

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**S**

**1**

**SENATE BILL 926**

Short Title: Election Admin. Amendments.

(Public)

---

Sponsors: Senator Clodfelter.

---

Referred to: Judiciary I.

---

March 24, 2005

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW POLITICAL PARTIES TO USE "RUNNERS" TO PICK UP  
2 VOTER LISTS FROM POLLS; TO PROHIBIT A CANDIDATE FROM BEING  
3 AN OBSERVER AT THE POLLS; TO AUTHORIZE THE EXECUTIVE  
4 DIRECTOR OF THE STATE BOARD OF ELECTIONS TO PERMIT  
5 DIFFERENT VOTING SYSTEMS IN THE SAME PRECINCT; TO ALLOW THE  
6 CHANGING OF REGISTERED VOTERS BASED ON ADJUSTED COUNTY  
7 LINE; TO ALLOW THE STUDY OF PAPER BALLOTS BY SCHOLARS; TO  
8 CHANGE THE DEADLINE FOR FILING A PROTEST FROM 6:00 P.M. TO 5:00  
9 P.M.; TO PERMIT THE SAME KIND OF VOTER ASSISTANCE IN ONE-STOP  
10 SITES AS AT VOTING PLACES ON ELECTION DAY; TO CHANGE THE  
11 REQUIREMENT FOR A STATEWIDE UNAFFILIATED CANDIDATE TO  
12 CONFORM TO A FEDERAL COURT DECISION; TO ALLOW A UNANIMOUS  
13 STATE BOARD OF ELECTIONS TO DISMISS A PROTEST AS FRIVOLOUS;  
14 TO PROHIBIT PIECE PAYMENT FOR VOTER REGISTRATION DRIVES; TO  
15 EXPRESSLY PROVIDE THAT PRECINCT TRANSFER VOTERS AT  
16 ONE-STOP SITES NEED NOT VOTE PROVISIONAL BALLOTS; TO DELETE  
17 THE REQUIREMENT THAT ONE-STOP VOTERS BE INSTRUCTED IN HOW  
18 TO VOTE MAIL ABSENTEE BALLOTS; TO FIX THE SALARY ON WHICH A  
19 FILING FEE FOR AN OFFICE IS BASED; TO REMOVE THE OUTDATED  
20 REFERENCE IN THE FILING FEE STATUTE TO OFFICES "COMPENSATED  
21 ENTIRELY BY FEES"; TO ALLOW ONE-STOP SITES IN SOME NONPUBLIC  
22 BUILDINGS; TO ALLOW THE STATE BOARD OF ELECTIONS TO  
23 AUTOMATICALLY CANCEL A VOTER'S REGISTRATION IN A FORMER  
24 COUNTY WHEN THE VOTER REGISTERS IN A NEW COUNTY; TO UPDATE  
25 AND MAKE MORE TECHNOLOGY-NEUTRAL THE LANGUAGE IN THE  
26 STATUTE PROVIDING FOR ACCESS TO VOTER REGISTRATION DATA;  
27 AND TO EXPRESSLY ALLOW ELECTRONIC POLLBOOKS.

28  
29 The General Assembly of North Carolina enacts:

1           **SECTION 1.(a)** G.S. 163-45 reads as rewritten:

2   "**§ 163-45. Observers; appointment.**

3       The ~~chairman~~chair of each political party in the county shall have the right to  
4 designate two observers to attend each voting place at each primary and election and  
5 such observers may, at the option of the designating party ~~chairman~~chair, be relieved  
6 during the day of the primary or election after serving no less than four hours and  
7 provided the list required by this section to be filed by each ~~chairman~~chair contains the  
8 names of all persons authorized to represent such ~~chairman's~~chair's political party. Not  
9 more than two observers from the same political party shall be permitted in the voting  
10 enclosure at any time. This right shall not extend to the ~~chairman~~chair of a political  
11 party during a primary unless that party is participating in the primary. In any election in  
12 which an unaffiliated candidate is named on the ballot, the candidate or the candidate's  
13 campaign manager shall have the right to appoint two observers for each voting place  
14 consistent with the provisions specified herein. Persons appointed as observers must be  
15 registered voters of the county for which appointed and must have good moral  
16 character. No person who is a candidate on the ballot in a primary or election may serve  
17 as an observer in that primary or election. Observers shall take no oath of office.

