

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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SENATE BILL 226

Short Title: Freedom to Vote. (Public)

Sponsors: Senators Smith, Robinson, and Grafstein (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 8, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF ELECTIONS FOR
3 VARIOUS PURPOSES REGARDING VOTING; TO CLARIFY LAWS AND PROHIBIT
4 VOTER INTIMIDATION; TO IMPROVE VOTING ACCESS AND ENCOURAGE
5 VOTING BY ESTABLISHING ONLINE VOTER REGISTRATION, EXPANDING
6 EARLY ONE-STOP VOTING HOURS ON SATURDAYS AND SUNDAYS, AND
7 REVISING THE LAWS PERTAINING TO LIST MAINTENANCE; AND TO STUDY
8 CREATING A NONPARTISAN PROCESS FOR REDISTRICTING REGARDING
9 CERTAIN ELECTIONS.

10 The General Assembly of North Carolina enacts:

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12 **PART I. INCREASE FUNDING/STATE BOARD OF ELECTIONS**

13 **SECTION 1.1.** There is appropriated from the General Fund to the State Board of
14 Elections the sum of eighteen million nine hundred sixty-one thousand five hundred eighty-seven
15 dollars (\$18,961,587) in recurring funds for each year of the 2023-2025 fiscal biennium to secure
16 election integrity, support county boards of elections, and improve voter services.

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18 **PART II. CLARIFY/PROHIBIT VOTER INTIMIDATION**

19 **SECTION 2.1.** Article 22 of Chapter 163 of the General Statutes is amended by
20 adding the following new sections to read:

21 **"§ 163-275.1. Voter intimidation, threats, or coercion.**

22 (a) As used in this section, the following definitions shall apply:

23 (1) Coerce. – To compel another person's conduct using force or threat of force,
24 whether that force is physical or economic, and is judged not in isolation but
25 in the context and background of contemporaneous events.

26 (2) Intimidate. – To willfully engage in conduct without legal purpose that would
27 cause a reasonable person to fear for the person's safety or the safety of the
28 person's immediate family or close personal associates by placing the person
29 in fear of death, bodily injury, or continued harassment.

30 (3) Threaten. – To express an intention to harm another.

31 (b) Notwithstanding any other provision of law, any person who does any of the
32 following is guilty of a Class H felony:

33 (1) Threatens or attempts to threaten any person:

34 a. For voting or attempting to vote.

35 b. For voting or attempting to vote for or against a particular candidate.

36 c. For registering to vote.



- d. For urging or aiding any individuals to vote or attempting to vote, as allowed by law.
- e. For exercising any lawful powers or duties as an election official or enlisting another person to do the same.

For purposes of this section, a person shall be found to have threatened another person if the person knew or reasonably should have known that his or her actions would produce that effect.

- (2) Knowingly challenges a person's right to vote on fraudulent or spurious grounds.

- (3) Engages in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting or the lawful and orderly administration of an election.

- (4) Fraudulently advises any person that the person is not eligible to vote or is not registered to vote when in fact that person is eligible or registered to vote.

(c) Notwithstanding any other provision of law, an employer, whether a corporation or natural person or any other person who employs, who shall, in paying its employees the salary or wages due the employees, do any of the following shall be guilty of a Class H felony:

- (1) Enclose the employees' pay in pay envelopes upon which or in which there is written or printed the name of any candidate or any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of the employees.

- (2) In any way, express or implied, communicate that the employees' pay or continued employment is conditioned on voting or not voting, or voting or not voting for a specific candidate.

(d) Notwithstanding any other provision of law, any person who intimidates or coerces or attempts to intimidate or coerce any person for any of the following is guilty of a Class A1 misdemeanor:

- (1) Voting or attempting to vote.

- (2) Voting or attempting to vote for or against a particular candidate.

- (3) Urging or aiding any persons to vote or attempt to vote, as allowed by law.

- (4) Exercising any lawful powers or duties as an election official or enlisting another person for the purpose of doing the same.

For purposes of this section, a person shall be found to have intimidated or coerced another person if the person knew or reasonably should have known that his or her actions would produce that effect.

