

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 657

Short Title: Voting Integrity.

(Public)

Sponsors: Senators Davis, Daniel, Hise; and Brock.

Referred to: Judiciary I.

April 20, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION ADMINISTRATION
3 LAWS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 163-227.2 reads as rewritten:

6 "**§ 163-227.2. Alternate procedures for requesting application for absentee ballot;**
7 **"one-stop" voting procedure in board office.**

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

11 (a1) Repealed by Session Laws 2001-337, s. 2, effective January 1, 2002.

12 (b) Not earlier than the ~~third~~second Thursday before an election, in which absentee
13 ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last
14 Saturday before that election, the voter shall appear in person only at the office of the county
15 board of elections, except as provided in subsection (g) of this section. A county board of
16 elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M.
17 and may conduct it until 5:00 P.M. on that ~~Saturday~~Saturday but not on any Sunday. That
18 voter shall enter the voting enclosure at the board office through the appropriate entrance and
19 shall at once state his or her name and place of residence to an authorized member or employee
20 of the board. In a primary election, the voter shall also state the political party with which the
21 voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated
22 voter permitted to vote in the primary of a particular party under G.S. 163-119, the voter shall
23 state the name of the authorizing political party in whose primary he wishes to vote. The board
24 member or employee to whom the voter gives this information shall announce the name and
25 residence of the voter in a distinct tone of voice. After examining the registration records, an
26 employee of the board shall state whether the person seeking to vote is duly registered. If the
27 voter is found to be registered that voter may request that the authorized member or employee
28 of the board furnish the voter with an application form as specified in G.S. 163-227. The voter
29 shall complete the application in the presence of the authorized member or employee of the
30 board, and shall deliver the application to that person.

31 (c) If the application is properly filled out, the authorized member or employee shall
32 enter the voter's name in the register of absentee requests, applications, and ballots issued and
33 shall furnish the voter with the ballots to which the application for absentee ballots applies. The
34 voter thereupon shall vote in accordance with subsection (e) of this section.

35 All actions required by this subsection shall be performed in the office of the board of
36 elections, except that the voting may take place in an adjacent room as provided by subsection
37 (e) of this section. The application under this subsection shall be signed in the presence of the



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1 chair, member, director of elections of the board, or full-time employee, authorized by the
2 board who shall sign the application and certificate as the witness and indicate the official title
3 held by him or her. Notwithstanding G.S. 163-231(a), in the case of this subsection, only one
4 witness shall be required on the certificate.

5 (d) Only the chairman, member, employee, or director of elections of the board shall
6 keep the voter's application for absentee ballots in a safe place, separate and apart from other
7 applications and container-return envelopes. If the voter's application for absentee ballots is
8 disapproved by the board, the board shall so notify the voter stating the reason for disapproval
9 by first-class mail addressed to the voter at that voter's residence address and at the address
10 shown in the application for absentee ballots; and the board shall enter a challenge under
11 G.S. 163-89.

12 (e) The voter shall vote that voter's absentee ballot in a voting booth in the office of the
13 county board of elections, and the county board of elections shall provide a voting booth for
14 that purpose, provided however, that the county board of elections may in the alternative
15 provide a private room for the voter adjacent to the office of the board, in which case the voter
16 shall vote that voter's absentee ballot in that room. A voter at a one-stop site shall be entitled to
17 the same assistance as a voter at a voting place on election day under G.S. 163-166.8. The State
18 Board of Elections shall, where appropriate, adapt the rules it adopts under G.S. 163-166.8 to
19 one-stop voting.