18       Individuals authorized to appoint observers must submit in writing to the chief judge  
19 of each precinct a signed list of the observers appointed for that precinct. Individuals  
20 authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any  
21 primary or general election, submit in writing to the ~~chairman~~chair of the county board  
22 of elections two signed copies of a list of observers appointed by them, designating the  
23 precinct for which each observer is appointed. Before the opening of the voting place on  
24 the day of a primary or general election, the ~~chairman~~chair shall deliver one copy of the  
25 list to the chief judge for each affected precinct. ~~He~~The chair shall retain the other  
26 copy. The ~~chairman~~chair, or the chief judge and judges for each affected precinct, may  
27 for good cause reject any appointee and require that another be appointed. The names of  
28 any persons appointed in place of those persons rejected shall be furnished in writing to  
29 the chief judge of each affected precinct no later than the time for opening the voting  
30 place on the day of any primary or general election, either by the ~~chairman~~chair of the  
31 county board of elections or the person making the substitute appointment.

32       An observer shall do no electioneering at the voting place, and ~~he~~ shall in no manner  
33 impede the voting process or interfere or communicate with or observe any voter in  
34 casting ~~his~~a ballot, but, subject to these restrictions, the chief judge and judges of  
35 elections shall permit ~~him~~the observer to make such observation and take such notes as  
36 ~~he~~the observer may desire.

37       Whether or not the observer attends to the polls for the requisite time provided by  
38 this section, each observer shall be entitled to obtain at times specified by the State  
39 Board of Elections, but not less than three times during election day with the spacing  
40 not less than one hour apart, a list of the persons who have voted in the precinct so far in  
41 that election day. Counties that use an "authorization to vote document" instead of poll  
42 books may comply with the requirement in the previous sentence by permitting each  
43 observer to inspect election records so that the observer may create a list of persons who  
44 have voted in the precinct so far that election day; each observer shall be entitled to

1 make the inspection at times specified by the State Board of Elections, but not less than  
2 three times during election day with the spacing not less than one hour apart. Instead of  
3 having an observer receive the voting list, the county party chair may send a runner to  
4 do so. The runner may be any person named by the county party chair. That party chair  
5 must notify the chair of the county board of elections or the board chair's designee of  
6 the names of all runners to be used in each precinct before the runner goes to the  
7 precinct. The runner may receive a voter list from the precinct on the same schedule as  
8 an observer. Whether obtained by observer or runner, each party is entitled to only one  
9 voter list at each of the scheduled times. No runner may enter the voting enclosure  
10 except when necessary to announce that runner's presence and then may not linger in the  
11 voting enclosure."

12 **SECTION 1.(b)** G.S. 163-166.3 reads as rewritten:

13 **"§ 163-166.3. Limited access to the voting enclosure.**

14 During the time allowed for voting in the voting place, only the following persons  
15 may enter the voting enclosure:

- 16 (1) An election official.
- 17 (2) An observer appointed pursuant to G.S. 163-45.
- 18 (2a) A runner appointed pursuant to G.S. 163-45, but only to the extent  
19 necessary to announce that runner's presence as provided in  
20 G.S. 163-45.
- 21 (3) A person seeking to vote in that voting place on that day but only  
22 while in the process of voting or seeking to vote.
- 23 (4) A voter in that precinct while entering or explaining a challenge  
24 pursuant to G.S. 163-87 or G.S. 163-88.
- 25 (5) A person authorized under G.S. 163-166.8 to assist a voter but, except  
26 as provided in subdivision (6) of this section, only while assisting that  
27 voter.
- 28 (6) Minor children of the voter under the age of 18, or minor children  
29 under the age of 18 in the care of the voter, but only while  
30 accompanying the voter and while under the control of the voter.
- 31 (7) Persons conducting or participating in a simulated election within the  
32 voting place or voting enclosure, if that simulated election is approved  
33 by the county board of elections.
- 34 (8) Any other person determined by election officials to have an urgent  
35 need to enter the voting enclosure but only to the extent necessary to  
36 address that need."

