

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 683

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S683-AST-60 [v.4]

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Amends Title [NO]
Second Edition

Date _____, 2019

Senator McKissick

1 moves to amend the bill on page 2, lines 15-22, by rewriting those lines to read:

2
3 **""§ 163A-1313. Applications for absentee ballots; how retained.**

4 (a) The county board of elections shall retain, in a safe place, the original of all
5 applications made for absentee ballots and shall make them ballots, which shall be available to
6 inspection by the State Board or to any person upon the directive of the State Board. Any copies
7 of any photographic identification associated with the absentee ballots shall not be a public
8 record.

9 (b) The county board of elections shall create a list of applications made for absentee
10 ballots received by the county board, which shall be updated daily from the date the county board
11 begins to mail application and ballots through the date of canvass. Such list shall be a public
12 record.

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

15
16
17 and on page 2, line 47 through page 6, line 19, by rewriting those lines to read:

18
19 **"SECTION 2.** G.S. 163A-1308, as amended by S.L. 2018-144, reads as rewritten:

20 **"§ 163A-1308. Simultaneous issuance of absentee ballots with application.**

21 (a) A qualified voter who ~~desires to vote by absentee ballot, is eligible to vote by absentee~~
22 ballot under G.S. 163A-1295(a), or that voter's near relative or verifiable legal guardian, shall
23 complete a request form for an absentee application and absentee ballots so that the county board
24 of elections receives that completed request form not later than 5:00 P.M. on the Tuesday before
25 the election. That completed written request form shall be in compliance with G.S. 163A-1309.
26 The county board of elections shall enter in the register of absentee requests, applications, and
27 ballots issued the information required in G.S. 163A-1306 as soon as each item of that
28 information becomes available. Upon receiving the completed request form, the county board of
29 elections shall cause to be mailed to that voter a single package that includes all of the following:

- 30 (1) The official ballots ~~that~~ the voter is entitled to vote.
31 (2) A container-return envelope for the ballots, printed in accordance with
32 G.S. 163A-1307.



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1 (3) An instruction sheet.

2 (a1) The ballots, envelope, and instructions shall be mailed to the voter by the county
3 board's chairman, member, officer, or employee as determined by the board and entered in the
4 register as provided by this Part.

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

18 (1) The official ballots the voter is entitled to vote.

19 (2) A container-return envelope for the ballots, printed in accordance with
20 G.S. 163A-1307.

21 (3) An instruction sheet.

22 (c) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When
23 the county board of elections receives a completed request form for applications and absentee
24 ~~ballots~~ ballots from the voter, or the near relative or the verifiable legal guardian of that voter,
25 the county board shall promptly issue and transmit them to the voter in accordance with the
26 following instructions:

27 (1) On the top margin of each ballot the applicant is entitled to vote, the chair, a
28 member, officer, or employee of the board of elections shall write or type the
29 words "Absentee Ballot No. ____ " or an abbreviation approved by the State
30 Board and insert in the blank space the number assigned the applicant's
31 application in the register of absentee requests, applications, and ballots
32 issued. That person shall not write, type, or print any other matter upon the
33 ballots transmitted to the absentee voter. Alternatively, the board of elections
34 may cause to be barcoded on the ballot the voter's application number, if that
35 barcoding system is approved by the State Board.

36 (2) The chair, member, officer, or employee of the board of elections shall fold
37 and place the ballots (identified in accordance with the preceding instruction)
38 in a container-return envelope and write or type in the appropriate blanks
39 thereon, in accordance with the terms of G.S. 163A-1307(b), the absentee
40 voter's name, the absentee voter's application number, and the designation of
41 the precinct in which the voter is registered. If the ballot is barcoded under
42 this section, the envelope may be barcoded rather than having the actual

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

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

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

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

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

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

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

42 The decision of the board on the validity of an application for absentee ballots shall be final
43 subject only to such review as may be necessary in the event of an election contest. The county

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1 board of elections shall constitute the proper official body to pass upon the validity of all
2 applications for absentee ballots received in the county; this function shall not be performed by
3 the chairman or any other member of the board individually.

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

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

9 **SECTION 3.(a)** G.S. 163A-1309, as amended by S.L. 2018-144, reads as rewritten:

10 "**§ 163A-1309. Method of requesting absentee ballots.**

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

- 19 (1) The name and address of the residence of the voter.
- 20 (2) The name and address of the voter's near relative or verifiable legal guardian
21 if that individual is making the request.
- 22 (3) The address of the voter to which the application and absentee ballots are to
23 be mailed if different from the residence address of the voter.
- 24 (4) The identification required in accordance with State Board rules, as provided
25 in subsection (f) of this section.
- 26 (5) The voter's date of birth.
- 27 (6) The signature of the voter or of the voter's near relative or verifiable legal
28 guardian if that individual is making the request.
- 29 (7) A clear indicator of the calendar year in which the election or elections
30 generating the request are to be held.
- 31 (8) The name of any individual or group that assisted with the voter with obtaining
32 or completing the written request form, including any near relative or
33 verifiable legal guardian.
- 34 (9) A unique identifier, applicable only to the voter completing that written
35 request form.

36 (b) Request to Update Voter Registration. – A completed request form for ~~an~~ absentee
37 ~~ballot~~ ballots shall be deemed a request to update the official record of voter registration for that
38 voter and shall be confirmed in writing in accordance with G.S. 163A-877(d).

39 (c) Return of Request. – The completed request form for an absentee ~~ballot~~ ballots shall
40 be delivered to the county board of ~~elections~~ elections only by the voter or that voter's near
41 relative or verifiable legal guardian. ~~If the voter does not include the information requested in~~
42 ~~subdivision (a)(4) of this section, a copy of a document listed in G.S. 163A-1144(a)(2) shall~~
43 ~~accompany the completed request form.~~

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

8 (e) Invalid Types of Written Requests. – A request is not valid if it is not delivered by the
9 voter, or that voter's near relative or verifiable legal guardian, or if it does not comply with
10 subsection (a) of this section. If a county board of elections receives a request for ~~an~~ absentee
11 ~~ballot, ballots~~ that does not comply with subsection (a) of this section, the board shall not issue
12 an application and ~~ballot~~ absentee ballots under G.S. 163A-1308.

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

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

29 **SECTION 3.(b)** G.S. 163A-1309(a)(9), as enacted by this act, is effective January
30 1, 2020, and applies to requests for absentee ballots on or after that date. On or before May 1,
31 2020, the State Board of Elections shall report to the Joint Legislative Elections Oversight
32 Committee and the General Assembly as to its plans to implement this provision and any
33 recommendations for statutory changes necessary to implement this provision."

SIGNED _____

**The official copy of this document, with signatures
and vote information, is available in the
Senate Principal Clerk's Office**

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FAILED _____

TABLED _____