

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS35226-LU-80

Short Title: Assistance/Verification/Absentee Ballots. (Public)

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

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT WHO CAN ASSIST CERTAIN VOTERS WITH ABSENTEE BALLOTS
3 AND REQUIRE VERIFICATION OF ADDRESS WHEN THE ADDRESS OF A VOTER
4 REQUESTING AN ABSENTEE BALLOT DIFFERS FROM THE RESIDENCE
5 ADDRESS LISTED IN THE VOTER'S COUNTY OF REGISTRATION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 163A-1295(e) is repealed.

8 **SECTION 2.** G.S. 163A-1298 reads as rewritten:

9 **"§ 163A-1298. Certain acts declared felonies.**

10 (a) Any person who shall, in connection with absentee voting in any election held in this
11 State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class
12 I felony. It shall be unlawful:

13 (1) For any person except ~~the voter's near relative or the voter's verifiable legal~~
14 ~~guardian~~ a person working as part of a multipartisan team to assist the voter to
15 vote an absentee ballot when the voter is voting an absentee ballot other than
16 under the procedure described in G.S. 163A-1300, 163A-1301, 163A-1302,
17 163A-1303, and ~~163A-1304~~; ~~provided that if there is not a near relative or~~
18 ~~legal guardian available to assist the voter, the voter may request some other~~
19 ~~person to give assistance.~~ 163A-1304.

20 ...

21 (4) For any owner, manager, director, employee, or other person, other than ~~the~~
22 ~~voter's near relative or verifiable legal guardian,~~ a person working as part of a
23 multipartisan team, to (i) make a written request pursuant to G.S. 163A-1308
24 or (ii) sign an application or certificate as a witness, on behalf of a registered
25 voter, who is a patient in any hospital, clinic, nursing home or rest home in
26 this State or for any owner, manager, director, employee, or other person other
27 than ~~the voter's near relative or verifiable legal guardian,~~ a person working as
28 part of a multipartisan team, to mark the voter's absentee ballot or assist such
29 a voter in marking an absentee ballot. ~~This subdivision does not apply to~~
30 ~~members, employees, or volunteers of the county board of elections, if those~~
31 ~~members, employees, or volunteers are working as part of a multipartisan~~
32 ~~team trained and authorized by the county board of elections to assist voters~~
33 ~~with absentee ballots. Each county board of elections shall train and authorize~~
34 ~~such teams, pursuant to procedures which shall be adopted by the State~~
35 ~~Board. If neither the voter's near relative nor a verifiable legal guardian is~~
36 ~~available to assist the voter, and a multipartisan team is not available to assist~~



1 the voter within seven calendar days of a telephonic request to the county
 2 board of elections, the voter ~~may obtain such assistance from any person other~~
 3 ~~than (i) an owner, manager, director, employee of the hospital, clinic, nursing~~
 4 ~~home, or rest home in which the voter is a patient or resident; (ii) an individual~~
 5 ~~who holds any elective office under the United States, this State, or any~~
 6 ~~political subdivision of this State; (iii) an individual who is a candidate for~~
 7 ~~nomination or election to such office; or (iv) an individual who holds any~~
 8 ~~office in a State, congressional district, county, or precinct political party or~~
 9 ~~organization, or who is a campaign manager or treasurer for any candidate or~~
 10 ~~political party; provided that a delegate to a convention shall not be considered~~
 11 ~~a party office. None of the persons listed in (i) through (iv) of this~~
 12 ~~subdivision shall contact the county board of elections for further assistance.~~
 13 No person, other than a person working as a member of a multipartisan team,
 14 may sign the application or certificate as a witness for the patient.

- 15 (5) For any person to take into that person's possession for delivery to a voter or
 16 for return to a county board of elections the absentee ballot of any voter,
 17 provided, however, that this prohibition shall not apply to a ~~voter's near~~
 18 ~~relative or the voter's verifiable legal guardian.~~ multipartisan team assisting a
 19 voter in accordance with this Part.

20 ...

21 (a1) For purposes of this section, a "multipartisan team" includes members, employees, or
 22 volunteers working as part of a team trained and authorized by the county board of elections to
 23 assist voters with absentee ballots. Each county board of elections shall train and authorize
 24 multipartisan teams, pursuant to procedures adopted by the State Board.

