

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 706

Short Title: Electioneering/SEI Filing/Voter Photos. (Public)

Sponsors: Representative Warren.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Election Law and Campaign Finance Reform, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

April 19, 2023

A BILL TO BE ENTITLED

AN ACT TO MODIFY BUFFER ZONES FOR ELECTION-RELATED ACTIVITY AT THE VOTING PLACE, TO AMEND THE TIME FOR CANDIDATES AND VACANCY APPOINTEES TO FILE STATEMENTS OF ECONOMIC INTERESTS, AND TO REQUIRE THE STATE BOARD OF ELECTIONS TO STUDY AND REPORT ON OPTIONS REGARDING ELECTRONIC POLL BOOKS AND PHOTOGRAPHS OF REGISTERED VOTERS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 163-166.4 reads as rewritten:

"§ 163-166.4. **Limitation on activity in the voting place and in a buffer zone-zones around it.**

(a) ~~Buffer Zone-Zones.~~ – No person or group of persons shall hinder access, harass others, distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity in the voting place or in ~~a-buffer zone-zones~~ which shall be prescribed by the county board of elections around the voting place. ~~In determining the dimensions of that buffer zone for each voting place, the~~ The county board of elections shall, where practical, set the limit at 50 feet from the door of entrance to the voting place, measured when that door is closed, but in no event shall it set the limit at more than 50 feet or at less than ~~25 feet.~~ buffer zones to comply with the following:

(1) No person or group of persons shall place political advertising within 50 feet of the door the voter uses to enter the voting place, measured when that door is closed. If it is not practical to set the limit at 50 feet from the door the voter uses to enter the voting place, the county board of elections may prescribe a lesser distance, provided that the distance is no less than 25 feet from that door.

(2) No person or group of persons shall hinder access, harass others, distribute campaign literature, solicit votes, or otherwise engage in election-related activity within 200 feet of the door the voter uses to enter the voting place, measured when that door is closed.

(b) Area for Election-Related Activity. – Except as provided in subsection (c) of this section, the county board of elections shall also provide an area adjacent to the ~~buffer zone-zones~~ for each voting place in which persons or groups of persons may distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity.



1 (c) Special Agreements About Election-Related Activity. – The Executive Director of
2 the State Board of Elections may grant special permission for a county board of elections to enter
3 into an agreement with the owners or managers of a nonpublic building to use the building as a
4 voting place on the condition that election-related activity as described in subsection (b) of this
5 section not be permitted on their property adjacent to the buffer ~~zone, zones~~, if the Executive
6 Director finds all of the following:

- 7 (1) That no other suitable voting place can be secured for the precinct.
- 8 (2) That the county board will require the chief judge of the precinct to monitor
9 the grounds around the voting place to ensure that the restriction on
10 election-related activity shall apply to all candidates and parties equally.
- 11 (3) That the pattern of voting places subject to agreements under this subsection
12 does not disproportionately favor any party, racial or ethnic group, or
13 candidate.
- 14 (4) That the county board has attempted to secure as a term of the agreement at
15 least 36 hours prior to the opening of the voting place and at least 36 hours
16 after the close of the voting place, as provided in G.S. 163-166.01, for
17 candidates to place and retrieve political advertising. The agreement may also
18 provide that any political advertising placed outside the times specified in this
19 subsection may be removed by the property owner.

20 An agreement under this subsection shall be valid for as long as the nonpublic building is used
21 as a voting place.

22 (d) Notice About Buffer ~~Zone-Zones~~ and Area for Election-Related Activity. – No later
23 than 30 days before each election, the county board of elections shall make available to the public
24 the following information concerning each voting place:

- 25 (1) The door from which the buffer ~~zone is-zones are~~ measured.
- 26 (2) The distance the buffer ~~zone extends-zones extend~~ from that door.
- 27 (3) Any available information concerning where political activity, including sign
28 placement, is permitted beyond the buffer ~~zone-zones~~.

29 (e) Buffer ~~Zone-Zones~~ and Area for Election-Related Activity at One-Stop Sites. –
30 ~~Except as modified in this subsection, the~~ The provisions of this section shall apply to one-stop
31 voting sites in G.S. 163-227.2, 163-227.5, and ~~163-227.6~~ 163-227.6, except for the following:

- 32 (1) Subsection (c) of this section shall not apply.
- 33 (2) The notice in subsection (d) of this section shall be provided no later than 10
34 days before the opening of one-stop voting at the site."

35 **SECTION 1.(b)** This section is effective when it becomes law and applies to
36 elections held on or after that date.

37 **SECTION 2.(a)** G.S. 138A-22 reads as rewritten:

38 "**§ 138A-22. Statement of economic interest; filing required.**

39 (a) Every covered person subject to this Chapter who is elected, appointed, or employed,
40 including one appointed to fill a vacancy in elective office, except for public servants (i) included
41 under G.S. 138A-3(70)b., e., f., or g. whose annual compensation from the State is less than sixty
42 thousand dollars (\$60,000), or (ii) who are ex officio student members under Chapters 115D and
43 116 of the General Statutes, shall file a statement of economic interest with the Commission prior
44 to the covered person's initial appointment, election, or employment and no later than April 15
45 of every year thereafter, except as otherwise filed under subsections (d) and (f) of this section. A
46 prospective covered person required to file a statement under this Chapter shall not be appointed,
47 employed, or receive a certificate of election, prior to submission by the Commission of the
48 Commission's evaluation of the statement in accordance with this Article. The requirement for
49 an annual filing under this subsection also shall apply to covered persons whose terms have
50 expired but who continue to serve until the covered person's replacement is appointed. Once a
51 statement of economic interest is properly completed and filed under this Article, the statement

1 of economic interest does not need to be supplemented or refiled prior to the next due date set
2 forth in this subsection.

