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Elections

The General Assembly actively addressed several areas of concern in the administration of elections. First, it responded to a federal appeals court decision that ruled unconstitutional large portions of the state's campaign finance regulation laws. Second, it addressed problems that have arisen in the voter registration system that has been in place only since 1995. Third, it tackled long-standing problems in the conduct of absentee voting. It also enacted legislation affecting the local administration of elections, the state-level administration, and the establishment and operations of precincts and voting districts. *Reminder: No statewide election law passed by the General Assembly can be implemented until it has been approved by the United States Justice Department under Section 5 of the Voting Rights Act of 1965.*

Voter Registration

Failure to Deliver Registration Application

Under changes made in North Carolina's voter registration laws in the 1990s in response to the enactment of the federal National Voter Registration Act, applications to register to vote may be delivered to the appropriate county board of elections in any of several ways, including mail. Another acceptable method of delivery is for the applicant to fill out the application and leave it with another person for that person to deliver to the elections board office. That is a common practice in voter registration drives. S.L. 1999-426 (H 1074) amends G.S. 163-82.6 to make it a Class 2 misdemeanor for any person to indicate to the applicant that he or she will deliver the application to the elections board office and then fail to make a good faith effort to deliver the application in time for the application to be effective for the next election, unless the person informs the applicant that the form likely will not be delivered in time.

Payment for Voter Registration Forms

S.L. 1999-426 makes it a Class 2 misdemeanor to sell or attempt to sell a completed voter registration form or to condition its delivery on payment.

Altering Registration Records

S.L. 1999-426 amends G.S. 163-274 to make it a Class 2 misdemeanor for any member, director, or employee of a board of elections to alter a voter registration application or other voter registration record without either the written authorization of the applicant or voter or the written authorization of the State Board of Elections.

Asking Ethnicity on Registration Application

G.S. 163-82.4 requires that the application form for registering to vote ask certain information about the applicant: name, date of birth, address, county of residence, date of application, gender, race, political affiliation, and telephone number. S.L. 1999-453 (S 881) adds to that list ethnicity and provides that the portions of the form concerning race and ethnicity are to include as a choice any category shown on the most recent decennial federal census to compose at least 1 percent of the total population of North Carolina.

Precincts, Polling Places, and Voting Districts

Out-of-Precinct Voting Places

S.L. 1999-426 adds a new G.S. 163-130A permitting a county board of elections (by unanimous vote of all of its members) to establish a voting place for a precinct that is located outside the precinct, with the approval of the Executive Secretary-Director of the State Board of Elections. The county board must demonstrate that no adequate facilities are located within the precinct, that voters have been fully notified, that the plan does not unfairly favor or disfavor voters with respect to race or party, that disabled and elderly persons can gain access to the proposed place, and that it has adequate security against fraud. Approval by the Executive Secretary-Director is for one election cycle only. This provision expires January 1, 2002.

Pilot: Two Voting Places in One Precinct

S.L. 1999-426 adds a new G.S. 163-130B, permitting a county board of elections (by unanimous vote of all of its members) to designate two voting places to be used temporarily for the same precinct, with the approval of the Executive Secretary-Director of the State Board of Elections. (The Executive Secretary-Director is to approve no more than three counties as a pilot program.) The county board must demonstrate that the precinct has too many registered voters to be adequately accommodated by any single voting place available for the precinct, no boundary line that would qualify as a lawful precinct line is available to split the precinct, the county board can account for the locale of each registered voter in the precinct and fix each voter's residence address on a map, no more than four precincts in the county will have two voting places, both voting places would be accessible to the disabled and the elderly, the plan does not unfairly favor or disfavor voters with respect to race or party, and both places have adequate security against fraud. The designation of two voting places lasts only for the term of office of the county board of elections making the designation. Every voter is to be assigned to one voting place or the other. This provision expires January 2, 2002.

Adequate Parking Requirement

G.S. 163-128 permits county boards of elections to demand the use of any school building, municipal building, county building, or state building supported in whole or part through tax revenues for use as a voting place on Election Day. S.L. 1999-426 amends that statute to add a provision specifying that if the board does so require the use of a public building, it may require that those in control of the building provide parking adequate for voters at the precinct, as determined by the county board of elections.

