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(Public)

Sponsors:

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April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ELECTRONIC SUBMISSION OF ABSENTEE BALLOT LISTS BY COUNTY BOARDS OF ELECTIONS; TO AUTHORIZE THE USE OF NEW TECHNOLOGY FOR PAPER BALLOTS; TO EXTEND THE TIME FRAME TO IMPLEMENT THE REQUIREMENT FOR PAPER BALLOTS FROM 2018 TO SEPTEMBER 1, 2019, FOR COUNTIES THAT USE DIRECT RECORD ELECTRONIC VOTING MACHINES FOR CURRENT VOTING REQUIREMENTS; TO AUTHORIZE CERTAIN MUNICIPALITIES TO CONDUCT MALT BEVERAGE AND UNFORTIFIED WINE ELECTIONS; AND TO REQUIRE COUNTY BOARDS OF ELECTIONS TO NOTIFY A REGISTERED VOTER OF THE OPTION TO COMPLETE A WRITTEN REQUEST FOR AN ABSENTEE BALLOT AT A ONE-STOP VOTING LOCATION WHEN THE VOTER PRESENTS WITHOUT AN ELIGIBLE FORM OF PHOTO IDENTIFICATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 163-232 reads as rewritten:

"§ 163-232. **Certified list of executed absentee ballots; distribution of list.**

The county board of elections shall prepare, or cause to be prepared, a list in at least quadruplicate, of all absentee ballots returned to the county board of elections to be counted, which have been approved by the county board of elections, and which have been received as of 5:00 p.m. on the day before the election. At the end of the list, the chairman shall execute the following certificate under oath:

"State of North Carolina

County of _____

I, _____, chairman of the _____ County board of elections, do hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on the _____ day of _____, _____, which have been approved by the county board of elections and which have been returned no later than 5:00 p.m. on the day before the election. I certify that the chairman, member, officer, or employee of the board of elections has not delivered ballots for absentee voting to any person other than the voter, by mail or by commercial courier service or in person, except as provided by law, and have not mailed or delivered ballots when the request for the ballot was received after the deadline provided by law.

This the _____ day of _____, _____



1 (Signature of chairman of
 2 county board of elections)
 3 Sworn to and subscribed before me this _____ day of _____,
 4 Witness my hand and official seal.

5 _____
 6 (Signature of officer
 7 administering oath)

8 _____
 9 (Title of officer)"

10 No later than 10:00 a.m. on election day, the county board of elections shall cause one copy
 11 of the list of executed absentee ballots, which may be a continuing countywide list or a separate
 12 list for each precinct, to be immediately (i) submitted electronically in a manner approved by
 13 the State Board of Elections or (ii) deposited as "first-class" mail to the State Board of
 14 Elections. The board shall retain one copy in the board office for public inspection and the
 15 board shall cause two copies of the appropriate precinct list to be delivered to the chief judge of
 16 each precinct in the county. The county board of elections shall be authorized to call upon the
 17 sheriff of the county to distribute the list to the precincts. In addition the county board of
 18 elections shall, upon request, provide a copy of the complete list to the chairman of each
 19 political party, recognized under the provisions of G.S. 163-96, represented in the county.

20 The chief judge shall post one copy of the list immediately in a conspicuous location in the
 21 voting place and retain one copy until all challenges of absentee ballots have been heard by the
 22 county board of elections. Challenges shall be made to absentee ballots as provided in
 23 G.S. 163-89.

24 After receipt of the list of absentee voters required by this section the chief judge shall call
 25 the name of each person recorded on the list and enter an "A" in the appropriate voting square
 26 on the voter's permanent registration record, or a similar entry on the computer list used at the
 27 polls. If such person is already recorded as having voted in that election, the chief judge shall
 28 enter a challenge which shall be presented to the county board of elections for resolution by the
 29 board of elections prior to certification of results by the board.

30 All lists required by this section shall be retained by the county board of elections for a
 31 period of 22 months after which they may then be destroyed."

32 **SECTION 1.(b)** G.S. 163-232.1(c) reads as rewritten:

33 "(c) The board shall post one copy of the most current version of each list in the board
 34 office in a conspicuous location for public inspection and shall retain one copy until all
 35 challenges of absentee ballots have been heard by the county board of elections. The county
 36 board of elections shall cause one copy of each of the final lists of executed absentee ballots
 37 required under subsection (a) and subsection (b) of this section to be (i) submitted
 38 electronically in a manner approved by the State Board of Elections or (ii) deposited as
 39 "first-class" mail to the State Board of Elections. The final lists shall be electronically
 40 submitted or mailed no later than 10:00 a.m. of the next business day following the deadline for
 41 receipt of such absentee ballots. Challenges shall be made to absentee ballots as provided in
 42 G.S. 163-89. In addition the county board of elections shall, upon request, provide a copy of
 43 each of the lists to the chairman of each political party, recognized under the provisions of
 44 G.S. 163-96, represented in the county."