"§ 163-275.2. Right of action.

Any person aggrieved by a violation of G.S. 163-275.1 may bring an action for preventive relief, including an application in a district court for a permanent or temporary injunction, restraining order, or other order. In any action commenced pursuant to this section, the court, in its discretion, may allow the prevailing party reasonable attorney's fees.

"§ 163-275.3. Restitution; fund.

(a) In addition to any other fine or penalty imposed by this Article, the court may order any person convicted of violating this Article to pay a restitution fine, the amount of which shall be determined by the court and be commensurate with the seriousness of the offense. The moneys derived from the fine assessed pursuant to this subsection shall be deposited in the Voter Intimidation Restitution Fund created under subsection (b) of this section.

(b) The Voter Intimidation Restitution Fund (Fund) is hereby established in the State Treasury. Upon appropriation by the General Assembly, moneys in the Fund shall be allocated to the State Board of Elections to be used in voter education campaigns addressing the specific crime committed by anyone convicted of violations of this Article. The funds shall also be used for the administrative costs associated with distribution of the Fund."

SECTION 2.2. Article 22 of Chapter 163 of the General Statutes reads as rewritten:

"Article 22.

"Corrupt Practices and Other Offenses Against the Elective Franchise.

"Part 1. Criminal Penalties for Voter Interference."

...

"§ 163-278. Duty of investigating and prosecuting violations of this Article.

(a) It shall be the duty of the State Board of Elections and the district attorneys to investigate any violations of this Article, and the State Board and district attorneys are authorized and empowered to subpoena and compel the attendance of any person before them for the purpose of making such investigation. The State Board and the district attorneys are authorized to call upon the Director of the State Bureau of Investigation to furnish assistance by the State Bureau of Investigation in making the investigations of such violations. The State Board shall furnish the district attorney a copy of its investigation. The district attorney shall initiate prosecution and prosecute any violations of this Article. The provisions of G.S. 163-278.28 shall be applicable to violations of this Article.

(b) In addition to the penalties described under this Article, the State Board of Elections and the district attorneys are authorized to investigate, prosecute, and seek increased penalties for a person that intimidates, threatens, or coerces an election worker, as defined in G.S. 163-275.1, engaged in performing official duties.

"Part 2. Election Administrator and Poll Worker Intimidation.

"§ 163-278.1. Intimidation, threats, or coercion of election workers; cause of action; penalties; immunity.

(a) Any person that intimidates, threatens, coerces, as those terms are defined in G.S. 163-275.1, or attempts to intimidate, threaten, or coerce an election worker with intent to impede, intimidate, or interfere with the election worker's official duties is liable in civil damages to the election worker for any injury or loss resulting from the intimidation, threats, or coercion. For purposes of this section, an election worker is any individual who is an election official, poll worker, or an election volunteer performing duties in connection with an election.

(b) Any person that violates subsection (a) of this section shall be fined not more than one hundred thousand dollars (\$100,000), imprisoned for not more than five years, or both.

(c) An election worker acting in good faith to prevent election interference or preserve ballot access in accordance with this section shall not incur liability."

PART III. IMPROVE VOTING ACCESS/ENCOURAGE VOTING

SECTION 3.1.(a) 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 may be (i) printed out in blank form or (ii) filled in online as set forth in G.S. 163-82.5A.~~ 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.

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~~this section."

SECTION 3.1.(b) 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 may be cited as the "Online Voter Registration Act."

(b) Require Availability of Internet for Voter Registration. – The State Board of Elections shall ensure that the following services are available to the public at any time on its official public website:

- (1) Online application for voter registration, the content of which shall be equivalent to the form provided by designated voter registration agencies.
- (2) Online assistance to those applying to register to vote.
- (3) Online completion and submission by applicants of the voter registration application, including the signature of the applicant pursuant to subsection (d) of this section.
- (4) Online receipt of completed voter registration applications.

(c) To the extent any State agency described in G.S. 163-82.19 or G.S. 163-82.20 has signatures of clients, those agencies shall cooperate in sharing those signatures with the State Board of Elections.