Precinct Boundaries

Article 12 of G.S. Chapter 163 sets out requirements for the drawing of precinct boundary lines by county boards of elections. Among those requirements is a set of considerations imposed to insure that precinct boundary lines run along lines that the United States Census Bureau has indicated it will hold as block boundaries for the 2000 Census. G.S. 163-132.1(d) (found in Article 12) provides that once boundary lines have been set by counties in accordance with rules that are designed to bring the boundary lines into conformity with the census block lines (and approved by the Executive Secretary-Director), those lines may not be changed again before January 2, 2000. S.L. 1999-227 (H 248) extends that freeze to January 2, 2002. The statute provides for changes to be made during the freeze period in certain circumstances (such as municipal annexations) with the approval of the Executive Secretary-Director.

The 1999 legislation also provides that county boards may delay the implementation of precincts drawn according to the census block lines until January 1, 2000 (that is, after the 1999 elections) at their discretion and may request permission from the Executive Secretary-Director to delay until January 1, 2002. The Executive Secretary-Director may grant that permission upon finding that (1) the new lines would create a split precinct in 2000 for county commissioner, school board, judicial office, state office, legislative office, or Congress and that the split could be avoided by using the old lines and (2) the county can provide reasonably reliable voter registration data for April and October 2000 by the precinct drawn according to the census block lines.

Potential Delay of 2001 Municipal Elections

When jurisdictions that elect members of their governing boards (city councils, county commissioners, boards of education) from districts receive the census data following the 2000 United States census, they will have to make a determination as to whether population changes in the jurisdiction require the redrawing of election district lines. For municipalities with elections in 2001 (that is, virtually all municipalities), timing could be a problem. The filing period for the 2001 elections begins in July, and the census data will not be available until some time in early 2001. Once the city council gets that census data early in 2001, it must analyze it, determine whether election district lines must be redrawn, and redraw the lines before the July filing period. If the city is in one of forty North Carolina counties that, under the Voting Rights Act of 1965, must obtain "preclearance" for election changes, it must also get that approval from the United States Department of Justice before the July filing period. Recognizing that the time may be too short to accomplish all this, the General Assembly, in S.L. 1999-227, has amended various provisions of the municipal elections statutes found in Chapter 163 of the General Statutes to provide for the possibility of delaying the 2001 elections in towns that cannot meet the time frame. If the city council determines that it cannot have all steps accomplished by three days before the opening of the filing period, it may delay the election to 2002. In that case, the municipal elections would be held with the 2002 primary elections for partisan county and state offices, the exact timing of the elections depending on the kind of election the municipality uses—simple plurality, nonpartisan election and runoff, nonpartisan primary and election, or partisan primary and election.

Accessibility to Polling Places

S.L. 1999-424 (H 1072) puts back into the statutes (as new G.S. 163-131) a provision inadvertently dropped in revisions in 1995. It directs the State Board of Elections to promulgate rules assuring that disabled or elderly voters assigned to an inaccessible polling place will be assigned to accessible polling places upon advance request.

Local-Level Elections Administration

Municipal Boards of Elections

County boards of elections conduct the town elections for the overwhelming majority of North Carolina municipalities, but in approximately fifty-four municipalities the town elections are conducted by a municipal board of elections appointed by the city council. S.L. 1999-426 amends G.S. 163-304 to add a requirement that the city council is to notify the State Board of Elections of the appointment of members to its municipal board of elections within five days of the appointment, giving such information as the state board may require. If the city council fails to appoint the municipal board or fails to notify the state board, the Executive Secretary-Director is to request the information, and if it is not forthcoming by a deadline set in the statute, the Executive Secretary-Director may order the upcoming town election to be conducted by the county board of elections on an emergency basis.

The Executive Secretary-Director may also (with the approval of four members of the state board) order the upcoming town election to be conducted by the county board of elections on an emergency basis upon a determination that the municipal board has committed violations of law of such magnitude as to give rise to reasonable doubt as to the ability of the municipal board to conduct the election with competence and fairness. Before making such a determination, the Executive Secretary-Director must give the municipal board an opportunity to be heard before the state board.

