

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS35317-ST-39A

Short Title: Combat Absentee Ballot Fraud. (Public)

Sponsors: Senators Daniel, McKissick, and Hise (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS GOVERNING MAIL-IN ABSENTEE BALLOTS AND
3 TO RESTORE THE LAST SATURDAY OF EARLY ONE-STOP VOTING.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) G.S. 163A-1306, as amended by Section 3.4(h) of S.L. 2018-144,
6 reads as rewritten:

7 "§ 163A-1306. Register of absentee requests, applications, and ballots issued; a public
8 record.

9 (a) ~~The~~ With respect to each request for mail-in absentee ballots, the State Board shall
10 approve an official register in which the county board of elections in each county of the State
11 shall record the following information:

- 12 (1) Name of voter for whom application and ballots are being requested, and, if
13 applicable, the name and address of the voter's near relative or verifiable legal
14 guardian who requested the application and ballots for the voter.
- 15 (2) Number of assigned voter's application when issued.
- 16 (3) Precinct in which the applicant is registered.
- 17 (4) Address to which ballots are to be mailed, or, if the voter voted pursuant to
18 G.S. 163A-1300, 163A-1302, 163A-1303, and 163A-1304, a notation of that
19 fact mailed.
- 20 (5) Date request for application for ballots is received by the county board of
21 elections.
- 22 (6) The voter's party affiliation.
- 23 (7) The date the ballots were mailed or delivered to the voter.
- 24 (8) Whatever additional information and official action may be required by this
25 Part.

26 (b) With respect to each early "one-stop" absentee ballot voted under G.S. 163A-1300,
27 163A-1302, 163A-1303, or 163A-1304, the State Board shall approve an official register in
28 which the county board of elections in each county of the State shall record the following
29 information:

- 30 (1) Name of voter for whom application and ballots are being requested.
- 31 (2) Number of assigned voter's application when issued.
- 32 (3) The precinct in which the voter is registered.
- 33 (4) The date the voter voted early "one-stop."
- 34 (5) The voter's party affiliation.
- 35 (6) Whatever additional information and official action may be required by this
36 Part.



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1 (c) The State Board may provide for the ~~register~~ official registers required by this section
2 to be kept by electronic data processing ~~equipment, and a copy shall be printed out each business~~
3 ~~day or a supplement printed out each business day of new information equipment.~~

4 (d) The official register required by subsection (a) of this section shall be confidential
5 and not a public record until the opening of the voting place in accordance with G.S. 163A-1130,
6 at which time the official register shall constitute a public record. The official register of absentee
7 requests, applications and ballots issued required by subsection (b) of this section shall constitute
8 a public record and shall be opened to the inspection of any registered voter of the county within
9 60 days before and 30 days after an election in which absentee ballots were authorized, or at any
10 other time when good and sufficient reason may be assigned for its inspection."

11 **SECTION 1.(b)** G.S. 163A-1313 reads as rewritten:

12 "**§ 163A-1313. Applications for absentee ballots; how retained.**

13 (a) The county board of elections shall retain, in a safe place, the original of all
14 applications made for absentee ballots and shall make ~~them~~ those applications available to
15 inspection by the State Board or to any person upon the directive of the State Board. Any copies
16 of any photographic identification associated with the request for absentee ballots, or the returned
17 application and ballots, shall not be a public record.

18 (b) All applications for absentee ballots shall be retained by the county board of elections
19 for a period of one year after which ~~they~~ those applications may be destroyed."

20 **SECTION 1.(c)** G.S. 163A-871(a) reads as rewritten:

21 "(a) Official Record. – The State voter registration system is the official voter registration
22 list for the conduct of all elections in the State. The State Board and the county board of elections
23 may keep copies of voter registration data, including voter registration applications, in any
24 medium and format expressly approved by the Department of Natural and Cultural Resources
25 pursuant to standards and conditions established by the Department and mutually agreed to by
26 the Department and the State Board. A completed and signed registration application form, if
27 available, described in G.S. 163A-862, once approved by the county board of elections, becomes
28 backup to the official registration record of the voter. Full or partial social security numbers,
29 dates of birth, the identity of the public agency at which the voter registered under
30 G.S. 163A-884, any electronic mail address submitted under this Article or Part 2 of Article 21
31 of this Chapter, and drivers license numbers that may be generated in the voter registration
32 process, by either the voter, the State Board Board, or a county board of elections, elections in
33 the mail-in absentee ballot process are confidential and shall not be considered public records
34 and subject to disclosure to the general public under Chapter 132 of the General Statutes.
35 Cumulative data based on those items of information may be publicly disclosed as long as
36 information about any individual cannot be discerned from the disclosed data. Disclosure of
37 information in violation of this subsection shall not give rise to a civil cause of action. This
38 limitation of liability does not apply to the disclosure of information in violation of this
39 subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that would
40 otherwise be actionable. The signature of the voter, either on the paper application or an
41 electronically captured image of it, may be viewed by the public but may not be copied or traced
42 except by election officials for election administration purposes. Any such copy or tracing is not
43 a public record."

