A BILL TO BE ENTITLED
AN ACT TO PROHIBIT DEPENDENCY DEDUCTIONS FOR QUALIFYING CHILDREN WHO HAVE REGISTERED TO VOTE AT A DIFFERENT ADDRESS; CLARIFY RESIDENTIAL ADDRESSES THAT MAY BE USED FOR VOTING; PROHIBIT VOTER REGISTRATIONS THAT LACK REQUIRED INFORMATION; CLARIFY THE RIGHTS OF ELECTION OBSERVERS; REPEAL SAME DAY VOTER REGISTRATION; LIMIT EARLY VOTING TO TEN DAYS; AND ELIMINATE SATELLITE EARLY VOTING SITES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-134.6(a1) reads as rewritten:
"(a1) Personal Exemption. – In calculating North Carolina taxable income, a taxpayer may deduct an exemption amount equal to the amount listed in the table below based on the taxpayer's filing status and adjusted gross income. The taxpayer is allowed the same personal exemptions allowed under section 151(b) of the Code for the taxable year. The taxpayer is allowed an exemption amount for each qualifying child, as provided by section 151(c) of the Code for the taxable year, unless the qualifying child has changed their principal place of abode from that of the taxpayer as indicated by the qualifying child’s voter registration.

<table>
<thead>
<tr>
<th>Filing Status</th>
<th>Adjusted Gross Income</th>
<th>Personal Exemption</th>
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<tbody>
<tr>
<td>Married, filing jointly</td>
<td>Up to $100,000</td>
<td>$2,500</td>
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<td></td>
<td>Over $100,000</td>
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<td>Head of Household</td>
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<td></td>
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<td>$2,000</td>
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</tbody>
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SECTION 2. G.S. 163-57(1) reads as rewritten:
"(1) That place shall be considered the residence of a person in which that person's habitation is fixed, and to which, whenever that person is absent, that person has the intention of returning.

a. In the event that a person's habitation is divided by a State, county, municipal, precinct, ward, or other election district, then the location of the bedroom or usual sleeping area for that person with respect to the location of the boundary line at issue shall be controlling as the residency of that person.
b. If the person disputes the determination of residency, the person may request a hearing before the county board of elections making the determination of residency. The procedures for notice of hearing and the conduct of the hearing shall be as provided in G.S. 163-86. The presentation of an accurate and current determination of a person's residence and the boundary line at issue by map or other means available shall constitute prima facie evidence of the geographic location of the residence of that person.

c. In the event that a person's residence is not a traditional residence associated with real property, then the location of the usual sleeping area for that person shall be controlling as to the residency of that person. Residence shall be broadly construed to provide all persons with the opportunity to register and to vote, including stating a mailing address different from residence address.

d. A vacant lot or business address shall not be considered a residence or used as a residential address unless a person uses that location as their usual sleeping area."

SECTION 3. G.S. 163-82.4(e) reads as rewritten:

"(e) Correcting Registration Forms. – If the voter fails to complete any required item on the voter registration form but provides enough information on the form to enable the county board of elections to identify and contact the voter, the voter shall be notified of the omission and given the opportunity to complete the form at least by 5:00 P.M. on the day before the county canvass as set in G.S. 163-182.5(b). If the voter corrects that omission within that time and is determined by the county board of elections to be eligible to vote, the board shall permit the voter to vote. If the information is not corrected by election day, the voter shall be allowed to vote a provisional official ballot. If the correct information is provided to the county board of elections by at least 5:00 P.M. on the day before the county canvass, the board shall count any portion of the provisional official ballot that the voter is eligible to vote. No vote shall be counted for a voter who fails to provide complete information as to name, date of birth, residence address, county of residency, and citizenship status."

SECTION 4. G.S. 163-45 reads as rewritten:

"§ 163-45. Observers; appointment.

(a) Appointment of Observers. – The chair of each political party in the county shall have the right to designate two observers to attend each voting place at each primary and election and such observers may, at the option of the designating party chair, be relieved during the day of the primary or election after serving no less than four hours and provided the list required by this section to be filed by each chair contains the names of all persons authorized to represent such chair's political party. Not more than two observers from the same political party shall be permitted in the voting enclosure at any time. This right shall not extend to the chair of a political party during a primary unless that party is participating in the primary. In any election in which an unaffiliated candidate is named on the ballot, the candidate or the candidate's campaign manager shall have the right to appoint two observers for each voting place consistent with the provisions specified herein. Persons appointed as observers must be registered voters of the county for which appointed and must have good moral character. No person who is a candidate on the ballot in a primary or election may serve as an observer or runner in that primary or election. Observers shall take no oath of office.

Individuals authorized to appoint observers must submit in writing to the chief judge of each precinct a signed list of the observers appointed for that precinct. Individuals authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any primary or general election, submit in writing to the chair of the county board of elections two signed copies of a list of observers appointed by them, designating the precinct for which each observer is
appointed. Before the opening of the voting place on the day of a primary or general election, the chair shall deliver one copy of the list to the chief judge for each affected precinct. The chair shall retain the other copy. The chair, or the chief judge and judges for each affected precinct, may for good cause reject any appointee and require that another be appointed. The names of any persons appointed in place of those persons rejected shall be furnished in writing to the chief judge of each affected precinct no later than the time for opening the voting place on the day of any primary or general election, either by the chair of the county board of elections or the person making the substitute appointment.

If party chairs appoint observers at one-stop sites under G.S. 163-227.2, those party chairs shall provide a list of the observers appointed before 10:00 A.M. on the fifth day before the observer is to observe.

(b) Rights of Observer. – An observer shall do no electioneering at the voting place, and shall in no manner impede the voting process or interfere or communicate with or observe any voter in casting a ballot, but, subject to these restrictions, the chief judge and judges of elections shall permit the observer to make such observation and take such notes as the observer may desire. The observer shall be authorized to be present and move about the voting place prior to, during, and following the closing of the polls until the chief judge and judges have completed all of their duties. The observer shall be permitted to observe precinct officials checking voter registration from a position that allows an observer to clearly hear and understand voter responses.

A chief judge or judges of a precinct that limit the movement of or expel an observer from a voting place shall specify in writing and sign a statement of the reasons for the limitation or expulsion. The writing shall be witnessed by at least one of the other precinct judges. An observer may challenge the limitation or expulsion using the procedure for an election protest as provided in G.S. 163-182.9. If the county board finds that a chief judge or judge expelled or limited an observer without cause, the chief judge or judge shall be fined the sum of the wage paid to the chief judge or judge for that election for a first offense, and shall be permanently barred from serving as a chief judge or judge for a second offense.

Whether or not the observer attends to the polls for the requisite time provided by this section, each observer shall be entitled to obtain at times specified by the State Board of Elections, but not less than three times during election day with the spacing not less than one hour apart, a list of the persons who have voted in the precinct so far in that election day. Counties that use an "authorization to vote document" instead of poll books may comply with the requirement in the previous sentence by permitting each observer to inspect election records so that the observer may create a list of persons who have voted in the precinct so far that election day; each observer shall be entitled to make the inspection at times specified by the State Board of Elections, but not less than three times during election day with the spacing not less than one hour apart.

Instead of having an observer receive the voting list, the county party chair may send a runner to do so, even if an observer has not been appointed for that precinct. The runner may be the precinct party chair or any person named by the county party chair. Each county party chair using runners in an election shall provide to the county board of elections before 10:00 A.M. on the fifth day before election day a list of the runners to be used. That party chair must notify the chair of the county board of elections or the board chair’s designee of the names of all runners to be used in each precinct before the runner goes to the precinct. The runner may receive a voter list from the precinct on the same schedule as an observer. Whether obtained by observer or runner, each party is entitled to only one voter list at each of the scheduled times. No runner may enter the voting enclosure except when necessary to announce that runner’s presence and to receive the list. The runner must leave immediately after being provided with the list.”

SECTION 5.(a) G.S. 163-82.6A is repealed.

SECTION 5.(b) G.S. 163-82.6(c) reads as rewritten:
"(c) Registration Deadlines for a Primary or Election. – In order to be valid for a primary or election, except as provided in G.S. 163-82.6A, the form:

1. If submitted by mail, must be postmarked at least 25 days before the primary or election, except that any mailed application on which the postmark is missing or unclear is validly submitted if received in the mail not later than 20 days before the primary or election;

2. If submitted in person, by facsimile transmission, or by transmission of a scanned document, must be received by the county board of elections by a time established by that board, but no earlier than 5:00 P.M., on the twenty-fifth day before the primary or election;

3. If submitted through a delegatee who violates the duty set forth in subsection (a) of this section, must be signed by the applicant and given to the delegatee not later than 25 days before the primary or election, except as provided in subsection (d) of this section."

SECTION 5.(c) G.S. 163-59 reads as rewritten:

"§ 163-59. Right to participate or vote in party primary. No person shall be entitled to vote or otherwise participate in the primary election of any political party unless that person complies with all of the following:

1. Is a registered voter.

2. Has declared and has had recorded on the registration book or record the fact that the voter affiliates with the political party in whose primary the voter proposes to vote or participate.

3. Is in good faith a member of that party.

Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

Any person who will become qualified by age to register and vote in the general election for which the primary is held, even though not so qualified by the date of the primary, shall be entitled to register for the primary and general election prior to the primary and then to vote in the primary after being registered. Such person may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to register and vote in the general election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections. Such a person also may register and vote in the primary and general election pursuant to G.S. 163-82.6A(f)."

SECTION 5.(d) G.S. 163-166.12(b2) reads as rewritten:

"(b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an individual has registered by mail or by another method, if the individual has provided with the registration form a drivers license number or last four digits of a Social Security number but the computer validation of the number as required by G.S. 163-82.12 did not result in a match, and the number has not been otherwise validated by the board of elections, in the first election in which the individual votes that individual shall submit with the ballot the form of identification described in subsection (a) or subsection (b) of this section, depending upon whether the ballot is voted in person or absentee. If that identification is provided and the board of elections does not determine that the individual is otherwise ineligible to vote a ballot, the failure of identification numbers to match shall not prevent that individual from registering to vote and having that individual's vote counted. If the individual registers and votes under G.S. 163-82.6A, the identification documents required in that section, rather than those described in subsection (a) or (b) of this section, apply."

SECTION 5.(e) G.S. 163-283 reads as rewritten:
§ 163-283. Right to participate or vote in party primary.

No person shall be entitled to vote or otherwise participate in the primary election of any political party unless that person complies with all of the following:

1. Is a registered voter.

2. Has declared and has had recorded on the registration book or record the fact that the voter affiliates with the political party in whose primary the voter proposes to vote or participate.

3. Is in good faith a member of that party.

Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

Any person who will become qualified by age to register and vote in the general election for which the primary is held, even though not so qualified by the date of the primary election, shall be entitled to register while the registration books are open during the regular registration period prior to the primary and then to vote in the primary after being registered, provided however, under full-time and permanent registration, such an individual may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to register and vote in the general election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections. Such a person also may register and vote in the primary and general election pursuant to G.S. 163-82.6A(f).

SECTION 5. (f) G.S. 163-283.1 reads as rewritten:


Any person who will become qualified by age to register and vote in the general election for which a nonpartisan primary is held, even though not so qualified by the date of the primary, shall be entitled to register for the primary and general election prior to the primary and then to vote in the primary after being registered. Such a person may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary. Such a person also may register and vote in the primary and general election pursuant to G.S. 163-82.6A(f)."

