

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 708

Short Title: Ella Baker Voter Empowerment Act. (Public)

Sponsors: Senators McKissick, Robinson, Bryant (Primary Sponsors); D. Davis and Parmon.

Referred to: Rules and Operations of the Senate.

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPROVE VOTING IN NORTH CAROLINA BY ENACTING THE ELLA
3 BAKER VOTER EMPOWERMENT ACT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. This act shall be known and may be cited as the Ella Baker Voter
6 Empowerment Act.

7
8 EARLY VOTING AND SAME-DAY REGISTRATION IMPROVEMENTS

9 SECTION 1.1. G.S. 163-227.2(b) and (f) read as rewritten:

10 "(b) Not earlier than the third Thursday before an election, in which absentee ballots are
11 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday
12 before that election, the voter shall appear in person only at the office of the county board of
13 elections, except as provided in subsection (g) of this section. A county board of elections shall
14 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may
15 conduct it until 5:00 P.M. on that ~~Saturday~~-Saturday, except that during each of the first
16 primary and general elections in even-numbered years the county board of elections shall
17 conduct one-stop voting on the last two Saturdays and the last two Sundays, with not less than
18 six nor more than eight hours on the final Saturday. That voter shall enter the voting enclosure
19 at the board office through the appropriate entrance and shall at once state his or her name and
20 place of residence to an authorized member or employee of the board. In a primary election, the
21 voter shall also state the political party with which the voter affiliates and in whose primary the
22 voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a
23 particular party under G.S. 163-119, the voter shall state the name of the authorizing political
24 party in whose primary he wishes to vote. The board member or employee to whom the voter
25 gives this information shall announce the name and residence of the voter in a distinct tone of
26 voice. After examining the registration records, an employee of the board shall state whether
27 the person seeking to vote is duly registered. If the voter is found to be registered that voter
28 may request that the authorized member or employee of the board furnish the voter with an
29 application form as specified in G.S. 163-227. The voter shall complete the application in the
30 presence of the authorized member or employee of the board, and shall deliver the application
31 to that person.

32 ...

33 (f) Notwithstanding the exception specified in G.S. 163-36, counties which operate a
34 modified full-time office shall remain open five days each week during regular business hours
35 consistent with daily hours presently observed by the county board of elections, commencing



1 with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday
2 prior to that election and shall also be open on the last Saturday before the ~~election~~-election,
3 except during each of the first primary and general elections in even-numbered years the county
4 board of elections shall conduct one-stop voting on the last two Saturdays and the last two
5 Sundays, with not less than six nor more than eight hours on the final Saturday. A county board
6 may conduct one-stop absentee voting during evenings or on weekends, as long as the hours are
7 part of a plan submitted and approved according to subsection (g) of this section. The boards of
8 county commissioners shall provide necessary funds for the additional operation of the office
9 during that time."

10 **SECTION 1.2.** G.S. 163-227.2(g) reads as rewritten:

11 "(g) Notwithstanding any other provision of this section, a county board of elections by
12 unanimous vote of all its members may provide for one or more sites in that county for
13 absentee ballots to be applied for and cast under this ~~section~~-section, except that in any
14 incorporated municipality with a population of 15,000 or over that has a public or private
15 college campus, in addition to the required site at the board of elections office if applicable,
16 there shall be at least one site on or adjacent to that campus for the general election in
17 even-numbered years. Every individual staffing any of those sites shall be a member or
18 full-time employee of the county board of elections or an employee of the county board of
19 elections whom the board has given training equivalent to that given a full-time employee.
20 Those sites must be approved by the State Board of Elections as part of a Plan for
21 Implementation approved by both the county board of elections and by the State Board of
22 Elections which shall also provide adequate security of the ballots and provisions to avoid
23 allowing persons to vote who have already voted. The Plan for Implementation shall include a
24 provision for the presence of political party observers at each one-stop site equivalent to the
25 provisions in G.S. 163-45 for party observers at voting places on election day. A county board
26 of elections may propose in its Plan not to offer one-stop voting at the county board of elections
27 office; the State Board may approve that proposal in a Plan only if the Plan includes at least one
28 site reasonably proximate to the county board of elections office and the State Board finds that
29 the sites in the Plan as a whole provide adequate coverage of the county's electorate. If a county
30 board of elections has considered a proposed Plan or Plans for Implementation and has been
31 unable to reach unanimity in favor of a Plan, a member or members of that county board of
32 elections may petition the State Board of Elections to adopt a plan for it. If petitioned, the State
33 Board may also receive and consider alternative petitions from another member or members of
34 that county board. The State Board of Elections may adopt a Plan for that county. The State
35 Board, in that plan, shall take into consideration factors including geographic, demographic,
36 and partisan interests of that county."

37 **SECTION 1.3.** G.S. 163-82.6A reads as rewritten:

38 "**§ 163-82.6A. In-person registration and voting at one-stop sites**-sites and on election day.

