GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

SENATE BILL 326

Short Title: Election Integrity Act. (Public)
Sponsors: Senators Daniel, Newton, and Hise (Primary Sponsors).
Referred to: Rules and Operations of the Senate

March 22, 2021

A BILL TO BE ENTITLED
AN ACT TO PROHIBIT THE STATE BOARD OF ELECTIONS AND COUNTY BOARDS
OF ELECTIONS FROM ACCEPTING PRIVATE MONETARY DONATIONS FOR
CERTAIN PURPOSES, TO AMEND THE DATE BY WHICH A VOTER MUST
REQUEST AN ABSENTEE BALLOT AND DATE BY WHICH A MAIL-IN ABSENTEE
BALLOT MUST BE RECEIVED, AND TO APPROPRIATE FUNDS TO ESTABLISH A
PROGRAM TO IDENTIFY AND ASSIST VOTERS NEEDING PHOTO
IDENTIFICATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 163-22 is amended by adding a new subsection to read:
"(s) Nothing in this Chapter shall grant authority to the State Board of Elections to accept
private monetary donations for the purpose of administering elections or employing individuals
on a temporary basis."

SECTION 1.(b) G.S. 163-33 is amended by adding a new subdivision to read:
"§ 163-33. Powers and duties of county boards of elections.
The county boards of elections within their respective jurisdictions shall exercise all powers
granted to such boards in this Chapter, and they shall perform all the duties imposed upon them
by law, which shall include the following:

…

(17) Nothing in this Chapter shall grant authority to county boards of elections to
accept private monetary donations for the purpose of administering elections
or employing individuals on a temporary basis."

SECTION 2. G.S. 163-89(a) reads as rewritten:
"(a) Time for Challenge. – The absentee ballot of any voter may be challenged on the day
of any statewide primary or general election or county bond election beginning no earlier than
noon and ending no later than 5:00 P.M., or by the chief judge at the time of closing of the polls
as provided in G.S. 163-232 and G.S. 163-258.26(b). The absentee ballot of any voter received
by the county board of elections pursuant to G.S. 163-231(b)(ii) or (iii) G.S. 163-231(b)(2)c. may
be challenged no earlier than noon on the day following the election and no later than 5:00 p.m.
on the next business day following the deadline for receipt of such absentee ballots."

SECTION 3. G.S. 163-230.1 reads as rewritten:
"§ 163-230.1. Simultaneous issuance of absentee ballots with application.
(a) Written Request. – 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, shall complete a request
form for an absentee application and absentee ballots so that the county board of elections
receives that completed request form not later than 5:00 P.M. on the second Tuesday before the
election. That completed written request form shall be in compliance with G.S. 163-230.2. The
county board of elections shall enter in the register of absentee requests, applications, and ballots
issued the information required in G.S. 163-228 as soon as each item of that information becomes
available. Upon receiving the completed request form, the county board of elections shall cause
to be mailed to that voter a single package that includes all of the following:

(1) The official ballots the voter is entitled to vote.
(2) A container-return envelope for the ballots, printed in accordance with
G.S. 163-229.
(3) An instruction sheet.
(4) A clear statement of the requirement for a photocopy of identification
described in G.S. 163-166.16(a) or an affidavit as described in
G.S. 163-166.16(d)(1), (d)(2), or (d)(3) with the returned ballot.

(b) Absence for Sickness or Physical Disability. – Notwithstanding the provisions of
subsection (a) of this section, if a voter expects to be unable to go to the voting place to vote in
person on election day because of that voter's sickness or other physical disability, that voter or
that voter's near relative or verifiable legal guardian may make the request for absentee ballots in
person to the board of elections of the county in which the voter is registered after 5:00 p.m. on
the second Tuesday before the election but not later than 5:00 p.m. on the day before the election.
The county board of elections shall treat that completed request form in the same manner as a
request under subsection (a) of this section but may personally deliver the application and ballots
to the voter or that voter's near relative or verifiable legal guardian, and shall enter in the register
of absentee requests, applications, and ballots issued the information required in G.S. 163-228 as
soon as each item of that information becomes available. The county board of elections shall
personally deliver to the requester in a single package:

(1) The official ballots the voter is entitled to vote.
(2) A container-return envelope for the ballots, printed in accordance with
G.S. 163-229.
(3) An instruction sheet.
(4) A clear statement of the requirement for a photocopy of identification
described in G.S. 163-166.16(a) or an affidavit as described in
G.S. 163-166.16(d)(1), (d)(2), or (d)(3) with the returned application and
voted ballots.

c) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When
the county board of elections receives a completed request form for applications and absentee
ballots from the voter, or the near relative or the verifiable legal guardian of that voter, the county
board shall promptly issue and transmit them to the voter in accordance with the following
instructions:

(3) The chair, member, officer, or employee of the board of elections shall then
place the unsealed container-return envelope holding the ballots together with
printed instructions for voting and returning the ballots, in an envelope
addressed to the voter at the post office address stated in the request, seal the
envelope, and mail it at the expense of the county board of elections: Provided,
that in case of a request received after 5:00 p.m. on the second Tuesday before
the election under the provisions of subsection (b) of this section, in lieu of
transmitting the ballots to the voter in person or by mail, the chair, member,
officer, or employee of the board of elections may deliver the sealed envelope
containing the instruction sheet and the container-return envelope holding the
ballots to a near relative or verifiable legal guardian of the voter.
The county board of elections may receive completed written request forms for applications at any time prior to the election but shall not mail applications and ballots to the voter or issue applications and ballots in person earlier than 60 days prior to the statewide general election in an even-numbered year, or earlier than 50 days prior to any other election, except as provided in G.S. 163-227.2, 163-227.5, and 163-227.6. No election official shall issue applications for absentee ballots except in compliance with this Article.

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

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

1. All ballots issued under the provisions of this Article and Article 21A of this Chapter shall be transmitted by mail or by commercial courier service, at the voter's expense, or delivered in person, or by the voter's near relative or verifiable legal guardian and received by the county board not later than 5:00 p.m. on the day of the statewide primary or general election or county bond election. Ballots issued under the provisions of Article 21A of this Chapter may also be electronically transmitted.

2. If ballots are received later than the hour stated in subdivision (1) of this subsection, those ballots shall not be accepted unless one of the following applies:
   a. Federal law so requires.
   b. The ballots issued under this Article are postmarked and that postmark is dated on or before the day of the statewide primary or general election or county bond election and are received by the county board of elections not later than three days after the election by 5:00 p.m.
   c. The ballots issued under Article 21A of this Chapter are received by the county board of elections not later than the end of business on the business day before the canvass conducted by the county board of elections held pursuant to G.S. 163-182.5."

SECTION 5. G.S. 163-232.1(a) reads as rewritten:

"(a) The county board of elections shall prepare, or cause to be prepared, a list in at least triplicate, of all absentee ballots issued under Article 20 of this Chapter returned to the county board of elections to be counted, which have been approved by the county board of elections, have not been included on the certified list prepared pursuant to G.S. 163-232, and which have been postmarked by the day of the statewide primary or general election or county bond election and have been received by the county board of elections not later than three days after the election by 5:00 p.m. on the day of the statewide primary or general election or county bond election. The list shall be supplemented with new information each business day following the day of the election until the deadline for receipt of such absentee ballots. At the end of the list, the chairman shall execute the following certificate under oath:

"State of North Carolina

County of _____

I, _____, chairman of the _____ County Board of Elections, do hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on the _____ day of _____ , which have been approved by the county board of elections and which have been postmarked by the day of the statewide primary or general election or county bond election and have been received by the county board of elections not later than three days after the election by 5:00 p.m. on the day of the statewide primary or general election or county bond election. I certify that the chairman, member, officer, or employee of the board of elections has not delivered ballots for absentee voting to any person other than the voter, by mail or by commercial courier.
service or in person, except as provided by law, and have not mailed or delivered ballots when
the request for the ballot was received after the deadline provided by law.