The Executive Secretary-Director may also order that the county board of elections conduct town elections on an ongoing (as opposed to temporary) basis if (1) the county board has been ordered on at least one occasion previously to conduct the elections on a temporary basis or a new election has been ordered because of irregularities in the city's conduct of its elections, (2) the state board finds that the city board cannot meet the interest of the residents of the city in fair and competent administration of elections, (3) the city council and the municipal board of elections are given the opportunity to be heard before the state board, and (4) the state board votes to designate the county board to conduct the town elections on an ongoing basis.

Minimum Compensation for County Elections Directors

S.L. 1999-426 amends G.S. 163-35(c) to raise the minimum amount that any county may pay to its director of elections from \$8 to \$12 per hour.

Requirement of Full-Time Elections Office

G.S. 163-36 permits counties with sufficiently small populations to keep their elections board offices open on a less than full-time basis. The cut off has been 14,000 registered voters. S.L. 1999-426 amends the statute so that only counties with fewer than 6,501 registered voters may operate on a part-time basis.

Funding Responsibility of County Commissioners

S.L. 1999-424 puts back into the statutes (as new G.S. 163-37) a provision inadvertently dropped in revisions in 1995 that specifically directs boards of county commissioners to

appropriate reasonable and adequate funds necessary for the functions of the county board of elections.

Reports of Deaths and Felonies

G.S. 163-82.14 has required the state Department of Health and Human Services to furnish to each county board of elections, on a quarterly basis, the names of deceased persons who were residents of the state. S.L. 1999-453 amends that statute to call for the department to make the reports on a monthly basis and to report directly to the State Board of Elections, which will then be responsible for distributing the lists to the counties. The counties then remove the names of the deceased from the voter registration rolls.

G.S. 163-82.14 has also required the clerk of superior court in each county to report to the county board of elections each individual against whom a final judgment of conviction of a felony has been entered in that county in the preceding quarter. S.L. 1999-453 amends that statute to call for the clerk to make the reports on a monthly basis.

State-Level Elections Administration

Emergency Powers of the Executive Secretary-Director of the State Board

S.L. 1999-455 (S 568) adds a new G.S. 163-27.1 granting to the Executive Secretary-Director of the State Board of Elections, as the chief state elections official, emergency powers to conduct an election in a district where the normal schedule for the election is disrupted by a natural disaster, extremely inclement weather, or war. The Executive Secretary-Director is to adopt rules describing the emergency powers and the situations in which it will be exercised.

State Board Temporary Rule-Making Authority

S.L. 1999-453 (S 881) adds a new subsection to the Administrative Procedure Act [new G.S. 150B-21.1(a4)] giving the State Board of Elections the power to adopt a temporary rule in three situations: (1) to implement G.S. 163-22.2, which already gives the board temporary rule-making authority when a state or local election law or regulation is declared by a court to be in violation of the Constitution or unenforceable under the Voting Rights Act; (2) to implement any provision of state or federal law for which the state board has been authorized to adopt rules; and (3) when there is immediate need for the rule to become effective in order to preserve the integrity of upcoming elections and the electoral process.

State Ballot Preparation

County boards of elections are responsible for the preparation of most ballots, but the State Board of Elections is responsible for some, such as statewide referendums. G.S. 163-137 has required that the state-prepared ballot be ready at least sixty days before the applicable election. S.L. 1999-455 changes that provision to fifty days.

Appeals of Contested Elections

G.S. 163-181 has provided that boards of elections may not issue certificates of election or nomination or the results of a referendum if an election contest is pending before the county or State Board of Elections or is on appeal. S.L. 1999-424 specifies that a decision of the State Board of Elections must be appealed within ten days of the service of notice of the decision on the parties

and that certificates of election may be issued unless the appealing party obtains a stay of certification from the superior court of Wake County within those ten days.

