

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 667
House Committee Substitute Favorable 6/30/16

Short Title: Elections Omnibus Revisions.

(Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

1 AN ACT TO CREATE CONSISTENCY IN THE TIME PROVIDED TO COMPLETE
2 ELECTION CANVASSES; TO REQUIRE THE ATTORNEY GENERAL TO DEFEND
3 LOCAL ACTS AGAINST FACIAL CHALLENGES; TO PROVIDE FOR BALLOT
4 ORDERING OF CANDIDATES FOR JUDGE OF THE COURT OF APPEALS; TO
5 REQUIRE EXPLANATORY CAPTIONS FOR CONSTITUTIONAL AMENDMENTS ON
6 BALLOTS; TO AUTHORIZE THE JOINT LEGISLATIVE ELECTIONS OVERSIGHT
7 COMMITTEE TO STUDY MUNICIPAL ELECTIONS IN EVEN-NUMBERED YEARS;
8 TO UPDATE THE FILING PERIOD FOR ELECTIONS IN THE CITY OF REIDSVILLE;
9 AND TO PROVIDE FOR PARTICIPATION IN THE CENSUS REDISTRICTING DATA
10 PROGRAM AND FOR RETURN OF ELECTION DATA.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** G.S. 163-182.5(b) reads as rewritten:

13 "(b) Canvassing by County Board of Elections. – The county board of elections shall meet
14 at 11:00 A.M. on the tenth day after every election held on the same day as a general election in
15 November of the even-numbered year, and at 11:00 A.M. on the seventh day after every other
16 election, to complete the canvass of votes cast and to authenticate the count in every ballot item in
17 the county by determining that the votes have been counted and tabulated correctly. If, despite due
18 diligence by election officials, the initial counting of all the votes has not been completed by that
19 time, the county board may hold the canvass meeting a reasonable time thereafter. The canvass
20 meeting shall be at the county board of elections office, unless the county board, by unanimous
21 vote of all its members, designates another site within the county. The county board shall examine
22 the returns from precincts, from absentee official ballots, from the sample hand-to-eye paper ballot
23 counts, and from provisional official ballots and shall conduct the canvass."

24 **SECTION 2.(a)** Article 6 of Chapter 1 of the General Statutes is amended by adding a
25 new section to read:

26 **"§ 1-72.3. State a party to certain actions.**

27 The State shall be a party whenever the validity or constitutionality of a local act of the
28 General Assembly is the subject of an action in any court and, except as provided in G.S. 147-17,
29 shall be represented by the Attorney General. This section shall not affect any authority under
30 G.S. 1-72.2 or G.S. 120-32.6."

31 **SECTION 2.(b)** G.S. 114-2.3 is amended by adding a new subsection to read:

32 "(c) Except as provided in G.S. 147-17, the Attorney General shall represent the State in
33 any action requiring the State to be a party under G.S. 1-72.3."

34 **SECTION 2.(c)** This section becomes effective August 1, 2016, and applies to actions
35 filed on or after that date.
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1 **SECTION 3.** G.S. 163-165.6 is amended by adding a new subsection to read:

2 "(d1) Order of Candidates for Judge of the Court of Appeals on General Election Official
3 Ballot. – Candidates for judge of the Court of Appeals on a general election official ballot shall
4 appear in the following order:

5 (1) Candidates registered with political parties that reflect at least five percent (5%)
6 of statewide voter registration, according to the most recent statistical report
7 published by the State Board of Elections, in alphabetical order by party
8 beginning with the party whose nominee for Governor received the most votes
9 in the most recent gubernatorial election and in alphabetical order within the
10 party.

11 (2) Candidates registered with other political parties, in alphabetical order by party
12 and in alphabetical order within the party.

13 (3) Unaffiliated candidates, in alphabetical order."

14 **SECTION 4.(a)** G.S. 163-165.6(g) reads as rewritten:

15 "(g) Order of Precedence for Referenda. – The referendum questions to be voted on shall be
16 arranged on the official ballot in the following order:

17 (1) Proposed amendments to the North Carolina Constitution, in the chronological
18 order in which the proposals were approved by the General Assembly.
19 Proposed amendments shall be designated by only the short caption provided
20 by the Constitutional Amendments Publication Commission under Article 4A
21 of Chapter 147 of the General Statutes.

22 (2) Other referenda to be voted on by all voters in the State, in the chronological
23 order in which the proposals were approved by the General Assembly.

