

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
Mar 7, 2023
S.B. 226
PRINCIPAL CLERK

S

D

SENATE BILL DRS15094-LUa-56F

Short Title: Freedom to Vote.

(Public)

Sponsors: Senators Smith, Robinson, and Grafstein (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF ELECTIONS FOR
3 VARIOUS PURPOSES REGARDING VOTING; TO CLARIFY LAWS AND PROHIBIT
4 VOTER INTIMIDATION; TO IMPROVE VOTING ACCESS AND ENCOURAGE
5 VOTING BY ESTABLISHING ONLINE VOTER REGISTRATION, EXPANDING
6 EARLY ONE-STOP VOTING HOURS ON SATURDAYS AND SUNDAYS, AND
7 REVISING THE LAWS PERTAINING TO LIST MAINTENANCE; AND TO STUDY
8 CREATING A NONPARTISAN PROCESS FOR REDISTRICTING REGARDING
9 CERTAIN ELECTIONS.

10 The General Assembly of North Carolina enacts:

11
12 **PART I. INCREASE FUNDING/STATE BOARD OF ELECTIONS**

13 **SECTION 1.1.** There is appropriated from the General Fund to the State Board of
14 Elections the sum of eighteen million nine hundred sixty-one thousand five hundred eighty-seven
15 dollars (\$18,961,587) in recurring funds for each year of the 2023-2025 fiscal biennium to secure
16 election integrity, support county boards of elections, and improve voter services.
17

18 **PART II. CLARIFY/PROHIBIT VOTER INTIMIDATION**

19 **SECTION 2.1.** Article 22 of Chapter 163 of the General Statutes is amended by
20 adding the following new sections to read:

21 **"§ 163-275.1. Voter intimidation, threats, or coercion.**

22 (a) As used in this section, the following definitions shall apply:

23 (1) Coerce. – To compel another person's conduct using force or threat of force,
24 whether that force is physical or economic, and is judged not in isolation but
25 in the context and background of contemporaneous events.

26 (2) Intimidate. – To willfully engage in conduct without legal purpose that would
27 cause a reasonable person to fear for the person's safety or the safety of the
28 person's immediate family or close personal associates by placing the person
29 in fear of death, bodily injury, or continued harassment.

30 (3) Threaten. – To express an intention to harm another.

31 (b) Notwithstanding any other provision of law, any person who does any of the
32 following is guilty of a Class H felony:

33 (1) Threatens or attempts to threaten any person:

34 a. For voting or attempting to vote.

35 b. For voting or attempting to vote for or against a particular candidate.

36 c. For registering to vote.



* D R S 1 5 0 9 4 - L U A - 5 6 F *

- 1 d. For urging or aiding any individuals to vote or attempting to vote, as
2 allowed by law.
3 e. For exercising any lawful powers or duties as an election official or
4 enlisting another person to do the same.

5 For purposes of this section, a person shall be found to have threatened another
6 person if the person knew or reasonably should have known that his or her
7 actions would produce that effect.

- 8 (2) Knowingly challenges a person's right to vote on fraudulent or spurious
9 grounds.
10 (3) Engages in mass, indiscriminate, and groundless challenging of voters solely
11 for the purpose of preventing voters from voting or to delay the process of
12 voting or the lawful and orderly administration of an election.
13 (4) Fraudulently advises any person that the person is not eligible to vote or is not
14 registered to vote when in fact that person is eligible or registered to vote.

15 (c) Notwithstanding any other provision of law, an employer, whether a corporation or
16 natural person or any other person who employs, who shall, in paying its employees the salary
17 or wages due the employees, do any of the following shall be guilty of a Class H felony:

- 18 (1) Enclose the employees' pay in pay envelopes upon which or in which there is
19 written or printed the name of any candidate or any political mottoes, devices,
20 or arguments containing threats, express or implied, intended or calculated to
21 influence the political opinions or actions of the employees.
22 (2) In any way, express or implied, communicate that the employees' pay or
23 continued employment is conditioned on voting or not voting, or voting or not
24 voting for a specific candidate.

25 (d) Notwithstanding any other provision of law, any person who intimidates or coerces
26 or attempts to intimidate or coerce any person for any of the following is guilty of a Class A1
27 misdemeanor:

- 28 (1) Voting or attempting to vote.
29 (2) Voting or attempting to vote for or against a particular candidate.
30 (3) Urging or aiding any persons to vote or attempt to vote, as allowed by law.
31 (4) Exercising any lawful powers or duties as an election official or enlisting
32 another person for the purpose of doing the same.

