A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS PERTAINING TO 2020 ELECTIONS AND PROVIDE RELIEF IN RESPONSE TO THE COVID-19 EMERGENCY.

The General Assembly of North Carolina enacts:

PART I. PURPOSE/DEFINITIONS

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

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


(3) COVID-19 emergency. – The period beginning March 10, 2020, and ending on the date the Governor signs an executive order rescinding Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19.

PART II. APPROPRIATIONS IN SUPPORT OF SECURING 2020 ELECTIONS

SECTION 2.1. (a) There is appropriated the sum of ten million nine hundred eighty-seven thousand two hundred ninety-five dollars ($10,987,295) in federal CARES Act funds and the sum of two million one hundred twenty thousand four hundred ninety-seven dollars ($2,120,497) as the required match from the State General Fund to the State Board of Elections, Budget Code 28025, for the 2019-2020 fiscal year to respond to the COVID-19 emergency for the 2020 federal election cycle. These funds may be used for any of the following, including, but not limited:

(1) Establishing healthy polling places by providing personal protective equipment, social distancing tools, and cleaning and sanitizing supplies.

(2) Offsetting increased costs to county boards of elections for the projected voting by absentee ballot participation, including prepaid postage for return envelopes.

(3) Ensuring an adequate number of poll workers by offering incentive compensation and overtime pay and establishing an online portal to recruit poll workers consistent with Section 3.3 of this act.
(4) Establishing an online portal for absentee ballot requests.
(5) Training election employees and volunteers and educating the public regarding changes for elections held in 2020 in response to the COVID-19 emergency.

SECTION 2.1.(b) Any unspent funds remaining on June 30, 2020, shall be carried forward into the 2020-2021 fiscal year and are hereby appropriated for the 2020-2021 fiscal year. The funds shall be used for the purposes described in this section and the requirements and limitations set forth in the CARES Act.

SECTION 2.2.(a) There is appropriated the sum of eleven million six hundred seventy-seven thousand four hundred forty-one dollars ($11,677,441) from federal Help America Vote Act (HAVA) funds and the sum of two million three hundred thirty-five thousand four hundred eighty-eight dollars ($2,335,488) as the required match from the State General Fund to the State Board of Elections, Budget Code 28025, for the 2019-2020 fiscal year to further improve the administration of elections, including cybersecurity enhancements, training, and other improvements. If funds provided in Section 2.1 of this Part are insufficient to respond to the COVID-19 emergency, the federal HAVA funds appropriated in this section may be used for those purposes.

SECTION 2.2.(b) Any unspent funds remaining on June 30, 2020, shall be carried forward into the 2020-2021 fiscal year and are hereby appropriated for the 2020-2021 fiscal year. The funds shall be used for the purposes described in this section. Unspent funds on June 30, 2021, shall revert to Budget Code 28025 and shall remain until appropriated by the General Assembly.

SECTION 2.3. This Part is effective when it becomes law.

PART III. KEEP OUR POLLING PLACES OPEN AND SAFE

ENSURE RECRUITMENT OF ADEQUATE NUMBER OF POLL WORKERS

SECTION 3.1. Precinct Requirements. – Notwithstanding G.S. 163-41(c) or G.S. 163-42, for an election held in 2020, a county board of elections by unanimous vote of all its members may eliminate the requirement that a majority of the three positions of chief judge and judges and the majority of precinct assistants who are otherwise qualified to vote in the county reside in that precinct.

SECTION 3.2. Student Poll Workers. – Notwithstanding G.S. 163-42.1, for an election held in 2020, a county board of elections by unanimous vote of all its members may allow students who are at least 16 years of age to serve as chief judges and judges, as well as precinct assistants. If the student's school is closed due to the COVID-19 emergency at the time the student is appointed, a recommendation from the principal at the student's school is not required. Any student serving as a poll worker during an election held in 2020 in accordance with this section may use this service as an approved school field trip, provided it complies with any requirements of the student's respective school or local board of education. Nothing in this section modifies the requirement in G.S. 163-41(3) that chief judges and judges be appointed from recommendations provided by the political parties.

SECTION 3.3. Temporary Staffing. – For an election held in 2020, a county board of elections, in consultation with the State Board of Elections, may use temporary staffing agencies and establish an online portal to recruit poll workers, as necessary.

