filled in the manner provided by law.
(e) No Withdrawal Permitted of Living, Qualified Candidate After Close of Filing. –
After the close of the candidate filing period, a candidate who has filed a notice of candidacy for
the office, who has not withdrawn notice before the close of filing as permitted by
G.S. 163-352(b), who remains alive, and has not become disqualified for the office may not
withdraw his or her candidacy. That candidate's name shall remain on the ballot, any votes cast
for the candidacy shall be counted in primary or election, and if the candidate wins, the candidate
may fail to qualify by refusing to take the oath of office.
(f) Death, Disqualification, or Failure to Qualify After Election. – If a person elected to
the office of justice of the Supreme Court or judge of the Court of Appeals dies or becomes
disqualified on or after election day and before the person has qualified by taking the oath of
office, or fails to qualify by refusing to take the oath of office, the office shall be deemed vacant
and shall be filled as provided by law.

§ 163-357. Elections to fill vacancy in office created after primary filing period opens.
(a) General. – If a vacancy is created in the office of justice of the Supreme Court or
judge of the Court of Appeals after the filing period for the primary opens but more than 60 days
before the general election, and under the Constitution of North Carolina an election is to be held
for that position, such that the office shall be filled in the general election as provided in
G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted without
a primary using the method provided in subsection (b) of this section. If a vacancy is created in
the office of justice of the Supreme Court or judge of the Court of Appeals before the filing
period for the primary opens, and under the Constitution of North Carolina an election is to be
held for that position, such that the office shall be filled in the general election as provided in
G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted in
accordance with G.S. 163-351.
(b) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme
Court or judge of the Court of Appeals occurs more than 60 days before the general election and
after the opening of the filing period for the primary, then the State Board shall designate a special
filing period of one week for candidates for the office. If more than two candidates file and
qualify for the office in accordance with G.S. 163-352, then the Board shall conduct the election
for the office as follows:
(1) When the vacancy described in this section occurs more than 63 days before
the date of the second primary for members of the General Assembly, a special
primary shall be held on the same day as the second primary. The two
candidates with the most votes in the special primary shall have their names
placed on the ballot for the general election held on the same day as the general

election for members of the General Assembly.

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

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


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

§ 163-359. Date of primary.

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


(a) General. — In elections there shall be official ballots. The ballots shall be printed to
conform to the requirement of G.S. 163-165.6(c) and to show the name of each person who has
filed notice of candidacy and the office for which each aspirant is a candidate.
Only those who have filed the required notice of candidacy with the proper board of elections,
and who have paid the required filing fee or qualified by petition, shall have their names printed
on the official primary ballots. Only those candidates properly nominated shall have their names
appear on the official general election ballots.

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

(1) Justice of the Supreme Court
(2) Judge of the Court of Appeals

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

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


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

§ 163-362. Other rules.

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

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

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

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

SECTION 2.3. G.S. 163-1(b) reads as rewritten:
"(b) On Tuesday next after the first Monday in March preceding each general election to
be held in November for the officers referred to in subsection (a) of this section, there shall be
held in all election precincts within the territory for which the officers are to be elected a primary
election for the purpose of nominating candidates for each political party in the State for those
offices and nonpartisan candidates as to the offices elected under the provisions of Article 26 of this Chapter."

SECTION 2.4. G.S. 163-22.3 reads as rewritten:
"§ 163-22.3. State Board of Elections littering notification.

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

SECTION 2.5. G.S. 163-82.10B reads as rewritten:
"§ 163-82.10B. Confidentiality of date of birth.

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

1. When a voter has filed notice of candidacy for elective office under G.S. 163-106, 163-122, 163-123, or 163-294.2, or 163-352, has been nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has otherwise formally become a candidate for elective office. The exception of this subdivision does not extend to an individual who meets the definition of "candidate" only by beginning a tentative candidacy by receiving funds or making payments or giving consent to someone else to receive funds or transfer something of value for the purpose of exploring a candidacy.