33 For purposes of this section, a person shall be found to have intimidated or coerced another
34 person if the person knew or reasonably should have known that his or her actions would produce
35 that effect.

36 "**§ 163-275.2. Right of action.**

37 Any person aggrieved by a violation of G.S. 163-275.1 may bring an action for preventive
38 relief, including an application in a district court for a permanent or temporary injunction,
39 restraining order, or other order. In any action commenced pursuant to this section, the court, in
40 its discretion, may allow the prevailing party reasonable attorney's fees.

41 "**§ 163-275.3. Restitution; fund.**

42 (a) In addition to any other fine or penalty imposed by this Article, the court may order
43 any person convicted of violating this Article to pay a restitution fine, the amount of which shall
44 be determined by the court and be commensurate with the seriousness of the offense. The moneys
45 derived from the fine assessed pursuant to this subsection shall be deposited in the Voter
46 Intimidation Restitution Fund created under subsection (b) of this section.

47 (b) The Voter Intimidation Restitution Fund (Fund) is hereby established in the State
48 Treasury. Upon appropriation by the General Assembly, moneys in the Fund shall be allocated
49 to the State Board of Elections to be used in voter education campaigns addressing the specific
50 crime committed by anyone convicted of violations of this Article. The funds shall also be used
51 for the administrative costs associated with distribution of the Fund."

1 **(b) Require Availability of Internet for Voter Registration.** – The State Board of Elections
2 shall ensure that the following services are available to the public at any time on its official public
3 website:

4 **(1) Online application for voter registration, the content of which shall be**
5 equivalent to the form provided by designated voter registration agencies.

6 **(2) Online assistance to those applying to register to vote.**

7 **(3) Online completion and submission by applicants of the voter registration**
8 application, including the signature of the applicant pursuant to subsection (d)
9 of this section.

10 **(4) Online receipt of completed voter registration applications.**

11 **(c) To the extent any State agency described in G.S. 163-82.19 or G.S. 163-82.20 has**
12 signatures of clients, those agencies shall cooperate in sharing those signatures with the State
13 Board of Elections.

14 **(d) An application submitted under this section shall be deemed submitted to the election**
15 authority on the date it is received.

16 **(e) An applicant for voter registration under this section provides a signature by doing**
17 any of the following:

18 **(1) In the case of an applicant who has a signature on file with a State government**
19 agency, authorizing the agency to transmit that signature to election officials.

20 **(2) Submitting with the application an electronic copy of the applicant's**
21 handwritten signature through electronic means in a manner prescribed by the
22 State Board.

23 **(f) Upon submission of a completed voter registration application under this section, the**
24 State Board of Elections' official website shall generate an immediate electronic confirmation on
25 the website that the application has been received, with instructions as to how the applicant may
26 check the status of the application thereafter.

27 **(g) The State Board of Elections shall accept an online voter registration application**
28 submitted under this section and ensure that the individual is registered to vote in this State if
29 each of the following is satisfied:

30 **(1) The individual meets the same voter registration eligibility requirements**
31 applicable to individuals who register to vote by mail.

32 **(2) The individual provides a signature in accordance with subsection (e) of this**
33 section.

34 **(h) The State Board of Elections shall inform the applicant for voter registration of the**
35 disposition of the application by regular mail. Additionally, the State Board shall make available
36 to the applicant the option to receive the disposition notification by email.

37 **(i) No legal distinction shall be made between registration under this section and**
38 registration by written application in accordance with the provisions of this Article.

39 **(j) The State Board of Elections shall ensure that any registered voter may at any time**
40 update the voter's registration information, including the voter's address, online through the State
41 Board's official public website in accordance with maintenance of the computerized statewide
42 voter registration list.

43 **(k) Except as provided in G.S. 163-82.6A, the State Board shall revise any information**
44 on the computerized list to reflect the update made by the voter at any time until the deadlines
45 for registration under G.S. 163-82.6(d) for a primary or general election.

46 **(l) Upon receipt of updated registration information under this section, the State Board**
47 of Elections shall send a notice confirming receipt of the updated information by regular mail,
48 and by email, if available."

