

Solicitation RFP No.:13-9547964

Bidder/Offeror: _____

THIS PAGE IS TO BE FILLED OUT AND RETURNED WITH YOUR BID/PROPOSAL. FAILURE TO DO SO MAY SUBJECT YOUR BID/PROPOSAL TO REJECTION.

ATTENTION

Federal Employer Identification Number or alternate identification number (e.g., Social Security Number) is used for internal processing, including bid tabulation.

Enter ID number here: _____

Pursuant to N.C.G.S. 132-1.10(b) this identification number shall not be released to the public.

This page will be removed and shredded, or otherwise kept confidential, before the procurement file is made available for public inspection.

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STATE OF NORTH CAROLINA REQUEST FOR PROPOSALS

RFP #13-9547964

TITLE: Direct Mailing and Processing of 2010 Voter Guides

USING AGENCY: North Carolina State Board of Elections
506 North Harrington Street
Raleigh, North Carolina 27603

ISSUE DATE: January 11, 2010

ISSUING AGENCY: North Carolina Department of Administration
Office of Fiscal Management Purchasing Section
116 W. Jones Street, Room 2054 (2nd Floor)
Raleigh, NC 27603-8003

Sealed Proposals subject to the conditions made a part hereof will be received until **2:00 p.m.** on **January 28, 2010** for furnishing services described herein.

SEND ALL PROPOSALS DIRECTLY TO THE ISSUING AGENCY ADDRESS AS SHOWN BELOW:

DELIVERED BY US POSTAL SERVICE	DELIVERED BY ANY OTHER MEANS
RFP NO. 13-9547964 Attn: Avery Johnson NC Department of Administration Office of Fiscal Management (Purchasing) 1306 Mail Service Center Raleigh, NC 27699-1306	RFP NO. 13-9547964 Attn: Avery Johnson NC Department of Administration Office of Fiscal Management (Purchasing) 116 West Jones Street, Room 2054 Raleigh, NC 27603-8003

*******SPECIAL NOTE – PLEASE READ*******

The US Postal Service DOES NOT deliver any mail (US Postal Express Mail, Certified, Priority, Overnight, etc.) to our physical address of 116 West Jones Street

IMPORTANT NOTE: Indicate firm name and RFP number on the front of each sealed proposal envelope or package, along with the date for receipt of proposals specified above.

Proposals submitted via telegraph, facsimile (FAX) machine, telephone, and electronic means, including but not limited to e-mail, in response to this Request for Proposals will not be acceptable.

Direct all inquiries concerning this RFP to: Avery Johnson
E-mail: avery.johnson@ncmail.net
Phone: 919-807-2469
Fax: 919-733-0021

NOTE: Questions concerning the specifications in this Request for Proposals must be received by **January 19, 2009** via e-mail avery.johnson@ncmail.net or by fax **919-733-0021**. A summary of all questions and answers will be posted on the internet as an addendum, located under the **RFP #13-9547964** being modified.

A COPY OF THE PREVIOUS VOTER GUIDE PRINTED IN 2008 IS AN **ATTACHEMENT** TO THIS RFP. IF PREFERRED, VENDORS ARE ALSO ENCOURAGED TO CONTACT AVERY JOHNSON AT (919) 807-2469 TO OBTAIN A HARD COPY OF THE GUIDE. THIS WILL PROVIDE THE BEST WAY TO CONVEY THE PROCESSING AND MAILING SERVICES NEEDED.

Offeror contact regarding this RFP with anyone other than Avery Johnson will be grounds for rejection of said Offeror's proposal. Agency contact regarding this RFP with any Offeror will be grounds for cancellation of this RFP.

It is the offeror's responsibility to assure that all addenda have been reviewed and, if need be, signed and returned.

<http://www.doa.state.nc.us/pandc/>

Within two days after notification of award of a contract, the vendor must register in

1. INTRODUCTION

By law, GS 163-278.69 and GS 163-278.99E require Voter Guides to be prepared by the State Board of Elections as to candidates for the NC Supreme Court, and the NC Court of Appeals, both as to the May Primary and the November General Election. The NC State Board of Elections, may in its discretion distribute the voter guide as it sees fit, but the intent of the law is to have the guide printed and mailed to all households if possible. It is expected that both the primary and general election voter guides will be produced and mailed in 2010, but the NC State Board of Elections has the authority to do otherwise if it so chooses. In case of a decision not to produce and mail a voter guide for either the primary or general election services for that mailing will not be needed and this contract will not be in force for that mailing.

2. BACKGROUND

The NC State Board of Elections has printed and mailed voter guides in even numbered years since 2004. The statute that mandates the voter guides is North Carolina General Statute 163-278.69 which contains certain deadlines for mailings of the voter guides.

3. SCOPE OF WORK

In prior years four million (4,000,000) voter guides were printed for those times they were printed for either the primary or general election. Because of the volume of the printing and the fact that newsprint quality paper is used, it appears this project must use web printing. Also in prior years, the printing job was split between two printers, each printing two million (2,000,000) and sending the print job directly to our mailing house who processed the mailing on behalf of the NC State Board of Elections.

This Request for Proposal (RFP) is requesting proposals for direct processing and mailing (including postage) of both the 2010 May 4 Primary Election voter guide and the November 2, 2010 General Election voter guide.

A. Primary Election Mailing Deadline:

By law, the earliest the guides could be mailed out for the primary would be March 18, 2010. However, filing for the offices does not end until February 26, 2010. It is hoped that a print ready mark up will be tendered to the printers by March 5, 2010. Processing and mailing will start ASAP after print guides are provided to the vendor subject the March 18, 2010 date above. It is expected that printing will conclude and processing/mailing will start in March 2008.

B. General Election Mailing Deadline:

By law, the earliest the guides could be mailed out for the primary would be September 16, 2010. Therefore, it would be desirable to have the printed guides to the direct mailer by August 11, 2010. A print ready mock up of this guide should be available to the awarded offeror by June 7, 2010.

The offeror awarded this contract must work directly in a cooperative matter with the printing vendor(s) hired to process the printing of these guides. Failure to cooperate and coordinate the vendor's processing and mailing services with the printer(s) of the voter guides will be a violation of this contract and a basis to void this contract.

The Bulk Mail Non-Profit Permit issued to the NC State Board of Elections used in prior years was filed with the Reidsville, N.C. Post Office and noted as Permit No. 144. There will be no objection if the direct mailer awarded this job, continues to use the Reidsville Post Office or transfer the permit to another Post Office. The USPS contact on this permit is Dan Swanson of the USPS who can be reached at (336) 668-1250. It is expected that the direct mailer will purchase the latest USPS CD for statewide mailings and ensure delivery of the voter guide to each North Carolina HOUSEHOLD (not voter).

THE PROCUREMENT PROCESS

The following is a general description of the process by which a firm will be selected to provide services.

1. Request for Proposals (RFP) is posted on the internet via the State's Interactive Purchasing System.
2. A deadline for written questions is set. (See cover sheet of this RFP for details.)
3. Proposals in **one (1)** original and **two (2)** copies will be received from each offeror in a sealed envelope or package. Each original shall be signed and dated by an official authorized to bind the firm. Unsigned proposals will not be considered.
4. All proposals must be received by the issuing agency not later than the date and time specified on the cover sheet of this RFP.
5. At that date and time the package containing the proposals from each responding firm will be opened publicly and the name of the offeror and cost(s) offered will be announced. Interested parties are cautioned that these costs and their components are subject to further evaluation for completeness and correctness and therefore may not be an exact indicator of an offeror's pricing position.
6. At their option, the evaluators may request oral presentations or discussion with any or all offerors for the purpose of clarification or to amplify the materials presented in any part of the proposal. However, offerors are cautioned that the evaluators are not required to request clarification; therefore, all proposals should be complete and reflect the most favorable terms available from the offeror.
7. Proposals will be evaluated according to completeness, content, experience with similar projects, ability of the offeror and its staff, and cost. Award of a contract to one offeror does not mean that the other proposals lacked merit, but that, all factors considered, the selected proposal was deemed most advantageous to the State.

In addition to any other evaluation criteria identified in the State agency's solicitation document, the agency shall, for purposes of evaluating proposed or actual contract performance outside of the United States, consider the following factors to ensure that any award will be in the best interest of the State:

- Total cost to the State
- Level of quality provided by the vendor
- Process capability across multiple jurisdictions
- Protection of the State's information and intellectual property
- Availability of pertinent skills
- Ability to understand the State's business requirements and internal operational culture
- Risk factors such as the security of the State's information technology
- Relations with citizens and employees
- Contract enforcement jurisdictional issues

8. Offerors are cautioned that this is a request for offers, not a request to contract, and the State reserves the unqualified right to reject any and all offers when such rejection is deemed to be in the best interest of the State.

PROPOSAL REQUIREMENTS

The response to this RFP **shall** consist of the following sections:

Corporate Background and Experience
Financial Statement
Project Staffing and Organization
Outsourcing
Cost Proposal

1. Corporate Background and Experience

This section shall include background information on the organization and should give details of experience with similar projects. A list of references (including contact persons and telephone numbers) for whom similar work has been performed shall be included.

2. Financial Statement

The offeror's most recent audited financial statement or similar evidence of financial stability shall be provided.

3. Project Organization

This section **must** include the proposed staffing, deployment and organization of personnel to be assigned to this project.

The offeror shall provide information as to the qualifications and experience of personnel to be assigned to this project, including resumes citing experience with similar projects and the responsibilities to be assigned to each person.

4. Outsourcing

The Vendor must detail the manner in which it intends to utilize resources or workers located outside of the United States, and the State of North Carolina will evaluate the additional risks, costs and other factors associated with such utilization to make the award for this proposal as deemed by the awarding authority to be in the best interest of the State.

For any proposed or actual utilization or contract performance outside of the United States, the offeror's proposal must include:

- a) The location of work performed under a state contract by the vendor, any subcontractors, employees, or other persons performing the contract.
- b) The corporate structure and location of corporate employees and activities of the vendors, its affiliates or any subcontractors.

The State may initiate proceedings to debar a vendor from participation in the bid process and from contract award as authorized by North Carolina law, if it is determined that the vendor has refused to disclose or has falsified any information provided herein.

