

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 824

AMENDMENT NO. A4
(to be filled in by
Principal Clerk)

S824-ATC-202 [v.3]

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Amends Title [NO]
Fourth Edition

Date _____, 2018

Representative Floyd

1 moves to amend the bill on page 6, line 25, through page 7, line 49, by deleting those lines and
2 substituting the following;

3
4 "SECTION 1.2(d). G.S. 163A-1307 reads as rewritten:

5 "§ 163A-1307. Absentee ballots, applications on container-return envelopes, and
6 instruction sheets.

7 (a) Absentee Ballot Form. – In accordance with the provisions of G.S. 163A-1308,
8 persons entitled to vote by absentee ballot shall be furnished with official ballots.

9 (b) Application on Container-Return Envelope. – In time for use not later than 60 days
10 before a statewide general election in an even-numbered year, and not later than 50 days before
11 a statewide primary, other general election or county bond election, the county board of elections
12 shall print a sufficient number of envelopes in which persons casting absentee ballots may
13 transmit their marked ballots to the county board of elections. However, in the case of municipal
14 elections, sufficient container-return envelopes shall be made available no later than 30 days
15 before an election. Each container-return envelope shall have printed on it an application which
16 shall be designed and prescribed by the State Board, providing for all of the following:

- 17 (1) The voter's certification of eligibility to vote the enclosed ballot and of having
18 voted the enclosed ballot in accordance with this Part.
- 19 (2) A space for identification of the envelope with the voter and the voter's
20 signature.
- 21 (3) A space for the identification of the two persons witnessing the casting of the
22 absentee ballot in accordance with G.S. 163A-1310, those persons' signatures,
23 and those persons' addresses.
- 24 (4) A space for the name and address of any person who, as permitted under
25 G.S. 163A-1298(a), assisted the voter if the voter is unable to complete and
26 sign the certification and that individual's signature.
- 27 (5) A space for approval by the county board of elections.
- 28 (6) A space to allow reporting of a change of name as provided by G.S. 163A-880.
- 29 (7) A prominent display of the unlawful acts under G.S. 163A-1298 and
30 G.S. 163A-1389, except if there is not room on the envelope, the State Board
31 may provide for that disclosure to be made on a separate piece of paper to be
32 included along with the container-return envelope.



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1 (8) An area to attach additional documentation necessary to comply with the
2 identification requirements in accordance with State Board rules, as provided
3 in G.S. 163A-1309.

4 The container-return envelope shall be printed in accordance with the instructions of the State
5 Board.

6 (c) Instruction Sheets. – In time for use not later than 60 days before a statewide
7 general election in an even-numbered year, and not later than 50 days before a statewide primary,
8 other general or county bond election, the county board of elections shall prepare and print a
9 sufficient number of sheets of instructions on how voters are to prepare absentee ballots and
10 return them to the county board of elections. However, in the case of municipal elections,
11 instruction sheets shall be made available no later than 30 days before an election."

12 **SECTION 1.2(e).** G.S. 163A-1309 reads as rewritten:

13 **"§ 163A-1309. Method of requesting absentee ballots.**

14 (a) Valid Types of Written Requests. – A completed written request form for an absentee
15 ballot as required by G.S. 163A-1308 is valid only if it is on a form created by the State Board
16 and signed by the voter requesting absentee ballots or that voter's near relative or verifiable legal
17 guardian. The State Board shall make the form available at its offices, online, and in each county
18 board of elections office, and that form may be reproduced. A voter may make a request in person
19 or by writing to the county board for the form to request an absentee ballot. The request form for
20 an absentee ballot shall require at least the following information:

