

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 800

Short Title: Actually Drain the Swamp. (Public)

Sponsors: Senators J. Jackson, Van Duyn, and Smith (Primary Sponsors).

Referred to: Rules and Operations of the Senate

June 1, 2018

A BILL TO BE ENTITLED

AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY AMENDING THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION, REENACTING LEGISLATION THAT ESTABLISHED A NONPARTISAN METHOD OF ELECTING SUPREME COURT JUSTICES AND COURT OF APPEALS JUDGES BEGINNING 2020, REENACTING THE PUBLIC FINANCING FUND FOR VARIOUS JUDICIAL CAMPAIGNS, EXTENDING THE WAITING PERIOD FOR FORMER LEGISLATORS WHO BECOME LOBBYISTS, MODERNIZING THE VOTER REGISTRATION PROCESS ESTABLISHING THE FAIR ELECTIONS PROGRAM, INCREASING TRANSPARENCY IN THE LEGISLATIVE PROCESS BY REQUIRING FORTY-EIGHT HOURS NOTICE OF MEETINGS OF ALL LEGISLATIVE COMMITTEES, AND DIRECTING THE LEGISLATIVE SERVICES OFFICER TO DEVELOP A PLAN TO PROVIDE LIVE VIDEO AND AUDIO STREAMING OF ALL MEETINGS OF LEGISLATIVE COMMITTEES AND COMMISSIONS MEETING IN THE LEGISLATIVE COMPLEX.

Whereas, short-term political incentives are currently set against the long-term public good; and

Whereas, the needed reforms are generally well-known and likely inevitable; and

Whereas, there is no constituency for political self-serving but universal demand for our service to others; and

Whereas, restoring the people's trust in our work begins with restoring the people's fundamental role in our elections; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. NONPARTISAN REDISTRICTING

SECTION 1.1. Effective beginning with the redistricting done upon the return of the 2020 decennial census, Section 3 of Article II of the North Carolina Constitution reads as rewritten:

"Sec. 3. Senate districts; apportionment of Senators.

The Senators shall be elected from districts. ~~The General Assembly, at the first regular session convening~~ The Independent Redistricting Commission, beginning as soon as practical after the return of every decennial census of population taken by order of Congress, shall revise the senate districts and the apportionment of Senators among those districts, subject to the following requirements; so that, to the extent possible, those districts meet the following goals:



1 (1) ~~Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the~~
2 ~~number of inhabitants that each Senator represents being determined for this purpose by dividing~~
3 ~~the population of the District that he represents by the number of Senators apportioned to that~~
4 ~~district;The goal of one person, one vote to ensure each voter's vote.~~

5 (2) ~~Each senate district shall at all times consist of contiguous territory;The goal of~~
6 ~~minimizing the number of split counties, municipalities, and other communities of interest.~~

7 ~~Precincts shall not be split in the preparation of a plan for State Senate districts, except to the~~
8 ~~extent necessary to comply with federal law. All districts shall be contiguous.~~

9 (3) ~~No county shall be divided in the formation of a senate district;The goal of~~
10 ~~compactness, to avoid elongated and irregularly shaped districts.~~

11 (4) When established, the senate districts and the apportionment of Senators shall remain
12 unaltered until the return of another decennial census of population taken by order of Congress.

13 The Independent Redistricting Commission shall present three plans to the General
14 Assembly, which may enact one of the plans. If the General Assembly fails to enact one of the
15 plans within 90 days of receipt, the Independent Redistricting Commission shall adopt one of the
16 plans the Commission submitted to the General Assembly, which shall have the force and effect
17 of acts of the General Assembly."

18 **SECTION 1.2.** Effective beginning with the redistricting done upon the return of the
19 2020 decennial census, Section 5 of Article II of the North Carolina Constitution reads as
20 rewritten:

21 **"Sec. 5. Representative districts; apportionment of Representatives.**

22 The Representatives shall be elected from districts. ~~The General Assembly, at the first regular~~
23 ~~session convening~~ The Independent Redistricting Commission, as soon as practical after the
24 return of every decennial census of population taken by order of Congress, shall revise the
25 representative districts and the apportionment of Representatives among those districts, subject
26 to the following requirements:so that, to the extent possible, those districts meet the following
27 goals:

28 (1) ~~Each Representative shall represent, as nearly as may be, an equal number of~~
29 ~~inhabitants, the number of inhabitants that each Representative represents being determined for~~
30 ~~this purpose by dividing the population of the district that he represents by the number of~~
31 ~~Representatives apportioned to that district;The goal of one person, one vote to ensure each~~
32 ~~voter's vote.~~

33 (2) ~~Each representative district shall at all times consist of contiguous territory;The goal~~
34 ~~of minimizing the number of split counties, municipalities, and other communities of interest.~~

35 ~~Precincts shall not be split in the preparation of a plan for State House of Representatives~~
36 ~~districts, except to the extent necessary to comply with federal law. All districts shall be~~
37 ~~contiguous.~~

38 (3) ~~No county shall be divided in the formation of a representative district;The goal of~~
39 ~~compactness, to avoid elongated and irregularly shaped districts.~~

40 (4) When established, the representative districts and the apportionment of
41 Representatives shall remain unaltered until the return of another decennial census of population
42 taken by order of Congress.

43 The Independent Redistricting Commission shall present three plans to the General
44 Assembly, which may enact one of the plans. If the General Assembly fails to enact one of the
45 plans within 90 days of receipt, the Independent Redistricting Commission shall adopt one of the
46 plans the Commission submitted to the General Assembly, which shall have the force and effect
47 of acts of the General Assembly."

48 **SECTION 1.3.** Effective January 1, 2019, Article II of the North Carolina
49 Constitution is amended by adding a new section to read:

50 **"Sec. 25. Independent Redistricting Commission.**

1 (1) Establishment and membership. There is established the Independent Redistricting
2 Commission to consist of nine persons appointed as follows:

3 (a) Two by the Speaker of the House of Representatives and two by the leader in
4 the House of Representatives of the political party with the next highest or
5 equal number of members of the House of Representatives as the party of the
6 Speaker. If there are two parties other than the Speaker's party with equal
7 membership, one by the leader in the House of Representatives of each tied
8 party other than the Speaker's party. If there are three or more parties other
9 than the Speaker's party with equal membership, the appointing authority shall
10 be selected in a manner prescribed by law.

11 (b) Two by the President Pro Tempore of the Senate and two by the leader in the
12 Senate of the political party in the Senate with the next highest or equal
13 number of Senators as the party of the President Pro Tempore. If there are two
14 parties other than the President Pro Tempore's party with equal membership,
15 one by the leader in the Senate of each tied party other than the President Pro
16 Tempore's party. If there are three or more parties other than the President Pro
17 Tempore's party with equal membership, the appointing authority shall be
18 selected in a manner prescribed by law.

19 (c) One by the Governor from a list of two qualified nominees submitted by a
20 majority of the persons appointed pursuant to subdivisions (a) and (b) of this
21 subsection. The two nominees shall be unaffiliated with any political party.

22 (d) No person who has served as a member of the Independent Redistricting
23 Commission shall be eligible to hold any elective public office for four years
24 after termination of service on the Independent Redistricting Commission.
25 The term "public office" means any partisan or nonpartisan office filled by
26 election by the people on a statewide, county, municipal, or district basis.

27 (2) Duties. The Independent Redistricting Commission shall have the following duties:

28 (a) Present to the General Assembly, for consideration in accordance with
29 Sections 3 and 5 of this Article, three plans for revising the Senate districts
30 and three plans for revising the House of Representatives districts.

31 (b) Present to the General Assembly for consideration three district plans for
32 election of members of the House of Representatives of the Congress of the
33 United States.

34 (c) If none of the bills embodying a plan submitted by the Independent
35 Redistricting Commission under this subsection is approved by the General
36 Assembly within 90 days of receipt, the Independent Redistricting
37 Commission shall by majority vote adopt one of the plans the Commission
38 submitted to the General Assembly, which shall have the force and effect of
39 acts of the General Assembly."

40 **SECTION 1.4.** The amendments set out in Sections 1 through 3 of this act shall be
41 submitted to the qualified voters of the State at the general election in November 2018, which
42 election shall be conducted under the laws then governing elections in the State. Ballots, voting
43 systems, or both may be used in accordance with Subchapter III of Chapter 163A of the General
44 Statutes. The question to be used in the voting systems and ballots shall be:

45 " FOR AGAINST

46 A constitutional amendment providing for an Independent Redistricting Commission
47 to present three redistricting plans to the General Assembly for the purpose of electing members
48 of the General Assembly and members of the United States House of Representatives. If the
49 General Assembly fails to enact one of the plans within 90 days of receipt, the Independent
50 Redistricting Commission will adopt one of the redistricting plans the Commission submitted to
51 the General Assembly."

1 c. The Governor shall appoint the ninth member of the Commission from
2 any list provided pursuant to sub-subdivision b. of this subdivision
3 within two weeks of receiving that list.

4 (b) Term of Office; Vacancies; Chair. – The initial members of the Independent
5 Redistricting Commission shall take office in the year 2019 as soon as practicable after their
6 appointment. The initial members shall serve until their successors are appointed and qualified.
7 Beginning in the year 2030, the members of the Independent Redistricting Commission shall take
8 office on the first day of July, or as soon as practicable thereafter, of each year ending in the
9 number zero and shall continue in office until their successors are appointed and qualified. Any
10 vacancy occurring in the membership of the Commission shall be filled for the remainder of the
11 unexpired term by the holder of the office which appointed the vacating member. For any
12 vacancy the Governor is authorized to fill, a majority of the remaining members of the
13 Commission shall submit to the Governor a list of two qualified nominees. The two nominees
14 shall be unaffiliated with any political party. The Governor shall fill the vacancy from that list.
15 The Independent Redistricting Commission shall elect from its members a Chair, who will serve
16 throughout the term of the Commission unless replaced by vote of the Commission.

17 (c) Eligibility. – To be eligible for appointment to the Independent Redistricting
18 Commission, a person must meet all of the following requirements:

19 (1) Be a resident of North Carolina.

20 (2) Have been a registered voter in North Carolina for at least five years prior to
21 commencement of service on the Independent Redistricting Commission.

22 (3) Have voted in each of the three statewide, general elections occurring prior to
23 commencement of service on the Independent Redistricting Commission.

24 (4) Have not, in the 10 years prior to commencement of service on the
25 Independent Redistricting Commission, done any of the following:

26 a. Held elective public office or been a candidate for elective public
27 office.

28 b. Received compensation from (i) a political party, (ii) a public body as
29 defined in Article 33C of Chapter 143 of the General Statutes, (iii) a
30 candidate for elective public office, or (iv) the campaign or campaign
31 committee for a candidate for elective public office.

32 c. Served as a member of the executive committee of a political party.

33 d. Been a lobbyist registered under Article 8 of this Chapter or registered
34 in accordance with federal law.

35 e. Worked as a full-time, paid partisan or nonpartisan staff member of
36 the North Carolina General Assembly or the United States Congress.

37 f. Contributed two thousand dollars (\$2,000) or more to any candidate
38 for elective public office.

39 (5) Not have a spouse, parent, sibling, or child who would be excluded under
40 subdivision (4) of this subsection.

41 (6) Have not been dismissed pursuant to G.S. 163A-1080(a)(3).

42 (d) Staffing. – The Commission shall be administratively housed in the Legislative
43 Services Office of the General Assembly. In order to implement Section 25 of Article II of the
44 North Carolina Constitution, the Independent Redistricting Commission shall retain independent
45 staff under contract to prepare redistricting plans covered by that Section. In drafting plans for
46 consideration by the General Assembly, that staff shall not be provided any instructions as to the
47 content of the plans other than to follow the guidelines set out in that Section.

48 (e) Open Meetings and Public Records. – The Independent Redistricting Commission
49 shall be subject to the Public Records Act, Chapter 132 of the General Statutes, and the Open
50 Meetings Law, Article 33C of Chapter 143 of the General Statutes.

51 "§ 163A-1081. Redistricting plans.

1 (a) Legislative Plans. – The Independent Redistricting Commission shall present to the
2 General Assembly, for consideration in accordance with Sections 3 and 5 of Article II of the
3 North Carolina Constitution, three plans for revising the Senate districts and three plans for
4 revising the House of Representatives districts. Each of the bills shall be voted on under a
5 procedure or rule permitting no amendments except those of a purely corrective nature. If any of
6 the bills is approved on third reading by the first house in which it is considered, it shall
7 expeditiously be brought to a vote in the second house under a similar procedure or rule. The
8 General Assembly shall, within 90 days of receiving the plans, adopt one Senate plan and one
9 House plan presented by the Commission. If none of the bills embodying a plan submitted by the
10 Independent Redistricting Commission under this subsection is approved by the General
11 Assembly within 90 days of receipt, the Independent Redistricting Commission shall by majority
12 vote adopt, in accordance with Sections 3 and 5 of Article II of the North Carolina Constitution,
13 one of the plans the Commission submitted to the General Assembly for revising the Senate
14 districts and House of Representatives districts, which shall have the force and effect of acts of
15 the General Assembly.