20 (e1) If a county uses a voting system with retrievable ballots, that county's board of
21 elections may by resolution elect to conduct one-stop absentee voting according to the
22 provisions of this subsection. In a county in which the board has opted to do so, a one-stop
23 voter shall cast the ballot and then shall deposit the ballot in the ballot box or voting system in
24 the same manner as if such box or system was in use in a precinct on election day. At the end of
25 each business day, or at any time when there will be no employee or officer of the board of
26 elections on the premises, the ballot box or system shall be secured in accordance with a plan
27 approved by the State Board of Elections, which shall include that no additional ballots have
28 been placed in the box or system. Any county board desiring to conduct one-stop voting
29 according to this subsection shall submit a plan for doing so to the State Board of Elections.
30 The State Board shall adopt standards for conducting one-stop voting under this subsection and
31 shall approve any county plan that adheres to its standards. The county board shall adhere to its
32 State Board-approved plan. The plan shall provide that each one-stop ballot shall have a ballot
33 number on it in accordance with G.S. 163-230.1(a2), or shall have an equivalent identifier to
34 allow for retrievability. The standards shall address retrievability in one-stop voting on direct
35 record electronic equipment where no paper ballot is used.

36 (e2) A voter who has moved within the county more than 30 days before election day but
37 has not reported the move to the board of elections shall not be required on that account to vote
38 a provisional ballot at the one-stop site, as long as the one-stop site has available all the
39 information necessary to determine whether a voter is registered to vote in the county and
40 which ballot the voter is eligible to vote based on the voter's proper residence address. The
41 voter with that kind of unreported move shall be allowed to vote the same kind of absentee
42 ballot as other one-stop voters.

43 (f) Notwithstanding the exception specified in G.S. 163-36, counties which operate a
44 modified full-time office shall remain open five days each week during regular business hours
45 consistent with daily hours presently observed by the county board of elections, commencing
46 with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday
47 prior to that election and shall also be open on the last Saturday before the election. A county
48 board may conduct one-stop absentee voting during evenings or on weekends, as long as the
49 hours are part of a plan submitted and approved according to subsection (g) of this section. The
50 boards of county commissioners shall provide necessary funds for the additional operation of
51 the office during that time.

1 (g) Notwithstanding any other provision of this section, a county board of elections by
2 unanimous vote of all its members may provide for one or more sites in that county for
3 absentee ballots to be applied for and cast under this ~~section~~section, provided all sites other
4 than the county board of elections office are open at the same time for voting. Every individual
5 staffing any of those sites shall be a member or full-time employee of the county board of
6 elections or an employee of the county board of elections whom the board has given training
7 equivalent to that given a full-time employee. Those sites must be approved by the State Board
8 of Elections as part of a Plan for Implementation approved by both the county board of
9 elections and by the State Board of Elections which shall also provide adequate security of the
10 ballots and provisions to avoid allowing persons to vote who have already voted. The Plan for
11 Implementation shall include a provision for the presence of political party observers at each
12 one-stop site equivalent to the provisions in G.S. 163-45 for party observers at voting places on
13 election day. A county board of elections may propose in its Plan not to offer one-stop voting at
14 the county board of elections office; the State Board may approve that proposal in a Plan only
15 if the Plan includes at least one site reasonably proximate to the county board of elections
16 office and the State Board finds that the sites in the Plan as a whole provide adequate coverage
17 of the county's electorate. If a county board of elections has considered a proposed Plan or
18 Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member
19 or members of that county board of elections may petition the State Board of Elections to adopt
20 a plan for it. If petitioned, the State Board may also receive and consider alternative petitions
21 from another member or members of that county board. The State Board of Elections may
22 adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors
23 including geographic, demographic, and partisan interests of that county.