39 (a) Who May Register in ~~Person~~-Person During One-Stop Voting. – In accordance with
40 the provisions in this section, an individual who is qualified to register to vote may register in
41 person and then vote at a one-stop voting site in the person's county of residence during the
42 period for one-stop voting provided under G.S. 163-227.2. For purposes of this section, a
43 one-stop voting site includes the county board of elections office, if that office is used for
44 one-stop voting.

45 (a1) Who May Register in Person on Election Day. – In accordance with the provisions
46 in this section, an individual who is qualified to register to vote may register in person in the
47 precinct where they are entitled to vote or at the office of the county board of elections and then
48 vote on the day of the first primary and general election in even-numbered years.

49 (b) Both Attestation and Proof of Residence Required. – To register and vote under this
50 section, the person shall do both of the following:

- 1 (1) Complete a voter registration form as prescribed in G.S. 163-82.4, including
2 the attestation requirement of G.S. 163-82.4(b) that the person meets each
3 eligibility requirement. Such attestation is signed under penalty of a Class I
4 felony under G.S. 163-275(13); and
- 5 (2) Provide proof of residence by presenting any of the following valid
6 documents that show the person's current name and current residence
7 address: a North Carolina drivers license, a photo identification from a
8 government agency, or any of the documents listed in G.S. 163-166.12(a)(2).
9 The State Board of Elections may designate additional documents or
10 methods that suffice and shall prescribe procedures for establishing proof of
11 residence.
- 12 (c) Voting With Retrievable Ballot. – A person who registers under subsection (a) of
13 this section shall vote a retrievable absentee ballot as provided in G.S. 163-227.2 immediately
14 after registering. If a person declines to vote immediately, the registration shall be processed,
15 and the person may later vote at a one-stop voting site under this section in the same election.
- 16 (c1) Voting With Provisional Ballot. – A person who registers under subsection (a1) of
17 this section shall vote a provisional ballot immediately after registering. If a person declines to
18 vote immediately, the registration may be valid for future elections. The registration shall be
19 verified under subsection (d) of this section, and the provisional ballot shall be counted once it
20 is verified and (i) unless the county board determines that the applicant is not qualified to vote
21 in accordance with the provisions of this Chapter and (ii) it is determined that the voter did not
22 cast any other ballot for that election.
- 23 (d) Verification of Registration; Counting of Ballot. – Within two business days of the
24 person's registration under this section, the county board of elections in conjunction with the
25 State Board of Elections shall verify the North Carolina drivers license or Social Security
26 number in accordance with G.S. 163-82.12, update the statewide registration database and
27 search for possible duplicate registrations, and proceed under G.S. 163-82.7 to verify the
28 person's address. The person's vote shall be counted unless the county board determines that the
29 applicant is not qualified to vote in accordance with the provisions of this Chapter.
- 30 (e) Change of Registration at One-Stop Voting Site. – A person who is already
31 registered to vote in the county may update the information in the registration record in
32 accordance with procedures prescribed by the State Board of Elections, but an individual's
33 party affiliation may not be changed during the one-stop voting period before any first or
34 second partisan primary in which the individual is eligible to vote.
- 35 (f) Voting in Primary. – Any person who will become qualified by age to register and
36 vote in the general election for which a partisan or nonpartisan primary is held, even though not
37 so qualified by the date of the primary, may register for the primary and general election prior
38 to the primary and then vote in the primary and general election after being registered in
39 accordance with the provisions of this section."
40

41 STATE EMPLOYEES LEAVE DAY TO SERVE AS ELECTION OFFICIALS

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

43 "(5b) A policy allowing employees to take 24 hours per year of paid leave for
44 election service. For purposes of this section, "election service" means
45 service as a precinct official as provided in G.S. 163-42 on election day. In
46 the policy, the Commission shall provide for leave with full pay for any
47 hours of election service for which the employee is not compensated by a
48 board of elections. The Commission shall provide that the leave shall be in
49 addition to any vacation leave or sick leave to which the employee is already
50 entitled. Employees must receive approval from their supervisor to use leave
51 under this subdivision. The agency may require proof that leave is taken

1 within the purpose of this subdivision. The Commission may satisfy the
2 requirements of this subdivision by including paid leave for election service
3 as an option within another paid leave policy for community service. If it
4 does so, the Commission may limit to 24 hours per year the paid leave for all
5 forms of service under that policy an employee takes."

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

7 **"§ 163-46. Compensation of precinct officials and assistants.**

8 The precinct chief judge shall be paid the state minimum wage for his services on the day
9 of a primary, special or general election. Judges of election shall each be paid the state
10 minimum wage for their services on the day of a primary, special or general election.
11 Assistants, appointed pursuant to G.S. 163-42, shall each be paid the state minimum wage for
12 their services on the day of a primary, special or general election. Ballot counters appointed
13 pursuant to G.S. 163-43 shall be paid a minimum of five dollars (\$5.00) for their services on
14 the day of a primary, general or special election. If an election official is being paid an hourly
15 wage or daily fee on an election day and the official is performing additional election duties
16 away from the assigned precinct voting place, the official shall not be entitled to any additional
17 monies for those services, except for reimbursable expenses in performing the services.

