

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 698

Short Title: Increase Penalty for Voter Fraud. (Public)

Sponsors: Representative Speciale.

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

Referred to: Elections and Ethics Law

April 11, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PENALTY FOR VOTER FRAUD AND MAKE
3 CONFORMING STATUTORY CHANGES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 163-275 reads as rewritten:

6 **"§ 163-275. Certain acts declared felonies.**

7 Any person who shall, in connection with any primary, general or special election held in
8 this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of
9 a Class ~~H~~G felony. It shall be unlawful:

- 10 (1) For any person fraudulently to cause that person's name to be placed upon
11 the registration books of more than one election precinct or fraudulently to
12 cause or procure that person's name or that of any other person to be placed
13 upon the registration books in any precinct when registration in that precinct
14 does not qualify the person to vote legally therein, or to impersonate falsely
15 another registered voter for the purpose of voting in the stead of the other
16 voter.
- 17 (2) For any person to give or promise or request or accept at any time, before or
18 after any such primary or election, any money, property or other thing of
19 value whatsoever in return for the vote of any elector.
- 20 (3) For any person who is an election officer, a member of an election board or
21 other officer charged with any duty with respect to any primary or election,
22 knowingly to make any false or fraudulent entry on any election book or any
23 false or fraudulent returns, or knowingly to make or cause to be made any
24 false statement on any ballot, or to do any fraudulent act or knowingly and
25 fraudulently omit to do any act or make any report legally required of that
26 person.
- 27 (4) For any person knowingly to swear falsely with respect to any matter
28 pertaining to any primary or election.
- 29 (5) For any person convicted of a crime which excludes the person from the
30 right of suffrage, to vote at any primary or election without having been
31 restored to the right of citizenship in due course and by the method provided
32 by law.
- 33 (6) For any person to take corruptly the oath prescribed for voters.



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- 1 (7) For any person with intent to commit a fraud to register or vote at more than
2 one precinct or more than one time, or to induce another to do so, in the
3 same primary or election, or to vote illegally at any primary or election.
4 (8) For any chief judge or any clerk or copyist to make any entry or copy with
5 intent to commit a fraud.
6 (9) For any election official or other officer or person to make, certify, deliver or
7 transmit any false returns of any primary or election, or to make any erasure,
8 alteration, or conceal or destroy any election ballot, book, record, return or
9 process with intent to commit a fraud.
10 (10) For any person to assault any chief judge, judge of election or other election
11 officer while in the discharge of duties in the registration of voters or in
12 conducting any primary or election.
13 (11) For any person, by threats, menaces or in any other manner, to intimidate or
14 attempt to intimidate any chief judge, judge of election or other election
15 officer in the discharge of duties in the registration of voters or in conducting
16 any primary or election.
17 (12) For any chief judge, judge of election, member of a board of elections,
18 assistant, marker, or other election official, directly or indirectly, to seek,
19 receive or accept money or the promise of money, the promise of office, or
20 other reward or compensation from a candidate in any primary or election or
21 from any source other than such compensation as may be provided by law
22 for that person's services.
23 (13) For any person falsely to make or present any certificate or other paper to
24 qualify any person fraudulently as a voter, or to attempt thereby to secure to
25 any person the privilege of voting, including declarations made under this
26 Chapter, G.S. 20-37.7(d)(5), 20-37.7(d)(6), 130A-93.1(c), and 161-10(a)(8).
27 (14) For any officer to register voters and any other individual to knowingly and
28 willfully receive, complete, or sign an application to register from any voter
29 contrary to the provisions of G.S. 163-82.4.
30 (15) Reserved for future codification purposes.
31 (16) For any person falsely to make the certificate provided by
32 G.S. 163-229(b)(2).
33 (17) For any person, directly or indirectly, to misrepresent the law to the public
34 through mass mailing or any other means of communication where the intent
35 and the effect is to intimidate or discourage potential voters from exercising
36 their lawful right to vote.
37 (18) For any person, knowing that a person is not a citizen of the United States, to
38 instruct or coerce that person to register to vote or to vote."

39 **SECTION 2.** G.S. 163-82.4(b)(1) reads as rewritten:

40 "(b) Notice of Requirements, Attestation, Notice of Penalty, and Notice of
41 Confidentiality. – The form required by G.S. 163-82.3(a) shall contain, in uniform type, the
42 following:

- 43 (1) A statement that specifies each eligibility requirement (including citizenship)
44 and an attestation that the applicant meets each such requirement, with a
45 requirement for the signature of the applicant, under penalty of a Class I-G
46 felony under G.S. 163-275(13)."

47 **SECTION 3.** G.S. 163-82.7A(d) reads as rewritten:

48 "(d) All declarations under subsections (a) and (b) of this section shall include a
49 statement by the voter that the voter has a sincerely held religious objection to being
50 photographed and a requirement for the signature of the voter, which includes a notice that a
51 false or fraudulent declaration is a Class I-G felony pursuant to G.S. 163-275(13)."

1 **SECTION 4.** This act becomes effective December 1, 2017, and applies to
2 offenses committed on or after that date.