49 **SECTION 3.1.(c) G.S. 163-82.6(d) reads as rewritten:**

50 **"(d) Registration Deadlines for a Primary or Election.** – In order to be valid for a primary
51 or election, the form must comply with one of the following:

- 1 (1) If submitted by mail, must be postmarked at least 25 days before the primary
2 or election, except that any mailed application on which the postmark is
3 missing or unclear is validly submitted if received in the mail not later than 20
4 days before the primary or ~~election~~,election.
- 5 (2) If submitted in person, by facsimile transmission, ~~or~~ by transmission of a
6 scanned document, or by online voter registration pursuant to G.S. 163-82.5A,
7 must be received by the county board of elections by a time established by
8 that board, but no earlier than 5:00 P.M., on the twenty-fifth day before the
9 primary or ~~election~~,election.
- 10 (3) If submitted through a delegatee who violates the duty set forth in subsection
11 (a) of this section, must be signed by the applicant and given to the delegatee
12 not later than 25 days before the primary or election, except as provided in
13 subsection (f) of this section."

14 **SECTION 3.1.(d)** G.S. 163-82.10(a1) reads as rewritten:

15 "(a1) Personal Identifying Information. – Full or partial social security numbers, dates of
16 birth, the identity of the public agency at which the voter registered under G.S. 163-82.20, any
17 electronic mail address submitted under this Article, Article 20, or Article 21A of this Chapter,
18 photocopies of identification for voting, and drivers license numbers, whether held by the State
19 Board or a county board of elections, or obtained through online voter registration under
20 G.S. 163-82.5A, are confidential and shall not be considered public records and subject to
21 disclosure to the general public under Chapter 132 of the General Statutes. Cumulative data based
22 on those items of information may be publicly disclosed as long as information about any
23 individual cannot be discerned from the disclosed data. Disclosure of information in violation of
24 this subsection shall not give rise to a civil cause of action. This limitation of liability does not
25 apply to the disclosure of information in violation of this subsection as a result of gross
26 negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable."

27 **SECTION 3.1.(e)** In establishing online voter registration in accordance with this
28 Part, the State Board of Elections shall establish appropriate technological security measures to
29 protect against unauthorized access to information. The State Board of Elections shall ensure that
30 online voter registration under this Part is provided in a manner that is accessible to persons with
31 disabilities so as to provide the same opportunity for access and participation as for other voters.

32 **SECTION 3.1.(f)** There is appropriated from the General Fund to the State Board of
33 Elections the sum of two hundred fifteen thousand dollars (\$215,000) in recurring funds for each
34 year of the 2023-2025 fiscal biennium and the sum of ninety thousand dollars (\$90,000) in
35 nonrecurring funds for the 2023-2024 fiscal year to implement online voter registration pursuant
36 to this Part.

37 **SECTION 3.2.** G.S. 163-82.6(c) reads as rewritten:

38 "(c) Signature. – The form shall be valid only if signed by the applicant. An ~~electronically~~
39 ~~captured signature, including signatures on applications generated by computer programs of~~
40 ~~third party groups, shall not be valid on a voter registration form, except as provided in Article~~
41 ~~21A of this Chapter. Notwithstanding the provisions of this subsection, an electronically captured~~
42 image of the signature of a voter on an electronic voter registration form offered by a State agency
43 shall be considered a valid signature for all purposes for which a signature on a paper voter
44 registration form is used."

45 **SECTION 3.3.(a)** G.S. 163-227.2(b) reads as rewritten:

46 "(b) Not earlier than the third Thursday before an election, in which absentee ballots are
47 authorized, in which a voter seeks to vote and not later than ~~3:00 P.M.~~ 5:00 P.M. on the last
48 Saturday before that election, the voter shall appear in person only at the office of the county
49 board of elections, except as provided in G.S. 163-227.6. A county board of elections shall
50 conduct one-stop voting on the last Saturday before the election from 8:00 A.M. until ~~3:00 P.M.~~
51 5:00 P.M. That voter shall enter the voting enclosure at the board office through the appropriate

1 entrance and shall at once state his or her name and place of residence to an authorized member
 2 or employee of the board and present photo identification in accordance with G.S. 163-166.16.
 3 In a primary election, the voter shall also state the political party with which the voter affiliates
 4 and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted
 5 to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of
 6 the authorizing political party in whose primary he wishes to vote. The board member or
 7 employee to whom the voter gives this information shall announce the name and residence of the
 8 voter in a distinct tone of voice. After examining the registration records, an employee of the
 9 board shall state whether the person seeking to vote is duly registered. If the voter is found to be
 10 registered that voter may request that the authorized member or employee of the board furnish
 11 the voter with an application for absentee ballots. The voter shall complete the application in the
 12 presence of the authorized member or employee of the board, and shall deliver the application to
 13 that person."

