

CIVITAS INSTITUTE

Legislative Recap

2007 GENERAL ASSEMBLY

August 20, 2007

Voting/Election Law Wrap Up

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During the 2007 long session, legislators considered several bills pertaining to voter registration and identification laws, taxpayer-financed campaigns, and the assignment of North Carolina's Electoral College votes for president. In particular, lawmakers passed legislation permitting people to register and vote on the same day at one-stop locations. Other legislation introduced, but not passed, would have required voters to show identification at the polls.

The General Assembly also passed two bills permitting public funds to be used for election campaigns for specific races. As a result of HB 483, the Town of Chapel Hill will be able to conduct a pilot program for taxpayer-financed municipal elections. Statewide candidates for the state superintendent of public schools, insurance commissioner, and state auditor will likewise be able to fund their campaigns with public dollars if candidates meet certain requirements and largely forgo private spending. Non-publicly financed opponents in these races will also face additional reporting requirements. A bill that would have established a pilot program to use public funds for legislative campaigns did not pass.

Finally, two bills that were considered, but did not pass, would have changed the way North Carolina participates in presidential elections. Senate Bill 353, which came close to becoming law, would have assigned the state's Electoral College votes based on the presidential winner of each congressional district. The other bill, SB 954, would have entered North Carolina into a nationwide compact to award its Electoral College votes to the national popular vote winner.

Several bills were also introduced to move the responsibility for redistricting after the decennial census from the General Assembly to an independent commission or, even, individual citizens. These bills did not move during the session.

LEGISLATION THAT PASSED

Budget Bill (HB 1473/S.L. 2007-323)

Status: Signed by Governor Easley on July 31, 2007

Cost: Increase of approximately \$330,000 for the State Board of Elections budget

The 2007 budget continues funding for three time-limited positions through the end of 2008 in order to catch up on the backlog of campaign finance reports. New funding for the training of political committee treasurers, as required by law (G.S. 163-278.7(f)), is also included. The State Board of Elections is also directed to use \$427,500 "to centralize ballot coding in North Carolina to provide oversight, ensure accuracy of election preparation, and reduce errors with ballot styles." The total budget for the board in 2007-08 is \$6.2 million, an increase of 5.7 percent over 2006-07.

Registration and Voting at One-Stop Sites (HB 91/S.L. 2007-253)

Status: Signed by Governor Easley on July 20, 2007

Cost: No fiscal note available

Allows people to register to vote and cast a ballot on the same day at one-stop early voting locations. In order to register, an individual must sign a statement attesting to their eligibility and show a North Carolina driver's license, a photo identification from a government agency, or any of the following documents that show the individual's name and address: a current utility bill, bank statement, government check, paycheck, or other government document. Senator Phil Berger (R-Rockingham) offered an amendment on the floor of the Senate to require all materials associated with this program to be printed in English except where otherwise required by federal law. The amendment passed 39 to 9 but was not included in the final conference version of the bill.

Voter-Owned Elections Pilot (HB 1517)

Status: Presented to Governor Easley on August 2, 2007

Cost: \$2.3 million annually

This bill makes public funds available to candidates that agree to specified campaign spending limits. The act applies to candidates running for Council of State offices, including commissioner of insurance, state auditor and state superintendent of public instruction. The campaign funds will be available from the newly created "Voter Owned Elections Fund" to be financed with tax dollars and appropriated from the General Fund.

Chapel Hill Campaign Finance Options (HB 483/S.L. 2007-222)

Status: Signed by Governor Easley on July 16, 2007

Cost: No fiscal note available

This legislation allows the Town of Chapel Hill to appropriate funds for taxpayer-funded elections for city officials. The law requires candidates to meet certain conditions and restrictions in order to qualify for public funds for their campaigns. In addition, the law requires a report on the outcome of the program after the second election. The bill is effective immediately and expires in 2012.

Strengthen Judicial Fund (HB 1828)

Status: Presented to Governor Easley on August 2, 2007

Cost: No fiscal note available

Current law provides for public financing of judicial campaigns when candidates meet certain restrictions. Funds are provided through the North Carolina Candidates Financing Fund, which is funded through attorney contributions and voluntary donations, including those designated by individual taxpayers on their tax returns. Between 2003 and 2005, fewer than 10 percent of taxpayers supported the fund through their tax returns. This bill amends the current law pertaining to campaign "rescue funds" by renaming these funds "matching funds." The legislation also expands the reasons for which such funds can be allotted to include "electioneering communications" (mass media or other communications referring to a candidate, issued close to the time of the election). The new legislation also expands the time frame for providing matching funds for electioneering communications to 80 days before a primary and 110 days before a general election (was 30 and 60 days respectively). In addition, the bill permits matching funds if a publicly financed candidate is outspent by another publicly financed candidate through third party spending.