16 (b) Congressional Plans. – The Independent Redistricting Commission shall present to
17 the General Assembly for consideration three district plans for election of members of the House
18 of Representatives of the Congress of the United States. Each of the bills shall be voted on under
19 a procedure or rule permitting no amendments except those of a purely corrective nature. If any
20 of the bills is approved on third reading by the first house in which it is considered, it shall
21 expeditiously be brought to a vote in the second house under a similar procedure or rule. The
22 General Assembly shall, within 90 days of receiving the plans, adopt one of the plans presented
23 by the Commission. If none of the bills embodying a plan submitted by the Independent
24 Redistricting Commission under this subsection is approved by the General Assembly within 90
25 days of receipt, the Independent Redistricting Commission shall by majority vote adopt a district
26 plan for election of members of the House of Representatives of the Congress of the United
27 States, which shall have the force and effect of acts of the General Assembly.

28 (c) Preparation and Adoption of Plans. – District plans shall be adopted no later than
29 October 1 of the year following each decennial census of population taken by order of Congress.
30 The Independent Redistricting Commission shall prepare and adopt district plans in accordance
31 with the following criteria:

32 (1) The location of incumbents' residences and demographic data from sources
33 other than the United States Bureau of the Census shall not be considered. In
34 the use of Census data, racial and ethnic data shall be used only for the
35 purposes of compliance with the United States Constitution and laws enacted
36 pursuant thereto.

37 (2) Districts shall be composed of convenient contiguous territory. Areas which
38 meet only at the points of adjoining corners are not contiguous.

39 (3) The political affiliation of voters and voting data from previous elections shall
40 not be considered.

41 (d) Public Hearings and Comment. – Before a plan is submitted to the General Assembly
42 for consideration, the Independent Redistricting Commission shall ensure that the plan has been
43 presented to the public, as follows:

44 (1) In at least one public hearing in each and every current congressional district
45 in the State, with adequate notice provided to the public.

46 (2) With a minimum period of 45 days of public comment. All public comments
47 shall be posted in a public place at the conclusion of that period.

48 (e) In Case Plan Held Invalid. – A new district plan shall be adopted as required by
49 subsections (a), (b), and (c) of this section in the event that an adopted plan is held invalid.

50 (f) Federal and State Law. – In adopting any plan under this section, the General
51 Assembly and the Independent Redistricting Commission shall take into consideration all

1 relevant requirements of the United States Constitution and Acts of Congress and shall comply
2 with the North Carolina Constitution.

3 (g) Local Redistricting. – The General Assembly may by law assign to the Independent
4 Redistricting Commission the duty to prepare districting and redistricting plans for any county,
5 city, town, special district, and other governmental subdivision if the governing board of the unit
6 or a court of competent jurisdiction so requests."

7 **SECTION 1.7.** Section 1.6 of this act becomes effective January 1, 2019, if the
8 constitutional amendments proposed by Sections 1.1 through 1.3 of this act are approved by the
9 qualified voters as provided in Sections 1.4 and 1.5 of this act.

10 **SECTION 1.8.** The remainder of this part is effective when it becomes law.

11
12 **PART II. NONPARTISAN SUPREME COURT/COURT OF APPEALS ELECTIONS**

13 **SECTION 2.1.** Chapter 163A of the General Statutes is amended by adding a new
14 Article to read:

15 "Article 28.

16 "Nomination and Election of Appellate Justices and Judges.

17 "**§ 163A-1700. Applicability.**

18 The nomination and election of justices of the Supreme Court and judges of the Court of
19 Appeals shall be as provided by this Article.

20 "**§ 163A-1701. Nonpartisan primary election method.**

21 (a) General. – Except as provided in G.S. 163A-1707, there shall be a primary to narrow
22 the field of candidates to two candidates for each position to be filled if, when the filing period
23 closes, there are more than two candidates for a single office or the number of candidates for a
24 group of offices exceeds twice the number of positions to be filled. If only one or two candidates
25 file for a single office, no primary shall be held for that office and the candidates shall be declared
26 nominated. If the number of candidates for a group of offices does not exceed twice the number
27 of positions to be filled, no primary shall be held for those offices and the candidates shall be
28 declared nominated.

29 (b) Determination of Nominees. – In the primary, the two candidates for a single office
30 receiving the highest number of votes, and those candidates for a group of offices receiving the
31 highest number of votes, equal to twice the number of positions to be filled, shall be declared
32 nominated. If two or more candidates receiving the highest number of votes each receive the
33 same number of votes, the State Board shall determine their relative ranking by lot and shall
34 declare the nominees accordingly. The canvass of the primary shall be held on the same date as
35 the primary canvass fixed under G.S. 163A-1172. The canvass shall be conducted in accordance
36 with Article 20 of this Chapter.

37 (c) Determination of Election Winners. – In the election, the names of those candidates
38 declared nominated without a primary and those candidates nominated in the primary shall be
39 placed on the ballot. The candidate for a single office receiving the highest number of votes shall
40 be elected. Those candidates for a group of offices receiving the highest number of votes, equal
41 in number to the number of positions to be filled, shall be elected. If two candidates receiving the
42 highest number of votes each received the same number of votes, the State Board shall determine
43 the winner by lot.

44 "**§ 163A-1702. Notice of candidacy.**

45 (a) Form of Notice. – Each person offering to be a candidate for election shall do so by
46 filing a notice of candidacy with the State Board in the following form, inserting the words in
47 parentheses when appropriate:

48
49 Date: _____
50

1 (f) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any election in
2 which there are two or more vacancies for the office of justice of the Supreme Court or judge of
3 the Court of Appeals to be filled by nominations, each candidate shall, at the time of filing notice
4 of candidacy, file with the State Board a written statement designating the vacancy to which the
5 candidate seeks election. Votes cast for a candidate shall be effective only for election to the
6 vacancy for which the candidate has given notice of candidacy as provided in this subsection.

7 **"§ 163A-1703. Filing fees required of candidates; refunds.**

8 (a) Fee Schedule. – At the time of filing a notice of candidacy under this Article, each
9 candidate shall pay to the State Board a filing fee for the office the candidate seeks in the amount
10 of one percent (1%) of the annual salary of the office sought.

11 (b) Refund of Fees. – If any person who has filed a notice of candidacy and paid the filing
12 fee prescribed in subsection (a) of this section withdraws his or her notice of candidacy within
13 the period prescribed in G.S. 163A-1702(c), the candidate shall be entitled to have the fee the
14 candidate paid refunded. The chairman of the State Board shall cause a warrant to be drawn on
15 the State Treasurer for the refund payment.

16 (c) Refund of Fees Upon Death of Candidate. – If any person who has filed a notice of
17 candidacy and paid the filing fee prescribed in subsection (a) of this section dies prior to the date
18 of the election, the personal representative of the estate shall be entitled to have the fee refunded
19 if application is made to the board of elections to which the fee was paid no later than one year
20 after the date of death and refund shall be made in the same manner as in withdrawal of notice
21 of candidacy.

22 **"§ 163A-1704. Petition in lieu of payment of filing fee.**

23 (a) General. – Any qualified voter who seeks election under this Article may, in lieu of
24 payment of any filing fee required for the office he seeks, file a written petition requesting him
25 to be a candidate for a specified office with the State Board of Elections.

26 (b) Requirements of Petition; Deadline for Filing. – If the candidate is seeking the office
27 of justice of the Supreme Court or judge of the Court of Appeals, that individual shall file a
28 written petition with the State Board no later than 12:00 noon on Monday preceding the filing
29 deadline before the primary. The petition shall be signed by 8,000 registered voters in the State.
30 The board of elections shall verify the names on the petition, and if the petition and notice of
31 candidacy are found to be sufficient, the candidate's name shall be printed on the appropriate
32 ballot. Petitions must be presented to the county board of elections for verification at least 15
33 days before the petition is due to be filed with the State Board of Elections. The State Board of
34 Elections may adopt rules to implement this section and to provide standard petition forms.

35 **"§ 163A-1705. Certification of notices of candidacy.**

36 (a) Names of Candidates Sent to Secretary of State. – Within three days after the time for
37 filing notices of candidacy with the State Board under the provisions of G.S. 163A-1702(b) has
38 expired, the chairman or secretary of that Board shall certify to the Secretary of State the name
39 and address of each person who has filed with the State Board, indicating in each instance the
40 office sought.

41 (b) Notification of Local Boards. – No later than 10 days after the time for filing notices
42 of candidacy under the provisions of G.S. 163A-1702(b) has expired, the chairman of the State
43 Board shall certify to the chairman of the county board of elections in each county in the
44 appropriate district the names of candidates for nomination to the offices of justice of the
45 Supreme Court and judge of the Court of Appeals who have filed the required notice and paid
46 the required filing fee or presented the required petition to the State Board, so that their names
47 may be printed on the official judicial ballot for justice of the Supreme Court and judge of the
48 Court of Appeals.

49 (c) Receipt of Notification by County Board. – Within two days after receipt of each of
50 the letters of certification from the chairman of the State Board required by subsection (b) of this

1 section, each county elections board chairman shall acknowledge receipt by letter addressed to
2 the chairman of the State Board.

3 **"§ 163A-1706. Failure of candidates to file; death or other disqualification of a candidate;**
4 **no withdrawal from candidacy.**

5 (a) Insufficient Number of Candidates. – If when the filing period expires, candidates
6 have not filed for an office to be filled under this Article, the State Board shall extend the filing
7 period for five days for any such offices.

8 (b) Death or Disqualification of Candidate Before Primary. – If a candidate for
9 nomination in a primary dies or becomes disqualified before the primary but after the ballots
10 have been printed, the State Board shall determine whether or not there is time to reprint the
11 ballots. If the Board determines that there is not enough time to reprint the ballots, the deceased
12 or disqualified candidate's name shall remain on the ballots. If that candidate receives enough
13 votes for nomination, such votes shall be disregarded and the candidate receiving the next highest
14 number of votes below the number necessary for nomination shall be declared nominated. If the
15 death or disqualification of the candidate leaves only two candidates for each office to be filled,
16 the nonpartisan primary shall not be held and all candidates shall be declared nominees.

17 (c) Earlier Non-Primary Vacancies; Reopening Filing. – If there is no primary because
18 only one or two candidates have filed for a single office, or the number of candidates filed for a
19 group of offices does not exceed twice the number of positions to be filled, or if a primary has
20 occurred and eliminated candidates, and thereafter a remaining candidate dies or otherwise
21 becomes disqualified before the election and before the ballots are printed, the State Board shall,
22 upon notification of the death or other disqualification, immediately reopen the filing period for
23 an additional five days during which time additional candidates shall be permitted to file for
24 election. If the ballots have been printed at the time the State Board receives notice of the
25 candidate's death or other disqualification, the Board shall determine whether there will be
26 sufficient time to reprint them before the election if the filing period is reopened for three days.
27 If the Board determines that there will be sufficient time to reprint the ballots, it shall reopen the
28 filing period for three days to allow other candidates to file for election, and that election shall
29 be conducted as provided in G.S. 163A-1707(b).

30 (d) Later Vacancies; Ballots Not Reprinted. – If the ballots have been printed at the time
31 the State Board receives notice of a candidate's death or other disqualification, and if the Board
32 determines that there is not enough time to reprint the ballots before the election if the filing
33 period is reopened for three days, then regardless of the number of candidates remaining for the
34 office or group of offices, the ballots shall not be reprinted and the name of the vacated candidate
35 shall remain on the ballots. If a vacated candidate should poll the highest number of votes in the
36 election for a single office or enough votes to be elected to one of a group of offices, the State
37 Board shall declare the office vacant and it shall be filled in the manner provided by law.

38 (e) No Withdrawal Permitted of Living, Qualified Candidate After Close of Filing. –
39 After the close of the candidate filing period, a candidate who has filed a notice of candidacy for
40 the office, who has not withdrawn notice before the close of filing as permitted by
41 G.S. 163A-1702(b), who remains alive, and has not become disqualified for the office may not
42 withdraw his or her candidacy. That candidate's name shall remain on the ballot, any votes cast
43 for the candidacy shall be counted in primary or election, and if the candidate wins, the candidate
44 may fail to qualify by refusing to take the oath of office.

45 (f) Death, Disqualification, or Failure to Qualify After Election. – If a person elected to
46 the office of justice of the Supreme Court or judge of the Court of Appeals dies or becomes
47 disqualified on or after election day and before the person has qualified by taking the oath of
48 office, or fails to qualify by refusing to take the oath of office, the office shall be deemed vacant
49 and shall be filled as provided by law.

50 **"§ 163A-1707. Elections to fill vacancy in office created after primary filing period opens**

1 (a) General. – If a vacancy is created in the office of justice of the Supreme Court or
2 judge of the Court of Appeals after the filing period for the primary opens but more than 60 days
3 before the general election, and under the Constitution of North Carolina an election is to be held
4 for that position, such that the office shall be filled in the general election as provided in
5 G.S. 163A-717, the election to fill the office for the remainder of the term shall be conducted
6 without a primary using the method provided in subsection (b) of this section. If a vacancy is
7 created in the office of justice of the Supreme Court or judge of the Court of Appeals before the
8 filing period for the primary opens, and under the Constitution of North Carolina an election is
9 to be held for that position, such that the office shall be filled in the general election as provided
10 in G.S. 163A-717, the election to fill the office for the remainder of the term shall be conducted
11 in accordance with G.S. 163A-1701.

12 (b) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme
13 Court or judge of the Court of Appeals occurs more than 60 days before the general election and
14 after the opening of the filing period for the primary, then the State Board shall designate a special
15 filing period of one week for candidates for the office. If more than two candidates file and
16 qualify for the office in accordance with G.S. 163A-1702, then the Board shall conduct the
17 election for the office as follows:

18 (1) When the vacancy described in this section occurs more than 63 days before
19 the date of the second primary for members of the General Assembly, a special
20 primary shall be held on the same day as the second primary. The two
21 candidates with the most votes in the special primary shall have their names
22 placed on the ballot for the general election held on the same day as the general
23 election for members of the General Assembly.