5. Cost Proposal

The Cost Proposal shall be submitted and contain:

Personnel costs (including hourly rates and total hours)
Subcontractor Costs (if any)
Other Costs (e.g., office expenses)

TOTAL COST: A total not to exceed cost representing the maximum amount for all work to be performed **must** be clearly indicated under this heading.

REFERENCES

Prospective Contractor **must** supply three (3) or more references of government agencies and/or private firms for which it has done similar or related work during the past three years.

Reference # 1

Agency or Firm Name: _____

Business Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: (____) _____ Fax Number: (____) _____

Email Address: _____

Reference # 2

Agency or Firm Name: _____

Business Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: (____) _____ Fax Number: (____) _____

Email Address: _____

Reference # 3

Agency or Firm Name: _____

Business Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: (____) _____ Fax Number: (____) _____

Email Address: _____

COST PROPOSAL/EXECUTION OF PROPOSAL

By submitting this proposal, the potential contractor certifies the following:

This proposal is signed by an authorized representative of the firm.

It can obtain insurance certificates as required within 10 calendar days after notice of award.

The cost and availability of all equipment, materials, and supplies associated with performing the services described herein have been determined and included in the proposed cost.

All labor costs, direct and indirect, have been determined and included in the proposed cost.

The potential contractor has read and understands the conditions set forth in this RFP and agrees to them with no exceptions.

The offeror is registered in NC E-Procurement @ Your Service or agrees to register within two days after notification of contract award.

Therefore, in compliance with this Request for Proposals, and subject to all conditions herein, the undersigned offers and agrees, if this proposal is accepted within 90 days from the date of the opening, to furnish the subject services.

OFFEROR: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE NUMBER: _____ FAX: _____

E-MAIL: _____

Principal Place of Business if different from above (See General Information on Submitting Proposals, Item 18.):

Will any of the work under this contract be performed outside the United States? ☐ Yes ☐ No
(If yes, describe in technical proposal.)

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

BY: _____ TITLE: _____ DATE: _____
(Signature)

(Printed name)

ACCEPTANCE OF PROPOSAL

(Using Agency Name)

BY: _____ TITLE: _____ DATE: _____

THIS PAGE MUST BE SIGNED AND INCLUDED IN YOUR PROPOSAL.

Unsigned proposals will not be considered.

Where Service Contracts Will Be Performed

In accordance with NC General Statute 143-59.4 (Session Law 2005-169),
this form is to be completed and submitted with the offeror's proposal/bid.

Issuing Agency: Department of Administration
DOA Purchasing

Solicitation #: RFP 13-9547964

Agency Contact Person & phone #: Avery Johnson (919)807-2469

Solicitation Title / Type of Services: Direct Mailing and Processing of 2010 Voter Guides

OFFEROR: _____

City & State: _____

Location(s) from which services will be performed by the contractor:

Service	City/Providence/State	Country
_____	_____	_____
_____	_____	_____
_____	_____	_____

Location(s) from which services are anticipated to be performed outside the U.S. by the contractor:

_____	_____	_____
_____	_____	_____

Location(s) from which services will be performed by subcontractor(s):

Service	Subcontractor	City/Providence/State	Country
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Location(s) from which services are anticipated to be performed outside the U.S. by the subcontractor(s):

_____	_____	_____	_____
_____	_____	_____	_____

(Attach additional pages if necessary.)

GENERAL INFORMATION ON SUBMITTING PROPOSALS

1. **EXCEPTIONS:** All proposals are subject to the terms and conditions outlined herein. All responses shall be controlled by such terms and conditions and the submission of other terms and conditions, price lists, catalogs, and/or other documents as part of an offeror's response will be waived and have no effect either on this Request for Proposals or on any contract that may be awarded resulting from this solicitation. Offeror specifically agrees to the conditions set forth in the above paragraph by signature to the proposal.
2. **CERTIFICATION:** By executing the proposal, the signer certifies that this proposal is submitted competitively and without collusion (G.S. 143-54), that none of our officers, directors, or owners of an unincorporated business entity has been convicted of any violations of Chapter 78A of the General Statutes, the Securities Act of 1933, or the Securities Exchange Act of 1934 (G.S. 143-59.2), and that we are not an ineligible vendor as set forth in G.S. 143-59.1. False certification is a Class I felony.
3. **ORAL EXPLANATIONS:** The State shall not be bound by oral explanations or instructions given at any time during the competitive process or after award.
4. **REFERENCE TO OTHER DATA:** Only information which is received in response to this RFP will be evaluated; reference to information previously submitted shall not be evaluated.
5. **ELABORATE PROPOSALS:** Elaborate proposals in the form of brochures or other presentations beyond that necessary to present a complete and effective proposal are not desired.

In an effort to support the sustainability efforts of the State of North Carolina we solicit your cooperation in this effort.

It is desirable that all responses meet the following requirements:

- All copies are printed **double sided**.
 - All submittals and copies are printed on **recycled paper with a minimum post-consumer content of 30%** and indicate this information accordingly on the response.
 - Unless absolutely necessary, all proposals and copies should **minimize or eliminate use of non-recyclable or non re-usable materials** such as plastic report covers, plastic dividers, vinyl sleeves, and GBC binding. Three-ringed binders, glued materials, paper clips, and staples are acceptable.
 - Materials should be submitted in a format which allows for **easy removal and recycling** of paper materials.
6. **COST FOR PROPOSAL PREPARATION:** Any costs incurred by offerors in preparing or submitting offers are the offerors' sole responsibility; the State of North Carolina will not reimburse any offeror for any costs incurred prior to award.
 7. **TIME FOR ACCEPTANCE:** Each proposal shall state that it is a firm offer which may be accepted within a period of 90 days. Although the contract is expected to be awarded prior to that time, the 90-day period is requested to allow for unforeseen delays.
 8. **TITLES:** Titles and headings in this RFP and any subsequent contract are for convenience only and shall have no binding force or effect.
 9. **CONFIDENTIALITY OF PROPOSALS:** In submitting its proposal the offeror agrees not to discuss or otherwise reveal the contents of the proposal to any source outside of the using or issuing agency, government or private, until after the award of the contract. Offerors not in compliance with this provision may be disqualified, at the option of the State, from contract award. Only discussions authorized by the issuing agency are exempt from this provision.
 10. **RIGHT TO SUBMITTED MATERIAL:** All responses, inquiries, or correspondence relating to or in reference to the RFP, and all other reports, charts, displays, schedules, exhibits, and other documentation submitted by the offerors shall become the property of the State when received.
 11. **OFFEROR'S REPRESENTATIVE:** Each offeror shall submit with its proposal the name, address, and telephone number of the person(s) with authority to bind the firm and answer questions or provide clarification concerning the firm's proposal.
 12. **SUBCONTRACTING:** Offerors may propose to subcontract portions of the work provided that their proposals clearly indicate what work they plan to subcontract and to whom and that all information required about the prime contractor is also included for each proposed subcontractor.
 13. **PROPRIETARY INFORMATION:** Trade secrets or similar proprietary data which the offeror does not wish disclosed to other than personnel involved in the evaluation or contract administration will be kept confidential to the extent permitted by NCAC T01:05B.1501 and G.S. 132-1.3 if identified as follows: Each page shall be identified in boldface at the top and bottom as "CONFIDENTIAL". Any section of the proposal which is to remain confidential shall also be so marked in boldface on the title page of that section. Cost information may not be deemed confidential. In spite of what is labeled as confidential, the determination as to whether or not it is shall be determined by North Carolina law.

14. **HISTORICALLY UNDERUTILIZED BUSINESSES:** Pursuant to General Statute 143-48 and Executive Order #150, the State invites and encourages participation in this procurement process by businesses owned by minorities, women, disabled, disabled business enterprises and non-profit work centers for the blind and severely disabled.
15. **PROTEST PROCEDURES:** When an offeror wants to protest a contract awarded by the Secretary of Administration or by an agency over \$25,000 resulting from this solicitation, they must submit a written request to the State Purchasing Officer at Purchase and Contract, 1305 Mail Service Center, Raleigh, NC 27699-1305. This request must be received in the Division of Purchase and Contract within thirty (30) consecutive calendar days from the date of the contract award. When an offeror wants to protest a contract awarded by an agency or university resulting from this solicitation that is over \$10,000 but less than \$25,000 for any agency, or any contract awarded by a university, they must submit a written request to the issuing procurement officer at the address of the issuing agency. This request must be received in that office within thirty (30) consecutive calendar days from the date of the contract award. Protest letters must contain specific reasons and any supporting documentation for the protest. Note: Contract award notices are sent only to those actually awarded contracts, and not to every person or firm responding to this solicitation. Contract status and Award notices are posted on the Internet at <http://www.pandc.nc.gov/>. All protests will be handled pursuant to the North Carolina Administrative Code, Title 1, Department of Administration, Chapter 5, Purchase and Contract, Section 5B.1519. (See Protest Information at <http://www.pandc.nc.gov/protests.pdf> for more information.)
16. **TABULATIONS:** The Division has implemented an Interactive Purchasing System (IPS) that allows the public to retrieve bid tabulations electronically from our Internet web site: <http://www.pandc.nc.gov/>. Click on the IPS BIDS icon, click on Search for Bid, enter the RFP number, and then search. Tabulations will normally be available at this web site not later than one working day after opening. Lengthy tabulations may not be available on the Internet, and requests for these verbally or in writing cannot be honored.
17. **VENDOR REGISTRATION AND SOLICITATION NOTIFICATION SYSTEM:** Vendor Link NC allows vendors to electronically register free with the State to receive electronic notification of current procurement opportunities for goods and services available on the Interactive Purchasing System. Online registration and other purchasing information are available on our Internet web site: <http://www.pandc.nc.gov/>.
18. **RECIPROCAL PREFERENCE:** G.S. 143-59 establishes a reciprocal preference law to discourage other states from applying in-state preferences against North Carolina's resident offerors. The "Principal Place of Business" is defined as the principal place from which the trade or business of the offeror is directed or managed.