24 (3) Referenda to be voted on by fewer than all the voters in the State, in the
25 chronological order of the acts by which the referenda were properly
26 authorized."

27 **SECTION 4.(b)** G.S. 147-54.10 reads as rewritten:

28 "**§ 147-54.10. Powers.**

29 (a) At least ~~60~~75 days before an election in which a proposed amendment to the
30 Constitution, or a revised or new Constitution, is to be voted on, the Commission shall prepare an
31 explanation of the amendment, revision, or new Constitution in simple and commonly used
32 language. The explanation shall include a short caption reflecting the contents, that shall not
33 include a numerical or other reference of order, to be used on the ballot and the printed summary.

34 (b) The summary prepared by the Commission shall be printed by the Secretary of State, in
35 a quantity determined by the Secretary of State. A copy shall be sent along with a news release to
36 each county board of elections, and a copy shall be available to any registered voter or
37 representative of the print or broadcast media making request to the Secretary of State. The
38 Secretary of State may make copies available in such additional manner as ~~the~~the Secretary may
39 determine."

40 **SECTION 5.** It is the intent of the General Assembly to provide for even-numbered
41 year municipal elections, effective with the 2020 election cycle. The Joint Legislative Elections
42 Oversight Committee shall study the options to implement this change and recommend to the
43 General Assembly any legislation it deems advisable. It shall make a final report before the
44 convening of the 2017 Regular Session of the General Assembly.

45 **SECTION 6.** Section 3.5 of the Charter of the City of Reidsville, being Chapter 957,
46 Session Laws of 1989, as rewritten by Chapter 306 of the 1993 Session Laws, reads as rewritten:

47 "Section 3.5. **Filing Period.** In all city election years, the period for filing notices of candidacy
48 shall ~~begin at noon on the first Friday in August and end at noon on the third Friday in August~~
49 ~~preceding the election.~~be as provided for in the General Statutes."

50 **SECTION 7.(a)** Article 12A of Chapter 163 of General Statutes is amended by adding
51 a new section to read:

1 **"§ 163-132.1C. Participation in the 2020 Census Redistricting Data Program of the United**
2 **States Census Bureau.**

3 (a) Participation. – The State of North Carolina shall participate in the 2020 Census
4 Redistricting Data Program, conducted pursuant to P.L. 94-171, of the United States Bureau of the
5 Census, so that the State will receive 2020 Census data by voting districts.

6 (b) Reporting of Voting Districts. – The Executive Director of the State Board of Elections
7 shall report to the Bureau of the Census this State's voting precincts as of January 1, 2018, to be
8 used in the 2020 Census as voting districts. Before making that report, the Executive Director shall
9 consult with the Legislative Services Office concerning the accuracy of the information to be
10 reported. The Executive Director shall submit the report to the Bureau of the Census in time to
11 comply with the deadlines of that Bureau for the 2020 Census Redistricting Data Program. The
12 Executive Director, with the assistance of the county boards of elections, shall participate in the
13 Bureau of the Census's verification program and notify the Bureau of the Census of any errors in
14 the entry of the voting districts in time for those errors to be corrected.

15 (c) Additional Rules. – The Executive Director and the Legislative Services Officer shall
16 develop a systematic method for review and input by the Legislative Services Office prior to the
17 submission required by subsection (b) of this section."

18 **SECTION 7.(b)** G.S. 163-132.1B is repealed.

19 **SECTION 7.(c)** The State Board of Elections shall develop a proposed voting district
20 map on or before September 1, 2016, to be submitted to the Joint Legislative Elections Oversight
21 Committee and the Legislative Services Office on or before December 1, 2016. The proposed map
22 developed by the State Board shall take into consideration all of the following factors:

- 23 (1) Reasonable size limitations of the proposed voting district, including total
24 population and total registered voters.
25 (2) Alignment of proposed boundaries with visible features, such as roads and
26 bodies of water.
27 (3) Potential election administration efficiencies if the proposed voting districts
28 were used as voting precinct boundaries in an election, to include:
29 a. Potential polling places within the proposed voting district.
30 b. Distance to the potential polling places for the voters to travel on
31 election day.
32 c. Number of voters for voting in person.