- 21 (1) The name and address of the residence of the voter.
22 (2) The name and address of the voter's near relative or verifiable legal guardian
23 if that individual is making the request.
24 (3) The address of the voter to which the application and absentee ballots are to
25 be mailed if different from the residence address of the voter.
26 (4) ~~One or more of the following in the order of preference:~~
27 a. ~~The number of the voter's North Carolina drivers license issued under~~
28 ~~Article 2 of Chapter 20 of the General Statutes, including a learner's~~
29 ~~permit or a provisional license.~~
30 b. ~~The number of the voter's special identification card for nonoperators~~
31 ~~issued under G.S. 20-37.7.~~
32 e. ~~The last four digits of the applicant's social security number.~~
33 The identification required in accordance with State Board rules, as provided
34 in subsection (f) of this section.
35 (5) The voter's date of birth.
36 (6) The signature of the voter or of the voter's near relative or verifiable legal
37 guardian if that individual is making the request.

38 (b) A completed request form for an absentee ballot shall be deemed a request to update
39 the official record of voter registration for that voter and shall be confirmed in writing in
40 accordance with G.S. 163A-877(d).

41 (c) The completed request form for an absentee ballot shall be delivered to the county
42 board of elections. If the voter does not include the information requested in subdivision (a)(4)

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1 of this section, a copy of a document listed in G.S. 163A-1144(a)(2) shall accompany the
2 completed request form.

3 (d) Upon receiving a completed request form for an absentee ballot, the county board
4 shall confirm that voter's registration. If that voter is confirmed as a registered voter of the county,
5 the absentee ballots and certification form shall be mailed to the voter, unless personally
6 delivered in accordance with G.S. 163A-1308(b). If the voter's official record of voter
7 registration conflicts with the completed request form for an absentee ballot or cannot be
8 confirmed, the voter shall be so notified. If the county board cannot resolve the differences, no
9 application or absentee ballots shall be issued.

10 (e) Invalid Types of Written Requests. – A request is not valid if it does not comply with
11 subsection (a) of this section. If a county board of elections receives a request for an absentee
12 ballot that does not comply with subsection (a) of this section, the board shall not issue an
13 application and ballot under G.S. 163A-1308.

14 (f) Rules by State Board. – The State Board shall adopt rules for the enforcement of this
15 ~~section.~~ section, including rules to provide for the forms of identification that must be included
16 with the written request for an absentee ballot. At a minimum, the rules shall include the
17 following:

- 18 (1) Acceptable forms of readable identification that are substantially similar to
19 those required under G.S. 163A-1145.1.
20 (2) A process for a voter without acceptable readable identification under
21 subdivision (1) of this section to complete an alternative affidavit in
22 accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3) that includes lack
23 of access to a method to attach an electronic or physical copy of the
24 identification card to the written request as a reasonable impediment to
25 compliance with the identification requirement.
26 (3) A process for a voter to request the option to return the information required
27 by subdivision (1) or (2) of this section with the absentee ballot container
28 return envelope, as provided in G.S. 163A-1307.";
29

30 and on page 8, lines 25-26, by inserting the following between those lines:
31

32 "SECTION 1.2(i) The State Board of Elections and Ethics Enforcement shall
33 develop temporary rules in accordance with G.S. 163A-1309, as amended by this section, no later
34 than July 1, 2019, and permanent rules no later than January 1, 2020. In the development of
35 these rules, the State Board shall consult with Disability Rights North Carolina to develop forms
36 and instructions that are accessible to the disabled community. At least 14 days prior to adoption
37 of the temporary and permanent rules, the State Board shall report to the Joint Legislative
38 Elections Oversight Committee on the content of the proposed rules. In addition, the State Board
39 shall report to the Joint Legislative Elections Oversight Committee no later than March 1, 2019
40 on the following:

- 41 (1) Any other recommendations to secure the absentee voting by mail process,
42 including but not limited to the following:
43 a. Increasing the potential criminal penalty for violations of that process.

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- 1 b. Increasing training and education for absentee voters by mail.
2 c. Improved technological or administrative methods to ensure the
3 proper chain of custody of absentee voting by mail.
4 (2) Any recommended statutory changes related to security of absentee voting by
5 mail, including legislation recommended for implementation of subsections
6 (d) and (e) of this section."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**