

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 352\*

Short Title: Restore Confidence in Government. (Public)

Sponsors: Senators Meredith, Hise; Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Forrester, Goolsby, Gunn, Harrington, Hartsell, Hunt, Jackson, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman, and Tucker.

Referred to: Judiciary I.

March 16, 2011

A BILL TO BE ENTITLED

AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY (1) REQUIRING THAT VOTERS PROVIDE PHOTO IDENTIFICATION BEFORE VOTING; (2) REQUIRING CANDIDATES AND TREASURERS TO TAKE IMMEDIATE ACTION TO CORRECT CAMPAIGN FINANCE VIOLATIONS AND REQUIRING LIABILITY OF CANDIDATES FOR CIVIL PENALTIES FOR CAMPAIGN FINANCE VIOLATIONS OF CANDIDATE CAMPAIGN COMMITTEES; (3) LIMITING THE CHAIR OF THE STATE BOARD OF ELECTIONS TO TWO TWO-YEAR TERMS IN THAT OFFICE; (4) PROHIBITING PIECE-WORK PAYMENT FOR VOTER REGISTRATION DRIVES; (5) PREVENTING CONFLICT OF INTEREST AND ITS APPEARANCE INVOLVING POLITICAL CONTRIBUTIONS BY STATE CONTRACTORS; AND (6) ALLOWING VOTERS MORE FLEXIBILITY IN APPLYING FOR ABSENTEE BALLOTS.

The General Assembly of North Carolina enacts:

Part 1. Voter Photo Identification.

SECTION 1.1. G.S. 163-166.12 reads as rewritten:

"§ 163-166.12. ~~Requirements for certain voters who register by mail.~~ Photo ID requirements.

(a) ~~Voting in Person. - An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina.~~ Every individual seeking to vote in person shall present a valid photo identification to a local election official at a voting place before voting there.

~~one of the following:~~

- ~~(1) A current and valid photo identification.~~
- ~~(2) A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.~~

(a1) As used in this section, a valid photo identification means one of the following, but only if it contains a photograph of the registered voter:

- (1) 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.
- (2) A special identification card for nonoperators issued under G.S. 20-37.7.
- (3) A valid identification card issued by a branch, department, agency, or entity of this State, any other state, or the United States authorized by law to issue personal identification.



1           (4) A valid United States passport.

2           (5) A valid employee identification card issued by any branch, department,  
3 agency, or entity of the United States government, this State, or any county,  
4 municipality, board, authority, or other entity of this State.

5           (6) A valid United States military identification card.

6           (7) A valid tribal identification card.

7           (8) A valid North Carolina voter identification card issued under  
8 G.S. 163-166.13.

9           (b) Voting Mail-In Absentee. – An individual who has registered to vote by mail on or  
10 after January 1, 2003, and has not previously voted in an election that includes a ballot item for  
11 federal office in North Carolina, in order to cast a mail-in absentee vote, shall submit with the  
12 mailed-in absentee ballot one of the following:

13           (1) A copy of a current and valid photo identification.

14           (2) A copy of one of the following documents that shows the name and address  
15 of the voter: a current utility bill, bank statement, government check,  
16 paycheck, or other government document.

17           (b1) The county board of elections shall note the type of identification proof submitted  
18 by the voter under the provisions of subsection (a) or (b) of this section and may dispose of the  
19 tendered copy of identification proof submitted under subsection (b) of this section as soon as  
20 the type of proof is noted in the voter registration records.

21           (b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an  
22 individual has registered by mail or by another method, if the individual has provided with the  
23 registration form a drivers license number or last four digits of a Social Security number but the  
24 computer validation of the number as required by G.S. 163-82.12 did not result in a match, and  
25 the number has not been otherwise validated by the board of elections, in the first election in  
26 which the individual votes that individual shall submit with the ballot the form of identification  
27 described in subsection (a) or subsection (b) of this section, depending upon whether the ballot  
28 is voted in person or absentee. If that identification is provided and the board of elections does  
29 not determine that the individual is otherwise ineligible to vote a ballot, the failure of  
30 identification numbers to match shall not prevent that individual from registering to vote and  
31 having that individual's vote counted. If the individual registers and votes under  
32 G.S. 163-82.6A, the identification documents required in that section, rather than those  
33 described in subsection (a) or (b) of this section, apply.