24 (g1) The State Board of Elections shall not approve, either in a Plan approved
25 unanimously by a county board of elections or in an alternative Plan proposed by a member or
26 members of that board, a plan that provides for one-stop sites, other than the county board of
27 elections office, to be open at different times or for a one-stop site in a building that the county
28 board of elections is not entitled under G.S. 163-129 to demand and use as an election-day
29 voting place, unless the State Board of Elections finds that other equally suitable sites were not
30 available and that the use of the sites chosen will not unfairly advantage or disadvantage
31 geographic, demographic, or partisan interests of that county. In providing the site or sites for
32 one-stop absentee voting under this section, the county board of elections shall make a request
33 to the State, county, city, local school board, or other entity in control of the building that is
34 supported or maintained, in whole or in part, by or through tax revenues at least 90 days prior
35 to the start of one-stop absentee voting under this section. The request shall clearly identify the
36 building, or any specific portion thereof, requested the dates and times for which that building
37 or specific portion thereof is requested and the requirement of an area for election related
38 activity. If the State, local governing board, or other entity in control of the building does not
39 respond to the request within 20 days, the building or specific portion thereof may be used for
40 one-stop absentee voting as stated in the request. If the State, local governing board, or other
41 entity in control of the building or specific portion thereof responds negatively to the request
42 within 20 days, that entity and the county board of elections shall, in good faith, work to
43 identify a building or specific portion thereof in which to conduct one-stop absentee voting
44 under this section. If no building or specific portion thereof has been agreed upon within 45
45 days from the date the county board of elections received a response to the request, the matter
46 shall be resolved by the State Board of Elections.

47 (h) Notwithstanding the provisions of G.S. 163-89(a) and (b), a challenge may be
48 entered against a voter at a one-stop site under subsection (g) of this section or during one-stop
49 voting at the county board office. The challenge may be entered by a person conducting
50 one-stop voting under this section or by another registered voter who resides in the same
51 precinct as the voter being challenged. If challenged at the place where one-stop voting occurs,

1 the voter shall be allowed to cast a ballot in the same way as other voters. The challenge shall
2 be made on forms prescribed by the State Board of Elections. The challenge shall be heard by
3 the county board of elections in accordance with the procedures set forth in G.S. 163-89(e).

4 (i) At any site where one-stop absentee voting is conducted, there shall be a curtained
5 or otherwise private area where the voter may mark the ballot unobserved."

6 **SECTION 2.(a)** G.S. 163-82.6A is repealed.

7 **SECTION 2.(b)** G.S. 163-59 reads as rewritten:

8 "**§ 163-59. Right to participate or vote in party primary.**

9 No person shall be entitled to vote or otherwise participate in the primary election of any
10 political party unless that person complies with all of the following:

11 (1) Is a registered voter.

12 (2) Has declared and has had recorded on the registration book or record the fact
13 that the voter affiliates with the political party in whose primary the voter
14 proposes to vote or participate.

15 (3) Is in good faith a member of that party.

16 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under
17 G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that
18 primary except for subdivisions (2) and (3) of the previous paragraph.

19 Any person who will become qualified by age to register and vote in the general election
20 for which the primary is held, even though not so qualified by the date of the primary, shall be
21 entitled to register for the primary and general election prior to the primary and then to vote in
22 the primary after being registered. Such person may register not earlier than 60 days nor later
23 than the last day for making application to register under G.S. 163-82.6(c) prior to the primary.
24 In addition, persons who will become qualified by age to register and vote in the general
25 election for which the primary is held, who do not register during the special period may
26 register to vote after such period as if they were qualified on the basis of age, but until they are
27 qualified by age to vote, they may vote only in primary elections. ~~Such a person also may
28 register and vote in the primary and general election pursuant to G.S. 163-82.6A(f)."~~

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

30 "**§ 163-82.6. Acceptance of application forms.**

31 (a) How the Form May Be Submitted. – The county board of elections shall accept any
32 form described in G.S. 163-82.3 if the applicant submits the form by mail, facsimile
33 transmission, transmission of a scanned document, or in person. The applicant may delegate the
34 submission of the form to another person. Any person who communicates to an applicant
35 acceptance of that delegation shall deliver that form so that it is received by the appropriate
36 county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of
37 subsection (c) of this section for the next election. It shall be a Class 2 misdemeanor for any
38 person to communicate to the applicant acceptance of that delegation and then fail to make a
39 good faith effort to deliver the form so that it is received by the county board of elections in
40 time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section
41 for the next election. It shall be an affirmative defense to a charge of failing to make a good
42 faith effort to deliver a delegated form by the registration deadline that the delegatee informed
43 the applicant that the form would not likely be delivered in time for the applicant to vote in the
44 next election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a
45 completed voter registration form or to condition its delivery upon payment.