25"

26 **SECTION 3.** G.S. 163A-1306 reads as rewritten:

27 "**§ 163A-1306. Register of absentee requests, applications, and ballots issued; a public**
 28 **record.**

29 The State Board shall approve an official register in which the county board of elections in
 30 each county of the State shall record the following information:

- 31 (1) Name of voter for whom application and ballots are being ~~requested, and, if~~
 32 ~~applicable, the name and address of the voter's near relative or verifiable legal~~
 33 ~~guardian who requested the application and ballots for the voter.~~ requested.
 34 (2) Number of assigned voter's application when issued.
 35 (3) Precinct in which applicant is registered.
 36 (4) Address to which ballots are to be ~~mailed, mailed~~ or, if the voter voted pursuant
 37 to G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304, a
 38 notation of that fact. If the address is different from the residence address of
 39 the voter, the voter shall provide to the county board of elections the address
 40 where the voter will temporarily reside so that the county board of elections
 41 can verify the address. A county board of elections shall establish procedures
 42 for verifying out-of-county addresses pursuant to this section, in accordance
 43 with approval of the State Board.
 44 (5) Date request for application for ballots is received by the county board of
 45 elections.
 46 (6) The voter's party affiliation.
 47 (7) The date the ballots were mailed or delivered to the voter.
 48 (8) Whatever additional information and official action may be required by this
 49 Part.

1 The State Board may provide for the register to be kept by electronic data processing
2 equipment, and a copy shall be printed out each business day or a supplement printed out each
3 business day of new information.

4 The register of absentee requests, applications and ballots issued shall constitute a public
5 record and shall be opened to the inspection of any registered voter of the county within 60 days
6 before and 30 days after an election in which absentee ballots were authorized, or at any other
7 time when good and sufficient reason may be assigned for its inspection."

8 **SECTION 4.** G.S. 163A-1308 reads as rewritten:

9 **"§ 163A-1308. Simultaneous issuance of absentee ballots with application.**

10 (a) A qualified voter who desires to vote by absentee ballot, or ~~that voter's near relative~~
11 ~~or verifiable legal guardian,~~ a member of a multipartisan team upon the request of a qualified
12 voter needing assistance, shall complete a request form for an absentee application and absentee
13 ballots so that the county board of elections receives that completed request form not later than
14 5:00 P.M. on the Tuesday before the election. That completed written request form shall be in
15 compliance with G.S. 163A-1309. The county board of elections shall enter in the register of
16 absentee requests, applications, and ballots issued the information required in G.S. 163A-1306
17 as soon as each item of that information becomes available. Upon receiving the completed
18 request form, the county board of elections shall cause to be mailed to that voter a single package
19 that includes all of the following:

20 (1) The official ballots that voter is entitled to vote.

21 (2) A container-return envelope for the ballots, printed in accordance with
22 G.S. 163A-1307.

23 (3) An instruction sheet.

24 The ballots, envelope, and instructions shall be mailed to the voter by the county board's
25 chairman, member, officer, or employee as determined by the board and entered in the register
26 as provided by this Part.

27 (b) Absence for Sickness or Physical Disability. – Notwithstanding the provisions of
28 subsection (a) of this section, if a voter expects to be unable to go to the voting place to vote in
29 person on election day because of that voter's sickness or other physical disability, that voter or
30 ~~that voter's near relative or verifiable legal guardian,~~ a member of a multipartisan team may make
31 the request under subsection (a) of this section in person to the board of elections of the county
32 in which the voter is registered after 5:00 p.m. on the Tuesday before the election but not later
33 than 5:00 p.m. on the day before the election. The county board of elections shall treat that
34 completed request form in the same manner as a request under subsection (a) of this section but
35 may personally deliver the application and ballots to the ~~voter or that voter's near relative or~~
36 ~~verifiable legal guardian,~~ voter.

37 (c) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When
38 the county board of elections receives a completed request form for applications and absentee
39 ballots, the board shall promptly issue and transmit them to the voter in accordance with the
40 following instructions:

41 ...