SECTION 5. (g) G.S. 163-330 reads as rewritten:


Any person who will become qualified by age to register and vote in the general election for which the primary is held, even though not so qualified by the date of the primary, shall be entitled to register for the primary and general election prior to the primary and then to vote in the primary after being registered. Such a person may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary. Such a person also may register and vote in the primary and general election pursuant to G.S. 163-82.6A(f)."

SECTION 6. G.S. 163-227.2 reads as rewritten:

"§ 163-227.2. Alternate procedures for requesting application for absentee ballot; "one-stop" voting procedure in board office.

(a) Any voter eligible to vote by absentee ballot under G.S. 163-226 may request an application for absentee ballots, complete the application, and vote under the provisions of this section and of G.S. 163-82.6A, as applicable.

(a1) Repealed by Session Laws 2001-337, s. 2, effective January 1, 2002.

(b) Not earlier than the third-second Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday before that election, the voter shall appear in person only at the office of the county...
board of elections, except as provided in subsection (g) of this section. A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday. 1:00 P.M. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person.

(f) Notwithstanding the exception specified in G.S. 163-36, counties which operate a modified full-time office shall remain open five days each week during regular business hours consistent with daily hours presently observed by the county board of elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday prior to that election and shall also be open on the last Saturday before the election. A county board may conduct one-stop absentee voting during evenings or on weekends, as long as the hours are part of a plan submitted and approved according to subsection (g) of this section. The boards of county commissioners shall provide necessary funds for the additional operation of the office during that time.

(g) Notwithstanding any other provision of this section, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under this section. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board of Elections as part of a Plan for Implementation approved by both the county board of elections and by the State Board of Elections which shall also provide adequate security of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan for Implementation shall include a provision for the presence of political party observers at each one-stop site equivalent to the provisions in G.S. 163-45 for party observers at voting places on election day. A county board of elections may propose in its Plan not to offer one-stop voting at the county board of elections office; the State Board may approve that proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county board of elections office and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county’s electorate. If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board of Elections to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board of Elections may adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors including geographic, demographic, and partisan interests of that county.

(g1) The State Board of Elections shall not approve, either in a Plan approved unanimously by a county board of elections or in an alternative Plan proposed by a member or members of that board, a one-stop site in a building that the county board of elections is not
entitled under G.S. 163-129 to demand and use as an election-day voting place, unless the State Board of Elections finds that other equally suitable sites were not available and that the use of the sites chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of that county. In providing the site or sites for one-stop absentee voting under this section, the county board of elections shall make a request to the State, county, city, local school board, or other entity in control of the building that is supported or maintained, in whole or in part, by or through tax revenues at least 90 days prior to the start of one-stop absentee voting under this section. The request shall clearly identify the building, or any specific portion thereof, requested the dates and times for which that building or specific portion thereof is requested and the requirement of an area for election related activity. If the State, local governing board, or other entity in control of the building does not respond to the request within 20 days, the building or specific portion thereof may be used for one-stop absentee voting as stated in the request. If the State, local governing board, or other entity in control of the building or specific portion thereof responds negatively to the request within 20 days, that entity and the county board of elections shall, in good faith, work to identify a building or specific portion thereof in which to conduct one-stop absentee voting under this section. If no building or specific portion thereof has been agreed upon within 45 days from the date the county board of elections received a response to the request, the matter shall be resolved by the State Board of Elections.

(h) Notwithstanding the provisions of G.S. 163-89(a) and (b), a challenge may be entered against a voter at a one-stop site under subsection (g) of this section or during one-stop voting at the county board office. The challenge may be entered by a person conducting one-stop voting under this section or by another registered voter who resides in the same precinct as the voter being challenged. If challenged at the place where one-stop voting occurs, the voter shall be allowed to cast a ballot in the same way as other voters. The challenge shall be made on forms prescribed by the State Board of Elections. The challenge shall be heard by the county board of elections in accordance with the procedures set forth in G.S. 163-89(e).

SECTION 7. Section 1 of this act is effective for taxable years beginning on or after January 1, 2014. This remainder of this act becomes effective January 1, 2014, and applies to elections occurring on or after that date.
SENATE DEBATE ON
HOUSE BILL 589
VIVA/Election Reform

Rules Meeting

Held on
Tuesday, July 23, 2013

Senator Tom Apodaca, Chairman,
Rules and Operations of the Senate Committee
P R O C E E D I N G S

Senator Apodaca: Okay, the next bill is 589. Let’s discuss this before we go forth. Anyone who would like to speak on this bill will need to sign up back here. We’ll limit discussion to two minutes per person. We want everybody to have time to chat about this and we’re more than willing to stay here as long as it takes. Also, we’re not going to have any outbursts or anything of that nature. I think all signs have been confiscated, so let’s get started. We have House Bill 589 PCS. Senator Brown moves that we bring the PCS for 589 before us. All those in favor, say aye. Any opposed, say no. Okay, 589 is before us;

Senator Rucho, welcome.

Senator Rucho: Thank you, Mr. Chairman and members of the Rules Committee; what we do have before us is a reform of an outdated and archaic form of State Election Code that hasn’t been adjusted in many years, at least three decades. What we have is reforms to introduce transparency to the election process and to create guidelines that everyone can understand very clearly and simply. And it also gives every opportunity to eliminate any type of political gamesmanship. What it does also is it fulfills a campaign promise that all of us have made and that is
election reform, ensuring both integrity and requiring
that voters will show a photo identification at the
polls. And what this does is it re-establishes a
confidence in the electoral process and therefore our
government. We will go point by point through this,
Mr. Cohen and Ms. Churchill, Mr. Chairman, will end up
explaining this, but some of the high points will
include photo identification, which I think everyone
has had a chance to review that bill, early voting
changes, which help streamline and make the system work
smoothly as it was intended when Senator Nesbitt and I
worked on some of that way back when, in ’97 I think it
might have been, and then talking about some campaign
finance reform and other changes that will be addressed
in this bill because it is comprehensive in nature
which will talk about the proper method of withdrawal
from election races and also help us get more people
involved when they vote that some of the down-ballot
candidates and some of the down-ballot initiatives will
be included in the election so that folks don’t just
look at the top part of the ballot but will be able to
have their voice heard throughout the entire ballot.
And then we also are looking at trying to make North
Carolina a bit more relevant in the presidential
elections and so we have a proposal to handle the
primary at that time. Mr. Chairman, if it would be
kind enough if Mr. Cohen would go through point by
point of these and would -- Ms. Churchill will help on
that and therefore everyone will have a clear picture
as to what's included in this bill.

Senator Apodaca: Senator Rucho, I was
looking forward to you doing it. I brought a
translator in to tell us what you had said, but we'll
defer to Senator Cohen there.

Mr. Cohen: Thank you, Mr. Chairman,
the first six parts of the bill, pages 1 through 14,
are the Voter Identification Committee substitute that
was distributed to the Committee last week, which I'll
be glad to answer questions about it at the end, with
two minor changes. On page 2, it was was clarified
that military ID's are acceptable even if they don't
have an expiration date and also in the assistance to
voters in hospitals and nursing homes provision on page
12, the period on which the County Board of Elections
has to respond to a request to send out a non-partisan
team to assist voting as was enacted in 1983. It is
reduced from 15 days to 7 days to conform to the fact
that absentee voting cuts off 7 days before the
election, the request. That's the only change from
what you saw last week in the Voter ID process.
Section 8, Section -- Part 7 on page 14 and 15
says to study the process for filling vacancies in the
General Assembly. Current statute basically derives
from 1953, hasn’t really been substantially changed
since then. Part 8 requires that if there is a vacancy
in the United State Senate that the person appointed be
of the same party as the person vacating the office.
There are seven or eight other states that have this.
And the legislature can regulate the process by which
the governor makes appointments to fill vacancies if it
chooses to allow gubernatorial appointments.

Part 9 asks for review of filling vacancies in the
U.S. House of Representatives which really hasn’t
changed since about 1946.

Part 10 takes the provisions of a house-passed
bill requiring all special elections by local
governments be held at the same time as some other
election in that city or county, with some exceptions
for bond issues in the case of a public health
emergency. That takes us through page -- hang on a
second here; page 27 at the bottom.

Part 12 eliminates the pre-registration of sixteen
year olds and that goes on through page 30, page 31.

Part 13 provides that with the exception of
military and overseas absentee ballots which could be
transmitted and issued electronically, that the
original signature of the voter has to appear on it,
not some computer-generated signature.

Page 14 provides that a person doing voter
registration cannot be compensated by the basis of the
number of forms they turn in. They can still be
compensated for doing pay voter registration, but
cannot be compensated from the basis of forms because
there’s been some abuse of people with an incentive to
turn in false forms if they get paid by the number of
forms.

Part 16 starting on page 31, eliminate same day
voter registration during early voting.

Part 17 makes a slight amendment to the Military
and Overseas Absentee Voting Act. The federal law only
requires 45 days. Our bill that was introduced and
passed two years ago required 60 days. The problem is
the national conventions have been moving later and
later. Last time the Democratic Convention didn’t
finish their nomination until 61 days before the
election and in 2016 due to the Olympics the
conventions will be a week later. So this just says
the 60-day requirement is waived as long as they get it
done within three days after the parties finishing
their nominations for President.
Part 18 is a House-passed bill as is that requires the state at least twice a year to make an effort to, under the provisions of federal law, do list maintenance and also enter into data sharing agreements with states to cross check information under their states voter rolls.

Part 19 eliminates the statutory mandate for a voter registration drive which actually pre-dates mail-in voter registration.

Part 20 makes it clear that anyone in the state can get access to everyone’s voter registration record, not just residents of a county getting access to theirs in their county. Also, Section 20.2 provides that any registered voter of the county can make challenges anywhere in that county, not just in the precinct.

Part 21 says if you withdraw as a candidate after filing in the primary, you have to withdraw at least prior to the close of business on the third business day before that to stop the pre-arranged withdrawing two minutes before the deadline and having somebody along with you to file.

Part 22 lowers slightly the signatures required if you want to file a petition instead of paying your filing fee. There have been very few petitions filed under this opt-out statute in any case.
Part 23 says for a nominee, a party nominee to withdraw as a candidate, they have to withdraw prior to the time that absentee ballots start being sent out. Right now the statute appears to allow withdrawals up to 30 days before the election which was when ballots were sent out 30 years ago when the statute was written.

Part 24 asks for a study by Joint Legislative Elections Oversight Committee which will be all the studies mandated by this bill to look at do we need to change optimal precinct sizes, accessibility, size of the polling place, parking, etcetera.

Part 25 provides that early voting instead of starting on the third Thursday before the election will start on the second Thursday and mandates that it end at 1:00 P.M. on that last Saturday. The current statute allows County Board of Elections to extend it until 5:00 P.M., which a few counties have used that.

26 has a standardized process to approve satellite polling places at which there’s three in the state, makes it the same process as allowing out of precinct polling places. Currently there are statutes allowing polling places to actually be located outside of the precinct if there’s no suitable polling place within the location of the precinct, but it requires the
unanimous vote of the county board for that.

Part 27 deletes an obsolete statute about the 2000
-- preparing the for 2000 census that was enacted in
1986.

Part 28 looks for a study of reducing the need for
a second primary and asks the Committee to look at
should we go to a plurality and get rid of it, lower
the 40 percent threshold, keep the 40 percent threshold
but provide that a lower margin might win if there's a
substantial margin between like, you know, 35 percent
and the next person has 12 percent, or the possibility
of only retaining second primaries for certain major
offices and just have plurality for others.

Part 29 clarifies some language on the state
board's duty to make sure that ballots are clear and
understandable by voters.

