

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE DRS95065-TC-13B (03/26)

Short Title: Election Law Changes.

(Public)

Sponsors: Senators Cook, Sanderson, and Rabin (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT DEPENDENCY DEDUCTIONS FOR QUALIFYING CHILDREN  
3 WHO HAVE REGISTERED TO VOTE AT A DIFFERENT ADDRESS; CLARIFY  
4 RESIDENTIAL ADDRESSES THAT MAY BE USED FOR VOTING; PROHIBIT  
5 VOTER REGISTRATIONS THAT LACK REQUIRED INFORMATION; CLARIFY THE  
6 RIGHTS OF ELECTION OBSERVERS; REPEAL SAME DAY VOTER  
7 REGISTRATION; LIMIT EARLY VOTING TO TEN DAYS; AND ELIMINATE  
8 SATELLITE EARLY VOTING SITES.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 105-134.6(a1) reads as rewritten:

11 "(a1) Personal Exemption. – In calculating North Carolina taxable income, a taxpayer  
12 may deduct an exemption amount equal to the amount listed in the table below based on the  
13 taxpayer's filing status and adjusted gross income. The taxpayer is allowed the same personal  
14 exemptions allowed under section 151(b) of the Code for the taxable year. The taxpayer is  
15 allowed an exemption amount for each qualifying child, as provided by section 151(c) of the  
16 Code for the taxable year, unless the qualifying child has changed their principal place of abode  
17 from that of the taxpayer as indicated by the qualifying child's voter registration.

18 Filing Status	Adjusted Gross Income	Personal 19 Exemption
20 Married, filing jointly	Up to \$100,000	\$2,500
	Over \$100,000	\$2,000
22 Head of Household	Up to \$80,000	\$2,500
	Over \$80,000	\$2,000
24 Single	Up to \$60,000	\$2,500
	Over \$60,000	\$2,000
26 Married, filing separately	Up to \$50,000	\$2,500
	Over \$50,000	\$2,000"

28 **SECTION 2.** G.S. 163-57(1) reads as rewritten:

29 "(1) That place shall be considered the residence of a person in which that  
30 person's habitation is fixed, and to which, whenever that person is absent,  
31 that person has the intention of returning.

32 a. In the event that a person's habitation is divided by a State, county,  
33 municipal, precinct, ward, or other election district, then the location  
34 of the bedroom or usual sleeping area for that person with respect to  
35 the location of the boundary line at issue shall be controlling as the  
36 residency of that person.



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- 1                   b.     If the person disputes the determination of residency, the person may  
2                   request a hearing before the county board of elections making the  
3                   determination of residency. The procedures for notice of hearing and  
4                   the conduct of the hearing shall be as provided in G.S. 163-86. The  
5                   presentation of an accurate and current determination of a person's  
6                   residence and the boundary line at issue by map or other means  
7                   available shall constitute prima facie evidence of the geographic  
8                   location of the residence of that person.
- 9                   c.     In the event that a person's residence is not a traditional residence  
10                  associated with real property, then the location of the usual sleeping  
11                  area for that person shall be controlling as to the residency of that  
12                  person. Residence shall be broadly construed to provide all persons  
13                  with the opportunity to register and to vote, including stating a  
14                  mailing address different from residence address.
- 15                  d.     A vacant lot or business address shall not be considered a residence  
16                  or used as a residential address unless a person uses that location as  
17                  their usual sleeping area."

18                   **SECTION 3.** G.S. 163-82.4(e) reads as rewritten:

19                  "(e)    Correcting Registration Forms. – If the voter fails to complete any required item on  
20                  the voter registration form but provides enough information on the form to enable the county  
21                  board of elections to identify and contact the voter, the voter shall be notified of the omission  
22                  and given the opportunity to complete the form at least by 5:00 P.M. on the day before the  
23                  county canvass as set in G.S. 163-182.5(b). If the voter corrects that omission within that time  
24                  and is determined by the county board of elections to be eligible to vote, the board shall permit  
25                  the voter to vote. If the information is not corrected by election day, the voter shall be allowed  
26                  to vote a provisional official ballot. If the correct information is provided to the county board of  
27                  elections by at least 5:00 P.M. on the day before the county canvass, the board shall count any  
28                  portion of the provisional official ballot that the voter is eligible to vote. No vote shall be  
29                  counted for a voter who fails to provide complete information as to name, date of birth,  
30                  residence address, county of residency, and citizenship status."