24 (2) When the vacancy described in this section occurs less than 64 days before
25 the date of the second primary, a general election for all the candidates shall
26 be held on the same day as the general election for members of the General
27 Assembly and the results shall be determined on a plurality basis as provided
28 by G.S. 163A-1616.

29 (c) Applicable Provisions. – Except as provided in this section, the provisions of this
30 Article apply to elections conducted under this section.

31 **"§ 163A-1708. Voting in primary.**

32 Any person who will become qualified by age or residence to register and vote in the general
33 election for which the primary is held, even though not so qualified by the date of the primary,
34 shall be entitled to register for the primary and general election prior to the primary and then to
35 vote in the primary after being registered. Such person may register not earlier than 60 days nor
36 later than the last day for making application to register under G.S. 163A-865(d) prior to the
37 primary.

38 **"§ 163A-1709. Date of primary.**

39 The primary shall be held on the same date as established for primary elections under
40 G.S. 163A-700(b).

41 **"§ 163A-1710. Ballots.**

42 (a) General. – In elections there shall be official ballots. The ballots shall be printed to
43 conform to the requirement of G.S. 163A-1114(c) and to show the name of each person who has
44 filed notice of candidacy and the office for which each aspirant is a candidate.

45 Only those who have filed the required notice of candidacy with the proper board of elections,
46 and who have paid the required filing fee or qualified by petition, shall have their names printed
47 on the official primary ballots. Only those candidates properly nominated shall have their names
48 appear on the official general election ballots.

49 (b) Ballots to Be Furnished by County Board of Elections. – It shall be the duty of the
50 county board of elections to print official ballots for the following offices to be voted for in the
51 primary:

1 Justice of the Supreme Court

2 Judge of the Court of Appeals

3 In printing ballots, the county board of elections shall be governed by instructions of the State
4 Board with regard to width, color, kind of paper, form, and size of type.

5 Three days before the election, the chairman of the county board of elections shall distribute
6 official ballots to the chief judge of each precinct in his county, and the chief judge shall give a
7 receipt for the ballots received. On the day of the primary, it shall be the chief judge's duty to
8 have all the ballots so delivered available for use at the precinct voting place.

9 **"§ 163A-1711. Counting of ballots.**

10 Counting of ballots in primaries and elections held under this Article shall be under the same
11 rules as for counting of ballots in nonpartisan municipal elections under Part 2 of Article 27 of
12 this Chapter.

13 **"§ 163A-1712. Other rules.**

14 Except as provided by this Article, the conduct of elections shall be governed by Article 20
15 of this Chapter."

16 **SECTION 2.2.** G.S. 18C-112(e)(1) reads as rewritten:

17 "(e) If any member takes any of the following actions, the member vacates office as a
18 member of the Commission and the vacancy shall be filled as provided by G.S. 18C-111(c):

19 (1) Files a notice of candidacy under G.S. 163A-972 through 163A-978 or
20 G.S. 163A-1702 or a petition under G.S. 163A-980."

21 **SECTION 2.3.** G.S. 163A-700(b) reads as rewritten:

22 "(b) On Tuesday next after the first Monday in May preceding each general election to be
23 held in November for the officers referred to in subsection (a) of this section, there shall be held
24 in all election precincts within the territory for which the officers are to be elected a primary
25 election for the purpose of nominating candidates for each political party in the State for those
26 ~~offices, offices and nonpartisan candidates as to the offices elected under the provisions of Article~~
27 28 of this Chapter."

28 **SECTION 2.4.** G.S. 163A-743 reads as rewritten:

29 **"§ 163A-743. State Board littering notification.**

30 At the time an individual files with the State Board a notice of candidacy pursuant to
31 G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and 163A-978,
32 163A-985, 163A-1615, ~~or 163A-1620,~~ or 163A-1702, is certified to the State Board by a political
33 party executive committee to fill a nomination vacancy pursuant to G.S. 163A-987, is certified
34 to the State Board by a new political party as that party's nominee pursuant to G.S. 163A-953,
35 qualifies with the State Board as an unaffiliated or write-in candidate pursuant to Part 2 of Article
36 19 of this Chapter, or formally initiates a candidacy with the State Board pursuant to any statute
37 or local act, the State Board shall notify the candidate of the provisions concerning campaign
38 signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the Department of Transportation
39 pursuant to G.S. 136-18."

40 **SECTION 2.5.** G.S. 163A-873 reads as rewritten:

41 **"§ 163A-873. Confidentiality of date of birth.**

42 Boards of elections shall keep confidential the date of birth of every voter-registration
43 applicant and registered voter, except in the following situations:

44 (1) When a voter has filed notice of candidacy for elective office under
45 G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and
46 163A-978, 163A-1005, 163A-1006, or ~~163A-1620,~~ 163A-1620 or 163A-1702,
47 has been nominated as a candidate under G.S. 163A-953 or G.S. 163A-987,
48 or has otherwise formally become a candidate for elective office. The
49 exception of this subdivision does not extend to an individual who meets the
50 definition of "candidate" only by beginning a tentative candidacy by receiving

- 1 funds or making payments or giving consent to someone else to receive funds
- 2 or transfer something of value for the purpose of exploring a candidacy.
- 3 (2) When a voter is serving in an elective office.
- 4 (3) When a voter has been challenged pursuant to Part 3 of Article 17 of this
- 5 Chapter.
- 6 (4) When a voter-registration applicant or registered voter expressly authorizes in
- 7 writing the disclosure of that individual's date of birth.
- 8 (5) When requested by a county jury commission established pursuant to G.S. 9-1
- 9 for purposes of preparing the master jury list in that county pursuant to
- 10 G.S. 9-2.

11 The disclosure of an individual's age does not constitute disclosure of date of birth in violation
 12 of this section.

13 The county board of elections shall give precinct officials access to a voter's date of birth
 14 where necessary for election administration, consistent with the duty to keep dates of birth
 15 confidential.

16 Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of
 17 action. This limitation of liability does not apply to the disclosure of a date of birth in violation
 18 of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that
 19 would otherwise be actionable."

20 **SECTION 2.6.** G.S. 163A-974(a) reads as rewritten:

21 "(a) Candidates seeking party primary nominations for the following offices shall file their
 22 notice of candidacy with the State Board no earlier than 12:00 noon on the second Monday in
 23 February and no later than 12:00 noon on the last business day in February preceding the primary:

- 24 Governor
- 25 Lieutenant Governor
- 26 All State executive officers
- 27 ~~Justices of the Supreme Court~~
- 28 ~~Judges of the Court of Appeals~~
- 29 Judges of the superior court
- 30 Judges of the district court
- 31 United States Senators
- 32 Members of the House of Representatives of the United States
- 33 ~~District attorneys~~attorneys."

34 **SECTION 2.7.** G.S. 163A-975 reads as rewritten:

35 **"§ 163A-975. Notice of candidacy for certain offices to indicate vacancy.**

36 In any primary in which there are ~~two or more vacancies for associate justices for the Supreme~~
 37 ~~Court, two or more vacancies for the Court of Appeals, two or more vacancies for district court~~
 38 ~~judge, judge~~ or two vacancies for United States Senator from North Carolina, each candidate
 39 shall, at the time of filing notice of candidacy, file with the State Board a written statement
 40 designating the vacancy to which the candidate seeks nomination. A person seeking election for
 41 a specialized district judgeship established under G.S. 7A-147 shall, at the time of filing notice
 42 of candidacy, file with the State Board a written statement designating the specialized judgeship
 43 to which the person seeks nomination. Votes cast for a candidate shall be effective only for
 44 nomination to the vacancy for which the candidate has given notice of candidacy as provided in
 45 this section."

46 **SECTION 2.8.** G.S. 163A-979(a) reads as rewritten:

47 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay
 48 to the board of elections with which the candidate files under the provisions of G.S. 163A-972,
 49 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and 163A-978, a filing fee for the office
 50 sought in the amount specified in the following tabulation:

51 Office Sought	Amount of Filing Fee
-------------------------	-----------------------------

1	Governor	One percent (1%) of the annual salary of the
2		office sought
3	Lieutenant Governor	One percent (1%) of the annual salary of the
4		office sought
5	All State executive offices	One percent (1%) of the annual salary of the
6		office sought
7	All Justices, Judges, Superior and	
8	District Court Judges and District	One percent (1%) of the annual salary of the
9	Attorneys of the General Court	office sought
10	of Justice	
11	United States Senator	One percent (1%) of the annual salary of the
12		office sought
13	Members of the United States House	One percent (1%) of the annual salary of the
14	of Representatives	office sought
15	State Senator	One percent (1%) of the annual salary of the
16		office sought
17	Member of the State House	One percent (1%) of the annual salary of the
18	of Representatives	office sought
19	All county offices not compensated	One percent (1%) of the annual salary of the
20	by fees	office sought
21	All county offices compensated partly	One percent (1%) of the first annual
22	by salary and partly by fees	salary to be received (exclusive of fees)

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

27 **SECTION 2.9.** G.S. 163A-980(b) reads as rewritten:

28 "(b) If the candidate is seeking the office of United States Senator, Governor, Lieutenant
 29 Governor, or any State executive officer, Justice of the Supreme Court, or Judge of the Court of
 30 ~~Appeals~~, the petition must be signed by 10,000 registered voters who are members of the political
 31 party in whose primary the candidate desires to run, except that in the case of a political party as
 32 defined by G.S. 163A-950(a)(2) which will be making nominations by primary election, the
 33 petition must be signed by five percent (5%) of the registered voters of the State who are affiliated
 34 with the same political party in whose primary the candidate desires to run, or in the alternative,
 35 the petition shall be signed by no less than 8,000 registered voters regardless of the voter's
 36 political party affiliation, whichever requirement is greater. The petition must be filed with the
 37 State Board not later than 12:00 noon on Monday preceding the filing deadline before the primary
 38 in which he seeks to run. The names on the petition shall be verified by the board of elections of
 39 the county where the signer is registered, and the petition must be presented to the county board
 40 of elections at least 15 days before the petition is due to be filed with the State Board. When a
 41 proper petition has been filed, the candidate's name shall be printed on the primary ballot."

42 **SECTION 2.10.** G.S. 163A-984(c) reads as rewritten:

43 "(c) Procedure for Requesting Second Primary. –
 44 (1) A candidate who is apparently entitled to demand a second primary, according
 45 to the unofficial results, for one of the offices listed below, and desiring to do
 46 so, shall file a request for a second primary in writing with the Executive
 47 Director of the State Board no later than 12:00 noon on the ninth day
 48 (including Saturdays and Sundays) following the date on which the primary
 49 was conducted, and such request shall be subject to the certification of the
 50 official results by the State Board. If the vote certification by the State Board
 51 determines that a candidate who was not originally thought to be eligible to

1 call for a second primary is in fact eligible to call for a second primary, the
 2 Executive Director of the State Board shall immediately notify such candidate
 3 and permit the candidate to exercise any options available to the candidate
 4 within a 48-hour period following the notification:

5 Governor,
 6 Lieutenant Governor,
 7 All State executive officers,
 8 ~~Justices, Superior or District Court~~ Judges, or District Attorneys of the
 9 General Court of Justice,
 10 United States Senators,
 11 Members of the United States House of Representatives,
 12 State Senators in multi-county senatorial districts, and
 13 Members of the State House of Representatives in multi-county
 14 representative districts.

15"

16 **SECTION 2.11.** G.S. 163A-1005 is amended by adding a new subsection to read:

17 **"§ 163A-1005. Unaffiliated candidates nominated by petition.**

18 ...

19 (c1) This section does not apply to elections under Article 28 of this Chapter.

20"

21 **SECTION 2.12.** G.S. 163A-1006(h) reads as rewritten:

22 "(h) Municipal and Nonpartisan Elections Excluded. – This section does not apply to
 23 municipal elections conducted under Article 27 of this ~~Chapter.~~ Chapter and does not apply to
 24 nonpartisan elections except for elections under Article 28 of this Chapter."

25 **SECTION 2.13.** G.S. 163A-1114 reads as rewritten:

26 **"§ 163A-1114. Arrangement of official ballots.**

27 ...

28 (c) Order of Candidates on Primary and Nonpartisan Official Ballots. – The order in
 29 which candidates shall appear on a county's official ballots in any (i) primary ballot item, whether
 30 the primary is partisan or nonpartisan, and (ii) in any nonpartisan general election ballot item
 31 under Article 25 or 28 of this Chapter shall be determined by the county board of elections using
 32 a process designed by the State Board for random selection. The same random selection process
 33 shall be used for all primaries and elections in a calendar year.

34 ...

35 ~~(e) Order of Candidates for Judge of the Court of Appeals on General Election Official~~
 36 ~~Ballot.—Candidates for judge of the Court of Appeals on a general election official ballot shall~~
 37 ~~appear in the following order:~~

38 ~~(1) Candidates registered with political parties that reflect at least five percent~~
 39 ~~(5%) of statewide voter registration, according to the most recent statistical~~
 40 ~~report published by the State Board, in alphabetical order by party beginning~~
 41 ~~with the party whose nominee for Governor received the most votes in the~~
 42 ~~most recent gubernatorial election and in alphabetical order within the party.~~

43 ~~(2) Candidates registered with other political parties, in alphabetical order by~~
 44 ~~party and in alphabetical order within the party.~~

45 ~~(3) Unaffiliated candidates, in alphabetical order.~~

46"

47 **SECTION 2.14.** This part becomes effective January 1, 2020, and applies to
 48 elections held on or after that date.

