

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

1

HOUSE BILL 913

Short Title: Voter Integrity. (Public)

Sponsors: Representative Blust (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Elections.

April 15, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO BETTER ENSURE VOTER INTEGRITY.
3 The General Assembly of North Carolina enacts:

4
5 PART I. ELIMINATE SAME-DAY REGISTRATION

6 SECTION 1.1. G.S. 163-82.6(c) reads as rewritten:

7 "(c) Registration Deadlines for a Primary or Election. – In order to be valid for a primary
8 or election, ~~except as provided in G.S. 163-82.6A,~~ election the form:

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

21 SECTION 1.2. G.S. 163-82.6A is repealed.

22 SECTION 1.3. G.S. 163-166.12(b2) reads as rewritten:

23 "(b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an
24 individual has registered by mail or by another method, if the individual has provided with the
25 registration form a drivers license number or last four digits of a Social Security number but the
26 computer validation of the number as required by G.S. 163-82.12 did not result in a match, and
27 the number has not been otherwise validated by the board of elections, in the first election in
28 which the individual votes that individual shall submit with the ballot the form of identification
29 described in subsection (a) or subsection (b) of this section, depending upon whether the ballot
30 is voted in person or absentee. If that identification is provided and the board of elections does
31 not determine that the individual is otherwise ineligible to vote a ballot, the failure of
32 identification numbers to match shall not prevent that individual from registering to vote and
33 having that individual's vote counted. ~~If the individual registers and votes under~~
34 ~~G.S. 163-82.6A, the identification documents required in that section, rather than those~~
35 ~~described in subsection (a) or (b) of this section, apply."~~



1 **SECTION 5.4.** G.S. 163-227.2(a) reads as rewritten:

2 "(a) Any voter eligible to vote by absentee ballot under G.S. 163-226 may request an
3 application for absentee ballots, complete the application, and vote under the provisions of this
4 ~~section and of G.S. 163-82.6A, as applicable.~~section."

5
6 **PART II. PROVISIONAL BALLOTS RETRIEVABLE**

7 **SECTION 2.1.** G.S. 163-166.11 reads as rewritten:

8 **"§ 163-166.11. Provisional voting requirements.**

9 If an individual seeking to vote claims to be a registered voter in a jurisdiction as provided
10 in G.S. 163-82.1 and though eligible to vote in the election does not appear on the official list
11 of eligible registered voters in the voting place, that individual may cast a provisional official
12 ballot as follows:

- 13 (1) An election official at the voting place shall notify the individual that the
14 individual may cast a provisional official ballot in that election.
- 15 (2) The individual may cast a provisional official ballot at that voting place upon
16 executing a written affirmation before an election official at the voting place,
17 stating that the individual is a registered voter in the jurisdiction as provided
18 in G.S. 163-82.1 in which the individual seeks to vote and is eligible to vote
19 in that election. The provisional ballot shall be a retrievable ballot, such that
20 if the ballot is counted and it is later determined that it should not have been
21 counted, that ballot may be removed from the total.
- 22 (2a) A voter who has moved within the county more than 30 days before election
23 day but has not reported the move to the board of elections shall not be
24 required on that account to vote a provisional ballot at the one-stop site, as
25 long as the one-stop site has available all the information necessary to
26 determine whether a voter is registered to vote in the county and which
27 ballot the voter is eligible to vote based on the voter's proper residence
28 address. The voter with that kind of unreported move shall be allowed to
29 vote the same kind of absentee ballot as other one-stop voters as provided in
30 G.S. 163-227.2(e2).
- 31 (3) At the time the individual casts the provisional official ballot, the election
32 officials shall provide the individual written information stating that anyone
33 casting a provisional official ballot can ascertain whether and to what extent
34 the ballot was counted and, if the ballot was not counted in whole or in part,
35 the reason it was not counted. The State Board of Elections or the county
36 board of elections shall establish a system for so informing a provisional
37 voter. It shall make the system available to every provisional voter without
38 charge, and it shall build into it reasonable procedures to protect the security,
39 confidentiality, and integrity of the voter's personal information and vote.
- 40 (4) The cast provisional official ballot and the written affirmation shall be
41 secured by election officials at the voting place according to guidelines and
42 procedures adopted by the State Board of Elections. At the close of the polls,
43 election officials shall transmit the provisional official ballots cast at that
44 voting place to the county board of elections for prompt verification
45 according to guidelines and procedures adopted by the State Board of
46 Elections.
- 47 (5) The county board of elections shall count the individual's provisional official
48 ballot for all ballot items on which it determines that the individual was
49 eligible under State or federal law to vote."