37 **SECTION 2.** G.S. 163-165.10 reads as rewritten:

38 **"§ 163-165.10. Adequacy of voting system for each precinct.**

39 The county board of elections shall make available for each precinct voting place an  
40 adequate quantity of official ballots or equipment so that all voters qualified to vote at  
41 the precinct may do so. When the board of county commissioners has decided to adopt  
42 and purchase or lease a voting system for voting places under the provisions of  
43 G.S. 165-165.8, the board of county commissioners shall, as soon as practical, provide  
44 for each of those voting places sufficient equipment of the approved voting system in

1 complete working order. If it is impractical to furnish each voting place with the  
2 equipment of the approved voting system, that which has been obtained may be placed  
3 in voting places chosen by the county board of elections. In that case, the county board  
4 of elections shall choose the voting places and allocate the equipment in a way that as  
5 nearly as practicable provides equal access to the voting system for each voter. The  
6 county board of elections shall appoint as many voting system custodians as may be  
7 necessary for the proper preparation of the system for each election and for its  
8 maintenance, storage, and care. The Executive Director of the State Board of Elections  
9 may permit a county board of elections to provide more than one type of voting system  
10 in a precinct, but only upon a finding that doing so is an effective way to comply with  
11 federal or State law."

12 **SECTION 3.** Article 7A of Chapter 163 of the General Statutes is amended  
13 by adding a new section to read:

14 **"§ 163-82.15A. Administrative change of registration when county line is adjusted.**

15 When a boundary between counties is changed by legislation, or adjusted by the  
16 counties pursuant to G.S. 153A-18, the Executive Director of the State Board of  
17 Elections shall direct the county boards of elections involved to administratively change  
18 the voter registration of any voter whose residence the change or adjustment places in a  
19 different county. The voter shall not be required to submit a new application to register.  
20 The Executive Director shall prescribe a method of notifying the voter of the change of  
21 county registration, the correct precinct, and other relevant information."

22 **SECTION 4.** G.S. 163-165.1 reads as rewritten:

23 **"§ 163-165.1. Scope and general rules.**

24 (a) Scope. – This Article shall apply to all elections in this State.

25 (b) Requirements of Official Ballots in Voting. – In any election conducted under  
26 this Article:

27 (1) All voting shall be by official ballot.

28 (2) Only votes cast on an official ballot shall be counted.

29 (c) Compliance With This Article. – All ballots shall comply with the provisions  
30 of this Article.

31 (d) Other Uses Prohibited. – An official ballot shall not be used for any purpose  
32 not authorized by this Article.

33 (e) Confidentiality of Official Ballots. – Voted official ballots shall be treated as  
34 confidential, and no person other than elections officials performing their duties may  
35 have access to voted official ballots except by court order or order of the appropriate  
36 board of elections as part of the resolution of an election protest or investigation of an  
37 alleged election irregularity or violation. Voted official ballots shall not be disclosed to  
38 members of the public in such a way as to disclose how a particular voter voted, unless  
39 a court orders otherwise.

40 (f) Academic Research of Ballots. – After the end of the retention period for  
41 official ballots, the Executive Director of the State Board of Elections may approve a  
42 proposal by a county board of elections to contract with an accredited institution of  
43 higher education to dispose of paper official ballots. The Executive Director shall  
44 approve a contract under this subsection only after making all the following findings:

- 1           (1) That the contract provides that the ballots will be used by the  
2           institution for research purposes.
- 3           (2) The confidentiality of the way any particular voter voted is not  
4           compromised.
- 5           (3) No election protest or contest or litigation of any kind is pending in  
6           which the ballot would be material evidence.

7           Nothing published based on the study of ballots disposed under this subsection shall  
8           affect the finality of any election certificate already issued. Ballots disposed of under  
9           this section cease to be public records under Chapter 132 of the General Statutes."

10          **SECTION 5.** G.S. 163-182.9(b)(4) reads as rewritten:

11          "(4) The timing for filing a protest shall be as follows:

- 12           a. If the protest concerns the manner in which votes were counted  
13           or results tabulated, the protest shall be filed before the  
14           beginning of the county board of election's canvass meeting.
- 15           b. If the protest concerns the manner in which votes were counted  
16           or results tabulated and the protest states good cause for delay  
17           in filing, the protest may be filed until ~~6:00~~ 5:00 P.M. on the  
18           second day after the county board of elections has completed its  
19           canvass and declared the results.
- 20           c. If the protest concerns an irregularity other than vote counting  
21           or result tabulation, the protest shall be filed no later than ~~6:00~~  
22           5:00 P.M. on the second day after the county board has  
23           completed its canvass and declared the results.
- 24           d. If the protest concerns an irregularity on a matter other than  
25           vote counting or result tabulation and the protest is filed before  
26           election day, the protest proceedings shall be stayed, unless a  
27           party defending against the protest moves otherwise, until after  
28           election day if any one of the following conditions exists:
  - 29               1. The ballot has been printed.
  - 30               2. The voter registration deadline for that election has  
31               passed.
  - 32               3. Any of the proceedings will occur within 30 days before  
33               election day."

