

GENERAL ASSEMBLY OF NORTH CAROLINA
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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:

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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



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

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

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

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

"§ 163-45. Observers; appointment.

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

Individuals authorized to appoint observers must submit in writing to the chief judge of each precinct a signed list of the observers appointed for that precinct. Individuals authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any primary or general election, submit in writing to the chair of the county board of elections two signed copies of a 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:

"(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 time established by that board, but no earlier than 5:00 P.M., on the twenty-fifth day before the primary or election,
- (3) If submitted through a delegatee who violates the duty set forth in subsection (a) of this section, must be signed by the applicant and given to the delegatee not later than 25 days before the primary or election, except as provided in subsection (d) of this section."

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

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

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

"§ 163-283. 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 election, shall be entitled to register while the registration books are open during the regular registration period prior to the primary and then to vote in the primary after being registered, provided however, under full-time and permanent registration, such an individual 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 5.(f) G.S. 163-283.1 reads as rewritten:

"§ 163-283.1. Voting in nonpartisan primary.

Any person who will become qualified by age to register and vote in the general election for which a nonpartisan 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 a 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. ~~Such a person also may register and vote in the primary and general election pursuant to G.S. 163-82.6A(f).~~"

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

"§ 163-330. Voting in primary.

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. ~~Such a person also may register and vote in the primary and general election pursuant to G.S. 163-82.6A(f).~~"

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

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

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

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

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

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

...

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

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

(g1) ~~The State Board of Elections shall not approve, either in a Plan approved unanimously by a county board of elections or in an alternative Plan proposed by a member or 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.