49
 50 **PART III. EXTEND REVOLVING DOOR PERIOD**

51 **SECTION 3.1.** G.S. 163A-308 reads as rewritten:

1 **"§ 163A-308. Restrictions.**

2 (a) No legislator or former legislator may register as a lobbyist under this Article:

3 (1) While in office.

4 (2) ~~Before the later of the close of session as set forth in G.S. 163A-250(a)(7)b.1~~
5 in which the legislator served or six months For a period of two years after
6 leaving office.

7 (b) No public servant or former public servant as defined in G.S. 163A-152(70)a. may
8 register as a lobbyist under this Article while in office or ~~within six months~~ for a period of two
9 years after leaving office.

10 (c) No public servant or former public servant as defined in G.S. 163A-152(70)c. may
11 register as a lobbyist under this Article ~~within six months~~ for a period of two years after separation
12 from employment as a public servant. No other employee of any State agency may register as a
13 lobbyist under this Article to lobby the State agency that previously employed the former
14 employee ~~within six months~~ for a period of two years after voluntary separation or separation for
15 cause from that State agency.

16 (d) No individual registered as a lobbyist under this Article shall serve as a treasurer as
17 defined in G.S. 163A-1411(95) or an assistant campaign treasurer for a political committee for
18 the election of a member of the General Assembly or a Constitutional officer of the State.

19 (e) A lobbyist shall not be eligible for appointment by a State official to, or service on,
20 any body created under the laws of this State that has regulatory authority over the activities of a
21 person or governmental unit that the lobbyist currently represents or has represented within 120
22 days after the expiration of the lobbyist's registration representing that person or governmental
23 unit. Nothing herein shall be construed to prohibit appointment by any unit of local government.

24 (f) Any appointment or registration made in violation of this section shall be void."

25 **SECTION 3.2.** This part becomes effective October 1, 2018.

26
27 **PART IV. ONLINE VOTER REGISTRATION**

28 **SECTION 4.1.** G.S. 163A-864 reads as rewritten:

29 **"§ 163A-864. Distribution of application forms.**

30 (a) The State Board shall make the forms described in G.S. 163A-862 available for
31 distribution through governmental and private entities, with particular emphasis on making them
32 available for organized voter registration drives.

33 (b) The State Board shall make the forms available for completion and submission on a
34 secure Internet Web site in accordance with this Article."

35 **SECTION 4.2.** Article 17 of Chapter 163A of the General Statutes is amended by
36 adding a new section to read:

37 **"§ 163A-864.1. Online voter registration.**

38 (a) An individual who meets all of the following criteria may register to vote or change
39 voter registration online:

40 (1) The individual is eligible to register to vote.

41 (2) The individual possesses one of the following that is current and valid:

42 a. North Carolina drivers license issued under Article 2 of Chapter 20 of
43 the General Statutes, including a learner's permit or a provisional
44 license.

45 b. Special identification card for nonoperators issued under G.S. 20-37.7.

46 (b) The State Board shall establish a secure Internet Web site to permit individuals
47 described in subsection (a) of this section to complete and submit voter registration applications
48 online.

49 (c) The secure Web site established under subsection (b) of this section shall allow an
50 individual described in subsection (a) of this section to submit:

51 (1) An application for any of the following:

1 a. Voter registration.
2 b. Reporting of a change of name, address, or party affiliation. If the
3 individual is already registered to vote and the change of address is to
4 another county, it shall be treated as an application to register to vote.

5 (2) Information to establish that the individual is eligible under this section to
6 register online.

7 (3) The individual's e-mail address.

8 (d) Upon receipt of an individual's application under subsection (c) of this section, the
9 county board of elections, in conjunction with the State Board, shall verify the North Carolina
10 drivers license or Social Security number in accordance with G.S. 163A-875, update the
11 statewide registration database and search for possible duplicate registrations, and proceed under
12 G.S. 163A-867 to verify the person's address.

13 (e) If the State Board verifies the North Carolina drivers license or Social Security
14 number in accordance with G.S. 163A-875, the Division of Motor Vehicles shall transfer the
15 digital signature of the applicant in the Division of Motor Vehicles records to the State Board.

16 (f) If the State Board cannot verify the North Carolina drivers license or Social Security
17 number in accordance with G.S. 163A-875, the State Board shall so notify the individual
18 submitting the application by e-mail, if provided, and in accordance with this Article. That
19 individual shall be offered an opportunity to register in accordance with G.S. 163A-865 or
20 G.S. 163A-866, as applicable."

21 **SECTION 4.3.** G.S. 163A-871(a) reads as rewritten:

22 "(a) Official Record. – The State voter registration system is the official voter registration
23 list for the conduct of all elections in the State. The State Board and the county board of elections
24 may keep copies of voter registration data, including voter registration applications, in any
25 medium and format expressly approved by the Department of Natural and Cultural Resources
26 pursuant to standards and conditions established by the Department and mutually agreed to by
27 the Department and the State Board. A completed and signed registration application form, if
28 available, described in G.S. 163A-862, once approved by the county board of elections, becomes
29 backup to the official registration record of the voter. Full or partial social security numbers,
30 dates of birth, the identity of the public agency at which the voter registered under
31 G.S. 163A-884, any electronic mail address submitted under Part 2 of this Article or Part 2 of
32 Article 21 of this Chapter, any electronic data associated with online registration under
33 G.S. 163A-864.1, and drivers license numbers that may be generated in the voter registration
34 process, by either the State Board by the voter, the State Board, or a county board of elections,
35 elections in the voter registration process are confidential and shall not be considered public
36 records and subject to disclosure to the general public under Chapter 132 of the General Statutes.
37 Cumulative data based on those items of information may be publicly disclosed as long as
38 information about any individual cannot be discerned from the disclosed data. Disclosure of
39 information in violation of this subsection shall not give rise to a civil cause of action. This
40 limitation of liability does not apply to the disclosure of information in violation of this
41 subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that would
42 otherwise be actionable. The signature of the voter, either on the paper application or an
43 electronically captured image of it, may be viewed by the public but may not be copied or traced
44 except by election officials for election administration purposes. Any such copy or tracing is not
45 a public record."

46 **SECTION 4.4.** This part becomes effective December 1, 2018.

47 **PART V. UNIVERSAL VOTER REGISTRATION**

48 **SECTION 5.1.** G.S. 163A-862 reads as rewritten:

49 "**§ 163A-862. Voter registration application forms; automatic voter registration at**
50 **certain agencies.**
51

1 (a) Form Developed by State Board. – The State Board shall develop an application form
2 for voter registration. Any person may use the form to apply to do any of the following:

- 3 (1) Register to vote.
- 4 (2) Change party affiliation or unaffiliated status.
- 5 (3) Report a change of address within a county.
- 6 (4) Report a change of name.

7 The county board of elections for the county where the applicant resides shall accept the form
8 as application for any of those purposes if the form is submitted as set out in G.S. 163A-862.

9 (b) Interstate Form. – The county board of elections where an applicant resides shall
10 accept as application for any of the purposes set out in subsection (a) of this section the interstate
11 registration form designed by the Federal Election Commission pursuant to section 9 of the
12 National Voter Registration Act, if the interstate form is submitted in accordance with
13 G.S. 163A-865.

14 (c) ~~Agency Application Form~~ Application. – The county board of elections where an
15 applicant resides shall accept as application for any of the purposes set out in subsection (a) of
16 this section ~~a form automatic voter registration developed pursuant to G.S. 163A-883 or~~
17 ~~G.S. 163A-884."~~

18 **SECTION 5.2.** G.S. 163A-865 reads as rewritten:

19 **"§ 163A-865. Acceptance of application forms.**

20 (a) How the Form May Be Submitted. – The county board of elections shall accept any
21 form described in G.S. 163A-862 if the applicant submits the form by mail, facsimile
22 transmission, transmission of a scanned document, or in ~~person~~ person or by automatic voter
23 registration pursuant to G.S. 163A-883, 163A-884, 115D-5, or 116-11. The applicant may
24 delegate the submission of the form to another person. Any person who communicates to an
25 applicant acceptance of that delegation shall deliver that form so that it is received by the
26 appropriate county board of elections in time to satisfy the registration deadline in subdivision
27 (1) or (2) of subsection (d) of this section for the next election. It shall be a Class 2 misdemeanor
28 for any person to communicate to the applicant acceptance of that delegation and then fail to
29 make a good faith effort to deliver the form so that it is received by the county board of elections
30 in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (d) of this section
31 for the next election. It shall be an affirmative defense to a charge of failing to make a good faith
32 effort to deliver a delegated form by the registration deadline that the delegatee informed the
33 applicant that the form would not likely be delivered in time for the applicant to vote in the next
34 election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a completed
35 voter registration form or to condition its delivery upon payment.

36 ...

37 (d) Registration Deadlines for a Primary or Election. – In order to be valid for a primary
38 or election, the form:

- 39 (1) If submitted by mail, must be postmarked at least 25 days before the primary
40 or election, except that any mailed application on which the postmark is
41 missing or unclear is validly submitted if received in the mail not later than 20
42 days before the primary or election,
- 43 (2) If submitted in person, by facsimile transmission, ~~or~~ by transmission of a
44 scanned document, or by automatic voter registration, must be received by the
45 county board of elections by a time established by that board, but no earlier
46 than 5:00 P.M., on the twenty-fifth day before the primary or election,
- 47 (3) If submitted through a delegatee who violates the duty set forth in subsection
48 (a) of this section, must be signed by the applicant and given to the delegatee
49 not later than 25 days before the primary or election, except as provided in
50 subsection (f) of this section.

51"

1 **SECTION 5.3.** G.S. 163A-883 reads as rewritten:

2 "**§ 163A-883. ~~Voter~~ Automatic voter registration at drivers license offices; coordination on**
3 **data interface.**

4 (a) Automatic Voter Registration at Drivers License Offices. – ~~The~~ Beginning January 1,
5 2019, the Division of Motor Vehicles shall, pursuant to the rules adopted by in consultation with
6 the State Board, ~~modify its forms so that~~ implement a method by which any eligible person who
7 applies for original issuance, renewal or correction of a drivers license, or special identification
8 card issued under G.S. 20-37.7 may, on a part of the form, complete an application to register
9 shall be automatically registered to vote, or able to update the voter's registration if the voter has
10 changed his or her address or moved from one precinct to another or from one county to another.
11 The person taking the application shall affirmatively ask if the applicant is registered to vote and,
12 if not, whether the applicant would like to register to vote. If the applicant declines registration,
13 the person taking the application shall note on the application that the applicant affirmatively
14 declined to become registered to vote during the transaction with the drivers license office. If the
15 applicant wishes to register to vote, the person taking the application shall require the applicant
16 to provide all information requested of the applicant under G.S. 163A-863, including declaring
17 a preference to be affiliated with a political party or a preference to be an unaffiliated voter. If an
18 applicant who registers to vote pursuant to this section fails to declare a political party affiliation,
19 the applicant's political affiliation shall be designated as unaffiliated. The person taking the
20 application shall ask if the applicant is a citizen of the United States. If the applicant states that
21 the applicant is not a citizen of the United States, or declines to answer the question, the person
22 taking the application shall inform the applicant that it is a felony for a person who is not a citizen
23 of the United States to apply to register to vote. The application shall state in clear language the
24 penalty for violation of this section. The necessary automatic voter registration forms shall be
25 prescribed by the State Board. The form must ask for the previous voter registration address of
26 the voter, if any. If a previous address is listed, and it is not in the county of residence of the
27 applicant, the appropriate county board of elections shall treat the application as an authorization
28 to cancel the previous registration and also process it as such under the procedures of
29 G.S. 163A-870. If a previous address is listed and that address is in the county where the voter
30 applies to register, the application shall be processed as if it had been submitted under
31 G.S. 163A-870.

32 The applicant shall provide an electronic signature as required under G.S. 163A-865(b),
33 subject to the penalties for perjury, by which the applicant attests that the information provided
34 by the applicant is true and that the applicant meets all the qualifications to become a registered
35 voter.

36 Registration shall become effective as provided in G.S. 163A-867. Applications to register
37 to vote accepted at a drivers license office under this section until the deadline established in
38 G.S. 163A-865(d)(2) shall be treated as timely made for an election, and no person who
39 completes an application at that drivers license office shall be denied the vote in that election for
40 failure to apply earlier than that deadline.

41 All applications shall be ~~forwarded~~ electronically transmitted by the Department of
42 Transportation to the appropriate board of elections not later than five business days after the
43 date of acceptance, according to rules which shall be promulgated by the State Board. Those
44 rules shall provide for a paperless, instant, electronic transfer of applications to the appropriate
45 board of elections.

46 Nothing in this subsection shall be construed as requiring the Department of Transportation
47 to determine eligibility for voter registration and voting.

48 (b) Any person who willfully and knowingly and with fraudulent intent gives false
49 information on the application ~~{described~~ described in subsection (a) of this ~~section~~ section
50 is guilty of a Class I felony.

