

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 749

AMENDMENT NO. A3
(to be filled in by
Principal Clerk)

S749-AST-161 [v.1]

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Amends Title [NO]
Fourth Edition

Date _____, 2023

Representative Harrison

1 moves to amend the bill on page 12, line 37, by rewriting that line to read:

2
3 "SECTION 5.6. If Senate Bill 747, 2023 Regular Session becomes law,
4 G.S. 163-166.35, as enacted by that act, reads as rewritten:

5 "**§ 163-166.35. Sites and hours for early voting.**

6 (a) A county board of elections by unanimous vote of all its members may provide for
7 one or more sites in that county for ballots to be applied for and cast under this Part. Except for
8 individuals appointed to early voting sites pursuant to subsection (a1) of this section, every
9 individual staffing any of those sites shall be a member or full-time employee of the county board
10 of elections or an employee of the county board of elections whom the board has given training
11 equivalent to that given a full-time employee. Those sites must be approved by the State Board
12 as part of a Plan for Implementation approved by both the county board of elections and by the
13 State Board which shall also provide adequate security of the ballots and provisions to avoid
14 allowing persons to vote who have already voted. A county board of elections may propose in its
15 Plan for Implementation not to offer early voting at the county board of elections office; the State
16 Board may approve that proposal in a Plan for Implementation only if the Plan for
17 Implementation includes at least one site reasonably proximate to the county board of elections
18 office and the State Board finds that the sites in the Plan for Implementation as a whole provide
19 adequate coverage of the county's electorate. If a county board of elections has considered a
20 proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a
21 Plan for Implementation, a member or members of that county board of elections may petition
22 the State Board to adopt a plan for it. If petitioned, the State Board may also receive and consider
23 alternative petitions from another member or members of that county board. The State Board
24 may adopt a Plan for Implementation for that county. The State Board, in that plan, shall take
25 into consideration whether the Plan for Implementation disproportionately favors any party,
26 racial or ethnic group, or candidate. If the State Board is unable to adopt a Plan for Implementation
27 for a county, then the county shall provide, at a minimum, all of the following:

28 (1) The county board of elections shall calculate the cumulative total number of
29 scheduled voting hours at all sites during the most recent even-year primary
30 and general elections that included a presidential candidate, respectively, and
31 for which the county provided for early voting under this section. For elections
32 which include a presidential candidate on the ballot, the county shall ensure



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1 that at least the same number of hours offered in 2020, or the most recent
2 equivalent election, is offered for early voting sites during the primary or
3 general election, correspondingly.

4 (2) The county board of elections shall calculate the cumulative total number of
5 scheduled voting hours at all sites during the most recent even-year primary
6 and general elections that did not include a presidential candidate,
7 respectively, and for which the county provided for early voting under this
8 section. For even-year elections that do not include a presidential candidate
9 on the ballot, the county shall ensure that at least the same number of hours
10 offered in 2022, or the most recent equivalent election, is offered for early
11 voting under this section through a combination of hours and numbers of early
12 voting sites during the primary or general election, correspondingly.

13 (a1) For each early voting site other than the county board of elections office, precinct
14 officials shall be appointed by the county board of elections for each primary or election. The
15 chair of each political party in the county shall recommend individuals who are otherwise
16 qualified to serve as precinct officials at early voting sites. If such recommendations are received
17 by the county board of elections no later than the fifth business day preceding the date on which
18 appointments are to be made, the county board of elections shall make appointments from the
19 list of recommendations. In making the appointments pursuant to this subsection, precinct
20 officials shall be appointed according to all of the following:

- 21 (1) A chief judge and judges shall be appointed to each early voting site for each
22 day of early voting in the same manner as allocated to each precinct in the
23 county as provided in G.S. 163-41 where possible; provided, however, that a
24 chief judge shall be appointed to each early voting site for each day of early
25 voting.
- 26 (2) Assistants shall be appointed to each early voting site in the same manner as
27 allocated to each precinct in the county as provided in G.S. 163-42 where
28 possible.
- 29 (3) The provisions of G.S. 163-41.1, 163-41.2, and 163-42.1 apply to early voting
30 sites.
- 31 (4) Multiple chief judges, judges, and assistants may be appointed to serve at each
32 early voting site so that chief judges, judges, and assistants may serve for
33 partial shifts throughout each day of early voting or serve for less than the full
34 number of days of early voting.