46 (a1) Misdemeanors. – It shall be a Class 2 misdemeanor for any person to do any of the
47 following:

48 (1) To communicate to the applicant acceptance of the delegation described in
49 subsection (a) of this section and then fail to make a good faith effort to
50 deliver the form so that it is received by the county board of elections in time
51 to satisfy the registration deadline in subdivision (1) or (2) of subsection (c)

1 of this section for the next election. It shall be an affirmative defense to a
2 charge of failing to make a good faith effort to deliver a delegated form by
3 the registration deadline that the delegatee informed the applicant that the
4 form would not likely be delivered in time for the applicant to vote in the
5 next election.

6 (2) To sell or attempt to sell a completed voter registration form or to condition
7 its delivery upon payment.

8 (3) To change a person's information on a voter registration form prior to its
9 delivery to a county board of elections.

10 (4) To coerce a person into marking a party affiliation other than the party
11 affiliation the person desires.

12 (5) To offer a person a voter registration form that has a party affiliation
13 premarked unless the person receiving the form has requested the
14 premarking.

15 (b) Signature. – The form shall be valid only if signed by the applicant. An
16 electronically captured image of the signature of a voter on an electronic voter registration form
17 offered by a State agency shall be considered a valid signature for all purposes for which a
18 signature on a paper voter registration form is used.

19 (c) Registration Deadlines for a Primary or Election. – In order to be valid for a primary
20 or election, ~~except as provided in G.S. 163-82.6A,~~ 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
24 20 days before the primary or election,

25 (2) If submitted in person, by facsimile transmission, or by transmission of a
26 scanned document, must be received by the county board of elections by a
27 time established by that board, but no earlier than 5:00 P.M., on the
28 twenty-fifth day before the primary or election,

29 (3) If submitted through a delegatee who violates the duty set forth in subsection
30 (a) of this section, must be signed by the applicant and given to the delegatee
31 not later than 25 days before the primary or election, except as provided in
32 subsection (d) of this section.

33 (c1) If the application is submitted by facsimile transmission or transmission of a
34 scanned document, a permanent copy of the completed, signed form shall be delivered to the
35 county board no later than 20 days before the election.

36 ~~(d) Instances When Person May Register and Vote on Primary or Election Day.—If a
37 person has become qualified to register and vote between the twenty-fifth day before a primary
38 or election and primary or election day, then that person may apply to register on primary or
39 election day by submitting an application form described in G.S. 163-82.3(a) or (b) to:~~

40 ~~(1) A member of the county board of elections;~~

41 ~~(2) The county director of elections; or~~

42 ~~(3) The chief judge or a judge of the precinct in which the person is eligible to
43 vote,~~

44 ~~and, if the application is approved, that person may vote the same day. The official in
45 subdivisions (1) through (3) of this subsection to whom the application is submitted shall
46 decide whether the applicant is eligible to vote. The applicant shall present to the official
47 written or documentary evidence that the applicant is the person he represents himself to be.
48 The official, if in doubt as to the right of the applicant to register, may require other evidence
49 satisfactory to that official as to the applicant's qualifications. If the official determines that the
50 person is eligible, the person shall be permitted to vote in the primary or election and the
51 county board shall add the person's name to the list of registered voters. If the official denies~~

1 the application, the person shall be permitted to vote a challenged ballot under the provisions of
2 G.S. 163-88.1, and may appeal the denial to the full county board of elections. The State Board
3 of Elections shall promulgate rules for the county boards of elections to follow in hearing
4 appeals for denial of primary or election day applications to register. No person shall be
5 permitted to register on the day of a second primary unless he shall have become qualified to
6 register and vote between the date of the first primary and the date of the succeeding second
7 primary.

