

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 446

Short Title: Safeguarding Voting Rights. (Public)

Sponsors: Representatives Morey, Dahle, K. Smith, and Quick (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

March 31, 2021

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

4 The General Assembly of North Carolina enacts:

5
6 **PART I. AUTOMATIC VOTER REGISTRATION/CERTAIN AGENCIES**

7 **SECTION 1.1.** G.S. 163-82.3 reads as rewritten:

8 "**§ 163-82.3. Voter registration application ~~forms~~forms; automatic voter registration at**
9 **certain agencies.**

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

13 ...

14 (c) Agency ~~Application Form~~Application. – The county board of elections where an
15 applicant resides shall accept as application for any of the purposes set out in subsection (a) of
16 this section ~~a form~~automatic voter registration developed pursuant to G.S. 163-82.19 or
17 G.S. 163-82.20."

18 **SECTION 1.2.** G.S. 163-82.6 reads as rewritten:

19 "**§ 163-82.6. Acceptance of application forms.**

20 (a) How the Form May Be Submitted. – The county board of elections shall accept any
21 form described in G.S. 163-82.3 if the applicant submits the form by mail, facsimile transmission,
22 transmission of a scanned document, or in ~~person~~person or by automatic voter registration
23 pursuant to G.S. 163-82.19 or G.S. 163-82.20. The applicant may delegate the submission of the
24 form to another person. Any person who communicates to an applicant acceptance of that
25 delegation shall deliver that form so that it is received by the appropriate county board of
26 elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (d) of
27 this section for the next election. It shall be a Class 2 misdemeanor for any person to communicate
28 to the applicant acceptance of that delegation and then fail to make a good faith effort to deliver
29 the form so that it is received by the county board of elections in time to satisfy the registration
30 deadline in subdivision (1) or (2) of subsection (d) of this section for the next election. It shall be
31 an affirmative defense to a charge of failing to make a good faith effort to deliver a delegated
32 form by the registration deadline that the delegatee informed the applicant that the form would
33 not likely be delivered in time for the applicant to vote in the next election. It shall be a Class 2
34 misdemeanor for any person to sell or attempt to sell a completed voter registration form or to
35 condition its delivery upon payment.



- 1 ...
- 2 (d) Registration Deadlines for a Primary or Election. – In order to be valid for a primary
- 3 or election, the ~~form~~form must comply with one of the following:
- 4 (1) If submitted by mail, must be postmarked at least 25 days before the primary
- 5 or election, except that any mailed application on which the postmark is
- 6 missing or unclear is validly submitted if received in the mail not later than 20
- 7 days before the primary or ~~election~~election.
- 8 (2) If submitted in person, by facsimile transmission, ~~or~~by transmission of a
- 9 scanned document, or by automatic voter registration, must be received by the
- 10 county board of elections by a time established by that board, but no earlier
- 11 than 5:00 P.M., on the twenty-fifth day before the primary or ~~election~~election.
- 12 (3) If submitted through a delegatee who violates the duty set forth in subsection
- 13 (a) of this section, must be signed by the applicant and given to the delegatee
- 14 not later than 25 days before the primary or election, except as provided in
- 15 subsection (f) of this section.

16"

17 **SECTION 1.3.** G.S. 163-82.19 reads as rewritten:

18 "**§ 163-82.19. ~~Voter~~Automatic voter registration at drivers license offices; coordination on**

19 **data interface.**

20 (a) Automatic Voter Registration at Drivers License Offices. – ~~The~~Beginning January 1,

21 2022, the Division of Motor Vehicles shall, pursuant to the rules adopted by in consultation with

22 the State Board of Elections, ~~modify its forms so that~~ implement a method by which any eligible

23 person who applies for original issuance, renewal or correction of a drivers license, or special

24 identification card issued under G.S. 20-37.7 ~~may, on a part of the form, complete an application~~

25 ~~to register shall be automatically registered~~ to vote, or able to update the voter's registration if

26 the voter has changed his or her address or moved from one precinct to another or from one

27 county to another. The person taking the application shall ~~ask if the applicant is a citizen of the~~

28 ~~United States. If the applicant states that the applicant is not a citizen of the United States, or~~

29 ~~declines to answer the question, the person taking the application shall inform the applicant that~~

30 ~~it is a felony for a person who is not a citizen of the United States to apply to register to vote. The~~

31 ~~application shall state in clear language the penalty for violation of this section. The necessary~~