NORTH CAROLINA GENERAL CONTRACT TERMS AND CONDITIONS
(Contractual and Consultant Services)

1. **GOVERNING LAW:** This contract is made under and shall be governed and construed in accordance with the laws of the State of North Carolina.
2. **SITUS:** The place of this contract, its situs and forum, shall be North Carolina, where all matters, whether sounding in contract or tort, relating to its validity, construction, interpretation and enforcement shall be determined
3. **INDEPENDENT CONTRACTOR:** The Contractor shall be considered to be an independent contractor and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Contractor represents that it has, or will secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with the Agency.
4. **KEY PERSONNEL:** The Contractor shall not substitute key personnel assigned to the performance of this contract without prior written approval by the Agency's Contract Administrator. The individuals designated as key personnel for purposes of this contract are those specified in the Contractor's proposal.
5. **SUBCONTRACTING:** Work proposed to be performed under this contract by the Contractor or its employees shall not be subcontracted without prior written approval of the Agency's Contract Administrator. Acceptance of an offeror's proposal shall include any subcontractor(s) specified therein.
6. **PERFORMANCE AND DEFAULT:** If, through any cause, the Contractor shall fail to fulfill in timely and proper manner the obligations under this agreement, the Agency shall thereupon have the right to terminate this contract by giving written notice to the Contractor and specifying the effective date thereof. In that event, all finished or unfinished deliverable items under this contract prepared by the Contractor shall, at the option of the Agency, become its property, and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such materials. Notwithstanding, the Contractor shall not be relieved of liability to the Agency for damages sustained by the Agency by virtue of any breach of this agreement, and the Agency may withhold any payment due the Contractor for the purpose of setoff until such time as the exact amount of damages due the Agency from such breach can be determined.

In case of default by the Contractor, the State may procure the services from other sources and hold the Contractor responsible for any excess cost occasioned thereby. The State reserves the right to require a performance bond or other acceptable alternative performance guarantees from successful offeror without expense to the State.

In addition, in the event of default by the Contractor under this contract, the State may immediately cease doing business with the Contractor, immediately terminate for cause all existing contracts the State has with the Contractor, and de-bar the Contractor from doing future business with the State

Upon the Contractor filing a petition for bankruptcy or the entering of a judgment of bankruptcy by or against the Contractor, the State may immediately terminate, for cause, this contract and all other existing contracts the Contractor has with the State, and de-bar the Contractor from doing future business

Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by any act of war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

7. **TERMINATION:** The Agency may terminate this agreement at any time by 30 days notice in writing from the Agency to the Contractor. In that event, all finished or unfinished deliverable items prepared by the Contractor under this contract shall, at the option of the Agency, become its property. If the contract is terminated by the Agency as provided herein, the Contractor shall be paid for services satisfactorily completed, less payment or compensation previously made.
8. **PAYMENT TERMS:** Payment terms are Net not later than 30 days after receipt of correct invoice(s) or acceptance of services, whichever is later, or in accordance with any special payment schedule identified in this RFP. The using agency is responsible for all payments to the contractor under the contract. Payment by some agencies may be made by procurement card and it shall be accepted by the contractor for payment if the contractor accepts that card (Visa, Mastercard, etc.) from other customers. If payment is made by procurement card, then payment may be processed immediately by the contractor.
9. **AVAILABILITY OF FUNDS:** Any and all payments to the Contractor are dependent upon and subject to the availability of funds to the Agency for the purpose set forth in this agreement.
10. **CONFIDENTIALITY:** Any information, data, instruments, documents, studies or reports given to or prepared or assembled by the Contractor under this agreement shall be kept as confidential and not divulged or made available to any individual or organization without the prior written approval of the Agency.
11. **CARE OF PROPERTY:** The Contractor agrees that it shall be responsible for the proper custody and care of any property furnished it for use in connection with the performance of this contract or purchased by it for this contract and will reimburse the State for loss of damage of such property.

12. **COPYRIGHT:** No deliverable items produced in whole or in part under this agreement shall be the subject of an application for copyright by or on behalf of the Contractor.
13. **ACCESS TO PERSONS AND RECORDS:** The State Auditor shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions in accordance with General Statute 147-64.7. The Contractor shall retain all records for a period of three years following completion of the contract.
14. **ASSIGNMENT:** No assignment of the Contractor's obligations nor the Contractor's right to receive payment hereunder shall be permitted. However, upon written request approved by the issuing purchasing authority, the State may:
 - a. Forward the contractor's payment check(s) directly to any person or entity designated by the Contractor, or
 - b. Include any person or entity designated by Contractor as a joint payee on the Contractor's payment check(s).In no event shall such approval and action obligate the State to anyone other than the Contractor and the Contractor shall remain responsible for fulfillment of all contract obligations.
15. **COMPLIANCE WITH LAWS:** The Contractor shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.
16. **AFFIRMATIVE ACTION:** The Contractor shall take affirmative action in complying with all Federal and State requirements concerning fair employment and employment of people with disabilities, and concerning the treatment of all employees without regard to discrimination by reason of race, color, religion, sex, national origin, or disability.
17. **INSURANCE:** During the term of the contract, the contractor at its sole cost and expense shall provide commercial insurance of such type and with such terms and limits as may be reasonably associated with the contract. As a minimum, the contractor shall provide and maintain the following coverage and limits:
 - a. Worker's Compensation - The contractor shall provide and maintain Worker's Compensation Insurance, as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$150,000.00, covering all of Contractor's employees who are engaged in any work under the contract. If any work is subcontracted, the contractor shall require the subcontractor to provide the same coverage for any of its employees engaged in any work under the contract.
 - b. Commercial General Liability - General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$500,000.00 Combined Single Limit. (Defense cost shall be in excess of the limit of liability).
 - c. Automobile - Automobile Liability Insurance, to include liability coverage, covering all owned, hired and non-owned vehicles, used in connection with the contract. The minimum combined single limit shall be \$150,000.00 bodily injury and property damage; \$150,000.00 uninsured/under insured motorist; and \$1,000.00 medical payment.

Providing and maintaining adequate insurance coverage is a material obligation of the contractor and is of the essence of this contract. All such insurance shall meet all laws of the State of North Carolina. Such insurance coverage shall be obtained from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in North Carolina. The contractor shall at all times comply with the terms of such insurance policies, and all requirements of the insurer under any such insurance policies, except as they may conflict with existing North Carolina laws or this contract. The limits of coverage under each insurance policy maintained by the contractor shall not be interpreted as limiting the contractor's liability and obligations under the contract.

18. **ADVERTISING:** The offeror shall not use the award of a contract as part of any news release or commercial advertising.
19. **ENTIRE AGREEMENT:** This contract and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral or written statements or agreements. This Request for Proposals, any addenda thereto, and the offeror's proposal are incorporated herein by reference as though set forth verbatim.

All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable Federal or State statutes of limitation.
20. **AMENDMENTS:** This contract may be amended only by written amendments duly executed by the Agency and the Contractor. The NC Division of Purchase and Contract shall give prior approval to any amendment to a contract awarded through that office.
21. **TAXES:** G.S. 143-59.1 bars the Secretary of Administration from entering into contracts with vendors if the vendor or its affiliates meet one of the conditions of G. S. 105-164.8(b) and refuse to collect use tax on sales of tangible personal property to purchasers in North Carolina. Conditions under G. S. 105-164.8(b) include: (1) Maintenance of a retail establishment or office, (2) Presence of representatives in the State that solicit sales or transact business on behalf of the vendor and (3) Systematic exploitation of the market by media-assisted, media-facilitated, or media-solicited means. By execution of the proposal document the vendor certifies that it and all of its affiliates, (if it has affiliates), collect(s) the appropriate taxes.

22. **YEAR 2000 COMPLIANCE/WARRANTY:** Vendor shall ensure the product(s) and service(s) furnished pursuant to this agreement ("product" shall include, without limitation, any piece of equipment, hardware, firmware, middleware, custom or commercial software, or internal components, subroutines, and interfaces therein) which perform any date and/or time data recognition function, calculation, or sequencing, will support a four digit year format, and will provide accurate date/time data and leap year calculations on and after December 31, 1999, at the same level of functionality for which originally acquired without additional cost to the user. This warranty shall survive termination or expiration of the agreement.
23. **GENERAL INDEMNITY:** The contractor shall hold and save the State, its officers, agents, and employees, harmless from liability of any kind, including all claims and losses accruing or resulting to any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this contract, and from any and all claims and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the contractor in the performance of this contract and that are attributable to the negligence or intentionally tortious acts of the contractor provided that the contractor is notified in writing within 30 days that the State has knowledge of such claims. The contractor represents and warrants that it shall make no claim of any kind or nature against the State's agents who are involved in the delivery or processing of contractor goods to the State. The representation and warranty in the preceding sentence shall survive the termination or expiration of this contract.
24. **OUTSOURCING:** Any vendor or subcontractor providing call or contact center services to the State of North Carolina shall disclose to inbound callers the location from which the call or contact center services are being provided.

If, after award of a contract, the contractor wishes to outsource any portion of the work to a location outside the United States, prior written approval must be obtained from the State agency responsible for the contract.

Vendor must give notice to the using agency of any relocation of the vendor, employees of the vendor, subcontractors of the vendor, or other persons performing services under a state contract outside of the United States.

25. **By EXECUTIVE ORDER 24**, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e., architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who:
- (1) have a contract with a governmental agency; or
 - (2) have performed under such a contract within the past year; or
 - (3) anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

Executive Order 24 also encouraged and invited other State Agencies to implement the requirements and prohibitions of the Executive Order to their agencies. Vendors and contractors should contact other State Agencies to determine if those agencies have adopted Executive Order 24."

10/15/2009

The NC State Board of Elections

NC Public Funding Programs

2008 Primary Voter Guide

Pages 4-5	Information about Public Funding Programs
Pages 6-9	Candidates for the N. C. Court of Appeals
Pages 11-15	Candidates for Auditor, Commissioner of Insurance and Superintendent of Public Instruction
Page 15	List of 2008 General Election Nominees
Pages 16-21	Information about Registering and Voting
Page 22	Information about Voting Accessibility

KEY ELECTION DATES

Friday, April 11

- Voter registration forms must be postmarked or delivered in person by 5:00 p.m. for May 6, 2008 Primary. After this deadline you can still register to vote at One-Stop absentee voting locations.
- Last day to change party affiliation before the May 6 Primary.

Thursday, April 17

- One-Stop absentee voting begins for May 6 Primary. You may register to vote and vote during One-Stop absentee voting.

Tuesday, April 29

- Last day to request mail-in absentee ballots in writing (exception due to sickness or disability).

Saturday, May 3 at 1:00 pm (may be extended to 5 pm in some counties)

- One-Stop absentee voting and registering ends.

Monday, May 5

- Mailed absentee ballots must be received in BOE office by 5:00 p.m.
Deadline to request absentee ballots for sickness/disability is 5:00 p.m.