2. When a voter is serving in an elective office.

3. When a voter has been challenged pursuant to Article 8 of this Chapter.

4. When a voter-registration applicant or registered voter expressly authorizes in writing the disclosure of that individual's date of birth.

5. When requested by a county jury commission established pursuant to G.S. 9-1 for purposes of preparing the master jury list in that county pursuant to G.S. 9-2.

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

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

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

SECTION 2.6. G.S. 163-106.2(a) reads as rewritten:
"(a) Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the State Board no earlier than 12:00 noon on the first Monday in December and no later than 12:00 noon on the third Friday in December preceding the primary:

Governor
Lieutenant Governor
All State executive officers
Justices of the Supreme Court
Judges of the Court of Appeals
Judges of the superior court
Judges of the district court
United States Senators
Members of the House of Representatives of the United States
District attorneys.

SECTION 2.7. G.S. 163-106.3 reads as rewritten:
"§ 163-106.3. Notice of candidacy for certain offices to indicate vacancy.
In any primary in which there are two or more vacancies for associate justices for the Supreme Court, two or more vacancies for the Court of Appeals, two or more vacancies for superior or district court judge, judge or two vacancies for United States Senator from North Carolina, each candidate shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the vacancy to which the candidate seeks nomination. The designation shall not be the name or names of any incumbent or other individual but shall be designated as determined by the State Board of Elections. A person seeking election for a specialized district judgeship established under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the specialized judgeship to which the person seeks nomination. Votes cast for a candidate shall be effective only for nomination to the vacancy for which the candidate has given notice of candidacy as provided in this section."

SECTION 2.8. G.S. 163-107(a) reads as rewritten:
"(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay to the board of elections with which the candidate files under the provisions of G.S. 163-106, 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 sought in the amount specified in the following tabulation:

<table>
<thead>
<tr>
<th>Office Sought</th>
<th>Amount of Filing Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor</td>
<td>One percent (1%) of the annual salary of the office sought</td>
</tr>
<tr>
<td>Lieutenant Governor</td>
<td>One percent (1%) of the annual salary of the office sought</td>
</tr>
<tr>
<td>All State executive offices</td>
<td>One percent (1%) of the annual salary of the office sought</td>
</tr>
<tr>
<td>All Justices, Judges, Superior and District Court Judges and District Attorneys of the General Court of Justice</td>
<td>One percent (1%) of the annual salary of the office sought</td>
</tr>
<tr>
<td>United States Senator</td>
<td>One percent (1%) of the annual salary of the office sought</td>
</tr>
<tr>
<td>Members of the United States House of Representatives</td>
<td>One percent (1%) of the annual salary of the office sought</td>
</tr>
<tr>
<td>State Senator</td>
<td>One percent (1%) of the annual salary of the office sought</td>
</tr>
<tr>
<td>Member of the State House of Representatives</td>
<td>One percent (1%) of the annual salary of the office sought</td>
</tr>
<tr>
<td>All county offices not compensated by fees</td>
<td>One percent (1%) of the annual salary of the office sought</td>
</tr>
<tr>
<td>All county offices compensated partly</td>
<td>One percent (1%) of the annual salary of the first annual</td>
</tr>
</tbody>
</table>
by salary and partly by fees salary to be received (exclusive of fees)

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

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

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

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

"(c) Procedure for Requesting Second Primary. –

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

Governor,
Lieutenant Governor,
All State executive officers,
Justices, Superior or District Court Judges, or District Attorneys of the General Court of Justice,
United States Senators,
Members of the United States House of Representatives,
State Senators in multi-county senatorial districts, and
Members of the State House of Representatives in multi-county representative districts."

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

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

SECTION 2.12. G.S. 163-123(h) reads as rewritten:
"(h) Municipal and Nonpartisan Elections Excluded. – This section does not apply to municipal elections conducted under Subchapter IX of this Chapter and does not apply to nonpartisan elections, except for elections under Subchapter XI of this Chapter."

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

PART III. EXTEND REVOLVING DOOR PERIOD

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

§ 120C-304. Restrictions.