18 If the county board of elections requests the presence of a chief judge or judge at the county
19 canvass, the chief judge shall be paid the sum of twenty dollars (\$20.00) per day and judges
20 shall be paid the sum of fifteen dollars (\$15.00) per day. If the county board of elections
21 requests a precinct official, including chief judge or judge, to personally deliver official ballots
22 or other official materials to the county board of elections, the precinct official shall be paid the
23 sum of twenty dollars (\$20.00) per day and judges shall be paid the sum of fifteen dollars
24 (\$15.00) per day.

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

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

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

38 For the purpose of this section, the phrase "the State minimum wage", means the amount set
39 by G.S. 95-25.3(a). For the purpose of this section, no other provision of Article 2A of Chapter
40 95 of the General Statutes shall apply.

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

44
45 **RESTORE HAVA FUNDS**

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

VOTER REGISTRATION IMPROVEMENTS

SECTION 4.1. G.S. 163-82.3(a) reads as rewritten:

"(a) Form Developed by State Board of Elections. – The State Board of Elections shall develop an application form for voter ~~registration~~-registration that can either be printed out in blank or filled in online and printed out for mailing. Any person may use the form to apply to do any of the following:

- (1) Register to vote.
- (2) Change party affiliation or unaffiliated status.
- (3) Report a change of address within a county.
- (4) Report a change of name.
- (5) Preregister to vote.

(a1) The online fillable voter registration form shall:

- (1) Allow a user with the proper software to save the data.
- (2) Prompt the user to easily do either or both of the following: (i) download the mailing address of the appropriate county board of elections based on the county of residence or (ii) download a list of all county board of elections mailing addresses.

The county board of elections for the county where the applicant resides shall accept the form as application for any of those purposes if the form is submitted as set out in G.S. 163-82.3."

SECTION 4.2. Article 7A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-82.5A. Online voter registration.

(a) This section applies to an individual who both:

- (1) Is eligible to register to vote, and
- (2) Possesses a current and valid:
 - a. North Carolina drivers license issued under Article 2 of Section 20 of the General Statutes, including a learner's permit or a provisional license; or
 - b. Special identification card for nonoperators issued under G.S. 20-37.7.

(b) An individual described in subsection (a) of this section may submit a voter registration application online using the procedures set forth in this section. The State Board of Elections shall establish a secure Internet Web site to permit individuals described in subsection (a) of this section to submit online applications under this section.

(c) The secure Web site established under subsection (b) of this section shall allow an individual described in subsection (a) of this section to submit:

- (1) An application for the following:
 - a. To register to vote.
 - b. To report a change of name, address, or party affiliation. If the applicant is already registered to vote and the change of address is to another county, it shall be treated as an application to register to vote.
- (2) Information to establish that the applicant is eligible under this section to register online.

(d) When an applicant submits an application under this section, the Division of Motor Vehicles shall compare the information submitted by the applicant with the information maintained in its database listing individuals who possess a current and valid North Carolina license, permit, or card specified under subdivision (a)(2) of this section.

(e) If the Division of Motor Vehicles confirms that the applicant possesses either a current and valid:

1 (1) North Carolina drivers license issued under Article 2 of Section 20 of the
2 General Statutes, including a learner's permit or a provisional license, or
3 (2) Special identification card for nonoperators issued under G.S. 20-37.7,
4 the completed application and information compiled by the Division of Motor Vehicles
5 (including the digital signature of the applicant in the Division of Motor Vehicles records) shall
6 be submitted to the county board of elections in which the applicant currently resides in
7 accordance with procedures established by the State Board of Elections.

8 (f) If the Division of Motor Vehicles is unable to confirm that the applicant possesses
9 either a current and valid:

10 (1) North Carolina drivers license issued under Article 2 of Section 20 of the
11 General Statutes, including a learner's permit or a provisional license, or

12 (2) Special identification card for nonoperators issued under G.S. 20-37.7,
13 the Division of Motor Vehicles shall send to the county board of elections of the county in
14 which the applicant currently resides the application submitted by the applicant and information
15 indicating that the Division of Motor Vehicles cannot confirm the information and that the
16 applicant's application cannot be processed. The county board of elections shall notify the
17 applicant of this fact by U.S. mail and by e-mail if the applicant provided an e-mail address
18 with the online registration."

19 **SECTION 4.3.** G.S. 163-82.19(a) reads as rewritten:

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

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

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

SECTION 4.4. G.S. 163-82.20(b) reads as rewritten:

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

(1) Distribute with each application for service or assistance, and with each recertification, renewal, or change of address relating to such service or assistance:

a. The voter registration application form described in G.S. 163-82.3(a) or (b); or

b. The voter registration agency's own form, if it is substantially equivalent to the form described in G.S. 163-82.3(a) or (b) and has been approved by the State Board of Elections, provided that the agency's own form may be a detachable part of the agency's paper 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 judges 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, specifically including the process of voting and registering to vote.

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.

- 1 j. Individual responsibility.
- 2 A passing grade in the course shall be required for graduation from high
- 3 school."

4 **SECTION 6.** This act becomes effective January 1, 2014.