

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 836
Committee Substitute Favorable 4/27/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H836-PCS10395-ST-59

Short Title: Election Modifications.

(Public)

Sponsors:

Referred to:

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ELECTRONIC SUBMISSION OF ABSENTEE BALLOT LISTS BY COUNTY BOARDS OF ELECTIONS; TO AUTHORIZE THE USE OF NEW TECHNOLOGY FOR PAPER BALLOTS; TO EXTEND THE TIME FRAME TO IMPLEMENT THE REQUIREMENT FOR PAPER BALLOTS FROM 2018 TO SEPTEMBER 1, 2019, FOR COUNTIES THAT USE DIRECT RECORD ELECTRONIC VOTING MACHINES FOR CURRENT VOTING REQUIREMENTS; AND TO AUTHORIZE CERTAIN MUNICIPALITIES TO CONDUCT MALT BEVERAGE AND UNFORTIFIED WINE ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 163-232 reads as rewritten:

"§ 163-232. Certified list of executed absentee ballots; distribution of list.

The county board of elections shall prepare, or cause to be prepared, a list in at least quadruplicate, of all absentee ballots returned to the county board of elections to be counted, which have been approved by the county board of elections, and which have been received as of 5:00 p.m. on the day before the election. At the end of the list, the chairman shall execute the following certificate under oath:

"State of North Carolina

County of _____

I, _____, chairman of the _____ County board of elections, do hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on the _____ day of _____, _____, which have been approved by the county board of elections and which have been returned no later than 5:00 p.m. on the day before the election. I certify that the chairman, member, officer, or employee of the board of elections has not delivered ballots for absentee voting to any person other than the voter, by mail or by commercial courier service or in person, except as provided by law, and have not mailed or delivered ballots when the request for the ballot was received after the deadline provided by law.

This the _____ day of _____, _____

(Signature of chairman of
county board of elections)

Sworn to and subscribed before me this _____ day of _____, _____.

Witness my hand and official seal.



* H 8 3 6 - P C S 1 0 3 9 5 - S T - 5 9 *

(Signature of officer
administering oath)

(Title of officer)"

No later than 10:00 a.m. on election day, the county board of elections shall cause one copy of the list of executed absentee ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately (i) submitted electronically in a manner approved by the State Board of Elections or (ii) deposited as "first-class" mail to the State Board of Elections. The board shall retain one copy in the board office for public inspection and the board shall cause two copies of the appropriate precinct list to be delivered to the chief judge of each precinct in the county. The county board of elections shall be authorized to call upon the sheriff of the county to distribute the list to the precincts. In addition the county board of elections shall, upon request, provide a copy of the complete list to the chairman of each political party, recognized under the provisions of G.S. 163-96, represented in the county.

The chief judge shall post one copy of the list immediately in a conspicuous location in the voting place and retain one copy until all challenges of absentee ballots have been heard by the county board of elections. Challenges shall be made to absentee ballots as provided in G.S. 163-89.

After receipt of the list of absentee voters required by this section the chief judge shall call the name of each person recorded on the list and enter an "A" in the appropriate voting square on the voter's permanent registration record, or a similar entry on the computer list used at the polls. If such person is already recorded as having voted in that election, the chief judge shall enter a challenge which shall be presented to the county board of elections for resolution by the board of elections prior to certification of results by the board.

All lists required by this section shall be retained by the county board of elections for a period of 22 months after which they may then be destroyed."

SECTION 1.(b) G.S. 163-232.1(c) reads as rewritten:

"(c) The board shall post one copy of the most current version of each list in the board office in a conspicuous location for public inspection and shall retain one copy until all challenges of absentee ballots have been heard by the county board of elections. The county board of elections shall cause one copy of each of the final lists of executed absentee ballots required under subsection (a) and subsection (b) of this section to be (i) submitted electronically in a manner approved by the State Board of Elections or (ii) deposited as "first-class" mail to the State Board of Elections. ~~The final lists shall be electronically submitted or mailed~~ no later than 10:00 a.m. of the next business day following the deadline for receipt of such absentee ballots. Challenges shall be made to absentee ballots as provided in G.S. 163-89. In addition the county board of elections shall, upon request, provide a copy of each of the lists to the chairman of each political party, recognized under the provisions of G.S. 163-96, represented in the county."