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

(1) While in office.

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

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

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

..."

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

PART IV. ONLINE VOTER REGISTRATION

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

§ 163-82.5. Distribution of application forms.

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

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

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

§ 163-82.5A. Online voter registration.

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

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

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

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

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

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

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

(1) An application for any of the following:
a. Voter registration.
   b. Reporting of a change of name, address, or party affiliation. If the individual is already registered to vote and the change of address is to another county, it shall be treated as an application to register to vote.

(2) Information to establish that the individual is eligible under this section to register online.
(3) The individual's email address.

(d) Upon receipt of an individual's application under subsection (c) of this section, the county board of elections, in conjunction with the State Board, shall verify the North Carolina drivers license or social security number in accordance with G.S. 163-82.12, update the statewide registration database and search for possible duplicate registrations, and proceed under G.S. 163-82.7 to verify the person's address.

(e) If the State Board verifies the North Carolina drivers license or social security number in accordance with G.S. 163-82.12, the Division of Motor Vehicles shall transfer the digital signature of the applicant in the Division of Motor Vehicles records to the State Board.

(f) If the State Board cannot verify the North Carolina drivers license or social security number in accordance with G.S. 163-82.12, the State Board shall so notify the individual submitting the application by email, if provided, and in accordance with this Article. That individual shall be offered an opportunity to register in accordance with G.S. 163-82.6 or G.S. 163-82.6A, as applicable.

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

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

SECTION 4.4. This Part becomes effective December 1, 2021.

PART V. AUTOMATIC VOTER REGISTRATION

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

"§ 163-82.3. Voter registration application forms. Forms; automatic voter registration at certain agencies.

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

…

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

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

"§ 163-82.6. Acceptance of application forms.

(a) How the Form May Be Submitted. – The county board of elections shall accept any form described in G.S. 163-82.3 if the applicant submits the form by mail, facsimile transmission,
transmission of a scanned document, or in person or by automatic voter registration pursuant to G.S. 163-82.19 or G.S. 163-82.20. The applicant may delegate the submission of the form to another person. Any person who communicates to an applicant acceptance of that delegation shall deliver that form so that it is received by the appropriate county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (d) of this section for the next election. It shall be a Class 2 misdemeanor for any person to communicate to the applicant acceptance of that delegation and then fail to make a good faith effort to deliver the form so that it is received by the county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (d) of this section for the next election. It shall be an affirmative defense to a charge of failing to make a good faith effort to deliver a delegated form by the registration deadline that the delegatee informed the applicant that the form would not likely be delivered in time for the applicant to vote in the next election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a completed voter registration form or to condition its delivery upon payment.

...

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

(1) If submitted by mail, must be postmarked at least 25 days before the primary or election, except that any mailed application on which the postmark is missing or unclear is validly submitted if received in the mail not later than 20 days before the primary or election.

(2) If submitted in person, by facsimile transmission, or by transmission of a scanned document, or by automatic voter registration, must be received by the county board of elections by a time established by that board, but no earlier than 5:00 P.M., on the twenty-fifth day before the primary or election.

(3) If submitted through a delegatee who violates the duty set forth in subsection (a) of this section, must be signed by the applicant and given to the delegatee not later than 25 days before the primary or election, except as provided in subsection (f) of this section.

...

SECTON 5.3. G.S. 163-82.19 reads as rewritten:

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

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

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

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

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

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

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

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

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

**SECTION 5.4.** G.S. 163-82.20 reads as rewritten:
§ 163-82.20. Voter registration at other public agencies; automatic voter registration.

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

…

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

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

a. The voter registration application form described in G.S. 163-82.3(a) or (b), or

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

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

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

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

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

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

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

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

(c) Employment Security Law Applicants. – Provided that voter registration agencies designated under subdivision (a)(3) of this section shall only be required to provide the services
set out in this subsection to applicants for new claims, reopened claims, and changes of address under Chapter 96 of the General Statutes, the Employment Security Law.

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

... 