34          **SECTION 6.(a)** G.S. 163-227.2(e) reads as rewritten:

35          "(e) The voter shall vote that voter's absentee ballot in a voting booth in the office  
36          of the county board of elections, and the county board of elections shall provide a voting  
37          booth for that purpose, provided however, that the county board of elections may in the  
38          alternative provide a private room for the voter adjacent to the office of the board, in  
39          which case the voter shall vote that voter's absentee ballot in that room. ~~If the voter~~  
40          ~~needs assistance in getting to and from the voting booth and in preparing and marking~~  
41          ~~that voter's ballots or if the voter is a blind voter, only a member of the county board of~~  
42          ~~elections, the director of elections, an employee of the board of elections authorized by~~  
43          ~~the board, a near relative of the voter or the voter's verifiable legal guardian shall be~~  
44          ~~entitled to assist the voter. A voter at a one-stop site shall be entitled to the same~~

1 assistance as a voter at a voting place on election day under G.S. 163-166.8. The State  
2 Board of Elections shall, where appropriate, adapt the rules it adopts under  
3 G.S. 163-166.8 to one-stop voting."

4 **SECTION 6.(b)** G.S. 163-226.3(a) reads as rewritten:

5 "(a) Any person who shall, in connection with absentee voting in any election  
6 held in this State, do any of the acts or things declared in this section to be unlawful,  
7 shall be guilty of a Class I felony. It shall be unlawful:

8 (1) For any person except the voter's near relative or the voter's verifiable  
9 legal guardian to assist the voter to vote an absentee ballot when the  
10 voter is voting an absentee ballot other than under the procedure  
11 described in G.S. 163-227.2; provided that if there is not a near relative  
12 or legal guardian available to assist the voter, the voter may request  
13 some other person to give assistance;

14 (2) For any person to assist a voter to vote an absentee ballot under the  
15 absentee voting procedure authorized by G.S. 163-227.2 except a  
16 ~~member of the county board of elections, the director of elections, an~~  
17 ~~employee of the board authorized by the board, the voter's near relative~~  
18 ~~or the voter's verifiable legal guardian; as provided in that section;~~

19 (3) For a voter who votes an absentee ballot under the procedures  
20 authorized by G.S. 163-227.2 to vote that voter's absentee ballot  
21 outside of the voting booth or private room provided to the voter for  
22 that purpose in or adjacent to the office of the county board of  
23 elections or at the additional site provided by G.S. 163-227.2(f1), or to  
24 receive assistance ~~in getting to and from the voting booth or private~~  
25 ~~room and in preparing and marking that voter's ballots from any~~  
26 ~~person other than a member of the county board of elections, the~~  
27 ~~director of elections, an employee of the board of elections authorized~~  
28 ~~by the board, a near relative of the voter or the voter's verifiable legal~~  
29 ~~guardian; except as provided in G.S. 163-227.2;~~

30 (4) For any owner, manager, director, employee, or other person, other  
31 than the voter's near relative or verifiable legal guardian, to make a  
32 written request pursuant to G.S. 163-230.1 or an application on behalf  
33 of a registered voter who is a patient in any hospital, clinic, nursing  
34 home or rest home in this State or for any owner, manager, director,  
35 employee, or other person other than the voter's near relative or  
36 verifiable legal guardian, to mark the voter's absentee ballot or assist  
37 such a voter in marking an absentee ballot;

38 (5) Repealed by Session Laws 1987, c. 583, s. 8.

39 (6) For any person to take into that person's possession for delivery to a  
40 voter or for return to a county board of elections the absentee ballot of  
41 any voter, provided, however, that this prohibition shall not apply to a  
42 voter's near relative or the voter's verifiable legal guardian;

43 (7) Except as provided in subsections (1), (2), (3) and (4) of this section,  
44 G.S. 163-231(a), G.S. 163-250(a), and G.S. 163-227.2(e), for any voter

1 to permit another person to assist the voter in marking that voter's  
2 absentee ballot, to be in the voter's presence when a voter votes an  
3 absentee ballot, or to observe the voter mark that voter's absentee  
4 ballot."