34           (c) The Right to Vote Provisionally. – If an individual is required under subsection (a),  
35 (b), or (b2) of this section to present identification in order to vote, but that individual does not  
36 present the required identification, that individual may vote a provisional official ballot. If the  
37 voter is at the voting place, the voter may vote provisionally there without unnecessary delay. If  
38 the voter is voting by mail-in absentee ballot, the mailed ballot without the required  
39 identification shall be treated as a provisional official ballot.

40           (d) Exemptions. – ~~This Subsection (b) of this section~~ does not apply to any of the  
41 following:

42           (1) An individual who registers by mail and submits as part of the registration  
43 application either of the following:

44           a. A copy of a current and valid photo identification.

45           b. A copy of one of the following documents that shows the name and  
46 address of the voter: a current utility bill, bank statement,  
47 government check, paycheck, or other government document.

48           (2) An individual who registers by mail and submits as part of the registration  
49 application the individual's drivers license number or at least the last four  
50 digits of the individual's social security number where an election official  
51 matches either or both of the numbers submitted with an existing State

1 identification record bearing the same number, name, and date of birth  
2 contained in the submitted registration. If any individual's number does not  
3 match, the individual shall provide identification as required in subsection  
4 (b2) of this section in the first election in which the individual votes.

5 (3) An individual who is entitled to vote by absentee ballot under the Uniformed  
6 and Overseas Citizens Absentee Voting Act.

7 (4) An individual who is entitled to vote otherwise than in person under section  
8 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped  
9 Act.

10 (5) An individual who is entitled to vote otherwise than in person under any  
11 other federal law."

12 **SECTION 1.2.** Article 14A of Chapter 163 of the General Statutes is amended by  
13 adding a new section to read:

14 **"§ 163-166.13. Voter identification card.**

15 (a) Each county board of elections shall accept applications for and issue North  
16 Carolina voter identification cards to registered North Carolina voters that shall under State law  
17 be valid only for purposes of voter identification under this Chapter and available only to  
18 registered voters of this State. No fee shall be charged or collected for the application for or  
19 issuance of a North Carolina voter identification card.

20 (b) No person shall be eligible for a North Carolina voter identification card if such  
21 person has a valid unexpired drivers license or a special identification card for nonoperators  
22 issued under G.S. 20-37.7.

23 (c) The North Carolina voter identification card shall be captioned "NORTH  
24 CAROLINA VOTER IDENTIFICATION CARD" and shall contain a prominent statement that  
25 under North Carolina law it is valid only as identification for voting purposes. The North  
26 Carolina voter identification card shall be laminated, shall contain a digital color photograph of  
27 the applicant, and shall include the following information:

28 (1) Full legal name.

29 (2) Address of residence.

30 (3) Birth date.

31 (4) Date identification card was issued.

32 (5) Sex.

33 (6) Height.

34 (7) Weight.

35 (8) Eye color.

36 (9) County where the identification card was issued.

37 (10) Such other information or identification as required by rule of the State  
38 Board of Elections.

39 (d) The application for a North Carolina voter identification card shall elicit the  
40 information required under subsection (c) of this section and such other information as may be  
41 required by rule of the State Board of Elections. The application shall be signed by the  
42 applicant.

43 (e) The county board of elections shall require presentation and verification of the  
44 following information before issuing a North Carolina voter identification card to a person:

45 (1) A photo identity document, except that a nonphoto identity document is  
46 acceptable if it includes the person's name;

47 (2) Evidence that the person is registered to vote in this state; and

48 (3) Documentation showing the person's name and residence address.