8 (e) For purposes of subsection (d) of this section, persons who "become qualified to
9 register and vote" during a time period:

10 (1) Include those who during that time period are naturalized as citizens of the
11 United States or who are restored to citizenship after a conviction of a
12 felony; but

13 (2) Do not include persons who reach the age of 18 during that time period, if
14 those persons were eligible to register while 17 years old during an earlier
15 period.

16 (f) The county board of elections shall forward by electronic means any application
17 submitted for the purpose of preregistration to the State Board of Elections. No later than 60
18 days prior to the first election in which the applicant will be legally entitled to vote, the State
19 Board of Elections shall notify the appropriate county board of elections to verify the
20 qualifications and address of the applicant in accordance with G.S. 163-82.7."

21 **SECTION 2.(d)** G.S. 163-166.12(b2) reads as rewritten:

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

35 **SECTION 2.(e)** G.S. 163-283 reads as rewritten:

36 **"§ 163-283. Right to participate or vote in party primary.**

37 No person shall be entitled to vote or otherwise participate in the primary election of any
38 political party unless that person complies with all of the following:

39 (1) Is a registered voter.

40 (2) Has declared and has had recorded on the registration book or record the fact
41 that the voter affiliates with the political party in whose primary the voter
42 proposes to vote or participate.

43 (3) Is in good faith a member of that party.

44 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under
45 G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that
46 primary except for subdivisions (2) and (3) of the previous paragraph.

47 Any person who will become qualified by age to register and vote in the general election
48 for which the primary is held, even though not so qualified by the date of the primary election,
49 shall be entitled to register while the registration books are open during the regular registration
50 period prior to the primary and then to vote in the primary after being registered, provided
51 however, under full-time and permanent registration, such an individual may register not earlier

1 than 60 days nor later than the last day for making application to register under
 2 G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to
 3 register and vote in the general election for which the primary is held, who do not register
 4 during the special period may register to vote after such period as if they were qualified on the
 5 basis of age, but until they are qualified by age to vote, they may vote only in primary
 6 elections. ~~Such a person also may register and vote in the primary and general election pursuant~~
 7 ~~to G.S. 163-82.6A(f)."~~

8 **SECTION 2.(f)** G.S. 163-283.1 reads as rewritten:

9 **"§ 163-283.1. Voting in nonpartisan primary.**

10 Any person who will become qualified by age to register and vote in the general election
 11 for which a nonpartisan primary is held, even though not so qualified by the date of the
 12 primary, shall be entitled to register for the primary and general election prior to the primary
 13 and then to vote in the primary after being registered. Such a person may register not earlier
 14 than 60 days nor later than the last day for making application to register under
 15 G.S. 163-82.6(c) prior to the primary. ~~Such a person also may register and vote in the primary~~
 16 ~~and general election pursuant to G.S. 163-82.6A(f)."~~

17 **SECTION 2.(g)** G.S. 163-330 reads as rewritten:

18 **"§ 163-330. Voting in primary.**

19 Any person who will become qualified by age to register and vote in the general election
 20 for which the primary is held, even though not so qualified by the date of the primary, shall be
 21 entitled to register for the primary and general election prior to the primary and then to vote in
 22 the primary after being registered. Such person may register not earlier than 60 days nor later
 23 than the last day for making application to register under G.S. 163-82.6(c) prior to the primary.
 24 ~~Such a person also may register and vote in the primary and general election pursuant to~~
 25 ~~G.S. 163-82.6A(f)."~~

26 **SECTION 3.** G.S. 163-230.2 is repealed.

27 **SECTION 4.(a)** G.S. 163-82.1(d) is repealed.

28 **SECTION 4.(b)** G.S. 163-82.3(a)(5) is repealed.

29 **SECTION 4.(c)** G.S. 163-82.4(d) reads as rewritten:

30 "(d) Citizenship and Age Questions. – Voter registration application forms shall include
 31 all of the following:

32 (1) The following question and statement:

33 a. "Are you a citizen of the United States of America?" and boxes for
 34 the applicant to check to indicate whether the applicant is or is not a
 35 citizen of the United States.

