

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1169*

Short Title: Elections 2020. (Public)

Sponsors: Representatives Grange, Dahle, D. Hall, and Harrison (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Elections and Ethics Law, if favorable, Rules, Calendar, and Operations of the House

May 22, 2020

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS RELATED TO ELECTIONS
AND TO APPROPRIATE FUNDS TO THE STATE BOARD OF ELECTIONS IN
RESPONSE TO THE CORONAVIRUS PANDEMIC.

The General Assembly of North Carolina enacts:

SECTION 1.(a) For an election held in 2020, notwithstanding G.S. 163-229(b) and G.S. 163-231(a), and provided all other requirements for absentee ballots are met, a voter's returned absentee ballot shall be accepted and processed accordingly by the county board of elections if the voter marked the ballot in the presence of at least one person who is at least 18 years of age and is not disqualified by G.S. 163-226.3(a)(4) or G.S. 163-237(c), provided that the person signed the application and certificate as a witness and printed that person's name and address on the container-return envelope. For an election held in 2020, notwithstanding G.S. 163-229(b), the State Board of Elections may prepare applications for each container-return envelope providing for a space for the identification of one person witnessing the casting of the absentee ballot in accordance with G.S. 163-231, that person's signatures, and that person's printed name and address.

SECTION 1.(b) For an election held in 2020, notwithstanding G.S. 163-42(b), in making appointments of the precinct assistants for each precinct in a county, the county board of elections shall ensure that at least one precinct assistant is a registered voter of the precinct, but may appoint registered voters from other precincts of the same county as precinct assistants for the remaining positions if there are an insufficient number of precinct assistants who reside within the precinct to fill all positions for the precinct, provided that the registered voter meets all qualifications to be a precinct assistant other than residence. For an election held in 2020, notwithstanding G.S. 163-41(c), the county board of elections shall ensure that at least one position of chief judge or judge is a registered voter of the precinct, but may appoint a registered voter from other precincts of the same county to fill the other two positions of chief judge or judge in a precinct.

SECTION 1.(c) For an election held in 2020, any individual working as part of a multipartisan team trained and authorized by the county board of elections pursuant to G.S. 163-226.3 may assist any voter in the completion of a request form for absentee ballots or in delivering a completed request form for absentee ballots to the county board of elections.

SECTION 1.(d) This section becomes effective July 1, 2020, and expires December 31, 2020.



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1 **SECTION 2.(a)** For an election held in 2020, notwithstanding G.S. 163-230.2, a
2 completed written request for absentee ballots may be delivered either in person or by mail,
3 e-mail, or fax, to the county board of elections by the voter, the voter's near relative or verifiable
4 legal guardian, or any individual working as part of a bipartisan team trained and authorized
5 by the county board of elections pursuant to G.S. 163-226.3. A request for absentee ballots shall
6 be valid if it is returned to the county board of elections through one of the following methods:
7 (i) hand-delivered to the county board of elections by a person listed in G.S. 163-230.2(c), (ii)
8 mailed to the county board by the United States Postal Service, or a designated delivery service
9 authorized pursuant to 26 U.S.C. § 7502(f)(2), by a person listed in G.S. 163-230.2(c), or (iii)
10 e-mailed or faxed to the county board of elections by a person listed in G.S. 163-230.2(c).

11 **SECTION 2.(b)** No later than August 1, 2020, the Department of Health and Human
12 Services and the State Board of Elections shall develop and submit a report to the Joint
13 Legislative Oversight Committee on General Government, the Joint Legislative Elections
14 Oversight Committee, and the Governor detailing how to safely allow any individual working as
15 part of a bipartisan team trained and authorized by the county board of elections pursuant to
16 G.S. 163-226.3 to access a hospital, clinic, nursing home, or rest home in this State that is under
17 quarantine in order to assist voters within those facilities in requesting, voting, or returning the
18 voter's absentee ballot.