Unconstitutional Petition Provisions Deleted

S.L. 1999-424 amends G.S. 163-96 (regarding petitions to form a new political party) and G.S. 163-122 (regarding petitions to have one's name printed on the ballot as an unaffiliated candidate) to remove from those statutes provisions found by the courts to be unconstitutional. Those provisions had required certain validation procedures and a fee for checking the petitions.

Campaign Finance Opinions

G.S. 163-278.23 has for years directed the Executive Secretary-Director of the State Board of Elections to issue written rulings concerning obligations under campaign finance reporting provisions to candidates. The law authorizes issuance of rulings to the media, political committees, and referendum committees upon request. It specifies that, if a recipient of such a ruling acts in accordance with it, the recipient is not subject to prosecution for such actions, even if they turn out to have been in violation of law. S.L. 1999-453 amends the statute to change the term from "rulings" to "opinions"; to require the Executive Secretary-Director to file the opinions with the Codifier of Rules, who is to publish them in the North Carolina Register and the North Carolina Administrative Code; and to add that a recipient of an opinion who acts in accordance with it is protected not only from prosecution but also from civil action.

Absentee Voting

The statutes establishing the procedures for absentee voting have been added to, changed, and expanded from one session of the General Assembly to the next. As a result the statutes have become complex and difficult to understand and administer. The General Assembly in S.L. 1999-455 undertook to simplify and clarify absentee voting procedures and to make a few substantive changes.

North Carolina allows two distinct methods of absentee voting. By the traditional method, a voter requests an application to vote absentee. The board of elections sends the application and the ballot to the voter. The voter fills out the application and the ballot and returns both to the elections board office. The elections board considers the application and, if it approves the application, the ballot is counted at the time of the election. By the one-stop method, the voter comes to the board of elections office and, in one transaction, fills out the application and marks the ballot. If the application is ultimately approved, the ballot is counted, as in the traditional absentee method, on election day.

In order to vote by absentee ballot, the voter has been required to demonstrate that one of five possible excuses for voting absentee is present: (1) the voter expects to be absent from the county during the entire period that the polls will be open on election day; (2) the voter is unable to be present at the voting place on election day because of sickness or physical disability; (3) the voter is in jail; (4) the voter will be unable to cast a ballot on election day because that day is a holiday pursuant to the tenets of his or her religion; or (5) the voter is an employee of the board of elections and will be working on election day.

The 1999 changes affect both the traditional and one-stop methods of absentee voting.

No-Excuse One-Stop Absentee Voting in General Elections

In the most significant substantive change, the 1999 legislation does away with the requirement that the voter must be able to show one of the five statutorily recognized excuses for one-stop absentee voting in even-year general elections. For those elections a voter may come to the one-stop voting place, fill out an application, and cast his or her ballot without presenting any reason for voting this way rather than waiting for Election Day to vote at the regular polls.

This change is applicable *only* to even-year general elections. That is, it is not applicable to odd-year elections, which are primarily municipal elections for town council and mayor, and it is not applicable to party *primary* elections in the even years. For those elections the requirement of a statutorily recognized excuse still applies. It is also not applicable to traditional absentee voting as opposed to one-stop absentee voting.

Additional One-Stop Absentee Voting Sites

Before the 1999 legislation, each county was permitted by general law to have only one site available for one-stop absentee voting. That one site had to be at the office of the county board of elections. The 1999 act permits a county board of elections, by unanimous vote of all of its members, to provide additional sites at the kinds of places that can be used for polling places on election day. To have such remote one-stop sites, the county board of elections must prepare a Plan for Implementation and have the plan approved by the State Board of Elections. Employees who staff the remote sites must meet certain training requirements set out in the new law.

Challenges at One-Stop Sites

The general law permits challenges to absentee ballots over the issue of the voter's qualifications and entitlement to vote between noon and 5:00 P.M. on election day. For regular, nonabsentee voting, the general law permits challenges at the polls at the time that the voter attempts to vote. The 1999 legislation amends G.S. 163-227.2 to add a provision permitting the challenge to a person attempting to vote absentee at a one-stop site. The challenge may be entered by the person conducting the one-stop voting at the site or by any registered voter of the same precinct of the voter being challenged.