(d) An application submitted under this section shall be deemed submitted to the election authority on the date it is received.

(e) An applicant for voter registration under this section provides a signature by doing any of the following:

- (1) In the case of an applicant who has a signature on file with a State government agency, authorizing the agency to transmit that signature to election officials.
- (2) Submitting with the application an electronic copy of the applicant's handwritten signature through electronic means in a manner prescribed by the State Board.

(f) Upon submission of a completed voter registration application under this section, the State Board of Elections' official website shall generate an immediate electronic confirmation on the website that the application has been received, with instructions as to how the applicant may check the status of the application thereafter.

(g) The State Board of Elections shall accept an online voter registration application submitted under this section and ensure that the individual is registered to vote in this State if each of the following is satisfied:

- (1) The individual meets the same voter registration eligibility requirements applicable to individuals who register to vote by mail.
- (2) The individual provides a signature in accordance with subsection (e) of this section.

(h) The State Board of Elections shall inform the applicant for voter registration of the disposition of the application by regular mail. Additionally, the State Board shall make available to the applicant the option to receive the disposition notification by email.

(i) No legal distinction shall be made between registration under this section and registration by written application in accordance with the provisions of this Article.

(j) The State Board of Elections shall ensure that any registered voter may at any time update the voter's registration information, including the voter's address, online through the State Board's official public website in accordance with maintenance of the computerized statewide voter registration list.

(k) Except as provided in G.S. 163-82.6A, the State Board shall revise any information on the computerized list to reflect the update made by the voter at any time until the deadlines for registration under G.S. 163-82.6(d) for a primary or general election.

(l) Upon receipt of updated registration information under this section, the State Board of Elections shall send a notice confirming receipt of the updated information by regular mail, and by email, if available."

SECTION 3.1.(c) G.S. 163-82.6(d) reads as rewritten:

"(d) Registration Deadlines for a Primary or Election. – In order to be valid for a primary or election, the form must comply with one of the following:

- (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~~, election.
- (2) If submitted in person, by facsimile transmission, ~~or~~ by transmission of a scanned document, or by online voter registration pursuant to G.S. 163-82.5A, 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~~, 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 (f) of this section."

SECTION 3.1.(d) G.S. 163-82.10(a1) reads as rewritten:

"(a1) Personal Identifying Information. – Full or partial social security numbers, dates of birth, the identity of the public agency at which the voter registered under G.S. 163-82.20, any electronic mail address submitted under this Article, Article 20, or Article 21A of this Chapter, photocopies of identification for voting, and drivers license numbers, whether held by the State Board or a county board of elections, or obtained through online voter registration under G.S. 163-82.5A, are confidential and shall not be considered public records and subject to disclosure to the general public under Chapter 132 of the General Statutes. Cumulative data based on those items of information may be publicly disclosed as long as information about any individual cannot be discerned from the disclosed data. Disclosure of information in violation of this subsection shall not give rise to a civil cause of action. This limitation of liability does not apply to the disclosure of information in violation of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable."

SECTION 3.1.(e) In establishing online voter registration in accordance with this Part, the State Board of Elections shall establish appropriate technological security measures to protect against unauthorized access to information. The State Board of Elections shall ensure that online voter registration under this Part is provided in a manner that is accessible to persons with disabilities so as to provide the same opportunity for access and participation as for other voters.

SECTION 3.1.(f) There is appropriated from the General Fund to the State Board of Elections the sum of two hundred fifteen thousand dollars (\$215,000) in recurring funds for each year of the 2023-2025 fiscal biennium and the sum of ninety thousand dollars (\$90,000) in nonrecurring funds for the 2023-2024 fiscal year to implement online voter registration pursuant to this Part.

SECTION 3.2. G.S. 163-82.6(c) reads as rewritten:

"(c) Signature. – The form shall be valid only if signed by the applicant. An ~~electronically captured signature, including signatures on applications generated by computer programs of third-party groups, shall not be valid on a voter registration form, except as provided in Article 21A of this Chapter. Notwithstanding the provisions of this subsection, an electronically captured~~ image of the signature of a voter on an electronic voter registration form offered by a State agency shall be considered a valid signature for all purposes for which a signature on a paper voter registration form is used."