5 **SECTION 7.** G.S. 163-122(a) reads as rewritten:

6 "(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. –  
7 Any qualified voter who seeks to have ~~his~~that voter's name printed on the general  
8 election ballot as an unaffiliated candidate shall:

- 9 (1) If the office is a statewide office, file written petitions with the State  
10 Board of Elections supporting ~~his~~ candidacy for a specified office.  
11 These petitions must be filed with the State Board of Elections on or  
12 before 12:00 noon on the last Friday in June preceding the general  
13 election and must be signed by qualified voters of the State equal in  
14 number to two percent (2%) of the total number of ~~registered voters in~~  
15 ~~the State as reflected by the most recent statistical report issued by the~~  
16 ~~State Board of Elections.~~ voters who voted in the most recent general  
17 election for Governor. Also the petition must be signed by at least 200  
18 registered voters in each of four congressional districts in North  
19 Carolina. No later than 5:00 p.m. on the fifteenth day preceding the  
20 date the petitions are due to be filed with the State Board of Elections,  
21 each petition shall be presented to the ~~chairman~~chair of the board of  
22 elections of the county in which the signatures were obtained.  
23 Provided the petitions are timely submitted, the ~~chairman~~chair shall  
24 examine the names on the petition and place a check mark on the  
25 petition by the name of each signer who is qualified and registered to  
26 vote in ~~his~~that county and shall attach to the petition ~~his~~the  
27 petitioner's signed certificate. Said certificates shall state that the  
28 signatures on the petition have been checked against the registration  
29 records and shall indicate the number of signers to be qualified and  
30 registered to vote in ~~his~~that county. The ~~chairman~~chair shall return  
31 each petition, together with the certificate required in this section, to  
32 the person who presented it ~~to him~~ for checking. Verification by the  
33 ~~chairman~~chair of the county board of elections shall be completed  
34 within two weeks from the date such petitions are presented."

35 **SECTION 8.(a)** G.S. 163-182.11(b) reads as rewritten:

36 "(b) Consideration of Appeal by State Board. – In its consideration of an appeal  
37 from a decision of a county board of elections on a protest, the State Board of Elections  
38 may do any of the following:

- 39 (1) Decide the appeal on the basis of the record from the county board, as  
40 long as the county board has made part of the record a transcript of the  
41 evidentiary hearing.  
42 (2) Request the county board or any interested person to supplement the  
43 record from the county board, and then decide the appeal on the basis  
44 of that supplemented record.

- 1 (3) Receive additional evidence and then decide the appeal on the basis of
- 2 the record and that additional evidence.
- 3 (4) Hold its own hearing on the protest and resolve the protest on the basis
- 4 of that hearing.
- 5 (5) Remand the matter to the county board for further proceedings in
- 6 compliance with an order of the State Board.
- 7 (6) Dismiss the appeal as frivolous. The State Board may only dismiss an
- 8 appeal as frivolous on a unanimous vote of all five members.

9 The State Board shall follow the procedures set forth in subsections (c) and (d) of  
10 G.S. 163-182.10 except where they are clearly inapplicable.

11 The State Board shall give notice of its decision as required by G.S. 163-182.14, and  
12 may notify the county board and other interested persons in its discretion."

13 **SECTION 8.(b)** G.S. 163-182.14 reads as rewritten:

14 **"§ 163-182.14. Appeal of a final decision to superior court.**

15 A copy of the final decision of the State Board of Elections on an election protest  
16 shall be served on the parties personally or by certified mail. A decision to order a new  
17 election is considered a final decision for purposes of seeking review of the decision.  
18 An aggrieved party has the right to appeal the final decision to the Superior Court of  
19 Wake County within 10 days of the date of service.

20 After the decision by the State Board of Elections has been served on the parties, the  
21 certification of nomination or election or the results of the referendum shall issue  
22 pursuant to G.S. 163-182.15 unless an appealing party obtains a stay of the certification  
23 from the Superior Court of Wake County within 10 days after the date of service. The  
24 court shall not issue a stay of certification unless the petitioner shows the court that the  
25 petitioner has appealed the decision of the State Board of Elections, that the petitioner is  
26 an aggrieved party, and that the petitioner is likely to prevail in the appeal. If the State  
27 Board of Elections has dismissed the protest as frivolous pursuant to  
28 G.S. 163-182.11(b)(6), the court shall not issue a stay of certification."