32 ~~forms shall be prescribed by the State Board of Elections. The form must ask for the previous~~

33 ~~voter registration address of the voter, if any. If a previous address is listed, and it is not in the~~

34 ~~county of residence of the applicant, the appropriate county board of elections shall treat the~~

35 ~~application as an authorization to cancel the previous registration and also process it as such~~

36 ~~under the procedures of G.S. 163-82.9. If a previous address is listed and that address is in the~~

37 ~~county where the voter applies to register, the application shall be processed as if it had been~~

38 ~~submitted under G.S. 163-82.9.~~ inform the applicant of the following:

- 39 (1) That the applicant shall be registered to vote or have the applicant's voter
- 40 registration record updated, as applicable, unless the applicant declines.
- 41 (2) The qualifications to vote under G.S. 163-55.
- 42 (3) That the applicant should not register if the applicant does not meet the
- 43 qualifications described under subdivision (2) of this subsection.
- 44 (4) That any person who willfully and knowingly and with fraudulent intent gives
- 45 false information on the application is guilty of a Class I felony.
- 46 (5) That if the applicant declines to register to vote, the fact that the applicant has
- 47 declined to register will remain confidential and be used for voter registration
- 48 purposes only.
- 49 (6) Information regarding the address confidentiality program under Chapter 15C
- 50 of the General Statutes, including how to register for the program and how
- 51 voter registration may impact participation in the program.

1 (a1) Requirements. – If the applicant does not decline voter registration, the person taking
 2 the application shall require the applicant to provide all information requested of the applicant
 3 under G.S. 163-82.4, including declaring a preference to be affiliated with a political party or a
 4 preference to be an unaffiliated voter. If the applicant fails to declare a political party affiliation,
 5 the applicant's political affiliation shall be designated as unaffiliated. The applicant shall provide
 6 an electronic signature as required under G.S. 163-82.6(c), subject to the penalty of perjury, by
 7 which the applicant attests that the information provided by the applicant is true and that the
 8 applicant meets all qualifications to become a registered voter.

9 (a2) When Registration Effective. – Registration shall become effective as provided in
 10 G.S. 163-82.7. Applications to register to vote accepted at a drivers license office under this
 11 section until the deadline established in G.S. 163-82.6(d)(2) shall be treated as timely made for
 12 an election, and no person who completes an application at that drivers license office shall be
 13 denied the vote in that election for failure to apply earlier than that deadline.

14 ~~(a3) All applications shall be forwarded by the Transmittal from Department of~~
 15 ~~Transportation to Board of Elections. – The Department of Transportation shall electronically~~
 16 ~~transmit the applications of applicants who have not declined voter registration to the appropriate~~
 17 ~~board of elections not later than five business days after the date of acceptance, according to rules~~
 18 ~~which shall be promulgated by the State Board of Elections. Those rules shall provide for a~~
 19 ~~paperless, instant, electronic transfer of applications to the appropriate board of elections.~~

20 (a4) Confidentiality of Declination to Register. – No information relating to a declination
 21 to register to vote in connection with a voter registration application at a Division of Motor
 22 Vehicles office may be used for any purpose other than voter registration. The State Board shall
 23 ensure that information acquired for purposes of automatic voter registration under this section
 24 is kept confidential in accordance with G.S. 163-82.4(c), including compliance with any voter
 25 registration requirements under G.S. 163-82.10.

26 ~~(b) Any Ineligible Applications Prohibited. – If a person who is ineligible to vote~~
 27 ~~becomes registered to vote pursuant to this section, the presumption shall be that the person's~~
 28 ~~registration is deemed officially authorized and shall not be attributed to any fault of the person.~~
 29 ~~However, any person who willfully and knowingly and with fraudulent intent gives false~~
 30 ~~information on the application [described in subsection (a) of this section] described under this~~
 31 ~~section is guilty of a Class I felony.~~

32 ...
 33 (d) No Requirement to Determine Eligibility. – Nothing in this section shall be construed
 34 as requiring the Department of Transportation to determine eligibility for voter registration and
 35 voting."

36 **SECTION 1.4.** G.S. 163-82.20 reads as rewritten:

37 **"§ 163-82.20. Voter registration at other public ~~agencies~~; automatic voter**
 38 **registration.**

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

40 ...

