

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 683
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PROPOSED HOUSE COMMITTEE SUBSTITUTE S683-PCS15410-ST-51

Short Title: Combat Absentee Ballot Fraud.

(Public)

Sponsors:

Referred to:

July 1, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS GOVERNING MAIL-IN ABSENTEE BALLOTS, TO
3 RESTORE THE LAST SATURDAY OF EARLY ONE-STOP VOTING, AND TO
4 EXTEND THE TIME BY WHICH COUNTY BOARDS OF ELECTION NEED TO
5 REPLACE DIRECT RECORD ELECTRONIC VOTING EQUIPMENT UNDER
6 CERTAIN CONDITIONS.

7 The General Assembly of North Carolina enacts:

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

10 "**§ 163A-1306. Register of absentee requests, applications, and ballots issued; a public**
11 **record.**

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

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

29 (b) With respect to each early "one-stop" absentee ballot voted under G.S. 163A-1300,
30 163A-1302, 163A-1303, or 163A-1304, the State Board shall approve an official register in
31 which the county board of elections in each county of the State shall record the following
32 information:

- 33 (1) Name of voter for whom application and ballots are being requested.



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- 1 (2) Number of assigned voter's application when issued.
- 2 (3) The precinct in which the voter is registered.
- 3 (4) The date the voter voted early "one-stop."
- 4 (5) The voter's party affiliation.
- 5 (6) Whatever additional information and official action may be required by this
- 6 Part.

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

10 (d) ~~The Each register of absentee requests, applications and ballots issued requests under~~
11 this section shall constitute a public record and record. Each official register shall be opened to
12 the inspection of any registered voter of the county within 60 days before and 30 days after an
13 election in which absentee ballots were authorized, or at any other time when good and sufficient
14 reason may be assigned for its inspection."

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

16 "**§ 163A-1313. Applications for absentee ballots; how retained.**

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

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

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

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

29 "(a) Official Record. – The State voter registration system is the official voter registration
30 list for the conduct of all elections in the State. The State Board and the county board of elections
31 may keep copies of voter registration data, including voter registration applications, in any
32 medium and format expressly approved by the Department of Natural and Cultural Resources
33 pursuant to standards and conditions established by the Department and mutually agreed to by
34 the Department and the State Board. A completed and signed registration application form, if
35 available, described in G.S. 163A-862, once approved by the county board of elections, becomes
36 backup to the official registration record of the voter.

37 (a1) Personal Identifying Information. – Full or partial social security numbers, dates of
38 birth, the identity of the public agency at which the voter registered under G.S. 163A-884, any
39 electronic mail address submitted under ~~Part 2 of this Article or~~ Article 21 of this Chapter,
40 photocopies of identification for voting, and drivers license ~~numbers that may be generated in~~
41 the voter registration process, numbers, whether held by either the State Board or a county board
42 of elections, are confidential and shall not be considered public records and subject to disclosure
43 to the general public under Chapter 132 of the General Statutes. Cumulative data based on those
44 items of information may be publicly disclosed as long as information about any individual
45 cannot be discerned from the disclosed data. Disclosure of information in violation of this
46 subsection shall not give rise to a civil cause of action. This limitation of liability does not apply
47 to the disclosure of information in violation of this subsection as a result of gross negligence,
48 wanton conduct, or intentional wrongdoing that would otherwise be actionable.

49 (a2) Voter's Signatures. – The signature of the voter, either on the paper application or an
50 electronically captured image of it, ~~whether held by the State Board or a county board of~~

1 elections, may be viewed by the public but may not be copied or traced except by election
2 officials for election administration purposes. Any such copy or tracing is not a public record."

3 **SECTION 2.(a)** G.S. 163A-1308(h), as amended by S.L. 2018-144, is recodified as
4 G.S. 163A-1295(f).

5 **SECTION 2.(b)** G.S. 163A-1308, as amended by S.L. 2018-144 and this act, reads
6 as rewritten:

7 "**§ 163A-1308. Simultaneous issuance of absentee ballots with application.**

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

- 18 (1) The official ballots ~~that 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 (a1) Mailing of Application and Ballots. – The ballots, envelope, and instructions shall be
23 mailed to the voter by the county board's ~~chairman, chair,~~ member, officer, or employee as
24 determined by the board and entered in the register as provided by this Part.