50
51 **PART III. PHYSICAL ADDRESS REQUIRED TO REGISTER TO VOTE**

1 **SECTION 3.1.** G.S. 163-57(1) reads as rewritten:

2 "(1) That place shall be considered the residence of a person in which that
3 person's habitation is fixed, and to which, whenever that person is absent,
4 that person has the intention of returning.

5 a. In the event that a person's habitation is divided by a State, county,
6 municipal, precinct, ward, or other election district, then the location
7 of the bedroom or usual sleeping area for that person with respect to
8 the location of the boundary line at issue shall be controlling as the
9 residency of that person.

10 b. If the person disputes the determination of residency, the person may
11 request a hearing before the county board of elections making the
12 determination of residency. The procedures for notice of hearing and
13 the conduct of the hearing shall be as provided in G.S. 163-86. The
14 presentation of an accurate and current determination of a person's
15 residence and the boundary line at issue by map or other means
16 available shall constitute prima facie evidence of the geographic
17 location of the residence of that person.

18 c. In the event that a person's residence is not a traditional residence
19 associated with real property, then the location of the usual sleeping
20 area for that person shall be controlling as to the residency of that
21 person. Residence shall be broadly construed to provide all persons
22 with the opportunity to register and to vote, including stating a
23 mailing address different from residence address.

24 d. A vacant lot or business address shall not be considered a residence
25 or used as a residential address unless a person uses that location as
26 their usual sleeping area."

27
28 **PART IV. ENHANCED VOTER LIST MAINTENANCE**

29 **SECTION 4.1.(a)** G.S. 163-33 reads as rewritten:

30 **"§ 163-33. Powers and duties of county boards of elections.**

31 The county boards of elections within their respective jurisdictions shall exercise all powers
32 granted to such boards in this Chapter, and they shall perform all the duties imposed upon them
33 by law, which shall include the following:

34 ...

35 (14) To make forms available for near relatives or personal representatives of a
36 deceased voter's estate to provide signed statements of the status of a
37 deceased voter to return to the board of elections of the county in which the
38 deceased voter was registered. Forms may be provided, upon request, to any
39 of the following: near relatives, personal representatives of a deceased
40 voter's estate, funeral directors, or funeral service licensees."

41 **SECTION 4.1.(b)** G.S. 163-82.14(b) reads as rewritten:

42 "(b) Death. – The Department of Health and Human Services shall furnish free of charge
43 to the State Board of Elections every month, in a format prescribed by the State Board of
44 Elections, the names of deceased persons who were residents of the State. The State Board of
45 Elections shall distribute every month to each county board of elections the names on that list
46 of deceased persons who were residents of that county. The Department of Health and Human
47 Services shall base each list upon information supplied by death certifications it received
48 during the preceding month. Upon the receipt of those names, each county board of elections
49 shall remove from its voter registration records any person the list shows to be dead. Each
50 county board of elections shall also remove from its voter registration records a person
51 identified as deceased by a signed statement of a near relative or personal representative of the

1 estate of the deceased voter. The county board need not send any notice to the address of the
2 person so removed."

3 **SECTION 4.1.(c)** Article 13A of Chapter 90 of the General Statutes is amended by
4 adding a new section to read:

5 **"§ 90-210.25C. Notification forms for deceased voters.**

6 (a) At the time funeral arrangements are made, a funeral director or funeral service
7 licensee is encouraged to make available to near relatives of the deceased a form upon which
8 the near relative may report the status of the deceased voter to the board of elections of the
9 county in which the deceased was a registered voter.

10 (b) A funeral director or funeral service licensee may obtain forms for reporting the
11 status of deceased voters from the county board of elections."

12 **SECTION 4.1.(d)** The State Board of Elections shall seek to participate in any
13 national or interstate efforts to share vital records data for the purpose of voter roll
14 maintenance. Any state that is currently allowed access to North Carolina vital records for the
15 purpose of voter roll maintenance in that state must allow reciprocal access to their vital
16 records by July 1, 2015, or they shall no longer have access to North Carolina vital records for
17 that purpose. The Division of Motor Vehicles shall exchange data with the State Board of
18 Elections to enhance voter list maintenance by cancelling the voter registration of those who
19 have moved out-of-state, updating the voter registration of a voter whose name has changed,
20 and updating the voter registration of a person who has reported a change of address, including
21 automatically changing their voter registration to the correct county.