41 (b) ~~Duties of Voter Registration Agencies.~~ Agencies; Automatic Voter Registration
 42 Information. – Beginning January 1, 2023, a voter registration agency described in subsection
 43 (a) of this section shall, unless the applicant declines, in writing, to register to vote; in consultation
 44 with the State Board, provide, with each application for service or assistance, and with each
 45 recertification, renewal, or change of address relating to such service or assistance, an application
 46 process for automatic voter registration. The person taking the application shall inform the
 47 applicant of the following:

48 (1) ~~Distribute with each application for service or assistance, and with each~~
 49 ~~recertification, renewal, or change of address relating to such service or~~
 50 ~~assistance;~~

- 1 a. ~~The voter registration application form described in G.S. 163-82.3(a)~~
 2 ~~or (b); or~~
 3 b. ~~The voter registration agency's own form, if it is substantially~~
 4 ~~equivalent to the form described in G.S. 163-82.3(a) or (b) and has~~
 5 ~~been approved by the State Board of Elections, provided that the~~
 6 ~~agency's own form may be a detachable part of the agency's paper~~
 7 ~~application or may be a paperless computer process, as long as the~~
 8 ~~applicant is required to sign an attestation as part of the application to~~
 9 ~~register.~~

10 That the applicant shall be registered to vote or have the applicant's voter
 11 registration record updated, as applicable, unless the applicant declines.

- 12 (2) Provide a form that contains the elements required by section 7(a)(6)(B) of
 13 ~~the National Voter Registration Act; and~~The qualifications to vote under
 14 G.S. 163-55.
 15 (3) ~~Provide to each applicant who does not decline to register to vote the same~~
 16 ~~degree of assistance with regard to the completion of the registration~~
 17 ~~application as is provided by the office with regard to the completion of its~~
 18 ~~own forms.~~That the applicant should not register if the applicant does not meet
 19 the qualifications described under subdivision (2) of this subsection.
 20 (4) That any person who willfully and knowingly and with fraudulent intent gives
 21 false information on the application is guilty of a Class I felony.
 22 (5) That if the applicant declines to register to vote, the fact that the applicant has
 23 declined to register will remain confidential and be used for voter registration
 24 purposes only.
 25 (6) Information regarding the address confidentiality program under Chapter 15C
 26 of the General Statutes, including how to register for the program and how
 27 voter registration may impact participation in the program.

28 (b1) Requirements. – If the applicant does not decline voter registration, the person taking
 29 the application shall require the applicant to provide all information requested of the applicant
 30 under G.S. 163-82.4, including declaring a preference to be affiliated with a political party or a
 31 preference to be an unaffiliated voter. If the applicant fails to declare a political party affiliation,
 32 the applicant's political affiliation shall be designated as unaffiliated. The applicant shall provide
 33 an electronic signature as required under G.S. 163-82.6(c), subject to the penalty of perjury, by
 34 which the applicant attests that the information provided by the applicant is true and that the
 35 applicant meets all qualifications to become a registered voter.

36 (c) Employment Security Law Applicants. – Provided that voter registration agencies
 37 designated under subdivision (a)(3) of this section shall only be required to provide the services
 38 set out in this subsection to applicants for new claims, reopened claims, and changes of address
 39 under Chapter 96 of the General Statutes, the Employment Security Law.

40 (d) Home Registration for Disabled. – If a voter registration agency provides services to
 41 a person with disability at the person's home, the voter registration agency shall provide the
 42 services described in subsection (b) of this section at the person's home. However, the agency is
 43 not required to provide automatic voter registration at the person's home.

44 ...

45 (f) Confidentiality of Declination to Register. – No information relating to a declination
 46 to register to vote in connection with an application made at a voter registration agency may be
 47 used for any purpose other than voter registration. The State Board shall ensure that information
 48 acquired for purposes of automatic voter registration under this section is kept confidential in
 49 accordance with G.S. 163-82.4(c), including compliance with any voter registration requirements
 50 under G.S. 163-82.10.

1 (g) Transmittal From Agency to Board of Elections. – ~~Any voter registration application~~
2 ~~completed at a voter registration agency shall be accepted by that agency in lieu of the applicant's~~
3 ~~mailing the application. Any such application so received shall be transmitted~~ The agency shall
4 electronically transmit the applications of applicants who did not decline voter registration to the
5 appropriate board of elections not later than five business days after acceptance, according to
6 rules which shall be promulgated by the State Board of Elections.

7 ...