Counting Absentee Ballots

The 1999 legislation adds several directions regarding the counting of absentee ballots. The general law provides that the counting begins before the polls close on election day. The new provisions specify that if the count has been completed before the polls close, it is to be suspended until that time, pending receipt of any additional ballots. One-stop ballots counted electronically are not to be counted until the polls close, except any outstack ballots in the counting device, which may be counted with the other absentee ballots.

Streamlining Provisions

The 1999 legislation makes a number of changes in the absentee ballot law.

It reduces the number of required meetings for county boards of elections, for instance. Before the 1999 legislation, the general law called for numerous meetings of the county board of elections to consider absentee ballot applications. The meetings had to occur once a week beginning fifty days before an election and increasing in frequency as the election neared, so that in the last eight days before the election the statute required four separate meetings. The 1999 act amends the provisions so that now G.S. 163-230.1 requires one meeting a week in the last three weeks before the election. As another example, the legislation reduces the variety in the procedures for issuance of absentee ballot applications and the ballots themselves. The procedures

formerly turned on whether the request was made by mail or in person and the nature of the excuse for voting absentee). Also, in many places where the statutes, in antiquated language, laid duties or powers in the hands of the chair of the county board of elections, the 1999 changes place them in the hands of the board as a whole.

Military Absentee Voting by Fax and E-mail

The 1999 legislation adds a new G.S. 163-257 providing that members of the armed forces, their spouses, certain civilians working with the armed forces, and certain people connected with the Peace Corps, all of whom are protected by federal legislation on absentee voting, may apply for voter registration and for absentee ballots by facsimile or electronic mail. A county board of elections may send and receive absentee ballot applications and accept voted ballots by facsimile and electronic mail, in accordance with rules to be adopted by the State Board of Elections.

Campaign Finance Regulation

A decision of the federal Fourth Circuit Court of Appeals in early 1999, *N.C. Right to Life v. Bartlett*, 68 F.3d 705 (4th Cir. 1999), held large portions of North Carolina's statutory scheme of regulation of the finances of political campaigns unconstitutional. First, the court held that North Carolina's regulation of "political committees" (requiring them to register, to keep detailed records of expenditures and contributions, and to file reports on their expenditures and contributions) was too broad because it applied not only to committees engaged in "express advocacy" (that is, attempts to get voters to vote for or against a candidate) but also to committees engaged in "issue advocacy" (that is, attempts to influence people to think one way or another about a matter of public concern without directly attempting to influence them to vote for or against a particular candidate).

Second, the court held that North Carolina's prohibition against corporations making expenditures for "political purposes" was unconstitutional primarily because it applied to for-profit and nonprofit corporations alike. While the capacity of for-profit corporations to distort the political process through huge expenditures might justify a prohibition against their contributions to candidates, the court said, there is not a sufficient justification to permit the prohibition of participation by nonprofit corporations.

In response the 1999 General Assembly enacted S.L. 1999-31 (H 921) in an attempt to cure the constitutionality problems and reinstate effective regulation of campaigns. It also enacted S.L. 1999-453, labeled the Campaign Reform Act of 1999, adding new substantive provisions to the regulatory scheme. All of the changes described in this section were made through S.L. 1999-31 unless otherwise noted.

Definition of "Political Committee"

The state's regulatory scheme for political campaigns chiefly concerns the activities of political committees. Before the 1999 changes, G.S. 163-278.6(14) defined *political committee* to include any two or more persons or entities that had as a "primary or incidental purpose" the support or opposition of a candidate or influencing the result of any election. The federal court in *N.C. Right to Life v. Bartlett* made its finding of unconstitutionality based primarily on two factors. First, a group could come under the definition (and therefore under regulation) even if its activities only had the *incidental* purpose of supporting or opposing a candidate. Second, a group could come under the definition even if it was not supporting or opposing a candidate at all but was in some other way attempting to influence the outcome of an election—such as furthering the interests of some particular group or pushing for a particular outcome on some issue of public concern.