19 **SECTION 3.(a)** G.S. 163-229(b), as amended by S.L. 2019-239, reads as rewritten:
20 "(b) Application on Container-Return Envelope. – In time for use not later than 60 days
21 before a statewide general election in an even-numbered year, and not later than 50 days before
22 a statewide primary, other general election or county bond election, the county board of elections
23 shall print a sufficient number of envelopes in which persons casting absentee ballots may
24 transmit their marked ballots to the county board of elections. However, in the case of municipal
25 elections, sufficient container-return envelopes shall be made available no later than 30 days
26 before an election. Each container-return envelope shall have printed on it an application which
27 shall be designed and prescribed by the State Board, providing for all of the following:

- 28 (1) The voter's certification of eligibility to vote the enclosed ballot and of having
29 voted the enclosed ballot in accordance with this Part.
- 30 (2) A space for identification of the envelope with the voter and the voter's
31 signature.
- 32 (3) A space for the identification of the two persons witnessing the casting of the
33 absentee ballot in accordance with G.S. 163-231, those persons' signatures,
34 and those persons' addresses.
- 35 (4) A space for the name and address of any person who, as permitted under
36 G.S. 163-226.3(a), assisted the voter if the voter is unable to complete and
37 sign the certification and that individual's signature.
- 38 (5) A space for approval by the county board of elections.
- 39 (6) A space to allow reporting of a change of name as provided by
40 G.S. 163-82.16.
- 41 (7) A prominent display of the unlawful acts under G.S. 163-226.3 and
42 G.S. 163-275, except if there is not room on the envelope, the State Board
43 may provide for that disclosure to be made on a separate piece of paper to be
44 included along with the container-return envelope.
- 45 (8) An area to attach additional documentation necessary to comply with the
46 identification requirements in accordance with State Board rules, as provided
47 in G.S. 163-230.1.
- 48 (9) A bar code or other unique identifier to allow both the county board of
49 elections and the voter to track the ballot following return of the voted ballot
50 to the county board of elections by the voter.

1 The container-return envelope shall be printed in accordance with the instructions of the State
2 Board, which shall prohibit the display of the voter's party affiliation on the outside of the
3 container-return envelope."

4 **SECTION 3.(b)** This section becomes effective September 1, 2020, and applies to
5 elections held on or after that date.

6 **SECTION 4.** G.S. 163-230.1(f), as amended by S.L. 2019-239, reads as rewritten:

7 "(f) Required Meeting of County Board of Elections. – During the period commencing on
8 the ~~third~~third-fifth Tuesday before an election, in which absentee ballots are authorized, the county
9 board of elections shall hold one or more public meetings each Tuesday at 5:00 p.m. for the
10 purpose of action on applications for absentee ballots. At these meetings, the county board of
11 elections shall pass upon applications for absentee ballots.

12 If the county board of elections changes the time of holding its meetings or provides for
13 additional meetings in accordance with the terms of this subsection, notice of the change in hour
14 and notice of the schedule of additional meetings, if any, shall be published in a newspaper
15 circulated in the county at least 30 days prior to the election.

16 At the time the county board of elections makes its decision on an application for absentee
17 ballots, the board shall enter in the appropriate column in the register of absentee requests,
18 applications, and ballots issued opposite the name of the applicant a notation of whether the
19 applicant's application was "Approved" or "Disapproved".

20 The decision of the board on the validity of an application for absentee ballots shall be final
21 subject only to such review as may be necessary in the event of an election contest. The county
22 board of elections shall constitute the proper official body to pass upon the validity of all
23 applications for absentee ballots received in the county; this function shall not be performed by
24 the chair or any other member of the board individually."

25 **SECTION 5.** G.S. 163-230.2(a), as amended by S.L. 2019-239, reads as rewritten:

26 "(a) Valid Types of Written Requests. – A completed written request form for absentee
27 ballots as required by G.S. 163-230.1 is valid only if it is on a form created by the State Board
28 and signed by the voter requesting absentee ballots or that voter's near relative or verifiable legal
29 guardian. The State Board shall make the blank request form available at its offices, online, and
30 in each county board of elections office, and that blank request form may be reproduced. A voter
31 may call a county board of elections office and request that the blank request form be sent to the
32 voter by mail, e-mail, or fax. The request form created by the State Board shall require at least
33 the following information:

