

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
Jun 7, 2021
S.B. 724
PRINCIPAL CLERK

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SENATE BILL DRS45431-BK-8

Short Title: Expand Access to Voter ID & Voting. (Public)

Sponsors: Senators Newton, Daniel, and Hise (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND VOTER ACCESS BY ESTABLISHING A VOTING PORTAL FOR
3 VISUALLY IMPAIRED VOTERS TO VOTE BY ABSENTEE BALLOT ONLINE,
4 ALLOWING FOR THE ONLINE SUBMISSION OF VOTER REGISTRATION
5 APPLICATION FORMS, AND STATING THE INTENT OF THE GENERAL
6 ASSEMBLY TO FUND A PROGRAM TO IDENTIFY AND ASSIST VOTERS NEEDING
7 PHOTO IDENTIFICATION.

8 The General Assembly of North Carolina enacts:

9
10 **PART I. VISUALLY IMPAIRED VOTER ACCESS**

11 **SECTION 1.(a)** Article 20 of Chapter 163 of the General Statutes is amended by
12 adding a new section to read:

13 **"§ 163-231.1. Visually impaired voter access.**

14 (a) Any voter eligible to vote by absentee ballot under G.S. 163-226 who is visually
15 impaired may request to vote by absentee ballot pursuant to G.S. 163-230.2 or G.S. 163-230.3
16 and may vote by absentee ballot online using the visually impaired portal, maintained by the
17 State Board. Any voter requesting to vote by absentee ballot using the visually impaired portal
18 shall indicate on the request for absentee ballots submitted pursuant to G.S. 163-230.2 or
19 G.S. 163-230.3 that he or she is requesting access to the portal. By submitting this request, the
20 voter is confirming that he or she is visually impaired and meets all other requirements to vote
21 by absentee ballot.

22 (b) Except as otherwise provided in this section, absentee ballots cast under this section
23 shall comply with all other provisions of this Article, and if so, the ballot shall be counted
24 pursuant to G.S. 163-230.1 and G.S. 163-234.

25 (c) Upon receiving a completed request for absentee ballots with an indication that the
26 visually impaired voter requests access to the visually impaired portal, the appropriate county
27 board of elections shall contact the visually impaired voter via electronic mail. The
28 communication must contain a link to the visually impaired portal.

29 (d) In submitting absentee ballots through the visually impaired portal, the visually
30 impaired voter and the witnesses for the voter may sign the application using an electronic
31 signature, as provided in Article 11A of Chapter 66 of the General Statutes.

32 (e) Nothing in this section shall prohibit a visually impaired voter from casting a ballot
33 in accordance with any other provision of this Chapter."

34 **SECTION 1.(b)** G.S. 163-230.2(a) reads as rewritten:

35 "(a) Valid Types of Written Requests. – A completed written request form for absentee
36 ballots as required by G.S. 163-230.1 is valid only if it is on a form created by the State Board



1 and signed by the voter requesting absentee ballots or that voter's near relative or verifiable legal
 2 guardian. The State Board shall make the blank request form available at its offices, online, and
 3 in each county board of elections office, and that blank request form may be reproduced. A voter
 4 may call the State Board of Elections or a county board of elections office and request that the
 5 blank request form be sent to the voter by mail, e-mail, or fax. The request form created by the
 6 State Board shall require at least the following information:

- 7 (1) The name and address of the residence of the voter.
- 8 (2) The name and address of the voter's near relative or verifiable legal guardian
 9 if that individual is making the request.
- 10 (3) The address of the voter to which the application and absentee ballots are to
 11 be mailed if different from the residence address of the voter.
- 12 (4) One of the following:
 - 13 a. The number of the applicant's North Carolina drivers license issued
 14 under Article 2 of Chapter 20 of the General Statutes, including a
 15 learner's permit or a provisional license.
 - 16 b. The number of the applicant's special identification card for
 17 nonoperators issued under G.S. 20-37.7.
 - 18 c. The last four digits of the applicant's social security number.
- 19 (5) The voter's date of birth.
- 20 (6) The signature of the voter or of the voter's near relative or verifiable legal
 21 guardian if that individual is making the request.
- 22 (7) A clear indicator of the date the election generating the request is to be held,
 23 except for annual calendar year requests in accordance with G.S. 163-226(b).
- 24 (8) A space for a visually impaired voter to request access to the visually impaired
 25 portal, as provided by G.S. 163-231.1."