8 (i) Ineligible Applications Prohibited. – No person shall make application to register to
9 vote under this section if that person is ineligible on account of age, citizenship, lack of residence
10 for the period of time provided by law, or because of conviction of a felony. However, if a person
11 who is ineligible to vote becomes registered to vote pursuant to this section, the presumption
12 shall be that the person's registration is deemed officially authorized and shall not be attributed
13 to any fault of the person.

14 (j) No Requirement to Determine Eligibility. – Nothing in this section shall be construed
15 as requiring agencies to determine eligibility for voter registration and voting."

16 **SECTION 1.5.** G.S. 163-82.20A reads as rewritten:

17 "**§ 163-82.20A. Voter registration upon restoration of citizenship.**

18 The State Board of Elections, the Division of Adult Correction and Juvenile Justice of the
19 Department of Public Safety, and the Administrative Office of the Courts shall jointly develop
20 and implement educational programs and procedures for persons to apply to register to vote at
21 the time they are restored to citizenship and all filings required have been completed under
22 Chapter 13 of the General Statutes. Those procedures shall be designed to do both of the
23 following:

- 24 (1) Inform the person that the restoration of rights removes the person's
25 disqualification from voting, but that in order to vote the person must register
26 to vote.
- 27 (2) Provide an opportunity to that person to register to ~~vote~~ vote, including
28 informing the person of automatic voter registration in accordance with
29 G.S. 163-82.19 or G.S. 163-82.20.

30 At a minimum, the program shall include a written notice to the person whose citizenship has
31 been restored, informing that person that the person may now register to vote, with a voter
32 registration form enclosed with the notice."

33 **SECTION 1.6.** Sections 1.1 through 1.3 and Section 1.5 of this Part become effective
34 January 1, 2022. Section 1.4 of this Part becomes effective January 1, 2023. The remainder of
35 this Part is effective when it becomes law.

36 **PART II. ELIMINATE WET INK REGISTRATION**

37 **SECTION 2.1.** G.S. 163-82.6(c) reads as rewritten:

38 "(c) Signature. – The form shall be valid only if signed by the applicant. ~~An electronically~~
39 ~~captured signature, including signatures on applications generated by computer programs of~~
40 ~~third-party groups, shall not be valid on a voter registration form, except as provided in Article~~
41 ~~21A of this Chapter. Notwithstanding the provisions of this subsection, an~~ An electronically
42 captured image of the signature of a voter on an electronic voter registration form offered by a
43 State agency shall be considered a valid signature for all purposes for which a signature on a
44 paper voter registration form is used."
45

46 **PART III. ONLINE VOTER REGISTRATION**

47 **SECTION 3.1.** G.S. 163-82.5 reads as rewritten:

48 "**§ 163-82.5. Distribution of application forms.**
49

1 (a) The State Board of Elections shall make the forms described in G.S. 163-82.3
2 available for distribution through governmental and private entities, with particular emphasis on
3 making them available for organized voter registration drives.

4 (b) The State Board shall make the forms available for completion and submission on a
5 secure internet website in accordance with this Article."

6 **SECTION 3.2.** Article 7A of Chapter 163 of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 163-82.5A. Online voter registration.**

9 (a) An individual who meets all of the following criteria may register to vote or change
10 voter registration online:

11 (1) The individual is eligible to register to vote.

12 (2) The individual possesses one of the following that is current and valid:

13 a. North Carolina drivers license issued under Article 2 of Chapter 20 of
14 the General Statutes, including a learner's permit or a provisional
15 license.

16 b. Special identification card for nonoperators issued under G.S. 20-37.7.

17 (b) The State Board shall establish a secure internet website to permit individuals
18 described in subsection (a) of this section to complete and submit voter registration applications
19 online.

20 (c) The secure internet website established under subsection (b) of this section shall allow
21 an individual described in subsection (a) of this section to submit:

22 (1) An application for any of the following:

23 a. Voter registration.

24 b. Reporting of a change of name, address, or party affiliation. If the
25 individual is already registered to vote and the change of address is to
26 another county, it shall be treated as an application to register to vote.

27 (2) Information to establish that the individual is eligible under this section to
28 register online.

29 (3) The individual's email address.

30 (d) Upon receipt of an individual's application under subsection (c) of this section, the
31 county board of elections, in conjunction with the State Board, shall verify the North Carolina
32 drivers license or social security number in accordance with G.S. 163-82.12, update the statewide
33 registration database and search for possible duplicate registrations, and proceed under
34 G.S. 163-82.7 to verify the person's address.