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

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

... 

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

... 

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

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

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

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

(1) Inform the person that the restoration of rights removes the person's disqualification from voting, but that in order to vote the person must register to vote.

(2) Provide an opportunity to that person to register to vote, including informing the person of automatic voter registration in accordance with G.S. 163-82.19 or G.S. 163-82.20.

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

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

PART VI. OPEN MEETINGS LAW REFORM LIVE/VIDEO AND AUDIO STREAMING IN LEGISLATIVE COMPLEX
SECTION 6.1. G.S. 143-318.14A reads as rewritten:

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

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

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

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

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

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

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

...."

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

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

PART VII. ABSENTEE BALLOTS

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

"(b) Application on Container-Return Envelope. – In time for use not later than 60 days before a statewide general election in an even-numbered year, and not later than 50 days before a statewide primary, other general election or county bond election, the county board of elections shall print a sufficient number of envelopes in which persons casting absentee ballots may transmit their marked ballots to the county board of elections. However, in the case of municipal elections, sufficient container-return envelopes shall be made available no later than 30 days
before an election. Each container-return envelope shall have printed on it an application which shall be designed and prescribed by the State Board, providing for all of the following:

…

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

…

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

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

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

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

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

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

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

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

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

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

PART VIII. USE OF CERTAIN CAMPUSES/VOTING PLACES

SECTION 8.1. G.S. 163-129(a) reads as rewritten:
"(a) At the voting place in each precinct established under the provisions of G.S. 163-128, the county board of elections shall provide or procure by lease or otherwise a suitable structure or part of a structure in which registration and voting may be conducted. To this end, the county board of elections shall be entitled to demand and use any school or other State, county, or municipal building, or a part thereof, or any other building, or a part thereof, which is supported or maintained, in whole or in part by or through tax revenues, provided, however, that revenues, including ensuring the use of voting places on college campuses with at least an enrollment of 4,500 students. However, this section shall not be construed to permit any board of elections to demand and use any tax exempt church property for such purposes without the express consent of the individual church involved, for the purpose of conducting registration and voting for any primary or election, and it may require that the requisitioned premises, or a part thereof, be vacated for these purposes."

PART IX. VOTER POLL PURGING

SECTION 9.1. G.S. 163-82.14(d)(2) reads as rewritten:
"(d) Change of Address. – A county board of elections shall conduct a systematic program to remove from its list of registered voters those who have moved out of the county, and to update the registration records of persons who have moved within the county. The county board shall remove a person from its list if the registrant:
...
(2) Fails to respond to a confirmation mailing sent by the county board in accordance with this subdivision and does not vote or appear to vote in an election beginning on the date of the notice and ending on the day after the date of the second general election for the United States House of Representatives that occurs after the date of the notice. A county board sends a confirmation notice in accordance with this subdivision if the notice:
  a. Is a postage prepaid and preaddressed return card, sent by forwardable mail, on which the registrant may state current address;
  b. Contains or is accompanied by a notice to the effect that if the registrant did not change residence but remained in the county, the registrant should return the card not later than the deadline for registration by mail in G.S. 163-82.6(d)(1); and
  c. Contains or is accompanied by information as to how the registrant may continue to be eligible to vote if the registrant has moved outside the county.
A county board shall send a confirmation mailing in accordance with this subdivision to every registrant after every congressional election if the county board has not confirmed the registrant's address by another means. Has a postcard sent by nonforwardable mail from the county board of elections returned as undeliverable."

PART X. TRUE SOURCE OF SPENDING

SECTION 10.1. G.S. 163-278.12 is amended by adding a new subsection to read:
"(h) Except for political committees that do not receive more than five thousand two hundred dollars ($5,200) from any one person in an election, a filer, when reporting donations of one thousand dollars ($1,000) or more in the aggregate under this subsection, shall disclose the identity of the original source of the funds, the amounts of those donations, and any intermediaries who transferred the funds before they were contributed to the filer. For purposes of this subsection, "original source" means an individual who contributes wages, investment income, or bequests or a person that contributes money received through ordinary commercial transactions. Any person or entity making a donation of one thousand dollars ($1,000) or more, in the aggregate, in an election to a person or entity required to report donations under this subsection shall inform that person or entity of the identity of the original sources of funds being transferred, the amounts of the persons' original funds being transferred, and the identity of any persons who previously transferred the original funds."