44 **SECTION 2.** G.S. 163A-1308, as amended by S.L. 2018-144, reads as rewritten:

45 "**§ 163A-1308. Simultaneous issuance of absentee ballots with application.**

46 (a) A qualified voter who ~~desires to vote by absentee ballot, is eligible to vote by absentee~~
47 ballot under G.S. 163A-1295(a) or that voter's near relative or verifiable legal guardian, shall
48 complete a request form for an absentee application and in writing an application for absentee
49 ballots so that the county board of elections receives that completed the request form not later
50 than 5:00 P.M. on the Tuesday before the election. That completed-written request form shall be
51 in compliance with G.S. 163A-1309. signed by the voter, the voter's near relative, or the voter's

1 verifiable legal guardian. The county board of elections shall enter in the register of absentee
2 requests, applications, and ballots issued the information required in G.S. 163A-1306 as soon as
3 each item of that information becomes available. Upon receiving the ~~completed request form,~~
4 application, the county board of elections shall cause to be mailed to that voter in a single package
5 that includes all of the following: package:

- 6 (1) The official ballots ~~that the~~ voter is entitled to vote.
- 7 (2) A container-return envelope for the ballots, printed in accordance with
8 G.S. 163A-1307.
- 9 (3) An instruction sheet.

10 The ballots, envelope, and instructions shall be mailed to the voter by the county board's
11 chairman, member, officer, or employee as determined by the board and entered in the register
12 as provided by this Part.

13 (b) Absence for Sickness or Physical Disability. – Notwithstanding the provisions of
14 subsection (a) of this section, if a voter expects to be unable to go to the voting place to vote in
15 person on election day because of that voter's sickness or other physical disability, that voter or
16 that voter's near relative or verifiable legal guardian may make ~~the written request under~~
17 ~~subsection (a) of this section~~ in person for absentee ballots to the board of elections of the county
18 in which the voter is registered after 5:00 p.m. on the Tuesday before the election but not later
19 than 5:00 p.m. on the day before the election. The county board of elections shall ~~treat that~~
20 ~~completed request form in the same manner as a request under subsection (a) of this section but~~
21 ~~may personally deliver the application and ballots to the voter or that voter's near relative or~~
22 ~~verifiable legal guardian.~~ enter in the register of absentee requests, applications, and ballots issued
23 the information required in G.S. 163A-1306(a) as soon as each item of that information becomes
24 available. The county board of elections shall personally deliver to the requester in a single
25 package:

- 26 (1) The official ballots the voter is entitled to vote.
- 27 (2) A container-return envelope for the ballots, printed in accordance with
28 G.S. 163A-1307.
- 29 (3) An instruction sheet.

30 (c) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When
31 the county board of elections receives a ~~completed request form~~ for applications and absentee
32 ballots, the board shall promptly issue and transmit them to the voter in accordance with the
33 following instructions:

- 34 (1) On the top margin of each ballot the applicant is entitled to vote, the chair, a
35 member, officer, or employee of the board of elections shall write or type the
36 words "Absentee Ballot No. ____ " or an abbreviation approved by the State
37 Board and insert in the blank space the number assigned the applicant's
38 application in the register of absentee requests, applications, and ballots
39 issued. That person shall not write, type, or print any other matter upon the
40 ballots transmitted to the absentee voter. Alternatively, the board of elections
41 may cause to be barcoded on the ballot the voter's application number, if that
42 barcoding system is approved by the State Board.
- 43 (2) The chair, member, officer, or employee of the board of elections shall fold
44 and place the ballots (identified in accordance with the preceding instruction)
45 in a container-return envelope and write or type in the appropriate blanks
46 thereon, in accordance with the terms of G.S. 163A-1307(b), the absentee
47 voter's name, the absentee voter's application number, and the designation of
48 the precinct in which the voter is registered. If the ballot is barcoded under
49 this section, the envelope may be barcoded rather than having the actual
50 number appear. The person placing the ballots in the envelopes shall leave the
51 container-return envelope holding the ballots unsealed.