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

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

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

- 47 (1) On the top margin of each ballot the applicant is entitled to vote, the chair, a
48 member, officer, or employee of the board of elections shall write or type the
49 words "Absentee Ballot No. ____ " or an abbreviation approved by the State
50 Board and insert in the blank space the number assigned the applicant's
51 application in the register of absentee requests, applications, and ballots

1 issued. That person shall not write, type, or print any other matter upon the
2 ballots transmitted to the absentee voter. Alternatively, the board of elections
3 may cause to be barcoded on the ballot the voter's application number, if that
4 barcoding system is approved by the State Board.

5 (2) The chair, member, officer, or employee of the board of elections shall fold
6 and place the ballots (identified in accordance with the preceding instruction)
7 in a container-return envelope and write or type in the appropriate blanks
8 thereon, in accordance with the terms of G.S. 163A-1307(b), the absentee
9 voter's name, the absentee voter's application number, and the designation of
10 the precinct in which the voter is registered. If the ballot is barcoded under
11 this section, the envelope may be barcoded rather than having the actual
12 number appear. The person placing the ballots in the envelopes shall leave the
13 container-return envelope holding the ballots unsealed.

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

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

31 (d) Voter to Complete. – The application shall be completed and signed by the voter
32 personally, the ballots marked, the ballots sealed in the container-return envelope, and the
33 certificate completed as provided in G.S. 163A-1310.

34 (e) Approval of Applications. – At its next official meeting after return of the completed
35 container-return envelope with the voter's ballots, the county board of elections shall determine
36 whether the container-return envelope has been properly executed. If the board determines that
37 the container-return envelope has been properly executed, it shall approve the application and
38 deposit the container-return envelope with other container-return envelopes for the envelope to
39 be opened and the ballots counted at the same time as all other container-return envelopes and
40 absentee ballots.

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

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

50 At the time the county board of elections makes its decision on an application for absentee
51 ballots, the board shall enter in the appropriate column in the register of absentee requests,

1 applications, and ballots issued opposite the name of the applicant a notation of whether the
2 applicant's application was "Approved" or "Disapproved".

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

8 (g) Rules. – The State Board, by rule or by instruction to the county board of elections,
9 shall establish procedures to provide appropriate safeguards in the implementation of this
10 section."

11 **SECTION 3.(a)** G.S. 163A-1309, as amended by S.L. 2018-144, reads as rewritten:
12 "**§ 163A-1309. Method of requesting absentee ballots.**

13 (a) Valid Types of Written Requests. – A completed written request form for ~~an~~ absentee
14 ~~ballot~~ballots as required by G.S. 163A-1308 is valid only if it is on a form created by the State
15 Board and signed by the voter requesting absentee ballots or that voter's near relative or verifiable
16 legal guardian. The State Board shall make the form available at its offices, online, and in each
17 county board of elections office, and that form may be reproduced. ~~A voter may make a request~~
18 ~~in person or by writing to the county board for the form to request an absentee ballot.~~ The request
19 form ~~for an absentee ballot created by the State Board~~ shall require at least the following
20 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) The identification required in accordance with State Board rules, as provided
27 in subsection (f) of this section.
- 28 (5) The voter's date of birth.
- 29 (6) The signature of the voter or of the voter's near relative or verifiable legal
30 guardian if that individual is making the request.
- 31 (7) A clear indicator of the date the election generating the request is to be held,
32 except for annual calendar year requests in accordance with
33 G.S. 163A-1295(b).

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

37 (c) Return of Request. – The completed request form for ~~an~~ absentee ~~ballot~~ballots shall
38 be delivered to the county board of elections. ~~If the voter does not include the information~~
39 ~~requested in subdivision (a)(4) of this section, a copy of a document listed in~~
40 ~~G.S. 163A-1144(a)(2) shall accompany the completed request form.~~ elections only by any of the
41 following:

- 42 (1) The voter.
- 43 (2) The voter's near relative or verifiable legal guardian.
- 44 (3) A member of a bipartisan team trained and authorized by the county board
45 of elections pursuant to G.S. 163A-1298.