1 (c) Coordination on Data Interface. – The Department of Transportation jointly with the
2 State Board shall develop and operate a computerized interface to match information in the
3 database of the statewide voter registration system with the drivers license information in the
4 Division of Motor Vehicles to the extent required to enable the State Board and the Department
5 of Transportation to verify the accuracy of the information provided on applications for voter
6 registration, whether the applications were received at drivers license offices or elsewhere. The
7 Department of Transportation and the State Board shall implement the provisions of this
8 subsection so as to comply with section 303 of the Help America Vote Act of 2002. The
9 Department of Transportation shall enter into an agreement with the Commissioner of Social
10 Security so as to comply with section 303 of the Help America Vote Act of 2002.

11 (d) The State Board shall ensure the confidentiality of information acquired pursuant to
12 this section for purposes of automatic voter registration in accordance with G.S. 163A-863(b),
13 including compliance with any requirements regarding a voter registering pursuant to
14 G.S. 163A-871(d)."

15 **SECTION 5.4.** G.S. 163A-884 reads as rewritten:

16 "**§ 163A-884. Voter registration at other public agencies.**~~agencies; automatic voter~~
17 **registration.**

18 (a) Voter Registration Agencies. – Every office in this State which accepts:

- 19 (1) ~~Applications for a program of public assistance under Article 2 of Chapter~~
20 ~~108A of the General Statutes or under Article 13 of Chapter 130A of the~~
21 ~~General Statutes;~~
22 (2) Applications for State-funded State or local government programs primarily
23 engaged in providing services to persons with disabilities, with such office
24 designated by the State Board; or
25 (3) Claims for benefits under Chapter 96 of the General Statutes, the Employment
26 Security Law, is designated as a voter registration agency for purposes of this
27 section.

28 (b) Duties of Voter Registration Agencies. – A voter registration agency described in
29 subsection (a) of this section shall, unless the applicant ~~declines, in writing,~~declines to register to
30 vote:

- 31 (1) ~~Distribute~~ Beginning January 1, 2020, in consultation with the State Board,
32 provide, with each application for service or assistance, and with each
33 recertification, renewal, or change of address relating to such service or
34 assistance; assistance, for automatic voter registration. The person taking the
35 application shall affirmatively ask if the applicant is registered to vote and, if
36 not, whether the applicant would like to register to vote. If the applicant
37 declines registration, the person taking the application shall note on the
38 application that the applicant affirmatively declined to become registered to
39 vote during the transaction with the agency. If the applicant wishes to register
40 to vote, the person taking the application shall require the applicant to provide
41 all information requested of the applicant under G.S. 163A-863, including
42 declaring a preference to be affiliated with a political party or a preference to
43 be an unaffiliated voter. If an applicant who registers to vote pursuant to this
44 section fails to declare a political party affiliation, the applicant's political
45 affiliation shall be designated as unaffiliated. The person taking the
46 application shall ask if the applicant is a citizen of the United States. If the
47 applicant states that the applicant is not a citizen of the United States, or
48 declines to answer the question, the person taking the application shall inform
49 the applicant that it is a felony for a person who is not a citizen of the United
50 States to apply to register to vote. Any person who willfully and knowingly
51 and with fraudulent intent gives false information on the application is guilty

1 of a Class I felony. The application shall state in clear language the penalty
2 for violation of this section. The necessary automatic voter registration forms
3 shall be prescribed by the State Board. The form must ask for the previous
4 voter registration address of the voter, if any. If a previous address is listed,
5 and it is not in the county of residence of the applicant, the appropriate county
6 board of elections shall treat the application as an authorization to cancel the
7 previous registration and also process it as such under the procedures of
8 G.S. 163A-870. If a previous address is listed and that address is in the county
9 where the voter applies to register, the application shall be processed as if it
10 had been submitted under G.S. 163A-870. The applicant shall provide an
11 electronic signature as required under G.S. 163A-865(b), subject to the
12 penalties for perjury, by which the applicant attests that the information
13 provided by the applicant is true and that the applicant meets all the
14 qualifications to become a registered voter.

15 a. ~~The voter registration application form described in G.S. 163A-863(a)~~
16 ~~or (b); or~~

17 b. ~~The voter registration agency's own form, if it is substantially~~
18 ~~equivalent to the form described in G.S. 163A-863(a) or (b) and has~~
19 ~~been approved by the State Board, provided that the agency's own~~
20 ~~form may be a detachable part of the agency's paper application or may~~
21 ~~be a paperless computer process, as long as the applicant is required to~~
22 ~~sign an attestation as part of the application to register.~~

23 (2) Provide a form that contains the elements required by section 7(a)(6)(B) of
24 the National Voter Registration Act; and

25 ~~(3) Provide to each applicant who does not decline to register to vote the same~~
26 ~~degree of assistance with regard to the completion of the registration~~
27 ~~application as is provided by the office with regard to the completion of its~~
28 ~~own forms.~~

29 (c) Provided that voter registration agencies designated under subdivision (a)(3) of this
30 section shall only be required to provide the services set out in this subsection to applicants for
31 new claims, reopened claims, and changes of address under Chapter 96 of the General Statutes,
32 the Employment Security Law.

33 (d) Home Registration for Disabled. – If a voter registration agency provides services to
34 a person with disability at the person's home, the voter registration agency shall provide the
35 services described in subsection (b) of this section at the person's home. However, the agency is
36 not required to provide automatic voter registration at the person's home.

37 (e) Prohibitions. – Any person providing any service under subsection (b) of this section
38 shall not:

39 (1) Seek to influence an applicant's political preference or party registration,
40 except that this shall not be construed to prevent the notice provided by
41 G.S. 163A-863(d) to be given if the applicant refuses to declare his party
42 affiliation;

43 (2) Display any such political preference or party allegiance;

44 (3) Make any statement to an applicant or take any action the purpose or effect of
45 which is to discourage the applicant from registering to vote; or

46 (4) Make any statement to an applicant or take any action the purpose or effect of
47 which is to lead the applicant to believe that a decision to register or not to
48 register has any bearing on the availability of services or benefits.

49 (f) Confidentiality of Declination to Register. – No information relating to a declination
50 to register to vote in connection with an application made at a voter registration agency may be
51 used for any purpose other than voter registration. The State Board shall ensure the

1 confidentiality of information acquired pursuant to this section for purposes of automatic voter
 2 registration in accordance with G.S. 163A-863(b), including compliance with any requirements
 3 regarding a voter registering pursuant to G.S. 163A-871(d).

4 (g) Transmittal From Agency to Board of Elections. – ~~Any~~An automatic voter
 5 registration application completed at a voter registration agency shall be ~~accepted by that agency~~
 6 ~~in lieu of the applicant's mailing the application. Any such application so received shall be~~
 7 transmitted to the appropriate board of elections not later than five business days after acceptance,
 8 according to rules which shall be promulgated by the State Board.

9 (h) Twenty-Five-Day Deadline for an Election. – Applications to register accepted by a
 10 voter registration agency shall entitle a registrant to vote in any primary, general, or special
 11 election unless the registrant shall have made application later than the twenty-fifth calendar day
 12 immediately preceding such primary, general, or special election, provided that nothing shall
 13 prohibit voter registration agencies from continuing to accept applications during that period.

14 (i) Ineligible Applications Prohibited. – No person shall make application to register to
 15 vote under this section if that person is ineligible on account of age, citizenship, lack of residence
 16 for the period of time provided by law, or because of conviction of a felony.

17 (j) Nothing in this subsection shall be construed as requiring the agencies providing
 18 automatic voter registration pursuant to this section to determine eligibility for voter registration
 19 and voting."

20 **SECTION 5.5.(a)** G.S. 163A-885 reads as rewritten:

21 "**§ 163A-885. Voter registration upon restoration of citizenship.**

22 The State Board, the Division of Adult Correction and Juvenile Justice of the Department of
 23 Public Safety, and the Administrative Office of the Courts shall jointly develop and implement
 24 educational programs and procedures for persons to apply to register to vote at the time they are
 25 restored to citizenship and all filings required have been completed under Chapter 13 of the
 26 General Statutes. Those procedures shall be designed to do both of the following:

- 27 (1) Inform the person that the restoration of rights removes the person's
 28 disqualification from voting, but that in order to vote the person must register
 29 to vote.
- 30 (2) Provide an opportunity to that person to register to ~~vote~~vote, including
 31 informing the person of automatic voter registration in accordance with
 32 G.S. 163A-883 or G.S. 163A-884.

33 At a minimum, the program shall include a written notice to the person whose citizenship has
 34 been restored, informing that person that the person may now register to vote, with a voter
 35 registration form enclosed with the notice."

36 **SECTION 5.5.(b)** G.S. 163A-885, as amended by subsection (a) of this section,
 37 reads as rewritten:

38 "**§ 163A-885. Voter registration upon restoration of citizenship.**

39 The State Board, the Division of Adult Correction and Juvenile Justice of the Department of
 40 Public Safety, and the Administrative Office of the Courts shall jointly develop and implement
 41 educational programs and procedures for persons to apply to register to vote at the time they are
 42 restored to citizenship and all filings required have been completed under Chapter 13 of the
 43 General Statutes. Those procedures shall be designed to do both of the following:

- 44 (1) Inform the person that the restoration of rights removes the person's
 45 disqualification from voting, but that in order to vote the person must register
 46 to vote.
- 47 (2) Provide an opportunity to that person to register to vote, including informing
 48 the person of automatic voter registration in accordance ~~with G.S. 163A-883~~
 49 ~~or G.S. 163A-884.~~ G.S. 163A-883, 163A-884, 115D-5, or 116-11.

1 At a minimum, the program shall include a written notice to the person whose citizenship has
2 been restored, informing that person that the person may now register to vote, with a voter
3 registration form enclosed with the notice."

4 **SECTION 5.6.** G.S. 115D-5 reads as rewritten:

5 "**§ 115D-5. Administration of institutions by State Board of Community Colleges;**
6 **personnel exempt from North Carolina Human Resources Act; extension**
7 **courses; tuition waiver; in-plant training; contracting, etc., for establishment**
8 **and operation of extension units of the community college system; use of existing**
9 **public school facilities.**~~facilities; automatic voter registration.~~

10 ...

11 (z) Beginning January 1, 2020, the State Board of Community Colleges, in consultation
12 with the Bipartisan State Board of Elections and Ethics Enforcement, shall provide each person
13 who is enrolled and registering for courses as a student in a State community college the option
14 for automatic voter registration. The person taking the application shall affirmatively ask if the
15 student is registered to vote and, if not, whether the student would like to register to vote. If the
16 student declines registration, the person registering the student for courses shall note on the
17 course registration form that the student affirmatively declined to become registered to vote
18 during registration at the community college. If the student wishes to register to vote, the person
19 registering the student for courses shall require the student to provide all information requested
20 of the student under G.S. 163A-863, including declaring a preference to be affiliated with a
21 political party or a preference to be an unaffiliated voter. If a student who registers to vote
22 pursuant to this section fails to declare a political party affiliation, the student's political affiliation
23 shall be designated as unaffiliated. The person registering the student shall ask if the student is a
24 citizen of the United States. If the student states that the student is not a citizen of the United
25 States, or declines to answer the question, the person registering the student shall inform the
26 student that it is a felony for a person who is not a citizen of the United States to apply to register
27 to vote. Any person who willfully and knowingly and with fraudulent intent gives false
28 information on the automatic voter registration application is guilty of a Class I felony and shall
29 state in clear language the penalty for violation of this section. The necessary automatic voter
30 registration forms shall be prescribed by the Bipartisan State Board of Elections and Ethics
31 Enforcement. The form must ask for the previous voter registration address of the voter, if any.
32 If a previous address is listed, and it is not in the county of residence of the student, the
33 appropriate county board of elections shall treat the automatic voter registration application as
34 an authorization to cancel the previous registration and also process it as such under the
35 procedures of G.S. 163A-870. If a previous address is listed and that address is in the county
36 where the voter applies to register, the application shall be processed as if it had been submitted
37 under G.S. 163A-870. The student shall provide an electronic signature as required under
38 G.S. 163A-865(b), subject to the penalties for perjury, by which the student attests that the
39 information provided by the student is true and that the student meets all the qualifications to
40 become a registered voter."

41 **SECTION 5.7.** G.S. 116-11 is amended by adding a new subdivision to read:

42 "**§ 116-11. Powers and duties generally.**

43 The powers and duties of the Board of Governors shall include the following:

44 ...

45 (15) Beginning January 1, 2020, the Board of Governors, in consultation with the
46 Bipartisan State Board of Elections and Ethics Enforcement, shall provide
47 each person who is enrolled and registering for courses as a student in a State
48 college or university in The University of North Carolina System the option
49 for automatic voter registration. The person taking the application shall
50 affirmatively ask if the student is registered to vote and, if not, whether the
51 student would like to register to vote. If the student declines registration, the

1 person registering the student for courses shall note on the course registration
2 form that the student affirmatively declined to become registered to vote
3 during registration at the college or university. If the student wishes to register
4 to vote, the person registering the student for courses shall require the student
5 to provide all information requested of the student under G.S. 163A-863,
6 including declaring a preference to be affiliated with a political party or a
7 preference to be an unaffiliated voter. If a student who registers to vote
8 pursuant to this section fails to declare a political party affiliation, the student's
9 political affiliation shall be designated as unaffiliated. The person registering
10 the student shall ask if the student is a citizen of the United States. If the
11 student states that the student is not a citizen of the United States, or declines
12 to answer the question, the person registering the student shall inform the
13 student that it is a felony for a person who is not a citizen of the United States
14 to apply to register to vote. Any person who willfully and knowingly and with
15 fraudulent intent gives false information on the automatic voter registration
16 application is guilty of a Class I felony and shall state in clear language the
17 penalty for violation of this section. The necessary automatic voter registration
18 forms shall be prescribed by the Bipartisan State Board of Elections and Ethics
19 Enforcement. The form must ask for the previous voter registration address of
20 the voter, if any. If a previous address is listed, and it is not in the county of
21 residence of the student, the appropriate county board of elections shall treat
22 the automatic voter registration application as an authorization to cancel the
23 previous registration and also process it as such under the procedures of
24 G.S. 163A-870. If a previous address is listed and that address is in the county
25 where the voter applies to register, the application shall be processed as if it
26 had been submitted under G.S. 163A-870. The student shall provide an
27 electronic signature as required under G.S. 163A-865(b), subject to the
28 penalties for perjury, by which the student attests that the information
29 provided by the student is true and that the student meets all the qualifications
30 to become a registered voter."