Tuesday, May 6 (Polls open at 6:30 a.m. and close at 7:30 p.m.)

- Primary Day

Statements by candidates do not express or reflect the opinions of the State Board of Elections. Candidates' personal statements appear on pages 6-15.

*This Voter Guide is prepared and distributed by the State Board of Elections.
It is largely paid for by funds from the \$3 check-off on the state income tax form
for the N. C. Public Campaign Fund and by other donations.
3,650,000 copies of this publication were printed.*



2008 ELECTIONS

This Voter Guide provides you with information about voting in North Carolina and about the candidates seeking election to the state's two highest courts and the offices of Auditor, Commissioner of Insurance and Superintendent of Public Instruction.

WHO CAN VOTE IN PARTY PRIMARIES?

Voters who are affiliated (registered with a political party) must vote in the primary of the party they are affiliated with.

Voters who are not affiliated with a political party may vote in a party primary as long as that party allows it. At this time, both the Democratic and Republican Parties allow unaffiliated voters to vote in their primaries.

Voters who are not affiliated with a political party are also free to vote a non-partisan ballot in the primary and not participate in a party primary.

SAMPLE BALLOTS

Starting April 1, voters can view a sample of the ballot they are entitled to vote for the next upcoming primary or election on the State Board of Elections' website at www.sboe.state.nc.us.

To contact a county board of elections, select the "Find Your County Board" Quick Link at the bottom of the elections website at www.sboe.state.nc.us.

STATE BOARD MEMBERS

Larry Leake, Chairman
Genevieve C. Sims, Secretary
Robert Cordle
Lorraine Shinn
Charles Winfree

ADVISORY COUNCIL FOR PUBLIC CAMPAIGN FUND

Willis P. Whichard, Chairman
Loretta Biggs
Steve Long
W. Wallace Respass
Thomas W. Ross

EXECUTIVE STAFF

Gary O. Bartlett, Executive Director
Johnnie F. McLean, Deputy Director
Kimberly Westbrook Strach, Deputy Director
Marc Burris, IS Director
Don Wright, General Counsel

2008 PRIMARY BALLOT (in ballot order)

FOR JUDICIAL ELECTIONS

N.C. COURT OF APPEALS

Jewel Ann Farlow
Dean R. Poirier
James A. (Jim) Wynn

N.C. COURT OF APPEALS

Sam J. Ervin, IV
Janet Pueschel
Kristin Ruth
John M. Tyson

FOR AUDITOR

DEMOCRATIC PRIMARY

Beth A. Wood
Fred Aikens

FOR COMMISSIONER OF INSURANCE

DEMOCRATIC PRIMARY

Wayne Goodwin
David C. Smith

FOR SUPERINTENDENT OF PUBLIC INSTRUCTION

DEMOCRATIC PRIMARY

Eddie Davis
June St. Clair Atkinson

REPUBLICAN PRIMARY

Joe Johnson
Richard Morgan
Eric H. Smith

**Other candidates
for these offices
who do not have
opposition in the primary
are listed on page 15.**

N.C. PUBLIC FINANCING PROGRAMS

Candidates for the N.C. Court of Appeals, the N.C. Supreme Court, Auditor, Commissioner of Insurance and Superintendent of Public Instruction can access public financing for their campaigns.

WHAT DOES THE LAW DO?

Candidates may receive public funding if they voluntarily:

- demonstrate public support, by raising a set number of relatively small donations from registered voters,
- accept strict fundraising limits, and
- accept strict spending limits.

If they qualify, candidates stop regular fundraising activities for the general election and use only money provided to them from the Fund. The decision to enroll in this program is purely optional. Candidates can also receive a limited amount of “matching funds” if a nonparticipating opponent or group making independent expenditures in opposition to a publicly-funded candidate exceeds the amount of funding given to the publicly-funded candidate.

WHAT ARE THE APPELLATE COURTS?

Appellate courts hear appeals regarding the decisions made in another court.

The N.C. Supreme Court is the state’s highest court. It hears appeals of cases from the Court of Appeals and of cases in which the death penalty has been imposed. There is no further appeal in North Carolina of its decisions, but in limited instances involving federal law, the U.S. Supreme Court may consider appeals from the North Carolina court.

Like the Court of Appeals, the N.C. Supreme Court has no jury. Its chief justice and six associate justices hear all cases together, as one sitting court. They consider errors in legal procedures or in interpretation of the law by a lower court.

The N.C. Court of Appeals hears appeals of all kinds of decisions of the state Superior and District Courts (the trial courts), from divorce and family cases to business and tax cases. It also hears appeals from state administrative agencies. There are no juries in the Court of Appeals. The 15 judges sit in rotating panels of three, considering errors in legal procedures or in judicial interpretation of the law. If a vote is 2-1, the losing party has an automatic right to appeal the decision to the N.C. Supreme Court.

WHAT ARE THE DUTIES OF THE AUDITOR?

The Office of the Auditor serves to monitor and audit State government by providing citizens, legislators, and government officials with professional, independent evaluations of the State’s financial records and public program performance. The State Auditor also assesses the security and integrity of the State’s information technology systems, as well as providing monitoring and technical assistance for private non-profit recipients of State grant funds.

WHAT ARE THE DUTIES OF THE COMMISSIONER OF INSURANCE?

The Commissioner of Insurance heads the Department of Insurance, which regulates the insurance industry, licenses insurance professionals and others, educates consumers about different types of insurance, handles consumer complaints, and interprets the state’s building codes. The Commissioner of Insurance also serves as the State Fire Marshall.

WHAT ARE THE DUTIES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION?

The State Superintendent heads the N. C. Department of Public Instruction. The Department of Public Instruction is the agency charged with implementing the State’s public school laws and the State Board of Education’s policies and procedures governing pre-kindergarten through 12th grade public education. The State Superintendent of Public Instruction functions under the policy direction of the State Board of Education.

For a list of candidates participating in public financing programs, see the State Board of Elections’ website at www.sboe.state.nc.us

HOW ARE THE PROGRAMS FUNDED?

FUNDING PROGRAM FOR CANDIDATES FOR N.C. SUPREME COURT AND COURT OF APPEALS

The North Carolina Public Campaign Fund is not funded by the General Fund of North Carolina. In addition to distributions to qualified candidates, all expenses for the program's implementation, including staff and voter guide production and distribution, are paid by the Public Campaign Fund.

There are six sources that provide revenue to the Fund:

- The **first source** deposited into the Fund was the balance of the North Carolina Candidates Fund. This fund is no longer operational.
- The **second source** to be deposited into the Fund will be designations to the Public Campaign Fund by taxpayers. This is achieved through a positive check-off of three dollars on an individual's income tax form.
- The **third source** is from attorneys paying a \$50 surcharge at the time of payment for their privilege license to practice law in North Carolina. This surcharge is mandatory.
- The **fourth source** is from Fund revenues that were distributed to candidates but were not spent or committed at the time a candidate is no longer considered a certified candidate. These funds are required to be returned by the candidate.
- The **fifth source** would be from any funds ordered to be returned to the Fund as a result of a violation by a "participating candidate" in the Program.
- The **sixth source** is from any voluntary donation made directly to the Public Campaign Financing Fund. Any corporation, business entity, labor union, or professional association may voluntarily make a donation of any amount to this Fund.

FUNDING PROGRAM FOR CANDIDATES FOR AUDITOR, COMMISSIONER OF INSURANCE AND SUPERINTENDENT OF PUBLIC INSTRUCTION

There are five sources of revenue for the North Carolina Voter-Owned Elections Fund. In addition to distributions to qualified candidates, all expenses for implementation, including staff, administrative, and enforcement costs, are paid for by the North Carolina Voter-Owned Elections Fund.

Revenue for the Fund is provided through the following means:

- The **first source** is from any voluntary donation made directly to the Voter-Owned Elections Fund.
- The **second source** is from appropriations from the General Fund. The legislature appropriated \$1,000,000.00 for the 2007-2008 fiscal year and \$3,580,000.00 for the 2008-2009 fiscal year for the implementation of the Voter-Owned Elections Act.
- The **third source** is from Fund revenues that were distributed to candidates but were not spent or committed at the time a candidate is no longer considered a certified candidate for that election.
- The **fourth source** is any funds ordered to be returned to the Fund as a result of a violation by a participating or certified candidate in the Program.
- The **fifth source** is from money paid to the Fund as a result of a candidate forfeiting funds in excess of the \$20,000 cap on contributions and expenditures between August 1st of the year before the election and the date of declaring a candidate's intent to participate in the Program.

N.C. COURT OF APPEALS

JEWEL ANN FARLOW



Place of residence:
6849 Bethel Church
Rd., Gibsonville, NC
27249

Education: Wake Forest University School of Law, Juris Doctorate, 1988; Duke University, Bachelor of Arts, Magna Cum Laude, 1980.

Occupation: Attorney

Employer: Sole Practitioner

Date admitted to the Bar: August 19, 1988

Legal/Judicial Experience: Attorney, Sole Practitioner, 1991 to present; Rivenbark, Kirkman, Alspaugh & Moore, Associate Attorney, 1988-1991.

PERSONAL STATEMENT (by candidate): The people of North Carolina expect and deserve fairness, integrity, solid work ethic, impartiality, and respect from their appellate judges. If elected to serve on the Court of Appeals, I will apply these qualities.

I was born and raised in Greensboro, North Carolina. I am a graduate of Duke University and Wake Forest University School of Law.

I have practiced law for over nineteen (19) years. I have represented individual and business interests in many diverse areas. My experience includes extensive representation of clients in criminal and civil matters. My civil practice includes representation of clients in the areas of family law, domestic violence, contract, collection, personal injury, landlord/tenant, and bankruptcy law.

All citizens are entitled to a fair, ethical, and courteous court system. My experience, dedication, and work ethic provide me with the skills to be a competent, knowledgeable, honest, and effective appellate judge.

Thank you for your support.

DEAN R. POIRIER



Place of residence:
Mount Olive, NC

Education: University of North Carolina School of Law, Chapel Hill, NC, J.D., May, 1993; Fairleigh Dickinson University, Teaneck, NJ, M.A., International Studies, May, 1981; Bridgewater State College, Bridgewater, MA, B.S., Political Science, May, 1979.