1 (3) The chair, member, officer, or employee of the board of elections shall then
2 place the unsealed container-return envelope holding the ballots together with
3 printed instructions for voting and returning the ballots, in an envelope
4 addressed to the voter at the post office address stated in the request, seal the
5 envelope, and mail it at the expense of the county board of elections: Provided,
6 that in case of a request received after 5:00 p.m. on the Tuesday before the
7 election under the provisions of subsection (b) of this section, in lieu of
8 transmitting the ballots to the voter in person or by mail, the chair, member,
9 officer, or employee of the board of elections may deliver the sealed envelope
10 containing the instruction sheet and the container-return envelope holding the
11 ballots to a near relative or verifiable legal guardian of the voter.

12 The county board of elections may receive ~~completed~~ written ~~request forms~~ requests for
13 applications at any time prior to the election but shall not mail applications and ballots to the
14 voter or issue applications and ballots in person earlier than 60 days prior to the statewide general
15 election in an even-numbered year, or earlier than 50 days prior to any other election, except as
16 provided in G.S. 163A-1300, 163A-1302, 163A-1303, and 163A-1304. No election official shall
17 issue applications for absentee ballots except in compliance with this Part.

18 (d) The application shall be completed and signed by the voter personally, the ballots
19 marked, the ballots sealed in the container-return envelope, and the certificate completed as
20 provided in G.S. 163A-1310.

21 (e) At its next official meeting after return of the completed container-return envelope
22 with the voter's ballots, the county board of elections shall determine whether the container-return
23 envelope has been properly executed. If the board determines that the container-return envelope
24 has been properly executed, it shall approve the application and deposit the container-return
25 envelope with other container-return envelopes for the envelope to be opened and the ballots
26 counted at the same time as all other container-return envelopes and absentee ballots.

27 (f) Required Meeting of County Board of Elections. – During the period commencing on
28 the third Tuesday before an election, in which absentee ballots are authorized, the county board
29 of elections shall hold one or more public meetings each Tuesday at 5:00 p.m. for the purpose of
30 action on applications for absentee ballots. At these meetings, the county board of elections shall
31 pass upon applications for absentee ballots.

32 If the county board of elections changes the time of holding its meetings or provides for
33 additional meetings in accordance with the terms of this subsection, notice of the change in hour
34 and notice of the schedule of additional meetings, if any, shall be published in a newspaper
35 circulated in the county at least 30 days prior to the election.

36 At the time the county board of elections makes its decision on an application for absentee
37 ballots, the board shall enter in the appropriate column in the register of absentee requests,
38 applications, and ballots issued opposite the name of the applicant a notation of whether the
39 applicant's application was "Approved" or "Disapproved".

40 The decision of the board on the validity of an application for absentee ballots shall be final
41 subject only to such review as may be necessary in the event of an election contest. The county
42 board of elections shall constitute the proper official body to pass upon the validity of all
43 applications for absentee ballots received in the county; this function shall not be performed by
44 the chairman or any other member of the board individually.

45 (g) The State Board, by rule or by instruction to the county board of elections, shall
46 establish procedures to provide appropriate safeguards in the implementation of this section.

47 (h) For the purpose of this Part, "near relative" means spouse, brother, sister, parent,
48 grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law,
49 stepparent, or stepchild."

50 **SECTION 3.(a)** G.S. 163A-1309, as amended by S.L. 2018-144, reads as rewritten:
51 "**§ 163A-1309. Method of requesting absentee ballots.**

1 (a) Valid Types of Written Requests. – A ~~completed~~ written request form for an absentee
2 ballot as required by G.S. 163A-1308 is valid only if it is written entirely by the requester
3 personally, or is on a form ~~created~~ generated by the State Board county board of elections, and
4 signed by the requester and submitted together with the identification required by subsection (f1)
5 of this section. The county board of elections shall issue a request form only to the voter seeking
6 to vote by absentee ballot or to a person authorized by G.S. 163A-1308 to make a request for the
7 voter. If a requester, due to disability or illiteracy, is unable to complete a written request, that
8 requester may receive assistance in writing that request from an individual of that requester's
9 choice, voter requesting absentee ballots or that voter's near relative or verifiable legal guardian.
10 ~~The State Board shall make the form available at its offices, online, and in each county board of~~
11 ~~elections office, and that form may be reproduced. A voter may make a request in person or by~~
12 ~~writing to the county board for the form to request an absentee ballot. The request form for an~~
13 ~~absentee ballot shall require at least the following information:~~