14 **SECTION 3.3.(b)** G.S. 163-227.6(c) reads as rewritten:

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

- 17 (1) Each one-stop site across the county shall be open at that same location during
 18 the period required by G.S. 163-227.2(b).
- 19 (2) If any one-stop site across the county is opened on any day during the period
 20 required by G.S. 163-227.2(b), all one-stop sites shall be open on that day.
- 21 (3) On each weekday during the period required by G.S. 163-227.2(b), all
 22 one-stop sites shall be open from 8:00 A.M. to 7:30 P.M.
- 23 (4) ~~If the county board of elections opens one-stop sites on Saturdays other than~~
 24 ~~the last Saturday before the election during the period required by~~
 25 ~~G.S. 163-227.2(b), then all one-stop sites shall be open for the same number~~
 26 ~~of hours uniformly throughout the county on those Saturdays.~~ On each
 27 Saturday before the election during the period required by G.S. 163-227.2(b),
 28 all one-stop sites shall be open from 8:00 A.M. to 5:00 P.M.
- 29 (5) ~~If the county board of elections opens one-stop sites on Sundays during the~~
 30 ~~period required by G.S. 163-227.2(b), then all one-stop sites shall be open for~~
 31 ~~the same number of hours uniformly throughout the county on those~~
 32 ~~Sundays.~~ On each Sunday during the period required by G.S. 163-227.2(b), all
 33 one-stop sites shall be open from 12:00 P.M. to 5:00 P.M.
- 34 (6) All one-stop sites shall be open on the last Saturday before the election, for
 35 the hours required under G.S. 163-227.2(b) for that last Saturday."

36 **SECTION 3.4.** G.S. 163-82.14 reads as rewritten:

37 "§ 163-82.14. List maintenance.

38 ...

39 (b) Death. – The Department of Health and Human Services shall furnish free of charge
 40 to the State Board of Elections every month, in a format prescribed by the State Board of
 41 Elections, the names of deceased persons who were residents of the State. The State Board of
 42 Elections shall distribute every month to each county board of elections the names on that list of
 43 deceased persons who were residents of that county. The Department of Health and Human
 44 Services shall base each list upon information supplied by death certifications it received during
 45 the preceding month. Upon the receipt of those names, each county board of elections shall
 46 remove from its voter registration records any person the list shows to be ~~dead~~ dead upon
 47 confirming that the complete date of birth of the deceased person and the last four digits of the
 48 social security number are identical to the person to be removed from the voter registration
 49 records. If the last four digits of the social security number are not available from voter
 50 registration records, then the county board of elections shall not remove the voter unless it has
 51 matched the complete date of birth and other identification information from the deceased records

1 received from the Department of Health and Human Services or a near relative. Each county
 2 board of elections shall also remove from its voter registration records a person identified as
 3 deceased by a signed statement of a near relative or personal representative of the estate of the
 4 deceased voter. The county board need not send any notice to the address of the person so
 5 removed.

6 ...

7 (d) Change of Address. – A county board of elections shall conduct a systematic program
 8 to remove from its list of registered voters those who have moved out of the county, and to update
 9 the registration records of persons who have moved within the county. The county board shall
 10 remove a person from its list if the registrant:

11 (1) Gives confirmation in writing of a change of address for voting purposes out
 12 of the county. "Confirmation in writing" for purposes of this subdivision shall
 13 ~~include:~~include any of the following:

14 a. A report to the county board from the Department of Transportation
 15 or from a voter registration agency listed in G.S. 163-82.20 that the
 16 voter has reported a change of address for voting purposes outside the
 17 ~~county;~~county.

18 b. A notice of cancellation received under ~~G.S. 163-82.9;~~
 19 ~~or~~G.S. 163-82.9.

20 c. A notice of cancellation received from an election jurisdiction outside
 21 the State.

22 (2) Fails to respond after no less than 60 days to a confirmation mailing sent by
 23 the county board in accordance with this subdivision and does not vote or
 24 appear to vote in an election beginning on the date of the notice and ending
 25 on the day after the date of the second general election for the United States
 26 House of Representatives that occurs after the date of the notice. A county
 27 board sends a confirmation notice in accordance with this subdivision if the
 28 ~~notice;~~notice complies with each of the following:

29 a. Is a postage prepaid and preaddressed return card, sent by forwardable
 30 mail, on which the registrant may state current ~~address;~~address.

