

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 346
Committee Substitute Favorable 6/8/11

Short Title: Elections Omnibus.

(Public)

Sponsors:

Referred to:

March 15, 2011

A BILL TO BE ENTITLED

AN ACT RELATING TO POLITICAL COMMITTEE TREASURER TRAINING; LIMITING AN INDIVIDUAL FROM RUNNING ON THE SAME GENERAL ELECTION BALLOT FOR MORE THAN ONE OFFICE EXCEPT TO FILL A VACANCY FOR THE REMAINDER OF AN UNEXPIRED TERM; CREATING AN ADDITIONAL METHOD FOR REQUESTING AN ABSENTEE BALLOT; MAKING A TECHNICAL CHANGE TO CORRECT A STATUTORY REFERENCE; AND REQUIRING THE JOINT LEGISLATIVE ELECTIONS OVERSIGHT COMMITTEE TO STUDY THE FEASIBILITY OF REQUIRING CERTAIN REPORTS TO BE FILED ELECTRONICALLY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.7(f) reads as rewritten:

"(f) Every treasurer of a political committee shall participate in training as to the duties of the office within three months of appointment and at least once every four years thereafter. Every treasurer of a candidate campaign committee as defined by G.S. 163-278.38Z that files its organizational report after the time for filing notice of a candidacy has opened for the election for which that candidate has filed, or after the time that candidate qualifies to be on the ballot for the general election, shall participate in training as to the duties of the office within 45 days of appointment and at least once every four years thereafter. The State Board of Elections shall provide the training as to the duties of the office in person, through regional seminars, and through interactive electronic means. The treasurer may designate an assistant treasurer to participate in the training, if one is named under subdivision (b)(8) of this section. The treasurer may choose to participate in training prior to each election in which the political committee is involved. All such training shall be free of charge to the treasurer and assistant treasurer."

SECTION 2. G.S. 163-98 reads as rewritten:

"§ 163-98. General election participation by new political party.

(a) In the first general election following the date on which a new political party qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its candidates for national, State, congressional, and local offices printed on the official ballots upon paying a filing fee equal to that provided for candidates for the office in G.S. 163-107 or upon complying with the alternative available to candidates for the office in G.S. 163-107.1.

(b) For the first general election following the date on which it qualifies under G.S. 163-96, a new political party shall select its candidates by party convention. Following adjournment of the nominating convention, but not later than the first day of July prior to the general election, the president of the convention shall certify to the State Board of Elections the names of persons chosen in the convention as the new party's candidates in the ensuing general



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1 election. Any candidate nominated by a new party shall be affiliated with the party at the time
 2 of certification to the State Board of Elections. The requirement of affiliation with the party
 3 will be met if the candidate submits at or before the time of certification as a candidate an
 4 application to change party affiliation to that party. The State Board of Elections shall print
 5 names thus certified on the appropriate ballots as the nominees of the new party. The State
 6 Board of Elections shall send to each county board of elections the list of any new party
 7 candidates so that the county board can add those names to the appropriate ballot.

8 (c) When any candidate is nominated under this section, the board of elections with
 9 jurisdiction over the election shall issue a notification to the candidate stating the following:

10 (1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed
 11 with the Board no later than the tenth day following the day the candidate
 12 files notice of candidacy or the tenth day following the organization of the
 13 political committee, whichever occurs first. If the organizational report is not
 14 filed within the required time frame, a civil late penalty of two hundred fifty
 15 dollars (\$250.00) per day for each day the filing is late shall be assessed
 16 against the candidate.

17 (2) Every treasurer of a political committee shall participate in treasurer training
 18 required under G.S. 163-278.7(f)."

19 **SECTION 3.** G.S. 163-106 is amended by adding a new subsection to read:

20 "(j) When any candidate files a notice of candidacy, the board of elections with
 21 jurisdiction over the election shall issue a notification to the candidate stating the following:

22 (1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed
 23 with the Board no later than the tenth day following the day the candidate
 24 files notice of candidacy or the tenth day following the organization of the
 25 political committee, whichever occurs first. If the organizational report is not
 26 filed within the required time frame, a civil late penalty of two hundred fifty
 27 dollars (\$250.00) per day for each day the filing is late shall be assessed
 28 against the candidate.

29 (2) Every treasurer of a political committee shall participate in treasurer training
 30 required under G.S. 163-278.7(f)."

