# GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1991

# CHAPTER 1032 HOUSE BILL 1408

AN ACT TO IMPROVE VOTER PARTICIPATION AND TO MAKE CHANGES IN CAMPAIGN REPORTING LAWS.

The General Assembly of North Carolina enacts: Part 1 – THREE-WEEK REGISTRATION DEADLINE

Section 1. G.S. 163-67 reads as rewritten:

"(a) The county boards of elections shall establish, prior to January 1, 1971, a full-time system of registration, as prescribed by the State Board of Elections, under which the registration books, process, and records shall be open continuously for the acceptance of registration applications and for the registration of voters at all reasonable hours and time consistent with the daily function of all other county offices. In such counties no registration shall entitle a registrant to vote in any primary, general or special election unless the registrant shall have made application not later than the twenty first sixteenth day, excluding Saturdays and Sundays, immediately preceding such primary, general or special election, provided that nothing shall prohibit registrants from registering to vote in future elections during such period.

When full-time registration has been established in a county, the official record of registration shall be made and kept in the form of an application to register which, as prescribed by the State Board of Elections, shall contain all information necessary to show the applicant's qualifications to register. In such a county, no person shall be registered to vote without first making a written, sworn, and signed application to register upon the form prescribed by the State Board of Elections. If the applicant cannot write because of physical disability, his name shall be written on the application for him by the election official to whom he makes application, but the specific reason for the applicant's failure to sign shall be clearly stated upon the face of the application.

Registrars, judges of election, and special registration commissioners appointed under the provisions of G.S. 163-41 may take registration applications from and administer registration oaths to qualified applicants without regard to the precinct residence of the registrar, judge of election, special registration commissioner, or applicant.

Applications to register which have been completed by persons who have taken the required oath shall be forwarded promptly, and in no case more than 72 hours after the close of registration, to the county board of elections. Failure to forward the application within 72 hours shall not disqualify an otherwise properly qualified voter from voting. An application to register shall constitute a valid registration unless the county board of elections shall notify the applicant of its rejection within 30 days after its completion;

provided that where the application is completed during the last 51 days prior to the election but at least 21–16 days, excluding Saturdays and Sundays, prior to the election, the notification of rejection shall be made no less than 14–seven days prior to the election or the application shall constitute a valid registration. If the application is rejected after the close of the registration books as provided in G.S. 163-67(a) the board shall notify the applicant at least 14–seven days before the election that it has rejected his application. The applicant may appear before the board and, if he establishes his qualifications to register prior to the election, he shall be permitted to vote. The loose-leaf binders containing the precinct records and the duplicate registration record, required by G.S. 163-65(a), shall be kept at all times in a safe place.

For the purpose of receiving registration applications, registrars shall attend the voting places in their precincts only on such days and at such hours as may be fixed by the county board of elections: Provided, the county board of elections shall not require registrars to be present at the voting places for this purpose on any day later than the twenty first sixteenth day, excluding Saturdays and Sundays, prior to a primary or election. In its discretion, the county board of elections may require no attendance by registrars at the voting places for the purpose of receiving registration applications.

The county board of elections is authorized to make reasonable rules and regulations, not inconsistent with law and State Board regulations, to insure full-time registration as provided in this section."

Sec. 2. G.S. 163-69.1(b) reads as rewritten:

"(b) A voter whose name has been changed shall report such change of name to an official authorized to register voters under G.S. 163-80 no later than the twenty first day (excluding Saturdays and Sundays) last day for making application to register under G.S. 163-67 prior to an election, primary, or special election in order to vote in said election if the name change occurred on or before that date. Alternatively, the voter may report such change to the registrar at the polls, and, if otherwise eligible, may vote. A voter wishing to vote by absentee ballot may report the name change to the county board of elections, by mail or in person, along with that voter's application for absentee ballot; and if otherwise eligible, may vote.

Any report made under this section shall be made under oath, and on a form prescribed by the county board of elections. A name-change form shall be included in any mailing to a voter of an absentee ballot application form."