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

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

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

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

PART XI. TRANSPARENCY FOR DIGITAL CAMPAIGN ADS

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

"§ 163-278.6. Definitions.

When used in this Article:

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

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

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

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

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

(a) The name of the person who paid for the digital communication.
(b) A means for the recipient of the digital communication to obtain the remainder of the information required by this section with minimal effort and without receiving or viewing any additional material other than the disclosure statement.

(c) Misrepresentation of Authorization. – Notwithstanding G.S. 163-278.27(a), any candidate, candidate campaign committee, political party organization, political action committee, referendum committee, individual, or other sponsor making an advertisement in the print media or on radio or television, or through digital communication that misrepresents the sponsorship or authorization of the advertisement is guilty of a Class 1 misdemeanor.”

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

“§ 163-278.39C. Scope of disclosure requirements.

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

1. Do not apply to an individual who makes uncoordinated independent expenditures aggregating less than one thousand dollars ($1,000) in a political campaign; and
2. Do not apply to an individual who incurs expenses with respect to a referendum.

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

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

“§ 163-278.39D. State Board of Elections to maintain records of digital communications for political advertising.

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

1. The name of the person.
2. The city and state where the entity is located.
3. The amount spent by the person for each candidate.
PART XII. PROTECTION AGAINST FOREIGN INTERFERENCE

SECTION 12.1. G.S. 163-278.39 is amended by adding a new subsection to read:

"(a1) Notwithstanding any provision of law to the contrary and in accordance with any federal law, a foreign national expending funds for political advertising that addresses a specific issue to influence State or local government policy shall include a statement in the advertisement that identifies the foreign national and a statement disclosing that the advertising is sponsored by the foreign national. The phrase "foreign national" shall have the same meaning as defined in 52 U.S.C. § 30121(b)."

PART XIII. LIMITATIONS/SUPER PACS INFLUENCE

SECTION 13.1. Part 1 of Article 22A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-278.12B. Limitations on super political action committees' influence.

(a) Notwithstanding any other provision of law to the contrary, any political committee that makes only independent expenditures shall notify the State Board of Elections, in writing, of any of the following:

(1) Any contribution in excess of one thousand dollars ($1,000) received by the committee before an election but after the period covered by the last report due before that election. This notification shall be made within 48 hours after the receipt of the contribution and shall include the name of the committee, the contributor, and the date of receipt and amount of the contribution.

(2) Any contribution or donation in excess of one thousand dollars ($1,000) made by the committee before an election but after the period covered by the last report due before that election. This notification shall be made within 48 hours after the contribution or donation is made and shall include the name of the committee and the recipient and the date and amount of the contribution or donation.

(b) Any person who receives, directly or indirectly, a contribution or donation subject to subsection (a) of this section and who transfers more than one thousand dollars ($1,000) of the funds to another person shall disclose to that person, in writing, at the time the transfer is made each of the following:

(1) The identification of the political committee who made the contribution or donation and the date and amount of the contribution or donation.

(2) The identification of any other person subject to this section, as either a prior transferor or transferee of the funds from the political committee, and the date and amount of the contribution or donation.

(c) For purposes of this section, a contribution or donation includes a pledge, promise, understanding, or agreement to make a future contribution or donation."

PART XIV. REESTABLISH NORTH CAROLINA PUBLIC CAMPAIGN FUND

SECTION 14.1. Chapter 163 of the General Statutes is amended by adding the following new Article to read:

"Article 22J.