Part 30 has the effect of requiring paper ballots
in the entire state effective in 2018, the system that
about 60 counties have now where we have opti-scan
systems and basically provides that direct report
electronic machines will not be used after January 1,
2018.

Part 31 provides that the order of parties on the
ballot will be the party of the nominee for Governor,
followed by the other parties in alphabetical order.
Part 32 eliminates what colloquially is called
straight party or straight ticket voting.

Part 33 reduces -- eliminates the discretion of
the County Board of Elections to extend polling places
for an hour if they want to and replaces it with the
State being authorized to do that. For delays in
opening the polling places or times where it might be
closed due to certain processes allows them to extend
it on a minute by minute basis. If a polling place
opens two hours early, they can extend it two hours if
there is a problem during the day and it pushes that to
the State and you add in an equal amount of time to the
delay.

Part 34 makes some changes to assistance to voters
and especially an assistance to voters who have been
adjudicated incompetent.

Part 35 provides for an earlier presidential
primary. South Carolina has those before the 15th --
has its before the 15th day of March. North Carolina
did have a separate presidential primary once in 1976.

Part 36 makes it clear that the state board can
add additional recognized presidential candidates in
the presidential primary even if the party chair did
not send along their name.

Part 38 eliminates that political parties
financial fund, the judicial elections fund and the
voter-run election fund. I would note that the budget
does also eliminate the judicial campaign financing.

Part 39 is a house-passed bill allowing decedents
-- deceased voters estate for -- allows funeral homes
and others to assist in canceling voter registration of
deceased persons. I think that’s a combination of two
different house-passed bills, 39.1 and 2.

41 calls for a study on campaign finance
electronic reporting and I’m going to let Erika discuss
campaign finance until we get down to parts 45 -- and
49 that I will get back to.

Ms. Churchill: Part 42 would raise the
contribution limit from $4,000.00 to $5,000.00; would
also conform North Carolina law to federal law with
respect to contributions from family and would provide
for a natural increase in the contribution limit based
off of the consumer price index every two years and
publication of that greater amount.

Part 43 would expand the use of building funds for
political parties. Currently they can be used for
headquarters, buildings. The expansion would allow
that money to be used for the compensation of up to
three personnel whose main duties are administrative in
nature.
Part 44 would repeal the stand by your ad
disclosure requirements.

Part 45 would say that any member of the Board of
Elections could not serve more than two consecutive
four-year terms.

Part 47 would tighten the laws on lobbyists’
bundling of contributions. Currently they are not
permitted to bundle multiple contributions from
multiple contributors. This would make it clear that
a lobbyist could not take one contribution from anyone
and deliver it to any candidate.

Part 48 would repeal the two articles on
candidates’ specific communications that deal with
television, cable and radio ads as well as mass
mailings and telephone banks.

Part 49.

Mr. Cohen: Part 49 basically moves the
law back to the way it was prior to 2005; conforms to
federal law. If you have -- under this proposal, we go
back to pre-2005. If you have moved, you may go back
to your old polling place, pick up a precinct transfer
form and take it to the correct polling place and vote
a regular ballot. You may go directly to the correct
polling place for where you’ve moved, which can be
looked up online, and cast a provisional ballot there.
Or the federal law requires counties to have a central location where you can vote on election day if you’ve moved, which in every county really is the board office. So those are the alternatives. You cannot vote in a random precinct, which is also true if you haven’t moved. If you haven’t moved, you have to vote in your correct precinct, except of course during early voting.

Part 50, Erika?

Ms. Churchill: Would change the definition of electioneering communication to have that time period in the even-numbered general election begin on September 15th.

Mr. Cohen: Part 51 eliminates the instant run-off for late-occurring judicial vacancies so it will be determined by a plurality as it was prior to about five years ago.

Part 52 requires if there are provisional ballots, if you have a provisional ballot at a polling place, that there be something written on the ballot to indicate it’s a provisional ballot; doesn’t make it retrievable. In one county last year, accidently a whole bunch of provisional ballots were fed into the tabulator, and once they went in, there was no way to know which were the provisional ballots and the regular
ones. This will allow if that happens again for them
to be pulled out because we’ll know what they were.
They get counted centrally by the Board of Elections.

Ms. Churchill: Part 53 would change the
reporting cycle for the third quarter of a political
committee to require weekly reports.

Part 54 would establish a $500.00 threshold before
a political committee had met the definition which
requires filing organizational reports and the
standardized reporting schedule applying.

Part 55 would establish a study to determine
whether or not the contents and the timing of all
political committees, electioneering communications and
independent expenditures should be similar in nature.

Part 56 would repeal some of the provisions
regarding disclosure for media advertisements.

Part 57 would study the elimination of the 48-hour
report.

Part 58 would codify the decision in Dixon v.
Rucho with respect to attorney-client privilege and
redistricting communications.

Part 59 would allow a political committee or a
candidate campaign committee to have one raffle per
year.

And Part 60 is the effective date and it’s
effective when it becomes law except as otherwise
provided.

Mr. Cohen: Actually, the operative
parts of the bill become effective January 1, 2014
unless there is another provision in the bill which a
number of sections do.

Senator Apodaca: Thank you, very well
done; Senator Rucho?

Senator Rucho: Thank you, Mr. Chairman,
and thank you staff, clearly delineating; I think
everybody having had the opportunity to read the photo
voter ID sees that there is a transition between the
passage of this bill and its full implementation in the
2016 election. There are plenty of opportunities for
individuals to be notified either directly through
education, and also at the time of the '14 election
primary and general election, they'll -- each of them
will be notified at their precincts when they go to
vote that photo identification will be required in the
2016 election. Mr. Chairman, I think it is clearly
before us and we can respond to any questions, and
hopefully when they ask questions, they can identify
the sections that they're coming from.

Senator Apodaca: And hopefully the page
number also; let me do this. I know we have some
amendments. Let’s get the amendments sent up so we can
get those organized and ready and be ready to start
debating in about three or four minutes if we could.
So we’ll just take a brief moment. I have a list of
folks who will be speaking. I believe all of them are
against, so. We’ll find one for maybe. If you’ll
bring forth your amendments, we’ll get those put
together, please. Okay, they’re passing out -- so far
we have three amendments. The first one is the one
under my name that was passed out. We’ll deal with
that first. It’s purely technical. I’m sending forth
that amendment for our discussion; Erika, if you will
explain the amendment, please.

Ms. Churchill: Okay, thank you; on the
amendment, line 1 is technical, removing an extra word.
Line 4 is cleaning up an issue with the acceptable
forms of ID, specifically stating that the military ID
nor the veteran’s ID card would need to have an
issuance or expiration date. On line 11 is cleaning up
a site to get the -- oh, I’m sorry. On line 11 of the
amendment is to clean up a circular issue with
challenges due to failure to present a photo ID, to
clearly indicate that it is the failure to present or
not --

Senator Stein: Mr. Chair, I’m not sure I
have the amendment.

Senator Apodaca: It’s the one under my name.

Senator Stein: There’s two under your name and I don’t read either of them to be that.

Senator Apodaca: Should be 137-V-2.

Senator Stein: 137-V-2; thank you, Mr. Chair.

Senator Apodaca: You’ve got it? Okay, everybody have it? Okay, go ahead and start over if you will. Okay, let’s start again; everybody ready? All right, let’s go.

Ms. Churchill: On the amendment itself, line 1 is purely technical, deleting an extra word.

Line 4 is cleaning up an issue with the acceptable forms of ID for photo ID, indicating that a military ID card or a veteran’s ID card would no longer have to have an issuance or an expiration date in order to be acceptable.

On the amendment itself, line 11 is to clean up an issue with the ability to challenge a voter who did not present a photo ID. That photo ID would need to bear a reasonable resemblance of the voter. That would be dispositively determined at the poll on election day by the Judges of Election, so it would not be an
acceptable means of challenging the voter.

On the amendment itself, line 15 amending page 8, is to clarify that when someone requests, due to sickness or physical disability in the week prior to the election a mail -- regular mail-in absentee ballot, that that regular mail-in absentee ballot can be delivered to the voter, the voter’s near relative or the verifiable legal guardian of that voter.

On the amendment line 19 which is amending page 11 of the bill is to clarify site.

On line 22 of the amendment which is amending page 12 of the bill is to clarify that it would be unlawful for the owner/manager/director/employer/other person other than a voter’s near relative or verifiable legal guardian when assisting with that regular mail-in absentee ballot to sign the application or certificate that is required to be returned with that mail-in ballot.

On the amendment itself, line 25 which is amending page 26 of the bill, is to clarify that the additional ten at-large observers that could be in the polling place, the list could be sent in by the political party chairs prior to the one-stop site and then amended to include different or additional folks for election day.

On the amendment line 31 which is amending page 31
of the PCS is changing the effective date for the 
repeal of the pre-registration program to September 1, 
2013.

On page 2 of the amendment line 1, which is 
amending page 31 of the bill is to clarify that it 
would be unlawful for any person to be compensated 
based on the number of forms submitted in terms of 
voter registration forms and it does not matter if you 
are a government employee or not.

On the amendment line 5, page 2, which is amending 
page 38 of the bill, is to make a technical correction 
to provide for the effective date of the changes to the 
approval of the satellite voting places.

On line 17 of the amendment which is amending page 
44 of the bill, is to get the proper term in place on 
line 42, deleting, preparing and substituting marking.

On the amendment line 20 which is amending page 47 
of the bill is to make a conforming change that goes 
with the repeal of the contribution limit for judges 
for District and Superior Court which is currently at a 
reduced amount of $1,000.00. That repeal is in the 
amendment on page 2, lines 28 and 29.

The amendment page 2, line 25 is technical in 
nature to get an extra the out of a sentence.

On the amendment page 37 which is amending page
50, line 31 is to insert the word multiple to make it consistent with the other three subdivisions.

The amendment page 2, line 40 is amending Section 48 of the bill to repeal both the television cable and radio ads for candidate-specific communications as well as the mass mailings and the telephone banks.

The amendment page 3, line 1 is conforming to the repeal of the mass mailings and telephone banks candidate-specific communications and on page 3 of the amendment, line 4 which is amending page 51 is making a conforming change to make the phraseology used in the voting in incorrect precinct, part 49, consistent throughout to be just precinct.

The amendment deletes part 53 of the bill and provides for a study of the reporting cycles, not -- so the amended PCS would no longer change the quarterly reporting in the third quarter.

The last change on page 3, line 13 of the amendment changes the caption for Part 58 to state that it's clarifying the scope of Chapter 132 and the Article 17 of Chapter 120 which are the public records statutes and legislative confidentiality.

Senator Apodaca: Thank you, Erika; all right, the discussion debate on the amendment; Senator Stein?
Senator Stein: The provision at the bottom of page 1 of the amendment, line 31 on page 31 eliminating the pre-registration and 13 rather than 15, I’m not as concerned what year you eliminate it. I just want to know why we’re eliminating an effort to try to help people get registered to vote.

Senator Apodaca: Senator Rucho; Gerry, would you explain the provision?

Mr. Cohen: Explain what the bill does?

Senator Apodaca: No, the amendment.

Mr. Cohen: The amendment changes the effective date, so pre-registration of voters in high school will end September 1, 2013. Those that previously have been pre-registered as they turn eighteen, which can be all the way through September 1st, 2015, will still be moved to the regular voter roles.

Senator Stein: Mr. Chairman?

Senator Apodaca: Yes.