49 (f) A North Carolina voter identification card shall remain valid so long as a person  
50 resides at the same address and remains qualified to vote. It shall be the duty of a person who  
51 moves his or her residence within the State to surrender his or her card to the county board of

1 elections of the county of his or her new residence; and such person may after such surrender  
2 apply for and receive a new card if such person is otherwise eligible under this section. It shall  
3 be the duty of a person who moves his or her residence outside this State or who ceases to be  
4 qualified to vote to surrender his or her card to the county board of elections by which it was  
5 issued.

6 (g) The State Board of Elections shall provide each county board of elections issuing  
7 North Carolina voter identification cards with the necessary equipment, forms, supplies, and  
8 training for the production of the North Carolina voter identification cards and shall maintain  
9 such equipment.

10 (h) The State Board of Elections shall adopt policies for the administration of this  
11 section and, without limiting the generality of the foregoing, such policies may further define or  
12 prescribe the types of documentation required under subsection (e) of this section."

13 **SECTION 1.3.** G.S. 163-82.6A(b) reads as rewritten:

14 "(b) Both Attestation and Proof of Residence Required. – To vote under this section, a  
15 voter must present a valid photo identification as defined by G.S. 163-166.12(a1). This  
16 requirement is separate from the requirement to provide proof of residence under subdivision  
17 (2) of this subsection. If an individual does not present the required identification, that  
18 individual may vote a provisional official ballot. To register ~~and vote~~ under this section, the  
19 person shall do both of the following:

- 20 (1) Complete a voter registration form as prescribed in G.S. 163-82.4, including  
21 the attestation requirement of G.S. 163-82.4(b) that the person meets each  
22 eligibility requirement. Such attestation is signed under penalty of a Class I  
23 felony under G.S. 163-275(13); and  
24 (2) Provide proof of residence by presenting any of the following valid  
25 documents that show the person's current name and current residence  
26 address: a North Carolina drivers license, a photo identification from a  
27 government agency, or any of the documents listed in ~~G.S. 163-166.12(a)(2)-~~  
28 G.S. 163-166.12(b)(2). The State Board of Elections may designate  
29 additional documents or methods that suffice and shall prescribe procedures  
30 for establishing proof of residence."

31 **SECTION 1.4.** G.S. 163-166.7(a) reads as rewritten:

32 "(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure  
33 through the appropriate entrance. A precinct official assigned to check registration shall at once  
34 ask the voter to state current name and residence address. The voter shall answer by stating  
35 current name and residence ~~address.~~ address and present valid photo identification in  
36 accordance with G.S. 163-166.12. In a primary election, that voter shall also be asked to state,  
37 and shall state, the political party with which the voter is affiliated or, if unaffiliated, the  
38 authorizing party in which the voter wishes to vote. After examination, that official shall state  
39 whether that voter is duly registered to vote in that precinct and shall direct that voter to the  
40 voting equipment or to the official assigned to distribute official ballots. If a precinct official  
41 states that the person is duly registered, the person shall sign the pollbook, other voting record,  
42 or voter authorization document in accordance with subsection (c) of this section before  
43 voting."

44 **SECTION 1.5.** G.S. 163-227.2(b) reads as rewritten:

45 "(b) Not earlier than the third Thursday before an election, in which absentee ballots are  
46 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday  
47 before that election, the voter shall appear in person only at the office of the county board of  
48 elections, except as provided in subsection (g) of this section. A county board of elections shall  
49 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may  
50 conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the  
51 board office through the appropriate entrance and shall at once state his or her name and place

1 of residence to an authorized member or employee of the ~~board~~ board and present valid photo  
2 identification in accordance with G.S. 163-166.12. If an individual does not present the  
3 required identification, that individual may vote a provisional official ballot. In a primary  
4 election, the voter shall also state the political party with which the voter affiliates and in whose  
5 primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the  
6 primary of a particular party under G.S. 163-119, the voter shall state the name of the  
7 authorizing political party in whose primary he wishes to vote. The board member or employee  
8 to whom the voter gives this information shall announce the name and residence of the voter in  
9 a distinct tone of voice. After examining the registration records, an employee of the board  
10 shall state whether the person seeking to vote is duly registered. If the voter is found to be  
11 registered that voter may request that the authorized member or employee of the board furnish  
12 the voter with an application form as specified in G.S. 163-227. The voter shall complete the  
13 application in the presence of the authorized member or employee of the board, and shall  
14 deliver the application to that person."