26 **SECTION 1.(c)** G.S. 163-231(b) reads as rewritten:

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

- 30 (1) All ballots issued under the provisions of this Article and Article 21A of this
 31 Chapter shall be transmitted by mail or by commercial courier service, at the
 32 voter's expense, or delivered in person, or by the voter's near relative or
 33 verifiable legal guardian and received by the county board not later than 5:00
 34 p.m. on the day of the statewide primary or general election or county bond
 35 election. Ballots issued under the provisions of Article 21A of this Chapter or
 36 ballots issued pursuant to G.S. 163-231.1 may also be electronically
 37 transmitted.

38"

39 PART II. ONLINE VOTER REGISTRATION

40 **SECTION 2.(a)** Article 7A of Chapter 163 of the General Statutes is amended by
 41 adding a new section to read:

42 **"§ 163-82.5A. Online voter registration.**

43 (a) An individual who meets all of the following criteria may complete and submit a voter
 44 registration application form on the State Board's website in accordance with this Article:

- 45 (1) The individual is either registered to vote or eligible to register to vote.
- 46 (2) The individual possesses one of the following that is current and valid:
 - 47 a. North Carolina drivers license issued under Article 2 of Chapter 20 of
 48 the General Statutes, including a learner's permit or a provisional
 49 license.

1 b. Special identification card for nonoperators issued under Article 2B of
2 Chapter 20 of the General Statutes.

3 (b) The State Board shall establish on its website the ability for individuals described in
4 subsection (a) of this section to complete and submit a voter registration application form online
5 to register to vote or update the voter's registration on its website.

6 (c) The State Board's website established under subsection (b) of this section shall allow
7 an individual described in subsection (a) of this section to submit:

8 (1) A voter registration application form to apply to do any of the following:

9 a. Register to vote.

10 b. Change party affiliation or unaffiliated status.

11 c. Report a change of address within a county. If the individual is already
12 registered to vote and the change of address is to another county, it
13 shall be treated as an application to register to vote.

14 d. Report a change of name.

15 (2) Information required to complete a voter registration application form as
16 described in G.S. 163-82.4.

17 (3) The individual's electronic mail address.

18 (4) Authorization to affix the individual's electronic signature to the application
19 to register to vote or update the individual's voter registration, as provided by
20 this section.

21 (d) Upon receipt of an individual's application form and all required information to
22 process that application under this section, the State Board shall verify the North Carolina drivers
23 license, date of birth, and social security number and search for possible duplicate registrations
24 using data provided by the Division of Motor Vehicles in accordance with G.S. 163-82.12. If the
25 individual has a valid drivers license corresponding to the provided date of birth and social
26 security number, and no duplicate registration is found, the State Board shall obtain the
27 individual's electronic signature, as provided in Article 11A of Chapter 66 of the General
28 Statutes, from the Division of Motor Vehicles and forward the application to the appropriate
29 county board of elections for verification in accordance with G.S. 163-82.7.

30 (e) If the State Board cannot verify the North Carolina drivers license, date of birth, or
31 social security number in accordance with G.S. 163-82.12, or the individual fails to provide all
32 of the information required by this section, the State Board shall deny the application and so
33 notify the individual submitting the application in accordance with this Article. That individual
34 shall not be denied another opportunity to register to vote in accordance with this Article.

35 (f) The State Board may adopt rules to implement this section, including rules imposing
36 additional authentication requirements to ensure the security of the internet website required by
37 this section and the data submitted to the State Board.

38 (g) Nothing in this section shall prohibit the State Board from adopting rules that provide
39 for immediate verification of the individual's application."