36 b. "If you checked 'no' in response to this question, do not submit this
 37 form."

38 (2) The following ~~questions-question~~ and statement:

39 a. "Will you be 18 years of age on or before election day?" and boxes
 40 for the applicant to check to indicate whether the applicant will be 18
 41 years of age or older on election day.

42 b. ~~"Are you at least 16 years of age and understand that you must be 18~~
 43 ~~years of age on or before election day to vote?" and boxes for the~~
 44 ~~applicant to check to indicate whether the applicant is at least 16~~
 45 ~~years of age and understands that the applicant must be at least 18~~
 46 ~~years of age or older by election day to vote.~~

47 c. "If you checked 'no' in response to ~~both of these questions,~~this
 48 question, do not submit this form."

49 (3) Repealed by Session Laws 2009-541, s. 9(a), effective January 1, 2010."

50 **SECTION 4.(d)** G.S. 163-82.6(f) is repealed.

51 **SECTION 4.(e)** G.S. 163-82.19(a) reads as rewritten:

1 "(a) Voter Registration at Drivers License Offices. – The Division of Motor Vehicles
2 shall, pursuant to the rules adopted by the State Board of Elections, modify its forms so that
3 any eligible person who applies for original issuance, renewal or correction of a drivers license,
4 or special identification card issued under G.S. 20-37.7 may, on a part of the form, complete an
5 application to register to vote, or to update the voter's registration if the voter has changed his
6 or her address or moved from one precinct to another or from one county to another, or to
7 preregister to vote. ~~another, or to preregister to vote.~~ another. The person taking the application shall ask if the applicant is a
8 citizen of the United States. If the applicant states that the applicant is not a citizen of the
9 United States, or declines to answer the question, the person taking the application shall inform
10 the applicant that it is a felony for a person who is not a citizen of the United States to apply to
11 register to vote. Any person who willfully and knowingly and with fraudulent intent gives false
12 information on the application is guilty of a Class I felony. The application shall state in clear
13 language the penalty for violation of this section. The necessary forms shall be prescribed by
14 the State Board of Elections. The form must ask for the previous voter registration address of
15 the voter, if any. If a previous address is listed, and it is not in the county of residence of the
16 applicant, the appropriate county board of elections shall treat the application as an
17 authorization to cancel the previous registration and also process it as such under the
18 procedures of G.S. 163-82.9. If a previous address is listed and that address is in the county
19 where the voter applies to register, the application shall be processed as if it had been submitted
20 under G.S. 163-82.9.

21 Registration shall become effective as provided in G.S. 163-82.7. Applications to register to
22 vote accepted at a drivers license office under this section until the deadline established in
23 G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no person who
24 completes an application at that drivers license office shall be denied the vote in that election
25 for failure to apply earlier than that deadline.

26 All applications shall be forwarded by the Department of Transportation to the appropriate
27 board of elections not later than five business days after the date of acceptance, according to
28 rules which shall be promulgated by the State Board of Elections. Those rules shall provide for
29 a paperless, instant, electronic transfer of applications to the appropriate board of elections.
30 ~~Applications for preregistration to vote shall be forwarded to the State Board of Elections."~~

31 **SECTION 4.(f)** G.S. 163-82.20 reads as rewritten:

32 "**§ 163-82.20. Voter registration at other public agencies.**

33 (a) Voter Registration Agencies. – Every office in this State which accepts:

- 34 (1) Applications for a program of public assistance under Article 2 of Chapter
35 108A of the General Statutes or under Article 13 of Chapter 130A of the
36 General Statutes;
37 (2) Applications for State-funded State or local government programs primarily
38 engaged in providing services to persons with disabilities, with such office
39 designated by the State Board of Elections; or
40 (3) Claims for benefits under Chapter 96 of the General Statutes, the
41 Employment Security Law, is designated as a voter registration agency for
42 purposes of this section.