46 (d) Confirmation of Voter Registration. – Upon receiving a completed request form for
47 ~~an~~ absentee ~~ballot~~ballots, the county board shall confirm that voter's registration. If that voter is
48 confirmed as a registered voter of the county, the absentee ballots and certification form shall be
49 mailed to the voter, unless personally delivered in accordance with G.S. 163A-1308(b). If the
50 voter's official record of voter registration conflicts with the completed request form for ~~an~~

1 absentee ~~ballot~~ ballots or cannot be confirmed, the voter shall be so notified. If the county board
2 cannot resolve the differences, no application or absentee ballots shall be issued.

3 (e) Invalid Types of Written Requests. – ~~A request is not valid if it does not comply with~~
4 ~~subsection (a) of this section.~~ If a county board of elections receives a request for an absentee
5 ~~ballot~~ ballots that does not comply with this subsection or subsection (a) of this section, the board
6 shall not issue an application and ~~ballot~~ ballots under G.S. 163A-1308. A request for absentee
7 ballots is not valid if any of the following apply:

8 (1) The completed written request is not on a form created by the State Board.

9 (2) The completed written request is completed, partially or in whole, or signed
10 by anyone other than the voter, or the voter's near relative or verifiable legal
11 guardian. A member of a multipartisan team trained and authorized by the
12 county board of elections pursuant to G.S. 163A-1298 may assist in
13 completion of the request.

14 (3) The written request does not contain all of the information required by
15 subsection (a) of this section.

16 (4) The completed written request is returned to the county board by someone
17 other than a person listed in subsection (c) of this section, the United States
18 Postal Service, or a designated delivery service authorized pursuant to 26
19 U.S.C. § 7502(f)(2).

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

24 (1) Acceptable photocopies of forms of readable identification that are
25 substantially similar to those required under identification, as described in
26 G.S. 163A-1145.1.

27 (2) A process for a voter without acceptable photocopies of forms of readable
28 identification under subdivision (1) of this section subsection to complete an
29 alternative affidavit in accordance with G.S. 163A-1145.1(d)(1), (d)(2), or
30 (d)(3) that includes ~~lack of access to a method to attach an electronic or~~
31 inability to attach a physical copy of the voter's identification card to with the
32 written request as a reasonable impediment to compliance with the
33 identification requirement. If a reasonable impediment under this subdivision
34 states inability to attach a physical copy of the voter's identification with the
35 written request, the reasonable impediment shall include one of the following:

36 a. The number of the voter's North Carolina drivers license issued under
37 Article 2 of Chapter 20 of the General Statutes, including a learner's
38 permit or a provisional license.

39 b. The number of the voter's special identification card for nonoperators
40 issued under G.S. 20-37.7.

41 c. The last four digits of the applicant's social security number.

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

45 **SECTION 3.(b)** G.S. 163A-1295(b) reads as rewritten:

46 "(b) Annual Request by Person With Sickness or Physical Disability. – If the applicant ~~so~~
47 ~~requests and reports in the application~~ that the voter has a sickness or physical disability that is
48 expected to last the remainder of the calendar year, the ~~application shall constitute a voter may~~
49 ~~request for an~~ to vote by mail-in absentee ballot for all of the primaries and elections held during
50 the calendar year when the ~~application~~ completed written request under G.S. 163A-1308 is
51 received."

1 **SECTION 3.(c)** G.S. 20-30(6) reads as rewritten:

2 "(6) To make a color photocopy or otherwise make a color reproduction of a
3 drivers license, learner's permit, or special identification card which has been
4 color-photocopied or otherwise reproduced in color, unless such color
5 photocopy or other color reproduction was authorized by the ~~Commissioner~~
6 Commissioner or is made to comply with G.S. 163A-1309. It shall be lawful
7 to make a black and white photocopy of a drivers license, learner's permit, or
8 special identification card or otherwise make a black and white reproduction
9 of a drivers license, learner's permit, or special identification card."

10 **SECTION 3.(d)** On or before May 1, 2020, the State Board of Elections shall report
11 to the Joint Legislative Elections Oversight Committee and the General Assembly as to its plans
12 to implement Sections 2 and 3 of this act and any recommendations for statutory changes
13 necessary to implement these provisions.