35 (e) If the State Board verifies the North Carolina drivers license or social security number
36 in accordance with G.S. 163-82.12, the Division of Motor Vehicles shall transfer the digital
37 signature of the applicant in the Division of Motor Vehicles' records to the State Board.

38 (f) If the State Board cannot verify the North Carolina drivers license or social security
39 number in accordance with G.S. 163-82.12, the State Board shall so notify the individual
40 submitting the application by email, if provided, and in accordance with this Article. That
41 individual shall be offered an opportunity to register in accordance with G.S. 163-82.6 or
42 G.S. 163-82.6A, as applicable."

43 **SECTION 3.3.** G.S. 163-82.10(a1) reads as rewritten:

44 "(a1) Personal Identifying Information. – Full or partial social security numbers, dates of
45 birth, the identity of the public agency at which the voter registered under G.S. 163-82.20, any
46 electronic mail address submitted under this Article, Article 20, or Article 21A of this Chapter,
47 photocopies of identification for voting, any electronic data associated with online voter
48 registration under G.S. 163-82.5A, and drivers license numbers, whether held by the State Board
49 or a county board of elections, are confidential and shall not be considered public records and
50 subject to disclosure to the general public under Chapter 132 of the General Statutes. Cumulative
51 data based on those items of information may be publicly disclosed as long as information about

1 any individual cannot be discerned from the disclosed data. Disclosure of information in violation
2 of this subsection shall not give rise to a civil cause of action. This limitation of liability does not
3 apply to the disclosure of information in violation of this subsection as a result of gross
4 negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable."

5 **SECTION 3.4.** This Part becomes effective December 1, 2021.

6
7 **PART IV. ABSENTEE BALLOTS**

8 **SECTION 4.1.(a)** G.S. 163-229(b) reads as rewritten:

9 "(b) Application on Container-Return Envelope. – In time for use not later than 60 days
10 before a statewide general election in an even-numbered year, and not later than 50 days before
11 a statewide primary, other general election or county bond election, the county board of elections
12 shall print a sufficient number of envelopes in which persons casting absentee ballots may
13 transmit their marked ballots to the county board of elections. However, in the case of municipal
14 elections, sufficient container-return envelopes shall be made available no later than 30 days
15 before an election. Each container-return envelope shall have printed on it an application which
16 shall be designed and prescribed by the State Board, providing for all of the following:

17 ...

- 18 (3) A space for the identification of the ~~two persons~~ person witnessing the casting
19 of the absentee ballot in accordance with G.S. 163-231, ~~those persons'~~
20 ~~signatures, and those persons' addresses.~~ that person's signature, and that
21 person's address.

22 ...

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

26 **SECTION 4.1.(b)** G.S. 163-231(a) reads as rewritten:

27 "(a) Procedure for Voting Absentee Ballots. – In the presence of ~~two persons~~ one person
28 who ~~are~~ is at least 18 years of age, and who ~~are~~ is not disqualified by G.S. 163-226.3(a)(4) or
29 G.S. 163-237(c), the voter shall do all of the following:

- 30 (1) Mark the voter's ballots, or cause them to be marked by that person in the
31 voter's presence according to the voter's instruction.
- 32 (2) Fold each ballot separately, or cause each of them to be folded in the voter's
33 presence.
- 34 (3) Place the folded ballots in the container-return envelope and securely seal it,
35 or have this done in the voter's presence.
- 36 (4) Make the application printed on the container-return envelope according to
37 the provisions of G.S. 163-229(b) and make the certificate printed on the
38 container-return envelope according to the provisions of G.S. 163-229(b).
- 39 (5) Require ~~those two persons~~ the person in whose presence the voter marked that
40 voter's ballots to sign the application and certificate as ~~witnesses~~ a witness and
41 to indicate ~~those persons' addresses.~~ the person's address. Failure to list a ZIP
42 code does not invalidate the application and certificate.
- 43 (6) ~~Do one of the following:~~ Have the witness in whose presence the voter marked
44 that voter's ballots certify that the voter is the person submitting the marked
45 ballots.
- 46 a. ~~Have the application notarized. The notary public may be the person~~
47 ~~in whose presence the voter marked that voter's ballot.~~
- 48 b. ~~Have the two persons in whose presence the voter marked that voter's~~
49 ~~ballots to certify that the voter is the registered voter submitting the~~
50 ~~marked ballots.~~