Sec. 3. G.S. 163-72.2(e) reads as rewritten:

"(e) No report filed under this section shall be effective for a primary or election unless received by the board of elections on or before the twenty first day (excluding Saturdays and Sundays) last day for making application to register under G.S. 163-67 before the primary or election, except that if the report is submitted before the deadline but more information is requested, such report shall be effective for the primary or election if sufficient information is received more than 14-seven days before the primary or election."

Sec. 4. G.S. 163-74(b) reads as rewritten:

"(b) Change of Party Affiliation or Unaffiliated Status. – No registered elector shall be permitted to change the record of his party affiliation or unaffiliated status for a

primary, second primary or special or general election after the close of the registration books immediately prior to any such election. Any registrant who desires to have the record of his party affiliation or unaffiliated status changed on the registration book shall, no later than the twenty-first day (not including Saturdays and Sundays) last day for making application to register under G.S. 163-67 before the election go to the chairman or the supervisor of elections of the county board of elections or to other registration officials specified in G.S. 163-80 and request that the change be made. Before being permitted to have the change made, the chairman, supervisor of elections or other registration official shall require the registrant to take the following oath, and it shall be the duty of the elections officer to administer it:

- (1) If the voter desires to change from one political party to another, or from unaffiliated to a political party:
  - I, ......, do solemnly swear (or affirm) that I desire in good faith to change my party affiliation from the ............. Party (or from unaffiliated status) to the ............... Party, and that such change of affiliation be made on the registration records in the manner provided by law, so help me, God.
- (2) If the voter desires to change his affiliation with any political party to unaffiliated status:
  - I, ......, do solemnly swear (or affirm) that I desire in good faith to change my party affiliation with the ........... Party to unaffiliated and that such change of affiliation be made on the registration records in the manner provided by law, so help me, God.

Upon receipt of the required oath, the county board of elections shall immediately change the record of the registrant's party affiliation, or unaffiliated status, to conform to that stated in the oath. Thereafter the voter shall be considered registered and qualified to vote in accordance with the effected change.

Provided, in the event that a registrant has the record of his party affiliation or unaffiliated status changed later than the 21st day (not including Saturdays and Sundays) last day for making application to register under G.S. 163-67 before a primary, the registrant shall not be entitled to vote in that primary."

Sec. 5. G.S. 163-59 reads as rewritten:

## "§ 163-59. Right to participate or vote in party primary.

No person shall be entitled to vote or otherwise participate in the primary election of any political party unless he

- (1) Is a registered voter, and
- (2) Has declared and has had recorded on the registration book or record the fact that he affiliates with the political party in whose primary he proposes to vote or participate, and
- (3) Is in good faith a member of that party.

Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under G.S. 163-74(a1) may also vote in the primary if the voter is otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

Any person who will become qualified by age or residence to register and vote in the general election or regular municipal 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 or regular municipal 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 21st day (excluding Saturdays and Sundays) last day for making application to register under G.S. 163-67 prior to the primary. In addition, persons who will become qualified by age to register and vote in the general election or regular municipal election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections."

Sec. 6. G.S. 163-213.2 reads as rewritten:

## "§ 163-213.2. Primary to be held; date; qualifications and registration of voters.

On the Tuesday after the first Monday in May, 1992, and every four years thereafter, the voters of this State shall be given an opportunity to express their preference for the person to be the presidential candidate of their political party.

Any person otherwise qualified who will become qualified by age to vote in the general election held in the same year of the presidential preference primary shall be entitled to register and vote in the presidential preference primary. Such persons may register not earlier than 60 days nor later than the 21st day last day for making application to register under G.S. 163-67 prior to the said primary. In addition, persons who will become qualified by age to register and vote in the general election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections."

Sec. 7. G.S. 163-288(c)(3) reads as rewritten:

"(3) METHOD C. – The county board of elections shall permit the municipal board of elections to copy county registration books from the precinct binder record or from the duplicate required to be maintained by said county board of elections. During the period beginning on the twenty first day before each municipal election (excluding Saturdays and Sundays) last day for making application to register under G.S. 163-67, the municipal board of elections shall compare the municipal registration books with the appropriate county books and shall add or delete registration certificates in order that the city and county records shall agree. The precincts established for municipal elections may differ from those established by the county board of elections."

