

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1169*
Committee Substitute Favorable 5/27/20
Committee Substitute #2 Favorable 5/27/20

Short Title: Bipartisan Elections Act of 2020.

(Public)

Sponsors:

Referred to:

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 signature, 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, provided that the registered voter meets all other qualifications to be a chief judge or judge other than residence.

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 and may serve as a witness for the casting of absentee ballots.

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



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 multipartisan 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)** The Department of Health and Human Services and the State Board
12 of Elections shall develop a program to safely allow multipartisan teams to assist registered voters
13 within hospitals, clinics, nursing homes, assisted living or other congregate living situations in
14 the 2020 elections during the COVID-19 pandemic in accordance with law, as amended by this
15 act. Multipartisan teams, as used in this section, are those appointed and trained by the county
16 board of elections in accordance with this act and G.S. 163-226.3 and implementing rules. No
17 later than August 1, 2020, the Department and the State Board shall jointly submit a report to the
18 Joint Legislative Oversight Committee on General Government, the Joint Legislative Elections
19 Oversight Committee, and the Governor as to the details of the joint program.

20 **SECTION 2.(c)** G.S. 163-226.3 is amended by adding a new subsection to read:

21 "(c) For the purposes of this section, a "multipartisan team" shall consist of at least two
22 registered voters of the county. The two political parties having the highest number of affiliated
23 voters in the State, as reflected by the registration statistics published by the State Board on
24 January 1 of the current year, shall each be represented by at least one team member of the party's
25 affiliation. If the team consists of more than two members, voters who are unaffiliated or
26 affiliated with other political parties recognized by the State may be team members. If a county
27 board of elections finds an insufficient number of voters available to meet this requirement, the
28 county board of elections, upon a unanimous vote of all of its sworn members, may appoint an
29 unaffiliated team member to serve instead of a team member representing one of the two political
30 parties having the highest number of affiliated voters in the State."

31 **SECTION 3.(a)** G.S. 163-229(b), as amended by S.L. 2019-239, reads as rewritten:

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

- 40 (1) The voter's certification of eligibility to vote the enclosed ballot and of having
41 voted the enclosed ballot in accordance with this Part.
- 42 (2) A space for identification of the envelope with the voter and the voter's
43 signature.
- 44 (3) A space for the identification of the two persons witnessing the casting of the
45 absentee ballot in accordance with G.S. 163-231, those persons' signatures,
46 and those persons' addresses.
- 47 (4) A space for the name and address of any person who, as permitted under
48 G.S. 163-226.3(a), assisted the voter if the voter is unable to complete and
49 sign the certification and that individual's signature.
- 50 (5) A space for approval by the county board of elections.

- 1 (6) A space to allow reporting of a change of name as provided by
2 G.S. 163-82.16.
- 3 (7) A prominent display of the unlawful acts under G.S. 163-226.3 and
4 G.S. 163-275, except if there is not room on the envelope, the State Board
5 may provide for that disclosure to be made on a separate piece of paper to be
6 included along with the container-return envelope.
- 7 (8) An area to attach additional documentation necessary to comply with the
8 identification requirements in accordance with State Board rules, as provided
9 in G.S. 163-230.1.
- 10 (9) A bar code or other unique identifier to allow both the county board of
11 elections and the voter to track the ballot following return of the voted ballot
12 to the county board of elections by the voter.

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

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

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

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

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

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

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

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

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

- 46 (1) The name and address of the residence of the voter.
- 47 (2) The name and address of the voter's near relative or verifiable legal guardian
48 if that individual is making the request.
- 49 (3) The address of the voter to which the application and absentee ballots are to
50 be mailed if different from the residence address of the voter.
- 51 (4) One of the following:

- a. The number of the applicant's North Carolina drivers license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license.
 - b. The number of the applicant's special identification card for nonoperators issued under G.S. 20-37.7.
 - c. The last four digits of the applicant's social security number.
- (5) The voter's date of birth.
 - (6) The signature of the voter or of the voter's near relative or verifiable legal guardian if that individual is making the request.
 - (7) A clear indicator of the date the election generating the request is to be held, except for annual calendar year requests in accordance with G.S. 163-226(b)."

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

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

- (1) Deliver absentee ballots to an eligible voter who did not submit a valid written request form for absentee ballots as provided in G.S. 163-230.1 and G.S. 163-230.2.
- (2) Order an election to be conducted using all mail-in absentee ballots."

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

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

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

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

- (1) All information required for a valid written request for absentee ballots in G.S. 163-230.2.
- (2) An electronic signature, as defined in G.S. 66-312 of the Uniform Electronic Transaction Act, of the voter, or the voter's near relative or verifiable legal guardian, if requesting on the voter's behalf.

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

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

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

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

"(d7) Sending of Unrequested Absentee Ballot. – Any member serving on the State Board or on any county board of elections, or any employee of the State Board or a county board of elections, who knowingly sends or delivers an absentee ballot to any person who has not

1 requested an absentee ballot in accordance with the requirements of Chapter 163 of the General
2 Statutes shall be guilty of a Class I felony."