- 34 (1) The name and address of the residence of the voter.
- 35 (2) The name and address of the voter's near relative or verifiable legal guardian
36 if that individual is making the request.
- 37 (3) The address of the voter to which the application and absentee ballots are to
38 be mailed if different from the residence address of the voter.
- 39 (4) One of the following:
 - 40 a. The number of the applicant's North Carolina drivers license issued
41 under Article 2 of Chapter 20 of the General Statutes, including a
42 learner's permit or a provisional license.
 - 43 b. The number of the applicant's special identification card for
44 nonoperators issued under G.S. 20-37.7.
 - 45 c. The last four digits of the applicant's social security number.
- 46 (5) The voter's date of birth.
- 47 (6) The signature of the voter or of the voter's near relative or verifiable legal
48 guardian if that individual is making the request.
- 49 (7) A clear indicator of the date the election generating the request is to be held,
50 except for annual calendar year requests in accordance with G.S. 163-226(b)."

51 **SECTION 6.** G.S. 163-27.1 is amended by adding a new subsection to read:

1 "(d) Under no circumstances shall the Executive Director or the State Board of Elections
2 have the authority to do any of the following:

3 (1) Deliver absentee ballots to an eligible voter who did not submit a valid written
4 request form for absentee ballots as provided in G.S. 163-230.1 and
5 G.S. 163-230.2.

6 (2) Order an election to be conducted using all mail-in absentee ballots."

7 **SECTION 7.(a)** Article 20 of Chapter 163 of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 163-230.3. Online request for absentee ballots.**

10 (a) Notwithstanding G.S. 163-230.1 and G.S. 163-230.2, a qualified voter who is eligible
11 to vote by absentee ballot under G.S. 163-226, or that voter's near relative or verifiable legal
12 guardian, may submit a request for absentee ballots online using the procedures set forth in this
13 section in lieu of the completed written request on a form established by the State Board. All
14 other provisions in G.S. 163-230.1 and G.S. 163-230.2 shall apply.

15 (b) The State Board shall establish a secure Internet Web site to permit individuals
16 described in subsection (a) of this section to submit an online request for absentee ballots. The
17 Internet Web site must be able to track the IP address of anyone who accesses the Web site. The
18 Web site must require that the voter or the voter's near relative or verifiable legal guardian provide
19 all of the following information:

20 (1) All information required for a valid written request for absentee ballots in
21 G.S. 163-230.2.

22 (2) An electronic signature, as defined in G.S. 66-312 of the Uniform Electronic
23 Transaction Act, of the voter, or the voter's near relative or verifiable legal
24 guardian, if requesting on the voter's behalf.

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

29 **SECTION 7.(b)** Notwithstanding Article 3 of Chapter 143 of the General Statutes,
30 the State Board of Elections is not required to comply with initial purchase and contract
31 requirements for establishing or securing the Internet Web site for online requests for absentee
32 ballots as required by subsection (a) of this section. This exemption expires December 31, 2020.

33 **SECTION 7.(c)** This section is effective when it becomes law. The State Board of
34 Elections shall have the secure Internet Web site available to voters to submit an online request
35 for absentee ballots by September 1, 2020.

36 **SECTION 8.(a)** G.S. 163-237 is amended by adding a new subsection to read:

37 "(d7) Sending of Unrequested Absentee Ballot. – Any person serving on the State Board or
38 on any county board of elections, or any employee of the State Board or a county board of
39 elections, who knowingly sends or delivers an absentee ballot to any person who has not
40 requested an absentee ballot in accordance with the requirements of Chapter 163 shall be guilty
41 of a Class I felony."

42 **SECTION 8.(b)** This section becomes effective July 1, 2020, and applies to offenses
43 committed on or after that date.

44 **SECTION 9.** G.S. 20-37.7(d) reads as rewritten:

45 "(d) Expiration and Fee. – A special identification card issued to a person for the first time
46 under this section expires when a drivers license issued on the same day to that person would
47 expire. A special identification card renewed under this section expires when a drivers license
48 renewed by the card holder on the same day would expire. The Division shall offer renewal of a
49 special identification card in person and online on the Division's Web site.