42 (3) The chair, member, officer, or employee of the board of elections shall then
43 place the unsealed container-return envelope holding the ballots together with
44 printed instructions for voting and returning the ballots, in an envelope
45 addressed to the voter at the post office address stated in the request, seal the
46 envelope, and mail it at the expense of the county board of elections: Provided,
47 that in case of a request received after 5:00 p.m. on the Tuesday before the
48 election under the provisions of subsection (b) of this section, in lieu of
49 transmitting the ballots to the voter in person or by mail, the chair, member,
50 officer, or employee of the board of elections or member of a multipartisan
51 team may deliver the sealed envelope containing the instruction sheet and the

1 container-return envelope holding the ballots to a ~~near relative or verifiable~~
2 ~~legal guardian~~ of the voter.

3 The county board of elections may receive completed written request forms for applications
4 at any time prior to the election but shall not mail applications and ballots to the voter or issue
5 applications and ballots in person earlier than 60 days prior to the statewide general election in
6 an even-numbered year, or earlier than 50 days prior to any other election, except as provided in
7 G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304. No election official shall
8 issue applications for absentee ballots except in compliance with this Part.

9 ...

10 ~~(h) For the purpose of this Part, "near relative" means spouse, brother, sister, parent,~~
11 ~~grandparent, child, grandchild, mother in law, father in law, daughter in law, son in law,~~
12 ~~stepparent, or stepchild."~~

13 **SECTION 5.** G.S. 163A-1309(a) reads as rewritten:

14 "(a) Valid Types of Written Requests. – A completed written request form for an absentee
15 ballot as required by G.S. 163A-1308 is valid only if it is on a form created by the State Board
16 and signed by the voter requesting absentee ballots or ~~that voter's near relative or verifiable legal~~
17 ~~guardian~~ a member of a multipartisan team assisting the voter in completing the request. The
18 State Board shall make the form available at its offices, online, and in each county board of
19 elections office, and that form may be reproduced. A voter may make a request in person or by
20 writing to the county board for the form to request an absentee ballot. The request form for an
21 absentee ballot shall require at least the following information:

- 22 (1) The name and address of the residence of the voter.
- 23 (2) The name and address of the voter's near relative or verifiable legal guardian
24 if that individual is making the request.
- 25 (3) The address of the voter to which the application and absentee ballots are to
26 be mailed if different from the residence address of the ~~voter~~ voter, with
27 verification of the address by the county board of elections.
- 28 (4) One or more of the following in the order of preference:
 - 29 a. The number of the voter's North Carolina drivers license issued under
30 Article 2 of Chapter 20 of the General Statutes, including a learner's
31 permit or a provisional license.
 - 32 b. The number of the voter's special identification card for nonoperators
33 issued under G.S. 20-37.7.
 - 34 c. The last four digits of the applicant's social security number.
- 35 (5) The voter's date of birth.
- 36 (6) The signature of the voter or of ~~the voter's near relative or verifiable legal~~
37 ~~guardian~~ a member of the multipartisan team if that individual is making the
38 ~~request.~~ request on behalf of the voter."

39 **SECTION 6.** G.S. 163A-1310(b)(1) reads as rewritten:

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

- 43 (1) All ballots issued under the provisions of this Part and Part 2 of Article 21 of
44 this Chapter shall be transmitted by mail or by commercial courier service, at
45 the voter's expense, or delivered in person, or by the ~~voter's near relative or~~
46 ~~verifiable legal guardian~~ member of the multipartisan team providing
47 assistance and received by the county board not later than 5:00 p.m. on the
48 day of the statewide primary or general election or county bond election.
49 Ballots issued under the provisions of Part 2 of Article 21 of this Chapter may
50 also be electronically transmitted."

51 **SECTION 7.** G.S. 163A-1317(c) reads as rewritten:

1 "(c) Candidate Witnessing Absentee Ballots of Nonrelative Made Class 2 Misdemeanor.
2 – A person is guilty of a Class 2 misdemeanor if that person acts as a witness under
3 G.S. 163A-1310(a) in any primary or election in which the person is a candidate for nomination
4 or election, unless the voter is the candidate's near ~~relative as defined in~~
5 G.S. 163A-1308(h)-relative. For the purpose of this subsection, "near relative" means spouse,
6 brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law,
7 daughter-in-law, son-in-law, stepparent, or stepchild."

8 **SECTION 8.** The North Carolina State Board of Elections and county boards of
9 elections shall take any steps needed to establish policies and procedures and to update
10 information, forms, and State and local Web sites relating to implementing the provisions of this
11 act.

12 **SECTION 9.** This act becomes effective January 1, 2020, and applies to elections
13 held on or after that date.