Senator Stein: My question is people engage the state when they get a driver’s license and that is a logical time for them to register. There’s no allegations of people voting before they’re eighteen. I’m just wondering why we’re not helping
people participate in the democratic process.

Senator Apodaca: Go ahead.

Mr. Rucho: Mr. Chairman, I’d like to comment if I may. My son turned eighteen January 30th, missed this last ballot; went through the school process and was pre-registered and the like, and it was very confusing as to when he was supposed to do that. What this does is offer some clarity and some certainty as to when that child or that young person is eligible to vote and registers to vote. And that’s what it’s designed to do.

Senator Apodaca: Follow-up?

Senator Stein: Did your son not know he was seventeen on election day?

Mr. Rucho: If you would like my son to come visit you; he did, but the clarity was the fact that it was confusing. We got a letter from the Board of Elections which I actually responded to and I asked for them to clarify it. It only made the situation a lot more complicated and complex and wasn’t understood -- clearly understood and therefore this is a perfect opportunity when they turn eighteen to vote, to register.

Senator Apodaca: Other questions on the amendment; let me send forth -- let me adjust an
amendment here. We need to change a number; Erika?

Ms. Churchill: On the amendment itself, page 3, line 10 should read on page 54 line 16 through 36 by deleting those lines.

Senator Apodaca: Further discussion; all those in favor of the amendment, say aye; opposed, no. Amendment passes. So we have amended bill and let’s take another amendment. Senator Clark; let’s take up 117-V-1 from Senator Clark; moves to amend the bill on page 11, line 47 by adding the following immediately after the period; delivered in person as used in a previous sentence; also includes delivering the ballot to an election official at a one-stop voting site under Statute 163-227.2 during any time the site is open for voting. The ballot shall be kept securely and delivered by election officials to the site of the county Board of Elections office for processing;

Senator Clark to explain the amendment.

Senator Clark: Mr. Chairman, some people do like the opportunity to complete their ballot but in the comfort of their own home, but at the same time they like to actually go to the polling place and basically submit their ballot. So what this amendment does is essentially allows them to do both. That being said, I ask Mr. Cohen to further explain the amendment.
Mr. Cohen: Right, this is similar to a number of other -- this provision here is similar to a number of other states including Florida where if you have a mail-in absentee voting, rather than mailing it back to the Board of Elections or delivering it to the board office, you can deliver it to an early voting site and turn it in to an election official there during the early voting period.

Mr. Rucho: Mr. President, either to Senator Clark and/or to Mr. Cohen, but in following the process that you’re bringing forward, one -- is everyone eligible to use this absentee ballot and then using the one-stop voting site as their depository? And two, what types of identification are required by the individual or the person? Is that same person delivering that ballot to the one-stop voting site?

Senator Clark: Mr. Cohen?

Mr. Cohen: First, your mail-in absentee vote will have to have the same standards as anything else. It’s looked at by the county Board of Elections before you applied for it and when they’ve received it. There are some changes in this bill on what you have to have on it, but the process of delivering it -- delivering the ballot to the -- anyone can mail it in. If you’re delivering it to the Board
of Elections which would also apply here, it can be
delivered only by the voter or the voter’s near
relative or legal guardian. Those are the people who
could deliver it to an early voting site as opposed to
either delivering it in person to the Board of
Elections or mailing it in.

    Senator Apodaca:    Senator Hise?
    Senator Hise:    I’m assuming this
question will be for staff. When someone is sent an
absentee ballot for a particular precinct --

    Mr. Cohen:     Yes.
    Senator Hise:    -- if they were to bring
that to an early voting site and place it into the
machine, would that ballot not be read as having voted
that day?

    Mr. Cohen:     They’re not placing it in
the machine. They’re delivering a ballot inside an
envelope to the early voting site just as if they had
delivered it to the board office. If you deliver it to
the board office, they hold it until election day when
they open the envelope and decide to tabulate it. Here
they would just be basically a conduit to be
transmitting the sealed envelope to the Board of
Elections.

    Senator Apodaca:    Follow-up?
Senator Hise: I’m aware that that’s what they’re intended to do. My question would be having represented as was already stated, a long time ago in history it was valuable for an individual to get a blank ballot that they could pre-mark for an individual and have the individual bring back out a blank ballot so that they could verify how the individual was voting. My question is if someone has received one of these at home and brings it to one of these sites, is it readable in the machine as the same as their ballot they would receive on that day?

Mr. Cohen: If the election official at the early voting site were to open the envelope and put it in the tabulator, yes, but the statute will require it just as if you delivered it to the board office that the official at the early voting site keep it securely and deliver it to the county Board of Elections office for processing. And with the earlier thing you were talking about is called chain voting.

Senator Nesbitt: Mr. Chair?

Senator Apodaca: Senator Nesbitt?

Senator Nesbitt: I was going to tell Senator Hise if they’re doing that, they need to stop that. That’s illegal.

Senator Apodaca: Exactly, we’re trying to
help that along, Senator.

Senator Apodaca: Good amendment; any other questions from the committee; okay, amendment’s before us, second amendment, all in favor, say aye; any opposed; so passes. Senator Brock’s in a bad mood, okay. Let’s go to the third. Okay, we have 118-V-2. Senator Clark, tell us what this amendment does. Everybody has it in front of them. I don’t think I have to read to them.

Senator Clark: Okay, Mr. Chairman; under the current bill, if an individual wants to do an absentee ballot, they have to have two individuals sign it for them, but what this does is it allows you to have your ballot attested to by a notary public. So that -- you may not want to have your brother or your sister, you aunt, uncle or whomever validating your ballot for you. If you’d like, Mr. Cohen can read through the amendment.

Mr. Cohen: Right, the law up until four years ago required two witnesses. It was changed to one. This committee substitute restores it to two and in the VIVA part of the bill. His amendment would say you could just have one rather than two if the one was a notary public who signed, put their title and affixed their notarial seal to the envelope. So that
would be what he is proposing.

Senator Apodaca:  Okay, Senator Hise?

Senator Hise:  Is there any limit to the number that a particular notary public could sign off on?

Senator Apodaca:  No, I can answer that for you.  Okay, what do you think?

Senator Rucho:  I think, Mr. Chairman, that this is a reasonable alternative and I think it should probably be considered positively.

Senator Apodaca:  Any further discussion or debate on it; Senator Brock?

Senator Brock:  Continue my bad attitude here.  But I was just asking Senator Clark, if they cannot charge a fee and I don’t think they could charge a fee, but could they refuse to sign it because you may have a notary that works in an office or is a notary in their place of business and they have to provide this service for free; you’re going to take their time from the workday to notarize all these ballots and just take time away from them?  I just think it might -- would a notary be able to refuse?

Mr. Cohen:  The answer is, yes, they could refuse.  If they do accept, however, they could not charge a fee.
Senator Brock: Okay, that’s fine.

Senator Apodaca: Any further questions on the amendment; okay, all those in favor of the amendment, say aye; any opposed, no; so passes. Okay, we have the PCS before us as amended; discussion from the committee; Senator Stein?

Senator Stein: You had said in the preliminary remarks that you were comfortable staying as long as needed. I mean, this is an extensive bill. It was six parts, 14 pages, and now it’s 60 parts and 57 pages, so I have a whole series of questions on many of the provisions. Is that okay?

Senator Apodaca: Certainly, go ahead.

Senator Stein: Thank you, Mr. Chairman; the first week of early voting last election about 900,000 people voted. Something like 85 percent of the state thinks early voting is a good thing and shouldn’t be shrunk. 75 percent have voted early at one point or another. Why are we eliminating a week of early voting?

Senator Rucho: What point are you talking about? What page are you on now; what section, just so we can be clear?

Senator Stein: Gerry can help me. What section eliminates a week off of early voting?
Mr. Cohen: 

Senator Rucho: Mr. Chairman, what we’re trying to accomplish -- 

Senator Apodaca: Please. 

Senator Rucho: Thank you, sir; Senator Stein, what we’re trying to do is put some consistency into the process and allow for the facilities to be similarly treated in one county as in being all the counties. It does give still some good flexibility to the county Boards of Election in selecting those. There is probably a savings in the sense that by going from seventeen to the ten days you actually have more opportunity to open up more sites that would open up more opportunity for people to have access to voting during that period of time. And what it does by having that consistency, everyone has an equal access to voting. It does not stop, it still leaves the county the choice of opening on a Sunday or not opening on Sunday, but when it was originally put forward back in 1997, and, Senator Nesbitt, at that time you were a Representative, I believe, and I had this early voting bill in place and I was one of the co-sponsors of that bill, and it was designed to open up the opportunity for access. It’s been altered over the last number of years, maybe tainted in the direction, but what this
does is it sets an equal footing in every one of the counties and that’s going to treat everybody equally and fairly.

Senator Stein: Thank you; if -- that’s not 100,000 people that need to vote another time and there’s no guarantee or no direction in here as to how many early voting sites to open up. So the more you backload the vote, the more you’ll have on election day and I know, Senator Rucho, you’re an expert in electricity. You have peak load which is the most expensive load and that’s going to be when most people are in demand. And election day, the more people you push to election day, the more precincts you’re going to have to create, the more voting sites you’re going to have to have which is more expensive on a marginal basis than having more early vote.

Senator Rucho: Senator Stein, I think probably you see a lot of the early days in the seventeen-day cycle probably not utilized as much, other than maybe the first day when a lot of folks get excited and then the peak is reduced. But what this does is it gives access with the same hours that will be treating every one of the sites in every one of the counties the same way and there will be the possibility since there is some savings in the time to open up
additional sites. But that will be at the discretion of the county Boards of Elections and what that does is it gives more opportunity for people to vote. You don’t have to go across town if it’s not in your neighborhood, Senator Stein.

Senator Apodaca: One more comment on this; if you look at the chart, you’ll see that voting is actually quite consistent every day of early voting. So if you take those seven days out of early voting, you are going to have to move those people somewhere else. The likely result will be longer lines on election day which leads to my next question, Mr. Chair.

Senator Apodaca: Yes.

Senator Stein: Which has to do with the elimination of straight party ticket voting; North Carolina is one of the most, little d, democratic states in the country in that we elect more statewide offices than most any state in the nation. So on a presidential year, there’s going to be anywhere from fifteen to sixteen offices, and even in an off-year election, it could be seven to ten. That’s seven to ten times -- seven to seventeen times longer for each person to vote. My question to the bill sponsor is the relationship between substantially lengthening by a
factor of ten the amount of time it takes for people to
vote early, half people vote early -- I mean, vote
straight ticket.

Mr. Cohen: 32.

Senator Apodaca: We’re trying to get the
page numbers, Senator Stein.

Senator Rucho: What is the section
number of that, please? Do you have the section
number?

Senator Apodaca: Page 43.

Senator Stein: Section 32 is it, Mr.

Cohen?

Mr. Cohen: Yes, sir.

Senator Stein: That eliminates straight
party voting which half the state uses. So for those
half the people we’re going to increase the amount of
time by a factor of ten to fifteen. What kind of
analysis have you done in terms of the impact on lines
for people to vote by shrinking early voting and
lengthening the amount of time it takes for people to
vote?

Senator Rucho: What we wanted to try to
do is be sure that all of the down-ballot races -- a
lot of times there are judges that aren’t included in
the straight voting are included in the process. If
someone is running for office, they should be included
in that manner and also there are a lot of other down-
ballots that are nonpartisan that get left off. And we
want to try to be sure that the voter, who I have a lot
of respect for as being very intelligent, very
knowledgeable, can come forward and handle that
problem. And also, I understand talking with some of
our staff that we are the exception rather than the
rule. Most states don’t have the early -- I mean, the
straight ballot and what we’re trying to do is find
that they’ve had no problems, so we see no reason why
we can’t conform with what a lot of other states have
done in the system.