31 **SECTION 4.** G.S. 163-114 reads as rewritten:

32 **"§ 163-114. Filling vacancies among party nominees occurring after nomination and**
 33 **before election.**

34 (a) If any person nominated as a candidate of a political party for one of the offices
 35 listed below (either in a primary or convention or by virtue of having no opposition in a
 36 primary) dies, resigns, or for any reason becomes ineligible or disqualified before the date of
 37 the ensuing general election, the vacancy shall be filled by appointment according to the
 38 following instructions:

40	Position	
41	President	Vacancy is to be filled by appointment of
42	Vice President	national executive committee of
43		political party in which vacancy occurs
44		
45	Presidential elector or alternate elector	Vacancy is to be filled by appointment of
46	Any elective State office	State executive committee of political
47	United States Senator	party in which vacancy occurs
48		
49	A district office, including:	Appropriate district executive committee of
50	Member of the United States House	political party in which vacancy occurs
51	of Representatives	

1 District Attorney
 2 State Senator in a multi-county
 3 senatorial district
 4 Member of State House of
 5 Representatives in a multi-county
 6 representative district
 7

8 State Senator in a single-county
 9 senatorial district
 10 Member of State House of
 11 Representatives in a single-county
 12 representative district
 13 Any elective county office
 14
 15
 16
 17

County executive committee of political party in which vacancy occurs, provided, in the case of the State Senator or State Representative in a single-county district where not all the county is located in that district, then in voting, only those members of the county executive committee who reside within the district shall vote

18 The party executive making a nomination in accordance with the provisions of this section shall
 19 certify the name of its nominee to the chairman of the board of elections, State or county, that
 20 has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made
 21 under this section the general election ballots have already been printed, the provisions of
 22 G.S.163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that
 23 vacancy arises from a cause other than death and the vacancy in nomination occurs more than
 24 120 days before the general election, the vacancy in nomination may be filled under this section
 25 only if the appropriate executive committee certifies the name of the nominee in accordance
 26 with this paragraph at least 75 days before the general election.

27 (b) In a county not all of which is located in one congressional district, in choosing the
 28 congressional district executive committee member or members from that area of the county,
 29 only the county convention delegates or county executive committee members who reside
 30 within the area of the county which is within the congressional district may vote.

31 (c) In a county which is partly in a multi-county senatorial district or which is partly in
 32 a multi-county House of Representatives district, in choosing that county's member or members
 33 of the senatorial district executive committee or House of Representatives district executive
 34 committee for the multi-county district, only the county convention delegates or county
 35 executive committee members who reside within the area of the county which is within that
 36 multi-county district may vote.

37 (d) An individual whose name appeared on the ballot in a primary election preliminary
 38 to the general election shall not be eligible to be nominated to fill a vacancy in the nomination
 39 of another party for the same office in the same year.

40 (e) When any candidate is nominated under this section, the board of elections with
 41 jurisdiction over the election shall issue a notification to the candidate stating the following:

42 (1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed
 43 with the Board no later than the tenth day following the day the candidate
 44 receives the nomination of the party or the tenth day following the
 45 organization of the political committee, whichever occurs first. If the
 46 organizational report is not filed within the required time frame, a civil late
 47 penalty of two hundred fifty dollars (\$250.00) per day for each day the filing
 48 is late shall be assessed against the candidate.

49 (2) Every treasurer of a political committee shall participate in treasurer training
 50 required under G.S. 163-278.7(f)."

51 **SECTION 5.** G.S. 163-122 is amended by adding a new subsection to read:

1 "(f) When any candidate qualifies to have that candidate's name printed on the general
2 election ballot, the board of elections with jurisdiction over the election shall issue a
3 notification to the candidate stating the following:

4 (1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed
5 no later than the tenth day following the verification of the candidate's
6 petition by the appropriate board of elections or the tenth day following the
7 organization of the political committee, whichever occurs first. If the
8 organizational report is not filed within the required time frame, a civil late
9 penalty of two hundred fifty dollars (\$250.00) per day for each day the filing
10 is late shall be assessed against the candidate.

11 (2) Every treasurer of a political committee shall participate in treasurer training
12 required under G.S. 163-278.7(f)."