1 ~~Alternatively to the prior paragraph of this subsection, any requirement for two witnesses~~
2 ~~shall be satisfied if witnessed by one notary public, who shall comply with all the other~~
3 ~~requirements of that paragraph. The notary shall affix a valid notarial seal to the envelope, and~~
4 ~~include the word "Notary Public" below his or her signature.~~

5 The ~~persons~~ person in whose presence the ballot is marked shall at all times respect the
6 secrecy of the ballot and the privacy of the absentee voter, unless the voter requests assistance
7 and that person is otherwise authorized by law to give assistance. When thus executed, the sealed
8 container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the
9 provisions of subsection (b) of this section to the county board of elections which issued the
10 ballots."

11 **SECTION 4.2.(a)** G.S. 163-230.2, as amended by S.L. 2020-17, reads as rewritten:
12 **"§ 163-230.2. Method of requesting absentee ballots.**

13 (a) Valid Types of Written Requests. – A completed written request form for absentee
14 ballots as required by G.S. 163-230.1 is valid only if it is on a form created by the State Board
15 and signed by the voter requesting absentee ballots or that voter's near relative or verifiable legal
16 guardian. The Notwithstanding any provision of law to the contrary, at least 90 days before a
17 primary or general election, the State Board shall collaborate with county boards of elections to
18 ensure every registered voter in this State receives by mail a request form for an absentee ballot.
19 All absentee ballot request forms shall be sent with prepaid postage for the return of the request
20 form in accordance with subsection (c) of this section. Alternatively, should a voter seek to
21 initiate a request for an absentee ballot, the State Board shall make the blank request form
22 available at its offices, online, and in each county board of elections office, and that blank request
23 form may be reproduced. A If a voter may call the State Board of Elections or a requests an
24 absentee ballot request form by phone, the county board of elections office and request that the
25 blank shall provide a preprinted request form be sent to the voter by mail, e-mail, or fax. The
26 request form created by the State Board shall require at least the following information:

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

44 ...

45 (c) Return of Request. – The completed request form for absentee ballots shall be
46 delivered either in person or by mail, email, or fax to the county board of elections only by any
47 of the following:

- 48 (1) The voter.
- 49 (2) The voter's near relative or verifiable legal guardian.
- 50 (3) A member of a multipartisan team trained and authorized by the county board
51 of elections pursuant to G.S. 163-226.3.

1"

2 SECTION 4.2.(b) G.S. 163-237(d7), as enacted in Section 8(a) of S.L. 2020-17, is
3 repealed.

4 SECTION 4.3. G.S. 163-231(b) reads as rewritten:

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

8 (1) All ballots issued under the provisions of this Article and Article 21A of this
9 Chapter shall be transmitted by mail in preaddressed envelopes, postage paid
10 upon return, or by commercial courier ~~service, at the voter's expense, service~~
11 or delivered in person, ~~or~~ by the voter's near relative or verifiable legal
12 ~~guardian~~ guardian, or in accordance with subdivision (3) of this subsection
13 and received by the county board not later than 5:00 p.m. on the day of the
14 statewide primary or general election or county bond election. Ballots issued
15 under the provisions of Article 21A of this Chapter may also be electronically
16 transmitted.

17 (2) If ballots are received later than the hour stated in subdivision (1) of this
18 subsection, those ballots shall not be accepted unless one of the following
19 applies:

20 a. Federal law so requires.

21 b. The ballots issued under this Article ~~are postmarked and that postmark~~
22 ~~is dated on or before the day of the~~ that are properly cast, whether with
23 or without a postmark, for a statewide primary or general election or
24 county bond election and are received by the county board of elections
25 not later than three days after the election by 5:00 p.m. When a ballot
26 is received by mail without a postmark, the county board of elections
27 shall verify receipt of the ballot by stamping on the ballot the date it
28 was received.

29 c. The ballots issued under Article 21A of this Chapter are received by
30 the county board of elections not later than the end of business on the
31 business day before the canvass conducted by the county board of
32 elections held pursuant to G.S. 163-182.5.

33 (3) Each local board of elections shall provide at least one absentee ballot drop
34 box at its county board of elections office at least 15 days before the election
35 and may provide additional absentee ballot drop boxes, as is authorized. A
36 voter voting by mail-in absentee ballot who deposits the absentee ballot using
37 a contactless drop box pursuant to this section by the close of voting in the
38 precinct on election day is deemed to have validly cast that ballot."