SECTION 3.3.(a) G.S. 163-227.2(b) reads as rewritten:

"(b) Not earlier than the third Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than ~~3:00 P.M.~~ 5:00 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 G.S. 163-227.6. A county board of elections shall conduct one-stop voting on the last Saturday before the election from 8:00 A.M. until ~~3:00 P.M.~~ 5:00 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 and present photo identification in accordance with G.S. 163-166.16. 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 for absentee ballots. 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."

SECTION 3.3.(b) G.S. 163-227.6(c) reads as rewritten:

"(c) For all sites approved for one-stop voting under this section, a county board of elections shall provide the following:

- (1) Each one-stop site across the county shall be open at that same location during the period required by G.S. 163-227.2(b).
- (2) If any one-stop site across the county is opened on any day during the period required by G.S. 163-227.2(b), all one-stop sites shall be open on that day.
- (3) On each weekday during the period required by G.S. 163-227.2(b), all one-stop sites shall be open from 8:00 A.M. to 7:30 P.M.
- (4) ~~If the county board of elections opens one stop sites on Saturdays other than the last Saturday before the election during the period required by G.S. 163-227.2(b), then all one stop sites shall be open for the same number of hours uniformly throughout the county on those Saturdays.~~ On each Saturday before the election during the period required by G.S. 163-227.2(b), all one-stop sites shall be open from 8:00 A.M. to 5:00 P.M.
- (5) ~~If the county board of elections opens one stop sites on Sundays during the period required by G.S. 163-227.2(b), then all one stop sites shall be open for the same number of hours uniformly throughout the county on those Sundays.~~ On each Sunday during the period required by G.S. 163-227.2(b), all one-stop sites shall be open from 12:00 P.M. to 5:00 P.M.
- (6) All one-stop sites shall be open on the last Saturday before the election, for the hours required under G.S. 163-227.2(b) for that last Saturday."

SECTION 3.4. G.S. 163-82.14 reads as rewritten:

"§ 163-82.14. List maintenance.

...

(b) Death. – The Department of Health and Human Services shall furnish free of charge to the State Board of Elections every month, in a format prescribed by the State Board of Elections, the names of deceased persons who were residents of the State. The State Board of Elections shall distribute every month to each county board of elections the names on that list of deceased persons who were residents of that county. The Department of Health and Human Services shall base each list upon information supplied by death certifications it received during the preceding month. Upon the receipt of those names, each county board of elections shall remove from its voter registration records any person the list shows to be ~~dead~~. dead upon confirming that the complete date of birth of the deceased person and the last four digits of the social security number are identical to the person to be removed from the voter registration records. If the last four digits of the social security number are not available from voter registration records, then the county board of elections shall not remove the voter unless it has matched the complete date of birth and other identification information from the deceased records

received from the Department of Health and Human Services or a near relative. Each county board of elections shall also remove from its voter registration records a person identified as deceased by a signed statement of a near relative or personal representative of the estate of the deceased voter. The county board need not send any notice to the address of the person so removed.

...

(d) Change of Address. – A county board of elections shall conduct a systematic program to remove from its list of registered voters those who have moved out of the county, and to update the registration records of persons who have moved within the county. The county board shall remove a person from its list if the registrant:

(1) Gives confirmation in writing of a change of address for voting purposes out of the county. "Confirmation in writing" for purposes of this subdivision shall ~~include~~include any of the following:

a. A report to the county board from the Department of Transportation or from a voter registration agency listed in G.S. 163-82.20 that the voter has reported a change of address for voting purposes outside the ~~county~~county.

b. A notice of cancellation received under ~~G.S. 163-82.9;~~G.S. 163-82.9.

c. A notice of cancellation received from an election jurisdiction outside the State.