Sec. 8. G.S. 163-283 reads as rewritten:

# "§ 163-283. Right to participate or vote in party primary.

No person shall be entitled to vote or otherwise participate in the primary election of any political party unless he

(1) Is a registered voter, and

- (2) Has declared and has had recorded on the registration book or record the fact that he affiliates with the political party in whose primary he proposes to vote or participate, and
- (3) Is in good faith a member of that party.

Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under G.S. 163-74(a1) may also vote in the primary if the voter is otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

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 election, shall be entitled to register while the registration books are open during the regular registration period prior to the primary and then to vote in the primary after being registered, provided however, under full-time and permanent registration, such an individual may register not earlier than 60 days nor later than the 21st day last day for making application to register under G.S. 163-67 prior to the primary. In addition, persons who will become qualified by age to register and vote in the general election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections."

Sec. 9. G.S. 163-288.2(a) reads as rewritten:

# "§ 163-288.2. Registration in area proposed for incorporation or annexed.

(a) Whenever the General Assembly incorporates a new city and provides in the act of incorporation for a referendum on the question of incorporation or for a special election for town officials or for both, or whenever an existing city or special district annexes new territory under the provisions of Chapter 160A, Article 4A, or other general or local law, the board of elections of the county in which the proposed city is located or in which the newly annexed territory is located shall determine those individuals eligible to vote in the referendum or special election or in the city or special district elections. In determining the eligible voters the board may, in its discretion, use either of the following methods:

METHOD A. – The board of elections shall prepare a list of those registered voters residing within the proposed city or newly annexed territory. The board shall make this list available for public inspection in its office for a two-week period ending on the twenty-first day (excluding Saturdays and Sundays) last day for making application to register under G.S. 163-67 before the day of the referendum or special election, or the next scheduled city or special district election. During this period, any voter resident within the proposed city or newly annexed territory and not included on the list may cause his name to be added to the list. At least one week and no more than two weeks before the day the period of public inspection is to begin, the board shall cause notice of the list's availability to be posted in at least two prominent places within the proposed city or newly annexed territory and may cause the notice to be published in a newspaper of general circulation within the county. The notice shall state that the list has been prepared, that only those persons listed may vote in the referendum or special election, that the list will be available for public inspection in the board's office, that any

qualified voter not included on the list may cause his name to be added to the list during the two-week period of public inspection, and that persons in newly annexed territory should present themselves so their registration records may be activated for voting in city or special district elections in the newly annexed territory. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice.

METHOD B. – The board of elections shall conduct a special registration of eligible persons desiring to vote in the referendum or special election or in the newly annexed territory. The registration records shall be open for a two-week period (except Sundays) ending on the twenty first day (excluding Saturdays and Sundays) last day for making application to register under G.S. 163-67 before the day of the referendum or special election or the next scheduled city or special district election. On the two Saturdays during that two-week period, the records shall be located at the voting place for the referendum or special election or the next scheduled city or special district election; on the other days it may, in the discretion of the board, be kept at the voting place, at the office of the board, or at the place of business of a person designated by the board to conduct the special registration. At least one week and no more than two weeks before the day the period of special registration is to begin, the board shall cause notice of the registration to be posted in at least two prominent places within the proposed city or newly annexed territory and may cause the notice to be published in a newspaper of general circulation within the county. The notice shall state the purpose and times of the special registration, the location of the registration records, that only those persons registered in the special registration may vote in the referendum or special election, and that persons in newly annexed territory should present themselves so their registration records may be activated for voting in city or special district elections in the newly annexed territory. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice."