§ 163-278.150. Purpose of the North Carolina Public Campaign Fund."
The purpose of this Article is to ensure the fairness of democratic elections in North Carolina and to protect the constitutional rights of voters and candidates from the detrimental effects of increasingly large amounts of money being raised and spent to influence the outcome of elections, those effects being especially problematic in elections of the judiciary, since impartiality is uniquely important to the integrity and credibility of the courts. Accordingly, this Article establishes the North Carolina Public Campaign Fund as an alternative source of campaign financing for candidates who demonstrate public support and voluntarily accept strict fundraising and spending limits. This Article is available to candidates for justice of the Supreme Court and judge of the Court of Appeals in elections to be held in 2022 and thereafter.

§ 163-278.151. Definitions.

The following definitions apply in this Article:

(1) Board. – The State Board of Elections.

(2) Candidate. – An individual who becomes a candidate as described in G.S. 163-278.6(9). The term includes a political committee authorized by the candidate for that candidate's election.

(3) Certified candidate. – A candidate running for office who chooses to receive campaign funds from the Fund and who is certified under G.S. 163-278.153(c).

(4) Contested primary and contested general election. – An election in which there are more candidates than the number to be elected. A distribution from the Fund pursuant to this Article is not a "contribution" and is not subject to the limitations of G.S. 163-278.13 or the prohibitions of G.S. 163-278.15 or G.S. 163-278.19.

(5) Contribution. – Defined in G.S. 163-278.6. A distribution from the Fund pursuant to this Article is not a "contribution" and is not subject to the limitations of G.S. 163-278.13 or the prohibitions of G.S. 163-278.15 or G.S. 163-278.19.

(6) Electioneering communication. – As defined in G.S. 163-278.6, except that it is made during the period beginning 30 days before absentee ballots become available for a primary and ending on primary election day and during the period 60 days before absentee ballots become available for a general election and ending on general election day.

(7) Expenditure. – Defined in G.S. 163-278.6.


(9) Independent expenditure. – Defined in G.S. 163-278.6.

(10) Maximum qualifying contributions. – An amount of qualifying contributions equal to 60 times the filing fee for candidacy for the office.

(11) Minimum qualifying contributions. – An amount of qualifying contributions equal to 30 times the filing fee for candidacy for the office.

(12) Nonparticipating candidate. – A candidate running for office who is not seeking to be certified under G.S. 163-278.153(c).

(13) Office. – A position on the North Carolina Court of Appeals or North Carolina Supreme Court.

(14) Participating candidate. – A candidate for office who has filed a declaration of intent to participate under G.S. 163-278.153.

(15) Political committee. – Defined in G.S. 163-278.6.

(16) Qualifying contribution. – A contribution of not less than ten dollars ($10.00) and not more than five hundred dollars ($500.00) in the form prescribed for noncash monetary contributions in G.S. 163-278.14(b) to the candidate or the candidate's committee that meets both of the following conditions:
§ 163-278.152. North Carolina Public Campaign Fund established; sources of funding.

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

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

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

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

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

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

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

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

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

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

(b) Demonstration of Support of Candidacy. – Participating candidates who seek certification to receive campaign funds from the Fund shall first, during the qualifying period, if seeking office on the Supreme Court, obtain qualifying contributions from at least 425 registered voters in an aggregate sum that at least equals the amount of minimum qualifying contributions described in G.S. 163-278.151(11) but that does not exceed the amount of maximum qualifying contributions described in G.S. 163-278.151(10). If a participating candidate is seeking
certification for an office on the Court of Appeals, the candidate shall obtain qualifying contributions from at least 400 registered voters in an aggregate sum that at least equals the amount of minimum qualifying contributions described in G.S. 163-278.151(11) but that does not exceed the amount of maximum qualifying contributions described in G.S. 163-278.151(10).

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

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

1. Signed and filed a declaration of intent to participate in this Article.
2. Submitted a report itemizing the appropriate number of qualifying contributions received from registered voters, which the Board shall verify through a random sample or other means it adopts. The report shall include the county of residence of each registered voter listed.
3. Filed a valid notice of candidacy pursuant to Article 26 of this Chapter.
4. Otherwise met the requirements for participation in this Article.