39 SECTION 4.4. Article 20 of Chapter 163 of the General Statutes is amended by
40 adding a new section to read:

41 "**§ 163-231.1. Curing incomplete or illegible executed absentee ballots.**

42 Notwithstanding any other provision of law to the contrary, the State Board of Elections shall
43 take all reasonable steps to cure an absentee ballot that would otherwise not be counted due to a
44 missing voter signature, witness signature, witness address, or assistant address. Election officials
45 shall notify voters of signature mismatches or unsigned absentee ballots no later than eight days
46 prior to the certification of the election, and these voters shall have until 5:00 P.M. two days prior
47 to the certification of the election to cure the signature information. There is a presumption that
48 a voter's signatures are valid and the signatures rejected only if the signatures differ in multiple,
49 significant, and obvious ways. If it appears that the voter's ballot will not be counted, then the
50 county board of elections shall notify the voter, and the voter shall be given the option to vote in
51 person within the appropriate time constraints or at an authorized polling place."

PART V. POLL WORKER RECRUITMENT**SECTION 5.1.** G.S. 163-41(c) reads as rewritten:

"(c) The chairman of each political party in the county where possible shall recommend two registered voters in each precinct who are otherwise qualified, are residents of the precinct, have good moral character, and are able to read and write, for appointment as chief judge in the precinct, and he shall also recommend where possible the same number of similarly qualified voters for appointment as judges of election in that precinct. If such recommendations are received by the county board of elections no later than the fifth day preceding the date on which appointments are to be made, it must make precinct appointments from the names of those recommended. Provided that if only one name is submitted by the fifth day preceding the date on which appointments are to be made, by a party for judge of election by the chairman of one of the two political parties in the county having the greatest numbers of registered voters in the State, the county board of elections must appoint that person.

If the recommendations of the party chairs for chief judge or judge in a precinct are insufficient, the county board of elections by unanimous vote of all of its members may name to serve as chief judge or judge in that precinct registered voters in that precinct who were not recommended by the party chairs. If, after diligently seeking to fill the positions with registered voters of the precinct, the county board still has an insufficient number of officials for the precinct, the county board by unanimous vote of all of its members may appoint to the positions registered voters in other precincts in the same county who meet the qualifications other than residence to be precinct officials in the precinct, provided that where possible the county board shall seek and adopt the recommendation of the county chairman of the political party affected. In making its appointments, the county board shall assure, wherever possible, that no precinct has a chief judge and judges all of whom are registered with the same party. ~~In no instance shall the county board appoint nonresidents of the precinct to a majority of the three positions of chief judge and judge in a precinct."~~

SECTION 5.2. G.S. 163-42 reads as rewritten:**"§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of office.**

(a) Each county board of elections is authorized, in its discretion, to appoint two or more assistants for each precinct to aid the chief judge and judges. Not more than two assistants shall be appointed in precincts having 500 or less registered voters. Assistants shall be qualified voters of the county in which the precinct is located. When the board of elections determines that assistants are needed in a precinct ~~an equal number shall be appointed from different political parties, unless the requirement as to party affiliation cannot be met because of an insufficient number of voters of different political parties within the county precinct, the county board shall ensure, when possible, that no precinct has precinct officials who are all registered with the same political party.~~

In the discretion of the county board of elections, a precinct assistant may serve less than the full day prescribed for chief judges and judges in G.S. 163-47(a).

(b) The chairman of each political party in the county shall have the right to recommend from three to 10 registered voters in each precinct for appointment as precinct assistants in that precinct. If the recommendations are received by it no later than the thirtieth day prior to the primary or election, the board shall make appointments of the precinct assistants for each precinct from the names thus recommended. If the recommendations of the party chairs for precinct assistant in a precinct are insufficient, the county board of elections by unanimous vote of all of its members may name to serve as precinct assistant in that precinct registered voters in that precinct who were not recommended by the party chairs. If, after diligently seeking to fill the positions with registered voters of the precinct, the county board still has an insufficient number of precinct assistants for the precinct, the county board by unanimous vote of all of its members may appoint to the positions registered voters in other precincts in the same county who meet the