#### Part 2 – SATELLITE VOTING PRECINCTS

Sec. 10. Article 12 of Chapter 163 of the General Statutes is amended by adding a new section to read:

## "§ 163-130. Satellite voting places.

A county board of elections may, upon approval of a request submitted in writing to the State Board of Elections, establish a plan whereby elderly or disabled voters in a precinct may vote at designated sites within the precinct other than the regular voting place for that precinct. The State Board of Elections shall approve a county board's proposed plan if:

- (1) All the satellite voting places to be used are listed in the county's written request;
- (2) The plan will in the State Board's judgment overcome a barrier to voting by the elderly or disabled;
- (3) Adequate security against fraud is provided for; and
- (4) The plan does not unfairly favor or disfavor voters with regard to race or party affiliation."

Sec. 10A. G.S. 163-278.9 reads as rewritten:

# "§ 163-278.9. Statements filed with Board.

- (a) The treasurer of each candidate and of each political committee shall file under verification with the Board the following reports:
  - (1) Organizational Report. The appointment of the treasurer as required by G.S. 163-278.7(a), the statement of organization required by G.S. 163-278.7(b), and a report of all contributions and expenditures not previously reported shall be filed with the Board no later than the tenth day following the day the candidate files his notice of candidacy or the tenth day following the organization of the political committee, whichever occurs first. Any candidate whose campaign is being conducted by a political committee which is handling all contributions and expenditures for his campaign shall file a statement with the Board stating such fact at the time required herein for the organizational report. Thereafter, the candidate's political committee shall be responsible for filing all reports required by law.
  - (2) Preprimary Report. The treasurer shall file a report with the Board no later than the tenth day preceding the primary election.
  - (3) Postprimary Report(s). The treasurer shall file a report with the Board no later than the tenth-30th day after the primary election if the candidate was eliminated in the primary. If there is a second primary, the treasurer shall file a report with the Board no later than the tenth 30th day after the second primary election if the candidate was eliminated in the second primary.
  - (4) Preelection Report. The treasurer shall file a report with the Board not later than the tenth day preceding the general election.
  - (5) Repealed by Session Laws 1985, c. 164, s. 1, effective January 1, 1986.
  - (6) Annual Reports. If contributions are received or expenditures made during a calendar year, for which no reports are otherwise required by this Article, any and all such contributions and expenditures shall be reported by the last Friday in January of the following year.
- (b) Except as otherwise provided in this Article, each report shall be current within seven days prior to the date the report is due and shall list all contributions received and expenditures made which have not been previously reported.
  - (c) Repealed by Session Laws 1985, c. 164, s. 6.1, effective January 1, 1986.
- (d) Candidates and committees for municipal offices in a city with a population of 50,000 or greater, which are required to submit reports by G.S. 163-278.6(18) are not subject to subsections (a), (b) and (c) of this section. Reports for those candidates and committees are covered by Part 2 of this Article.
- (e) Notwithstanding subsections (a) through (c) of this section, any political party (including a State, district, county, or precinct committee thereof) which is required to file reports under those subsections and under the Federal Election Campaign Act of 1971, as amended (2 U.S.C. 434), shall instead of filing the reports required by those subsections, file with the State Board of Elections:

- (1) The organizational report required by subsection (a)(1) of this section, and
- (2) A copy of each report required to be filed under 2 U.S.C. 434, such copy to be filed on the same day as the federal report is required to be filed
- (f) Any report filed under subsection (e) of this section may include matter required by the federal law but not required by this Article.
- (g) Any report filed under subsection (e) of this section must contain all the information required by G.S. 163-278.8 or G.S. 163-278.11, notwithstanding that the federal law may set a higher reporting threshold.
- (h) Any report filed under subsection (e) of this section may reflect the cumulative totals required by G.S. 163-278.11 in an attachment, if the federal law does not permit such information in the body of the report.
- (i) Any report or attachment filed under subsection (e) of this section must be made under oath."

