

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE DRH70186-LB-100B (03/12)

Short Title: Voting Improvement Act.

(Public)

Sponsors: Representatives Pierce, L. Hall, Michaux, and McManus (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE VOTING IN NORTH CAROLINA.
3 The General Assembly of North Carolina enacts:

4
5 **EARLY VOTING IMPROVEMENTS**

6 **SECTION 1.1.** G.S. 163-227.2(b) reads as rewritten:

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

30 **SECTION 1.2.** G.S. 163-227.2(b) and (f) read as rewritten:

31 "(b) Not earlier than the third Thursday before an election, in which absentee ballots are
32 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday
33 before that election, the voter shall appear in person only at the office of the county board of
34 elections, except as provided in subsection (g) of this section. A county board of elections shall
35 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may
36 conduct it until 5:00 P.M. on that ~~Saturday~~. Saturday, except that during each of the first



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1 primary and general elections in even-numbered years the county board of elections shall
2 conduct at least 20 hours of one-stop voting in total between Saturdays and Sundays, with not
3 less than six nor more than eight of those 20 hours on the final Saturday. 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~~-election,
23 and during each of the first primary and general elections in even-numbered years the county
24 board of elections shall conduct at least 20 hours of one-stop voting in total between Saturdays
25 and Sundays, with not less than six nor more than eight of those 20 hours on the final Saturday.
26 A county board may conduct one-stop absentee voting during evenings or on weekends, as long
27 as the hours are part of a plan submitted and approved according to subsection (g) of this
28 section. The boards of county commissioners shall provide necessary funds for the additional
29 operation of the office during that time."

30 **SECTION 1.3.** G.S. 163-227.2(g) reads as rewritten:

31 "(g) Notwithstanding any other provision of this section, a county board of elections by
32 unanimous vote of all its members may provide for one or more sites in that county for
33 absentee ballots to be applied for and cast under this ~~section~~-section, except that in any
34 incorporated municipality with a population of 15,000 or over that has a public or private
35 college campus, in addition to the required site at the board of elections office if applicable,
36 there shall be at least one site in that municipality for the general election in even-numbered
37 years. Every individual staffing any of those sites shall be a member or full-time employee of
38 the county board of elections or an employee of the county board of elections whom the board
39 has given training equivalent to that given a full-time employee. Those sites must be approved
40 by the State Board of Elections as part of a Plan for Implementation approved by both the
41 county board of elections and by the State Board of Elections which shall also provide adequate
42 security of the ballots and provisions to avoid allowing persons to vote who have already voted.
43 The Plan for Implementation shall include a provision for the presence of political party
44 observers at each one-stop site equivalent to the provisions in G.S. 163-45 for party observers
45 at voting places on election day. A county board of elections may propose in its Plan not to
46 offer one-stop voting at the county board of elections office; the State Board may approve that
47 proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county
48 board of elections office and the State Board finds that the sites in the Plan as a whole provide
49 adequate coverage of the county's electorate. If a county board of elections has considered a
50 proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of
51 a Plan, a member or members of that county board of elections may petition the State Board of

1 Elections to adopt a plan for it. If petitioned, the State Board may also receive and consider
2 alternative petitions from another member or members of that county board. The State Board of
3 Elections may adopt a Plan for that county. The State Board, in that plan, shall take into
4 consideration factors including geographic, demographic, and partisan interests of that county."
5

6 **STATE EMPLOYEES LEAVE DAY TO SERVE AS ELECTION**
7 **OFFICIALS/VACATION DAY FOR GENERAL ELECTION**

8 **SECTION 2.1.** G.S. 126-4 is amended by adding a new subdivision to read:

9 "(5b) A policy allowing employees to take 24 hours per year of paid leave for
10 election service. For purposes of this section, "election service" means
11 service as a precinct official as provided in G.S. 163-42 on election day. In
12 the policy, the Commission shall provide for leave with full pay for any
13 hours of election service for which the employee is not compensated by a
14 board of elections. The Commission shall provide that the leave shall be in
15 addition to any vacation leave or sick leave to which the employee is already
16 entitled. Employees must receive approval from their supervisor to use leave
17 under this subdivision. The agency may require proof that leave is taken
18 within the purpose of this subdivision. The Commission may satisfy the
19 requirements of this subdivision by including paid leave for election service
20 as an option within another paid leave policy for community service. If it
21 does so, the Commission may limit to 24 hours per year the paid leave for all
22 forms of service under that policy an employee takes."

23 **SECTION 2.2.** G.S. 163-46 reads as rewritten:

24 **"§ 163-46. Compensation of precinct officials and assistants.**

25 The precinct chief judge shall be paid the state minimum wage for his services on the day
26 of a primary, special or general election. Judges of election shall each be paid the state
27 minimum wage for their services on the day of a primary, special or general election.
28 Assistants, appointed pursuant to G.S. 163-42, shall each be paid the state minimum wage for
29 their services on the day of a primary, special or general election. Ballot counters appointed
30 pursuant to G.S. 163-43 shall be paid a minimum of five dollars (\$5.00) for their services on
31 the day of a primary, general or special election. If an election official is being paid an hourly
32 wage or daily fee on an election day and the official is performing additional election duties
33 away from the assigned precinct voting place, the official shall not be entitled to any additional
34 monies for those services, except for reimbursable expenses in performing the services.

