



SENATE BILL 326: Election Integrity Act.

2021-2022 General Assembly

Committee:	Senate Redistricting and Elections. If favorable, re-refer to Rules and Operations of the Senate	Date:	March 30, 2021
Introduced by:	Sens. Daniel, Newton, Hise	Prepared by:	Jessica Sammons and Sarah Pilon
Analysis of:	First Edition		Staff Attorneys

OVERVIEW: *Senate Bill 326 would do the following:*

- *Prohibit the State Board of Elections and county boards of elections from accepting private monetary donations for the purpose of administering elections or employing individuals on a temporary basis.*
- *Require completed absentee ballot request forms to be received by the county boards of elections no later than 5:00 P.M. on the second Tuesday before the election.*
- *Require completed applications and marked absentee ballots to be returned to the county board of elections by 5:00 P.M. on the day of the election, regardless of postmark, and make conforming changes.*

Prohibition on Accepting Private Monetary Donations – Section 1:

BILL ANALYSIS: Section 1 would specify that the State Board of Elections and county boards of elections do not have the authority to accept private monetary donations for the purpose of administering elections or employing individuals on a temporary basis.

EFFECTIVE DATE: Effective when it becomes law and applies to elections held on or after that date.

Mail-in Absentee Ballots – Sections 2-6:

CURRENT LAW: Any qualified voter of the State may vote by absentee ballot in a statewide primary, general, or special election and any qualified voter of a county is authorized to vote by absentee ballot in any primary or election conducted by the county board of elections. Absentee balloting may take one of three forms:

1. Mail-in absentee ballots.
2. Early "one-stop" voting.
3. Uniform and Overseas voting.

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Senate Bill 326

Page 2

Requests for Mail-In Absentee Ballots: Requests for absentee application and ballots for mail-in absentee must comply with the following requirements:

- Be made in writing, on a form created by the State Board, with a clear indicator of the date the election generating the request is to be held.
- Be fully completed and signed by the voter, or the voter's near relative or verifiable legal guardian. A member of a multipartisan team trained and authorized by the county board may assist in completing the form. A voter may also receive assistance completing the form from some other person, provided there is no near relative or legal guardian available to assist the voter, and the person giving assistance discloses his or her name and address on the request form.
- Be returned to the county board by only the voter, the voter's near relative or verifiable legal guardian, or through the United States Postal Service or a designated delivery service. A member of a multipartisan team trained and authorized by the county board may assist in returning the form to the county board.

The completed mail-in absentee ballot request forms must be received by the county board no later than 5:00 P.M. on the Tuesday before the election.

Issuance of Mail-In Absentee Application and Ballots: The county board must confirm the voter's registration prior to issuing the voter an absentee application and ballots. If confirmed as a registered voter, the county board mails to the voter a single package that includes the official ballots, a container-return envelope, and an instruction sheet. If not confirmed, the voter will be notified. A completed request form is also deemed a request to update the voter's voter registration, subject to confirmation in writing by the county board.

For those voters properly requesting an absentee application and ballots for mail-in absentee, applications and ballots are mailed or issued no earlier than 60 days prior to the statewide general election in an even-numbered year, or 50 days in any other election.

Voting a Mail-In Absentee Ballot: The application and ballots must be completed and signed by the voter personally, the ballots marked and sealed in the container-return envelope, and the certificate completed. The voter must complete the absentee ballot in the presence of two voters who are at least 18 years of age and not a candidate or employee of certain adult care homes, or in front of a notary public. Both individuals must sign the absentee application and certificate as witnesses and indicate their addresses. If a near relative or legal guardian assisted the voter, that individual's name and address must also be listed.

Return of Executed Mail-In Absentee Ballots: The sealed container-return envelope with the completed application and marked ballots must be sent to the county board by mail or commercial courier service or delivered in person. For the mail-in absentee ballot to be counted it must either:

- Be received by the county board by 5:00 P.M. on the day of the election.
- Be postmarked on or before the day of the election, and received by the county board by 5:00 P.M. on the third day after the election.

For military and overseas voters, the ballots must be received by the county board no later than the end of business on the business day before canvass and may be transmitted electronically.

Senate Bill 326

Page 3

BILL ANALYSIS:

Requests for Absentee Ballots: Section 3 would require completed absentee ballot request forms to be received by the county board no later than 5:00 P.M. on the second Tuesday before the election.

Return of Executed Absentee Ballots: Section 4 would require, other than for military and overseas voters, all completed applications and marked absentee ballots to be returned to the county board by 5:00 P.M. on the day of the election, regardless of postmark.

The bill would also make the following conforming changes:

- Section 2 – Removes language for challenges to mail-in absentee ballots returned to the county board no later than three days after the election by 5:00 P.M. but postmarked on or before the day of the election.
- Section 5 – Provides that after the initial certified list, the list of all absentee ballots returned to the county boards to be counted and approved by the county board must include only ballots that have been received by the county board no later than 5:00 P.M. on the day of the election.
- Section 6 – Removes language regarding absentee ballots received by the county board no later than three days after the election by 5:00 P.M. but postmarked on or before the day of the election from the statute for the process for counting absentee ballots.

EFFECTIVE DATE: Effective when it becomes law and applies to elections held on or after that date.

Appropriate Funds for Photo ID Program – Section 7:

BILL ANALYSIS: Section 7 would appropriate from the General Fund to the State Board of Elections five million dollars (\$5,000,000) in nonrecurring funds for the 2021-2022 fiscal year to establish a program to identify individuals who need photo identification in order to vote in person. This program must include a mobile component allowing for visits to voters who are identified as needing photo identification.

EFFECTIVE DATE: Effective July 1, 2022.