(2) Fails to respond after no less than 60 days to a confirmation mailing sent by the county board in accordance with this subdivision and does not vote or appear to vote in an election beginning on the date of the notice and ending on the day after the date of the second general election for the United States House of Representatives that occurs after the date of the notice. A county board sends a confirmation notice in accordance with this subdivision if the ~~notice~~notice complies with each of the following:

a. Is a postage prepaid and preaddressed return card, sent by forwardable mail, on which the registrant may state current ~~address~~address.

b. Contains or is accompanied by a notice to the effect that if the registrant did not change residence but remained in the county, the registrant should return the card not later than the deadline for registration by mail in ~~G.S. 163-82.6(d)(1); and~~G.S. 163-82.6(d)(1).

c. Contains or is accompanied by information as to how the registrant may continue to be eligible to vote if the registrant has moved outside the county.

d. If a voter has provided the county board of elections with an email address, is an email that (i) provides the confirmation mailing has been sent, (ii) contains information on how the registrant may confirm the registrant's current address online, and (iii) contains information on how the voter may continue to be eligible to vote if the registrant has moved outside the county. If the voter has not provided an email address to the county board but has provided a phone number, the county board shall contact the voter by phone to provide this information.

A county board shall send a confirmation mailing in accordance with this subdivision to every registrant after every congressional election if the county board has not confirmed the registrant's address by another means.

(3) Any registrant who is removed from the list of registered voters pursuant to this subsection shall be reinstated if the voter appears to vote and gives oral or

written affirmation that the voter has not moved out of the county but has maintained residence continuously within the county. That person shall be allowed to vote as provided in G.S. 163-82.15(f).

(d1) Notwithstanding subsection (d) of this section, a county board of elections shall not remove a registrant from its list of registered voters solely based on the county board receiving a return mailing as "undeliverable" without taking steps to confirm the registrant's current address by other means.

...."

SECTION 3.5. Notwithstanding any other provision of law to the contrary, the State Board of Elections shall create and maintain an online portal for a voter to confirm the voter's address.

SECTION 3.6. Sections 3.1(a) through 3.1(e) of this Part become effective December 1, 2023. Section 3.1(f) of this Part becomes effective July 1, 2023. The remainder of this Part is effective when it becomes law and applies to elections held on or after that date.

PART IV. PREVENT GERRYMANDERING

SECTION 4.1.(a) The General Assembly makes the following findings:

- (1) The redistricting process is intended to produce voting maps that reflect population shifts as shown by the decennial U.S. census, guided by the principle of one person, one vote. However, for decades, politicians from both sides of the aisle in state legislatures have manipulated districts through gerrymandering.
- (2) Gerrymandering is the practice of drawing district lines to unfairly favor particular politicians or political parties in elections, and modern advances in mapping technology and more sophisticated data collection enable politicians today to rig our voting maps with even more pernicious effectiveness, splitting neighborhoods and treating voters as political pawns instead of constituents.
- (3) The damaging impact of gerrymandering is seen with increased polarization in government and extreme policies that fail to consider the will of voters.
- (4) The State has spent millions of tax dollars defending against lawsuits brought by North Carolinians who have been disenfranchised by gerrymandering.
- (5) North Carolinians deserve the ability to choose their elected representatives freely and without interference from elected officials.
- (6) The process for determining a new procedure for drawing district maps should ensure voters choose their elected officials and politicians do not choose their voters.

SECTION 4.1.(b) The School of Government at the University of North Carolina at Chapel Hill shall study and report to the General Assembly in accordance with G.S. 120-29.5 by February 1, 2024, on options and recommendations to create a nonpartisan process for redistricting districts for the House and Senate of the North Carolina General Assembly and the House of Representatives of the United States Congress. The report shall include a recommended time line for putting the nonpartisan process into practice, including the likelihood of implementing the process following the return of the 2030 federal decennial census.

SECTION 4.1.(c) It is the intent of the General Assembly to review the options presented pursuant to subsection (b) of this section and transition to a nonpartisan redistricting process following the return of the 2030 federal decennial census.

SECTION 4.2. This Part is effective when it becomes law.

PART V. EFFECTIVE DATE

SECTION 5.1. Except as otherwise provided, this act is effective when it becomes law and applies to elections held on or after that date.