Sec. 10B. G.S. 163-278.42 reads as rewritten:

# "§ 163-278.42. Distribution of campaign funds; legitimate expenses permitted.

- (a) In a general election year in which a presidential election is held, every State chairman of a political party shall disburse fifty percent (50%) of all funds received from the North Carolina Political Parties Financing Fund to that political party. The remaining fifty percent (50%) of such funds shall be allocated by the special committee established by subsection (d) of this section and used for one or more of the purposes permitted by subsection (e) of this section. Any candidate may elect to decline in whole or in part any funds that the party chooses to distribute to the candidate.
- (b) In a general election year in which there is not a presidential election, every State chairman of a political party shall disburse fifty percent (50%) of all funds received from the Political Parties Fund to that political party. The remaining fifty percent (50%) of such funds shall be allocated by the special committee established in subsection (d) of this section and used for one or more of the purposes permitted by subsection (e) of this section. Any candidate may elect to decline in whole or in part any funds that the party chooses to distribute to the candidate.
- (c) In each year in which no general election is held, every State chairman of a political party shall disburse all funds received from the Political Parties Fund to that political party.
- (d) The allocation of the remaining fifty percent (50%) of the funds under subsections (a) or (b) of this section shall be made by a committee composed of the State Chairman of that political party, the Treasurer of that party, the Congressional District Chairmen of that party, and two persons appointed by the State Chairman of that party, and the State Chairman shall serve as Chairman of this committee. The allocation of funds shall be in the sole discretion of the committee, but must be for a purpose permitted by subsection (e) of this section and if allocated to a candidate, shall be disbursed by the State Chairman of that party only to the Treasurer of that candidate or committee appointed under Article 22A of this Chapter or under the Federal Election Campaign Act of 1971, Chapter 14 of Title 2, United States Code.

- (e) Funds A political party shall expend funds distributed from the Political Parties Fund or from the 'Presidential Election Year Candidates Fund' of a political party shall only be expended for legitimate campaign expenses. By way of illustration but not by way of limitation, the following are examples of legitimate campaign expenses:
  - (1) Radio, television, newspaper, and billboard advertising for and on behalf of a political party or candidate:
  - (2) Leaflets, fliers, buttons, and stickers;
  - (3) Campaign staff salaries, provided each staff member is listed by name and by the amount paid as salary and the amount paid as campaign expense reimbursement;
  - (4) Travel expenses, lodging and food for candidate and staff;
  - (4a) Expenses to ensure compliance with federal and State campaign finance and reporting laws;
  - (4b) Contributions to or expenses on behalf of candidates of that political party;
  - (5) Party headquarters operations related to upcoming general elections, including the purchase, maintenance and programming of computers to provide lists of voters, party workers, officers, committee members and participants in party functions, patterns of voting and other data for use in general election campaigns and party activities and functions prior thereto, the establishment and updating computer file systems of voter registration lists, State, district, county and precinct officers and committee member lists, party clubs or organization lists, the organizing of voter registration, fund raising and get-out-the-vote programs at the county level when conducted by State party personnel, and the preparation of reports required to be filed by State and federal laws and systems needed to prepare the same and keep records incident thereto.
- (f) All moneys and funds previously designated by taxpayers being held by the North Carolina Secretary of Revenue and being held by the North Carolina State Treasurer which moneys and funds have not been disbursed or delivered to a political party as of June 16, 1978, when disbursed shall be allocated by the State Chairman of the political party as follows: sixty-two and one-half percent (62 1/2%) of such funds to the political party for legitimate general election campaign expenditures; thirty-seven and one-half percent (37 1/2%) to the eligible candidates as determined by the committee established under this Article.
- (g) It shall be unlawful for any person, candidate, political committee or political party to use either directly or indirectly any part of funds distributed from the Political Parties Fund or the Presidential Election Year Candidates Fund of any political party for the support or assistance either directly or indirectly of any candidate in a primary election, for support or assistance relating to the selection of a candidate at a political convention or by the executive committee of a party, for the payment or repayment of any debt or obligation of whatsoever kind or nature incurred by any person, candidate or

political committee in a primary election, the selection of a candidate at a political convention or by the executive committee of a party, or for the support, promotion or opposition of a national, State or local referendum, bond election or constitutional amendment."

Sec. 10C. G.S. 163-278.43 reads as rewritten:

# "§ 163-278.43. Annual report to State Board of Elections; suspension of disbursements; willful violations a misdemeanor; adoption of rules. rules; reporting by candidates and political committees.