Occupation: Appeals Referee and Adjunct Instructor of Law

Employer: Appeals Referee, North Carolina Employment Security Commission; Adjunct Instructor of Law, Mount Olive College, North Carolina Wesleyan College, Kaplan University and Liberty University

Date admitted to the Bar: Admitted to practice, North Carolina, 1993, U.S. District Court, Eastern District of North Carolina, 1993

Legal/Judicial Experience: (In addition to my present work as an Appeals Referee and Adjunct Instructor of Law) Attorney, Solo Practitioner, Raleigh, NC; Attorney, Law Offices of Ann Marie Calabria, Cary, NC; Legal Research Consultant, Independent Contractor, NC.

PERSONAL STATEMENT (by candidate): I believe that the essential role of a judge is to render a just and impartial decision, based on the facts and the law. I also believe that a judge must demonstrate sincere respect and compassion for all those parties whose rights and welfare will be impacted by his decisions.

I believe in "Judicial Humility" as opposed to "Judicial Arrogance", "Judicial Restraint" as opposed to "Judicial Activism". I believe that judges have no popular mandate to act as policy makers; rather, judges should defer to the elected branches of the federal and state governments with respect to policy so long as they stay within the confines of their powers as defined by the U.S. and state constitutions.

I welcome North Carolina voters to learn more about my background, my experience and my judicial philosophy by visiting my campaign website at Poirier4justice.com.

N.C. COURT OF APPEALS

JAMES A. (JIM) WYNN

Place of residence:
Cary, North Carolina

Education: 1972, Robersonville High School, Robersonville, N.C.; 1975, B.A., University of North Carolina at Chapel Hill; 1979, J.D., Marquette University School of Law; 1995, LL.M., University of Virginia School of Law

Occupation: Appellate Judge

Employer: N.C. Court of Appeals

Date admitted to the Bar: 1979

Legal/Judicial Experience: Judge, N.C. Court of Appeals, 1990-1998 and 1999-present; Associate Justice, N.C. Supreme Court, 1998; Fitch, Butterfield & Wynn, Wilson and Greenville, N.C., 1984-90; Assistant Appellate Defender, 1983-84; U.S. Navy JAG Corps, Naval Legal Service Office, 1979-83; Captain (O-6), U.S. Navy Reserves, over 28 years; Certified Military Trial Judge; Chair, Judicial Division of the America Bar Association; Past Vice President, N.C. Bar Association; Judicial Council, N.C. Association of Black Lawyers

PERSONAL STATEMENT (by candidate): I have been deeply honored to serve the people and justice system of our great State as a judge for over 17 years. I have worked hard to apply the law fairly and treat everyone with respect. Beyond serving on North Carolina's appellate courts, I am a Certified Military Trial Judge and was the Navy Reserve Judicial Unit's Commanding Officer. I write and speak nationally about judicial independence, including as Chair of the ABA's Judicial Division. Because of my hard work and experience, I have been endorsed by, among others, the N.C. Association of Educators, N.C. Academy of Trial Lawyers, and Democratic and Republican Former Chief Justices of the N.C. Supreme Court – Burley Mitchell, James Exum, Henry Frye, and Rhoda Billings. I hope to serve you and our justice system for another 8 years and ask for your support on May 6 and November 4. Please visit my website: www.judgewynn.com.



TWO NC COURT OF APPEALS SEATS ARE ON THE 2008 PRIMARY ELECTION BALLOT

Three candidates have filed for one N.C. Court of Appeals seat. Their profiles are shown on this page and the facing page. Voters may vote for one of the following individuals (listed in ballot order):

- Jewel Ann Farlow
- Dean R. Poirier
- James A. (Jim) Wynn

Four candidates have filed for a separate N.C. Court of Appeals seat. Their profiles are shown on the following two pages. Voters may vote for one of the following individuals (listed in ballot order):

- Sam J. Ervin, IV
- Janet Pueschel
- Kristin Ruth
- John M. Tyson

WHAT IS THE \$3 CHECK-OFF?

When you fill out your state income tax form, you can check a box for the N.C. Public Campaign Fund. If you check Yes, \$3 will go to the Fund. (Checking Yes does not change a person's tax bill or refund; it just allocates \$3 of taxes being paid to the Fund.) The "check-off" is the major source of revenue for the Public Campaign Fund and for this Voter Guide. Other sources include:

- a surcharge on attorneys' State Bar dues,
- money returned to the Fund from candidates,
- donations made to the Fund.

N.C. COURT OF APPEALS

SAM J. ERVIN IV

Place of residence: 517 Lenoir Street, Morganton, NC 28655.

Education: I graduated from Freedom High School in Morganton in 1974. I earned an A.B., magna cum laude, from Davidson College in 1978 and a J.D., cum laude, from Harvard Law School in 1981.

Occupation: Commissioner, North Carolina Utilities Commission

Employer: North Carolina Department of Commerce—Utilities Commission

Date admitted to the Bar: 1981

Legal/Judicial Experience: I practiced law in Morganton from 1981 until 1999. During that time, I handled a wide variety of matters, including numerous appeals to the Court of Appeals and the Supreme Court. In 1999, I became a member of the Utilities Commission, a quasi-judicial body that regulates investor-owned electric, natural gas, telephone, and water and sewer companies. As part of its work, the Utilities Commission conducts hearings, rules on procedural motions, decides complex questions of law and fact, and issues detailed written orders that can be appealed to the appellate courts.

PERSONAL STATEMENT (by candidate): The law is the glue that holds our society together. In order for the law to play its intended role, it must be applied dispassionately, fairly, and conscientiously. A case that reaches the Court of Appeals is a major event in the life of the people involved. The Court of Appeals is the last real opportunity that most people have to be heard in our courts. The decisions of the Court of Appeals also affect countless other cases across the State. Those facts make the Court of Appeals a uniquely important part of North Carolina's judicial system. If I am elected to the Court of Appeals, I will study the facts of each case carefully, thoroughly review the applicable law, and attempt to make a decision based on a careful analysis of the statutes enacted by the General Assembly and the prior decisions of the appellate courts.



JANET PUESCHEL

Place of residence: 8901 Pleasant Meadow Dr., Raleigh, NC 27615

Education: B.S., East Carolina University; M.S., Southern Illinois University; J.D., N.C. Central University

Occupation: Attorney

Employer: Pueschel Law Firm

Date admitted to the Bar: 1992

Legal/Judicial Experience: Attorney, 1992-2002; Wake County Clerk of Superior Court and Judge of Probate, 2002-2006; Attorney, 2006-present

PERSONAL STATEMENT (by candidate): None provided.



N.C. COURT OF APPEALS

KRISTIN RUTH

Place of residence: New Hill, North Carolina

Education: Kansas State University, Bachelor of Science, 1978; Norman Adrian Wiggins School of Law, Campbell University, Juris Doctor, 1990

Occupation: Judge, District Court (Wake County)

Employer: State of North Carolina

Date admitted to the Bar: 1990

Legal/Judicial Experience: District Court Judge, 10th Judicial District, 1998-Present. Recognized nationally as an authority on child support enforcement. Senior Partner, Ruth Benson Rose & Bynum, 1992-1998. Associate, Law Office of William Marshall, 1991-1992. Law Clerk, Administrative Law Judges, 1988-1989. Member, Governor's Commission on Responsible Fatherhood (2000); Board of Directors, Carolina Dispute Settlement Services; Executive Member, Chief Justice's Commission on Professionalism (2003-2006); Member, Federal Task Force on Child Support. Service of Excellence Award, NC Child Support Council, (2000); American Business Woman of The Year (2003); Judge of the Year, Federal Office of Child Support Enforcement (2004).

PERSONAL STATEMENT (by candidate): Ten years as a trial judge have prepared me for the appellate bench, where I can draw on my experience and understanding of how appellate decisions are applied in courtrooms every day.

While listening to thousands of difficult cases each year, my goal has been to carefully examine each case and give thoughtful consideration to each decision. As a result of my work and efforts in the child support court and family arena, I have been recognized by my peers by receiving Judge of the Year and Service of Excellence Awards.

I believe I am fair, impartial and follow the law as written and that my decisions reflect the same. Being professional and treating each person in my courtroom with respect is of utmost importance. I will continue to mentor and reach out to young people while honoring my profession and the judiciary.

I wholeheartedly ask for your support.

www.JudgeRuth.com



JOHN M. TYSON

Place of residence: Cumberland County, NC

Education: University of Virginia School of Law, LL.M. Judicial Process, 2004; Duke University, M.B.A., 1988; Campbell University, Juris Doctor with Honors, 1979; UNC-Wilmington, B.A. English & Education, 1974

Occupation: Judge, North Carolina Court of Appeals

Employer: NC Judicial Branch

Date admitted to the Bar: 1980

Legal/Judicial Experience: Judge, NC Court of Appeals, 2000-present; Adj. Professor of Law, Campbell University, 1987-present; NC Property Tax Commission, 1997-1999; Board Certified Specialist, Real Property Law NC State Bar, 2001; Private law practice, Tyson & Associates, 1993-2000; Real Estate Dir. and Counsel, Revco Drug & Family Dollar, 1980-1993; NC Probation/Parole Officer, 1975-1976; Public School Teacher, 1974-1975

PERSONAL STATEMENT (by candidate): I offer 28 years experience, as a judge, law professor, attorney, law enforcement and military officer, and public school teacher. My record shows fairness and impartiality. Since 2001, I have ruled on over 2,500 appeals, written over 800 opinions with 98.5% affirmed or undisturbed, keeping our families safe, secure, and providing Justice For All.

I support the mission of North Carolina's Judicial Branch: "To protect and preserve the rights and liberties of all the People, as guaranteed by the Constitutions and laws . . . , by providing a fair, independent and accessible forum for the just, timely and economical resolution of their legal affairs."

My life is devoted to my family and the law. My wife, Kirby, and I have been married 34 years and have 4 children.

Please Re-elect Judge John M. Tyson.
www.judgejohnnyson.com.

Endorsements: NC Farm Bureau; Forestry Association; Assoc. of Defense Attorneys; Home Builders Assoc., Cumberland Conservatives



HOW CAN CANDIDATES SPEND PUBLIC FUNDS?