1 qualifications other than residence to be precinct officials in the precinct. In making its
2 appointments, the county board shall assure, wherever possible, that no precinct has precinct
3 officials all of whom are registered with the same party. ~~In no instance shall the county board~~
4 ~~appoint nonresidents of the precinct to a majority of the positions as precinct assistant in a~~
5 ~~precinct.~~

6"
7

8 PART VI. FLEXIBILITY IN EARLY VOTING HOURS

9 SECTION 6.1. G.S. 163-227.6 is amended by adding a new subsection to read:

10 "(f) Notwithstanding G.S. 163-227.2 and subsection (c) of this section, a county board of
11 elections by majority vote of all of its members may adopt a Plan of Implementation that
12 establishes flexibility in voting hours for the opening and closing of one-stop early voting sites
13 if the county board of elections wishes to adopt a Plan that deviates more than two hours from
14 the one-stop early voting schedule under this section."

15 SECTION 6.2. G.S. 163-227.2(b) reads as rewritten:

16 "(b) Not earlier than the third Thursday before an election, in which absentee ballots are
17 authorized, in which a voter seeks to vote and not later than ~~3:00~~ 5:00 P.M. on the last Saturday
18 before that election, the voter shall appear in person only at the office of the county board of
19 elections, except as provided in G.S. 163-227.6. A county board of elections shall conduct
20 one-stop voting on the last Saturday before the election from 8:00 A.M. until ~~3:00~~ 5:00 P.M. That
21 voter shall enter the voting enclosure at the board office through the appropriate entrance and
22 shall at once state his or her name and place of residence to an authorized member or employee
23 of the board and present photo identification in accordance with G.S. 163-166.16. In a primary
24 election, the voter shall also state the political party with which the voter affiliates and in whose
25 primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the
26 primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing
27 political party in whose primary he wishes to vote. The board member or employee to whom the
28 voter gives this information shall announce the name and residence of the voter in a distinct tone
29 of voice. After examining the registration records, an employee of the board shall state whether
30 the person seeking to vote is duly registered. If the voter is found to be registered that voter may
31 request that the authorized member or employee of the board furnish the voter with an application
32 for absentee ballots. The voter shall complete the application in the presence of the authorized
33 member or employee of the board, and shall deliver the application to that person."
34

35 PART VII. ELECTION DAY AS PAID STATE HOLIDAY

36 SECTION 7.1.(a) Article 1 of Chapter 163 of the General Statutes is amended by
37 adding a new section to read:

38 "§ 163-4. Treat election day in same manner as legal public holiday for purposes of State
39 employment.

40 Notwithstanding G.S. 115C-84.2(b) or G.S. 126-4(5), the Tuesday after the first Monday in
41 November in each even-numbered year shall be treated in the same manner as a legal public
42 holiday for purposes of State employment."

43 SECTION 7.1.(b) The General Assembly encourages private employers in this State
44 to allow their employees to take a day off on the Tuesday after the first Monday in November in
45 each even-numbered year to enable those employees to vote on election day.

46 SECTION 7.2. This Part is effective when it becomes law.
47

48 PART VIII. EMERGENCY POWERS OF EXECUTIVE DIRECTOR

49 SECTION 8.1. G.S. 163-27.1(a) is amended by adding a new subdivision to read:

1 "(a) The Executive Director, as chief State elections official, may exercise emergency
2 powers to conduct an election in a district where the normal schedule for the election is disrupted
3 by any of the following:

4 ...

5 (4) A pandemic or national health crisis as declared by the President of the United
6 States or the Governor of North Carolina.

7 In exercising those emergency powers, the Executive Director shall avoid unnecessary conflict
8 with the provisions of this Chapter. The Executive Director shall adopt rules describing the
9 emergency powers and the situations in which the emergency powers will be exercised."

10 **SECTION 8.2.** This Part is effective when it becomes law.

11
12 **PART IX. SEVERABILITY**

13 **SECTION 9.1.** If any provision of this act or its application is held invalid, the
14 invalidity does not affect other provisions or applications of this act that can be given effect
15 without the invalid provisions or application, and to this end, the provisions of this act are
16 severable.

17 **SECTION 9.2.** This Part is effective when it becomes law.

18
19 **PART X. EFFECTIVE DATES**

20 **SECTION 10.1.** This Part is effective when it becomes law.

21 **SECTION 10.2.** Except as otherwise provided, this act is effective when it becomes
22 law and applies to elections held on or after that date.