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

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

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

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

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

4. During the qualifying period, the candidate may contribute up to one thousand dollars ($1,000) of that candidate’s own money to the campaign and may accept in contributions one thousand dollars ($1,000) from each member of that candidate’s family consisting of spouse, parent, child, brother, and sister. Up to five hundred dollars ($500.00) of a contribution from the candidate’s family member may be treated as a qualifying contribution if it meets the requirements of G.S. 163-278.151(16)a. and b.
A candidate and the candidate's committee shall limit the use of all revenues permitted by this subsection to expenditures for campaign-related purposes only. The Board shall publish guidelines outlining permissible campaign-related expenditures. In establishing those guidelines, the Board shall differentiate expenditures that reasonably further a candidate's campaign from expenditures for personal use that would be incurred in the absence of the candidacy. In establishing the guidelines, the Board shall review relevant provisions of the Federal Election Campaign Act, and rules adopted pursuant to it, and similar provisions in other states.

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

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

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

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

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

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

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

§ 163-278.155. Distribution from the Fund.

(a) Timing of Fund Distribution. – The Board shall distribute to a certified candidate revenue from the Fund in an amount determined under subdivision (b)(4) of this section within five business days after the certified candidate's name is approved to appear on the ballot in a contested general election but no earlier than five business days after the primary.
(b) Amount of Fund Distribution. – By August 1, 2022, and no less frequently than every
two years thereafter, the Board shall determine the amount of funds, rounded to the nearest one
hundred dollars ($100.00), to be distributed to certified candidates as follows:
(1) Uncontested primaries. – No funds shall be distributed.
(2) Contested primaries. – No funds shall be distributed.
(3) Uncontested general elections. – No funds shall be distributed.
(4) Contested general elections. – Funds shall be distributed to a certified
candidate for a position on the Court of Appeals in an amount equal to 225
times the candidate's filing fee as set forth in G.S. 163-353. Funds shall be
distributed to a certified candidate for a position on the Supreme Court in an
amount equal to 350 times the candidate's filing fee as set forth in
G.S. 163-353.

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

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

§ 163-278.156. Reporting requirements.
(a) Reporting by Participating and Certified Candidates. – Notwithstanding other
provisions of law, participating and certified candidates shall report any money received,
including all previously unreported qualifying contributions, all campaign expenditures,
obligations, and related activities to the Board according to procedures developed by the Board.
A certified candidate who ceases to be certified or ceases to be a candidate or who loses an
election shall file a final report with the Board and return any unspent revenues received from
the Fund. In developing these procedures, the Board shall utilize existing campaign reporting
procedures whenever practical.

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

§ 163-278.157. Civil penalty.
In addition to any other penalties that may be applicable, any individual, political committee,
or other entity that violates any provision of this Article is subject to a civil penalty of up to ten
thousand dollars ($10,000) per violation or three times the amount of any financial transactions
involved in the violation, whichever is greater. In addition to any fine, for good cause shown, a
candidate found in violation of this Article may be required to return to the Fund all amounts
distributed to the candidate from the Fund. If the Board makes a determination that a violation
of this Article has occurred, the Board shall calculate and assess the amount of the civil penalty
and shall notify the entity that has assessed the civil penalty of the amount that has been assessed.
The Board shall then proceed in the manner prescribed in G.S. 163-278.34. In determining
whether or not a candidate is in violation of this Article, the Board may consider as a mitigating
factor any circumstances out of the candidate's control."