33 **SECTION 7.(d)** The county boards of election, shall, on or before November 1, 2017,
34 report any requested changes to precinct boundaries to be used in elections held on or after
35 January 1, 2018. The State Board of Elections shall develop criteria for the county boards of
36 elections to use in developing proposed precinct boundaries, shall notify the county boards of
37 elections of the requirement to submit proposed changes, and shall facilitate the county boards of
38 elections in developing proposed boundary changes. The State Board of Elections shall consult
39 with the Legislative Services Office about the proposed changes to precinct boundaries in a timely
40 and systemic manner in order to accommodate submitting a statewide map of updated precinct
41 boundaries to the Bureau of the Census for the Phase 2 Voting District Project. Upon receipt of the
42 voting districts geography from the Bureau of the Census for the 2020 Census, the Executive
43 Director of the State Board of Elections and the Legislative Services Office shall determine if any
44 alterations to the precinct boundaries are needed in order to comply with G.S. 163-132.3(a1)(1), as
45 enacted by Section 8(a) of this act.

46 **SECTION 8.(a)** G.S. 163-132.3 reads as rewritten:

47 **"§ 163-132.3. Alterations to approved precinct boundaries.**

48 (a) No county board of elections may change any precinct boundary unless approved by
49 the Executive Director of the State Board of Elections ~~determines that the county board has a~~
50 ~~current capability of complying with G.S. 163-132.1B(a2) by reporting all election returns by~~
51 ~~voting tabulation district as required by G.S. 163-132.5G. If the Executive Director so determines,~~

1 the county board may make any changes to precinct boundaries, provided that all proposed new
2 precincts shall consist solely of contiguous territory. Elections.

3 (a1) The State Board of Elections ~~may~~ shall set uniform standards for precinct boundaries,
4 which boundaries that the county boards of elections shall follow. Any uniform standards for
5 precinct boundaries set by the State Board shall comply with all of the following:

6 (1) Precinct boundaries shall coincide with Census block boundaries.

7 (2) Precincts shall consist solely of contiguous territory.

8 (3) Precincts shall consist of territory and population that allows for efficient and
9 accurate administration of elections, taking into consideration available polling
10 places and access to polling places.

11 (4) The county shall be able to reallocate any out of precinct ballots cast by a voter
12 to the precinct associated with that voter's voter registration for purposes of
13 reporting the results of an election.

14 (a2) The county board of elections shall report every change in precinct boundary to the
15 Executive Director in a format required by the Executive Director.

16 ~~The county boards of elections shall report precinct boundary changes to the Executive~~
17 ~~Director in the manner the Executive Director directs.~~ No newly created or altered precinct
18 boundary is effective until approved by the Executive Director of the State Board as being in
19 compliance with this section.

20 (b) The Executive Director of the State Board of Elections shall examine the maps of the
21 proposed new or altered precincts and any required written descriptions. If the Executive Director
22 of the State Board determines that all precinct boundaries are in compliance with this section, the
23 Executive Director of the State Board shall approve the maps and written descriptions as filed and
24 these precincts shall be the official ~~precincts.~~ precincts for voting.

25 (c) If the Executive Director of the State Board determines that the proposed precinct
26 boundaries are not in compliance with subsection ~~(a)~~ (a1) of this section, the Executive Director
27 shall not approve those precinct boundaries. The Executive Director shall notify the county board
28 of elections of ~~his~~ the disapproval specifying the reasons. The county board of elections may then
29 resubmit new precinct maps and written descriptions to cure the reasons for ~~their~~ the disapproval.

30 (d) Repealed by Session Laws 2004-127, s. 1(a), effective August 15, 2004, and applicable
31 to precincts established or changed on or after that date.

32 (e) Repealed by Session Laws 2007-391, s. 6(b), effective January 1, 2008."

33 **SECTION 8.(b)** This section becomes effective January 1, 2020, and shall apply to all
34 alterations of precinct boundaries on or after that date.

35 **SECTION 9.(a)** G.S. 163-132.5G reads as rewritten:

36 **"§ 163-132.5G. Voting data maintained by voting tabulation district precinct.**

37 (a) Each county board of elections shall maintain voting data by voting ~~tabulation district~~
38 ~~as provided in G.S. 163-132.1B~~ precinct so that ~~voting tabulation district~~ precinct returns for each
39 item on the ballot shall include the votes cast by all residents of ~~the voting tabulation district~~ that
40 voting precinct who voted, regardless of where ~~they~~ the voter voted. The county board shall not be
41 required to report returns by voting ~~tabulation district~~ precinct for voters who voted other than at
42 ~~their~~ the voting precinct ~~voting place on election day~~ associated with that voter's voter registration
43 until ~~60-30~~ days after the election. In reporting returns, the county board shall not compromise the
44 secrecy of an individual's ballot.