29 **SECTION 9.(a)** Article 7A of Chapter 163 of the General Statutes is  
30 amended by adding a new section to read:

31 **"§ 163-82.25A. Piece payment in voter registration drives prohibited.**

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

36 **SECTION 9.(b)** G.S. 163-274 is amended by adding a new subdivision to  
37 read:

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

40 **SECTION 10.(a)** G.S. 163-227.2 is amended by adding a new subsection to  
41 read:

42 "(e2) A voter who has moved within the county more than 30 days before election  
43 day but has not reported the move to the board of elections shall not be required to vote  
44 a provisional ballot at the one-stop site, as long as the one-stop site has available all the

1 information necessary to determine whether a voter is registered to vote in the county  
2 and which ballot the voter is eligible to vote based on the voter's proper residence  
3 address. The voter with that kind of unreported move shall be allowed to vote the same  
4 kind of absentee ballot as other one-stop voters."

5 **SECTION 10.(b)** G.S. 163-166.11 is amended by adding a new subdivision  
6 to read:

7 "(2a) A voter who has moved within the county more than 30 days before  
8 election day but has not reported the move to the board of elections  
9 shall not be required to vote a provisional ballot at the one-stop site, as  
10 long as the one-stop site has available all the information necessary to  
11 determine whether a voter is registered to vote in the county and which  
12 ballot the voter is eligible to vote based on the voter's proper residence  
13 address. The voter with that kind of unreported move shall be allowed  
14 to vote the same kind of absentee ballot as other one-stop voters as  
15 provided in G.S. 163-227.2(e2)."

16 **SECTION 11.** G.S. 163-227.2(c) reads as rewritten:

17 "(c) If the application is properly filled out, the authorized member or employee  
18 shall enter the voter's name in the register of absentee requests, applications, and ballots  
19 ~~issued; shall furnish the voter with the instruction sheets called for by G.S. 163-229(c);~~  
20 ~~and issued and~~ shall furnish the voter with the ballots to which the application for  
21 absentee ballots applies. The voter thereupon shall vote in accordance with subsection  
22 (e) of this section.

23 All actions required by this subsection shall be performed in the office of the board  
24 of elections, except that the voting may take place in an adjacent room as provided by  
25 subsection (e) of this section. The application under this subsection shall be signed in  
26 the presence of the ~~chairman~~ chair, member, director of elections of the board, or  
27 full-time employee, authorized by the board who shall sign the application and  
28 certificate as the witness and indicate the official title held by him or her.  
29 Notwithstanding G.S. 163-231(a), in the case of this subsection, only one witness shall  
30 be required on the certificate."

31 **SECTION 12.** G.S. 163-227.2(g) reads as rewritten:

32 "(g) Notwithstanding any other provision of this section, a county board of  
33 elections by unanimous vote of all its members may provide for one or more sites in that  
34 county for absentee ballots to be applied for and cast under this section. Any site other  
35 than the county board of elections office shall be in any building or part of a building  
36 that the county board of elections is entitled under G.S. 163-129 to demand and use as a  
37 voting place, place and any other building that is suitable for use as a one-stop site. No  
38 building shall be used on a day when it will also be used for a purpose that is  
39 incompatible with voting. Every individual staffing any of those sites shall be a member  
40 or full-time employee of the county board of elections or an employee of the county  
41 board of elections whom the board has given training equivalent to that given a full-time  
42 employee. Those sites must be approved by the State Board of Elections as part of a  
43 Plan for Implementation approved by both the county board of elections and by the  
44 State Board of Elections which shall also provide adequate security of the ballots and

1 provisions to avoid allowing persons to vote who have already voted. The Plan for  
 2 Implementation shall include a provision for the presence of political party observers at  
 3 each one-stop site equivalent to the provisions in G.S. 163-45 for party observers at  
 4 voting places on election day. A county board of elections may propose in its Plan not  
 5 to offer one-stop voting at the county board of elections office; the State Board may  
 6 approve that proposal in a Plan only if the Plan includes at least one site reasonably  
 7 proximate to the county board of elections office and the State Board finds that the sites  
 8 in the Plan as a whole provide adequate coverage of the county's electorate. If a county  
 9 board of elections has considered a proposed Plan or Plans for Implementation and has  
 10 been unable to reach unanimity in favor of a Plan, a member or members of that county  
 11 board of elections may petition the State Board of Elections to adopt a plan for it. If  
 12 petitioned, the State Board may also receive and consider alternative petitions from  
 13 another member or members of that county board. The State Board of Elections may  
 14 adopt a Plan for that county. The State Board, in that plan, shall take into consideration  
 15 factors including geographic, demographic, and partisan interests of that county."