14 **SECTION 3.1.** G.S. 163A-1307(b), as amended by S.L. 2018-144, reads as
15 rewritten:

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

- 24 (1) The voter's certification of eligibility to vote the enclosed ballot and of having
25 voted the enclosed ballot in accordance with this Part.
- 26 (2) A space for identification of the envelope with the voter and the voter's
27 signature.
- 28 (3) A space for the identification of the two persons witnessing the casting of the
29 absentee ballot in accordance with G.S. 163A-1310, those persons' signatures,
30 and those persons' addresses.
- 31 (4) A space for the name and address of any person who, as permitted under
32 G.S. 163A-1298(a), assisted the voter if the voter is unable to complete and
33 sign the certification and that individual's signature.
- 34 (5) A space for approval by the county board of elections.
- 35 (6) A space to allow reporting of a change of name as provided by G.S. 163A-880.
- 36 (7) A prominent display of the unlawful acts under G.S. 163A-1298 and
37 G.S. 163A-1389, except if there is not room on the envelope, the State Board
38 may provide for that disclosure to be made on a separate piece of paper to be
39 included along with the container-return envelope.
- 40 (8) An area to attach additional documentation necessary to comply with the
41 identification requirements in accordance with State Board rules, as provided
42 in G.S. 163A-1309.

43 The container-return envelope shall be printed in accordance with the instructions of the State
44 ~~Board~~Board, which shall prohibit the display of the voter's party affiliation on the outside of the
45 container-return envelope."

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

47 "**§ 163A-1317. Certain violations of absentee ballot law made criminal offenses.**

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

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

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

10 (d) Fraud in Connection with Absentee Vote; Forgery. – Any person attempting to aid
11 and abet fraud in connection with any absentee vote cast or to be cast, under the provisions of
12 this Part, shall be guilty of a misdemeanor. Attempting to vote by fraudulently signing the name
13 of a regularly qualified voter is a Class 1-1G felony.

14 (d1) Sell or Attempt to Sell Completed Absentee Ballot. – Any person who sells or
15 attempts to sell, or purchases or agrees to purchase, a completed written request, a completed
16 application for absentee ballots, or voted absentee ballots shall be guilty of a Class 1
17 misdemeanor.

18 (d2) Destruction of Absentee Ballot. – Any person who intentionally, with the intent of
19 obstructing a vote by a registered voter, fails to deliver or intentionally destroys a completed
20 written request, a completed application for absentee ballots, or voted absentee ballots shall be
21 guilty of a Class G felony.

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

27 (d4) Compensation Based on Requests. – Any person who compensates another, or who
28 accepts compensation, based on the number of returned written requests for absentee ballots
29 under G.S. 163A-1309 shall be guilty of a Class 1 misdemeanor.

30 (d5) Intent to Unlawfully Influence. – Any person who commits, attempts to commit, or
31 conspires to commit a crime identified in G.S. 163A-865(b), 163A-1298(a), 163A-1388,
32 163A-1389, or this section with the intent to unlawfully influence or interfere with a primary or
33 election, or to otherwise unlawfully gain, shall be guilty of a Class F felony.

34 (e) Violations Not Otherwise Provided for Made Class 2-1 Misdemeanors. – If any person
35 shall willfully violate any of the provisions of this Part, or willfully fail to comply with any of
36 the provisions thereof, for which no other punishment is herein provided, ~~he that person~~ shall be
37 guilty of a Class 2-1 misdemeanor."

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

40 **SECTION 5.(a)** G.S. 163A-1300(b), as amended by S.L. 2018-144, reads as
41 rewritten:

42 "(b) Not earlier than the third ~~Wednesday-Thursday~~ before an election, in which absentee
43 ballots are authorized, in which a voter seeks to vote and not later than ~~7:00 P.M. on the last~~
44 ~~Friday~~ 2:00 P.M. on the last Saturday before that election, the voter shall appear in person only
45 at the office of the county board of elections, except as provided in G.S. 163A-1303. A county
46 board of elections shall conduct one-stop voting on the last Saturday before the election from
47 8:00 A.M. until 2:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the
48 board office through the appropriate entrance and shall at once state his or her name and place of
49 residence to an authorized member or employee of the board and present photo identification in
50 accordance with G.S. 163A-1145.1. In a primary election, the voter shall also state the political
51 party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter

1 is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163A-989,
2 the voter shall state the name of the authorizing political party in whose primary he wishes to
3 vote. The board member or employee to whom the voter gives this information shall announce
4 the name and residence of the voter in a distinct tone of voice. After examining the registration
5 records, an employee of the board shall state whether the person seeking to vote is duly registered.
6 If the voter is found to be registered that voter may request that the authorized member or
7 employee of the board furnish the voter with an application form as specified in G.S. 163A-1391.
8 The voter shall complete the application in the presence of the authorized member or employee
9 of the board, and shall deliver the application to that person."

10 **SECTION 5.(b)** G.S. 163A-1303, as amended by S.L. 2018-144 and S.L. 2019-22,
11 reads as rewritten:

12 **"§ 163A-1303. Sites and hours for one-stop voting.**

13 (a) Notwithstanding any other provision of G.S. 163A-1300, 163A-1302, this section,
14 and G.S. 163A-1304, a county board of elections by unanimous vote of all its members may
15 provide for one or more sites in that county for absentee ballots to be applied for and cast under
16 these sections. Every individual staffing any of those sites shall be a member or full-time
17 employee of the county board of elections or an employee of the county board of elections whom
18 the board has given training equivalent to that given a full-time employee. Those sites must be
19 approved by the State Board as part of a Plan for Implementation approved by both the county
20 board of elections and by the State Board which shall also provide adequate security of the ballots
21 and provisions to avoid allowing persons to vote who have already voted. The Plan for
22 Implementation shall include a provision for the presence of political party observers at each
23 one-stop site equivalent to the provisions in G.S. 163A-821 for party observers at voting places
24 on election day. A county board of elections may propose in its Plan not to offer one-stop voting
25 at the county board of elections office; the State Board may approve that proposal in a Plan only
26 if the Plan includes at least one site reasonably proximate to the county board of elections office
27 and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the
28 county's electorate. If a county board of elections has considered a proposed Plan or Plans for
29 Implementation and has been unable to reach unanimity in favor of a Plan, a member or members
30 of that county board of elections may petition the State Board to adopt a plan for it. If petitioned,
31 the State Board may also receive and consider alternative petitions from another member or
32 members of that county board. The State Board may adopt a Plan for that county. The State
33 Board, in that plan, shall take into consideration ~~factors including geographic, demographic, and~~
34 ~~partisan interests of that county whether the Plan disproportionately favors any party, racial or~~
35 ethnic group, or candidate.

36 (b) The State Board shall not approve, either in a Plan approved unanimously by a county
37 board of elections or in an alternative Plan proposed by a member or members of that board, a
38 one-stop site in a building that the county board of elections is not entitled under G.S. 163A-1046
39 to demand and use as an election-day voting place, unless the State Board finds that other equally
40 suitable sites were not available and that the use of the sites chosen will not ~~unfairly advantage~~
41 ~~or disadvantage geographic, demographic, or partisan interests of that county.~~ disproportionately
42 favor any party, racial or ethnic group, or candidate. In providing the site or sites for one-stop
43 absentee voting under G.S. 163A-1300, 163A-1302, this section, and G.S. 163A-1304, the
44 county board of elections shall make a request to the State, county, city, local school board, or
45 other entity in control of the building that is supported or maintained, in whole or in part, by or
46 through tax revenues at least 90 days prior to the start of one-stop absentee voting under these
47 sections. The request shall clearly identify the building, or any specific portion thereof, requested
48 the dates and times for which that building or specific portion thereof is requested and the
49 requirement of an area for election related activity. If the State, local governing board, or other
50 entity in control of the building does not respond to the request within 20 days, the building or
51 specific portion thereof may be used for one-stop absentee voting as stated in the request. If the

1 State, local governing board, or other entity in control of the building or specific portion thereof
2 responds negatively to the request within 20 days, that entity and the county board of elections
3 shall, in good faith, work to identify a building or specific portion thereof in which to conduct
4 one-stop absentee voting under G.S. 163A-1300, 163A-1302, this section, and G.S. 163A-1304.
5 If no building or specific portion thereof has been agreed upon within 45 days from the date the
6 county board of elections received a response to the request, the matter shall be resolved by the
7 State Board.