- (a) The State chairman of each political party and the treasurer of each candidate or political committee-receiving funds from the Political Parties Fund or the Presidential Election Year Candidates Fund or both shall maintain a full and complete record of their the party's receipts and any and all subsequent expenditures and disbursements thereof, and such shall be substantiated by any records, receipts, and information that the Executive Director of the State Board of Elections shall require. Such record shall be centrally located and shall be readily available at reasonable hours for public inspection. Treasurers of political committees and candidates shall maintain all such funds received from the Political Parties Fund or a Presidential Election Year Candidates Fund or both in a separate account, and shall not allow the same to be commingled with the funds from any other source.
- By December 31 of each year, the State chairman of each political party receiving funds from the Political Parties Fund or a Presidential Election Year Candidates Fund and the treasurer of all other political committees or candidates receiving any such funds in the 12 preceding months shall file with the State Board of Elections an itemized statement reporting all receipts, expenditures and disbursements from the date of the last report and attached to such report shall be the verification of such chairman or treasurer that all such funds received were expended in accordance with the provisions of this Article. If the Executive Secretary of the State Board of Elections determines and finds as a fact that any such funds were not disbursed or expended in accordance with this Article, he shall order such political party, political committee or candidate party to reimburse the amount improperly expended or disbursed to the General Fund of the State and such political party, political committee or candidate party shall not receive further disbursements from the Political Parties Fund or a Presidential Election Year Candidates Fund until such reimbursement has been accomplished in full. A copy of any such order shall be forwarded to the State Treasurer, which shall constitute notice to him to suspend further disbursements from the campaign fund.
  - (c) Repealed by Session Laws 1985, c. 259.
- (c1) The State Board shall review each application and certify that the political party is eligible to receive the funds requested. The State Board shall establish rules for the administration and enforcement of this Article.
- (c2) The treasurer of any political committee or candidate receiving any funds from the Political Parties Fund or a Presidential Election Year Candidates Fund through a political party shall report such receipts as contributions according to the method and timetable set forth in Article 22A of this Chapter. The treasurer shall report

disbursements of such funds as expenditures or loans according to the method and timetable set forth in Article 22A of this Chapter. The reports shall be made to the proper board of elections according to Article 22A of this Chapter. There is no requirement that a candidate or a political committee other than a political party shall maintain funds from the Political Parties Fund or a Presidential Election Year Candidates Fund in a separate account.

(d) Repealed by Session Laws 1985, c. 259."

Sec. 10.1. Section 2(a) of Chapter 859, Session Laws of 1991 reads as rewritten:

"(a) The Moore County Board of Elections shall conduct an election on September 15, 1992, for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of Woodlake Village, the question of whether or not such area shall be incorporated as Woodlake Village. Registration for the election shall be conducted in accordance with G.S. 163-288.2. <u>Absentee voting shall be allowed as if the municipal governing body had adopted a resolution under G.S. 163-302</u> to allow absentee voting."

Sec. 10.2. Section 4 of Chapter 859, Session Laws of 1991 reads as rewritten:

"Sec. 4. On September 15, 1992, the Moore County Board of Elections shall also conduct an election for Village Council of Woodlake Village, provided that unless a majority of votes cast in the election under Section 2 of this act are 'FOR incorporation of Woodlake Village', the election for the Village Council is void. Absentee voting shall be allowed as if the municipal governing body had adopted a resolution under G.S. 163-302 to allow absentee voting. Candidates shall file notice of candidacy no earlier than 12:00 noon on the second Monday in July and no later than 12:00 noon on the first Monday in August."

Sec. 11. Sections 1 through 9 of this act become effective with respect to elections occurring on or after July 1, 1993. Section 10 of this act becomes effective January 31, 1993. Sections 10A through 10C of this act are effective upon ratification. Sections 10.1 and 10.2 of this act are effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of July, 1992.

Henson P. Barnes President Pro Tempore of the Senate

Daniel Blue, Jr. Speaker of the House of Representatives