16 **SECTION 13.** G.S. 163-107(a) reads as rewritten:

17 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate  
 18 shall pay to the board of elections with which he files under the provisions of  
 19 G.S. 163-106 a filing fee for the office he seeks in the amount specified in the following  
 20 tabulation:

<b>Office Sought</b>	<b>Amount of Filing Fee</b>
Governor	One percent (1%) of the annual salary of the office sought
Lieutenant Governor	One percent (1%) of the annual salary of the office sought
All State executive offices	One percent (1%) of the annual salary of the office sought
All District Attorneys of the General Court of Justice	One percent (1%) of the annual salary of the office sought
United States Senator	One percent (1%) of the annual salary of the office sought
Members of the United States House of Representatives	One percent (1%) of the annual salary of the office sought
State Senator	One percent (1%) of the annual salary of the office sought
Member of the State House of Representatives	One percent (1%) of the annual salary of the office sought
All county offices not compensated by fees	One percent (1%) of the annual salary of the office sought
<del>County commissioners, if compensated entirely by fees</del>	<del>Ten dollars (\$10.00)</del>
<del>Members of county board of education, if compensated entirely by fees</del>	<del>Five dollars (\$5.00)</del>

1	Sheriff, if compensated entirely by fees	Forty dollars <del>(\$40.00)</del> , plus one percent
2		(1%) of the income of the office above
3		four thousand dollars <del>(\$4,000)</del>
4	Clerk of superior court, if compensated	Forty dollars <del>(\$40.00)</del> , plus one percent
5	entirely by fees	(1%) of the income of the office above
6		four thousand dollars <del>(\$4,000)</del>
7	Register of deeds, if compensated	Forty dollars <del>(\$40.00)</del> , plus one percent
8	entirely by fees	(1%) of the income of the office above
9		four thousand dollars <del>(\$4,000)</del>
10	Any other county office, if compensated	Twenty dollars <del>(\$20.00)</del> , plus one percent
11	entirely by fees	(1%) of the income of the office above
12		two thousand dollars <del>(\$2,000)</del>
13	All county offices compensated partly	One percent (1%) of the first annual
14	by salary and partly by fees	salary to be received (exclusive of
15		fees)

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

20       **SECTION 14.** G.S. 163-82.9 reads as rewritten:

21       "**§ 163-82.9. Cancellation of prior registration.**

22       If an applicant indicates on an application form described in G.S. 163-82.3 a current  
 23 registration to vote in any other county, municipality, or state, the county board of  
 24 elections, upon registering the person to vote, shall send a notice to the appropriate  
 25 officials in the other county, municipality, or state and shall ask them to cancel the  
 26 person's voter registration there. If an applicant completes an application form described  
 27 in G.S. 163-82.3 except that the applicant neglects to complete the portion of the form  
 28 that authorizes cancellation of previous registration in another county, the State Board  
 29 of Elections shall notify the county board of elections in the previous county of the new  
 30 registration, and the board in the previous county shall cancel the registration. The State  
 31 Board of Elections shall adopt rules to prevent disenfranchisement in the  
 32 implementation of this section."

33       **SECTION 15.(a)** G.S. 163-82.10(b) reads as rewritten:

34       "(b) Access to Registration Records. – Upon request by that person, the county  
 35 board of elections shall provide to any person a list of the registered voters of the county  
 36 or of any precinct or precincts in the county. The county board may furnish selective  
 37 lists according to party affiliation, gender, race, date of registration, precinct name,  
 38 precinct identification code, congressional district, senate district, representative district,  
 39 and, where applicable, county commissioner district, city governing board district, fire  
 40 district, soil and water conservation district, and voter history including primary,  
 41 general, and special districts, or any other reasonable category. No list produced under  
 42 this section shall contain a voter's date of birth. However, lists may be produced  
 43 according to voters' ages. ~~The Both the following shall apply if a county maintains or~~  
 44 ~~has its voter registration list maintained on a computer: to all counties:~~

(1) ~~In addition to the typed, mimeographed, photocopied, computer printout or label lists, the~~ The county board of elections shall make the voter registration information available to the public on electronic or magnetic medium. ~~Magnetic medium for the purpose of this section shall consist of nine track tape or 3.5 inch diskettes and 5.25 inch diskettes readily accessible using MS DOS or Microsoft Windows operating systems or both such systems; and~~ For purposes of this section, "electronic or magnetic medium" means any of the media in use by the State Board of Elections at the time of the request.