Senator Stein: Thank you; my question
was the effect on election administration. What
analysis have you done in terms of the amount of time
it’s going to take for people to vote with fewer days
to vote? What’s the consequence going to be in terms
of the length of lines for people to vote, given that
you’re increasing by a factor of ten on average amount
of time for half of the people to vote?

Senator Rucho: Senator Stein, we believe
that the early voting probably will have more sites
available that they would be able to have more
opportunity in different locations which will spread
out the votes. You don’t have folks having to cross
town to get into the early sites. And secondly, we
believe that other states have had no problem with
this. They’ve -- I’m sure Georgia and some of these
other states vote every bit as much as we do and feel
that that’s not been a problem and we don’t believe it
will be a problem. And we also believe that there is a
very good possibility that we’ll have more attention
paid to judges and to other elections and other
initiatives that may be dealing with nonpartisan.

Senator Apodaca: And let me just add
something to that. We also feel that 2014 will give us
a good run to see how that works and then we can make
adjustments at that point to be ready for ’16; Senator
Stein, next question?

Senator Stein: Just a comment on that
before I --

Senator Apodaca: Please.

Senator Stein: Which is that in an off-
year election, the turnout is a fraction of what it is
in a presidential election when you have 70 percent of
the voters voting in a presidential election versus
about 25 to 30 percent in an off-year; I don’t think it
will give us any indication of how it’s working until
2016.
Senator Apodaca: Oh, I’d have to disagree with that. I think Senator Hise could do some statistical analysis and come up with a pretty good figure, but next question.

Senator Stein: Statistical analysis question; this data from the State Board of Elections, just in the even year elections, the state elections, last six of them, primary in general, there have been approximately 30 million votes cast in North Carolina and there have been two instances of in-person voter fraud. What evidence of in-person voter fraud is compelling you to impose the ID requirement?

Senator Apodaca: Carry on.

Senator Rucho: Thank you, Mr. Chairman; Senator Stein, I’m sure your understanding of how society is today, you can’t live in this society without identification, no matter whether you go into buildings, whether you cash checks, whether you pay your groceries with checks, whether you want to get on an airplane, whatever it is, everyone has a form of photo ID. This bill goes to its full extent in allowing and helping individuals that may not have it, especially since we’ve allowed the DMV to take an active role in delivering and providing at no cost a photo identification so that they can be used in this
manner. There are a number of instances that we know about as an individual basis. I’m sure you’ve heard the same thing and I’m sure you pay close attention to the fact that some folks have lost their opportunity to vote, because when they go to vote in an early vote, they were told that they had already voted. And for some reason that never seems to get recorded or reported. So what we believe the importance of the electoral process is the fact that we’re providing integrity and honesty in the system and what that means is that confidence level will be instilled in the electoral process and therefore back in government and that’s something we should all be striving for.

Senator Stein: A brief comment, Mr. --

Senator Apodaca: Please.

Senator Stein: The notion that everyone has a photo ID is just wrong. There -- in our society --

(Public applauds.)

Senator Apodaca: Okay, all right now, we’re not going to tolerate that. I’ll clear the room. We’re going to sit here and act respectful of everyone. Carry on, Senator.

Senator Stein: Thank you; and I ask the same of the audience to not interrupt.
Senator Apodaca: Thank you.

Senator Stein: The fact is that we have ID’s. We have banking accounts. There’s more than one half million adult North Carolinians who don’t have a banking account; therefore, they don’t have checks. There are -- from again, the State Board of Elections, I know we like to have facts when we do our debate. There are more than 300,000 registered voters in North Carolina who do not have a driver’s license. 185,000 of those actually voted in 2012. That’s 185,000 people who are going to be impacted by this requirement. A requirement which the necessity I think is non-existent when you have two instances of in-person voter fraud. You said for some reason they’re never reported. I think there’s a reason they’re never reported because it’s myth; two instances of in-person voter fraud out of 30 million votes cast. That doesn’t even count the off-year municipal elections. I’d have to go to each county and I didn’t have time to do that; a follow-up question on same day voter registration.

Senator Apodaca: Senator Stein, yeah, we’ll do this question. Then we’re going to let some other members. But let’s let Senator Rucho respond to you.

Senator Rucho: Senator Stein, you made a
point that I believe is inaccurate. During the redistricting hearings, a fellow when we were in Durham came up and identified himself and said that he was at a poll on three occasions, I think he said, that he had a chance and he purposely went in to vote under a pseudo-name. And reality is he said he didn’t, but he said he could. And so I don’t believe that your premise is accurate and I believe that the honesty and integrity of the system is paramount. And I also say that the study that you’re alluding to, I think the Board of Elections, we did some analysis of it in talking with folks and it is flawed. That was not accurate, the 300,000 you alluded to. And we have a good phased-in plan to give people an opportunity that may not have an ID an opportunity to have an ID for the 2016 election. That’s plenty of time to give everybody a chance in a society that requires some form of ID to get around.

Senator Apodaca: Senator Nesbitt, he was trying to say Durham, that town of about 30 miles from here. I’m sorry the translator was off; Senator Stein, another question?

Senator Stein: The same day voter registration; about a million people took advantage of that in the last election cycle. People have very busy
lives. Now that they’re no longer being registered, according to your bill, when they get their driver’s license, there’s going to be a whole group of young people, those are the biggest cohort of new registrants every year is people who age in and people who move in. The people who age in, they’re busy. They may be in school or one place or another, or working, and they don’t think to get registered to vote months in advance of the election, so same day registration is an incredible service that the state offers a million people to come in and get registered and vote that same day. Why are you taking that away from the people?

Senator Apodaca: Senator Rucho?

Senator Rucho: Thank you, Mr. Chairman; Senator Stein, you know, to say that our young people -- I know my son fully understood when he turned eighteen when he got the notice to make sure he went by the post office to sign up for the draft. He also had the idea that he needed to vote. I’m not sure that that’s an issue that they’re not excited about knowing that the opportunity is there for them and they know what the rules are to accomplish that. What was the other part of your question, please?

Senator Stein: The one million people who did it, why are you taking this away from the next
Senator Rucho: Well, the problem that we found and what I believe exists is the fact that a lot of Boards of Elections have a very hard time of working their way through a system when someone comes up and registers to vote and votes at the same time. There's no way and there's no simple way to validate. What we're trying to do is give the Board of Elections an opportunity to do their job correctly, validate those individuals and be sure that the election is above board.

Senator Apodaca: Thank you; additional questions from the committee; okay, I think I'll take some from the audience. Let's start -- comments; comments, not a question; comments, let's see. Allison Riggs, please come up and you have two minutes; thank you for coming today.

Ms. Riggs: Thank you; my name is Allison Riggs and first I'd like to comment on what a farce introducing this bill at this late date that does this much damage. The damage to democracy in this state from this is unacceptable. This bill is voter suppression at its very worst. You're making North Carolina a national laughingstock and you should be ashamed. This bill is a naked attempt to pre-determine
election outcomes by keeping people from voting. This bill steals from North Carolinians opportunities to vote that you know are disproportionately used by voters of color and low income voters. This bill as a whole can only be interpreted as one thing, a cynical ploy to make it harder for certain people to vote. Those are poor people, people of color, elderly people and young people. This bill disrespects and violates state and federal constitutional and statutory protections for the franchised. North Carolinians won’t stand for this. This bill erases the years of progress we’ve made in improving election administration, making more friendly the election experience for voters and encouraging civic participation. North Carolinians won’t stand for this. Voters love same day registration. They love early voting. This bill encourages bullying at the ballot box. You’re creating a situation in which polling places will now be a free for all and the voters who are least likely to be able to withstand that bullying are going to be subject to it even more. This bill does not revise and reform thirty years of election laws. Many of these reforms were enacted since 2000. What it does is it takes away the opportunities that you’ve granted to North Carolinians in the past that
have been beneficial. It takes those away and it
disrespects the right to vote.

    Senator Apodaca: Thank you; is it Brent
Laurenz? Is that right; thank you.

    Mr. Laurenz: Yes, sir, my name is
Brent Laurenz. I’m with the North Carolina Center for
Voter Education. As proposed, we have a lot of strong
concerns about this bill and the impact it would have
on voting and civic engagement in North Carolina. Of
particular concern is provision in the new version that
does not allow college ID’s to be used from public
universities in voting under the voter ID portion of
this bill. We think that’s a bad move because those
are public ID’s issued by public institutions. The
second thing we’re really concerned about is the
shortening of early voting. As we’ve heard, over 2.5
million voters used it last year. That’s about 56
percent of voters. It’s a wildly popular program
across party lines. It’s not a partisan issue, so
we’re concerned about that and the impact it might have
on longer lines on election day, confusion at the polls
and all that stuff. Second, we’re also concerned about
the elimination of same day registration; again,
another tool that can be used to improve civic
participation among citizens; ending pre-registration,
another thing we’re intrigued about. That’s designed just to get sixteen, seventeen year old kids interested in civics and interested in politics and government, engaged in the process at a young age. I think that’s a great thing and I think all children and all students in the state should be taught civics and engaged from as early as possible. Finally, those are our strongest concerns. There’s a litany of other issues in there that are concerning, but we hope the final version of this bill will ultimately address some of these concerns and not do such detrimental damage to voting participation in North Carolina; thank you very much.

Senator Apodaca: Thank you for your comments; Vicki Boyer?

Ms. Boyer: Thank you, sir, for giving the public an opportunity to speak today; in our country everyone is considered innocent until proven guilty. Voter ID requirements say everyone is guilty unless they can prove themselves innocent. Voter ID punishes all the innocent even when one person has not yet committed a crime. We do not have a constitutional right to buy Sudafed, get on a plane or drive a car, but we do have a constitutionally guaranteed right to vote. Americans don’t think of themselves as philosophers, but we’re blessed to live in the first
nation state founded upon an idea, a concept. According to the Declaration of Independence, the idea of America is that legitimate governments derive their just powers from the consent of the governed. That consent is gained through the process of voting and voting has become a sacred American right. It says government is accountable to the people. ID requirements say people are accountable to the government. Voter ID says each of us must have the consent of government in order to participate in America’s greatest ritual. Unless you’re going to make all driver’s licenses available for free, we have to pay for it to boot. This requirement changes the very nature of the American compact. It replaces voters in charge of government and puts government in charge of voters. It allows for a future when one group in power can limit voters to those who will keep that group in power. No good American wants to see that. And that being said, this bill as presented is not about voter protection but voter prevention. Voter ID diminishes our sacred American pact. Voter ID diminishes our democracy. It is un-American. It is wrong. This bill is bad for North Carolina; thank you.

Senator Apodaca: Thank you; all right, next we have Jordan Deloatch, is that correct? Please,
Jordan, come forward; thank you for coming today.

Mr. Deloatch: Thank you, sir; as you said, my name is Jordan Deloatch. I'm a citizen of Cary and I'm currently a student at Duke and so I'm here to speak about how this bill would affect students in particular. For example, Freshmen moving in, they are -- they, of course, are going to be very excited to vote. They're just turning eighteen. This is their first opportunity to vote, but they're not necessarily going to be familiar with the rules of the states. They're not necessarily going to be excited to vote unless someone notifies them that, yes, they have to get this registration done as soon as possible. So what I -- like I've done a lot of work to help get people out to vote and yet I know that this voter ID bill would present yet another obstacle that just isn't necessary for people to deal with, not just students, but anyone shouldn't have to deal with getting a photo ID when there just are not cases of in-person voter frauds being reported. The problem with this bill is that it's a solution in search of a problem, and even if it does head off any potential in-person voter fraud, the damage that it does in terms of preventing people from voting is just so much greater that it's a solution that creates more problems. So those are the
main reasons why I’m against this bill; thank you for your time.