All candidates in North Carolina must limit their expenditures to purposes permitted under the law. Permitted purposes are:

- Expenditures resulting from the campaign for public office by the candidate or candidate's campaign committee. The general rule for determining whether an expenditure is for this purpose is to determine if the expenditure would have been made absent of the campaign for public office. If the answer is "yes" to that question, then the expenditure should not be made.
- Expenditures resulting from holding public office. As discussed above, if the expenditure would have been made absent the candidate holding public office, then the candidate should not use campaign funds to make the expenditure. If the expenditure would only be made due to the fact the candidate is holding office, then the expenditure would be permitted.
- Contributions to an organization described in section 170(c) of the Internal Revenue Code, provided that the candidate, the candidate's spouse, children, parents, brothers, or sisters are not employed by the organization.
- Contributions to a national, State, or district or county committee of a political party or a caucus of the political party.
- Contributions to another candidate or candidate's campaign committee.
- Refunds of all or a portion of a contribution to the contributor.
- Payments of any penalties against the candidate or candidate's campaign committee for violation of this Article imposed by the Board of Elections or a court of competent jurisdiction.
- Payments to the Escheat Fund established by Chapter 116B of the General Statutes.

Candidates participating in public funding follow stricter guidelines. In addition to the limits listed above, candidates participating in public funding voluntarily agree to limit their expenditures according to guidelines set by the Advisory Council and the State Board of Elections. Nonparticipating candidates are not limited to the expenditure guidelines. However, these candidates are still limited to the expenditure purposes listed above.

EXPENDITURES ALLOWED UNDER PUBLIC FUNDING PROGRAMS:

- Advertisement expenditures including all "print media"
- Campaign headquarters expenses including lease and utilities
- Office supplies for administration of current campaign
- Campaign staff expenses including salaries and food for staff and/or volunteers
- Travel expenses for candidate and staff including mileage, lodging and reimbursement for campaign events and appearances
- Consulting services, accounting services, clerical services, polling and other campaign advisory services
- Candidate may jointly pay for media expenses as long as each candidate pays an equal amount so that no candidate receives an in-kind contribution.
- Purchase of tickets to attend events for the purpose of campaigning, the cost of which are reasonably related to the benefits received. (*An expense of \$200 or less is presumed reasonable.*)
- Any expenses incurred by the candidate for fundraising activities for the current campaign.

EXPENDITURES PROHIBITED UNDER PUBLIC FUNDING PROGRAMS:

- Expenditures to any political party or political committee, except as provided by these guidelines
- Independent Expenditures
- Loans not associated with the current candidacy
- Any gift to another that is not given for a campaign-related purpose
- A capital asset that is not used to promote the current candidacy
- Any civil penalty or costs incurred as a result of civil penalties assessed against the candidate or committee

AUDITOR (DEMOCRATIC PRIMARY)

BETH A. WOOD

Place of residence:
Raleigh, NC

Education: Bachelor of Science in Accounting

Occupation: Case Investigator

Employer: On Contract with the American Institute of Certified Public Accountants

Previous elective offices held: None

Endorsements:
NC State AFL-CIO

Ralph A. Campbell, Jr., Former Democratic State Auditor

WA Broadus, CPA, PC, Chairman of AICPA Government & Not-For-Profit Conference Steering Committee

PERSONAL STATEMENT (by candidate): Hello, I am Beth Wood and I want to be your next State Auditor. The Auditor's Office is somewhat obscure, many citizens don't know what we do. However, it is perhaps one of the most important Council of State Offices for the citizens in North Carolina.

My qualifications and experience demonstrate that I am the best candidate for this Office. I have been a CPA for 20 years, I have 15 years experience in State government, 10 years in the State Auditor's Office, and I train CPAs across the nation in government accounting and auditing.

Among other things, I pledge to work more closely with the General Assembly in ensuring better accountability from State agencies for your tax dollars.

Please visit my website for more details about me, my qualifications and the vision I have for the Auditor's Office.

www.bethwoodcampaign.com



FRED AIKENS

Place of residence:
Raleigh, North Carolina

Education: BA, Sociology, UNC-Wilmington; Master's, City & Regional Planning, UNC-Chapel Hill; Master's, Strategic Studies, U.S. Army War College; Duke University Program for Innovations in State and Local Government; Harvard University, John F. Kennedy School of Government's Program for Senior Executives in State and Local Government; Graduate, United States Army Command and General Staff College; Department of Defense National Security Course

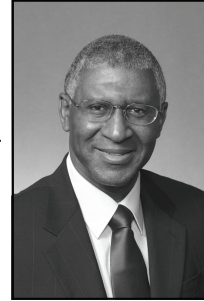
Occupation: Career State Employee with service in the Legislative and Executive Branches of State Government.

Employer: Retired State Government Executive and Retired Army Colonel (National Guard)

Previous elective offices held: None

Endorsements: None yet

PERSONAL STATEMENT (by candidate): Qualifications: Senior Fiscal/Budget Analyst for the Legislature (15 years), Senior Executive in two of the largest agencies in State Government, one encompassing oversight responsibility for a \$2.5 B per year budget and 15,000 employees, plus a strong military background that included positions of significant responsibility in the Global War Against Terrorism and command of troops during wartime in the Iraqi Theater of Operation. As State Auditor, my top priority will be to ensure transparency, accountability, and responsibility in State Government and the tax dollars that it spends, and to eliminate waste, fraud, abuse, and corruption. Making sure our tax dollars are spent wisely and work well in programs passed by lawmakers will be the cornerstone of my service. My unique skills (Legislative Fiscal/Budget Analyst, operational authority as Chief Deputy and Deputy Secretary of two large agencies, and military experience) distinguish me from anyone else in this race for State Auditor.



COMMISSIONER OF INSURANCE (DEMOCRATIC PRIMARY)

WAYNE GOODWIN

Place of residence:
Rockingham, NC

Education: B.A., Political Science, Honors, UNC-Chapel Hill, 1989; Morehead Scholar; U.S. Senate William Randolph Hearst Scholar; J.D., UNC-CH, 1992. Governor's School. Institute of Political Leadership. NC Center for Creative Leadership.

Occupation: Asst. Commissioner of Insurance; Asst. State Fire Marshal, NC Dept. of Insurance, 2005—present

Employer: NC Dept. of Insurance

Previous elective offices held: State Representative, NC General Assembly, 1997-2004; President, Young Democrats of NC, 1995-97

Endorsements: Insurance Commissioner Jim Long; NC Rep. Mickey Michaux; NC Rep. Larry Hall; NC Rep. Melanie W. Goodwin; Paul Miller, Exec. Dir., NC State Firemen's Association; Gordon Joyner, Exec. Dir., NC Assoc. of Rescue & EMS; Richmond Co. Daily Journal (March 7, 2008 issue); NC State AFL-CIO

PERSONAL STATEMENT (by candidate): With Insurance Commissioner JIM LONG's endorsement, I pledge: low insurance rates for consumers and businesses, and a competitive, stable insurance market; a stronger voice for firefighters as State Fire Marshal; and, to fight insurance fraud. My public service and private sector experience make me best prepared. I am the only candidate fully understanding the Commissioner's job. My years as Assistant Insurance Commissioner and legislator provide skills that'll help keep rates low. I persuaded the legislature to expand monetary grants for fire departments statewide. That helps keep homeowner's insurance rates low. What distinguishes me from my opponent? I am NOT affiliated with the insurance industry. I am for "the People." I'm the first Insurance Commissioner candidate to refuse special interest money, and the first to accept fundraising limits. My opponents continue to accept special interest money. It will be my honor to continue Jim Long's legacy. I ask for your vote.



DAVID C. SMITH

Place of residence: Durham, North Carolina

Education: NC Science & Mathematics, 1986; UNC-Chapel Hill, 1991; NCCU School of Law, 1999

Occupation: Attorney

Employer: Herring, Mills & Kratt, Attorneys

Previous elective offices held: None

PERSONAL STATEMENT (by candidate): As a candidate for Insurance Commissioner, I offer to the people of North Carolina more experience than any other candidate, having represented people throughout the state on insurance and employee benefits matters as well as in public and private positions over the past sixteen years. I will manage the Department from day one with a thorough knowledge and understanding of this business by bringing my years of experience for the benefit of our citizens.

I am a participant in the Voter-Owned Elections Program. I will not accept any campaign contribution of more than \$200 from any contributor to avoid any appearance of conflict of interest in my job as your Commissioner of Insurance.

Once elected, I will commit to keeping insurance costs low for our state's citizens, making health care reform a top priority and punish those who commit insurance fraud in our state.

Thank you for your vote.



SUPERINTENDENT OF PUBLIC INSTRUCTION (DEMOCRATIC PRIMARY)

EDDIE DAVIS

Place of residence:
Durham, North Carolina

Education: Degree in English, Elizabeth City State University; Teacher Certification Training, NC Wesleyan College

Occupation: 30-Year Classroom Teacher

Employer: N C Association of Educators

Previous elective offices held: None

Endorsements:
NCAE Political Action Committee

PERSONAL STATEMENT (by candidate): Eddie Davis served as a classroom teacher for three decades. Throughout his career, he gained a reputation as a strong voice for the empowerment of students, parents, educators, and the underserved. He believes in safe, orderly, nurturing, and caring learning environments in each school.

As we look toward the future, Davis believes that students need stronger critical thinking skills, whether they are headed to college or to the workforce. Standardized testing is very important, however, our schools must focus on teaching the "whole child" if our students are to be prepared to answer the challenges of the 21st Century.

Davis pledges to spend the majority of his time working with parents and students to develop programs that will reduce drop-outs and eliminate achievement gaps.

Davis pledges to respect the geographic diversity of North Carolina by alternately working in far western and far eastern counties at least five days per month.



JUNE ST. CLAIR ATKINSON

Place of residence:
Wake County, NC

Education: Doctorate in Educational Leadership and Policy, North Carolina State University; Master's degree in Vocational-Technical Education, Virginia Tech; Bachelor's degree in Business Education, Radford University

Occupation: Educator, State Superintendent of Public Instruction, Educational administrator, Public school teacher

Employer: North Carolina Department of Public Instruction

Previous elective offices held: State Superintendent of Public Instruction since 2005

Endorsements:
NC State AFL-CIO
Loretta M. Martin, NCAE Past President

PERSONAL STATEMENT (by candidate): It has been my honor to serve our 1.4 million children as State Superintendent of Public Instruction since 2005. I will continue to focus on graduating all of our students from high school prepared for work, further education, and citizenship. I will focus on all students being excellent readers and having access to technology. All educators must be appreciated and paid well. Educators must work in schools where students demonstrate respect and personal responsibility. To meet these goals, we must continue to build partnerships with parents, business people, and interested citizens and make major changes in No Child Left Behind.

