

North Carolina's 2013 Election Reform Law: An Overview

North Carolina's Voter Identification Verification Act (VIVA) is an comprehensive bill, working to unravel decades of biased and flawed election rules. Following is a list of nearly all of the bill's reforms:

Requires a photo ID to vote. The new law requires all people who vote in person to present a valid photo ID in order to cast a ballot. The voter ID law will not be fully implemented until January 1, 2016, but in 2014 and 2015 elections voters will be informed that a photo ID will be needed to vote beginning in 2016. When the law is implemented, a *voter without an ID, will be allowed to vote a provisional ballot.* [North Carolina is now one of 34 states](#) that have laws requiring some type of ID to vote.

Eliminates straight-party voting. Beginning in 2014, the new legislation eliminates the practice of straight party voting. North Carolina was one of only 15 states that allowed voters to select a straight party option when they were voting a partisan ballot, but we were the *only* state that did not include the presidential contest in the straight party selection. North Carolina Democrats dropped the presidential contest from straight-ticket voting in 1967. Since then, Republican Presidential candidates have carried the state in 10 out of the last 12 presidential elections.

Changes the order of parties on General Election ballots. Democrats will no longer permanently own the top spot on partisan general election ballots. Now the nominees of political parties will appear in alphabetical order by party beginning with the party whose nominee for Governor received the most votes in the most recent gubernatorial election, and in alphabetical order within the party.

Lessens the number of days in-person early voting period while mandating that the number of total voting hours remains the same as in comparable previous elections. Beginning in 2014, the number of days to vote at an early voting one-stop site is shortened to 10 from 17. But the total hours of voting in the 10-day period will be equal to the total hours the county provided in the previous general election. All additional one-stop, early voting sites now must be open on the same days at the same times. [North Carolina is one of 28 states](#) where any qualified voter may cast a ballot in person during early voting and no excuse is required. North Carolina is also one of just 12 early voting states that require that early vote centers be open on at least one Saturday or Sunday during the early voting period.

Eliminates same-day registration (SDR). Beginning in 2014, voters will no longer be able to register and vote at the same time during early voting. Everyone will be required to register to vote at least 25 days before Election Day. Previously only two states, Ohio and North Carolina, offered same day registration and voting during the early voting period. This change means all registered voters will undergo the same verification process prior to their votes being counted.

Eliminates taxpayer-funded political campaigns. The legislation repeals the Political Parties Financing Fund, the Judicial Elections Fund and the Voter-Owned Elections Fund. No longer will North Carolina taxes be used to fund political campaigns. [North Carolina now joins 36 other states in prohibiting taxpayer-funded campaigns.](#)

Requires Election Day voters to vote in the precinct where they reside. Provisional ballots cast in the wrong precinct on Election Day will not count. In every election, voters will have 10 days of early voting and up to 60 days of voting by mail, providing them manifold opportunities to vote besides voting in their home precinct on Election Day.

Increases the campaign contribution limit from \$4,000 per election to \$5,000. This is the first

change in contribution limits in more than 10 years. Twenty-four states have contribution limits of \$5,000 or more; of those states, 12 of them have no limits on contributions. *This increase will help candidates compete with outside groups and independent expenditure campaigns.*

Eases restrictions on requesting mail-in absentee ballots. Beginning in January 2014, voters will no longer be required to submit a request for an absentee ballot "written entirely by the requester personally." Then the voter (or voter's near relative) will just have to complete and sign a request form created by the State Board of Elections.

Repeals the law allowing 16- and 17-year-olds to register to vote. A 17-year-old who will be 18 by the General Election Day, however, may register to vote and vote in the primary (as was the case prior to the 2009 change to allow 16- and 17-year-olds to register). *The change will ensure that 16-year-olds will not have their names and addresses on a state database accessible to everyone.*

Changes the required number of persons present when an absentee voter completes the process of voting an absentee ballot. The absentee envelope must be signed by two witnesses (up from only one), unless the witness is a notary public, in which case the only required witness signature is that of the notary public.

Adds a political party requirement to filling a vacancy in the United States Senate. Now the person appointed to fill the vacancy in United States Senate by the Governor must be a person affiliated with the same political party as the Senator who vacated the position.

Changes scheduling requirements for special elections. Special elections called by a county, municipality or other special district may be held only at the same time as any other state, county or municipal primary or general election in an even-numbered year.

Provides for 10 additional at-large observers, designated by each political party, who may attend any polling place in the county. Only one of the additional observers may be permitted into a voting enclosure attended by the regularly appointed observers, but at-large observers may also serve at any early voting site. This change modernizes the poll observer part of the law to accommodate early voting and the increase in number of voters and precincts.

Prohibits online voter registration. Requires a "wet ink" signature. Specifies that only state agencies may use electronically-captured signatures. This clarifies existing state law in light of the growth of online communications.