50 "

51 **SECTION 10.** G.S. 163-166.16(a) reads as rewritten:

1 "(a) Photo Identification Required to Vote. – When a registered voter presents to vote in
2 person, the registered voter shall produce any of the following forms of identification that contain
3 a photograph of the registered voter:

4 ...

5 (2) Any of the following, regardless of whether the identification contains a
6 printed expiration or issuance date:

7 a. A military identification card issued by the United States government.

8 b. A Veterans Identification Card issued by the United States Department
9 of Veterans Affairs for use at Veterans Administration medical
10 facilities.

11 c. A tribal enrollment card issued by a State or federal recognized tribe.

12 d. An identification card issued by a department, agency, or entity of the
13 United States government or this State for a government program of
14 public assistance.

15 "

16 **SECTION 11.1.(a)** There is appropriated the sum of ten million nine hundred
17 eighty-seven thousand two hundred ninety-five dollars (\$10,987,295) in federal Coronavirus Aid,
18 Relief, and Economic Security (CARES) Act, P.L. 116-136, funds and the sum of two million
19 one hundred twenty thousand four hundred ninety-seven dollars (\$2,120,497) as the required
20 match from the State General Fund to the State Board of Elections, Budget Code 28025, for the
21 2020-2021 fiscal year to prevent, prepare for, and respond to the coronavirus pandemic during
22 the 2020 federal election cycle. Of the funds appropriated under this section, the State Board of
23 Elections shall use four hundred twenty-four thousand dollars (\$424,000) to establish an online
24 portal for absentee ballot requests.

25 **SECTION 11.1.(b)** The State Board of Elections shall allocate the remaining funds
26 appropriated under subsection (a) of this section to counties for county boards of elections as
27 follows:

28 (1) A base grant of \$30,000 to tier one counties.

29 (2) A base grant of \$25,000 to tier two counties.

30 (3) A base grant of \$20,000 to tier three counties.

31 (4) \$400,000 to be allocated on a per registered voter basis for counties in which
32 2020 second primary elections were conducted after March 10, 2020.

33 (5) \$6,000,000 for early one-stop voting-related expenses to counties based on
34 the number of registered voters as of May 8, 2020, on a per registered voter
35 basis, that adopt uniform early one-stop voting plans that include satellite
36 location operations with weekday hours from 8:00 A.M. to 7:30 P.M. If no
37 satellite voting locations are available, the funds may be used to support early
38 one-stop voting operations at county boards of elections or alternate sites as
39 follows:

40 a. \$2,000,000 to tier one counties.

41 b. \$2,000,000 to tier two counties.

42 c. \$2,000,000 to tier three counties.

43 For purposes of this section, tier one, tier two, and tier three counties shall have the same
44 designations as those established by the N.C. Department of Commerce's 2020 County Tier
45 Designations pursuant to G.S. 143B-437.08.

46 **SECTION 11.1.(c)** After funding the required allocations under subsections (a) and
47 (b) of this section, the State Board of Elections shall allocate any remaining funds to counties on
48 a per registered voter basis for expenses eligible under the CARES Act.

49 **SECTION 11.1.(d)** Base grants allocated to county boards of elections under
50 subdivisions (b)(1) through (b)(3) of this section shall be used to address the coronavirus
51 pandemic, including, but not limited to, the following:

- 1 (1) Providing for increased postage costs for mail-in absentee ballots sent out by
2 the county board of elections.
- 3 (2) Ensuring an adequate number of poll workers by (i) use of advertising or
4 public awareness campaigns or (ii) offering incentive compensation and other
5 pay increases.
- 6 (3) Recruiting members and promoting the use of bipartisan assistance teams.

7 **SECTION 11.1.(e)** Funds appropriated under this section shall be used in accordance
8 with this section and the requirements and limitations set forth in the federal CARES Act.