35 (b) The State Board shall not approve, either in a Plan for Implementation approved
36 unanimously by a county board of elections or in an alternative Plan for Implementation proposed
37 by a member or members of that board, an early voting site in a building that the county board
38 of elections is not entitled under G.S. 163-129 to demand and use as an election-day voting place,
39 unless the State Board finds that other equally suitable sites were not available and that the use
40 of the sites chosen will not disproportionately favor any party, racial or ethnic group, or
41 candidate. In providing the site or sites for early voting under this Part, the county board of
42 elections shall make a request to the State, county, city, local school board, or other entity in
43 control of the building that is supported or maintained, in whole or in part, by or through tax

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1 revenues at least 90 days prior to the start of early voting under this Part. The request shall clearly
2 identify the building, or any specific portion thereof, requested the dates and times for which that
3 building or specific portion thereof is requested and the requirement of an area for election related
4 activity. If the State, local governing board, or other entity in control of the building does not
5 respond to the request within 20 days, the building or specific portion thereof may be used for
6 early voting as stated in the request. If the State, local governing board, or other entity in control
7 of the building or specific portion thereof responds negatively to the request within 20 days, that
8 entity and the county board of elections shall, in good faith, work to identify a building or specific
9 portion thereof in which to conduct early voting under this Part. If no building or specific portion
10 thereof has been agreed upon within 45 days from the date the county board of elections received
11 a response to the request, the matter shall be resolved by the State Board.

12 (c) For all sites approved for early voting under this section, a county board of elections
13 shall provide the following:

- 14 (1) Each early voting site across the county shall be open at that same location
15 during the period required by G.S. 163-166.40(b).
16 (2) If any early voting site across the county is opened on any day during the
17 period required by G.S. 163-166.40(b), all early voting sites shall be open on
18 that day.
19 (3) On each weekday during the period required by G.S. 163-166.40(b), all early
20 voting sites shall be open from 8:00 A.M. to 7:30 P.M.
21 (4) If the county board of elections opens early voting sites on Saturdays other
22 than the last Saturday before the election during the period required by
23 G.S. 163-166.40(b), then all early voting sites shall be open for the same
24 number of hours uniformly throughout the county on those Saturdays.
25 (5) If the county board of elections opens early voting sites on Sundays during the
26 period required by G.S. 163-166.40(b), then all early voting sites shall be open
27 for the same number of hours uniformly throughout the county on those
28 Sundays.
29 (6) All early voting sites shall be open on the last Saturday before the election,
30 for the hours required under G.S. 163-166.40(b) for that last Saturday.

31 (d) Notwithstanding subsection (c) of this section, a county board of elections by
32 unanimous vote of all its members may propose a Plan for Implementation providing for the
33 number of sites set out below in that county for ballots to be cast with days and hours that vary
34 from the county board of elections, or its alternate, and other additional early voting sites in that
35 county. If the county board of elections is unable to reach unanimity in favor of a Plan for
36 Implementation, a member or members of the county board of elections may petition the State
37 Board to adopt a plan for the county and the State Board may adopt a Plan for Implementation
38 for that county. However, any Plan for Implementation approved under this subsection shall
39 provide for uniform location, days, and hours for that one site throughout the period required by
40 G.S. 163-166.40(b). This subsection applies only to a county that meets any of the following:

- 41 (1) One site in a county that includes a barrier island, which barrier island meets
42 all of the following conditions:

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- 1 a. It has permanent inhabitation of residents residing in an
2 unincorporated area.
3 b. It is bounded on the east by the Atlantic Ocean and on the west by a
4 coastal sound.
5 c. It contains either a National Wildlife Refuge or a portion of a National
6 Seashore.
7 d. It has no bridge access to the mainland of the county and is only
8 accessible by marine vessel.
9 (2) Up to two sites in a county that is bounded by the largest sound on the East
10 Coast and the county seat is located at the intersection of two rivers, which
11 divide the county.
12 (e) Notwithstanding G.S. 163-166.40 and subdivisions (c)(2) and (c)(3) of this section, a
13 county board of elections by unanimous vote of all its members may propose a Plan for
14 Implementation providing for sites in that county for ballots cast during early voting to be applied
15 for and cast in elections for all entities conducted in odd-numbered years. The proposed Plan for
16 Implementation shall specify the hours of operation for the county board of elections for an
17 election conducted in that county for that odd-numbered year. If the county board of elections is
18 unable to reach unanimity in favor of a Plan for Implementation for that odd-numbered year, a
19 member or members of the county board of elections may petition the State Board to adopt a
20 Plan for Implementation for the county, and the State Board may adopt a Plan for Implementation
21 for that county. However, throughout the period required by G.S. 163-166.40(b), any Plan for
22 Implementation approved under this subsection shall provide for a minimum of regular business
23 hours consistent with daily hours presently observed by the county board of elections for the
24 county board of elections, or its alternate, and for uniform locations, days, and hours for all other
25 additional early voting sites in that county.

26 **SECTION 5.7.** This Part becomes effective July 1, 2024."
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SIGNED _____
Amendment Sponsor

SIGNED _____

**The official copy of this document, with signatures
and vote information, is available in the
House Principal Clerk's Office**