31 **SECTION 5.8.** The Bipartisan State Board of Elections and Ethics Enforcement
32 shall establish and implement an education and outreach campaign to inform voters of the
33 automatic voter registration procedures established pursuant to this act.

34 **SECTION 5.9.** Sections 5.1 through 5.3 and Section 5.5(a) of this part become
35 effective January 1, 2019. Sections 5.4, 5.5(b), 5.6, and 5.7 of this part become effective January
36 1, 2020. The remainder of this part is effective when it becomes law.

37 38 **PART VI. FAIR ELECTIONS FUND**

39 **SECTION 6.1.** Article 23 of Chapter 163A of the General Statutes is amended by
40 adding a new Part to read:

41 "Part 4. Fair Elections Program.

42 **"§ 163A-1510.1. Definitions.**

43 The following definitions apply under this Part:

- 44 (1) Candidate. – The same meaning as provided in G.S. 163A-1475(2).
- 45 (2) Candidate campaign committee. – The same meaning as provided in
46 G.S. 163A-1475(3).
- 47 (3) Depository account. – The single checking account at the depository
48 institution designated as the depository for the candidate campaign
49 committee's moneys.
- 50 (4) Fund. – The Fair Elections Fund established under G.S. 163A-1510.2.

- 1 (5) General election campaign. – In the case of a candidate nominated at a
2 primary, the period beginning on the day following the primary and ending on
3 the date the treasurer files the final statement for the campaign or, in the case
4 of a candidate nominated without a primary, the period beginning on the day
5 following the day on which the candidate is nominated and ending on the date
6 the treasurer files the final statement for the campaign.
- 7 (6) Petitioning candidate. – A candidate who uses the nominating petition
8 procedure to obtain ballot access.
- 9 (7) Primary campaign. – The period beginning on the day following the close of
10 filing period under G.S. 163A-974 and ending on the day of a primary held
11 for the purpose of nominating a candidate for such office.
- 12 (8) Political party. – The same meaning as provided in G.S. 163A-950.
- 13 (9) Qualified candidate committee. – A candidate committee established to aid or
14 promote the success of any candidate for nomination or election to the office
15 and approved by the State Board to receive a grant from the Fair Elections
16 Fund.
- 17 (10) State Board. – The Bipartisan State Board of Elections and Ethics
18 Enforcement.
- 19 (11) State executive office. – State offices of persons seeking election as Governor,
20 Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent
21 of Public Instruction, Attorney General, Commissioner of Agriculture,
22 Commissioner of Labor, or Commissioner of Insurance.
- 23 (12) State legislative office. – State offices of persons seeking election to office as
24 a State Senator or State Representative.
- 25 (13) Third-party candidate. – A candidate affiliated with a political party that is not
26 one of the two political parties with the highest number of registered voters
27 with the State Board.

28 **"§ 163A-1510.2. Fair Elections Fund.**

29 There is established the "Fair Elections Fund," which shall be a separate, nonreverting
30 account within the General Fund. The Fund may contain any moneys required by law to be
31 deposited in the Fund. Investment earnings credited to the assets of the Fund shall become part
32 of the assets of the Fund. The State Treasurer shall administer the Fund. All moneys deposited
33 in the Fund shall be used for purposes of this Part.

34 **"§ 163A-1510.3. Fair Elections Program established; grant eligibility.**

35 (a) There is established the Fair Elections Program under which the candidate campaign
36 committee of a candidate for nomination or election to office in this State may receive a grant
37 from the Fund for the candidate's primary campaign, if applicable, or general election campaign
38 for the office for which the candidate seeks.

39 (b) Any candidate campaign committee is eligible to receive grants for a primary
40 campaign, if applicable, and a general election campaign if each of the following are met:

- 41 (1) The candidate certifies as a participating candidate under G.S. 163A-1510.4.
42 (2) The candidate's candidate campaign committee receives the required amount
43 of qualifying contributions under G.S. 163A-1510.5.
44 (3) The candidate's candidate campaign committee returns all contributions that
45 do not meet the criteria for qualifying contributions under G.S. 163A-1510.5.
46 (4) The candidate agrees to limit the campaign expenditures of the candidate's
47 candidate campaign committee in accordance with the provisions of
48 subsection (c) of this section.
49 (5) The candidate submits an application and the State Board approves the
50 application in accordance with the provisions of G.S. 163A-1510.7.

1 (c) A candidate participating in the Fair Elections Program shall limit the expenditures
2 of the candidate's candidate campaign committee before a primary campaign and a general
3 election campaign to the amount of qualifying contributions permitted under this Part and any
4 personal funds provided by the candidate under G.S. 163A-1510.10(c). For a primary campaign,
5 expenditures shall be limited to the sum of (i) the amount of such qualifying contributions and
6 personal funds that have not been spent before the primary campaign and (ii) the amount of the
7 grant for the primary campaign authorized under G.S. 163A-1510.6. For a general election
8 campaign, expenditures shall be limited to the sum of (i) the amount of such qualifying
9 contributions and personal funds that have not been spent before the general election campaign,
10 (ii) any unexpended funds from any grant for a primary campaign authorized under
11 G.S. 163A-1510.6, and (iii) the amount of the grant for the general election campaign authorized
12 under G.S. 163A-1510.6.

13 (d) For the purposes of this Part, if a qualified candidate campaign committee receives a
14 grant for a primary campaign and has qualifying contributions that have not been spent before
15 the primary campaign, no expenditures by the committee during the primary campaign shall be
16 deemed to have been made from the qualifying contributions until the primary campaign grant
17 funds have been fully spent.

18 (e) No grants or moneys paid to a qualified candidate committee from the Fund under
19 this Part shall be deemed to be public funds under any other provision of law unless specifically
20 stated by the provision.

21 **"§ 163A-1510.4. Affidavit certifying candidate's intent to comply with expenditure limits.**

22 (a) Each candidate for nomination or election to State executive office or State legislative
23 office in this State shall file an affidavit with the State Board. The affidavit shall include a written
24 certification that the candidate either intends to abide by the expenditure limits under the Fair
25 Elections Program set forth in G.S. 163A-1510.3(c) or does not intend to abide by the limits. If
26 the candidate intends to abide by the limits, the affidavit shall also include the following written
27 certifications:

- 28 (1) That the treasurer of the candidate campaign committee for the candidate shall
29 expend any moneys received from the Fund in accordance with rules adopted
30 by the State Board.
- 31 (2) That the candidate shall repay to the Fund any such moneys that are not
32 expended in accordance with rules adopted by the State Board.
- 33 (3) That the candidate and the treasurer shall comply with the provisions of
34 G.S. 163A-1510.11(a)(1).

35 The written certification described in subdivision (3) of this subsection shall be made by both the
36 candidate and the treasurer of the candidate campaign committee for the candidate. A candidate
37 for nomination or election to any State executive office or State legislative office shall file the
38 affidavit not later than 4:00 P.M. on the twenty-fifth day before the day of a primary, if applicable,
39 or on the fortieth day before the day of the election for such office. Notwithstanding the
40 provisions of this subsection, a candidate who does not intend to participate in the Fair Elections
41 Program and certifies to such shall not be required to file the affidavit of intent not to abide by
42 the expenditure limits of the Fair Elections Program. Any such candidate shall be referred to as
43 a nonparticipating candidate, in accordance with subsection (b) of this section.

44 (b) A candidate who so certifies the candidate's intent to abide by the expenditure limits
45 under the Fair Elections Program shall be referred to under this Part as a "participating candidate"
46 and a candidate who so certifies the candidate's intent to not abide by the limits shall be referred
47 to as a "nonparticipating candidate". The State Board shall prepare a list of the participating
48 candidates and a list of the nonparticipating candidates and shall make the lists available for
49 public inspection.

50 (c) A participating candidate may withdraw from participation in the Fair Elections
51 Program before applying for an initial grant under this Part by filing an affidavit with the State

1 Board, which includes a written certification of withdrawal. A candidate who files an affidavit
2 of withdrawal shall be deemed to be a nonparticipating candidate under this Part and shall not be
3 penalized for the candidate's withdrawal. No participating candidate shall withdraw from
4 participation in the Fair Elections Program after applying for an initial grant under this Part.

5 **"§ 163A-1510.5. Qualifying contributions.**

6 (a) The amount of qualifying contributions the candidate campaign committee of a
7 candidate is required to receive to be eligible for grants from the Fund is as follows:

8 (1) A candidate for nomination or election to the office of Governor shall receive
9 contributions from individuals in the aggregate amount of two hundred fifty
10 thousand dollars (\$250,000), of which at least two hundred twenty-five
11 thousand dollars (\$225,000) is contributed by individuals residing in this
12 State.

13 (2) A candidate for nomination or election to State executive office, other than
14 Governor, shall receive contributions from individuals in the aggregate
15 amount of seventy-five thousand dollars (\$75,000), of which at least
16 sixty-seven thousand five hundred dollars (\$67,500) is contributed by
17 individuals residing in this State.

18 (3) A candidate for nomination or election to the office of State Senator for a
19 district shall receive contributions from individuals in the aggregate amount
20 of fifteen thousand dollars (\$15,000), including contributions from at least 300
21 individuals residing in municipalities included, in whole or in part, in the
22 candidate's district.

23 (4) A candidate for nomination or election to the office of State Representative
24 for a district shall receive contributions from individuals in the aggregate
25 amount of six thousand dollars (\$6,000), including contributions from at least
26 120 individuals residing in municipalities included, in whole or in part, in the
27 candidate's district.

28 (5) Notwithstanding the provisions of subdivisions (3) and (4) of this subsection,
29 in the case of a special election for the office of State Senator or State
30 Representative for a district, (i) the aggregate amount of qualifying
31 contributions that the candidate campaign committee of a candidate for such
32 office is required to receive to be eligible for a grant from the Fund shall be at
33 least seventy-five percent (75%) of the corresponding amount required under
34 subdivision (3) or (4) of this section, whichever is applicable, and (ii) the
35 number of contributions required from individuals residing in municipalities
36 included, in whole or in part, in the candidate's district shall be at least
37 seventy-five percent (75%) of the corresponding number required under
38 subdivision (3) or (4) of this section, as applicable.

39 (6) Except as otherwise provided, the following additional requirements shall
40 apply to candidates making qualifying contributions under this subsection:

41 a. The candidate campaign committee shall return the portion of any
42 contribution from any individual, including the candidate, that exceeds
43 one hundred dollars (\$100.00) and any excess portion shall not be
44 considered in calculating the aggregate contribution amounts.

45 b. Regarding contributions from individuals residing in municipalities in
46 the candidate's district under subdivision (3) or (4) of this subsection,
47 no contribution shall be counted unless the contribution is at least five
48 dollars (\$5.00).

49 c. All contributions received by an exploratory committee established by
50 the candidate that meet the criteria for qualifying contributions to

1 candidate campaign committees under this section shall be considered
2 in calculating the aggregate amounts.

3 (b) Each individual who makes a contribution of more than fifty dollars (\$50.00) to a
4 candidate campaign committee established to aid or promote the success of a participating
5 candidate for nomination or election shall include with the contribution a certification that
6 contains the same information required by G.S. 163A-1422(a)(1).

7 (c) The following shall not be deemed to be qualifying contributions under subsection
8 (a) of this section and shall be returned by the treasurer of the candidate campaign committee to
9 the contributor or transmitted to the State Board for deposit in the Fund:

10 (1) A contribution of less than five dollars (\$5.00) or a contribution of five dollars
11 (\$5.00) or more from an individual who does not provide the full name and
12 complete address of the individual.

13 (2) A contribution under subdivision (1) or (2) of subsection (a) of this section
14 from an individual who does not reside in the State, in excess of the applicable
15 limit on contributions from out-of-state individuals.

16 (3) A contribution made by an individual who is less than 16 years of age.

17 (d) After a candidate campaign committee receives the applicable aggregate amount of
18 qualifying contributions under subsection (a) of this section, the candidate campaign committee
19 shall transmit any additional contributions that it receives to the State Treasurer for deposit in the
20 Fund.

21 **"§ 163A-1510.6. Grants for primary and general election campaigns; supplemental grants**
22 **for third-party and petitioning candidates.**

23 (a) A candidate for the office of Governor may qualify for grant funds under this Part in
24 the following manner:

25 (1) The qualified candidate campaign committee of a candidate for the office of
26 Governor who has a primary for nomination to that office is eligible to receive
27 a grant from the Fund for the primary campaign in the amount of one million
28 two hundred fifty thousand dollars (\$1,250,000).