15 **SECTION 1.6.** Article 15A of Chapter 163 of the General Statutes is amended by  
16 adding a new section to read:

17 **"§ 163-182.1A. Counting of provisional official ballots cast because of failure to provide**  
18 **valid photo identification at the polls.**

19 (a) A voter who cast a provisional official ballot wholly or partly as a result of the  
20 voter's inability or declination to provide proof of identification may personally appear at an  
21 office of the county board of elections not later than the date of the conclusion of the election  
22 canvass for that county to seek counting of the provisional official ballot as provided in  
23 subsection (b) or (c) of this section.

24 (b) Unless the vote is disqualified for some other reason provided by law, the county  
25 board of elections shall find that the voter's provisional ballot is valid and direct that the  
26 provisional ballot be opened and counted in accordance with this Chapter if the voter both:

27 (1) Provides valid photo identification to the county board of elections; and

28 (2) Executes an affidavit, in the form prescribed by the State Board of Elections  
29 affirming under the penalties of perjury that the voter is the same individual  
30 who:

31 a. Personally appeared to vote on the day of election or at an early  
32 voting site; and

33 b. Cast the provisional ballot on that day.

34 (c) Unless the vote is disqualified for some other reason provided by law, the county  
35 board of elections shall find that the voter's provisional ballot is valid and direct that the  
36 provisional ballot be opened and counted in accordance with this Chapter if the voter executes  
37 an affidavit before the county board of elections, in the form prescribed by the State Board of  
38 Elections, affirming under the penalties of perjury that:

39 (1) The voter is the same individual who:

40 a. Personally appeared to vote on the day of election or at an early  
41 voting site; and

42 b. Cast the provisional ballot on that day; and

43 (2) The voter has a sincerely held religious objection to being photographed.

44 (d) If the county board of elections determines that a voter described in subsection (b)  
45 or (c) of this section has also cast a provisional official ballot for a cause other than the voter's  
46 inability or declination to provide valid photo identification, the board shall both:

47 (1) Note on the envelope containing the provisional official ballot that the voter  
48 has complied with the proof of valid photo identification requirement; and

49 (2) Proceed to determine any other reasons for which the ballot was cast  
50 provisionally before ruling on the validity of the voter's provisional ballot."

51 **SECTION 1.7.** G.S. 163-87 reads as rewritten:

1 **"§ 163-87. Challenges allowed on day of primary or election.**

2 On the day of a primary or election, at the time a registered voter offers to vote, any other  
3 registered voter of the precinct may exercise the right of challenge, and when he does so may  
4 enter the voting enclosure to make the challenge, but he shall retire therefrom as soon as the  
5 challenge is heard.

6 On the day of a primary or election, any other registered voter of the precinct may  
7 challenge a person for one or more of the following reasons:

- 8 (1) One or more of the reasons listed in G.S. 163-85(c).
- 9 (2) That the person has already voted in that primary or election.
- 10 (3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.
- 11 (4) If the challenge is made with respect to voting in a partisan primary, that the  
12 person is a registered voter of another political party.
- 13 (5) The voter does not present proof of identification as required by  
14 G.S. 163-166.12.

15 The chief judge, judge, observer, or assistant appointed under ~~G.S. 163-41 or 163-42~~  
16 G.S. 163-41, 163-42, or 163-45 may enter challenges under this section against voters in the  
17 precinct for which appointed regardless of the place of residence of the chief judge, judge,  
18 observer, or assistant.

19 If a person is challenged under this subsection, and the challenge is sustained under  
20 G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if  
21 eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if  
22 the transfer is made. A person who has transferred his registration under G.S. 163-82.15(e) may  
23 be challenged at the precinct to which the registration is being transferred."