22
23 **PART V. COMPENSATION FOR VOTER REGISTRATION LIMITED**

24 **SECTION 5.1.** G.S. 163-274 is amended by adding a new subdivision to read:

25 **"§ 163-274. Certain acts declared misdemeanors.**

26 (a) Class 2 Misdemeanors. – Any person who shall, in connection with any primary or
27 election in this State, do any of the acts and things declared in this subsection to be unlawful,
28 shall be guilty of a Class 2 misdemeanor. It shall be unlawful:

29 ...
30 (14) For any person to be compensated, whether based on the number of forms
31 submitted or otherwise, for assisting persons in registering to vote unless that
32 person is conducting voter registration for a governmental agency as
33 required by this Chapter or by federal law."

34
35 **PART VI. ELECTION OBSERVER RIGHTS SPECIFIED**

36 **SECTION 6.1.** G.S. 163-45 reads as rewritten:

37 **"§ 163-45. Observers; appointment.**

38 (a) Appointment of Observers. – The chair of each political party in the county shall
39 have the right to designate two observers to attend each voting place at each primary and
40 election and such observers may, at the option of the designating party chair, be relieved during
41 the day of the primary or election after serving no less than four hours and provided the list
42 required by this section to be filed by each chair contains the names of all persons authorized to
43 represent such chair's political party. Not more than two observers from the same political party
44 shall be permitted in the voting enclosure at any time. This right shall not extend to the chair of
45 a political party during a primary unless that party is participating in the primary. In any
46 election in which an unaffiliated candidate is named on the ballot, the candidate or the
47 candidate's campaign manager shall have the right to appoint two observers for each voting
48 place consistent with the provisions specified herein. Persons appointed as observers must be
49 registered voters of the county for which appointed and must have good moral character. No
50 person who is a candidate on the ballot in a primary or election may serve as an observer or
51 runner in that primary or election. Observers shall take no oath of office.

1 Individuals authorized to appoint observers must submit in writing to the chief judge of
2 each precinct a signed list of the observers appointed for that precinct. Individuals authorized to
3 appoint observers must, prior to 10:00 A.M. on the fifth day prior to any primary or general
4 election, submit in writing to the chair of the county board of elections two signed copies of a
5 list of observers appointed by them, designating the precinct for which each observer is
6 appointed. Before the opening of the voting place on the day of a primary or general election,
7 the chair shall deliver one copy of the list to the chief judge for each affected precinct. The
8 chair shall retain the other copy. The chair, or the chief judge and judges for each affected
9 precinct, may for good cause reject any appointee and require that another be appointed. The
10 names of any persons appointed in place of those persons rejected shall be furnished in writing
11 to the chief judge of each affected precinct no later than the time for opening the voting place
12 on the day of any primary or general election, either by the chair of the county board of
13 elections or the person making the substitute appointment.

14 If party chairs appoint observers at one-stop sites under G.S. 163-227.2, those party chairs
15 shall provide a list of the observers appointed before 10:00 A.M. on the fifth day before the
16 observer is to observe.

17 (b) Rights of Observer. – An observer shall do no electioneering at the voting place, and
18 shall in no manner impede the voting process or interfere or communicate with or observe any
19 voter in casting a ballot, but, subject to these restrictions, the chief judge and judges of
20 elections shall permit the observer to make such observation and take such notes as the
21 observer may desire. The observer shall be authorized to be present and move about the voting
22 place prior to, during, and following the closing of the polls until the chief judge and judges
23 have completed all of their duties. The observer shall be permitted to observe precinct officials
24 checking voter registration from a position that allows an observer to clearly hear and
25 understand voter responses.

26 A chief judge or judges of a precinct that limit the movement of or expel an observer from a
27 voting place shall specify in writing and sign a statement of the reasons for the limitation or
28 expulsion. The writing shall be witnessed by at least one of the other precinct judges. An
29 observer may challenge the limitation or expulsion using the procedure for an election protest
30 as provided in G.S. 163-182.9. If the county board finds that a chief judge or judge expelled or
31 limited an observer without cause, the chief judge or judge shall be fined the sum of the wage
32 paid to the chief judge or judge for that election for a first offense, and shall be permanently
33 barred from serving as a chief judge or judge for a second offense.