Senator Apodaca: Thank you for coming;
Brian -- I’m going to destroy it, Brian. I’m sorry;
Schneidewind? I’ve got a bad last name.

Mr. Schneidewind: Yeah, it’s Schneidewind.

Senator Apodaca: Okay, thank you, Brian, for coming today.

Mr. Schneidewind: Thanks for having me, appreciate it; for the last nine years I’ve been a government teacher at Millbrook High School. It’s a couple of miles up the road. I want to thank you guys also for the bill, the last couple of hours ago that was passed. I promise I’m going to work a lot harder now; thank you for realizing that. And my time when I earned my Masters degree I became a terrible teacher. Also, in my time at Millbrook, I was able to -- I’ve been able to be the sponsor or our voter registration drive at which point I registered approximately 2,000 students and I’ve got to tell you, contrary to the bill sponsor, this ain’t rocket science; pretty simple process. I go to the students’ classroom. I have a list of the students who are eligible to register. I ask them if they’d like to, and in about five minutes, they fill out the voter registration at which point I
double-check it. I then send it on the Women League of Voters who also double-checks it and away we go. So I promise you that voter registration, just like Senator Stein said, among voters is not an issue. The registration process itself I don’t see fraud, you know, assuming that we’re not all hopping in a DeLorean and traveling ninety years back to Chicago. I don’t see that also as being an issue. But the real issue is voter apathy. You know, Senator Stein mentioned that roughly 70 percent of people voting during the -- if I could get your attention, please; thank you; thank you. In the last two presidential elections, we’ve been lucky enough -- yeah, over here; we’ve been lucky enough to have 70 percent of people voting, but consistently in the last two decades it’s been around 50 percent. So I urge you guys instead of asking what can we do to make people -- less people voting, we should be asking yourselves the opposite, all right? And, you know, especially for youth, this is a big -- you know, a big issue making it very hard for people in urban areas to vote. Finally, let me leave you with this, is that over the last few years I’ve had, you know, the pleasure of telling my students that this is a government of the people, for the people and by the people. And if this bill passes, I’m going to have a
little bit harder time looking my students in the eye
and telling them that same thing.

Senator Apodaca: Thank you for coming;
okay, Alison Greene, next.

Ms. Greene: Good afternoon, and
thanks for giving me this opportunity; my name is
Alison Greene. I’m a native of Durham County and a
resident of Durham County, but I’m a Lecturer in the
Department of Sociology and Anthropology at North
Carolina State University. I was raised to a life of
civic participation by my elderly mother who was a
leader in the League of Women Voters and other
organizations and it became a hobby of mine to register
voters as soon as I was an adult. Over the course of
my adult life, I registered hundreds and hundreds, if
not thousands, of voters and those were voters who
registered as Democrats, Republicans and Independents.
I’m extremely proud of this and it continues to be one
of my favorite things to do. This bill harms our
democracy, because it’s going to restrict participation
in North Carolina elections. It purports to solve a
problem of voter fraud that by every scientific measure
does not exist. Okay, it will reduce participation in
our elections by elderly people, college students,
disabled veterans and the working poor. We’ve heard
this already, but I personally know people in each of these categories. We’ve heard the statistics. We’ve also heard anecdotes. Every election season I walk my precinct, knock on doors and register voters, wait in front of the grocery store. I am not being a partisan person. I am being a participant in our democracy. Early voting has been a great boon to our state by allowing people with limited transportation and long working hours to cast their votes. In my precinct, this is a very big deal. It means a lot of people who couldn’t vote otherwise get a chance to vote. Many elderly and disabled people I encounter lack current state identification and the wherewithal to get them, even though they have been voting for years. In the 2011 November elections, I help the disabled veteran in my precinct register and vote on the same day. He had no transportation. He could barely walk. He had not had the opportunity before I knocked on his door. He would not have been able to vote if this law was in place. So --

Senator Apodaca: Thank you so much.
Ms. Greene: Okay.

Senator Apodaca: I believe your time has expired.
Ms. Greene: Okay.
Senator Apodaca: Susan -- I'm not going to attempt the last name. Please; Pochapsky, is that correct?

Ms. Pochapsky: Pochapsky, absolutely.

Senator Apodaca: Okay.

Ms. Pochapsky: That's the way it is spelled.

Senator Apodaca: I was raised in Durham too; thank you.

Ms. Pochapsky: I have owned a home in Durham since 1984. And I would like to remind you regarding voter ID that the voter ID law in Pennsylvania was successfully challenged and postponed when the Judge found that he could not allow the law to go through if even one voter was disenfranchised by the law. And so what I am simply going to suggest to you is that contrary to what you seem to think, you people who -- and I am one of you, who take planes so easily, who have passports, who travel, who have driver's licenses, there are many, many, many voters who have exactly the same right to vote in this state, but who would be disenfranchised or who would have to pay money to travel to be able -- some kind of money, some kind of hiring help, getting help from friends, something that would be in essence a poll tax in order to procure
this voter ID, particularly the odd requirement that a
student photo ID would not be included as a valid form
of ID. I thank you very much for your attention.

Senator Apodaca: Thank you; let me make an
announcement. I believe everyone here is probably for
the Finance Committee Meeting. We’re going to postpone
that and we’ll do it on the floor, so next speaker, Rob
Stephens, please.

Mr. Hall: I’m not Rob Stephens.

I’m Bob Hall. Rob is yielding his time to me.

Senator Apodaca: Are you representing the
Democratic Party? Is that correct?

Mr. Hall: Democracy North Carolina;
actually, one of the provisions that we help sponsor is
the pre-registration that you’re going to eliminate.

That actually helps Republican voters, new young
Republican voters. 30 percent of the young people
coming in are Republicans, 30 percent are Democrats, so
actually it’s helping equalize the plane. I will say
that it’s really sad that you’re trying to jam so many
of these provisions in here at the eleventh hour. Rob,
do you want to -- oh, sorry; no, truly I’m just sad
that you all feel obliged to jam this kind of thing
through. People that have tried to defend voting
rights and expand voting participation in this country
have withstood water hoses and been beaten and gone
through lots and you’re building your legacy here today
as you put these measures forward and so I just -- I
don’t think it’s going to even help me to try to
explain to you what it’s all -- what the damage is, so
good luck to you.

Senator Apodaca: Thank you; next, Jamie
Phillips; welcome.

Ms. Phillips: Thank you; I am Jamie
Phillips. I am here on behalf of the North Carolina
NAACP and Reverend Dr. William J. Barber, President. I
want to point out as every single person before me has,
that these changes to voting laws are impacting
specific groups of people. The fewer young people and
minorities who vote, the better it seems in your minds.
We get it. No one is being fooled. Shouldn’t a
democracy ensure elections are free, fair and
accessible to make sure every citizen has a say? It is
obvious to many North Carolinians, including people who
have voted for you in this room, that this bill has
been specifically crafted to make participation
disproportionately harder for certain voters,
specifically seniors. Of registered North Carolina
voters who lack ID, nearly 25 percent are seniors over
the age of sixty-five even though they make up only 13
percent of the state’s population. Seniors are also hard hit by provisions making it more difficult to add satellite voting sites to accommodate seniors and voters with disabilities. The youth; in a sad move to restrict youth participation in our democracy, this bill specifically bans college student ID’s from being used for voting, eliminates pre-registration for sixteen and seventeen years olds and eliminates the requirement for high school voter registration drives. We should be encouraging the civic participation of young people, not blocking it. And finally, the most blatant and harmful impact of these changes are in voters of color. 31 percent of registered North Carolinian voters who don’t have photo ID are African-American despite comprising just 22 percent of the state’s population. The bill also bans out African-Americans despite comprising just 22 percent of the state’s population. This bill also bans out precinct provisional ballots, striking the votes of people who move, making it much easier to challenge voters’ eligibility and create an intimidating presence at the polls. All we ask is for your conscience and goodwill to overcome your political interests; thank you.

Senator Apodaca: Thank you; last, we have Joshua Vincent; please; welcome.
Mr. Vincent: Thank you; I want to ask everyone who opposes this bill to please stand with me in solidarity as I address the committee. As the State Coordinator for Civic Engagement for multiple 501(c)(3) and partisan turnout campaigns, I say demonstratively that we do not need this bill. How dare we discourage our youth from exercising our right as citizens to contribute to the electoral process by restricting their ability to register and vote early. Further, there's no evidence of an issue of fraudulent voting in this state with signature attestation attached to our in-person voting process. Also, there's no need to confuse the citizens of this great state by adding loopholes and prohibitive costs to our constitutionally guaranteed right to a free and fair education.

Senators, some of you appear to be drunk with power. Why are you so scared of the people? Why are you so scared of people voting? Maybe you've seen that less than 20 percent of North Carolina supports your extremist agenda. Maybe you've seen that the people of North Carolina overwhelmingly support the Moral Monday demonstrators who by the hundreds are engaging in civil disobedience, people you have called outsiders who you sit here and attempt to disenfranchise in front of our eyes and our ears. You know that your extreme right-
wing agenda won’t last long. You know that the people behind me, the true moral majority, the Black, White, Asian, Latino of all races, old and young, from all social, economic and religious backgrounds will not stand for this type of race-based fearmongeringfundamentalist longing for the days when Black andBrown people were in bondage and women were still uneducated and in the kitchen. The people here have spoken and they are with the demonstrators in the streets and not with the regressive and deceitfullegislative practices taking place here today.

Senator Apodaca: Thank you very much; whoever claps you can remove from the room now; okay, from the Committee, Senator Nesbitt.

Senator Nesbitt: Mr. Chair, if I could, three or four questions; I’m sorry I didn’t do it awhile ago.

Senator Apodaca: Oh, that’s --

Senator Nesbitt: I thought you were going to somebody else. I didn’t know --

Senator Apodaca: No, we wanted the public to have their say.

Senator Nesbitt: I got you. General questions I guess for staff that I’m just interested in; when we do this early voting we’re going to create
lines. And I know there was a provision about when we close the polls, but if we say that the polls have to close at a certain time and you have 500 people in line, do they get to vote?

Mr. Cohen: The answer is yes. Both early voting and election day, anyone in line at the time the polls close are allowed to vote regardless of how long that takes.

Senator Nesbitt: Okay, and on the question of limiting early voting to one o’clock on Sunday, I --

Senator Apodaca: Saturday, Senator Nesbitt, I believe.

Senator Nesbitt: The last day is a Saturday at one o’clock instead of at 5:00?

Senator Apodaca: Yes, sir, I think it’s that way now.

Senator Nesbitt: Can somebody explain why on the last day when you’ve got the crunch for early voting we would want to close four hours earlier? Has that caused a problem somewhere?

Mr. Cohen: About thirty counties in 2012 stayed open past one o’clock; about half until 3:00 and half until 5:00. I do know that a number of counties reported that when the voting ended at seven or eight o’clock in a number of those counties and even
9:00 that they had some trouble turning around all the
lists to be available to the precinct judges for
election day voting by the next morning. So some
counties did report some practical problems in the last
election.

Senator Apodaca: Senator Rucho?