24 **SECTION 1.8.** G.S. 20-37.7(d) reads as rewritten:

25 "(d) Expiration and Fee. – A special identification card issued to a person for the first  
26 time under this section expires when a drivers license issued on the same day to that person  
27 would expire. A special identification card renewed under this section expires when a drivers  
28 license renewed by the card holder on the same day would expire.

29 The fee for a special identification card is the same as the fee set in G.S. 20-14 for a  
30 duplicate license. The fee does not apply to a special identification card issued to a resident of  
31 this State who (i) is legally blind, (ii) is at least 70 years old, (iii) is eligible to vote in this State  
32 but does not have a valid photo identification acceptable under G.S. 163-166.12(a1), (iv) is  
33 homeless, or (v) who has been issued a drivers license but the drivers license is cancelled under  
34 G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental  
35 disability or disease. To obtain a special identification card without paying a fee, a homeless  
36 person must present a letter to the Division from the director of a facility that provides care or  
37 shelter to homeless persons verifying that the person is homeless."

38 **SECTION 1.9.** Education and Publicity Requirements. – The public shall be  
39 educated about the photo identification to vote requirements of this act as follows:

- 40 (1) As counties use their regular processes to notify voters of assignments and  
41 reassignments to districts for election to the United States House of  
42 Representatives, State Senate, State House of Representatives, or local  
43 office, by including information about the provisions of this act.
- 44 (2) As counties send new voter registration cards to voters as a result of new  
45 registration, changes of address or other reasons, by including information  
46 about the provisions of this act.
- 47 (3) Counties that maintain a board of elections Web site shall include  
48 information about the provisions of this act.
- 49 (4) Notices of elections published by county boards of elections under  
50 G.S. 163-22(8) for the May 2012 primary and 2012 general election shall  
51 include a brief statement that photo identification is required to vote.

- 1 (5) The State Board of Elections shall include on its Web site information about  
2 the provisions of this act.
- 3 (6) Counties shall post at the polls and at early voting sites beginning with the  
4 May 2012 primary elections information about the provisions of this act.
- 5 (7) The State Board of Education shall include in the Judicial Voter Guide  
6 described in G.S. 163-278.69 information about the provisions of this act  
7 and shall also include the information in the Voter Guide under  
8 G.S. 163-278.99E if it is published separately.
- 9 (8) The State Board of Elections and the county boards of elections shall take  
10 reasonable steps to provide public service announcements about the  
11 provisions of this act through print, radio, television, online, and social  
12 media. The sum of six hundred thousand dollars (\$600,000) is appropriated  
13 from the General Fund for the 2011-2012 fiscal year to a special reserve to  
14 carry out the provisions of this subdivision and to provide for issuance of  
15 North Carolina voter identification cards under G.S. 163-166.13 as enacted  
16 by this act. Those funds shall be made available as follows:
- 17 a. One hundred thousand dollars (\$100,000) to the State Board of  
18 Elections.
- 19 b. One hundred thousand dollars (\$100,000) in an equal share to each  
20 county board of elections.
- 21 c. Two hundred thousand dollars (\$200,000) to county boards of  
22 elections in proportion to the number of registered voters in the  
23 county.
- 24 d. Two hundred thousand dollars (\$200,000) to county boards of  
25 elections in counties covered by section 5 of the Voting Rights Act of  
26 1965, in proportion to the number of registered voters in the county.

27 **SECTION 1.10.(a)** Funds under Title I and Title II of the Help America Vote Act  
28 may be used for the purpose of Section 1.9 of this act and to provide for issuance of North  
29 Carolina voter identification cards under G.S. 163-166.13 as enacted by this act.

30 **SECTION 1.10.(b)** Funds under the Election Assistance for Individuals with  
31 Disabilities (EAID) provisions of the Help America Vote Act may be used for the purpose of  
32 Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards  
33 under G.S. 163-166.13 as enacted by this act to persons eligible for assistance under EAID.

34 **SECTION 1.10.(c)** Unexpended funds in the North Carolina Voter-Owned  
35 Elections Fund may be for the purpose of Section 1.9 of this act and to provide for issuance of  
36 North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act.