13 **SECTION 6.** G.S. 163-123 is amended by adding a new subsection to read:

14 "(f2) When any candidate qualifies to have that candidate's name printed on the election
15 ballot, the board of elections with jurisdiction over the election shall issue a notification to the
16 candidate stating the following:

17 (1) The organizational report required under G.S. 163-278.9(a)(1) shall be filed
18 no later than the tenth day following the verification of the candidate's
19 petition by the appropriate board of elections or the tenth day following the
20 organization of the political committee, whichever occurs first. If the
21 organizational report is not filed within the required time frame, a civil late
22 penalty of two hundred fifty dollars (\$250.00) per day for each day the filing
23 is late shall be assessed against the candidate.

24 (2) Every treasurer of a political committee shall participate in treasurer training
25 required under G.S. 163-278.7(f)."

26 **SECTION 7.** G.S. 163-278.9(a)(1) reads as rewritten:

27 "(a) Except as provided in G.S. 163-278.10A, the treasurer of each candidate and of each
28 political committee shall file with the Board under certification of the treasurer as true and
29 correct to the best of the knowledge of that officer the following reports:

30 (1) Organizational Report. – The appointment of the treasurer as required by
31 G.S. 163-278.7(a), the statement of organization required by
32 G.S. 163-278.7(b), and a report of all contributions and expenditures not
33 previously reported shall be filed with the Board no later than the tenth day
34 following the day the candidate files notice of candidacy or the tenth day
35 following the organization of the political committee, whichever occurs first.
36 Any candidate whose campaign is being conducted by a political committee
37 which is handling all contributions and expenditures for his campaign shall
38 file a statement with the Board stating such fact at the time required herein
39 for the organizational report. Thereafter, the candidate's political committee
40 shall be responsible for filing all reports required by law. If the
41 organizational report is not filed within the required time frame, a civil late
42 penalty of two hundred fifty dollars (\$250.00) per day for each day the filing
43 is late shall be assessed against the candidate."

44 **SECTION 8.** Article 11 of Chapter 163 of the General Statutes is amended by
45 adding a new section to read:

46 **"§ 163-124. No simultaneous run for separate offices.**

47 (a) No individual is eligible to have that individual's name on the general election ballot
48 for two separate offices, unless one of the offices is for the remainder of the unexpired term for
49 an office that requires an election to fill the unexpired portion of the term.

50 (b) This section shall apply to any individual nominated under Article 9 of this Chapter,
51 filing under G.S. 163-106, or filing a petition under this Article."

1 **SECTION 9.** G.S. 163-230.2(a) reads as rewritten:

2 "(a) Valid Types of Written Requests. – A written request for an absentee ballot as
3 required by G.S. 163-230.1 is valid only if it is written entirely by the requester personally, or
4 is on a form generated by the county board of elections or the State Board of Elections and
5 signed by the requester. ~~The county board of elections shall issue a request form only to the~~
6 ~~voter seeking to vote by absentee ballot or to a person authorized by G.S. 163-230.1 to make a~~
7 ~~request for the voter.~~ If a requester, due to disability or illiteracy, is unable to complete a
8 written request, that requester may receive assistance in writing that request from an individual
9 of that requester's choice. The State Board of Elections shall create a uniform absentee ballot
10 request form that can be accessed from the Web site of the State Board of Elections. Contents
11 of the uniform absentee ballot request form, other than the requester's signature, may be filled
12 out electronically. A qualified voter shall personally sign the uniform absentee ballot request
13 form. A uniform absentee ballot request form that is signed electronically is not valid."

14 **SECTION 10.** G.S. 163-275(16) reads as rewritten:

15 "(16) For any person falsely to make the certificate provided by
16 ~~G.S. 163-229(b)(2)~~ ~~or~~ ~~G.S. 163-250(a).~~ G.S. 163-229(b) ~~or~~
17 G.S. 163-250(a)(4)."

18 **SECTION 11.** The Joint Legislative Elections Oversight Committee shall study the
19 feasibility and applicability of requiring electronic filing of all reports required to be filed with
20 the State Board of Elections under G.S. 163-278.9, regardless of the amount. The Joint
21 Legislative Elections Oversight Committee shall report its findings and recommendations to the
22 2012 Regular Session of the 2011 General Assembly.

23 **SECTION 12.** Sections 1-9 become effective January 1, 2012, and apply with
24 respect to elections held on or after that date. The remainder of this act is effective when it
25 becomes law.