Senator Rucho: Representative Nesbitt --

Senator Nesbitt, excuse me; the logistics of carrying
that load is what we’re looking at to try to help the
Board of Elections to be able to be prepared for the
onslaught come election day. So we’re trying to give
them some ability to meet that demand.

Senator Apodaca: Next question, Senator

Nesbitt?

Senator Nesbitt: Thank you, Mr. Chairman;
yes, sir, and I appreciate this. These are really not
hard questions for you. They will get a little harder
probably. The -- Section 11 authorizes -- now I think
we have two poll observers from each party. All of a
sudden we’re going to appoint ten more from each party?

What in the world are we doing?

Senator Apodaca: Go ahead, Senator Rucho.

Senator Rucho: Thank you, Mr. Chairman;

when you have those poll workers and what was the
problem was trying to find that someone wasn’t able to
visit or be at their location, what these at-large poll
workers or poll observers do is actually are able to on
a large basis fill in the slot so that that individual
can be there if someone was assigned to that election
precinct or poll is not able to attend. Apparently you
have to sign up to be identified there. This poll
worker on an at-large basis will be allowed to fill in
and represent the organization appropriately.

Senator Nesbitt: I guess this will be for
Gerry. Does the bill provide that only two at a time
will be allowed to work a poll?

Mr. Cohen: Let me read the provision
again. Hang on for a second here. On page 26, line
32 --

Senator Nesbitt: If they work the poll and
when you read the --

Mr. Cohen: Yes, I’m answering that.
On page 26, line 32 and 33, ten at-large; it states
that in addition to the two precinct designated, one of
those ten at-large observers may be at any one polling
place, so it would allow at any one polling place one
more, making three.

Senator Nesbitt: Is that it?

Mr. Cohen: Yes.

Senator Nesbitt: So it’s limited to where
you wouldn’t have but six, three from each party at a
time in there, I guess.

Mr. Cohen: That’s correct.

Senator Nesbitt: Okay, and I say that
because when you read the analysis and I think it’s
true on election day, it really goes quite extensively
in to how you’ve got to allow them to have access and
they’ve got to be within hearing distance and they can
get -- they can go anywhere in the poll they want to
and I just say to you all, that has the potential of
getting out of hand for both parties when people can
run around the polling place and do mischief. So I
would suggest to you maybe you look at that and
anything you can do to tighten that up I would
certainly be for it. I want them to be able to observe
and I want them to be able to watch everybody, make
sure everybody is doing the right thing, but I don’t
want them intimidating people that are trying to vote
and I don’t want them intimidating poll workers that
are trying to do their job or interfering with them.

Senator Apodaca: We agree with you,
Senator Nesbitt. We’ll take a look at that.

Senator Rucho: But I believe there is
some remedy to -- I mean, that -- the judge of that
area is still in charge and you would hope that nobody
sends a poll worker -- poll observer, not a worker, the
poll observer into the area that’s going to be
disruptive. They’re there just to monitor. And I
think that it is pretty clear as to what behavior is
necessary for them to do their job and yet not be
impeded in doing so.

    Senator Nesbitt: When I read it, it looked
to me like it was balanced the other way. In other
words, if a judge does tell somebody they’re done, then
that judge is going to be scrutinized and held
accountable and blah, blah, blah. I’m just saying you
might want to look at the language because I want them
to be able to run the polling place. That’s what you
need to be able to do.

    Senator Apodaca: Next question; another
question; okay.

    Senator Nesbitt: Moving the Presidential
Primary, I’m assuming it would not move the other
primaries, so then you would have two primaries? And
how large is that unfunded mandate? Are you funding
that for the counties?

    Senator Rucho: Senator Nesbitt, having
looked at South Carolina and elsewhere, there is
sufficient resources by having a Presidential
Preference Poll occurring within your state at that
appropriate time, that the resources are generated because of all the activity that exists because of that. I think South Carolina, if I'm not mistaken, Senator Brock, actually showed some increased revenues because of that activity. And you also give the people of the state an opportunity to have a say in a presidential election that has meaning -- or presidential primary has meaning rather than waiting until May where it often doesn't.

Senator Apodaca: Let me let Gerry chime in here.

Mr. Cohen: Under the North Carolina election law, counties are responsible for most election expenditures other than some state canvassing and training, so the direct costs of most of the separate Presidential Primary would be paid by the counties.

Senator Apodaca: Next question, Senator Nesbitt?

Senator Nesbitt: Thank you, Mr. Chairman; I think what I heard was yes, it's an unfunded mandate. You all are not --

Senator Apodaca: Not quite in those terms, but I believe you're correct.

Senator Nesbitt: Could someone kind of
explain to me these weakened disclosure requirement on
independent expenditure committees? I thought we
wanted to go the other direction and have disclosure to
who these people were that were dropping the bucks, but
as I read it, it goes the other way.

    Senator Apodaca: Specifics?
    Senator Nesbitt: Maybe we can ask staff.

There are two or three places in here where it does
that. And if they don’t know, I’ll wait and ask it
later when I can find it, but I can’t --

    Mr. Cohen: Which part of the bill,

Senator Nesbitt?

    Senator Nesbitt: I’m not sure exactly
where it is in the bill, but there’s language in here
somewhere that talks about not having to disclose who
it is that’s doing direct candidate -- I think it’s
called direct candidate expenditures or electioneering
communications.

    Ms. Churchill: I believe Senator Nesbitt
is referring to part 56. There’s -- repealing the
requirement that -- for electioneering communications
and independent expenditures, that they no longer would
have to have the disclosure of the names of individuals
or persons making the five largest donations to the
sponsor of that electioneering communication or
Senator Nesbitt: And why would we want to do that, Mr. Chair? That’s what I’m -- the question is why would we want to have less disclosure about independent expenditures as opposed to more on both sides? I mean, that cuts both ways.

Senator Apodaca: Can you answer that?

Page 56; what section was it?

Ms. Churchill: Section 56.

Senator Apodaca: Section 56, I’m sorry.

What page number there; okay, I see your name there,

Senator Rucho as a defendant, okay.

Mr. Rucho: Thank you, Mr. Chairman and Senator Nesbitt; the laws have gotten so confusing as far as election laws that what this tried to do is simplify it, clarify it and in essence get rid of any possible criminalization that occurs because of the confusion and the gray area of the law. And what this did is it tried to eliminate that and simplify it so that every candidate can understand what’s expected of them and the areas that might run into problems. And that’s the purpose behind why it has been clarified and simplified.

Senator Nesbitt: Mr. Chairman, it’s pretty clear when you say you don’t have to tell anybody who
gave you the money. I guess that’s clarifying, but --

Senator Apodaca: That’s not -- I don’t believe it says that.

Senator Nesbitt: Well, you’re striking out Subsection 7, the sponsor shall disclose the names of individual persons making the five largest donations to the sponsor within a six-month period prior to the purchase of the advertising. You’re striking that out.

Ms. Churchill: The provision that’s being discussed is a provision that is required in media advertisement that would require the media ad to actually contain the information about the five largest donors with respect to electioneering communication and independent expenditures. And Senator Nesbitt is correct. That requirement would be being stuck by the PCS.

Senator Apodaca: For the media section, correct?

Ms. Churchill: For the media section only.

Senator Apodaca: But the reporting section they would still have it, correct?

Ms. Churchill: Correct.

Senator Apodaca: Thank you; all right, just won’t be on your TV screen, just your picture.
Senator Nesbitt: Let me ask this of staff. I’m not sure where I’m going. I just read this and it looks peculiar to me, but some of your independent expenditure committees don’t have to report who gave them the money. And that may be federal and it may not apply to this, but somebody please explain to me what we’re doing because it looks to me like you’re taking away the right of the public to know who the people are putting the money up.

Senator Apodaca: Please, Erika.

Ms. Churchill: I’ll try. With respect to electioneering communications and independent expenditures, if the donor is making the donation for the purpose of furthering an electioneering communication or an independent expenditure, the information on the donor should be reported to the State Board of Elections. That is not being altered by this provision. The provision is only altering the requirement that the five largest donors be disclosed in the media ad.

Senator Apodaca: Follow-up?

Senator Nesbitt: That makes it a little better, Mr. Chairman, but I still say for your average person out there that receives an ad, if you put down there paid for by the Republican Party, paid for by the
candidate, paid for by the Democrat Party, people understand that. If you say paid for by the Citizens for Good Government, they have no earthly idea who is sending that ad to them. And I think it ought -- I think there's a purpose for having it on there so that people get a gist of who this crowd is, whoever it may be, on our side or yours. So I think it's -- I would ask you to look at that provision and think about it a little bit because it -- I hadn't been onerous that I know of. I haven't had a complaint yet from anybody having to list that. And if they've got to be listed -- the problem is the people getting the communication aren't going to go look up the elections records to see who gave the money. That's not the purpose of it. The purpose of it is so they know when they're getting the ad, who said it.

Senator Apodaca: I'm sure the other side, Senator Nesbitt, make them aware of who paid for the ad ultimately; Senator Rucho?

Senator Rucho: No further comment on that; I would like to -- if he has any formal questions.

Senator Apodaca: Any other committee questions; okay, Senator Rucho.

Senator Rucho: Thank you, Mr. Chairman
and members of the committee; a lot of the discussion
was talking about the voter ID and under the guise that
there was no problem or not something that is
necessary, bottom line is we’re the last Southeastern
state that would be introducing this photo ID. All the
others have done. None of them have had the situation
where they’ve had a decline in voter turnout and
actually some of them have actually showed an increase
because people have confidence in the fact that
everybody only votes once and their vote matters. And
what that means is that you’ve established integrity
into the electoral process. There has been a lot of
discussion about this early on. I think, Mr. Chairman,
four or five hours in the House, I think Representative
Lewis talked about a lot of these issues that were
discussed at length and had a lot of public comment and
so there -- this is not something that has been put on
people at the very last bit. We talked about
government valid ID’s. Those are ones that we can have
confidence in and everyone can have confidence in. You
know, your college ID’s whether they be in the
University System in the State of North Carolina or
private, there’s inconsistency throughout the entire
system with the college ID’s and it’s felt that to be
valid and people have confidence in, you want a uniform
way of producing them and that’s why the list is before
you as to what constitutes valid ID. There was a
discussion earlier about the fact that senior citizens
and/or disabled individuals have been put upon by this
bill and it’s totally erroneous because of the fact
that there has been a lot of discussion with staff and
like with a lot of people in the disability rights
groups and they were appreciative of the fact,
especially nursing homes and the like, that we
accommodated a lot of their language in the base of
this bill and have alleviated most of their concerns.
Mr. Chairman, with that being said, I would hope that
we could pass this bill and re-establish a level of
integrity and confidence in the electoral system and I
urge the members to vote for it.

Senator Apodaca: Senator Brock.

Senator Brock: Thank you, Mr. Chairman;
at the appropriate time I’d like to move the favorable
report to the proposed committee substitute as amended.

Senator Apodaca: Thank you, Mr. Brock; I
am going to hold that a minute; Senator Stein?

Senator Stein: Thank you; I have a
question, Mr. Chair. This is -- this is a voluminous
bill and the fact that the House has debated it, this
is the first time the Senate has debated any of these
provisions. So I think we’re -- let’s not overstate the amount of process this bill has received. I do appreciate the opportunity to ask a question. Part 38 on page 46 repealing the judicial elections fund; we all received a letter from the entire -- well, scratch that -- 14 of the 15 judges on the Court of Appeals, bipartisan group, imploring us to maintain the Judicial Elections Fund. The judges have to be impartial and people who historically give to judicial races tend to be those parties that are before the judges and I don’t think it necessarily impairs the independence of the judiciary, although there are cases in other states, notably West Virginia, where that has been -- the Supreme Court has held that that has happened. Why are we clouding the independence and integrity of our state judiciary by eliminating this important advancement in elections?