37 **SECTION 1.10.(d)** Funds from the surcharge on attorney membership fees under  
38 G.S. 84-34 may be used for the purpose of Section 1.9 of this act as it relates to judicial  
39 elections.

40 **SECTION 1.11.(a)** Sections 1.1 through 1.7 of this act are effective:

- 41 (1) In counties not subject to Section 5 of the Voting Rights Act of 1965  
42 beginning with the statewide primary in 2012.
- 43 (2) In any county covered by Section 5 of the Voting Rights Act of 1965,  
44 beginning with the later of the statewide primary in 2012 or the date this act  
45 is precleared or approved under Section 5 of the Voting Rights Act of 1965.

46 **SECTION 1.11.(b)** Sections 1.8, 1.9, and 1.10 of this act become effective July 1,  
47 2011. This Part is effective when it becomes law.

48  
49 Part 2. Candidate and Treasurer Duty and Liability.

50 **SECTION 2.1.** Article 22A of Chapter 163 of the General Statutes is amended by  
51 adding two new sections to read:

1 **"§ 163-278.11A. Duty of candidate to correct violation.**

2 Upon actual notice of a violation under this Article which may result in a criminal penalty  
3 under G.S. 163-278.27 or a civil penalty under G.S. 163-278.34 to a candidate or candidate  
4 campaign committee, a candidate shall take immediate action to correct the violation. As used  
5 in this section, the term "candidate campaign committee" means the same as in  
6 G.S. 163-278.38Z(3).

7 **"§ 163-278.11B. Duty of treasurer to correct violation.**

8 Upon actual notice of a violation under this Article which may result in a criminal penalty  
9 under G.S. 163-278.27 or a civil penalty under G.S. 163-278.34 to a candidate or candidate  
10 campaign committee, a treasurer shall take immediate action to correct the violation. If the  
11 actual notice of a violation is received by a former treasurer, that former treasurer shall  
12 immediately report the violation to the State Board of Elections. As used in this section, the  
13 term "candidate campaign committee" means the same as in G.S. 163-278.38Z(3)."

14 **SECTION 2.2.** G.S. 163-278.34 is amended by adding a new subsection to read:

15 "(d1) A candidate shall be jointly and severally liable for a civil penalty assessed by the  
16 State Board against a candidate campaign committee if the candidate had actual notice of the  
17 violation for which the penalty is assessed at the time the violation occurred and the candidate  
18 failed to correct the violation as required by G.S. 163-278.11A. As used in this subsection, the  
19 term "candidate campaign committee" means the same as in G.S. 163-278.38Z(3)."

20 **SECTION 2.3.** This Part becomes effective January 1, 2012, and applies to civil  
21 penalties assessed for any violation occurring on or after that date.  
22

23 Part 3. State Board of Elections Chair Term Limit.

24 **SECTION 3.1.** G.S. 163-19 reads as rewritten:

25 **"§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

26 (a) All of the terms of office of the present members of the State Board of Elections  
27 shall expire on May 1, 1969, or when their successors in office are appointed and qualified.

28 The State Board of Elections shall consist of five registered voters whose terms of office  
29 shall begin on May 1, 1969, and shall continue for four years, and until their successors are  
30 appointed and qualified. The Governor shall appoint the members of this Board and likewise  
31 shall appoint their successors every four years at the expiration of each four-year term. Not  
32 more than three members of the Board shall be members of the same political party. The  
33 Governor shall appoint the members from a list of nominees submitted to him by the State  
34 party chairman of each of the two political parties having the highest number of registered  
35 affiliates as reflected by the latest registration statistics published by the State Board of  
36 Elections. Each party chairman shall submit a list of five nominees who are affiliated with that  
37 political party.

38 Any vacancy occurring in the Board shall be filled by the Governor, and the person so  
39 appointed shall fill the unexpired term. The Governor shall fill the vacancy from a list of three  
40 nominees submitted to him by the State party chairman of the political party that nominated the  
41 vacating member as provided by the preceding paragraph. The three nominees must be  
42 affiliated with that political party.