My visits to all 115 school districts, public school teaching, and educational administrative experience have prepared me to continue to lead North Carolina schools. I have talked about ways that our schools must improve. More importantly, I have led efforts to make important educational changes that have benefited students.



SUPERINTENDENT OF PUBLIC INSTRUCTION (REPUBLICAN PRIMARY)

JOE JOHNSON

Place of residence:
Tryon, North Carolina

Education: Diploma,
East Henderson High
School; B.S., Business
Administration, California
Coast University

Occupation: Candidate

Employer: The Committee to Elect Joe
Johnson

Previous elective offices held: None

PERSONAL STATEMENT (by candi- date):

The North Carolina Superintendent of Public Instruction is a management position charged with running the Department of Public Instruction, actively participating in the policy process and fighting each day for the students, teachers and families of North Carolina. I have worked in both the public and private sector which has given me the experience I need to work actively in the position of State Superintendent of Public Instruction. I have a fresh perspective and the required energy to bring a new dynamic to the policy process that will benefit everyone in North Carolina. It is time to return a strong voice to our government in Raleigh. I will listen to the needs of the people of North Carolina and take their voice back to the halls of our government to work on common solutions to the common problems we face today.



RICHARD MORGAN

Place of residence:
8688 North Carolina
Highway 705, Eagle
Springs, NC 27242-
8014.

Education: Bachelor of
Arts, University of North
Carolina at Chapel Hill;
Associate in Arts with Honors, Sandhills
Community College; High School Diploma,
Pinecrest High School.

Occupation: Businessman

Employer: Richard T. Morgan &
Associates / The Morgan Group, Ad/Mor
Outdoor Advertising, Morgan Farms

Previous elective offices held: Speaker
of the North Carolina House of Represen-
tatives, Speaker Pro-Tempore of the North
Carolina House of Representatives, Minor-
ity Leader of the North Carolina House of
Representatives, Member of the North
Carolina House of Representatives

PERSONAL STATEMENT (by candi- date):

Visit www.richardmorgan2008.com!

This year the voters of North Carolina will determine who will be the next Chief Executive Officer for Education in North Carolina. I want to continue my work to improve the quality of education. My vision is that our state will be a leader in improving student achievement and our children are prepared to compete in a world-class economy.

As Speaker of the North Carolina House of Representatives and as a Member for sixteen years, I have hands-on experience at the highest levels of state government including the crafting of more than eighteen state budgets ranging from eleven to eighteen billion dollars!

Through my experience, budget writing abilities and education committee assignments, I made countless contributions to public education. I have worked with three Governors and led a unified effort to obtain the sanction of North Carolina voters for education funding.

I would appreciate your vote. Thank you!



SUPERINTENDENT OF PUBLIC INSTRUCTION (REPUBLICAN PRIMARY)

ERIC H. SMITH

Place of residence: In the Ruffin community of Rockingham County

Education: Causey Aviation, Piedmont Aviation, Forsyth Technical Community College, Mendenhall School of Auctioneering, Rockingham Community College

Occupation: Farmer

Employer: Self

Previous elective offices held: President Leaksville Moravian Men's Fellowship, Secretary Fayette County Young Republicans

PERSONAL STATEMENT (by candidate):

Eric H. Smith is the conservative candidate for Superintendent of Public Instruction.

Eric was born in Winston Salem to Rev. and Mrs. Rodney Smith. Eric attended Forsyth Technical College then went on to pursue aircraft flight training at Causey Aviation in Siler City and Piedmont Aviation in Winston Salem.

Eric worked in management with Continental Airlines in various cities. Returning to North Carolina in 2002, he married Kelly Baker. They have one son, Jared. The Smiths farm in Rockingham County.

They are members of Leaksville Moravian Church where Eric is a Trustee and plays valve trombone in the band. They support Eden's Cooperative Christian Ministries which is a food bank. Eric has volunteered with the Ben Richey Boys Ranch in Abilene TX, the Wild Turkey Federation and is a supporter of Ducks Unlimited. He holds a Life Time Hunting License and supports land conservation and wildlife education.

Visit website: www.smithfornckids.com

2008 NOMINEES FOR THE GENERAL ELECTION

The following candidates are not included in the voter guide because they are not involved in a primary. These candidates will be on the General Election ballot in November and will be featured in the General Election Voter Guide which will be sent to voters in the fall of 2008.

N.C. SUPREME COURT ASSOCIATE JUSTICE

Robert H. (Bob) Edmunds Jr.
Suzanne Reynolds.

N.C. COURT OF APPEALS

John S. Arrowood
Robert N. (Bob) Hunter Jr.

N.C. COURT OF APPEALS

John C. Martin

N.C. COURT OF APPEALS

Cheri Beasley
Doug McCullough

N.C. COURT OF APPEALS

Dan Barrett
Linda Stephens

STATE AUDITOR REPUBLICAN NOMINEE

Leslie Merritt

COMMISSIONER OF INSURANCE REPUBLICAN NOMINEE

John Odom

HOW TO VOTE: Are You a Registered Voter in N.C.?

YES

If you say YES,
here's how to vote

THREE WAYS TO VOTE IN N.C.

1. IN PERSON, ON ELECTION DAY

Vote at your assigned polling place. You will be asked to sign the pollbook before you vote. The polls open at 6:30 a.m. and close at 7:30 p.m. If you are in the line by 7:30, you will still be able to vote.

2. IN PERSON, BEFORE ELECTION DAY

From April 17 to May 3 at 1:00 pm (Some counties may be open to 5:00 pm, check with your county), you can register and vote at a site in your county where you can request and cast a "One-Stop absentee ballot." Every county has at least one site for One-Stop absentee voting; some have sites open beyond normal business hours. You do not need an excuse for voting early. To find out where and when One-Stop absentee voting is available, contact your county board of elections.

3. BY MAIL-IN ABSENTEE BALLOT

You can request an absentee ballot — no excuse is needed — but the county board of elections must receive the request by 5 p.m. on April 29. It must be a written request from you or a near relative, or on a form provided by your county's board of elections, and must be signed by you or by a near relative (a near relative is a spouse, brother, sister, child, parent, grandparent, grandchild, stepparent, stepchild, or mother-, father-, daughter- or son-in-law). All absentee requests should be mailed or hand-delivered to the appropriate county board of elections office.

3, CONTINUED:

A voter or qualified near relative may also request an absentee ballot request form by e-mailing or faxing their county board of elections office. A request for an absentee ballot in an election should include: Your name, date of birth, residence address, address the absentee ballot should be mailed to, and the near relative's contact information and relation to you. The absentee ballot will be mailed directly to the voter. The county board of elections must receive it back by 5 p.m. on the day before the election.

YOU MAY REGISTER TO VOTE IN NORTH CAROLINA IF YOU ARE:

- a United States citizen
- 18 years of age or older or will be by the date of the next general election
- a resident of North Carolina and the county precinct where you want to vote for at least 30 days before the election
- not a convicted felon still in custody, on probation, or on parole. If you've served all parts of your sentence, you can register. Contact your local board of elections for more details.

HOW TO VOTE: Are You a Registered Voter in N.C.?

If you say NO,
here's how to register

NO

FIVE WAYS TO REGISTER TO VOTE

1. IN PERSON, AT A COUNTY BOARD OF ELECTIONS OFFICE

You can find the address for your county election office on the State Board of Elections' website, www.sboe.state.nc.us or call (toll free) 866-522-4723. The county staff can help you with the registration form and answer your questions.

3. IN PERSON, AT MANY GOVERNMENT OFFICES

You can get a registration form at Driver's License offices, Employment Security Commission offices and most Social Service agencies. The agency will turn in the completed form to the county board of elections. Many libraries and institutions of higher education have forms as well.

2. IN PERSON, AT ONE-STOP ABSENTEE VOTING SITES

You can register (and also vote at the same time if you wish) at any One-Stop absentee voting site. These sites will be open from April 17 until May 3. Check with your county board of elections for locations and hours of operation.

4. IN PERSON, DURING A VOTER REGISTRATION DRIVE

Many civic groups and political parties set up tables at stores or run registration drives to register people to vote. They typically turn in the form for you; if not, mail it to the county board of elections yourself.

REGISTRATION DEADLINES

MAY 6 PRIMARY

April 11, 2008

Register in-person

or

by mail

April 17 - May 3, 2008

Register

at

One-Stop Absentee
voting sites

5. BY MAIL

You can fill out and mail in your registration form. You can get a form from your county board of elections, or print it from the State Board of Elections' website at www.sboe.state.nc.us. See the website for a listing of county board addresses.

RULES ABOUT REGISTERING

You must provide your North Carolina drivers license number if you have one. If not, provide the last four digits of your Social Security Number on the registration form. If you do not have either of these, then you may include with the form a copy of identification that shows your name and address. Check with your county board of elections as to what is acceptable ID.

1, 2, 3 **VOTE!**

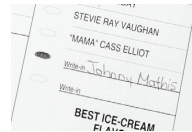
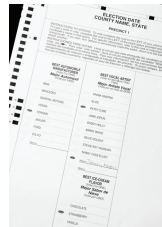
VOTING WITH THE MODEL 100

1 **Mark Ballot**

Using a paper ballot, make your selections for a particular candidate or issue by filling in ovals on the ballot.

Write-In Candidates

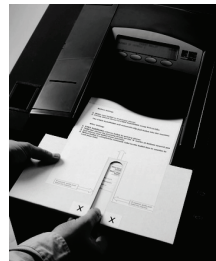
Fill in the oval next to the words "Write In" and write the candidate's name on the line.



Above: Example of a write-in candidate selection with its oval darkened.

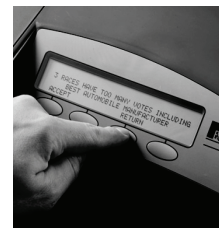
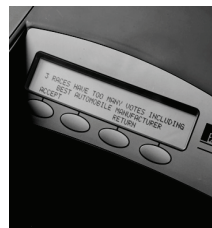
2 **Insert Ballot**

Insert your ballot into the ballot acceptor. The Model 100 will accept ballots in any orientation (backward, upside down, etc.). To keep a paper ballot from view, a privacy sleeve may be requested from the poll worker.