Senator Apodaca: Senator Rucho?

Senator Rucho: Thank you, Mr. Chairman;

Senator Stein, you as well as I know one of the hardest parts of campaigning is going out and soliciting campaign contributions. When you get something from somebody, it doesn’t mean that your vote is compromised. You have people that are concerned about issues that you may be concerned about and that’s why
they help you. In this case, what we’re looking at is not having government interceding or interfering in the process of the electoral process of judges, and as long as we maintain that process, we believe that the government shouldn’t be using that kind of taxpayers money for folks they may or may not want to support. So we feel it is a better way of putting this forward. I wouldn’t expect any -- knowing that campaign -- you know, soliciting campaign contributions being the hardest part of the election campaign you would expect the judges not to be very interested in having that and so therefore that’s probably why they would have said we’d rather keep the money coming so we don’t have to work hard at it.

Senator Apodaca: Follow-up?

Senator Stein: Follow-up with staff; am I right that the judicial candidates have to raise a certain amount of money from a certain number of voters in order to qualify for these funds?

Mr. Cohen: I’m sorry, Senator.

Could you repeat the question?

Senator Stein: For judges to qualify for the judicial funds, do they not have to raise a certain amount of money from a certain number of contributors in order to get that money?
Mr. Cohen: My understanding is that that is correct, though I would note that the judicial campaign financing was also repealed in the budget voted in the Senate today.

Senator Stein: I can vote against that as well.

Senator Apodaca: Senator Nesbitt?

Senator Nesbitt: Thank you, Mr. Chairman; just a comment on the bill; I am -- I would feel remiss if I didn’t make the statement in the committee because we’ve still got time to maybe fix it by giving directives in there. You’re going to have a situation with this bill where you’ve had people who have voted all their lives who are going to show up at the polling place and not have what they need to vote. That is outrageous. I mean, when they have that track record of voting and they’re regular people and they live in a rural community and they’re there, there ought to be a provision in here for people who are known to everybody in there to be able to vote. I just raise that because that’s going to happen on your side just as much as it will happen on ours. Second thing is, restricting early voting is going to cause a problem. The first thing that happened after we got early voting enacted was that the local boards -- we actually put a
provision in that said that the satellite sites would be agreed on unanimously. No board could agree on anything unanimously on purpose and it was a way to block all the satellite sites. We had to come back down here and pass another bill, you may remember it, where we said if they can’t agree then the State Board will make the decision trying to keep oversight and balance in it but to get some sites out there. And if they do that again and don’t open enough sites out there, you’re going to create lines. And this has been done -- you’re talking about, we’re the last state in the Southeast to do voter ID. We’re about the last state in the Southeast to create voter lines. This is exactly what they did in Texas where they wouldn’t open -- I mean, in Florida where they wouldn’t open another site, they wouldn’t open enough sites and they had people lined up around the building. And I am concerned that that’s going to occur again and that will hurt your voter as much as it will hurt our voter. It’s just a bad deal, and if you can figure out some way to tell them to put enough polling places out there, I would appreciate it because I don’t think they will unless we tell them to. And I’m not sure how to tell them. And those lines are -- it’s the most insidious thing in the voting process and it’s what
brought about early voting. We were getting down to
where on election day we'd have two and three hour
lines and people would drive in the parking lot and
just turn around and drive back out. They weren't
going to stand there that long. And it's our
responsibility to make sure that voting is not a two-
hour burden on somebody. They ought to be able to go
in and vote and do their civic duty and leave and it
not be an ordeal for them. So I would ask you based on
what I just told you, if you can to try to fix the
problem of somebody on voter ID being able to
participate and most of all to make sure we don't have
this problem of them not setting up enough satellite
sites in order to handle the flow of the people so that
we don't have lines.

Senator Rucho: Mr. President -- Mr.
Chairman?

Senator Apodaca: Senator Rucho?

Senator Rucho: Senator Nesbitt, I think
every one of the Boards of Elections for each of the
counties fully understand. I know in my county knows
how many folks are going to estimate and make sure that
we have sufficient polling locations opened up both on
election day and on early voting. Their goal is to
make that operation run as smoothly as possible. I'm
not sure we should be dictating to them and telling them to do this. Their goal is to get that election process done in a timely and an effective manner. You know, the original purpose of the early voting was to accommodate the fact that this society has changed where a lot of folks had a lot of time, today with our busy society going from one location to the other and doing things. That’s why early voting was put out there, at least in my way of thinking, Senator Nesbitt, and I see that as a good step. I see that there were steps taken that have abused it for gamesmanship and partisan advantage. And what this does is it levels the playing field. Every county will follow the same rules and everyone will be given the same opportunity to vote. And, you know, that’s what this is about.

Senator Apodaca: Senator Meredith?

Senator Meredith: Thank you, Mr. Chairman; I have a question. Senator Rucho, Senator Nesbitt brought up a point about people coming to the polls and having issues. In 2014 does the bill not state that we will -- can you --

Senator Rucho: That’s a great question, Senator Meredith. This is a phased-in approach. And during the primary and the general election of ’14, the individuals that come to vote will, one, they’ll say,
you know, I’ve got my ID and that’s great. Well, you
don’t need it, but you’ll have it; you’ll need that in
the 2016 election cycle. And so there’s going to be an
opportunity for the ones that are likely to vote will
be there plus a lot of other information shared so that
everyone understands and they’ve had a period to
adjust, a phased-in or transition period to know that
on the 16th everyone will know that that is a
requirement and -- we used to vote one day, Senator
Nesbitt, before we brought in early voting. We
survived it. I don’t know in your county, but in my
county there are two and three and four hours of
waiting in early voting lines and people either stay
there or don’t stay there or they find another suitable
time. We’ve given them lot of other opportunities to
-- you know, to practice their right of voting and this
will do the same thing, but probably in a more
efficient manner.

Senator Apodaca: Thank you, Senator Rucho;
I didn’t hear fair and legal one time. Senator Brock
moves that we vote to approve the PCS as amended with
-- rolled into a new PCS with any corrections for
alphabetical errors or grammatical errors made and
unfavorable to the original. All in favor, say aye;
any opposed, say no; so passes. Thank you; we are
adjourned. We’re going to start session about 4:15, 4:20, so don’t rush.

(The proceedings were adjourned.)
NORTH CAROLINA
WAKE COUNTY

CERTIFICATE

I, David L. Overby, Notary/Reporter, do hereby certify that this Rules Meeting was transcribed under my direction and that the seventy-eight pages which constitute this Rules Meeting are a true and accurate transcript to the best of my ability from the audio CD’s provided to me.

I certify that I am not counsel for, or employed by any party in this action, nor am I interested in the outcome of this action.

IN WITNESS THEREOF, I have hereunto set my hand this 12th day of December, 2013.

__________________________
David L. Overby
Notary Public
Certificate No.: 19930120037
House Bill 451

Election Omnibus.

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| Edition 1 pmM3 |

| Last Action: | Ref to the Com on Elections, if favorable, Finance on 03/28/2013 |
| Sponsors:    | Starnes; (Primary) Arp; Blust; R. Brawley; Brody; Whitmire; |
| Attributes:  | Public; |
| Counties:    | No counties specifically cited |
| Statutes:    | 84, 105, 163 (Chapters); 105-159.2, 138A-22, 163-1, 163-106, 163-106.1, 163-107.1, 163-111, 163-114, 163-122, 163-123, 163-165, 163-165.6, 163-165.12, 163-182, 163-22.3, 163-227.2, 163-230.2, 163-278.100, 163-278.110, 163-278.13, 163-278.5, 163-278.63, 163-278.64, 163-278.64A, 163-82.10B, 163-82.6, 163-82.6A, 83-107, 84-34 (Sections) |
| Keywords:    | ATTORNEYS, BOARDS, COURTS, ELECTIONS, ELECTIONS, STATE BOARD OF, FEES, JUDGES, LICENSING & CERTIFICATION, LITTERING, OCCUPATIONS, POLITICAL PARTIES, POLLUTION, PUBLIC, PUBLIC OFFICIALS, STATE BAR |

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Note: a bill listed on this website is not law until passed by the House and the Senate, ratified, and, if required, signed by the Governor.
## House Bill 913

### 2013-2014 Session

**Voter Integrity.**

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**Last Action:** Ref To Com On Elections on 04/15/2013

**Sponsors:** Blust; (Primary)  
R. Brawley; B. Brown; Cleveland; Conrad; Ford; Fulghum; Horn; Iler; Jones; Pittman; Riddell; Shepard; Speciale; Whitmire;

**Attributes:** Public;

**Counties:** No counties specifically cited

**Statutes:** 163 (Chapter); 163-166.1, 163-166.12, 163-227.2, 163-227.3, 163-258.9, 163-274, 163-33, 163-45, 163-57, 163-82.14, 163-82.6, 163-82.6A, 163-82.6D, 90-210.25C (Sections)

**Keywords:** ARMED FORCES, BOARDS, COUNTIES, CRIMES, DATA SYSTEMS, ELECTIONS, ELECTIONS BOARDS, ELECTIONS, STATE BOARD OF, ID SYSTEMS, INFORMATION TECHNOLOGY, LOCAL GOVERNMENT, PUBLIC, RECORDS, VOTER REGISTRATION

### History

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2013-2014 Session

**Bill Number:** enter bill # (i.e., S253) [Look-Up]
Senate Bill 428

Voting Reform Act.

2013-2014 Session

Bill Text Fiscal Note
Filed Edition 1

Last Action: Ref To Com On Rules and Operations of the Senate on 03/27/2013
Sponsors: Jerry W. Tillman; (Primary)
Andrew C. Brock; Warren Daniel; Ralph Hise; Shirley B. Randleman;
Attributes: Public;
Counties: No counties specifically cited
Statutes: 163 (Chapter); 163-166.12, 163-227.2, 163-227.3, 163-288.9, 163-283, 163-283.1, 163-330,
163-59, 163-82.6A (Sections)
Keywords: BOARDS, COUNTIES, ELECTIONS, ELECTIONS BOARDS, ELECTIONS, STATE BOARD OF,
LOCAL GOVERNMENT, NATIONAL ELECTIONS, POLITICAL PARTIES, PUBLIC

History

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2013-2014 Session

Bill Number: enter bill # (i.e., S253  Look-Up
Senate Bill 666

Election Law Changes.

2013-2014 Session

Bill Text Fiscal Note

Filed
Edition 1

Last Action: Ref To Com On Rules and Operations of the Senate on 04/03/2013

Sponsors: Bill Cook; Norman W. Sanderson; Ronald J. Rabin; (Primary)
Dan Soucek;

Attributes: Public;

Counties: No counties specifically cited

Statutes: 105, 163 (Chapters); 105-134.6, 163-166.12, 163-227.2, 163-283, 163-330, 163-45, 163-57, 163-59, 163-82.4, 163-82.6, 163-82.6A (Sections)

Keywords: BOARDS, ELECTIONS, ELECTIONS, STATE BOARD OF, MINORS, POLITICAL PARTIES, PUBLIC, TAX EXEMPTIONS, TAXATION, TAXES, INDIVIDUAL INCOME, VOTER REGISTRATION

History

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2013-2014 Session

Bill Number: enter bill # (i.e., S253) Look-Up