SECTION 3.4. Poll Worker Compensation. – Notwithstanding G.S. 163-46, for an election held in 2020, the minimum pay for poll workers shall be a competitive rate set by the county board of elections.

SECTION 3.5. Unemployment Benefits. – Notwithstanding any provision of law to the contrary, for an election held in 2020, if an individual serving as a poll worker is also
receiving unemployment benefits, those unemployment benefits shall not be affected by the individual's service.

SAFETY MEASURES FOR POLLING PLACES

SECTION 3.6. The State Board of Elections, in collaboration with local boards of elections and for an election held in 2020, shall ensure the safety of poll workers and polling places by doing the following:

(1) Personal protective equipment and supplies. – Providing appropriate amounts and types of personal protective equipment, including gloves and masks, and ensuring proper measures are followed to protect public health and safety as related to the COVID-19 emergency, including, but not limited to, the availability of proper sanitizing and disinfectant agents and touch-free thermometers, as applicable.

(2) Voter assistance at polls. – Establishing more efficient curbside or "drive-through" voting options for those who have disabilities, are ill, or are in a high-risk category for COVID-19 or otherwise can not leave their vehicle to vote.

(3) Voting safeguards. – Providing for efficient and safe crowd management at the polls, including following social distancing guidelines as outlined by the North Carolina Department of Health and Human Services and the federal Centers for Disease Control and Prevention (CDC) and designating the appropriate markings, as well as applying best practices to avoid long lines of voters in close proximity to one another for extended periods of time.

(4) Flexibility for one-stop sites and hours. – Notwithstanding G.S. 163-227.6(c), allowing a county board of elections by unanimous vote of all its members to adopt a Plan for Implementation that establishes alternative options for sites and weekday hours for the opening and closing of one-stop early voting sites other than 7:00 A.M. to 7:00 P.M.

2020 ELECTION DAY AS PAID STATE HOLIDAY

SECTION 3.7.(a) Notwithstanding G.S. 126-4(5), election day in 2020 shall be a paid State holiday for purposes of State employment and the public school calendar.

SECTION 3.7.(b) The General Assembly encourages private employers in this State to treat election day as a paid day off to enable employees to vote on election day.

SECTION 3.7.(c) This section is effective when it becomes law and applies to the 2020 general election only.

POSTPONE PHOTO ID FOR 2020 ELECTION

SECTION 3.8. Notwithstanding any other provision of law to the contrary, due to the COVID-19 pandemic when voters do not have access to agencies needed to obtain updated identification, implementation of the photo identification requirement is prohibited for the 2020 general election.

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

PART IV. EXPAND AND IMPROVE ABSENTEE BALLOT OPTIONS

EXPAND OPTIONS FOR SUBMITTING ABSENTEE BALLOT REQUEST FORMS

SECTION 4.1. For an election held in 2020, notwithstanding G.S. 163-230.2, a completed written request for absentee ballots may be delivered either in person or by mail,
(a) Notwithstanding G.S. 163-230.1 and G.S. 163-230.2, a qualified voter who is eligible to vote by absentee ballot under G.S. 163-226, or that voter's near relative or verifiable legal guardian, may submit a request for absentee ballots online using the procedures set forth in this section in lieu of the completed written request on a form established by the State Board. All other provisions in G.S. 163-230.1 and G.S. 163-230.2 shall apply.
(2) An electronic signature, as defined in G.S. 66-312 of the Uniform Electronic Transaction Act, of the voter, or the voter’s near relative or verifiable legal guardian, if requesting on the voter’s behalf.

(c) Upon receipt of an online request for absentee ballots, the State Board shall submit the request to the county board of elections in which the voter resides. The county board of elections shall process the online request in the same manner as processing a completed written request for absentee ballots submitted under G.S. 163-230.1."

SECTION 4.3.(b) Notwithstanding Article 3 of Chapter 143 of the General Statutes, the State Board of Elections is not required to comply with initial purchase and contract requirements for establishing or securing the Internet Web site for online requests for absentee ballots as required by subsection (a) of this section. This exemption expires December 31, 2020.

SECTION 4.3.(c) This section is effective when it becomes law. The State Board of Elections shall have the secure Internet Web site available to voters to submit an online request for absentee ballots by September 1, 2020.