31                   **SECTION 4.** G.S. 163-45 reads as rewritten:

32                  "**§ 163-45. Observers; appointment.**

33                  (a)    Appointment of Observers. – The chair of each political party in the county shall  
34                  have the right to designate two observers to attend each voting place at each primary and  
35                  election and such observers may, at the option of the designating party chair, be relieved during  
36                  the day of the primary or election after serving no less than four hours and provided the list  
37                  required by this section to be filed by each chair contains the names of all persons authorized to  
38                  represent such chair's political party. Not more than two observers from the same political party  
39                  shall be permitted in the voting enclosure at any time. This right shall not extend to the chair of  
40                  a political party during a primary unless that party is participating in the primary. In any  
41                  election in which an unaffiliated candidate is named on the ballot, the candidate or the  
42                  candidate's campaign manager shall have the right to appoint two observers for each voting  
43                  place consistent with the provisions specified herein. Persons appointed as observers must be  
44                  registered voters of the county for which appointed and must have good moral character. No  
45                  person who is a candidate on the ballot in a primary or election may serve as an observer or  
46                  runner in that primary or election. Observers shall take no oath of office.

47                  Individuals authorized to appoint observers must submit in writing to the chief judge of  
48                  each precinct a signed list of the observers appointed for that precinct. Individuals authorized to  
49                  appoint observers must, prior to 10:00 A.M. on the fifth day prior to any primary or general  
50                  election, submit in writing to the chair of the county board of elections two signed copies of a  
51                  list of observers appointed by them, designating the precinct for which each observer is

1 appointed. Before the opening of the voting place on the day of a primary or general election,  
2 the chair shall deliver one copy of the list to the chief judge for each affected precinct. The  
3 chair shall retain the other copy. The chair, or the chief judge and judges for each affected  
4 precinct, may for good cause reject any appointee and require that another be appointed. The  
5 names of any persons appointed in place of those persons rejected shall be furnished in writing  
6 to the chief judge of each affected precinct no later than the time for opening the voting place  
7 on the day of any primary or general election, either by the chair of the county board of  
8 elections or the person making the substitute appointment.

9 If party chairs appoint observers at one-stop sites under G.S. 163-227.2, those party chairs  
10 shall provide a list of the observers appointed before 10:00 A.M. on the fifth day before the  
11 observer is to observe.

12 (b) Rights of Observer. – An observer shall do no electioneering at the voting place, and  
13 shall in no manner impede the voting process or interfere or communicate with or observe any  
14 voter in casting a ballot, but, subject to these restrictions, the chief judge and judges of  
15 elections shall permit the observer to make such observation and take such notes as the  
16 observer may desire. The observer shall be authorized to be present and move about the voting  
17 place prior to, during, and following the closing of the polls until the chief judge and judges  
18 have completed all of their duties. The observer shall be permitted to observe precinct officials  
19 checking voter registration from a position that allows an observer to clearly hear and  
20 understand voter responses.

21 A chief judge or judges of a precinct that limit the movement of or expel an observer from a  
22 voting place shall specify in writing and sign a statement of the reasons for the limitation or  
23 expulsion. The writing shall be witnessed by at least one of the other precinct judges. An  
24 observer may challenge the limitation or expulsion using the procedure for an election protest  
25 as provided in G.S. 163-182.9. If the county board finds that a chief judge or judge expelled or  
26 limited an observer without cause, the chief judge or judge shall be fined the sum of the wage  
27 paid to the chief judge or judge for that election for a first offense, and shall be permanently  
28 barred from serving as a chief judge or judge for a second offense.

29 Whether or not the observer attends to the polls for the requisite time provided by this  
30 section, each observer shall be entitled to obtain at times specified by the State Board of  
31 Elections, but not less than three times during election day with the spacing not less than one  
32 hour apart, a list of the persons who have voted in the precinct so far in that election day.  
33 Counties that use an "authorization to vote document" instead of poll books may comply with  
34 the requirement in the previous sentence by permitting each observer to inspect election records  
35 so that the observer may create a list of persons who have voted in the precinct so far that  
36 election day; each observer shall be entitled to make the inspection at times specified by the  
37 State Board of Elections, but not less than three times during election day with the spacing not  
38 less than one hour apart.