To meet these court objections, the 1999 legislation provides (primarily by amending G.S. 163-278.6) that to be a political committee a group must have as a *major* purpose the support of or opposition to the nomination or election of one or more clearly defined candidates, or meet one of the following criteria: (1) be controlled by a candidate, (2) be a political party or its executive committee or be controlled by one of them, or (3) be a committee created by a corporation, business entity, insurance company, labor union, or professional association under statutory provisions for creation of political committees by such entities. An entity is rebuttably presumed to have support for or opposition to a candidate as a major purpose if it contributes or expends during an election cycle more than \$3,000 on election matters other than referendums or support or opposition of ballot issues, as opposed to candidates. The presumption may be rebutted by showing that the contributions and expenditures were not a major part of activities of the organization during the election cycle. In any proceeding the committee under scrutiny may offer evidence to rebut the presumption, but the ultimate burden of persuasion rests with the state.

After the passage of these changes, the General Assembly, through S.L. 1999-453, added a new G.S. 163-278.14A laying out the kinds of evidence (along with other kinds) that may prove that an individual or entity acted “to support or oppose the nomination or election of one or more clearly identified candidates”: (1) financial sponsorship of communications to the general public that use phrases such as “vote for” or “reelect” or “support” (among a list of other such phrases) and (2) financial sponsorship of communications whose essential nature expresses electoral advocacy to the general public and goes beyond a mere discussion of public issues in that they direct voters to take some action to nominate, elect, or defeat a candidate in an election. These provisions do not apply to a communication that appears in a news story, commentary, or editorial distributed through a broadcasting station, newspaper, or magazine, unless those facilities are owned or controlled by a political party or political committee. The provisions also do not apply to communication distributed by a corporation solely to its stockholders and employees or by any organization, association, or labor union to its members or subscribers or made available to individuals in response to their requests, including through the Internet.

Limiting Covered “Contributions”

The 1999 legislation restricts the scope of the campaign regulation statutes by narrowing the definition of *contribution* so that it applies only to money (or other things of value) given to a candidate to support or oppose the nomination or election of one or more clearly identified candidates, or to a political committee, or to a political party, or to a referendum committee. The definition explicitly excludes *independent expenditures*, defined as expenditures made in support of or opposition to a candidate but without consultation with or coordination with the candidate. Independent expenditures in excess of \$100 must be reported to the State Board of Elections (along with donations received by the reporting entity for the purpose of making the independent expenditures).

Expanding the Definition of “Candidate”

The thrust of the 1999 changes bringing the statutes into compliance with the court decision is to narrow the scope of the campaign regulations. In one respect, however, the 1999 changes expand the scope, by expanding the definition of *candidate* to include an individual who has not yet filed a notice of candidacy or begun a petition to become a candidate or been certified as a nominee but who has received funds or made payments for the purpose of exploring or bringing about his or her nomination or election to office.

Limiting Prohibition on Corporate Expenditures

The 1999 changes amend G.S. 163-278.19(a)—the general provision prohibiting corporate expenditures—to limit the scope of the statute to corporate expenditures for the purpose of

supporting or opposing the nomination or election of a clearly identified candidate or the candidates of a clearly identified political party.

Permitting Contributions by Nonprofit Corporations

To directly meet one of the federal court's objections to the former statutory provisions, the 1999 legislation adds a new G.S. 163-278.19(f), providing that the prohibitions on contributions by corporations do not apply to an entity that (1) has as an express purpose promoting social, educational, or political ideas and not to generate business income, (2) does not have shareholders or other persons who have an economic interest in its assets and earnings, and (3) was not established by a business corporation, insurance company, or business entity.

Lobbyists' Solicitations of Contributions

One of the elements of North Carolina's scheme of campaign finance regulation that withstood the challenges of the plaintiffs in *N.C. Right to Life v. Bartlett* was the set of limitations on campaign contributions by lobbyists. G.S. 163-278.13B(c) prohibits lobbyists from making or offering a contribution to a member of the General Assembly or Council of State (or candidate for such a position) while the General Assembly is in session. S.L. 1999-453 adds to that statutory provision a prohibition against lobbyists soliciting contributions from any individual or political committee on behalf of a member as well as making the contributions. The solicitation prohibition does not apply to solicitations on behalf of a political party executive committee if it is solely for a separate segregated fund kept by the party limited to use for activities that are not candidate-specific.