35 If the county board of elections requests the presence of a chief judge or judge at the county
36 canvass, the chief judge shall be paid the sum of twenty dollars (\$20.00) per day and judges
37 shall be paid the sum of fifteen dollars (\$15.00) per day. If the county board of elections
38 requests a precinct official, including chief judge or judge, to personally deliver official ballots
39 or other official materials to the county board of elections, the precinct official shall be paid the
40 sum of twenty dollars (\$20.00) per day and judges shall be paid the sum of fifteen dollars
41 (\$15.00) per day.

42 The chairman of the county board of elections, along with the director of elections, shall
43 conduct an instructional meeting prior to each primary and general election which shall be
44 attended by each chief judge and judge of election, unless excused by the chairman, and such
45 precinct election officials shall be paid the sum of fifteen dollars (\$15.00) for attending the
46 instructional meetings required by this section.

47 In its discretion, the board of county commissioners of any county may provide funds with
48 which the county board of elections may pay chief judges, judges, assistants, and ballot
49 counters in addition to the amounts specified in this section. Observers shall be paid no
50 compensation for their services.

1 A person appointed to serve as chief judge, or judge of election when a previously
2 appointed chief judge or judge fails to appear at the voting place or leaves his post on the day
3 of an election or primary shall be paid the same compensation as the chief judge or judge
4 appointed prior to that date.

5 For the purpose of this section, the phrase "the State minimum wage", means the amount set
6 by G.S. 95-25.3(a). For the purpose of this section, no other provision of Article 2A of Chapter
7 95 of the General Statutes shall apply.

8 The county board of elections shall not compensate a precinct official for any hours worked
9 for which the precinct official takes paid leave subject to a policy adopted pursuant to
10 G.S. 126-4(5b)."

11 **SECTION 2.3.** G.S. 126-4(5) reads as rewritten:

12 "**§ 126-4. Powers and duties of State Personnel Commission.**

13 Subject to the approval of the Governor, the State Personnel Commission shall establish
14 policies and rules governing each of the following:

15 ...

- 16 (5) Hours and days of work, holidays, vacation, sick leave, and other matters
17 pertaining to the conditions of employment. The legal public holidays
18 established by the Commission as paid holidays for State employees shall
19 include the date of the general election (the Tuesday after the first Monday
20 of November in even-numbered years), Martin Luther King, Jr.'s Birthday,
21 and Veterans Day. ~~The Other than the date of the general election, the~~
22 Commission shall not provide for more than 11 paid holidays per year
23 except that in those years in which Christmas Day falls on a Tuesday,
24 Wednesday, or Thursday, the Commission shall not provide for more than
25 12 paid holidays.

26"

27 **SECTION 2.4.** G.S. 115C-84.2(b) reads as rewritten:

28 "(b) Limitations. – The following limitations apply when developing the school
29 calendar:

- 30 (1) The total number of teacher workdays for teachers employed for a 10 month
31 term shall not exceed 195 days.
32 (2) The calendar shall include at least 42 consecutive days when teacher
33 attendance is not required unless: (i) the school is a year-round school; or (ii)
34 the teacher is employed for a term in excess of 10 months. At the request of
35 the local board of education or of the principal of a school, a teacher may
36 elect to work on one of the 42 days when teacher attendance is not required
37 in lieu of another scheduled workday.
38 (3) School shall not be held on Sundays.
39 (4) The date of the general election (the Tuesday after the first Monday of
40 November in even-numbered years) and Veterans Day shall be a holiday for
41 all public school personnel and for all students enrolled in the public
42 schools."

43 44 **RESTORE HAVA FUNDS**

45 **SECTION 3.1.** There is appropriated from the General Fund to the State Board of
46 Elections the sum of three hundred ninety thousand eight hundred seventy-one dollars
47 (\$390,871) for the 2013-2014 fiscal year to meet federal Help America Vote Act (HAVA) Title
48 II Maintenance of Effort requirements. Those funds may be expended for purposes authorized
49 by the Help America Vote Act to improve elections in North Carolina.

50 51 **VOTER REGISTRATION IMPROVEMENTS**

1 **SECTION 4.1.** The State Board of Elections shall create an online system for
2 registering to vote and reporting changes in address and affiliation, with access available at
3 public libraries, community colleges, and Employment Security (Job Link) locations.