29 (2) The qualified candidate campaign committee of a candidate for the office of
30 Governor who has been nominated, or who has qualified to appear on the
31 election ballot as an unaffiliated candidate in accordance with Part 2 of Article
32 19 of this Chapter, shall be eligible to receive a grant from the Fund for the
33 general election campaign in the amount of ten million dollars (\$10,000,000).

34 (b) A candidate for any State executive office, other than Governor, may qualify for grant
35 funds under this Part in the following manner:

36 (1) The qualified candidate campaign committee of a candidate for State
37 executive office who has a primary for nomination to that office is eligible to
38 receive a grant from the Fund for the primary campaign in the amount of three
39 hundred seventy-five thousand dollars (\$375,000).

40 (2) The qualified candidate campaign committee of a candidate for State
41 executive office who has been nominated, or who has qualified to appear on
42 the election ballot as an unaffiliated candidate in accordance with Part 2 of
43 Article 19 of this Chapter, shall be eligible to receive a grant from the Fund
44 for the general election campaign in the amount of one million dollars
45 (\$1,000,000).

46 (c) The State Board shall adjust the amount of grant funds received by candidates under
47 subsections (a) and (b) of this section, quadriennially, in accordance with any change in the
48 consumer price index for all urban consumers as published by the United States Department of
49 Labor, Bureau of Labor Statistics.

50 (d) A candidate for the office of State Senator may qualify for grant funds under this Part
51 in the following manner:

1 (1) The qualified candidate campaign committee of a candidate for the office of
2 State Senator who has a primary for nomination to that office shall be eligible
3 to receive a grant from the Fund for the primary campaign in the amount of
4 thirty-five thousand dollars (\$35,000).

5 (2) The qualified candidate campaign committee of a candidate for the office of
6 State Senator who has been nominated, or has qualified to appear on the
7 election ballot as an unaffiliated candidate in accordance with Part 2 of Article
8 19 of this Chapter, shall be eligible to receive a grant from the Fund for the
9 general election campaign in the amount of eighty-five thousand dollars
10 (\$85,000).

11 (e) A candidate for the office of State Representative may qualify for grant funds under
12 this Part in the following manner:

13 (1) The qualified candidate committee of a candidate for the office of State
14 Representative who has a primary for nomination to that office is eligible to
15 receive a grant from the Fund for the primary campaign in the amount of
16 fourteen thousand dollars (\$14,000).

17 (2) The qualified candidate committee of a candidate for the office of State
18 Representative who has been nominated, or has qualified to appear on the
19 election ballot as an unaffiliated candidate in accordance with Part 2 of Article
20 19 of this Chapter, shall be eligible to receive a grant from the Fund for the
21 general election campaign in the amount of thirty-four thousand dollars
22 (\$34,000).

23 (f) The State Board shall adjust the amount of grant funds received by candidates under
24 subsections (d) and (e) of this section, biennially, in accordance with any change in the consumer
25 price index for all urban consumers as published by the United States Department of Labor,
26 Bureau of Labor Statistics.

27 (g) Notwithstanding the provisions of subsections (d), (e), and (f) of this section, in the
28 case of a special election for the office of State legislative office, the amount of the grant for a
29 general election campaign shall be seventy-five percent (75%) of the amount authorized under
30 subsection (d), (e), or (f), as applicable.

31 (h) Notwithstanding the provisions of this section, each of the following shall apply:

32 (1) The initial grant that a qualified candidate campaign committee for a candidate
33 is eligible to receive under this section shall be reduced by the amount of any
34 personal funds that the candidate provides for the candidate's campaign for
35 nomination or election pursuant to G.S. 163A-1510.10(c).

36 (2) If a participating candidate is nominated at a primary and does not expend the
37 entire grant for the primary campaign authorized under this section, the
38 amount of the grant for the general election campaign shall be reduced by the
39 total amount of any unexpended primary campaign grant and moneys.

40 (3) If a participating candidate who is nominated for election does not have an
41 opponent in the general election campaign, the amount of the general election
42 campaign grant for which the qualified candidate campaign committee for the
43 candidate is eligible to receive shall be thirty percent (30%) of the applicable
44 amount set forth in subsections (a) through (f) of this section. For purposes of
45 this subdivision, a participating candidate is deemed to have an opponent if
46 any of the following apply:

47 a. A political party has properly endorsed any other candidate and made
48 the requisite filing in accordance with this Chapter.

49 b. Any candidate of any new political party has met the requisite
50 requirements under G.S. 163A-950(a)(2) or (3).

1 (i) Third-party candidates and petitioning candidates are eligible for grant funds as
2 follows:

3 (1) For a full general election grant:

4 a. If the third-party candidate has obtained the nomination of a third party
5 whose candidate seeking election for the same office in the same
6 district at the last preceding regular election received at least twenty
7 percent (20%) of the votes cast for that office.

8 b. If the petitioning candidate has obtained ballot access and petition
9 signatures of voters equaling at least twenty percent (20%) of the votes
10 cast for that office in the prior general election.

11 (2) For two-thirds of a full general election grant:

12 a. If the third-party candidate has obtained the nomination of a third party
13 whose candidate seeking election for the same office in the same
14 district at the last preceding regular election received at least fifteen
15 percent (15%) of the votes cast for that office.

16 b. If the petitioning candidate has obtained ballot access and petition
17 signatures of voters equaling at least fifteen percent (15%) of the votes
18 cast for that office in the prior general election.

19 (3) For one-third of a full general election grant:

20 a. If the third-party candidate has obtained the nomination of a third party
21 whose candidate seeking election for the same office in the same
22 district at the last preceding regular election received at least ten
23 percent (10%) of the votes cast for that office.

24 b. If the petitioning candidate has obtained ballot access and petition
25 signatures of voters equaling at least ten percent (10%) of the votes
26 cast for that office in the prior general election.

27 (4) Third-party or petitioning candidates who receive less than the full grant
28 amount may continue to raise and spend additional contributions, known as
29 "differential contributions," which shall meet the criteria for qualifying
30 contributions, up to the amount of the full applicable grant for the general
31 election for that office.

32 **"§ 163A-1510.7. Grant applications and payment.**

33 (a) A participating candidate may apply for a grant from the Fund in the following
34 manner:

35 (1) A participating candidate for nomination to State executive office or State
36 legislative office may apply to the State Board for a grant from the Fund under
37 the Fair Elections Program for a primary campaign after receiving the
38 qualifying contributions as required by G.S. 163A-1510.5. The State Board
39 shall make any such grants to participating candidates in accordance with the
40 provisions of this section.

41 (2) A participating candidate for nomination to State executive office or State
42 legislative office may apply to the State Board for a grant from the Fund under
43 the Fair Elections program for a general election campaign by doing one of
44 the following:

45 a. After the primary has been held and the candidate for office is declared
46 the party nominee for that office in accordance with G.S. 163A-984.

47 b. In the case of a petitioning candidate, the candidate for office has met
48 the qualifications under Part 2 of Article 19 of this Chapter to be placed
49 on the general election ballot.

50 (3) Notwithstanding subdivisions (1) and (2) of this subsection, no participating
51 candidate for nomination or election who changes the candidate's party

1 affiliation after filing the affidavit required under G.S.163A-1510.4 shall be
2 eligible to apply for a grant under the Fair Elections Program for the
3 candidate's primary campaign or general election campaign. The provisions
4 of this subdivision shall not apply in the case of a candidate who is nominated
5 by more than one party and does not otherwise change the candidate's party
6 affiliation.

7 (b) The application shall include a written certification that contains each of the
8 following:

9 (1) The candidate campaign committee has received the required amount of
10 qualifying contributions.

11 (2) The candidate campaign committee has repaid all moneys borrowed on behalf
12 of the campaign, as required by G.S. 163A-1510.10(b).

13 (3) The candidate campaign committee has returned any contribution of at least
14 five dollars (\$5.00) from an individual who does not include the individual's
15 name and address with the contribution.

16 (4) The candidate campaign committee has returned all contributions or portions
17 of contributions that do not meet the criteria for qualifying contributions under
18 G.S. 163A-1510.5 and transmitted all excess qualifying contributions to the
19 Fund.

20 (5) The treasurer of the candidate campaign committee has complied with the
21 provisions of this Article and maintain and furnish all records required under
22 this Article or rules adopted by the State Board.

23 (6) All moneys received from the Fund shall be deposited upon receipt into the
24 depository account of the candidate campaign committee.

25 (7) The treasurer of the candidate campaign committee shall expend all moneys
26 received from the Fund in accordance with the provisions of this Article and
27 regulations adopted by the State Board pursuant to subsection (e) of this
28 section.

29 (8) If the candidate withdraws from the campaign or becomes ineligible or dies
30 during the campaign, the candidate campaign committee of the candidate shall
31 return to the State Board, all moneys received from the Fund under this Part
32 that the candidate campaign committee has not expended as of the date of the
33 occurrence. Any funds returned pursuant to this subdivision shall be deposited
34 in the Fund.

35 (9) The treasurer has paid any civil penalties or forfeitures assessed under this
36 Chapter and has not been convicted of or pled guilty or nolo contendere to, in
37 a court of competent jurisdiction, any (i) felony involving fraud, forgery,
38 larceny, embezzlement, or bribery or (ii) criminal offense under this Chapter,
39 unless at least eight years have elapsed from the date of the conviction or plea
40 or the completion of any sentence, whichever is later, without a subsequent
41 conviction of or plea to another such felony or offense.

42 (c) The application shall be accompanied by a cumulative itemized accounting of all
43 funds received, expenditures made, and expenses incurred, but not yet paid, by the candidate
44 campaign committee from the three days preceding the date the application is filed. The
45 accounting shall be sworn to under penalty of false statement by the treasurer of the candidate
46 campaign committee. The State Board shall prescribe the form of the application and the
47 cumulative itemized accounting. Both the candidate and the treasurer of the candidate campaign
48 committee shall sign the application.

49 (d) In accordance with the provisions of subsection (h) of this section, the State Board
50 shall review the application and make each of the following determinations:

1 (1) Whether the candidate campaign committee for the applicant has received the
2 required qualifying contributions.

3 (2) For an application for a grant from the Fund for a primary campaign or general
4 election campaign, the applicant has met the applicable condition under
5 subsection (a) of this section for applying for the grant and complied with the
6 provisions of subsections (b) and (c) of this section.

7 (e) If the State Board approves an application, the State Board shall determine the amount
8 of the grant payable to the candidate campaign committee for the applicant pursuant to
9 G.S. 163A-1510.6 and notify the State Comptroller and the candidate campaign committee of
10 such amount. If the timing of the State Board's approval of the grant in relation to the
11 determination of ballot status is such that the State Board cannot determine whether the qualified
12 candidate campaign committee is entitled to the applicable full initial grant for the primary or
13 election or the applicable partial grant for the primary or election, as applicable, the State Board
14 shall approve the lesser applicable partial initial grant. The State Board shall then authorize the
15 payment of the remaining portion of the applicable grant after the State Board has knowledge of
16 the circumstances regarding the ballot status of the opposing candidates in the primary or
17 election. Not later than two business days following notification by the State Board, the State
18 Comptroller shall draw an order on the State Treasury for payment of the approved amount to
19 the qualified candidate campaign committee from the Fund.

20 (f) The State Board shall adopt rules regarding permissible expenditures for qualified
21 candidate campaign committees receiving grants from the Fund under this Part.

22 (g) If a nominated participating candidate dies, withdraws the candidate's candidacy, or
23 becomes disqualified to hold the office for which the candidate has been nominated after the
24 State Board approves the candidate's application for a grant under this section, the candidate
25 campaign committee of the candidate who is nominated to replace the candidate shall be eligible
26 to receive grants from the Fund without complying with the provisions of G.S. 163A-1510.5, if
27 the replacement candidate files an affidavit under G.S. 163A-1510.4 certifying the candidate's
28 intent to abide by the expenditure limits set forth in G.S. 163A-1510.3(c) and notifies the State
29 Board of such on a form prescribed by the State Board.

30 (h) Any application submitted pursuant to this section for a primary or general election
31 shall be submitted in accordance with a schedule established by the State Board. The State Board
32 shall publish the application review schedules and meeting schedules on the State Board's Web
33 site.

34 **"§ 163A-1510.8. Limit on deposits into depository account of a qualified candidate**
35 **campaign committee.**

36 Following the initial deposit of moneys from the Fund into the depository account of a
37 qualified candidate campaign committee, no contribution, loan, or amount of the candidate's own
38 moneys or any other moneys received by the candidate or the treasurer on behalf of the candidate
39 campaign committee shall be deposited into the depository account, except grants from the Fund
40 and reimbursement from another candidate campaign committee for shared expenses, as
41 approved by the State Board.

42 **"§ 163A-1510.9. Payment of general election campaign grant to eligible qualified candidate**
43 **campaign committee.**

44 A qualified candidate campaign committee that received moneys from the Fund for a primary
45 campaign and whose candidate is the party nominee shall receive a grant from the Fund for a
46 general election campaign. Upon receiving verification from the State Board of the results of the
47 votes cast at the primary, the State Board shall notify the State Controller of the amount payable
48 to the qualified candidate campaign committee pursuant to G.S. 163A-1510.6. Not later than two
49 business days following notification by the State Board, the State Controller shall draw funds
50 from the State treasury for payment of the general election campaign grant to the candidate
51 campaign committee from the Fund.