34 Whether or not the observer attends to the polls for the requisite time provided by this
35 section, each observer shall be entitled to obtain at times specified by the State Board of
36 Elections, but not less than three times during election day with the spacing not less than one
37 hour apart, a list of the persons who have voted in the precinct so far in that election day.
38 Counties that use an "authorization to vote document" instead of poll books may comply with
39 the requirement in the previous sentence by permitting each observer to inspect election records
40 so that the observer may create a list of persons who have voted in the precinct so far that
41 election day; each observer shall be entitled to make the inspection at times specified by the
42 State Board of Elections, but not less than three times during election day with the spacing not
43 less than one hour apart.

44 Instead of having an observer receive the voting list, the county party chair may send a
45 runner to do so, even if an observer has not been appointed for that precinct. The runner may be
46 the precinct party chair or any person named by the county party chair. Each county party chair
47 using runners in an election shall provide to the county board of elections before 10:00 A.M. on
48 the fifth day before election day a list of the runners to be used. That party chair must notify the
49 chair of the county board of elections or the board chair's designee of the names of all runners
50 to be used in each precinct before the runner goes to the precinct. The runner may receive a
51 voter list from the precinct on the same schedule as an observer. Whether obtained by observer

1 or runner, each party is entitled to only one voter list at each of the scheduled times. No runner
2 may enter the voting enclosure except when necessary to announce that runner's presence and
3 to receive the list. The runner must leave immediately after being provided with the list."
4

5 PART VII. ENHANCE DELIVERY OF MILITARY AND OVERSEAS ABSENTEE
6 BALLOTS FOR PRESIDENTIAL ELECTION WHEN PRESIDENTIAL NOMINATING
7 CONVENTIONS CONCLUDE AFTER LABOR DAY

8 **SECTION 7.(a)** G.S. 163-227.3 reads as rewritten:

9 "**§ 163-227.3. Date by which absentee ballots must be available for voting.**

10 (a) A board of elections shall provide absentee ballots of the kinds needed 60 days prior
11 to the statewide general election in even-numbered years and 50 days prior to the date on which
12 any other election shall be conducted, unless 45 days is authorized by the State Board of
13 Elections under G.S. 163-22(k) or there shall exist an appeal before the State Board or the
14 courts not concluded, in which case the board shall provide the ballots as quickly as possible
15 upon the conclusion of such an appeal. Provided, in a presidential election year, the board of
16 elections shall provide general election ballots no later than three days after nomination of the
17 Presidential and Vice Presidential candidates if that nomination occurs later than 57 days prior
18 to the statewide general election and makes compliance with the 60-day deadline impossible.
19 However, in the case of municipal elections, absentee ballots shall be made available no later
20 than 30 days before an election. In every instance the board of elections shall exert every effort
21 to provide absentee ballots, of the kinds needed by the date on which absentee voting is
22 authorized to commence.

23 (b) Second Primary. – The board of elections shall provide absentee ballots, of the
24 kinds needed, as quickly as possible after the ballot information for a second primary has been
25 determined."

26 **SECTION 7.(b)** G.S. 163-258.9(a) reads as rewritten:

27 "(a) Not later than 60 days before the statewide general election in even-numbered years
28 and not later than 50 days before any other election, the county board of elections shall transmit
29 a ballot and balloting materials to all covered voters who by that date submit a valid
30 military-overseas ballot application, except for a second primary. Provided, in a presidential
31 election year, the board of elections shall provide general election ballots no later than three
32 days after nomination of the Presidential and Vice Presidential candidates if that nomination
33 occurs later than 57 days prior to the statewide general election and makes compliance with the
34 60-day deadline impossible. However, in the case of municipal elections, absentee ballots shall
35 be made available no later than 30 days before an election. For a second primary which
36 includes a candidate for federal office, the county board of elections shall transmit a ballot and
37 balloting material to all covered voters who by that date submit a valid military-overseas ballot
38 application no later than 45 days before the second primary. For a second primary which does
39 not include a candidate for federal office, the transmission of the ballot and ballot materials
40 shall be as soon as practicable and shall be transmitted electronically no later than three
41 business days and by mail no later than 15 days from the date the appropriate board of elections
42 orders that the second primary be held pursuant to G.S. 163-111. If additional offices are added
43 to the ballot to fill a vacancy occurring after the deadline provided by this subsection, those
44 ballots shall be transmitted as soon as practicable."

45 **SECTION 8.** This act shall become effective January 1, 2014.