

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2013

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SENATE BILL 428

Short Title: Voting Reform Act. (Public)

Sponsors: Senators Tillman (Primary Sponsor); Brock, Daniel, Hise, and Randleman.

Referred to: Rules and Operations of the Senate.

March 27, 2013

BILL TO BE ENTITLED

AN ACT TO REFORM NORTH CAROLINA'S VOTING PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-82.6A is repealed.

SECTION 2. G.S. 163-59 reads as rewritten:

"§ 163-59. Right to participate or vote in party primary.

No person shall be entitled to vote or otherwise participate in the primary election of any political party unless that person complies with all of the following:

- (1) Is a registered voter.
(2) Has declared and has had recorded on the registration book or record the fact that the voter affiliates with the political party in whose primary the voter proposes to vote or participate.
(3) Is in good faith a member of that party.

Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

Any person who will become qualified by age to register and vote in the general election for which the primary is held, even though not so qualified by the date of the primary, shall be entitled to register for the primary and general election prior to the primary and then to vote in the primary after being registered. Such person may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to register and vote in the general election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections. Such a person also may register and vote in the primary and general election pursuant to G.S. 163-82.6A(f)."

SECTION 3. G.S. 163-82.6(c) reads as rewritten:

(c) Registration Deadlines for a Primary or Election. - In order to be valid for a primary or election, except as provided in G.S. 163-82.6A, the form:

- (1) If submitted by mail, must be postmarked at least 25 days before the primary or election, except that any mailed application on which the postmark is missing or unclear is validly submitted if received in the mail not later than 20 days before the primary or election,
(2) If submitted in person, by facsimile transmission, or by transmission of a scanned document, must be received by the county board of elections by a



1 time established by that board, but no earlier than 5:00 P.M., on the
2 twenty-fifth day before the primary or election,

- 3 (3) If submitted through a delegatee who violates the duty set forth in subsection
4 (a) of this section, must be signed by the applicant and given to the delegatee
5 not later than 25 days before the primary or election, except as provided in
6 subsection (d) of this section."

7 **SECTION 4.** G.S. 163-166.12(b2) reads as rewritten:

8 "(b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an
9 individual has registered by mail or by another method, if the individual has provided with the
10 registration form a drivers license number or last four digits of a Social Security number but the
11 computer validation of the number as required by G.S. 163-82.12 did not result in a match, and
12 the number has not been otherwise validated by the board of elections, in the first election in
13 which the individual votes that individual shall submit with the ballot the form of identification
14 described in subsection (a) or subsection (b) of this section, depending upon whether the ballot
15 is voted in person or absentee. If that identification is provided and the board of elections does
16 not determine that the individual is otherwise ineligible to vote a ballot, the failure of
17 identification numbers to match shall not prevent that individual from registering to vote and
18 having that individual's vote counted. ~~If the individual registers and votes under~~
19 ~~G.S. 163-82.6A, the identification documents required in that section, rather than those~~
20 ~~described in subsection (a) or (b) of this section, apply."~~

21 **SECTION 5.** G.S. 163-227.2(a) reads as rewritten:

22 "(a) Any voter eligible to vote by absentee ballot under G.S. 163-226 may request an
23 application for absentee ballots, complete the application, and vote under the provisions of this
24 section ~~and of G.S. 163-82.6A, as applicable.~~section."

25 **SECTION 6.** G.S. 163-283 reads as rewritten:

26 **"§ 163-283. Right to participate or vote in party primary.**

27 No person shall be entitled to vote or otherwise participate in the primary election of any
28 political party unless that person complies with all of the following:

- 29 (1) Is a registered voter.
30 (2) Has declared and has had recorded on the registration book or record the fact
31 that the voter affiliates with the political party in whose primary the voter
32 proposes to vote or participate.
33 (3) Is in good faith a member of that party.

34 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under
35 G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that
36 primary except for subdivisions (2) and (3) of the previous paragraph.

37 Any person who will become qualified by age to register and vote in the general election
38 for which the primary is held, even though not so qualified by the date of the primary election,
39 shall be entitled to register while the registration books are open during the regular registration
40 period prior to the primary and then to vote in the primary after being registered, provided
41 however, under full-time and permanent registration, such an individual may register not earlier
42 than 60 days nor later than the last day for making application to register under
43 G.S. 163-82.6(c) prior to the primary. In addition, persons who will become qualified by age to
44 register and vote in the general election for which the primary is held, who do not register
45 during the special period may register to vote after such period as if they were qualified on the
46 basis of age, but until they are qualified by age to vote, they may vote only in primary
47 elections. ~~Such a person also may register and vote in the primary and general election pursuant~~
48 ~~to G.S. 163-82.6A(f)."~~

49 **SECTION 7.** G.S. 163-283.1 reads as rewritten:

50 **"§ 163-283.1. Voting in nonpartisan primary.**

1 Any person who will become qualified by age to register and vote in the general election
2 for which a nonpartisan primary is held, even though not so qualified by the date of the
3 primary, shall be entitled to register for the primary and general election prior to the primary
4 and then to vote in the primary after being registered. Such a person may register not earlier
5 than 60 days nor later than the last day for making application to register under
6 G.S. 163-82.6(c) prior to the primary. ~~Such a person also may register and vote in the primary
7 and general election pursuant to G.S. 163-82.6A(f)."~~

8 **SECTION 8.** G.S. 163-330 reads as rewritten:

9 **"§ 163-330. Voting in primary.**

10 Any person who will become qualified by age to register and vote in the general election
11 for which the primary is held, even though not so qualified by the date of the primary, shall be
12 entitled to register for the primary and general election prior to the primary and then to vote in
13 the primary after being registered. Such person may register not earlier than 60 days nor later
14 than the last day for making application to register under G.S. 163-82.6(c) prior to the primary.
15 ~~Such a person also may register and vote in the primary and general election pursuant to
16 G.S. 163-82.6A(f)."~~

17 **SECTION 9.** G.S. 163-227.2(b) reads as rewritten:

18 "(b) Not earlier than the ~~third~~second Thursday before an election, in which absentee
19 ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last
20 Saturday before that election, the voter shall appear in person only at the office of the county
21 board of elections, except as provided in subsection (g) of this section. A county board of
22 elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M.
23 and may conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure
24 at the board office through the appropriate entrance and shall at once state his or her name and
25 place of residence to an authorized member or employee of the board. In a primary election, the
26 voter shall also state the political party with which the voter affiliates and in whose primary the
27 voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a
28 particular party under G.S. 163-119, the voter shall state the name of the authorizing political
29 party in whose primary he wishes to vote. The board member or employee to whom the voter
30 gives this information shall announce the name and residence of the voter in a distinct tone of
31 voice. After examining the registration records, an employee of the board shall state whether
32 the person seeking to vote is duly registered. If the voter is found to be registered that voter
33 may request that the authorized member or employee of the board furnish the voter with an
34 application form as specified in G.S. 163-227. The voter shall complete the application in the
35 presence of the authorized member or employee of the board, and shall deliver the application
36 to that person."

37 **SECTION 10.(a)** G.S. 163-227.3 reads as rewritten:

38 **"§ 163-227.3. Date by which absentee ballots must be available for voting.**

39 (a) A board of elections shall provide absentee ballots of the kinds needed 60 days prior
40 to the statewide general election in even-numbered years and 50 days prior to the date on which
41 any other election shall be conducted, unless 45 days is authorized by the State Board of
42 Elections under G.S. 163-22(k) or there shall exist an appeal before the State Board or the
43 courts not concluded, in which case the board shall provide the ballots as quickly as possible
44 upon the conclusion of such an appeal. Provided, in a presidential election year, the board of
45 elections shall provide general election ballots no later than three days after certification of the
46 Presidential and Vice Presidential nominees if that certification occurs later than 57 days prior
47 to the statewide general election and makes compliance with the 60-day deadline impossible.
48 However, in the case of municipal elections, absentee ballots shall be made available no later
49 than 30 days before an election. In every instance the board of elections shall exert every effort
50 to provide absentee ballots, of the kinds needed by the date on which absentee voting is
51 authorized to commence.

1 (b) Second Primary. – The board of elections shall provide absentee ballots, of the
2 kinds needed, as quickly as possible after the ballot information for a second primary has been
3 determined."

4 **SECTION 10.(b)** G.S. 163-258.9(a) reads as rewritten:

5 "(a) Not later than 60 days before the statewide general election in even-numbered years
6 and not later than 50 days before any other election, the county board of elections shall transmit
7 a ballot and balloting materials to all covered voters who by that date submit a valid
8 military-overseas ballot application, except for a second primary. Provided, in a presidential
9 election year, the board of elections shall provide general election ballots no later than three
10 days after certification of the Presidential and Vice Presidential nominees if that certification
11 occurs later than 57 days prior to the statewide general election and makes compliance with the
12 60-day deadline impossible. However, in the case of municipal elections, absentee ballots shall
13 be made available no later than 30 days before an election. For a second primary which
14 includes a candidate for federal office, the county board of elections shall transmit a ballot and
15 balloting material to all covered voters who by that date submit a valid military-overseas ballot
16 application no later than 45 days before the second primary. For a second primary which does
17 not include a candidate for federal office, the transmission of the ballot and ballot materials
18 shall be as soon as practicable and shall be transmitted electronically no later than three
19 business days and by mail no later than 15 days from the date the appropriate board of elections
20 orders that the second primary be held pursuant to G.S. 163-111. If additional offices are added
21 to the ballot to fill a vacancy occurring after the deadline provided by this subsection, those
22 ballots shall be transmitted as soon as practicable."

23 **SECTION 11.** This act becomes effective January 1, 2014, and applies with
24 respect to elections held on or after that date.