31 b. Contains or is accompanied by a notice to the effect that if the
 32 registrant did not change residence but remained in the county, the
 33 registrant should return the card not later than the deadline for
 34 registration by mail in ~~G.S. 163-82.6(d)(1); and~~G.S. 163-82.6(d)(1).

35 c. Contains or is accompanied by information as to how the registrant
 36 may continue to be eligible to vote if the registrant has moved outside
 37 the county.

38 d. If a voter has provided the county board of elections with an email
 39 address, is an email that (i) provides the confirmation mailing has been
 40 sent, (ii) contains information on how the registrant may confirm the
 41 registrant's current address online, and (iii) contains information on
 42 how the voter may continue to be eligible to vote if the registrant has
 43 moved outside the county. If the voter has not provided an email
 44 address to the county board but has provided a phone number, the
 45 county board shall contact the voter by phone to provide this
 46 information.

47 A county board shall send a confirmation mailing in accordance with this
 48 subdivision to every registrant after every congressional election if the county
 49 board has not confirmed the registrant's address by another means.

50 (3) Any registrant who is removed from the list of registered voters pursuant to
 51 this subsection shall be reinstated if the voter appears to vote and gives oral or

1 written affirmation that the voter has not moved out of the county but has
2 maintained residence continuously within the county. That person shall be
3 allowed to vote as provided in G.S. 163-82.15(f).

4 (d1) Notwithstanding subsection (d) of this section, a county board of elections shall not
5 remove a registrant from its list of registered voters solely based on the county board receiving a
6 return mailing as "undeliverable" without taking steps to confirm the registrant's current address
7 by other means.

8"

9 **SECTION 3.5.** Notwithstanding any other provision of law to the contrary, the State
10 Board of Elections shall create and maintain an online portal for a voter to confirm the voter's
11 address.

12 **SECTION 3.6.** Sections 3.1(a) through 3.1(e) of this Part become effective
13 December 1, 2023. Section 3.1(f) of this Part becomes effective July 1, 2023. The remainder of
14 this Part is effective when it becomes law and applies to elections held on or after that date.

15 **PART IV. PREVENT GERRYMANDERING**

16 **SECTION 4.1.(a)** The General Assembly makes the following findings:

- 17 (1) The redistricting process is intended to produce voting maps that reflect
18 population shifts as shown by the decennial U.S. census, guided by the
19 principle of one person, one vote. However, for decades, politicians from both
20 sides of the aisle in state legislatures have manipulated districts through
21 gerrymandering.
- 22 (2) Gerrymandering is the practice of drawing district lines to unfairly favor
23 particular politicians or political parties in elections, and modern advances in
24 mapping technology and more sophisticated data collection enable politicians
25 today to rig our voting maps with even more pernicious effectiveness, splitting
26 neighborhoods and treating voters as political pawns instead of constituents.
- 27 (3) The damaging impact of gerrymandering is seen with increased polarization
28 in government and extreme policies that fail to consider the will of voters.
- 29 (4) The State has spent millions of tax dollars defending against lawsuits brought
30 by North Carolinians who have been disenfranchised by gerrymandering.
- 31 (5) North Carolinians deserve the ability to choose their elected representatives
32 freely and without interference from elected officials.
- 33 (6) The process for determining a new procedure for drawing district maps should
34 ensure voters choose their elected officials and politicians do not choose their
35 voters.

36 **SECTION 4.1.(b)** The School of Government at the University of North Carolina at
37 Chapel Hill shall study and report to the General Assembly in accordance with G.S. 120-29.5 by
38 February 1, 2024, on options and recommendations to create a nonpartisan process for
39 redistricting districts for the House and Senate of the North Carolina General Assembly and the
40 House of Representatives of the United States Congress. The report shall include a recommended
41 time line for putting the nonpartisan process into practice, including the likelihood of
42 implementing the process following the return of the 2030 federal decennial census.

43 **SECTION 4.1.(c)** It is the intent of the General Assembly to review the options
44 presented pursuant to subsection (b) of this section and transition to a nonpartisan redistricting
45 process following the return of the 2030 federal decennial census.

46 **SECTION 4.2.** This Part is effective when it becomes law.

47 **PART V. EFFECTIVE DATE**

48 **SECTION 5.1.** Except as otherwise provided, this act is effective when it becomes
49 law and applies to elections held on or after that date.
50
51