

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30579-LU-157

Short Title: Ensure Safer Voting for 2020 Elections.

(Public)

Sponsors: Representative Morey.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS PERTAINING TO THE 2020
3 GENERAL ELECTION IN RESPONSE TO THE COVID-19 PANDEMIC.
4 The General Assembly of North Carolina enacts:

5
6 **PART I. PURPOSE/DEFINITIONS**

7 **SECTION 1.1.** The purpose of this act is to provide various forms of relief and
8 flexibility to ensure proper safety for the general election held in 2020 in response to the
9 COVID-19 emergency.

10 **SECTION 1.2.** Unless the context clearly indicates otherwise, the following
11 definitions apply in this act:

- 12 (1) COVID-19. – Coronavirus disease 2019.
13 (2) COVID-19 emergency. – The period beginning March 10, 2020, and ending
14 on the date the Governor signs an executive order rescinding Executive Order
15 No. 116 (2020), Declaration of a State of Emergency to Coordinate Response
16 and Protective Actions to Prevent the Spread of COVID-19.
17

18 **PART II. VOTER REGISTRATION**

19
20 **EXTEND REGISTRATION DEADLINE TO 14 DAYS BEFORE ELECTION**

21 **SECTION 2.1.(a)** Notwithstanding G.S. 163-82.6, 163-82.19, or 163-82.20, for the
22 general election held in 2020, applications for voter registration may be submitted no later than
23 14 days before the election. If the application for registration is submitted by mail, the application
24 shall be postmarked no later than 14 days before the election. If the application for voter
25 registration is submitted by facsimile transmission or transmission of a scanned document, a
26 permanent copy of the completed, signed form shall be delivered to the county board of elections
27 no later than 10 days before the election.

28 **SECTION 2.1.(b)** This section is effective when it becomes law and applies to
29 elections held on or after that date and expires upon certification of the 2020 general election.
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31 **PART III. VOTING BY ABSENTEE BALLOT**

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33 **EXPAND OPTIONS FOR SUBMITTING ABSENTEE BALLOT REQUEST FORMS**

34 **SECTION 3.1.** Notwithstanding G.S. 163-230.2, for the general election held in
35 2020, a voter or the voter's near relative or verifiable legal guardian may submit an absentee
36 ballot request form by phone, by facsimile transmission, by digital request through an online



1 portal established by the State Board of Elections, or by electronic mail (e-mail), in addition to
2 submitting the request in person, by mail, or by designated delivery service. If a voter requests
3 an absentee ballot request form by phone, the county board of elections shall provide a preprinted
4 request form to the voter.

6 **ABSENTEE BALLOT REQUEST FORMS FOR EVERY REGISTERED VOTER**

7 **SECTION 3.2.** For the general election held in 2020, at least 90 days before the
8 general election, the State Board of Elections shall collaborate with county boards of elections to
9 ensure every registered voter in this State receives by mail a request form for an absentee ballot.
10 All absentee ballot request forms shall be sent with prepaid postage for the return of the request
11 form.

13 **FLEXIBILITY IN CERTIFICATION REQUIREMENT FOR ABSENTEE BALLOTS**

14 **SECTION 3.3.** Notwithstanding G.S. 163-231(a), for the general election held in
15 2020, a voter is not required to complete the voter's absentee ballot in the presence of two
16 witnesses or a notary but may satisfy the certification requirement by completing the voter's
17 absentee ballot in the presence of only one witness. In the event a witness is not available, a voter
18 may provide a copy of a current utility bill, bank statement, government check, paycheck, or
19 other government document showing the name and address of the voter and attest on the
20 container-return envelope to the need for use of this option; provided, if this option is chosen, the
21 voter's phone number, mailing address, and e-mail address shall be listed on the absentee ballot's
22 prepaid postage return envelope. The State Board of Elections shall adopt emergency rules to
23 ensure the integrity and proper matching of the signature by the county board of elections when
24 the signature verification option is used, including a presumption that the voter's signature is
25 valid unless the signature differs in multiple, significant, or obvious ways in accordance with
26 Section 3.7 of this act.

28 **PREPAID POSTAGE FOR VOTED ABSENTEE BALLOTS**

29 **SECTION 3.4.** Notwithstanding G.S. 163-230.2(c) or G.S. 163-231(b)(1), for the
30 general election held in 2020, a voter submitting a valid request for an absentee ballot shall
31 receive from the applicable county board of elections a prepaid postage envelope for returning
32 the executed absentee ballot by mail.

34 **REMOVE "VOTER'S EXPENSE" LANGUAGE FROM ABSENTEE BALLOT 35 SUBMISSION REQUIREMENTS**

36 **SECTION 3.5.(a)** G.S. 163-231(b)(1) reads as rewritten:

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

- 40 (1) All ballots issued under the provisions of this Article and Article 21A of this
41 Chapter shall be transmitted by mail or by commercial courier ~~service, at the~~
42 ~~voter's expense, service~~ or delivered in person, or by the voter's near relative
43 or verifiable legal guardian and received by the county board not later than
44 5:00 p.m. on the day of the statewide primary or general election or county
45 bond election. Ballots issued under the provisions of Article 21A of this
46 Chapter may also be electronically transmitted."

47 **SECTION 3.5.(b)** This section is effective when it becomes law and applies to
48 elections held on or after that date.

50 **COUNTING ABSENTEE BALLOTS**

1 **SECTION 3.6.** Notwithstanding G.S. 163-231(b)(2)b., for the general election held
2 in 2020, any absentee ballot that is postmarked on or before election day in 2020 and absentee
3 ballots that are received without a postmark through the United States Postal Service mail system
4 shall be deemed properly cast and accepted and counted up to three days after the general
5 election.