- 14 (1) ~~The name and address of the residence of the voter.~~
- 15 (2) ~~The name and address of the voter's near relative or verifiable legal guardian~~
16 ~~if that individual is making the request.~~
- 17 (3) ~~The address of the voter to which the application and absentee ballots are to~~
18 ~~be mailed if different from the residence address of the voter.~~
- 19 (4) ~~The identification required in accordance with State Board rules, as provided~~
20 ~~in subsection (f) of this section.~~
- 21 (5) ~~The voter's date of birth.~~
- 22 (6) ~~The signature of the voter or of the voter's near relative or verifiable legal~~
23 ~~guardian if that individual is making the request.~~

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

27 (c) ~~The completed request form for an absentee ballot shall be delivered to the county~~
28 ~~board of elections. If the voter does not include the information requested in subdivision (a)(4)~~
29 ~~of this section, a copy of a document listed in G.S. 163A-1144(a)(2) shall accompany the~~
30 ~~completed request form.~~

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

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

42 (f) Rules by State Board. – The State Board shall adopt rules for the enforcement of this
43 section, ~~including section.~~

44 (f1) Photo Identification. – Each request under this section shall be accompanied by
45 identification as described in G.S. 163A-1145.1(a) or an affidavit as described in
46 G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3). The rules ~~to~~ adopted by the State Board to implement
47 and enforce this section shall provide for the forms of identification that must be included with
48 the written request for an absentee ballot. At a minimum, the rules shall include the following:

- 49 (1) Acceptable forms of readable identification that are substantially similar to
50 those required under G.S. 163A-1145.1.

1 (2) A process for a voter without acceptable readable identification under
2 subdivision (1) of this section to complete an alternative affidavit in
3 accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3) that includes lack
4 of access to a method to attach an electronic or physical copy of the
5 identification card to the written request as a reasonable impediment to
6 compliance with the identification requirement.

7 (3) ~~A process for a voter to request the option to return the information required~~
8 ~~by subdivision (1) or (2) of this section with the absentee ballot~~
9 ~~container return envelope, as provided in G.S. 163A-1307."~~

10 **SECTION 3.(b)** The State Board shall prepare and disseminate to the county boards
11 and post on the State Board's Web site, in English and any other languages deemed appropriate
12 by the State Board, an instruction sheet for voters with regards to the process to request a mail-in
13 absentee ballot, including required identification documentation. The instruction sheet shall be
14 prepared and disseminated by at least December 1, 2019, and updated periodically to reflect any
15 changes to the law governing requests for mail-in absentee ballots.

16 **SECTION 4.(a)** G.S. 163A-1317 reads as rewritten:

17 **"§ 163A-1317. Certain violations of absentee ballot law made criminal offenses.**

18 (a) False Statements under Oath Made Class ~~2-1~~ Misdemeanor. – If any person shall
19 willfully and falsely make any affidavit or statement, under oath, which affidavit or statement
20 under oath, is required to be made by the provisions of this Part, ~~he~~that person shall be guilty of
21 a Class ~~2-1~~ misdemeanor.

22 (b) False Statements Not under Oath Made Class ~~2-1~~ Misdemeanor. – Except as provided
23 by G.S. 163A-1389(16), if any person, for the purpose of obtaining or voting any official ballot
24 under the provisions of this Part, shall willfully sign any printed or written false statement which
25 does not purport to be under oath, or which, if it purports to be under oath, was not duly sworn
26 to, ~~he~~that person shall be guilty of a Class ~~2-1~~ misdemeanor.

27 (c) Candidate Witnessing Absentee Ballots of Nonrelative Made Class ~~2-1~~ Misdemeanor.
28 – A person is guilty of a Class ~~2-1~~ misdemeanor if that person acts as a witness under
29 G.S. 163A-1310(a) in any primary or election in which the person is a candidate for nomination
30 or election, unless the voter is the candidate's near relative as defined in G.S. 163A-1308(h).

31 (d) Fraud in Connection with Absentee Vote; Forgery. – Any person attempting to aid
32 and abet fraud in connection with any absentee vote cast or to be cast, under the provisions of
33 this Part, shall be guilty of a misdemeanor. Attempting to vote by fraudulently signing the name
34 of a regularly qualified voter is a Class ~~I-G~~ felony.