This the ____ day of ____, ____

____________________
(Signature of chairman of
county board of elections)

Sworn to and subscribed before me this ____ day of ____, ____

Witness my hand and official seal.

____________________
(Signature of officer
administering oath)

(Title of officer)"

SECTION 6. G.S. 163-234 reads as rewritten:


All absentee ballots returned to the county board of elections in the container-return envelopes shall be retained by the board to be counted by the county board of elections as follows:

(1) Only those absentee ballots returned to the county board of elections no later than 5:00 p.m. on the day before election day in a properly executed container-return envelope or absentee ballots received pursuant to G.S. 163-231(b)(2)b. or c. G.S. 163-231(b)(2)c. shall be counted, except to the extent federal law requires otherwise.

(2) The county board of elections shall meet at 5:00 p.m. on election day in the board office or other public location in the county courthouse for the purpose of counting all absentee ballots except those which have been challenged before 5:00 p.m. on election day and those received pursuant to G.S. 163-231(b)(2)b. or c. G.S. 163-231(b)(2)c. Any elector of the county shall be permitted to attend the meeting and allowed to observe the counting process, so long as the elector does not in any manner interfere with the election officials in the discharge of their duties.

The county board of elections may begin counting absentee ballots issued under Article 21A of this Chapter between the hours of 9:00 a.m. and 5:00 p.m. and may begin counting all absentee ballots between the hours of 2:00 p.m. and 5:00 p.m. upon the adoption of a resolution at least two weeks prior to the election in which the hour and place of counting absentee ballots shall be stated. The resolution also may provide for an additional meeting following the day of the election and prior to the day of canvass to count absentee ballots received pursuant to G.S. 163-231(b)(2)b. or c. G.S. 163-231(b)(2)c. as provided in subdivision (11) of this section. A copy of the resolution shall be published once a week for two weeks prior to the election, in a newspaper having general circulation in the county. Notice may additionally be made on a radio or television station or both, but the notice shall be in addition to the newspaper and other required notice. The count shall be continuous until completed and the members shall not separate or leave the counting place except for unavoidable necessity, except that if the count has been completed prior to the time the polls close, it shall be suspended until that time pending receipt of any additional ballots. Nothing in this section prohibits a county board of elections from taking preparatory steps for the count earlier than the times specified in this section, as long as the preparatory steps do not reveal to any individual not engaged in the actual count election results before the times specified in this subdivision for the count to begin. By way of
illustration and not limitation, a preparatory step for the count would be the entry of tally cards from direct record electronic voting units into a computer for processing. The board shall not announce the result of the count before 7:30 p.m.

(11) The county board of elections shall meet after election day and prior to the date of canvass to determine whether the container-return envelopes for absentee ballots received pursuant to G.S. 163-231(b)(2)b. or c., G.S. 163-231(b)(2)c., have been properly executed. The county board of elections shall comply with the requirements of G.S. 163-230.1 for approval of applications. Any absentee ballots received pursuant to G.S. 163-231(b)(2)b. or c., G.S. 163-231(b)(2)c., shall be counted by the county board of elections on the day of canvass. The county board of elections may also meet following the day of the election and prior to the day of canvass to count absentee ballots received pursuant to G.S. 163-231(b)(2)b. or c., G.S. 163-231(b)(2)c., upon the adoption of a resolution pursuant to subdivision (2) of this section. The county board of elections shall comply with all other requirements of this section for the counting of these absentee ballots."

SECTION 7. There is appropriated from the General Fund to the State Board of Elections the sum of five million dollars ($5,000,000) in nonrecurring funds for the 2021-2022 fiscal year to establish a program to identify individuals in this State who need photo identification to vote in person. The program shall include a mobile component to visit voters identified as needing photo identification to ensure photo identification is created for those voters.

SECTION 8. Section 7 of this act becomes effective July 1, 2022. The remainder of this act is effective when it becomes law and applies to elections held on or after that date.