45 **SECTION 2.(a)** G.S. 163-165 reads as rewritten:

46 **"§ 163-165. Definitions.**

47 In addition to the definitions stated below, the definitions set forth in Article 15A of
 48 Chapter 163 of the General Statutes also apply to this Article. As used in this Article:

- 49 (1) **(Effective until January 1, 2018)** "Ballot" means an instrument on which a
 50 voter indicates ~~a~~ that voter's choice for a ballot item so that it may be
 51 recorded as a vote for or against a certain candidate or referendum proposal.

1 The term "ballot" may include a paper ballot to be counted by hand, a paper
2 ballot to be counted on an electronic scanner, the face of a lever voting
3 machine, the image on a direct record electronic unit, or a ballot used on any
4 other voting system.

5 (1) **(Effective January 1, 2018)** "Ballot" means an instrument on which a voter
6 indicates ~~a that voter's choice~~ for a ballot item so that it may be recorded as a
7 vote for or against a certain candidate or referendum proposal. The term
8 "ballot" may include a paper ballot to be counted by hand, a paper ballot to
9 be counted on an electronic scanner, or a paper ballot used on any other
10 voting system.

11 (2) "Ballot item" means a single item on a ballot in which the voters are to
12 choose between or among the candidates or proposals listed.

13 (3) "Ballot style" means the version of a ballot within a jurisdiction that an
14 individual voter is eligible to vote. For example, in a county that uses
15 essentially the same official ballot, a group office such as county
16 commissioner may be divided into districts so that different voters in the
17 same county vote for commissioner in different districts. The different
18 versions of the county's official ballot containing only those district ballot
19 items one individual voter may vote are the county's different ballot styles.

20 (4) "Election" means the event in which voters cast votes in ballot items
21 concerning proposals or candidates for office in this State or the United
22 States. The term includes primaries, general elections, referenda, and special
23 elections.

24 (5) "Official ballot" means a ballot that has been certified by the State Board of
25 Elections and produced by or with the approval of the county board of
26 ~~elections~~ elections and may include ballots indicating choices of an
27 individual voter selected electronically and printed in the voting place. The
28 term does not include a sample ballot or a specimen ballot.

29 (5a) **(Effective January 1, 2018)** "Paper ballot" means an individual paper
30 document that bears marks made by the voter by hand or through electronic
31 means.

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

36 (7) "Referendum" means the event in which voters cast votes for or against
37 ballot questions other than the election of candidates to office.

38 (8) "Voting booth" means the private space in which a voter is to mark an
39 official ballot.

40 (9) "Voting enclosure" means the room within the voting place that is used for
41 voting.

42 (10) "Voting place" means the building or area of the building that contains the
43 voting enclosure.

44 (11) "Voting system" means a system of casting and tabulating ballots. The term
45 includes systems of paper ballots counted by hand as well as systems
46 utilizing mechanical and electronic voting equipment."

47 **SECTION 2.(b)** G.S. 163-165.5 reads as rewritten:

48 **"§ 163-165.5. Contents of official ballots.**

49 (a) ~~Each~~ Except as provided in this section, each official ballot shall contain all the
50 following elements:

- 1 (1) The heading prescribed by the State Board of Elections. The heading shall
2 include the term "Official Ballot".
- 3 (2) The title of each office to be voted on and the number of ~~seats to be filled~~
4 votes allowed in each ballot item.
- 5 (3) The names of the candidates as they appear on their notice of candidacy filed
6 pursuant to G.S. 163-106 or G.S. 163-323, or on petition forms filed in
7 accordance with G.S. 163-122. No title, appendage, or appellation indicating
8 rank, status, or position shall be printed on the official ballot in connection
9 with the candidate's name. Candidates, however, may use the title Mr., Mrs.,
10 Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the
11 notice of candidacy or qualifying petition, but the nickname shall appear
12 according to standards adopted by the State Board of Elections. Those
13 standards shall allow the presentation of legitimate nicknames in ways that
14 do not mislead the voter or unduly advertise the candidacy. In the case of
15 candidates for presidential elector, the official ballot shall not contain the
16 names of the candidates for elector but instead shall contain the nominees for
17 President and Vice President which the candidates for elector represent. The
18 State Board of Elections shall establish a review procedure that local boards
19 of elections shall follow to ensure that candidates' names appear on the
20 official ballot in accordance with this subdivision.
- 21 (4) Party designations in partisan ballot items.
- 22 (5) A means by which the voter may cast write-in votes, as provided in
23 G.S. 163-123. No space for write-ins is required unless a write-in candidate
24 has qualified under G.S. 163-123 or unless the ballot item is exempt from
25 G.S. 163-123.
- 26 (6) Instructions to voters, unless the State Board of Elections allows instructions
27 to be placed elsewhere than on the official ballot.
- 28 (7) The printed title and facsimile signature of the chair of the county board of
29 elections.