"§ 163A-1510.10. Limits on loans and personal funds for campaigns.

(a) The candidate campaign committee for a candidate who intends to participate in the Fair Elections Program may borrow moneys on behalf of a campaign for a primary or a general election from one or more financial institutions, as defined in G.S. 54B-4(b)(25), in an aggregate amount not to exceed one thousand dollars (\$1,000). The amount borrowed shall not constitute a qualifying contribution under G.S. 163A-1510.5. No individual or political committee, except the candidate or, in a general election, the State executive committee of a political party, shall endorse or guarantee a loan in an aggregate amount in excess of five hundred dollars (\$500.00). An endorsement or guarantee of such a loan shall constitute a contribution by the individual or political committee for as long as the loan is outstanding. The amount endorsed or guaranteed by the individual or political committee shall cease to constitute a contribution upon repayment of the amount endorsed or guaranteed.

(b) All loans shall be repaid in full prior to the date the candidate campaign committee applies for a grant from the Fund pursuant to G.S. 163A-1510.7. A candidate who fails to repay any loans or fails to certify the repayment of any loans to the State Board shall not be eligible to receive and shall not receive grants from the Fund.

(c) A candidate who intends to participate in the Fair Elections Program may provide personal funds for the candidate's campaign for nomination or election, not to exceed the following amounts:

(1) For a candidate for the office of Governor, twenty thousand dollars (\$20,000).

(2) For a candidate for State executive office other than the Governor, ten thousand dollars (\$10,000).

(3) For a candidate for the office of State Senator, two thousand dollars (\$2,000).

(4) For a candidate for the office of State Representative, one thousand dollars (\$1,000).

(d) Personal funds provided pursuant to subsection (c) of this section shall not constitute a qualifying contribution under G.S. 163A-1510.5.

"§ 163A-1510.11. Excess expenditures; penalties.

(a) If an expenditure in excess of the applicable expenditure limit set forth in G.S. 163A-1510.3(c) is made or incurred by a qualified candidate campaign committee that receives a grant from the Fund, each of the following shall apply:

(1) The candidate and treasurer of candidate campaign committee shall be jointly and severally liable for paying for the excess expenditure.

(2) The candidate campaign committee shall not receive any additional grants or moneys from the Fund for the remainder of the election cycle if the State Board determines that the candidate or treasurer of the candidate campaign committee had knowledge of the excess expenditure.

(3) The treasurer shall be subject to penalties under this Chapter.

(4) The candidate of the candidate campaign committee shall be deemed to be a nonparticipating candidate for the purposes of this Part if the State Board determines that the candidate or treasurer of the candidate campaign committee had knowledge of the excess expenditure.

(b) The State Board may waive the provisions of subsection (a) of this section upon determining that an excess expenditure is de minimis. The State Board shall adopt rules establishing standards for making these determinations. The standards shall include, but not be limited to, a finding by the State Board that the candidate or treasurer has, from the candidate's or treasurer's personal funds, either paid the excess expenditure or reimbursed the qualified candidate campaign committee for its payment of the excess expenditure.

(c) If an individual, who is associated with the campaign of a candidate whose qualified candidate campaign committee has received a grant from the Fund, makes or incurs an expenditure in excess of the applicable expenditure limit set forth in G.S. 163A-1510.3(c) for the

1 candidate campaign committee without the consent of the candidate or treasurer of the candidate
2 campaign committee, the individual shall (i) repay to the Fund the amount of the excess
3 expenditure and (ii) be subject to penalties under this Chapter as determined by the State Board.
4 The provisions of this subsection shall not apply to an individual who is the candidate or the
5 treasurer of the candidate campaign committee.

6 **§ 163A-1510.12. Supplemental statements; declaration of excess expenditures statement.**

7 (a) Supplemental campaign finance statements shall be filed in the following manner:

8 (1) The treasurer of each candidate campaign committee in a primary campaign
9 or a general election campaign in which there is at least one participating
10 candidate shall file weekly supplemental campaign finance statements with
11 the State Board in accordance with subdivision (2) of this subsection.

12 (2) Each treasurer shall file weekly supplemental campaign finance statements
13 with the State Board pursuant to a schedule established by the State Board.

14 (3) If a participating candidate campaign committee in a primary campaign or a
15 general election campaign in which there is at least one participating candidate
16 makes expenditures or incurs an obligation to make expenditures that, in the
17 aggregate, exceed one hundred percent (100%) of the applicable expenditure
18 limit for the applicable primary or general election campaign period, the
19 treasurer of the candidate campaign committee shall file a declaration of
20 excess expenditures statement with the State Board, pursuant to the following
21 schedule:

22 a. If a candidate campaign committee makes expenditures or incurs an
23 obligation to make such expenditures more than 20 days before the
24 day of the primary or election, the treasurer for the candidate shall file
25 a statement with the State Board not later than 48 hours after making
26 the expenditures or incurring an obligation to make the expenditures.

27 b. If a candidate campaign committee makes expenditures or incurs an
28 obligation to make such expenditures less than 20 days before the day
29 of the primary or election, the treasurer of the candidate shall file a
30 statement with the State Board not later than 24 hours after making the
31 expenditures or incurring an obligation to make the expenditures. The
32 statement shall be complete as of 11:59 P.M. of the first day
33 immediately preceding the required filing day. The statement shall
34 cover a period beginning with the first day not included in the last filed
35 statement.

36 (4) No statements are required to be filed for (i) a candidate campaign committee
37 of a candidate who is no longer eligible for a position on the ballot or (ii) a
38 candidate campaign committee of a participating candidate that is unopposed,
39 except that the candidate campaign committee shall file a supplemental
40 statement on the last Thursday before the applicable primary or general
41 election. Such statement shall be complete as of 11:59 P.M. of the second day
42 immediately preceding the required filing day. The statement shall cover a
43 period beginning with the first day not included in the last filed statement.

44 (5) Each supplemental statement required under subdivision (1), (2), or (3) of this
45 subsection for a candidate shall disclose the information required under
46 G.S. 163A-1422(a)(2). The State Board shall provide a means for the
47 transmission of the statements to the State Board, which shall include
48 electronic filing.

49 (b) For purposes of this section, the phrase "excess expenditure" means an expenditure
50 made, or obligated to be made, by a nonparticipating or a participating candidate who is opposed
51 by one or more other participating candidates in a primary campaign or a general election

1 campaign, which is in excess of the amount of the applicable limit on expenditures for the
2 participating candidates for the campaign, and which is the sum of (i) the applicable qualifying
3 contributions that the participating candidate is required to receive under G.S. 163A-1510.5
4 to be eligible for grants from the Fund and (ii) one hundred percent (100%) of the applicable full
5 grant amount for a candidate authorized under G.S. 163A-1510.6 for the applicable campaign
6 period. The State Board shall confirm whether an expenditure described in a declaration filed
7 under this subsection is an excess expenditure.

8 (c) If a treasurer fails to file any statement or declaration required by this section within
9 the time required, the treasurer shall be subject to a civil penalty, imposed by the State, of not
10 more than one thousand dollars (\$1,000) for the first failure to file the statement within the time
11 required and not more than five thousand dollars (\$5,000) for any subsequent failure to file the
12 statement within the required time.

13 **"§ 163A-1510.13. Voter registration lists for participating candidates.**

14 The State Board shall provide to each participating candidate a copy of the voter registration
15 list for the State or applicable district, which is generated from the statewide centralized voter
16 registration system established under this Chapter. The State Board shall provide the copy in
17 electronic format, free of charge.

18 **"§ 163A-1510.14. Organization expenditure by local committee, legislative caucus**
19 **committee, or leadership committee for State legislative office; limit for general**
20 **election and primary campaign; biennial adjustments to limits.**

21 (a) Notwithstanding any provision of the law to the contrary, and except as provided in
22 subsection (e) of this section, no local committee, legislative caucus committee, or legislative
23 leadership committee shall make an organization expenditure for the benefit of a participating
24 candidate or the candidate campaign committee of a participating candidate in the Fair Elections
25 Program for the office of State Senator in an amount that exceeds ten thousand dollars (\$10,000)
26 for a general election campaign.

27 (b) Notwithstanding any provision of the law to the contrary, and except as provided in
28 subsection (d) of this section, no local committee, legislative caucus committee, or legislative
29 leadership committee shall make an organization expenditure for the benefit of a participating
30 candidate or the candidate campaign committee of a participating candidate in the Fair Elections
31 Program for the office of State Representative in an amount that exceeds three thousand five
32 hundred dollars (\$3,500) for a general election campaign.

33 (c) Notwithstanding any provision of the law to the contrary, no political committee,
34 legislative caucus committee, or legislative leadership committee shall make an organization
35 expenditure for the benefit of a participating candidate or the candidate committee of a
36 participating candidate in the Fair Elections Program for State legislative office for a primary
37 campaign.

38 (d) The amount of the limitations on organization expenditures provided in subsections
39 (a) and (c) of this section shall be adjusted by the State Board, biennially, in accordance with any
40 change in the consumer price index for all urban consumers, as published by the United States
41 Department of Labor, Bureau of Labor Statistics.

42 **"§ 163A-1510.15. Report on grant amounts; expenditures.**

43 (a) After each general election, the State Board shall compile and analyze each of the
44 following:

- 45 (1) The amount of grants made during the election cycle from the Fund
46 established under this Part.
- 47 (2) The amount of expenditures reported by each candidate participating in the
48 Fair Elections Program and by each candidate not participating in the Program
49 during the election cycle.
- 50 (3) The amount of money returned to the Fund during the election cycle by each
51 candidate.

1 (4) The overall and average amounts of spending for each election contest for
2 each office during the election cycle.

3 (5) The amount of independent expenditures for each election contest for each
4 office during the election cycle.

5 (b) The State Board shall report its analysis conducted under subsection (a) of this
6 section, biennially, along with any recommendations for adjustments to grant amounts under the
7 Fair Elections Program to the Joint Legislative Elections Oversight Committee.

8 **"§ 163A-1510.16. Contributions to Fair Elections Fund.**

9 Any person, business entity, organization, or political committee may contribute to the Fund
10 established under this Part. Any contribution shall be made by check or money order. The State
11 Board shall immediately transmit all contributions received pursuant to this section to the State
12 Treasurer for deposit in the Fund."

13 **SECTION 6.2.** This part becomes effective December 1, 2019, and applies to
14 election grants sought on or after that date.

15
16 **PART VII. OPEN MEETINGS LAW REFORM LIVE/VIDEO AND AUDIO**
17 **STREAMING IN LEGISLATIVE COMPLEX**

18 **SECTION 7.1.** G.S. 143-318.14A reads as rewritten:

19 **"§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.**

20 ...

21 (b) Reasonable public notice of all meetings of commissions, committees, and standing
22 subcommittees of the General Assembly shall be ~~given~~ given to all members of the General
23 Assembly; to all members of the commissions, committees, and standing subcommittees; and to
24 the Legislative Services Office which shall post the notice on the General Assembly Web site.
25 For purposes of this subsection, ~~"reasonable"~~ "adequate public notice" includes, but is not limited
26 ~~to;~~ means written or electronic notice that is posted and mailed or e-mailed to those who are
27 requested notice at least 48 hours before the time of the meeting. The notice shall include the
28 time, date, location, and to the extent known, the agenda of the meeting.

29 (1) ~~Notice given openly at a session of the Senate or of the House; or~~

30 (2) ~~Notice mailed or sent by electronic mail to those who have requested notice,~~
31 ~~and to the Legislative Services Office, which shall post the notice on the~~
32 ~~General Assembly web site.~~

33 (b1) The chair of the commission, committee, or standing committee shall make the
34 agenda for a meeting noticed under subsection (b) of this section readily available for public
35 inspection no less than 24 hours in advance of the time of the meeting. Except for items of an
36 emergency nature, the agenda shall not be altered after the notice has been made available to the
37 public. The commission, committee, or standing subcommittee may modify the agenda to include
38 items of an emergency nature only during the meeting. As used in this subsection, items of an
39 emergency nature are matters that involve generally unexpected circumstances that require
40 immediate consideration by the commission, committee, or standing subcommittee.

41 (b2) No later than 24 hours in advance of the time of the meeting, the chair of the
42 commission, committee, or standing subcommittee shall make available to the members of the
43 same the text of all bills, proposed committee substitutes, and amendments that will be considered
44 during the scheduled meeting. No commission, committee, or standing subcommittee shall
45 consider or act on a bill, proposed committee substitute, or amendment that has not been made
46 available to the members in accordance with this subsection.

47 (b3) G.S. 143-318.12 shall not apply to meetings of commissions, committees, and
48 standing subcommittees of the General Assembly.

49 "

50 **SECTION 7.2.** The Legislative Services Officer (LSO) shall develop a plan to install
51 equipment to provide live video and audio streaming in both chambers and in all committee

1 rooms in the Legislative Building and the Legislative Office Building. The plan shall include
2 estimated costs and a proposed time line for implementation. The LSO shall submit the plan to
3 the chairs of the Legislative Services Commission and the chairs of the Joint Legislative
4 Oversight Committee on General Government no later than September 1, 2018.

5 **SECTION 7.3.** Section 7.1 of this act becomes effective October 1, 2018. The
6 remainder of this part is effective when it becomes law.

7
8 **PART VIII. EFFECTIVE DATE**

9 **SECTION 8.1.** Except as otherwise provided, this act is effective when it becomes
10 law.