43 (b) Duties of Voter Registration Agencies. – A voter registration agency described in
44 subsection (a) of this section shall, unless the applicant declines, in writing, to register or
45 preregister to vote:

- 46 (1) Distribute with each application for service or assistance, and with each
47 recertification, renewal, or change of address relating to such service or
48 assistance:
49 a. The voter registration application form described in G.S. 163-82.3(a)
50 or (b); or

- 1 b. The voter registration agency's own form, if it is substantially
2 equivalent to the form described in G.S. 163-82.3(a) or (b) and has
3 been approved by the State Board of Elections, provided that the
4 agency's own form may be a detachable part of the agency's paper
5 application or may be a paperless computer process, as long as the
6 applicant is required to sign an attestation as part of the application to
7 register or preregister.
- 8 (2) Provide a form that contains the elements required by section 7(a)(6)(B) of
9 the National Voter Registration Act; and
- 10 (3) Provide to each applicant who does not decline to register or preregister to
11 vote the same degree of assistance with regard to the completion of the
12 registration application as is provided by the office with regard to the
13 completion of its own forms.
- 14 (c) Provided that voter registration agencies designated under subdivision (a)(3) of this
15 section shall only be required to provide the services set out in this subsection to applicants for
16 new claims, reopened claims, and changes of address under Chapter 96 of the General Statutes,
17 the Employment Security Law.
- 18 (d) Home Registration for Disabled. – If a voter registration agency provides services to
19 a person with disability at the person's home, the voter registration agency shall provide the
20 services described in subsection (b) of this section at the person's home.
- 21 (e) Prohibitions. – Any person providing any service under subsection (b) of this
22 section shall not:
- 23 (1) Seek to influence an applicant's political preference or party registration,
24 except that this shall not be construed to prevent the notice provided by
25 G.S. 163-82.4(c) to be given if the applicant refuses to declare his party
26 affiliation;
- 27 (2) Display any such political preference or party allegiance;
- 28 (3) Make any statement to an applicant or take any action the purpose or effect
29 of which is to discourage the applicant from registering ~~or preregistering~~ to
30 vote; or
- 31 (4) Make any statement to an applicant or take any action the purpose or effect
32 of which is to lead the applicant to believe that a decision to register ~~or~~
33 ~~preregister~~ or not to register ~~or preregister~~ has any bearing on the availability
34 of services or benefits.
- 35 (f) Confidentiality of Declination to Register. – No information relating to a declination
36 to register or preregister to vote in connection with an application made at a voter registration
37 agency may be used for any purpose other than voter registration.
- 38 (g) Transmittal From Agency to Board of Elections. – Any voter registration ~~or~~
39 ~~preregistration~~ application completed at a voter registration agency shall be accepted by that
40 agency in lieu of the applicant's mailing the application. Any such application so received shall
41 be transmitted to the appropriate board of elections not later than five business days after
42 acceptance, according to rules which shall be promulgated by the State Board of Elections.
- 43 (h) Twenty-Five-Day Deadline for an Election. – Applications to register accepted by a
44 voter registration agency shall entitle a registrant to vote in any primary, general, or special
45 election unless the registrant shall have made application later than the twenty-fifth calendar
46 day immediately preceding such primary, general, or special election, provided that nothing
47 shall prohibit voter registration agencies from continuing to accept applications during that
48 period.
- 49 (i) Ineligible Applications Prohibited. – No person shall make application to register ~~or~~
50 ~~preregister~~ to vote under this section if that person is ineligible on account of age, citizenship,
51 lack of residence for the period of time provided by law, or because of conviction of a felony."

1 **SECTION 4.(g)** G.S. 163-82.23 reads as rewritten:

2 "**§ 163-82.23. Voter registration at public high schools.**

3 Every public high school shall make available to its students and others who are eligible to
4 register ~~and preregister~~ to vote the application forms described in G.S. 163-82.3, and shall keep
5 a sufficient supply of the forms so that they are always available. A local board of education
6 may, but is not required to, designate high school employees to assist in completing the forms.
7 Only employees who volunteer for this duty may be designated by boards of education."