39 Instead of having an observer receive the voting list, the county party chair may send a  
40 runner to do so, even if an observer has not been appointed for that precinct. The runner may be  
41 the precinct party chair or any person named by the county party chair. Each county party chair  
42 using runners in an election shall provide to the county board of elections before 10:00 A.M. on  
43 the fifth day before election day a list of the runners to be used. That party chair must notify the  
44 chair of the county board of elections or the board chair's designee of the names of all runners  
45 to be used in each precinct before the runner goes to the precinct. The runner may receive a  
46 voter list from the precinct on the same schedule as an observer. Whether obtained by observer  
47 or runner, each party is entitled to only one voter list at each of the scheduled times. No runner  
48 may enter the voting enclosure except when necessary to announce that runner's presence and  
49 to receive the list. The runner must leave immediately after being provided with the list."

50 **SECTION 5.(a)** G.S. 163-82.6A is repealed.

51 **SECTION 5.(b)** G.S. 163-82.6(c) reads as rewritten:

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

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

15 **SECTION 5.(c)** G.S. 163-59 reads as rewritten:

16 **"§ 163-59. Right to participate or vote in party primary.**

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

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

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

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

37 **SECTION 5.(d)** G.S. 163-166.12(b2) reads as rewritten:

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

51 **SECTION 5.(e)** G.S. 163-283 reads as rewritten:

1 **"§ 163-283. Right to participate or vote in party primary.**

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

4 (1) Is a registered voter.

5 (2) Has declared and has had recorded on the registration book or record the fact  
6 that the voter affiliates with the political party in whose primary the voter  
7 proposes to vote or participate.

8 (3) Is in good faith a member of that party.

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

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

24 **SECTION 5.(f)** G.S. 163-283.1 reads as rewritten:

25 **"§ 163-283.1. Voting in nonpartisan primary.**

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

33 **SECTION 5.(g)** G.S. 163-330 reads as rewritten:

34 **"§ 163-330. Voting in primary.**

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

42 **SECTION 6.** G.S. 163-227.2 reads as rewritten:

43 **"§ 163-227.2. Alternate procedures for requesting application for absentee ballot;  
44 "one-stop" voting procedure in board office.**

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

48 (a1) Repealed by Session Laws 2001-337, s. 2, effective January 1, 2002.

49 (b) Not earlier than the ~~third~~ second Thursday before an election, in which absentee  
50 ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last  
51 Saturday before that election, the voter shall appear in person only at the office of the county

1 board of elections, ~~except as provided in subsection (g) of this section.~~elections. A county  
2 board of elections shall conduct one-stop voting on the last Saturday before the election until  
3 ~~1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday.~~1:00 P.M. That voter shall enter  
4 the voting enclosure at the board office through the appropriate entrance and shall at once state  
5 his or her name and place of residence to an authorized member or employee of the board. In a  
6 primary election, the voter shall also state the political party with which the voter affiliates and  
7 in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to  
8 vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of  
9 the authorizing political party in whose primary he wishes to vote. The board member or  
10 employee to whom the voter gives this information shall announce the name and residence of  
11 the voter in a distinct tone of voice. After examining the registration records, an employee of  
12 the board shall state whether the person seeking to vote is duly registered. If the voter is found  
13 to be registered that voter may request that the authorized member or employee of the board  
14 furnish the voter with an application form as specified in G.S. 163-227. The voter shall  
15 complete the application in the presence of the authorized member or employee of the board,  
16 and shall deliver the application to that person.

17 ...

18 (f) Notwithstanding the exception specified in G.S. 163-36, counties which operate a  
19 modified full-time office shall remain open five days each week during regular business hours  
20 consistent with daily hours presently observed by the county board of elections, commencing  
21 with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday  
22 prior to that election and shall also be open on the last Saturday before the election. ~~A county  
23 board may conduct one-stop absentee voting during evenings or on weekends, as long as the  
24 hours are part of a plan submitted and approved according to subsection (g) of this section.~~ The  
25 boards of county commissioners shall provide necessary funds for the additional operation of  
26 the office during that time.