35 (d1) Sell or Attempt to Sell Completed Written Request Form for Absentee Ballot Made a
36 Class 2 Misdemeanor. – Any person who sells or attempts to sell, or purchases or agrees to
37 purchase, a completed application and ballots, shall be guilty of a Class 2 misdemeanor.

38 (d2) Destruction of Absentee Ballot. – Any person who intentionally fails to deliver or
39 intentionally destroys a completed written request, a completed application for absentee ballots,
40 or voted absentee ballots shall be guilty of a Class G felony.

41 (d3) Copies or Retention of Identifying Information. – Any person, other than the voter or
42 near relative or verifiable legal guardian of that voter, who copies or otherwise retains the request
43 for absentee ballots, a completed application for absentee ballots, or any identifying information,
44 as defined in G.S. 14-113.20, disclosed in a request or application shall be guilty of a Class G
45 felony.

46 (d4) Compensation Based on Requests. – Any person who compensates another, or who
47 accepts compensation, based on the number of returned written requests for absentee ballots
48 under G.S. 163A-1309 shall be guilty of a Class 2 misdemeanor.

49 (e) Violations Not Otherwise Provided for Made Class ~~2-1~~ Misdemeanors. – If any person
50 shall willfully violate any of the provisions of this Part, or willfully fail to comply with any of

1 the provisions thereof, for which no other punishment is herein provided, ~~he~~ that person shall be
2 guilty of a Class 2-1 misdemeanor."

3 **SECTION 4.(b)** This section becomes effective December 1, 2019, and applies to
4 offenses committed on or after that date.

5 **SECTION 5.(a)** G.S. 163A-1300(b) reads as rewritten:

6 "(b) Not earlier than the third ~~Wednesday~~ Thursday before an election, in which absentee
7 ballots are authorized, in which a voter seeks to vote and not later than ~~7:00 P.M. on the last~~
8 ~~Friday 1:00 P.M. on the last Saturday~~ before that election, the voter shall appear in person only
9 at the office of the county board of elections, except as provided in G.S. 163A-1303. A county
10 board of elections shall conduct one-stop voting on the last Saturday before the election from
11 8:00 A.M. until 1:00 P.M. and may conduct one-stop early voting until 5:00 P.M. on that
12 Saturday. That voter shall enter the voting enclosure at the board office through the appropriate
13 entrance and shall at once state his or her name and place of residence to an authorized member
14 or employee of the board and present photo identification in accordance with G.S. 163A-1145.
15 In a primary election, the voter shall also state the political party with which the voter affiliates
16 and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted
17 to vote in the primary of a particular party under G.S. 163A-989, the voter shall state the name
18 of the authorizing political party in whose primary he wishes to vote. The board member or
19 employee to whom the voter gives this information shall announce the name and residence of the
20 voter in a distinct tone of voice. After examining the registration records, an employee of the
21 board shall state whether the person seeking to vote is duly registered. If the voter is found to be
22 registered that voter may request that the authorized member or employee of the board furnish
23 the voter with an application form as specified in G.S. 163A-1391. The voter shall complete the
24 application in the presence of the authorized member or employee of the board, and shall deliver
25 the application to that person."

26 **SECTION 5.(b)** G.S. 163A-1303(c) reads as rewritten:

27 "(c) For all sites approved for one-stop voting under this section, a county board of
28 elections shall provide the following:

- 29 (1) Each one-stop site across the county shall be open at that same location during
30 the period required by G.S. 163A-1300(b).
- 31 (2) If any one-stop site across the county is opened on any day during the period
32 required by G.S. 163A-1300(b), all one-stop sites shall be open on that day.
- 33 (3) On each weekday during the period required by G.S. 163A-1300(b), all
34 one-stop sites shall be open from 7:00 A.M. to 7:00 P.M.
- 35 (4) If the county board of elections opens one-stop sites on Saturdays other than
36 the last Saturday before the election during the period required by
37 G.S. 163A-1300(b), then all one-stop sites shall be open for the same number
38 of hours uniformly throughout the county on those Saturdays.
- 39 (5) If the county board of elections opens one-stop sites on Sundays during the
40 period required by G.S. 163A-1300(b), then all one-stop sites shall be open
41 for the same number of hours uniformly throughout the county on those
42 Sundays."

43 **SECTION 6.** Except as otherwise provided, this act becomes effective January 1,
44 2020, and applies to elections conducted on or after that date.