4 **SECTION 4.2.** G.S. 163-82.19(a) reads as rewritten:

5 "(a) Voter Registration at Drivers License Offices. – The Division of Motor Vehicles
6 shall, pursuant to the rules adopted by the State Board of Elections, modify its forms so that
7 any eligible person who applies for original issuance, renewal or correction of a drivers license,
8 or special identification card issued under G.S. 20-37.7 may, on a part of the form, complete an
9 application to register to vote, or to update the voter's registration if the voter has changed his
10 or her address or moved from one precinct to another or from one county to another, or to
11 preregister to vote. The person taking the application shall ask if the applicant is a citizen of the
12 United States. If the applicant states that the applicant is not a citizen of the United States, or
13 declines to answer the question, the person taking the application shall inform the applicant that
14 it is a felony for a person who is not a citizen of the United States to apply to register to vote. If
15 the applicant states that the applicant is a citizen of the United States and is of age to register to
16 vote, the person taking the application shall affirmatively inform the applicant of the
17 opportunity provided by this subsection to register to vote or update the voter's registration.
18 Any person who willfully and knowingly and with fraudulent intent gives false information on
19 the application is guilty of a Class I felony. The application shall state in clear language the
20 penalty for violation of this section. The necessary forms shall be prescribed by the State Board
21 of Elections. The form must ask for the previous voter registration address of the voter, if any.
22 If a previous address is listed, and it is not in the county of residence of the applicant, the
23 appropriate county board of elections shall treat the application as an authorization to cancel the
24 previous registration and also process it as such under the procedures of G.S. 163-82.9. If a
25 previous address is listed and that address is in the county where the voter applies to register,
26 the application shall be processed as if it had been submitted under G.S. 163-82.9.

27 Registration shall become effective as provided in G.S. 163-82.7. Applications to register to
28 vote accepted at a drivers license office under this section until the deadline established in
29 G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no person who
30 completes an application at that drivers license office shall be denied the vote in that election
31 for failure to apply earlier than that deadline.

32 All applications shall be forwarded by the Department of Transportation to the appropriate
33 board of elections not later than five business days after the date of acceptance, according to
34 rules which shall be promulgated by the State Board of Elections. Those rules shall provide for
35 a paperless, instant, electronic transfer of applications to the appropriate board of elections.
36 Applications for preregistration to vote shall be forwarded to the State Board of Elections."

37 **SECTION 4.3.** G.S. 163-82.20(b) reads as rewritten:

38 "(b) Duties of Voter Registration Agencies. – A voter registration agency described in
39 subsection (a) of this section shall, unless the applicant declines, in writing, to register or
40 preregister to vote:

- 41 (1) Distribute with each application for service or assistance, and with each
42 recertification, renewal, or change of address relating to such service or
43 assistance:
- 44 a. The voter registration application form described in G.S. 163-82.3(a)
45 or (b); or
 - 46 b. The voter registration agency's own form, if it is substantially
47 equivalent to the form described in G.S. 163-82.3(a) or (b) and has
48 been approved by the State Board of Elections, provided that the
49 agency's own form may be a detachable part of the agency's paper
50 application or may be a paperless computer process, as long as the

applicant is required to sign an attestation as part of the application to register or preregister.

- (1a) Affirmatively inform each applicant of the opportunity to register to vote if the applicant is eligible.
- (2) Provide a form that contains the elements required by section 7(a)(6)(B) of the National Voter Registration Act; and
- (3) Provide to each applicant who does not decline to register or preregister to vote the same degree of assistance with regard to the completion of the registration application as is provided by the office with regard to the completion of its own forms."

ELECTION EDUCATION IMPROVEMENTS

SECTION 5.1. G.S. 163-41 is amended by adding a new subsection to read:

"(a1) All chief justices and judges must be certified as knowledgeable on election laws and procedures related to voting. Certification shall be provided online, through community college curricula, or by on-site training by the county board of elections."

SECTION 5.2. The State Board of Elections shall publish in conjunction with the "Judicial Voter Guide" under G.S. 163-278.69 and the "Voter Guide" under G.S. 163-278.99E a voter guide in regional editions covering all State legislative races and statewide races not covered in those two guides.

SECTION 5.3. G.S. 115C-81(g)(1) reads as rewritten:

"(g) Civic Literacy. –

- (1) Local boards of education shall require during the high school years the teaching of a semester course "American History I – The Founding Principles," to include at least the following:
 - a. The Creator-endowed inalienable rights of the people.
 - b. Structure of government, separation of powers with checks and balances.
 - c. Frequent and free elections in a representative government.
 - d. Rule of law.
 - e. Equal justice under the law.
 - f. Private property rights.
 - g. Federalism.
 - h. Due process.
 - i. Individual rights as set forth in the Bill of Rights.
 - j. Individual responsibility.

A passing grade in the course shall be required for graduation from high school."

VOTER INTIMIDATION

SECTION 6.1 G.S. 163-275 is amended by adding a new subdivision to read:

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

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

- ...
- (19) For any person, whether acting under color of law or otherwise, to corruptly hinder, interfere with, or prevent another person from registering to vote or aiding another person in registering to vote in any election. Any person who

1 attempts to commit any offense described in this subdivision shall be subject
2 to the same penalties as those prescribed for the offense that the person
3 attempted to commit."

4 **SECTION 6.2.** There is established jointly within the offices of the State Board of
5 Elections and the Department of Justice a voter intimidation registry to track the location of
6 persons who are convicted of a violation of G.S. 163-275(19).

7 **SECTION 7.** This act becomes effective January 1, 2014.