27 (g) ~~Notwithstanding any other provision of this section, a county board of elections by  
28 unanimous vote of all its members may provide for one or more sites in that county for  
29 absentee ballots to be applied for and cast under this section. Every individual staffing any of  
30 those sites shall be a member or full time employee of the county board of elections or an  
31 employee of the county board of elections whom the board has given training equivalent to that  
32 given a full time employee. Those sites must be approved by the State Board of Elections as  
33 part of a Plan for Implementation approved by both the county board of elections and by the  
34 State Board of Elections which shall also provide adequate security of the ballots and  
35 provisions to avoid allowing persons to vote who have already voted. The Plan for  
36 Implementation shall include a provision for the presence of political party observers at each  
37 one-stop site equivalent to the provisions in G.S. 163-45 for party observers at voting places on  
38 election day. A county board of elections may propose in its Plan not to offer one-stop voting at  
39 the county board of elections office; the State Board may approve that proposal in a Plan only  
40 if the Plan includes at least one site reasonably proximate to the county board of elections  
41 office and the State Board finds that the sites in the Plan as a whole provide adequate coverage  
42 of the county's electorate. If a county board of elections has considered a proposed Plan or  
43 Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member  
44 or members of that county board of elections may petition the State Board of Elections to adopt  
45 a plan for it. If petitioned, the State Board may also receive and consider alternative petitions  
46 from another member or members of that county board. The State Board of Elections may  
47 adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors  
48 including geographic, demographic, and partisan interests of that county.~~

49 (g1) ~~The State Board of Elections shall not approve, either in a Plan approved  
50 unanimously by a county board of elections or in an alternative Plan proposed by a member or  
51 members of that board, a one-stop site in a building that the county board of elections is not~~

1 entitled under G.S. 163-129 to demand and use as an election-day voting place, unless the State  
2 Board of Elections finds that other equally suitable sites were not available and that the use of  
3 the sites chosen will not unfairly advantage or disadvantage geographic, demographic, or  
4 partisan interests of that county. In providing the site or sites for one-stop absentee voting under  
5 this section, the county board of elections shall make a request to the State, county, city, local  
6 school board, or other entity in control of the building that is supported or maintained, in whole  
7 or in part, by or through tax revenues at least 90 days prior to the start of one-stop absentee  
8 voting under this section. The request shall clearly identify the building, or any specific portion  
9 thereof, requested the dates and times for which that building or specific portion thereof is  
10 requested and the requirement of an area for election-related activity. If the State, local  
11 governing board, or other entity in control of the building does not respond to the request  
12 within 20 days, the building or specific portion thereof may be used for one-stop absentee  
13 voting as stated in the request. If the State, local governing board, or other entity in control of  
14 the building or specific portion thereof responds negatively to the request within 20 days, that  
15 entity and the county board of elections shall, in good faith, work to identify a building or  
16 specific portion thereof in which to conduct one-stop absentee voting under this section. If no  
17 building or specific portion thereof has been agreed upon within 45 days from the date the  
18 county board of elections received a response to the request, the matter shall be resolved by the  
19 State Board of Elections.

20 (h) Notwithstanding the provisions of G.S. 163-89(a) and (b), a challenge may be  
21 entered against a voter at a one-stop site under subsection (g) of this section or during one-stop  
22 voting at the county board office. The challenge may be entered by a person conducting  
23 one-stop voting under this section or by another registered voter who resides in the same  
24 precinct as the voter being challenged. If challenged at the place where one-stop voting occurs,  
25 the voter shall be allowed to cast a ballot in the same way as other voters. The challenge shall  
26 be made on forms prescribed by the State Board of Elections. The challenge shall be heard by  
27 the county board of elections in accordance with the procedures set forth in G.S. 163-89(e).

28 ...."

29 **SECTION 7.** Section 1 of this act is effective for taxable years beginning on or  
30 after January 1, 2014. This remainder of this act becomes effective January 1, 2014, and applies  
31 to elections occurring on or after that date.