Prohibits paying any person to register voters by the number of voter registration forms they submit. The legislation makes it unlawful to compensate a person based on the "number of forms submitted for assisting persons in registering to vote."

Prevents arbitrary extension of time the polls may be open due to "extraordinary circumstances" on Election Day. Before the new legislation, county boards could authorize an additional hour of voting if a polling place had experienced any delay or interruption during voting hours regardless of the extent of the problem. Now, if the polls are delayed in opening or there is an interruption for more than 15 minutes after opening, the State Board of Elections may extend the closing time by an equal number of minutes. *The new law does not change the requirement that any person standing in line at the time the polls close on Election Day must be allowed to vote.*

Repeals statewide voter registration drive mandate. Previously, the State Board of Elections would initiate a voter registration drive that would compel the local boards to conduct the drives during one month every year. This change helps alleviate the cost (in both money and manpower) of a mandated registration drive that usually duplicated the efforts of political parties and other activist organizations.

Eases restrictions on who can access and inspect voters' registration records. Now any registered voter of the State may access and inspect the registration records of each county.

Eases restrictions on who can challenge voters on election days. Before the passage of the new election reform law, only registered voters of the precinct could challenge a voter of that precinct; now any registered voter of the county may "exercise the right of challenge." This measure is aimed to accommodate the additional at-large poll workers mentioned above and recognizes the changed nature of voting with early voting and one-stop sites.

Allows the State Board of Elections to cross-check voter registration information with other states. The new law directs the State Board of Elections to "actively seek ways to share and cross-check information on voting records and voter registration with other states to improve the accuracy of voter registration lists, using resources such as the Electronic Registration Information Center and by entering into interstate compacts for this purpose."

Attempts to protect voters who are patients in hospitals, clinics, nursing homes or rest homes by restricting who may assist them in voting absentee.

Repeals Instant Runoff Voting (IRV). IRV is a voting system in which voters ranked the candidates on their ballots instead of voting for one candidate. In NC, IRV was to be used when a vacancy for the office of justice of the Supreme Court, judge of the Court of Appeals or judge of the Superior Court occurs less than 64 days before the date of the second primary. The new legislation puts an end to this complicated system of voting that confused the voters and officials who administered elections. These vacancies will now be filled with a plurality election.

Changes campaign reporting cycle. The election reporting cycle will now correspond to the calendar year instead of ending on Election Day. The election cycle will now begin on January 1 of odd-numbered years and end on December 31 of the next even-numbered year.

Election Officials are now required to include on a provisional ballot something in writing to indicate that it is a provisional ballot.

Sponsors of media advertisements are no longer required to state in the advertisement their position for or against a ballot measure.

Requires all voting systems, beginning in 2018, to produce a paper ballot.

No longer are sponsors required, in a print media advertisement that is an independent expenditure, to include a list of the names of the individuals who made the largest donations to the sponsor within the six-month period prior to the purchase of the advertisement. Previously the law forced groups to disclose donors, despite the fact that IRS rules protect the confidentiality of their donations.

Prohibits lobbyists from collecting, transferring or possessing contributions for candidate committees.

Requires the Boards of Elections to accept notices from more sources in order to remove deceased people from the voter rolls.

Tentatively moves North Carolina's Presidential Primary, normally held on the Tuesday after the first Monday in May. If South Carolina holds its presidential primary before the 15th day of March, North Carolina's presidential primary will be held on the Tuesday after the first South Carolina presidential preference primary of that year.

Imposes term limits on State Board of Elections members. Effective immediately, no person may serve more than two consecutive four-year terms as a member of the State Board of Elections. Prior to this change there was no limit and some members served for 20 or more years.

Lowers the number of signatures a candidate needs to obtain in order to be placed on the ballot without paying a filing fee.

Enhances delivery of military and overseas absentee ballots in presidential elections. The board of elections will now be required to issue absentee ballots in a presidential year no later than three days after nomination of the presidential and vice presidential candidates (if the nomination makes compliance with the 60-day deadline impossible).

Makes it easier for third party candidates to get on the ballot. Now, in lieu of paying a filing fee, third party candidates need only collect signatures of 5 percent of the number of voters registered within their party (down from 10 percent) to get on the primary ballot.

If candidates wish to withdraw from a race, they must now do so prior to the close of business on the third day prior to the end of the filing period. If a candidate withdraws after the deadline, the candidate's name will appear on the ballot, any votes will be counted for the candidate and the candidate will not be reimbursed their filing fee.

VIVA also authorizes numerous studies to examine potential changes in campaign disclosure laws and other regulations. VIVA requires the Joint Legislative Elections Oversight Committee to study the following for potential modifications:

Filling vacancies in the General Assembly and the U.S. Congress

"Bill of Rights" for election observers

Optimum number of voters in election precincts

Second primary options

Improve protections for person requiring assistance at the voting place

Electronic filing of campaign finance reports

Campaign finance reporting schedule changes

Elimination of the 48-hour campaign finance report