30 (b) Notwithstanding subsection (a) of this section, an official ballot created and printed
31 by use of a voting system in the voting place shall be counted if all of the following apply:

- 32 (1) Each of the following are printed on that official ballot:
- 33 a. The date of the election.
- 34 b. The precinct name or a unique identification code associated with
35 that ballot style.
- 36 c. The choices made by the voter for all ballot items in which the voter
37 cast a vote.
- 38 (2) The electronic display of the voting system seen by the voter contains all of
39 the information required by subsection (a) of this section.
- 40 (3) The voter is capable of reviewing the printed official ballot, and voiding that
41 ballot, prior to casting that voter's ballot.
- 42 (4) The voter's choices in and on the electronic display are removed prior to the
43 next voter using that voting equipment."

44 **SECTION 3.(a)** Section 30.8 of S.L. 2013-381 reads as rewritten:

45 **"SECTION 30.8.** Any direct record electronic (DRE) voting systems currently certified by
46 the State Board of Elections which do not use paper ballots shall be decertified and shall not be
47 used in any election held on or after ~~January 1, 2018.~~September 1, 2019, for counties that use
48 direct record electronic voting machines on election day as of January 1, 2015, and January 1,
49 2018, for all other counties. Decertification of a DRE voting system that does not use paper
50 ballots may not be appealed to the Superior Court of Wake County pursuant to
51 G.S. 163-165.7(b)."

1 **SECTION 3.(b)** Section 30.9 of S.L. 2013-381 reads as rewritten:

2 "**SECTION 30.9.** This Part becomes effective ~~January 1, 2018~~ September 1, 2019, for
3 counties that use direct record electronic voting machines on election day as of January 1,
4 2015. This Part becomes effective for all other counties January 1, 2018."

5 **SECTION 4.** G.S. 18B-600 is amended by adding a new subsection to read:

6 "(c1) Certain City Malt Beverage and Unfortified Wine Elections. – A city may hold a
7 malt beverage or unfortified wine election only if all of the following criteria are met:

8 (1) The county in which more than fifty percent (50%) of the area of the primary
9 corporate limits of the city is located has already held such an election, and
10 the vote in the last county election was against the sale of that kind of
11 alcoholic beverage.

12 (2) The city has a population of 200 or more.

13 (3) The county in which more than fifty percent (50%) of the area of the primary
14 corporate limits of the city is located also contains three or more other cities
15 that have previously voted to allow malt beverage and unfortified wine
16 sales."

17 **SECTION 5.(a)** G.S. 163-166.13 reads as rewritten:

18 "...

19 (c) Any~~Except as provided in subsection (c1) of this section, any~~ voter who does not
20 comply with subsection (a) of this section shall be permitted to vote a provisional official ballot
21 which shall be counted in accordance with G.S. 163-182.1A.

22 (c1) Any voter voting in person in accordance with G.S. 163-227.2 who does not comply
23 with subsection (a) of this section shall be notified of the option and permitted to complete a
24 written request for an absentee ballot in accordance with G.S. 163-227.2(b1).

25 "

26 **SECTION 5.(b)** G.S. 163-227.2 is amended by adding the following new
27 subsection to read:

28 "(b1) Any voter who fails to present an eligible form of photo identification in accordance
29 with G.S. 163-166.13 shall be notified of the option and permitted to complete a written request
30 form for an absentee ballot at the one-stop absentee voting location in accordance with
31 G.S. 163-230.2. The county board of elections shall provide to the voter notice of each of the
32 following:

33 (1) The option to complete a written request form for an absentee ballot at the
34 one-stop absentee voting location, so long as the completed request form is
35 received by the county board of elections not later than 5:00 P.M. on the
36 Tuesday before the election as provided in G.S. 163-230.1(a).

37 (2) The option to complete the request form using the last four digits of the
38 voter's Social Security number as provided under G.S. 163-230.2(a)(4)c. or
39 by providing a copy of any of the documents under G.S. 163-166.12(b)(2).

40 (3) The instructions for completing the absentee ballot in accordance with
41 G.S. 163-230.1, along with the deadlines for returning the absentee ballot.

42 (4) The means by which the voter may transmit the executed ballot to the county
43 board of elections as provided in G.S. 163-231, including through delivery in
44 person to an election official at a one-stop voting location.

45 Upon receiving notice pursuant to this subsection, a voter shall sign a form acknowledging that
46 the voter was notified of the option to complete the absentee ballot and opted to (i) complete
47 the request for an absentee ballot, (ii) take the application for an absentee ballot with him or
48 her, or (iii) declined the option to complete or receive the absentee ballot. The list of names of
49 those voters who signed an acknowledgment is a public record.

50 The State Board of Elections shall promulgate rules requiring signage to be displayed at all
51 one-stop absentee voting locations notifying voters who do not have eligible photo

1 identification of the option to complete a written request form for an absentee ballot as
2 provided in this subsection."

3 **SECTION 6.** This act is effective when it becomes law.