43 (b) At the first meeting held after new appointments are made, the members of the State  
44 Board of Elections shall take the following oath:

45 "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution  
46 of the United States; that I will be faithful and bear true allegiance to the State of North  
47 Carolina, and to the constitutional powers and authorities which are or may be  
48 established for the government thereof; that I will endeavor to support, maintain and  
49 defend the Constitution of said State, and that I will well and truly execute the duties of  
50 the office of member of the State Board of Elections according to the best of my  
51 knowledge and ability, according to law, so help me, God."



1 (c) After taking the prescribed oath, the Board shall organize by electing one of its  
2 members chairman and another secretary. The term of office of the chairman is two years and  
3 begins on May 1 of each odd-numbered year. In the case of a vacancy, a new chairman shall be  
4 elected to serve the remainder of the unexpired term. No person may be elected as chairman for  
5 more than two terms. For the purpose of this subsection, cumulative service as chair for more  
6 than two years prior to May 1, 2009, shall be considered as one term.

7 (d) No person shall be eligible to serve as a member of the State Board of Elections  
8 who holds any elective or appointive office under the government of the United States, or of  
9 the State of North Carolina or any political subdivision thereof. No person who holds any office  
10 in a political party, or organization, or who is a candidate for nomination or election to any  
11 office, or who is a campaign manager or treasurer of any candidate in a primary or election  
12 shall be eligible to serve as a member of the State Board of Elections."

13 **SECTION 3.2.** The State Board of Elections shall next elect a chairman for a  
14 two-year term beginning May 1, 2011.

15 **SECTION 3.3.** This Part is effective when it becomes law.

16  
17 Part 4. Prohibit Piece-Work Payment for Voter Registration.

18 **SECTION 4.1.** Article 7A of Chapter 163 of the General Statutes is amended by  
19 adding a new section to read:

20 "**§ 163-82.25A. Piece payment in voter registration drives prohibited.**

21 No person who employs or contracts with another person to register voters or assist or  
22 encourage voters to fill out voter registration forms shall pay that person per voter registration  
23 application completed. No person shall accept payment on that basis. A violation of this section  
24 is a Class 2 misdemeanor."

25 **SECTION 4.2.** G.S. 163-274 is amended by adding a new subdivision to read:

26 "(14) For any person to pay or accept payment per voter registration application  
27 completed in violation of G.S. 163-82.25A."

28 **SECTION 4.3.** This Part becomes effective with respect to voter registration  
29 applications completed on or after January 1, 2012.

30  
31 Part 5. No Pay-to-Play.

32 **SECTION 5.1.** Article 3 of Chapter 143 of the General Statutes is amended by  
33 adding a new section to read:

34 "**§ 163-278.13D. Prohibition on contributions by entity affiliated with a vendor.**

35 (a) Definitions. – The following definitions apply in this section:

36 (1) Contribution. – As defined in G.S. 163-278.6(6). A contribution is made  
37 during the term of a contract if it is dated or pledged on or after the first day  
38 of the term of the contract, but not later than the last day of the term of the  
39 contract, if it is delivered on or after the first day of the term of the contract,  
40 but not later than the last day of the term of the contract, or if the entity  
41 affiliated with the vendor pledges during the term of the contract to deliver  
42 the contribution after the last day of the term of the contract. However, a  
43 contribution will not be deemed to be made if (i) the vendor or entity  
44 affiliated with the vendor discovers the contribution within two months of  
45 the date of such contribution; (ii) such contribution exceeds one thousand  
46 dollars (\$1,000); and (iii) the vendor or entity affiliated with the vendor  
47 obtains a return of the contribution within 60 calendar days of the date of  
48 discovery of the contribution. A contribution is accepted during the term of a  
49 contract if the relevant political campaign receives the contribution on or  
50 after the first day of the term of the contract, but not later than the last day of  
51 the term of the contract and does not return the contribution within 10 days,

1 or the relevant political campaign agrees on or after the first day of the term  
2 of the contract to receive the contribution after the last day of the term of the  
3 contract.