9 **SECTION 11.2.(a)** There is appropriated the sum of eleven million six hundred
10 seventy-seven thousand four hundred forty-one dollars (\$11,677,441) from federal Help America
11 Vote Act (HAVA) funds and the sum of two million three hundred thirty-five thousand four
12 hundred eighty-eight dollars (\$2,335,488) as the required match from the State General Fund to
13 the State Board of Elections, Budget Code 28025, for the 2020-2021 fiscal year. There is created
14 within Budget Code 28025 a new fund code to be titled "County Reimbursement Account" to
15 reimburse counties for eligible HAVA expenses. The State Board of Elections shall ensure timely
16 reimbursement to counties for election costs related to eligible HAVA expenses. In reimbursing
17 the counties, no county shall receive more than two hundred fifty thousand dollars (\$250,000) in
18 reimbursement for eligible HAVA expenses, and each county shall be entitled to ten thousand
19 dollars (\$10,000) in reimbursements for eligible HAVA expenses. As a condition of receiving
20 reimbursement under this subsection, the State Board of Elections shall require counties to certify
21 that HAVA funds will not be used to supplant county funds. The State Board of Elections may
22 make bulk purchases from the "County Reimbursement Account" for items on the counties'
23 collective behalf.

24 **SECTION 11.2.(b)** The State Board of Elections may use a portion of the funds
25 appropriated under subsection (a) of this section as follows:

- 26 (1) \$138,000 to acquire a more secure system for the delivery and return of
27 uniformed and overseas citizen absentee ballots.
- 28 (2) \$868,000 to fund security improvements at the State Board of Elections.
- 29 (3) \$100,000 to assemble Attack Response Kits to be deployed to county boards
30 of elections, as needed, for continuity of operations following cyber attacks.
- 31 (4) \$300,000 for bar code scanners used in polling locations statewide to ensure
32 accurate ballot style distribution during elections.
- 33 (5) \$629,000 to purchase multiple high-speed ballot tabulators to be deployed to
34 county boards of elections, as needed, for disaster recovery or continuity of
35 operations.
- 36 (6) \$605,000 to invest in increased ballot-on-demand capacity for county boards
37 of elections for disaster recovery or continuity of operations.
- 38 (7) \$456,000 to acquire software to modernize the State Board of Elections help
39 desk and add a chatbot feature to its Web site and train staff on the use of both.
- 40 (8) \$250,000 for statewide advertising to inform the public of election law
41 changes and other procedures in response to the coronavirus pandemic.

42 **SECTION 11.2.(c)** Any federal HAVA funds unspent on June 30, 2021, shall revert
43 to Budget Code 28025 and shall remain until appropriated by the General Assembly. Any
44 remaining State match funds appropriated in this section shall revert in accordance with
45 G.S. 143C-1-2.

46 **SECTION 11.3.(a)** Counties shall coordinate with local political parties within their
47 jurisdictions to enhance or maintain the partisan balance of election day workers.

48 **SECTION 11.3.(b)** The State Board of Elections, in collaboration with counties,
49 shall coordinate with the Department of Public Safety, Division of Emergency Management, on
50 the purchase and distribution of personal protective equipment to be deployed to counties for
51 their county boards of elections pursuant to Sections 11.1 through 11.3 of this act.

1 **SECTION 11.3.(c)** The State Board of Elections, after consultation with the U.S.
2 Election Assistance Commission, shall provide counties with lists of example expenses eligible
3 under HAVA and the CARES Act.

4 **SECTION 11.3.(d)** The State Board of Elections shall submit a report to the Joint
5 Legislative Elections Oversight Committee and the Fiscal Research Division on the use of the
6 funds appropriated under Sections 11.1 through 11.3 of this act no later than February 1, 2021.
7 Counties receiving funds pursuant to Sections 11.1 through 11.3 of this act shall provide the State
8 Board of Elections the following information to include in its report:

- 9 (1) Funding used to expand early one-stop voting and mail-in absentee ballots.
- 10 (2) Funding used to address the coronavirus pandemic, including personal
11 protective equipment, social distancing tools, and cleaning and sanitizing
12 supplies.
- 13 (3) Funding used to ensure adequate staffing and volunteers through use of
14 advertising or public awareness campaigns or by offering incentive
15 compensation and other pay increases.
- 16 (4) Funding used to deploy and support bipartisan assistance teams.
- 17 (5) Other items deemed necessary by the State Board of Elections to ensure that
18 counties used funds in accordance with the U.S. Election Assistance
19 Commission and other federal requirements.

20 **SECTION 12.** Except as otherwise provided, this act is effective when it becomes
21 law.