3 **Review Ballot**

Check the LCD screen to see whether there are any issues with the ballot such as overvoting. Press "Return" to get the ballot back to make changes, or press "Accept" to submit the ballot.



COUNTIES USING ES&S MODEL 100 FOR ELECTION DAY VOTING

Alexander, Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Catawba, Chatham, Chowan, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Iredell, Johnston, Jones, Lee, Lincoln, Macon, Martin, McDowell, Mitchell, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pasquotank, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Swain, Tyrrell, Union, Vance, Wake, Washington, Watauga, Wayne, Wilkes, Yadkin and Yancey

1, 2, 3 **VOTE !**

TOUCHSCREEN VOTING WITH THE iVOTRONIC

1

Activate Ballot

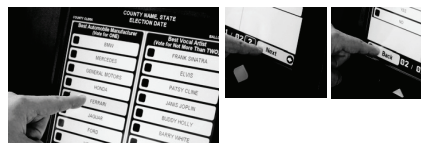
A poll worker will activate your electronic ballot by inserting the Personal Electronic Ballot into the appropriate slot.



2

Make Selections

To make your selections, touch the box next to the name. To de-select, touch the box again. The iVotronic will not allow you to vote for more people than may be elected to any one office.



Write-In Candidates

To cast a vote for a write-in candidate, touch the "Write-In" option, and a keyboard will appear on the screen. Type in the name of a candidate and press "Accept." Your selection will appear on the screen.



Real-time Audit Log

To verify selections in writing, watch the voter verifiable paper audit trail, or Real-Time Audit Log, on the left-hand side of the voting booth.



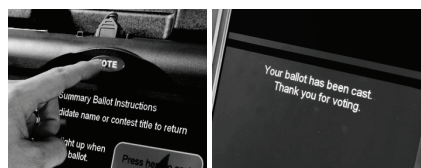
3

Review Ballot

After completing the last ballot page, touch "Review" and carefully review the selection review screen. To change or make a new choice, touch the box next to the candidate's name or issue, and then touch the box of your new selection.



When finished, press the flashing red "Vote" button to cast your ballot. The "Thank You For Voting" screen means you have properly cast your ballot.



COUNTIES USING iVotronic FOR ELECTION DAY VOTING EQUIPMENT

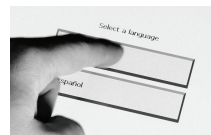
Alamance, Alleghany, Brunswick, Burke, Caswell, Cherokee, Davidson, Davie, Guilford, Haywood, Henderson, Jackson, Lenoir, Madison, Mecklenburg, Pamlico, Pender, Perquimans, Polk, Rutherford, Surry, Transylvania, Warren and Wilson

1, 2, 3 **VOTE!**

VOTING WITH THE AutoMARK

1 Insert Ballot

With the ballot still in the provided privacy sleeve, insert your ballot into the ES&S AutoMARK ballot acceptor.

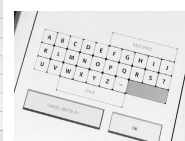
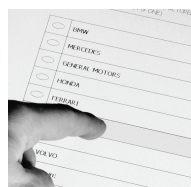


2 Make Selections

Touch each candidate and/or issue for which you intend to cast a vote. Your selections will be highlighted in yellow. You may change your selections at any time.

Write-In Candidates

For write-in candidates, touch the "Write-In" option, and a keyboard will appear on the screen. Type in the name of a candidate and press "OK."



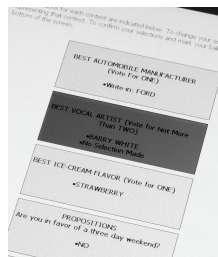
On-Screen Accessibility

The ES&S AutoMARK contains additional features to assist you during the voting process. At the bottom of the screen, you will have the opportunity to use the Zoom In, Zoom Out, or High Contrast features to make the ballot easier to read.

Above: Zoom In/Out & High Contrast buttons, found at the bottom of the screen, are available to make the ballot easier to read.

3 Review and Mark Ballot

After you have completed the last page of your ballot, press the Review" button. Review your selections, and when complete, press "Mark Ballot" to complete the voting procedure and to print the ballot. Then insert the marked ballot into the feeder slot of the ballot tabulator.



To change a selection, touch the box next to a candidate or issue and re-select the proper choice. Then, hit the "Review" button again to return to the summary screen.

COUNTIES USING AutoMARK FOR ELECTION DAY ADA VOTING EQUIPMENT

Alexander, Anson, Ashe, Avery, Beaufort, Bertie, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Catawba, Chowan, Clay, Cleveland, Columbus, Currituck, Duplin, Durham, Edgecombe, Franklin, Gaston, Gates, Graham, Granville, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Iredell, Johnston, Jones, Lincoln, Macon, Martin, McDowell, Mitchell, Montgomery, Nash, Northampton, Onslow, Orange, Pasquotank, Person, Pitt, Randolph, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Swain, Tyrrell, Union, Vance, Wake, Washington, Watauga, Wayne, Wilkes, Yadkin and Yancey

FAIL-SAFE VOTING: THE PROVISIONAL BALLOT

If you think you are a registered voter but your name does not appear on the county's official list of registered voters, you are entitled to cast a provisional ballot. You may also vote using a provisional ballot if you are asked for identification at the polls but do not have a photo ID or other document with you. Remember to:

- Fill out the statement on the envelope that comes with the provisional ballot.
- Once you vote your ballot, place it in the provisional ballot envelope and return the sealed envelope to the election official.
- Check to see if your provisional ballot was counted and if not, the reason it was not counted. The county board of elections will determine your eligibility to vote through research into records and will count all the ballot items for which you are eligible to vote.
- If you voted a provisional ballot because you did not have valid ID at the polls, you have until Canvass Day, May 13, 2008 at 11:00 a.m. to provide acceptable ID to the county board of elections office.

WHAT ARE YOUR RIGHTS AND RESPONSIBILITIES AS A REGISTERED VOTER IN NORTH CAROLINA?

RIGHTS

If you properly register, you have the right to vote:

- Without being intimidated, coerced or threatened by any person.
- In an accessible polling place.
- By provisional ballot if your name does not appear on the official list of registered voters of the precinct.
- With the assistance that you request, as authorized by N.C. law.
- Without discrimination related to disability, race, ethnicity, or literacy.
- Even if you were convicted of a misdemeanor or, in the case of a felony conviction, if you have served all parts of your sentence.
- By a challenged ballot, if your eligibility to vote is challenged and sustained.
- With assurance that you will be treated with respect and your vote will be counted. If you make a mistake ("spoiled ballot"), you have a right to a replacement ballot.

RESPONSIBILITIES

As a voter, it is your responsibility to:

- Register to vote no less than 25 days prior to Election Day OR
- Register during One-Stop Absentee voting. One-Stop Absentee voting begins on the third Thursday before the primary or election, and ends the Saturday before the primary or election.
- Notify the county board of elections of any change in your name or address.
- Respect the privacy and voting rights of others.
- Immediately report any problems with equipment, violations of civil rights, or other illegal activities to the proper officials.
- Review the ballot for accuracy before casting.
- Treat all election officials and voters with courtesy and respect.
- Follow the voting procedures set by state and local election boards.

Polls open at 6:30 a.m. and close at 7:30 p.m.
If you are in line at 7:30 p.m., you will get to vote.

VOTING ACCESSIBILITY

POLLING PLACES

Polling sites are required to be accessible. Precincts must provide access on a permanent or temporary basis on Election Day. Other voting options are available for persons with disabilities, but are not substitutes to an accessible voting location. The North Carolina State Board of Elections has:

- Surveyed and photographed every North Carolina polling place as to accessibility needs.
- Made grants to county boards of elections to improve accessibility based upon these surveys.
- Posted digital pictures on its website of every polling place's pathways, interior and exterior. Voters can access these photos at www.sboe.state.nc.us and entering their information in the "Checking Your Voter Registration" Quick Link.

VOTER ASSISTANCE

A voter's close family members are allowed to help the voter enter the voting booth, prepare the ballot and exit the voting booth.

A voter in any of the following four categories is entitled to assistance from a person of the voter's choice if the voter:

- is unable to enter the voting booth without assistance due to a physical disability;
- is unable to mark a ballot without assistance due to a physical disability;
- Is unable to mark a ballot without assistance due to illiteracy; or
- is unable to enter the voting booth or mark a ballot without assistance due to blindness.

Assistance cannot be provided by the voter's employer, an agent of that employer, or an officer or agent of the voter's union.

CURBSIDE VOTING

Curbside voting is offered at each polling location. A voter can vote while in a vehicle outside the polling location. This includes all one-stop absentee (early) voting sites. A curbside voter has the same rights to assistance as any other voter.

MAIL-IN ABSENTEE VOTING

Voting a mail-in absentee ballot at home is another option used by voters regardless of disability.

VOTING EQUIPMENT

Both federal law and state requirements mandate that voting systems be equipped for voters with disabilities, which allows such voters to have the same opportunity for access and participation as non-disabled voters have. It is required that every precinct must have at least one accessible voting machine available for use by voters with special needs. This includes all one-stop absentee (early voting) sites.

Direct Record Electronic (DRE) touch-screen voting machines offer audio cue capacity for the visually impaired that allows the machine to mark the electronic ballot based upon the voter's instructions. The DRE machine will also produce an oral report to the voter as to the choices selected prior to the voter casting the ballot.

Optical Scan voting systems where marked paper ballots are submitted into a tabulator by the voter can use paper ballots marked for the voter by AutoMark marking devices that also use audio cue capacity for the visually impaired. The AutoMark also has a feature that will greatly magnify the ballot for voters that have limited visual impairment. There is a page on how to use the AutoMark in the back of this voter guide. The AutoMark will also produce an oral report to the voter as to the choices selected prior to the voter casting the ballot.

The North Carolina State Board of Elections is committed to making voting accessible for all voters. Please let us know how we can improve accessibility.

**FOR ACCESSIBILITY
QUESTIONS
call the
State Board of Elections
at
(866) 522-4723 (toll free)
or
e-mail us at
elections.sboe@ncmail.net**



**N. C. State Board of Elections
506 N Harrington St.
P.O. Box 27255
Raleigh, NC 27611-7255**



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**ATTENTION
VOTERS AND
WOULD-BE
VOTERS**