FLEXIBILITY IN CERTIFICATION REQUIREMENT FOR ABSENTEE BALLOTS

SECTION 4.4. Notwithstanding G.S. 163-231(a), for an election held in 2020, a voter is not required to complete the voter’s absentee ballot in the presence of two witnesses or a notary, but may satisfy the certification requirement by completing the voter’s absentee ballot in the presence of only one witness. The witness shall sign the absentee ballot and legibly print his or her name and address. In the event a witness is not available, a voter may attest on the container-return envelope to that fact and to the voter’s need to use the option of signature verification by the county board of elections. The State Board of Elections shall adopt emergency rules to ensure the integrity of the certification process and proper matching of the signature by the county board of elections when the signature verification option is used.

UNIFORM PROTOCOL FOR INCOMPLETE OR ILLEGIBLE ABSENTEE BALLOTS

SECTION 4.5. Notwithstanding any other provision of law to the contrary, for an election held in 2020, the State Board of Elections shall adopt emergency rules establishing a uniform, statewide protocol to address an absentee ballot that is incomplete or illegible and include in the protocol a means to ensure that all reasonable steps are taken to cure such a ballot, when possible.

ALLOW HELP AMERICA VOTE ACT (HAVA) DOCUMENT AS SUBSTITUTE FOR IDENTIFICATION REQUIRED IN SUBMITTING ABSENTEE BALLOT REQUEST FORM

SECTION 4.6. Notwithstanding G.S. 163-230.2, for an election held in 2020, a voter who does not include the voter’s drivers license number or the last four digits of the voter’s social security number with the voter’s request for an absentee ballot may include a copy of a current utility bill, bank statement, government check, paycheck, or other government document showing the name and address of the voter as an option in meeting the requirements for requesting an absentee ballot.

PREPAID POSTAGE FOR VOTED ABSENTEE BALLOTS

SECTION 4.7. Notwithstanding G.S. 163-230.2(c) or G.S. 163-231(b)(1), for an election held in 2020, a voter submitting a valid request for an absentee ballot shall receive from the applicable county board of elections a prepaid postage envelope for returning the executed absentee ballot by mail.

EXTEND THE NUMBER OF DAYS FOR COUNTING ABSENTEE BALLOTS
SECTION 4.8. Notwithstanding G.S. 163-234(2), for an election held in 2020, a county board of elections may modify the procedure for counting absentee ballots, provided that those ballots received by the Saturday before the election are counted on or by Election day and all other absentee ballots that are timely received after the Saturday before the election are counted on the day of the canvass.

MODIFY RESTRICTIONS FOR ASSISTANCE IN CARE FACILITIES

SECTION 4.9. Notwithstanding G.S. 163-226.3(a)(4), for an election held in 2020, trained and certified employees, also referred to as "designated assistants" for purposes of this section, of a hospital, clinic, nursing home, or rest home in this State may assist a registered voter who is a patient or resident in that facility in requesting, voting, or returning the voter's absentee ballot, if the voter, the voter's near relative or verifiable legal guardian, or an authorized member of a bipartisan assistance team (MAT), as applicable, is unable to assist the voter in requesting, voting, or returning the voter's absentee ballot. The county board of elections shall ensure that, in utilizing this provision, (i) the employees at the applicable facility are trained and certified by the county board of elections as designated assistants, (ii) two designated assistants not of the same political party, or unaffiliated, as applicable, are present any time a voter receives assistance from a designated assistant under this section, and (iii) the proper chain of custody is followed in returning the executed absentee ballot. The Executive Director of the State Board of Elections shall specify the training required for designated assistants under this section.

SECTION 4.10. This Part is effective when it becomes law and applies to elections held on or after that date and expires upon certification of the 2020 general election.

PART V. EXPAND AND IMPROVE VOTER REGISTRATION OPTIONS

EXTEND DEADLINE FOR REGISTERING TO VOTE BY MAIL

SECTION 5.1.(a) Notwithstanding G.S. 163-82.6, 163-82.19, or 163-82.20, for an election held in 2020, applications for voter registration submitted by mail shall be considered timely if the application is postmarked no later than the Saturday before the election.

SECTION 5.1.(b) This section is effective when it becomes law and applies to elections held on or after that date and expires upon certification of the 2020 general election.

