

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 758

Short Title: Voter Integrity.

(Public)

Sponsors: Representative Blust.

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

Referred to: Elections and Ethics Law

April 13, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO BETTER ENSURE VOTER INTEGRITY.
3 The General Assembly of North Carolina enacts:

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5 **PART I. PROVISIONAL BALLOTS RETRIEVABLE**

6 **SECTION 1.1.** G.S. 163-166.11 reads as rewritten:

7 **"§ 163-166.11. Provisional voting requirements.**

8 If an individual seeking to vote claims to be a registered voter in a jurisdiction as provided
9 in G.S. 163-82.1 and though eligible to vote in the election does not appear on the official list
10 of eligible registered voters in the voting place, that individual may cast a provisional official
11 ballot as follows:

- 12 (1) An election official at the voting place shall notify the individual that the
13 individual may cast a provisional official ballot in that election.
- 14 (2) The individual may cast a provisional official ballot at that voting place upon
15 executing a written affirmation before an election official at the voting place,
16 stating that the individual is a registered voter in the jurisdiction as provided
17 in G.S. 163-82.1 in which the individual seeks to vote and is eligible to vote
18 in that election. The provisional ballot shall be a retrievable ballot, such that
19 if the ballot is counted and it is later determined that it should not have been
20 counted, that ballot may be removed from the total.
- 21 (2a) A voter who has moved within the county more than 30 days before election
22 day but has not reported the move to the board of elections shall not be
23 required on that account to vote a provisional ballot at the one-stop site, as
24 long as the one-stop site has available all the information necessary to
25 determine whether a voter is registered to vote in the county and which
26 ballot the voter is eligible to vote based on the voter's proper residence
27 address. The voter with that kind of unreported move shall be allowed to
28 vote the same kind of absentee ballot as other one-stop voters as provided in
29 G.S. 163-227.2(e2).
- 30 (3) At the time the individual casts the provisional official ballot, the election
31 officials shall provide the individual written information stating that anyone
32 casting a provisional official ballot can ascertain whether and to what extent
33 the ballot was counted and, if the ballot was not counted in whole or in part,
34 the reason it was not counted. The State Board of Elections or the county
35 board of elections shall establish a system for so informing a provisional



- 1 voter. It shall make the system available to every provisional voter without
2 charge, and it shall build into it reasonable procedures to protect the security,
3 confidentiality, and integrity of the voter's personal information and vote.
- 4 (4) The cast provisional official ballot and the written affirmation shall be
5 secured by election officials at the voting place according to guidelines and
6 procedures adopted by the State Board of Elections. At the close of the polls,
7 election officials shall transmit the provisional official ballots cast at that
8 voting place to the county board of elections for prompt verification
9 according to guidelines and procedures adopted by the State Board of
10 Elections.
- 11 (5) The county board of elections shall count the individual's provisional official
12 ballot for all ballot items on which it determines that the individual was
13 eligible under State or federal law to vote."
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15 PART II. PHYSICAL ADDRESS REQUIRED TO REGISTER TO VOTE

16 SECTION 2.1. G.S. 163-57(1) reads as rewritten:

17 "§ 163-57. Residence defined for registration and voting.

18 All election officials in determining the residence of a person offering to register or vote,
19 shall be governed by the following rules, so far as they may apply:

- 20 (1) That place shall be considered the residence of a person in which that
21 person's habitation is fixed, and to which, whenever that person is absent,
22 that person has the intention of returning.
- 23 a. In the event that a person's habitation is divided by a State, county,
24 municipal, precinct, ward, or other election district, then the location
25 of the bedroom or usual sleeping area for that person with respect to
26 the location of the boundary line at issue shall be controlling as the
27 residency of that person.
- 28 b. If the person disputes the determination of residency, the person may
29 request a hearing before the county board of elections making the
30 determination of residency. The procedures for notice of hearing and
31 the conduct of the hearing shall be as provided in G.S. 163-86. The
32 presentation of an accurate and current determination of a person's
33 residence and the boundary line at issue by map or other means
34 available shall constitute prima facie evidence of the geographic
35 location of the residence of that person.
- 36 c. In the event that a person's residence is not a traditional residence
37 associated with real property, then the location of the usual sleeping
38 area for that person shall be controlling as to the residency of that
39 person. Residence shall be broadly construed to provide all persons
40 with the opportunity to register and to vote, including stating a
41 mailing address different from residence address.
- 42 d. A vacant lot or business address shall not be considered a residence
43 or used as a residential address unless a person uses that location as
44 their usual sleeping area."
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46 PART III. ELECTION OBSERVER RIGHTS SPECIFIED

47 SECTION 3.1. G.S. 163-45(c) reads as rewritten:

48 "(c) An observer shall do no electioneering at the voting place, and shall in no manner
49 impede the voting process or interfere or communicate with or observe any voter in casting a
50 ballot, but, subject to these restrictions, the chief judge and judges of elections shall permit the
51 observer to make such observation and take such notes as the observer may desire. The

1 observer shall be authorized to be present and move about the voting place prior to, during, and
2 following the closing of the polls until the chief judge and judges have completed all of their
3 duties. The observer shall be permitted to observe precinct officials checking voter registration
4 from a position that allows an observer to clearly hear and understand voter responses.

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

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14 **PART IV. EFFECTIVE DATE**

15 **SECTION 4.1.** This act becomes effective January 1, 2018.