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

- 10 (1) Each one-stop site across the county shall be open at that same location during
11 the period required by G.S. 163A-1300(b).
- 12 (2) If any one-stop site across the county is opened on any day during the period
13 required by G.S. 163A-1300(b), all one-stop sites shall be open on that day.
- 14 (3) On each weekday during the period required by G.S. 163A-1300(b), all
15 one-stop sites shall be open from 7:00 A.M. to 7:00 P.M.
- 16 (4) If the county board of elections opens one-stop sites on Saturdays other than
17 the last Saturday before the election during the period required by
18 G.S. 163A-1300(b), then all one-stop sites shall be open for the same number
19 of hours uniformly throughout the county on those Saturdays.
- 20 (5) If the county board of elections opens one-stop sites on Sundays during the
21 period required by G.S. 163A-1300(b), then all one-stop sites shall be open
22 for the same number of hours uniformly throughout the county on those
23 Sundays.

24 (d) Notwithstanding subsection (c) of this section, a county board of elections by
25 unanimous vote of all its members may propose a Plan for Implementation providing for the
26 number of sites set out below in that county for absentee ballots to be applied for and cast with
27 days and hours that vary from the county board of elections, or its alternate, and other additional
28 one-stop sites in that county. If the county board of elections is unable to reach unanimity in favor
29 of a Plan for Implementation, a member or members of the county board of elections may petition
30 the State Board to adopt a plan for the county and the State Board may adopt a Plan for
31 Implementation for that county. However, any Plan of Implementation approved under this
32 subsection shall provide for uniform location, days, and hours for that one site throughout the
33 period required by G.S. 163A-1300(b). This subsection applies only to a county that meets any
34 of the following:

- 35 (1) One site in a county that includes a barrier island, which barrier island meets
36 all of the following conditions:
 - 37 a. It has permanent inhabitation of residents residing in an
38 unincorporated area.
 - 39 b. It is bounded on the east by the Atlantic Ocean and on the west by a
40 coastal sound.
 - 41 c. It contains either a National Wildlife Refuge or a portion of a National
42 Seashore.
 - 43 d. It has no bridge access to the mainland of the county and is only
44 accessible by marine vessel.
- 45 (2) Up to two sites in a county that is bounded by the largest sound on the East
46 Coast and the county seat is located at the intersection of two rivers, which
47 divide the county.

48 (e) Notwithstanding G.S. 163A-1300 and subdivisions (c)(2) and (c)(3) of this section, a
49 county board of elections by unanimous vote of all its members may propose a Plan for
50 Implementation providing for sites in that county for absentee ballots to be applied for and cast
51 in elections conducted in odd-numbered years. The proposed Plan for Implementation shall

1 specify the hours of operation for the county board of elections for an election conducted in that
2 county for that odd-numbered year. If the county board of elections is unable to reach unanimity
3 in favor of a Plan for Implementation for that odd-numbered year, a member or members of the
4 county board of elections may petition the State Board to adopt a Plan for Implementation for
5 the county, and the State Board may adopt a Plan for Implementation for that county. However,
6 throughout the period required by G.S. 163A-1300(b), any Plan of Implementation approved
7 under this subsection shall provide for a minimum of regular business hours consistent with daily
8 hours presently observed by the county board of elections for the county board of elections, or
9 its alternate, and for uniform locations, days, and hours for all other additional one-stop sites in
10 that county."

11 **SECTION 6.(a)** G.S. 163A-1303(c)(3), as amended by S.L. 2018-144 and S.L.
12 2019-22, reads as rewritten:

13 "(3) On each weekday during the period required by G.S. 163A-1300(b), all
14 one-stop sites shall be open from ~~7:00 A.M. to 7:00 P.M.~~8:30 A.M. to 6:30
15 P.M."

16 **SECTION 6.(b)** This section is effective January 1, 2020, and expires August 1,
17 2020.