ACCESS TO ONLINE VOTER REGISTRATION

SECTION 5.2. Article 7A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-82.23A. Access to online voter registration.

Notwithstanding any other provision of law to the contrary, any State agency currently offering voter registration pursuant to the National Voter Registration Act (NVRA) of 1993, 52 U.S.C. §§ 20501, et seq., shall allow any individual whose signature is on record with that agency to access that signature for online voter registration."

SECTION 5.3. Except as otherwise provided, this Part is effective when it becomes law and applies to elections held on or after that date.

PART VI. GRANT BOARD OF ELECTIONS TEMPORARY AUTHORITY TO ACT QUICKLY

TEMPORARY SUSPENSION OF PURCHASE AND CONTRACTS REQUIREMENTS FOR ELECTIONS-RELATED SUPPLIES

SECTION 6.1. The provisions of Article 3 and Article 8 of Chapter 143 of the General Statutes shall not apply to the State Board of Elections when contracting for necessary supplies and other items needed to conduct elections in 2020 during the COVID-19 emergency.
The provisions of Article 8 of Chapter 143 of the General Statutes shall not apply to county boards of elections when contracting for necessary supplies and other items needed to conduct elections in 2020 during the COVID-19 emergency.

SECTION 6.2. This Part is effective when it becomes law and expires upon certification of the 2020 general election.

PART VII. EDUCATION FOR VOTERS IN RESPONSE TO THE COVID-19 EMERGENCY

COUNTY BOARDS OF ELECTIONS EDUCATION EFFORTS REGARDING COVID-19

SECTION 7.1. In response to the COVID-19 emergency, county boards of elections shall educate the public about voting in elections held in 2020 as follows:

(1) Counties that maintain a board of elections Web site shall include information on that Web site about:
   a. Options to register to vote, including same day registration during the early voting period, and how to determine residency for voting purposes.
   b. Options to vote in elections held in 2020, including the use of mail-in absentee voting, voting in person during the one-stop early voting period, and voting in person on election day.

(2) When publishing notices of elections under G.S. 163-33(8) for an election held in 2020, the notice shall include how to obtain voting information and how to vote by mail.

STATE BOARD OF ELECTIONS EDUCATION EFFORTS REGARDING COVID-19

SECTION 7.2. In response to the COVID-19 emergency, the State Board of Elections shall continue its efforts in educating the public about voting in elections held in 2020, as follows:

(1) Include on its Web site information about:
   a. Options to register to vote, including same day registration during the early voting period, and how to determine residency for voting purposes.
   b. Options to vote in elections held in 2020, including the use of mail-in absentee voting, voting in person during the one-stop early voting period, and voting in person on election day.

(2) Distribute information about the options to register to vote, including online voter registration and same day registration during the early voting period, and options to vote in elections held in 2020, including mail-in absentee voting.

(3) Coordinate with the State and federal agencies to identify and notify as many persons as possible about the options to register to vote, including registration available through an online voter registration Web site and same day registration during the early voting period and options to vote in elections held in 2020, including mail-in absentee voting and early one-stop voting. When practicable, the State Board of Elections shall provide county specific information as to early one-stop voting locations and times.

(4) Disseminate information about the options to register to vote, including registration available through an online voter registration Web site and same day registration during the early voting period and options to vote in elections held in 2020, including mail-in absentee voting and early one-stop voting.
Information may be distributed through public service announcements, print, radio, television, online, and social media.

(5) Assist any county board of elections altering one-stop early voting hours for elections held in 2020 under Section 4.2 of this act in educating the public on the changes.

SECTION 7.3. Notwithstanding G.S. 163-278.69 and G.S. 163-278.99E, there is appropriated from the cash balance in Budget Code 68025 to the State Board of Elections the sum of five hundred thousand dollars ($500,000) for the 2020-2021 fiscal year for the purposes of implementing this Part. Expenditures of this appropriation are not subject to the provisions of Article 3 and Article 8 of Chapter 143 of the General Statutes.

SECTION 7.4. This Part becomes effective July 1, 2020, and applies to elections held on or after that date.

PART VIII. SEVERABILITY

SECTION 8.1. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end, the provisions of this act are severable.

PART IX. EFFECTIVE DATE

SECTION 9.1. Except as otherwise provided, this act is effective when it becomes law and applies to elections held on or after that date and expires upon certification of the 2020 general election.