8 **SECTION 4.(h)** G.S. 163-82.25 is repealed.

9 **SECTION 4.(i)** G.S. 115C-47(59) is repealed.

10 **SECTION 4.(j)** G.S. 115C-81(g1)(1)b. reads as rewritten:

11 "b. Instruction on the importance of voting and otherwise participating in
12 the democratic process, including instruction on voter ~~registration~~
13 ~~and preregistration; registration~~."

14 **SECTION 5.(a)** G.S. 163-165.6(d) reads as rewritten:

15 "(d) Order of Party Candidates on General Election Official Ballot. – Candidates in any
16 ballot item on a general election official ballot shall appear in the following order:

- 17 (1) Nominees of political parties that reflect ~~at least five percent (5%)~~ the two
18 highest percentages of statewide voter registration, according to the most
19 recent statistical report published by the State Board of Elections, in
20 ~~alphabetical order~~ rotating order by party every four years and in
21 ~~alphabetical~~ random order within the party.
22 (2) Nominees of other political parties, in ~~alphabetical order by party and in~~
23 ~~alphabetical order within the party~~ random order.
24 (3) Unaffiliated candidates, in ~~alphabetical~~ random order."

25 **SECTION 5.(b)** This act becomes effective January 1, 2012, and applies to
26 elections held on or after that date. In implementing G.S. 163-165.6(d) as enacted by this act,
27 the State Board of Elections shall start the rotating order with a party that has not been first on
28 the ballot in the past four years.

29 **SECTION 6.** G.S. 163-165(6) reads as rewritten:

30 "(6) "Provisional official ballot" means an official ballot that is voted and then
31 placed in an envelope that contains an affidavit signed by the voter certifying
32 identity and eligibility to vote. ~~Except for its envelope, a provisional official~~
33 ~~ballot shall not be marked to make it identifiable to the voter."~~

34 **SECTION 7.(a)** G.S. 163-82.6(a1) reads as rewritten:

35 "(a1) Misdemeanors. – It shall be a Class 2 misdemeanor for any person to do any of the
36 following:

- 37 (1) To communicate to the applicant acceptance of the delegation described in
38 subsection (a) of this section and then fail to make a good faith effort to
39 deliver the form so that it is received by the county board of elections in time
40 to satisfy the registration deadline in subdivision (1) or (2) of subsection (c)
41 of this section for the next election. It shall be an affirmative defense to a
42 charge of failing to make a good faith effort to deliver a delegated form by
43 the registration deadline that the delegatee informed the applicant that the
44 form would not likely be delivered in time for the applicant to vote in the
45 next election.
46 (2) To sell or attempt to sell a completed voter registration form or to condition
47 its delivery upon ~~payment~~ payment, including payment on a per voter
48 registration application completed basis.
49 (3) To change a person's information on a voter registration form prior to its
50 delivery to a county board of elections.

- 1 (4) To coerce a person into marking a party affiliation other than the party
2 affiliation the person desires.
3 (5) To offer a person a voter registration form that has a party affiliation
4 premarked unless the person receiving the form has requested the
5 premarking."

6 **SECTION 7.(b)** This section becomes effective with respect to voter registration
7 applications completed on or after January 1, 2012.

8 **SECTION 8.** G.S. 163-166.11 reads as rewritten:

9 **"§ 163-166.11. Provisional voting requirements.**

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

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

49 (b) No person, other than an election official, may facilitate, organize, or encourage any
50 individual or group of individuals to appear and vote at a voting place known to the individual
51 or group of individuals not to be that individual's or group of individuals' voting place."

1 **SECTION 9.** Except as otherwise provided, this act becomes effective January 1,
2 2012, and applies to elections held on or after that date.