LEGISLATION THAT DID NOT PASS

Presidential Electors by District (SB 353)

Status: Passed Senate; passed second reading in House, then withdrawn from calendar and re-referred to Election Law and Campaign Finance Reform Committee

Cost: No fiscal note available

This bill would have distributed North Carolina's 15 Electoral College votes for president based on the presidential winner of each congressional district, with two votes for the statewide winner. The bill came just short of reaching the governor's desk. After passing the Senate and passing second reading in the House, SB 353 was withdrawn from the House calendar before third reading and re-referred to committee. In the past few presidential elections, North Carolina has awarded its 15 Electoral College votes to the Republican candidate. In 2004, for example, President George Bush (R) received North Carolina's votes. If the Electoral College votes had been allotted by congressional district, President Bush would have received 10 votes: one each from Congressional Districts 2, 3, 5, 6, 7, 8, 11, and 13; and two votes for winning the popular vote statewide. John Kerry (D) would have received 3 votes, one each from Districts 1, 4, and 12. In California, which in the recent past has awarded its Electoral College votes to the Democrat candidate, a similar measure is being supported by Republicans. The North Carolina bill seemed certain to pass until Democrat National Chairman Howard Dean asked the North Carolina Democrat Leadership to hold the bill until next year.

Popular Election (SB 954/SB 760/HB 1645)

Status: SB 954 passed Senate; referred to House Election Law and Campaign Finance Reform Committee

Cost: No fiscal note available

This legislation would have pledged North Carolina to enter a national compact to award North Carolina's Electoral College votes to the presidential candidate with the most votes nationwide, regardless of whether that candidate prevailed in North Carolina. The national compact would be activated once the number of Electoral College votes represented by states joining the compact reached 270 Electoral College votes – enough to elect the president. For example, the following states would be enough to activate the compact: California (55 votes), Texas (34), New York (31), Florida (27), Illinois (21), Pennsylvania (21), Ohio (20), Michigan (17), Georgia (15), New Jersey (15), and North Carolina (15).

Nonpartisan Election of DAs (SB 1363)

Status: Passed Senate; referred to House Election Law and Campaign Finance Reform Committee

Cost: No fiscal note available

Current statutes require nonpartisan elections for judges. The most recent legislation, passed in 2002 (SB 1054/S.L. 2002-158), made N.C. Supreme Court and Court of Appeals judgeships nonpartisan and provided for public funding for races beginning in 2004. SB 1363 would have made district attorney elections nonpartisan as well.

Independent Redistricting (HB 76)

Status: Referred to House Rules Committee

Cost: No fiscal note available

This legislation would have created an independent commission charged with setting state House, state Senate, and congressional district boundaries after each decennial census. Commissioners would be appointed by the chief justice of the state Supreme Court, the governor, the president pro tempore of the Senate, the Senate minority leader, the speaker of the House, and the House minority leader. The bill would have required bipartisan appointments and required that districts be designed with goals of compactness, avoidance of irregular shapes, "one person, one vote" equal representation, minimization of split counties and municipalities, and no split precincts. *See also SB 1122 (Horton Independent Redistricting Commission)*

Redistricting Reform (SB 1093)

Status: Referred to Senate Ways and Means Committee

Cost: No fiscal note available

This bill would have set up a system administered by the secretary of state whereby any citizen could propose new district boundaries after the 2010 census. Proposals would be scored by the secretary's office on objective measures of compactness, "one person, one vote" equality, and minimization of split counties, municipalities, and precincts. The best proposal would be used for redistricting.

Photo I.D. for Voting (HB 989/SB 779)

Status: Still in originating chamber: referred to House Election Law and Campaign Finance Reform Committee/Senate Select Committee on Government and Election Reform

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violations of the new law

This legislation would have required voters to present government-issued photo identification when voting. The bill contained a provision allowing indigent persons without photo I.D. to submit a provisional ballot. It would also have allowed persons who cannot afford the fee for a special identification card from the DMV to obtain a card free of charge.

Voter Identification (HB 185)

Status: Referred to House Rules Committee

Cost: No fiscal note available

Current law requires that, if a voter has registered by mail and never before voted, he must provide proof of identification at his polling place when he first votes. Valid identification includes a current photo I.D., a current utility bill, bank statement, government check, paycheck, or other government document. This bill would have required voters to present identification every time they vote at the polls or at a one-stop location.

Rights of Ex-Offenders (HB 1020)

Status: In House Judiciary II

Cost: No fiscal note available

While a felon is serving a term of imprisonment, probation, or parole, he temporarily loses citizenship rights, including the right to vote. When his sentence is completed, his citizenship rights are automatically restored. This bill would have required that ex-offenders be informed of their right to vote and given an opportunity to register.