SECTION 2.(a) G.S. 163-165 reads as rewritten:

"§ 163-165. Definitions.

In addition to the definitions stated below, the definitions set forth in Article 15A of Chapter 163 of the General Statutes also apply to this Article. As used in this Article:

- (1) **(Effective until January 1, 2018)** "Ballot" means an instrument on which a voter indicates ~~a~~ that voter's choice for a ballot item so that it may be recorded as a vote for or against a certain candidate or referendum proposal. The term "ballot" may include a paper ballot to be counted by hand, a paper ballot to be counted on an electronic scanner, the face of a lever voting machine, the image on a direct record electronic unit, or a ballot used on any other voting system.

- 1 (1) **(Effective January 1, 2018)** "Ballot" means an instrument on which a voter
2 indicates ~~a~~that voter's choice for a ballot item so that it may be recorded as a
3 vote for or against a certain candidate or referendum proposal. The term
4 "ballot" may include a paper ballot to be counted by hand, a paper ballot to
5 be counted on an electronic scanner, or a paper ballot used on any other
6 voting system.
- 7 (2) "Ballot item" means a single item on a ballot in which the voters are to
8 choose between or among the candidates or proposals listed.
- 9 (3) "Ballot style" means the version of a ballot within a jurisdiction that an
10 individual voter is eligible to vote. For example, in a county that uses
11 essentially the same official ballot, a group office such as county
12 commissioner may be divided into districts so that different voters in the
13 same county vote for commissioner in different districts. The different
14 versions of the county's official ballot containing only those district ballot
15 items one individual voter may vote are the county's different ballot styles.
- 16 (4) "Election" means the event in which voters cast votes in ballot items
17 concerning proposals or candidates for office in this State or the United
18 States. The term includes primaries, general elections, referenda, and special
19 elections.
- 20 (5) "Official ballot" means a ballot that has been certified by the State Board of
21 Elections and produced by or with the approval of the county board of
22 ~~elections~~elections and may include ballots indicating choices of an
23 individual voter selected electronically and printed in the voting place. The
24 term does not include a sample ballot or a specimen ballot.
- 25 (5a) **(Effective January 1, 2018)** "Paper ballot" means an individual paper
26 document that bears marks made by the voter by hand or through electronic
27 means.
- 28 (6) "Provisional official ballot" means an official ballot that is voted and then
29 placed in an envelope that contains an affidavit signed by the voter certifying
30 identity and eligibility to vote. Except for its envelope, a provisional official
31 ballot shall not be marked to make it identifiable to the voter.
- 32 (7) "Referendum" means the event in which voters cast votes for or against
33 ballot questions other than the election of candidates to office.
- 34 (8) "Voting booth" means the private space in which a voter is to mark an
35 official ballot.
- 36 (9) "Voting enclosure" means the room within the voting place that is used for
37 voting.
- 38 (10) "Voting place" means the building or area of the building that contains the
39 voting enclosure.
- 40 (11) "Voting system" means a system of casting and tabulating ballots. The term
41 includes systems of paper ballots counted by hand as well as systems
42 utilizing mechanical and electronic voting equipment."

43 **SECTION 2.(b)** G.S. 163-165.5 reads as rewritten:

44 **"§ 163-165.5. Contents of official ballots.**

45 (a) ~~Each~~Except as provided in this section, each official ballot shall contain all the
46 following elements:

- 47 (1) The heading prescribed by the State Board of Elections. The heading shall
48 include the term "Official Ballot".
- 49 (2) The title of each office to be voted on and the number of ~~seats to be filled~~
50 votes allowed in each ballot item.