18 **SECTION 7.(a)** G.S. 163A-1310(b) reads as rewritten:

19 "(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed
20 container-return envelope in which executed absentee ballots have been placed shall be
21 transmitted to the county board of elections who issued those ballots as follows:

22 (1) All ballots issued under the provisions of this Part and Part 2 of Article 21 of
23 this Chapter shall be ~~transmitted by mail or by commercial courier service, at~~
24 ~~the voter's expense, or delivered in person, or by the voter's near relative or~~
25 ~~verifiable legal guardian and received by the county board not later than 5:00~~
26 ~~p.m. on the day of the statewide primary or general election or county bond~~
27 ~~election.~~election, transmitted by one of the following methods:

28 a. By mail or by commercial courier service.

29 b. In person delivery by the voter or by the voter's near relative or legal
30 guardian.

31 c. ~~Ballots~~Electronic transmission, if the ballots were issued under the
32 provisions of Part 2 of Article 21 of this Chapter may also be
33 electronically transmitted.~~Chapter.~~

34 (2) If ballots are received later than the hour stated in subdivision (1) of this
35 subsection, those ballots shall not be accepted unless one of the following
36 applies:

37 a. Federal law so requires.

38 b. The ballots issued under this Part are postmarked and that postmark is
39 dated on or before the day of the statewide primary or general election
40 or county bond election and are received by the county board of
41 elections not later than three days after the election by 5:00 p.m.

42 c. The ballots issued under Part 2 of Article 21 of this Chapter are
43 received by the county board of elections not later than the end of
44 business on the business day before the canvass conducted by the
45 county board of elections held pursuant to G.S. 163A-1172."

46 **SECTION 7.(b)** There is appropriated from the unappropriated fund balance of the
47 General Fund to the State Board of Elections the sum of two hundred fifty thousand dollars
48 (\$250,000) for the 2019-2020 fiscal year to provide for prepaid postage for mail-in absentee
49 ballots.

50 **SECTION 7.(c)** This section becomes effective January 1, 2020, and expires
51 December 31, 2020.

1 **SECTION 8.** Section 3.11 of S.L. 2018-13 reads as rewritten:

2 "**SECTION 3.11.(a)** Section 30.8 of ~~S.L. 2013-281~~, S.L. 2013-381, as amended by Section
3 6(a) of S.L. 2015-103, reads as rewritten:

4 "**SECTION 30.8.** Any direct record electronic (DRE) voting systems currently certified by
5 the State Board of Elections ~~and Ethics Enforcement~~ which do not use paper ballots shall be
6 decertified and shall not be used in any election held on or after December 1, 2019.
7 Decertification of a DRE voting system that does not use paper ballots may not be appealed to
8 the Superior Court of Wake County pursuant to G.S. 163A-1115(d)."

9 "**SECTION 3.11.(b)** Section 30.9 of ~~S.L. 2013-281~~, S.L. 2013-381, as amended by Section
10 6(b) of S.L. 2015-103, reads as rewritten:

11 "**SECTION 30.9.** This Part becomes effective December 1, 2019, for counties that use direct
12 record electronic voting machines.""

13 **SECTION 9.(a)** Notwithstanding Section 3.11 of S.L. 2018-13, as amended by this
14 act, the State Board of Elections (State Board) may authorize, upon such terms and conditions as
15 the State Board deems appropriate, a county board of elections to use a direct record electronic
16 (DRE) voting system in any election prior to December 1, 2020, provided the State Board
17 determines the following conditions are satisfied:

18 (1) The county board of elections submits a request to the State Board to use a
19 DRE voting system in an election or elections prior to December 1, 2020, as
20 specified in the request.

21 (2) The county board of elections provides sufficient information for the State
22 Board to conclude that the use of the DRE voting system will not jeopardize
23 the security of the election or elections.

24 (3) The county board of elections has begun the process and time line for
25 replacing the DRE voting system and provides documentation to the State
26 Board regarding the time line for that process and specifically the time of
27 testing as required by G.S. 163A-1117. The State Board may grant an
28 exception to any requirement of G.S. 163A-1117(a) that the State Board
29 deems appropriate for that county.

30 **SECTION 9.(b)** This section is effective when it becomes law and expires January
31 1, 2021.

32 **SECTION 10.** Except as otherwise provided, this act becomes effective January 1,
33 2020, and applies to elections conducted on or after that date.