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

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

"§ 84-34. Membership fees and list of members.
Every active member of the North Carolina State Bar shall, prior to the first day of July of
each year, pay to the secretary-treasurer an annual membership fee in an amount determined by
the Council but not to exceed three hundred dollars ($300.00), and every plus a surcharge of sixty
dollars ($60.00) for the implementation of Article 22J of Chapter 163 of the General Statutes. A
member shall be provided the option to designate that the surcharge required by this section be
used in its entirety for the Judicial Voter Guide described in G.S. 163-278.158. Each member
shall notify the secretary-treasurer of the member's correct mailing address. Any member who
fails to pay the required dues by the last day of June of each year shall be subject to a late fee in
an amount determined by the Council but not to exceed thirty dollars ($30.00). All dues for prior
years shall be as were set forth in the General Statutes then in effect. The membership fee shall
be regarded as a service charge for the maintenance of the several services authorized by this
Article, and shall be in addition to all fees required in connection with admissions to practice,
and in addition to all license taxes required by law. The fee shall not be prorated: Provided, that
no fee shall be required of an attorney licensed after this Article shall have gone into effect until
the first day of January of the calendar year following that in which the attorney was licensed;
but this proviso shall not apply to attorneys from other states admitted on certificate. The fees
shall be disbursed by the secretary-treasurer on the order of the Council. The sixty dollar ($60.00)
surcharge shall be sent on a monthly schedule to the State Board of Elections. The
secretary-treasurer shall annually, at a time and in a law magazine or daily newspaper to be
prescribed by the Council, publish an account of the financial transactions of the Council in a
form to be prescribed by it. The secretary-treasurer shall compile and keep currently correct from
the names and mailing addresses forwarded to the secretary-treasurer and from any other
available sources of information a list of members of the North Carolina State Bar and furnish to
the clerk of the superior court in each county, not later than the first day of October in each year,
a list showing the name and address of each attorney for that county who has not complied with
the provisions of this Article. The name of each of the active members who are in arrears in the
payment of membership fees shall be furnished to the presiding judge at the next term of the
superior court after the first day of October of each year, by the clerk of the superior court of
each county wherein the member or members reside, and the court shall thereupon take action
that is necessary and proper. The names and addresses of attorneys so certified shall be kept
available to the public. The Secretary of Revenue is hereby directed to supply the
secretary-treasurer, from records of license tax payments, with any information for which the
secretary-treasurer may call in order to enable the secretary-treasurer to comply with this
requirement.

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

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

"§ 105-159.3. Designation of tax to North Carolina Public Campaign Fund.
(a) Allocation to the North Carolina Public Campaign Fund. – To ensure the financial
viability of the North Carolina Public Campaign Fund established in Article 22N of Chapter 163
of the General Statutes, the Department must allocate to that Fund three dollars ($3.00) from
the income taxes paid each year by each individual with an income tax liability of at least that
amount, if the individual agrees. A taxpayer must be given the opportunity to indicate an
agreement to that allocation in the manner described in subsection (b) of this section. In the case
of a married couple filing a joint return, each individual must have the option of agreeing to the allocation. The amounts allocated under this subsection to the Fund must be credited to it on a quarterly basis.

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

The Department must inform the entities it approves to reproduce the return of the following explanatory statement: "The North Carolina Public Campaign Fund provides campaign money to nonpartisan candidates for the North Carolina Supreme Court and Court of Appeals who voluntarily accept strict campaign spending and fundraising limits. The Fund also helps finance educational materials about voter registration, the role of the appellate courts, and the candidates seeking election as appellate judges in North Carolina. Three dollars ($3.00) from the taxes you pay will go to the Fund if you mark an agreement. Regardless of what choice you make, your tax will not increase, nor will any refund you are entitled to be reduced."

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

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

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

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

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

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

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

"§ 163-278.99E. Voter education.

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

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

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

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

SECTION 14.10. Sections 14.1, 14.2, and 14.5 through 14.9 of this Part are effective when it becomes law, provided that distributions from the Fund shall begin in the 2022 election year. G.S. 163-278.152(b)(5), as enacted by Section 14.1 of this Part, and Section 14.3 of this Part become effective January 1, 2022, and apply to the membership fees due for 2022. Section
14.4 of this Part is effective for taxable years beginning on or after January 1, 2022. The remainder of this Part is effective when it becomes law.

PART XV. PENALTIES FOR VIOLATIONS OF THIS ACT

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

PART XVI. SEVERABILITY

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

PART XVII. EFFECTIVE DATE

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