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

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

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

11"

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

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

16 ...

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

- 19 a. A military identification card issued by the United States government.
- 20 b. A Veterans Identification Card issued by the United States Department
21 of Veterans Affairs for use at Veterans Administration medical
22 facilities.
- 23 c. A tribal enrollment card issued by a State or federal recognized tribe.
- 24 d. An identification card issued by a department, agency, or entity of the
25 United States government or this State for a government program of
26 public assistance.

27"

28 **SECTION 11.1.(a)** There is appropriated the sum of ten million nine hundred
29 eighty-seven thousand two hundred ninety-five dollars (\$10,987,295) in federal Coronavirus Aid,
30 Relief, and Economic Security (CARES) Act, P.L. 116-136, funds and the sum of two million
31 one hundred twenty thousand four hundred ninety-seven dollars (\$2,120,497) as the required
32 match from the State General Fund to the State Board of Elections, Budget Code 28025, for the
33 2020-2021 fiscal year to prevent, prepare for, and respond to the coronavirus pandemic during
34 the 2020 federal election cycle. Of the funds appropriated under this section, the State Board of
35 Elections shall use four hundred twenty-four thousand dollars (\$424,000) to establish an online
36 portal for absentee ballot requests.

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

- 40 (1) A base allocation of \$30,000 to tier one counties.
- 41 (2) A base allocation of \$25,000 to tier two counties.
- 42 (3) A base allocation of \$20,000 to tier three counties.
- 43 (4) \$400,000 to be allocated on a per registered voter basis for counties in which
44 2020 second primary elections were conducted after March 10, 2020.
- 45 (5) \$6,000,000 for early one-stop voting-related expenses to counties based on
46 the number of registered voters as of May 8, 2020, on a per registered voter
47 basis, that adopt uniform early one-stop voting plans in accordance with
48 G.S. 163-227.6, including satellite location operations with weekday hours
49 from 8:00 A.M. to 7:30 P.M. If no satellite voting locations are available, the
50 funds may be used to support early one-stop voting operations at county
51 boards of elections or alternate sites as follows:

- 1 a. \$2,000,000 to tier one counties.
- 2 b. \$2,000,000 to tier two counties.
- 3 c. \$2,000,000 to tier three counties.

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

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

10 **SECTION 11.1.(d)** Base allocations to county boards of elections under subdivisions
11 (b)(1) through (b)(3) of this section shall be used to address the coronavirus pandemic, including,
12 but not limited to, the following:

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

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

21 **SECTION 11.1.(f)** As used in this section, a registered voter is a voter registered in
22 accordance with Article 7A of Chapter 163 of the General Statutes as of May 8, 2020.

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

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

- 40 (1) \$138,000 to acquire a more secure system for the delivery and return of
41 uniformed and overseas citizen absentee ballots.
- 42 (2) \$868,000 to fund security improvements at the State Board of Elections.
- 43 (3) \$100,000 to assemble Attack Response Kits to be deployed to county boards
44 of elections, as needed, for continuity of operations following cyber attacks.
- 45 (4) \$300,000 for bar code scanners used in polling locations statewide to ensure
46 accurate ballot style distribution during elections.
- 47 (5) \$629,000 to purchase multiple high-speed ballot tabulators to be deployed to
48 county boards of elections, as needed, for disaster recovery or continuity of
49 operations.
- 50 (6) \$605,000 to invest in increased ballot-on-demand capacity for county boards
51 of elections for disaster recovery or continuity of operations.

- 1 (7) \$456,000 to acquire software to modernize the State Board of Elections help
2 desk and add a chatbot feature to its Web site and train staff on the use of both.
3 (8) \$250,000 for statewide advertising to inform the public of election law
4 changes and other procedures in response to the coronavirus pandemic.

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

9 **SECTION 11.2.(d)** The State Board of Elections shall report on any funds spent in
10 accordance with Section 11.2(b)(2) of this act in a confidential report to the chairs of the Joint
11 Legislative Oversight Committee on General Government and the Joint Legislative Elections
12 Oversight Committee. An initial report of expenditures shall be due no later than August 15,
13 2020, and a follow up on any additional expenditures shall be due no later than December 1,
14 2020. This report shall be confidential and shall not be a public record under Chapter 132 of the
15 General Statutes.

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

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

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

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

- 31 (1) Funding used to expand early one-stop voting and mail-in absentee ballots.
32 (2) Funding used to address the coronavirus pandemic, including personal
33 protective equipment, social distancing tools, and cleaning and sanitizing
34 supplies.
35 (3) Funding used to ensure adequate staffing and volunteers through use of
36 advertising or public awareness campaigns or by offering incentive
37 compensation and other pay increases.
38 (4) Funding used to deploy and support multipartisan assistance teams.
39 (5) Other items deemed necessary by the State Board of Elections to ensure that
40 counties used funds in accordance with the U.S. Election Assistance
41 Commission and other federal requirements.

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