6
7 **CURING DISCREPANCIES ON MAIL-IN ABSENTEE BALLOTS THAT ARE**
8 **INCOMPLETE OR ILLEGIBLE**

9 **SECTION 3.7.** Notwithstanding any other provision of law to the contrary, for the
10 general election held in 2020, the State Board of Elections shall take all reasonable steps to cure
11 an absentee ballot that is incomplete or illegible, when possible. Election officials shall notify
12 voters of signature mismatches or unsigned absentee ballots no later than eight days prior to the
13 certification of the election, and these voters shall have until 5:00 P.M., two days prior to the
14 certification of the election to cure the signature information. There is a presumption that a voter's
15 signatures are valid and the signatures rejected only if the signatures differ in multiple,
16 significant, and obvious ways. If it appears that the voter's ballot will not be counted, then the
17 county board of elections shall notify the voter, and the voter shall be given the option to vote in
18 person within the appropriate time constraints or at an authorized polling place.

19
20 **CONTACTLESS DROP BOXES**

21 **SECTION 3.8.** For the general election held in 2020, every local board of elections
22 shall provide at least one absentee ballot drop box location for every 25,000 voters per county at
23 least 15 days before the election. A voter voting by mail-in absentee ballot who deposits the
24 absentee ballot using a contactless drop box pursuant to this section by the close of voting in the
25 precinct on election day is deemed to have validly cast that ballot.

26 **SECTION 3.9.** Except as otherwise provided, this Part is effective when it becomes
27 law and applies to elections held on or after that date and expires upon certification of the 2020
28 general election.

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30 **PART IV. IN-PERSON VOTING**

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32 **POLL WORKER RECRUITMENT FLEXIBILITY**

33 **SECTION 4.1.** Notwithstanding G.S. 163-41(c) or G.S. 163-42, for the general
34 election held in 2020, a county board of elections by majority vote of all of its members may
35 eliminate the requirement that a majority of the three positions of chief judge and judges and the
36 majority of precinct assistants who are otherwise qualified to vote in the county reside in that
37 precinct.

38
39 **FLEXIBILITY IN EARLY VOTING HOURS**

40 **SECTION 4.2.** Notwithstanding G.S. 163-227.6(c), for the general election held in
41 2020, a county board of elections by majority vote of all of its members may adopt a Plan of
42 Implementation that establishes flexibility in voting hours for the opening and closing of one-stop
43 early voting sites if the county board of elections wishes to adopt a Plan that deviates more than
44 two hours from the 7:00 A.M. to 7:00 P.M. one-stop early voting schedule.

45 **SECTION 4.3.** This Part is effective when it becomes law and applies to elections
46 held on or after that date and expires upon certification of the 2020 general election.

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48 **PART V. ENSURING ACCESS TO 2020 ELECTION**

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50 **2020 ELECTION DAY AS PAID STATE HOLIDAY**

1 **SECTION 5.1.(a)** Notwithstanding G.S. 115C-84.2(b) or G.S. 126-4(5), election
2 day in 2020 shall be treated in the same manner as a paid State holiday for purposes of State
3 employment.

4 **SECTION 5.1.(b)** The General Assembly encourages private employers in this State
5 to treat election day as a paid day off to enable employees to vote on election day.

6 7 **NO PHOTO ID FOR 2020 GENERAL ELECTION**

8 **SECTION 5.2.** Notwithstanding any other provision of law to the contrary, due to
9 the COVID-19 pandemic, the requirement of photo identification shall not apply for the 2020
10 general election.

11 12 **NOTIFICATION OF CLOSURE DUE TO COVID-19**

13 **SECTION 5.3.** For the 2020 general election, if any polling site must be closed due
14 to the COVID-19 pandemic, the county board of elections shall immediately notify the State
15 Board of Elections of the closure. The State Board of Elections shall coordinate with the county
16 board of elections to ensure standards of community safety are in place in the event of such a
17 closure.

18 19 **EMERGENCY POWERS OF EXECUTIVE DIRECTOR**

20 **SECTION 5.4.** G.S. 163-27.1(a) is amended by adding a new subdivision to read:

21 "(a) The Executive Director, as chief State elections official, may exercise emergency
22 powers to conduct an election in a district where the normal schedule for the election is disrupted
23 by any of the following:

24 ...

25 (4) A pandemic or national health crisis as declared by the President of the United
26 States or the Governor of North Carolina.

27 In exercising those emergency powers, the Executive Director shall avoid unnecessary conflict
28 with the provisions of this Chapter. The Executive Director shall adopt rules describing the
29 emergency powers and the situations in which the emergency powers will be exercised."
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31 **CURBSIDE EARLY ONE-STOP AND ELECTION DAY VOTING**

32 **SECTION 5.5.** Notwithstanding G.S. 163-166.9 or any rules to the contrary, for the
33 2020 general election only, voters may request curbside or drive-through voting. Each county
34 board of elections shall by majority vote of all of its members adopt a Plan of Implementation
35 for enhanced curbside voting to be called "Drive-Thru Voting," which shall be made available to
36 any voter wishing to remain in the vehicle to vote. The Plan shall be approved by the State Board
37 of Elections and available for voters during one-stop early voting and on election day.

38 **SECTION 5.6.** This Part is effective when it becomes law and applies to elections
39 held on or after that date.

40 41 **PART VI. SEVERABILITY**

42 **SECTION 6.1.** If any provision of this act or its application is held invalid, the
43 invalidity does not affect other provisions or applications of this act that can be given effect
44 without the invalid provisions or application, and to this end, the provisions of this act are
45 severable.

46 47 **PART VII. EFFECTIVE DATE**

48 **SECTION 7.1.** Except as otherwise provided, this act is effective when it becomes
49 law and applies to elections held on or after that date and expires upon certification of the 2020
50 general election.