

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 260

Short Title: Election Laws Revision. (Public)

Sponsors: Representatives Alexander, Bonner; Goodwin, Insko, Luebke, Nesbitt, and Wainwright.

Referred to: Election Law and Campaign Finance Reform, if favorable, Rules, Calendar, and Operations of the House.

February 27, 2001

A BILL TO BE ENTITLED

AN ACT TO CREATE THE ELECTION LAWS REVISION COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. There is created an Election Laws Revision Commission. The Commission shall be composed of 17 members. Twelve members shall be appointed as follows:

- (1) The President Pro Tempore of the Senate shall appoint four members, including at least one county board of elections member, with no more than three of the four affiliated with the same political party.
- (2) The Speaker of the House of Representatives shall appoint four members, including at least one county elections director, with no more than three of the four affiliated with the same political party.
- (3) The Governor shall appoint four members, including at least one county commissioner and at least one minority-party member of the State Board of Elections.

The Chair and the Executive Secretary-Director of the State Board of Elections shall be ex officio members. The State chairs of the three political parties whose nominees for Governor received the largest number of votes in the most recent general election for Governor shall be ex officio members. All members of the Commission, whether appointed or ex officio, shall be voting members.

SECTION 2. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Commission from their appointees.

SECTION 3. The Election Laws Revision Commission shall study the following:

- (1) The election laws, policies, and procedures of the State.

- 1 (2) The administration of those laws, policies, and procedures at the State
2 and local levels and the responsibilities of those administrating these
3 laws.
- 4 (3) The election laws, policies, and procedures of other states and
5 jurisdictions.
- 6 (4) Federal and State case rulings impinging on these laws, policies, and
7 practices.
- 8 (5) Public funding of election campaigns, including the advisability and
9 proper design of a system to allow public funds to be used to support
10 the campaigns of candidates for Governor, Lieutenant Governor, other
11 Council of State officers, and the General Assembly who agree to
12 abide by fund-raising and spending limits.
- 13 (6) APA exemption for the State Board of Elections.
- 14 (7) Preference voting and instant second primaries.

15 **SECTION 4.** The Commission shall prepare and recommend to the General
16 Assembly a comprehensive revision of the election laws of North Carolina that will
17 accomplish the following:

- 18 (1) Remove inconsistencies, inaccuracies, ambiguities, and outdated
19 provisions in the law.
- 20 (2) Incorporate in the law any desirable uncodified procedures, practices,
21 and rulings of a general nature that have been implemented by the
22 State Board of Elections or its Executive Secretary-Director.
- 23 (3) Conform the statutory law to State and federal case law and to any
24 requirements of federal statutory law and regulation.
- 25 (4) Ensure the efficient and effective administration of elections in this
26 State.
- 27 (5) Continue the impartial, professional administration of elections, which
28 the citizens of the State expect and demand.
- 29 (6) Recodify the election laws, as necessary, to produce a comprehensive,
30 clearly understandable structure of current North Carolina election
31 law, susceptible to orderly expansion as necessary.

32 **SECTION 5.** With the prior approval of the Legislative Services
33 Commission, the Legislative Services Officer shall assign professional staff to assist in
34 the work of the Election Laws Revision Commission and may provide for additional
35 staffing by the State Board of Elections, Office of the Attorney General, and the
36 Institute of Government. With prior approval of the State Board of Elections, the
37 Election Laws Revision Commission may hold its meetings in the offices of the State
38 Board. With the prior approval of the Legislative Services Commission, the Election
39 Laws Revision Commission may hold its meetings in the State Legislative Building or
40 the Legislative Office Building.

41 **SECTION 6.** The Commission shall submit a final written report of its
42 findings and recommendations on or before the convening of the 2003 Session of the
43 General Assembly and may submit a report to the 2002 Regular Session of the 2001
44 General Assembly. All reports shall be filed with the President Pro Tempore of the

1 Senate and the Speaker of the House of Representatives, the Principal Clerks of the
2 Senate and the House of Representatives, and the Legislative Librarian. Upon filing its
3 final report, the Commission shall terminate.

4 **SECTION 7.** Members of the Commission shall be paid per diem,
5 subsistence, and travel allowances as follows:

6 (1) Commission members who are also members of the General
7 Assembly, at the rate established in G.S. 120-3.1.

8 (2) Commission members who are officials or employees of the State or
9 local government agencies, at the rate established in G.S. 138-6.

10 (3) All other Commission members, at the rate established in G.S. 138-5.

11 **SECTION 8.** All State departments and agencies, local boards of elections,
12 and local governments and their subdivisions shall cooperate with the Commission and,
13 upon request, shall furnish to the Commission and its staff any information in their
14 possession or available to them.

15 **SECTION 9.** From funds appropriated to the General Assembly, the
16 Legislative Services Commission shall allocate funds for the expenses of the Election
17 Laws Revision Commission.

18 **SECTION 10.** This act is effective when it becomes law.