40 **SECTION 2.(b)** G.S. 163-82.3(a) reads as rewritten:

41 "(a) Form Developed by State Board of Elections. – The State Board of Elections shall
42 develop an application form for voter registration. Any person may use the form to apply to do
43 any of the following:

44 (1) Register to vote.

45 (2) Change party affiliation or unaffiliated status.

46 (3) Report a change of address within a county.

47 (4) Report a change of name.

48 The county board of elections for the county where the applicant resides shall accept the form
49 as application for any of those purposes if the form is submitted ~~as set out in G.S. 163-82.3~~ in
50 accordance with G.S. 163-82.5A or G.S. 163-82.6."

51 **SECTION 2.(c)** G.S. 163-82.6 reads as rewritten:

1 **"§ 163-82.6. Acceptance of application forms.**

2 (a) How the Form May Be Submitted. – The county board of elections shall accept any
3 form described in G.S. 163-82.3 if the applicant submits the form in person, by mail, facsimile
4 transmission, transmission of a scanned ~~document, or in person.~~ document, or transmission on
5 the State Board's website. The applicant may delegate the submission of the form to another
6 person. Any person who communicates to an applicant acceptance of that delegation shall deliver
7 that form so that it is received by the appropriate county board of elections in time to satisfy the
8 registration deadline in subdivision (1) or (2) of subsection (d) of this section for the next election.
9 It shall be a Class 2 misdemeanor for any person to communicate to the applicant acceptance of
10 that delegation and then fail to make a good faith effort to deliver the form so that it is received
11 by the county board of elections in time to satisfy the registration deadline in subdivision (1) or
12 (2) of subsection (d) of this section for the next election. It shall be an affirmative defense to a
13 charge of failing to make a good faith effort to deliver a delegated form by the registration
14 deadline that the delegatee informed the applicant that the form would not likely be delivered in
15 time for the applicant to vote in the next election. It shall be a Class 2 misdemeanor for any
16 person to sell or attempt to sell a completed voter registration form or to condition its delivery
17 upon payment.

18 ...

19 (d) Registration Deadlines for a Primary or Election. – In order to be valid for a primary
20 or election, the form:

- 21 (1) If submitted by mail, must be postmarked at least 25 days before the primary
22 or election, except that any mailed application on which the postmark is
23 missing or unclear is validly submitted if received in the mail not later than 20
24 days before the primary or ~~election,~~ election.
- 25 (2) If submitted in person, by facsimile transmission, ~~or by~~ transmission of a
26 scanned document, or transmission on the State Board's website, must be
27 received by the county board of elections by a time established by that board,
28 but no earlier than 5:00 P.M., on the twenty-fifth day before the primary or
29 ~~election,~~ election.
- 30 (3) If submitted through a delegatee who violates the duty set forth in subsection
31 (a) of this section, must be signed by the applicant and given to the delegatee
32 not later than 25 days before the primary or election, except as provided in
33 subsection (f) of this section.

34"

35 **SECTION 2.(d)** G.S. 163-82.10(a1) reads as rewritten:

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

48 **SECTION 2.(e)** The State Board of Elections may begin rulemaking in accordance
49 with G.S. 163-82.5A, as enacted by this act, prior to December 1, 2021, but no temporary or
50 permanent rule shall become effective prior to December 1, 2021. The State Board of Elections

1 may initiate any needed requests for proposals for development of the secure internet site, as
2 required by G.S. 163-82.5A, as enacted by this act, prior to December 1, 2021.

3
4 **PART III. FUNDS TO ESTABLISH A PROGRAM TO IDENTIFY AND ASSIST**
5 **VOTERS NEEDING PHOTO IDENTIFICATION**

6 **SECTION 3.** It is the intent of the General Assembly to fund a program in the
7 2021-2022 fiscal year budget in which the State Board of Elections shall identify individuals in
8 this State who need photo identification to vote in person. The program shall include a mobile
9 component to visit individuals identified as needing photo identification to vote in person to
10 ensure such photo identification is created for those individuals.

11
12 **PART IV. EFFECTIVE DATE**

13 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
14 law.