4 (2) Entity affiliated with a vendor. – An officer, director, member, or manager  
5 of the vendor, if the vendor is an incorporated business or a limited liability  
6 company, a partner or general manager if the vendor is an unincorporated  
7 business entity, or any political committee of which the vendor is the parent  
8 entity as provided in G.S. 163-278.19. Director of a vendor means any  
9 director of the vendor whether or not receiving compensation. An advisory  
10 director is not a director of a vendor if the advisory director (i) is not elected  
11 by the vendor's shareholders and the vendor is a company or bank; (ii) is not  
12 authorized to vote on matters before the Board of Directors; and (iii)  
13 provides solely general policy advice to the Board of Directors.

14 (3) Office with authority to award contract. – Any of the principal offices or  
15 departments listed in G.S. 143A-11. Notwithstanding any other provision of  
16 law or delegation of authority and for the purposes of subsection (b) of this  
17 section, the head of the principal office or department shall be deemed to  
18 award all contracts for that principal office or department and for any other  
19 offices, agencies, or commissions administratively housed within that  
20 principal office or department.

21 (4) Relevant political campaign. – A candidate for the office with authority to  
22 award the contract, the officer holding the office with authority to award the  
23 contract, or a political committee controlled by a candidate for or officer  
24 holding the office with authority to award the contract.

25 (b) Prohibition. – No entity affiliated with a vendor that has entered into a contract for  
26 supplies, materials, equipment, other tangible personal property, or services in excess of  
27 twenty-five thousand dollars (\$25,000) with any of the principal offices or departments listed in  
28 G.S. 143A-11 and subject to the provisions of Article 3 of Chapter 143 of the General Statutes  
29 shall make during the term of the contract a contribution to a relevant political campaign. No  
30 relevant political campaign shall knowingly accept a contribution during the term of the  
31 contract from an entity affiliated with a vendor that has entered into a contract for supplies,  
32 materials, equipment, other tangible personal property, or services in excess of twenty-five  
33 thousand dollars (\$25,000) with any of the principal offices or departments listed in  
34 G.S. 143A-11 and subject to the provisions of Article 3 of Chapter 143 of the General Statutes.  
35 This subsection does not apply if the contributions by all entities affiliated with the vendor to  
36 the relevant political campaign during the term of the contract do not exceed one thousand  
37 dollars (\$1,000). The State Board of Elections shall adopt any procedures for reporting it deems  
38 necessary for the enforcement of this subsection.

39 (c) Penalty. – A violation of this section is a Class 2 misdemeanor."

40 **SECTION 5.2.** This Part becomes effective January 1, 2012, and applies to  
41 contributions made on or after that date.

42  
43 Part 6. Absentee Ballot Request Flexibility.

44 **SECTION 6.1.** G.S. 163-230.2 reads as rewritten:

45 **"§ 163-230.2. Method of requesting absentee ballots.**

46 (a) Valid Types of Written Requests. – A written request for an absentee ballot as  
47 required by G.S. 163-230.1 is valid only if it is ~~written entirely by the requester personally, or~~  
48 ~~is on a form generated by the county board of elections and signed by the requester. The county~~  
49 ~~board of elections shall issue a request form only to the voter seeking to vote by absentee ballot~~  
50 ~~or to a person authorized by G.S. 163-230.1 to make a request for the voter. If a requester, due~~

1 ~~to disability or illiteracy, is unable to complete a written request, that requester may receive~~  
2 ~~assistance in writing that request from an individual of that requester's choice.~~

3 (b) Invalid Types of Written Requests. – A request is not valid if it does not comply  
4 with subsection (a) of this section. If a county board of elections receives a request for an  
5 absentee ballot that does not comply with subsection (a) of this section, the board shall not  
6 issue an application and ballot under G.S. 163-230.1.

7 (c) Rules by State Board. – The State Board of Elections shall adopt rules for the  
8 enforcement of this section."

9 **SECTION 6.2.** This Part becomes effective with respect to primaries and elections  
10 conducted on or after January 1, 2012.