- 1 (3) The names of the candidates as they appear on their notice of candidacy filed
2 pursuant to G.S. 163-106 or G.S. 163-323, or on petition forms filed in
3 accordance with G.S. 163-122. No title, appendage, or appellation indicating
4 rank, status, or position shall be printed on the official ballot in connection
5 with the candidate's name. Candidates, however, may use the title Mr., Mrs.,
6 Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the
7 notice of candidacy or qualifying petition, but the nickname shall appear
8 according to standards adopted by the State Board of Elections. Those
9 standards shall allow the presentation of legitimate nicknames in ways that
10 do not mislead the voter or unduly advertise the candidacy. In the case of
11 candidates for presidential elector, the official ballot shall not contain the
12 names of the candidates for elector but instead shall contain the nominees for
13 President and Vice President which the candidates for elector represent. The
14 State Board of Elections shall establish a review procedure that local boards
15 of elections shall follow to ensure that candidates' names appear on the
16 official ballot in accordance with this subdivision.
- 17 (4) Party designations in partisan ballot items.
- 18 (5) A means by which the voter may cast write-in votes, as provided in
19 G.S. 163-123. No space for write-ins is required unless a write-in candidate
20 has qualified under G.S. 163-123 or unless the ballot item is exempt from
21 G.S. 163-123.
- 22 (6) Instructions to voters, unless the State Board of Elections allows instructions
23 to be placed elsewhere than on the official ballot.
- 24 (7) The printed title and facsimile signature of the chair of the county board of
25 elections.

26 (b) Notwithstanding subsection (a) of this section, an official ballot created and printed
27 by use of a voting system in the voting place shall be counted if all of the following apply:

- 28 (1) Each of the following are printed on that official ballot:
- 29 a. The date of the election.
- 30 b. The precinct name or a unique identification code associated with
31 that ballot style.
- 32 c. The choices made by the voter for all ballot items in which the voter
33 cast a vote.
- 34 (2) The electronic display of the voting system seen by the voter contains all of
35 the information required by subsection (a) of this section.
- 36 (3) The voter is capable of reviewing the printed official ballot, and voiding that
37 ballot, prior to casting that voter's ballot.
- 38 (4) The voter's choices in and on the electronic display are removed prior to the
39 next voter using that voting equipment."

40 **SECTION 3.(a)** Section 30.8 of S.L. 2013-381 reads as rewritten:

41 **"SECTION 30.8.** Any direct record electronic (DRE) voting systems currently certified by
42 the State Board of Elections which do not use paper ballots shall be decertified and shall not be
43 used in any election held on or after ~~January 1, 2018.~~ September 1, 2019, for counties that use
44 direct record electronic voting machines on election day as of January 1, 2015, and January 1,
45 2018, for all other counties. Decertification of a DRE voting system that does not use paper
46 ballots may not be appealed to the Superior Court of Wake County pursuant to
47 G.S. 163-165.7(b)."

48 **SECTION 3.(b)** Section 30.9 of S.L. 2013-381 reads as rewritten:

49 **"SECTION 30.9.** This Part becomes effective ~~January 1, 2018.~~ September 1, 2019, for
50 counties that use direct record electronic voting machines on election day as of January 1,
51 2015. This Part becomes effective for all other counties January 1, 2018."

1 **SECTION 4.** G.S. 18B-600 is amended by adding a new subsection to read:

2 "(c1) Certain City Malt Beverage and Unfortified Wine Elections. – A city may hold a
3 malt beverage or unfortified wine election only if all of the following criteria are met:

4 (1) The county in which more than fifty percent (50%) of the area of the primary
5 corporate limits of the city is located has already held such an election, and
6 the vote in the last county election was against the sale of that kind of
7 alcoholic beverage.

8 (2) The city has a population of 200 or more.

9 (3) The county in which more than fifty percent (50%) of the area of the primary
10 corporate limits of the city is located also contains three or more other cities
11 that have previously voted to allow malt beverage and unfortified wine
12 sales."

13 **SECTION 5.** This act is effective when it becomes law.