45 (b) The ~~60-day~~ 30-day deadline for reporting returns by voting ~~tabulation district~~ precinct
46 does not relieve the county board of the duty to report all returns as soon as practicable after the
47 election according to other categories specified by the State Board of Elections.

48 (c) The State Board of Elections shall adopt rules for the enforcement of this section."

49 **SECTION 9.(b)** G.S. 163-165.7 reads as rewritten:

50 **"§ 163-165.7. Voting systems: powers and duties of State Board of Elections.**

1 (a) (Effective until January 1, 2018 or September 1, 2019 – see note) Only voting
2 systems that have been certified by the State Board of Elections in accordance with the procedures
3 set forth by the State Board of Elections and subject to the standards set forth in this section and
4 that have not been subsequently decertified shall be permitted for use in elections in this State.
5 Those certified voting systems shall be valid in any election held in the State or in any county,
6 municipality, or other electoral district in the State. Subject to all other applicable rules adopted by
7 the State Board of Elections and, with respect to federal elections, subject to all applicable federal
8 regulations governing voting systems, paper ballots marked by the voter and counted by hand shall
9 be deemed a certified voting system. The State Board of Elections shall certify optical scan voting
10 systems, optical scan with ballot markers voting systems, and direct record electronic voting
11 systems if any of those systems meet all applicable requirements of federal and State law. The
12 State Board may certify voting systems only if they meet the requirements set forth in this section
13 and only if they generate either a paper ballot or a paper record by which voters may verify their
14 votes before casting them and which provides a backup means of counting the vote that the voter
15 casts. Those voting systems may include optical scan and direct record electronic (DRE) voting
16 systems. Among other requirements as set by the State Board of Elections, the certification
17 requirements shall require at least all of the following elements:

- 18 (1) That the vendor post a bond or letter of credit to cover damages resulting from
19 defects in the voting system. Damages may include, among other items, any
20 costs of conducting a new election attributable to those defects.
- 21 (2) That the voting system comply with all federal requirements for voting systems.
- 22 (3) That the voting system must have the capacity to include in voting ~~tabulation~~
23 district returns the votes cast by voters outside of the ~~voter's voting tabulation~~
24 ~~district as required by G.S. 163-132.5G~~. precinct associated with that voter's
25 voter registration.

26 ...
27 (a) (Effective January 1, 2018 or September 1, 2019 – see note) Only voting systems
28 that have been certified by the State Board of Elections in accordance with the procedures set forth
29 by the State Board of Elections and subject to the standards set forth in this section and that have
30 not been subsequently decertified shall be permitted for use in elections in this State. Those
31 certified voting systems shall be valid in any election held in the State or in any county,
32 municipality, or other electoral district in the State. Subject to all other applicable rules adopted by
33 the State Board of Elections and, with respect to federal elections, subject to all applicable federal
34 regulations governing voting systems, paper ballots marked by the voter and counted by hand shall
35 be deemed a certified voting system. The State Board of Elections shall certify optical scan voting
36 systems, optical scan with ballot markers voting systems, and direct record electronic voting
37 systems if any of those systems meet all applicable requirements of federal and State law.
38 The State Board may certify voting systems only if they meet the requirements set forth in this
39 section and only if they generate a paper ballot which provides a backup means of counting the
40 vote that the voter casts. Those voting systems may include optical scan and direct record
41 electronic (DRE) voting systems that produce a paper ballot. Among other requirements as set by
42 the State Board of Elections, the certification requirements shall require at least all of the
43 following elements:

- 44 (1) That the vendor post a bond or letter of credit to cover damages resulting from
45 defects in the voting system. Damages may include, among other items, any
46 costs of conducting a new election attributable to those defects.
- 47 (2) That the voting system comply with all federal requirements for voting systems.
- 48 (3) That the voting system must have the capacity to include in voting ~~tabulation~~
49 district returns the votes cast by voters outside of the ~~voter's voting tabulation~~
50 ~~district as required by G.S. 163-132.5G~~. precinct associated with that voter's
51 voter registration.

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SECTION 9.(c) Until January 1, 2020, the State Board of Elections shall report for each voter registration the current voting precinct and the 2010 Census Bureau voting tabulation district.

SECTION 9.(d) This section becomes effective September 1, 2016, and applies to elections conducted on or after that date and contracts awarded on or after that date.

SECTION 10. Except as otherwise provided, this act is effective when it becomes law and applies to elections held on or after that date.