(2) Information requested on electronic or magnetic medium shall contain the following: voter name, county voter identification number, residential address, mailing address, sex, race, age but not date of birth, party affiliation, precinct name, precinct identification code, congressional district, senate district, representative district, and, where applicable, county commissioner district, city governing board district, fire district, soil and water conservation district, and any other district information available, and voter history including primary, general, and special districts, or any other reasonable category, category.

~~provided that this subsection shall not require a county to computerize its lists, but if a county does computerize it shall comply with subdivisions (1) and (2) of this subsection.~~ The county board shall require each person to whom a list is furnished to reimburse the board for the actual cost incurred in preparing it, except as provided in subsection (c) of this section. Actual cost for the purpose of this section shall not include the cost of any equipment or any imputed overhead expenses. ~~It may include the actual cost of paper, labels, and magnetic medium. The purchaser at its discretion may provide the magnetic medium.~~ When furnishing information under this subsection to a purchaser on a magnetic medium provided by the county board or the purchaser, the county board may impose a service charge of up to twenty-five dollars (\$25.00)."

**SECTION 15.(b)** G.S. 163-82.10(c) reads as rewritten:

"(c) Free Lists. ~~Free lists of all registered voters in the county shall be provided in the following cases:~~

(1) A county board ~~that maintains voter records on computer~~ shall provide, upon written request, one free list ~~to~~ of all the registered voters in the county to

a. ~~The~~ the State chair of each political party; ~~party and~~

b. ~~The~~ to the county chair of each political party once in every odd-numbered year, once during the first six calendar months of every even-numbered year, and once during the latter six calendar months of every even-numbered year.

(2) ~~A county board that does not maintain voter records on computer shall provide one free paper list every two years to the county chair of each political party.~~

1 Each free list shall include the name, address, gender, age but not date of birth, race,  
2 political affiliation, voting history, precinct, precinct name, precinct identification code,  
3 congressional district, senate district, representative district, and, where applicable,  
4 county commissioner district, city governing board district, fire district, soil and water  
5 conservation district, and voter history including primary, general, and special districts  
6 of each registered voter. ~~The free paper list to the county party chairs shall group voters~~  
7 ~~by precinct.~~ All free lists shall be provided as soon as practicable on one of any  
8 electronic or magnetic media, but no later than 30 days after written request. Each State  
9 party chair shall provide ~~the discs or tapes~~ the information on the media received from  
10 the county boards or a copy of the media containing the data itself to candidates of that  
11 party who request the ~~discs or tapes~~ data in writing. ~~Each State party chair shall return~~  
12 ~~discs and tapes to the county boards within 30 days after receiving them.~~ As used in this  
13 section, "political party" means a political party as defined in G.S. 163-96."

14 **SECTION 16.** G.S. 163-166.7(c) reads as rewritten:

15 "(c) The State Board of Elections shall promulgate rules for the process of voting.  
16 Those rules shall emphasize the appearance as well as the reality of dignity, good order,  
17 impartiality, and the convenience and privacy of the voter. Those rules, at a minimum,  
18 shall include procedures to ensure that all the following occur:

- 19 (1) The voting system remains secure throughout the period voting is  
20 being conducted.
- 21 (2) Only properly voted official ballots are introduced into the voting  
22 system.
- 23 (3) Except as provided by G.S. 163-166.9, no official ballots leave the  
24 voting enclosure during the time voting is being conducted there.
- 25 (4) All improperly voted official ballots are returned to the precinct  
26 officials and marked as spoiled.
- 27 (5) Voters leave the voting place promptly after voting.
- 28 (6) Voters not clearly eligible to vote in the precinct but who seek to vote  
29 there are given proper assistance in voting a provisional official ballot  
30 or guidance to another voting place where they are eligible to vote.
- 31 (7) Information gleaned through the voting process that would be helpful  
32 to the accurate maintenance of the voter registration records is  
33 recorded and delivered to the county board of elections.
- 34 (8) The registration records are kept secure. The State Board of Elections  
35 shall permit the use of electronic registration records in the voting  
36 place in lieu of or in addition to a paper pollbook or other registration  
37 record.
- 38 (9) Party observers are given access as provided by G.S. 163-45 to current  
39 information about which voters have voted.
- 40 (10) The voter, before voting, shall sign that voter's name on the pollbook,  
41 other voting record, or voter authorization document. If the voter is  
42 unable to sign, a precinct official shall enter the person's name on the  
43 same document before the voter votes."

1           **SECTION 17.** This act becomes effective July 1, 2005, and applies to all  
2 primaries and elections held on or after that date.