3 (b) Notwithstanding subsection (a) of this section, individuals hired by, and appointees
4 of, constitutional officers of the State may file a statement of economic interest within 30 days
5 after their appointments or employment when the appointment or employment is made during
6 the first 60 days of the constitutional officer's initial term in that constitutional office.

7 (b1) Notwithstanding subsection (a) of this section, covered persons subject to this Chapter
8 who are appointed to fill a vacancy in elective office may file a statement of economic interest
9 within 30 days after their appointment to elective office.

10 (c) Notwithstanding subsection (a) of this section, public servants, under
11 G.S. 138A-3(70)j. and k., who have submitted a statement of economic interest under subsection
12 (a) of this section, may be hired, appointed, or elected provisionally prior to submission by the
13 Commission of the Commission's evaluation of the statement in accordance with this Article,
14 subject to dismissal or removal based on the Commission's evaluation.

15 (d) A public servant reappointed to a board between January 1 and April 15 shall file a
16 current statement of economic interest prior to the reappointment.

17 (e) A public servant appointed to a board determined and designated as nonadvisory
18 under G.S. 138A-10(a)(3) shall file the initial statement of economic interest within 60 days of
19 notification of the designation by the Commission and as provided in this section thereafter.

20 (f) A candidate for an office subject to this Article shall file the statement of economic
21 interest with the Commission ~~within 10 days of the filing deadline for the office the candidate~~
22 ~~seeks. no earlier than the first business day in January and no later than 45 days before the~~
23 primary. An individual nominated under G.S. 163-114 shall file the statement within three days
24 following the individual's nomination, or not later than the day preceding the general election,
25 whichever occurs first. An individual seeking to qualify as an unaffiliated candidate under
26 G.S. 163-122 shall file the statement of economic interest within three days of filing the petition
27 required under that section. An individual seeking to have write-in votes counted for that
28 individual in a general election shall file a statement of economic interest within three days of
29 the time the candidate files a declaration of intent under G.S. 163-123. A candidate of a new
30 party chosen by convention shall file a statement of economic interest within three days of the
31 time that the president of the convention certifies the names of its candidates to the State Board
32 of Elections under G.S. 163-98.

33 (g) In addition to subsections (a) and (f) of this section, a covered person holding elected
34 office or a former covered person who held elected office subject to this Article shall file a
35 statement of economic interest in all of the following instances, as specified:

36 (1) Filed on or before April 15 of the year following the year a covered person or
37 former covered person does not file a notice of candidacy or petition for
38 election, or does not receive a certificate of election, to the position making
39 that individual a covered person, with all information provided in the
40 statement of economic interest current as of the last day of December of the
41 preceding year.

42 (2) Filed on or before April 15 of the year following the year the covered person
43 or former covered person resigns from the position making that individual a
44 covered person, with all information provided in the statement of economic
45 interest current as of the last day in the position.

46 (h) The State Board of Elections shall provide for notification of the statement of
47 economic interest requirements of this Article to be given to any candidate filing for nomination
48 or election to those offices subject to this Article and to any nominee under G.S. 163-114. Each
49 year, the Commission shall publish the date by which the statement of economic interest is to be
50 filed. In the year candidates file for office, the State Board of Elections shall notify candidates
51 filing for offices subject to this Article of the date published by the Commission.

1 (i) Within 10 days of the filing deadline for office of a covered person, the executive
2 director of the State Board of Elections shall send to the ~~State Ethics~~ Commission a list of the
3 names and addresses of each candidate who has filed as a candidate for office as a covered person.
4 Within five days of an individual otherwise qualifying to be on the ballot, the State Board of
5 Elections shall send notice of that qualification to the ~~State Ethics~~ Commission.

6 (j) The Commission shall issue forms to be used for the statement of economic interest
7 and shall revise the forms from time to time as necessary to carry out the purposes of this Chapter.
8 Except as otherwise set forth in this section and in G.S. 138A-15(h), upon notification by the
9 employing entity, the Commission shall furnish to all other covered persons the appropriate
10 forms needed to comply with this Article."

11 **SECTION 2.(b)** This section is effective when it becomes law and applies to
12 statements of economic interest filed on or after that date.

13 **SECTION 3.(a)** The State Board of Elections shall study and report to the General
14 Assembly on the feasibility of adding photographs of registered voters to all electronic poll
15 books, including all of the following:

- 16 (1) How photographs of registered voters could be obtained, through interfaces
17 with other State and local agencies such as the Division of Motor Vehicles
18 and public libraries.
- 19 (2) The cost of using electronic poll books across the State and of adding
20 photographs of registered voters to those electronic poll books.
- 21 (3) The feasibility of upgrading or replacing the current voter registration
22 software to accommodate the addition of photographs of registered voters.
- 23 (4) Whether the inclusion of a photograph of a registered voter should be optional
24 or required.
- 25 (5) Any other matter related to electronic poll books deemed pertinent to
26 photographic identification of registered voters.

27 **SECTION 3.(b)** The report required by this act shall be submitted to the General
28 Assembly and the chairs of the House Elections and Campaign Finance Committee and Senate
29 Redistricting and Elections Committee on or before March 1, 2024.

30 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
31 law.