"Stand by Your Ad"

The Campaign Reform Act of 1999, S.L. 1999-453, adds a new Part 1A to Article 22A of Chapter 163 of the General Statutes, entitled "Disclosure Requirements for Media Advertisements," commonly referred to as "Stand by Your Ad."

Disclosure requirements. The legislation requires any sponsor of an advertisement supporting or opposing the nomination or election of one or more clearly identified candidates to disclose in the advertisement whether it is authorized by a candidate. The disclosure requirements do not apply to individuals who spend less than \$1,000 on advertisements.

In a print media advertisement in which the sponsor is opposing an identified candidate, the sponsor must disclose in the advertisement the name of the candidate whom the advertisement is intended to benefit if the sponsor coordinates with or consults with the candidate about the advertisement. The legislation sets out requirements regarding the size of the disclosure notice and penalties for violation.

In any advertisement on television, the legislation adds additional requirements. For advertisements purchased by a candidate (or committee for a candidate) supporting or opposing the nomination or election of a clearly identified candidate, the candidate must personally speak a disclosure statement saying words to the effect of "I am candidate so-and-so, and I sponsored this advertisement." For such advertisements purchased by a political party, the disclosure must be spoken by the chair, executive director, or treasurer. For such advertisements purchased by political committees, the disclosure must be spoken by the chief executive officer or treasurer of the committee. For such advertisements purchased by an individual, the disclosure must be spoken by the individual. In all instances of television advertisements, a picture of the individual making the disclosure statement must appear on the screen throughout the speaking of the statement.

The legislation adds corresponding disclosure requirements for advertisements on radio.

Remedies. For violations related to the television and radio rules, a candidate may file a Notice of Complaint Regarding Failure to Disclose on Television or Radio Campaign Advertising. That notice must be filed by the Friday after the election. The filing of the notice entitles the candidate to bring a civil action in superior court at any time within ninety days after the election.

If the candidate prevails in the lawsuit, he or she will receive a monetary award in the total dollar amount of television and radio time that was aired in violation of the statute. If the candidate can demonstrate that he or she informed the sponsor of the advertisements of the violation and the advertisements continued despite the notice, the damages are to be tripled.

Election Laws Study Commission

S.L. 1999-395 (H 163) creates the Election Laws Study Commission charged with studying the following matters:

- the election laws, policies, and procedures of the state;
- the administration of those laws, policies, and procedures at the state and local levels;
- the election laws, policies, and procedures of other states;
- federal and state case rulings impinging on those laws, policies, and procedures;
- public funding of election campaigns;
- an exemption from the Administrative Procedure Act for the State Board of Elections;
- preference voting and instant second primaries.

The commission is to prepare and recommend to the General Assembly a comprehensive revision of the election laws of the state that will accomplish the following:

- remove inconsistencies, inaccuracies, ambiguities, and outdated provisions in the law;
- incorporate in the law any desirable uncodified procedures, practices, and rulings of a general nature that have been implemented by the State Board of Elections or its Executive Secretary-Director;
- conform the statutory law to state and federal case law and to any requirements of federal statutory law and regulation;
- ensure the efficient and effective administration of elections;
- continue the impartial, professional administration of elections, which the citizens of the state expect and demand;
- recodify the election laws, as necessary, to produce a comprehensive, clearly understandable structure of current North Carolina election law, susceptible to orderly expansion as necessary.

The commission is to consist of seventeen members. The President Pro Tempore of the Senate is to appoint four, including at least one county board of elections member, with no more than three of the four affiliated with the same political party. The Speaker of the House of Representatives is to appoint four, including at least one county elections director, with no more than three of the four affiliated with the same political party. The Governor is to appoint four, including at least one county commissioner and at least one minority-party member of the State Board of Elections. The chair and the Executive Secretary-Director of the State Board of Elections are to be ex officio members, as are the chairs of the three political parties that received the highest number of votes in the most recent general election for Governor.

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