

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**HOUSE BILL 518**

Short Title: Military Internet Voting. (Public)

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Sponsors: Representatives Clary; Barbee, Barnhart, Eddins, Frye, Gorman, Gulley, L. Johnson, Justice, Justus, LaRoque, Lucas, McCombs, McGee, McHenry, Mitchell, Moore, Munford, Pate, Preston, Ray, Rhodes, Sauls, Sexton, Stiller, Walend, and G. Wilson.

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Referred to: Election Law and Campaign Finance Reform.

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March 17, 2003

A BILL TO BE ENTITLED

AN ACT ALLOWING INTERNET VOTING BY NORTH CAROLINIANS  
SERVING IN THE ARMED FORCES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 163-165.7 reads as rewritten:

**"§ 163-165.7. Voting systems: powers and duties of State Board of Elections.**

(a) ~~The~~ Except as provided by subsection (b) of this section, the State Board of Elections shall have authority to approve types, makes, and models of voting systems for use in elections and referenda held in this State. Only voting systems that have been approved by the State Board shall be used to conduct elections under this Chapter, and the approved systems shall be valid in any election or referendum held in any county or municipality. The State Board may, upon request of a local board of elections, authorize the use of a voting system not approved for general use. The State Board may also, upon notice and hearing, disapprove types, makes, and models of voting systems. Upon disapproving a type, make, or model of voting system, the State Board shall determine the process by which the disapproved system is discontinued in any county. If a county makes a showing that discontinuance would impose a financial hardship upon it, the county shall be given up to four years from the time of State Board disapproval to replace the system. A county may appeal a decision by the State Board concerning discontinuance of a voting system to the superior court in that county or to the Superior Court of Wake County. The county has 30 days from the time of the State Board's decision on discontinuance to make that appeal.

Subject to the provisions of this Chapter, the State Board of Elections shall prescribe rules for the adoption, handling, operation, and honest use of voting systems, including, but not limited to, the following:

- 1 (1) Types, makes, and models of voting systems approved for use in this
- 2 State.
- 3 (2) Form of official ballot labels to be used on voting systems.
- 4 (3) Operation and manner of voting on voting systems.
- 5 (4) Instruction of precinct officials in the use of voting systems.
- 6 (5) Instruction of voters in the use of voting systems.
- 7 (6) Assistance to voters using voting systems.
- 8 (7) Duties of custodians of voting systems.
- 9 (8) Examination of voting systems before use in an election.

10 (b) The Secretary of State shall take all steps necessary to implement, in  
11 accordance with Article 21A of this Chapter, an Internet voting system for persons in  
12 the armed forces and their spouses, for certain veterans, and for civilians working with  
13 the armed forces."

14 **SECTION 2.** Chapter 163 of the General Statutes is amended by adding a  
15 new Article to read:

16 "Article 21A.

17 "Internet Military Absentee Registration and Voting in Primary and General Elections.

18 **§ 163-258. Persons in armed forces, their spouses, certain veterans, and civilians**  
19 **working with armed forces may vote via the Internet.**

20 (a) Any individual who is registered and who is qualified to vote in any statewide  
21 primary or election held under the laws of this State, and who is absent from the county  
22 of his or her residence in any of the capacities specified in subsection (b) of this section,  
23 shall be entitled to vote via the Internet in the manner provided in this Article.

24 (b) The provisions of this Article shall apply to the following persons:

- 25 (1) Persons serving in the armed forces of the United States, including  
26 (but not limited to) the army, the navy, the air force, the marine corps,  
27 the coast guard, the Army Nurse Corps, the Navy Nurse Corps, the  
28 Women's Navy Reserve, the Marine Corps Women's Reserve, the  
29 Women's Army Corps, the Merchant Marine, and members of the  
30 national guard and military reserve who on the day of a primary or  
31 general election are absent on active duty.
- 32 (2) Spouses of persons serving in the armed forces of the United States  
33 residing outside the counties of their spouses' voting residence.
- 34 (3) Disabled war veterans in United States government hospitals.
- 35 (4) Civilians attached to and serving outside the United States with the  
36 armed forces of the United States.

37 **§ 163-258.1. Establishment of Internet voting for armed forces personnel;**  
38 **Secretary of State to implement Internet-based voting system.**

39 (a) The Secretary of State shall develop and implement an Internet-based voting  
40 system to facilitate absentee voting by armed forces personnel wherever they may be,  
41 whether in-State, out-of-state, or overseas. The system shall encompass both software  
42 development and purchasing of the necessary hardware for the Internet voting system.

43 (b) The Internet voting system for military personnel shall:

- 44 (1) Allow the Secretary of State to issue digital certificates.

- 1           (2) Transmit encrypted information over a secure network.  
2           (3) Provide for secure identification and authentication of:  
3           a. Any information transmitted on the system.  
4           b. All elections officials and their servers and all other related  
5           electronic equipment being used by State and county elections  
6           officials supervising or responsible for elections.  
7           (4) Protect the privacy, anonymity, and integrity of each voter's ballot.  
8           (5) Prevent the casting of multiple ballots in any one election cycle by any  
9           voter.  
10          (6) Provide protection against abuse, including tampering, fraudulent use,  
11          and illegal manipulation by voters, elections officials, or any other  
12          individual or group.  
13          (7) Provide uninterrupted, reliable availability during the voting periods  
14          established by this Chapter.  
15          (8) Legibly convey all requirements mandated by this Chapter to be  
16          included on ballots.  
17          (9) Be upgradeable, readily accessible, and easy to use for all voters  
18          voting under this Article.  
19          (10) Be capable of archiving votes, allowing recounts, and being audited as  
20          to contents, results, and process at a level sufficient to guarantee the  
21          integrity of the voting system and the public's confidence in the voting  
22          system.  
23          (11) Include an Internet web site that securely receives and tabulates ballots  
24          and is maximally resistant to being interrupted or shut down by denial  
25          of service or by computer virus or other attack.  
26          (c) The Secretary of State shall implement the system so that each county board  
27          of elections can:  
28               (1) Assure that each registered voter is qualified to vote.  
29               (2) Ensure a secure registration list to verify that each voter who logs in to  
30               vote via the Internet is in fact the same person who has qualified and  
31               legally registered.  
32               (3) Verify that votes transmitted to the county are private and secure and  
33               have not been viewed or altered by sites that lie between the voting  
34               location and the vote-counting destination.  
35               (4) Verify that all votes cast were indeed counted and attributed correctly.  
36          (d) The Secretary of State shall coordinate with the Department of Defense to  
37          facilitate the State's participation in the Department's military Internet voting pilot  
38          system. The Secretary of State shall supervise the State's effort in linking, as may be  
39          required, Department of Defense servers, routers, and other equipment with the State's  
40          Internet voting system.  
41          (e) The Secretary of State shall adopt all rules, policies, and technical  
42          requirements necessary to carry out the purpose of this Article. The State Board of  
43          Elections and the county boards of elections shall comply with the rules, policies, and  
44          technical requirements of the Secretary of State.

1 **"§ 163-258.2. Provisions of Article 20 applicable except as otherwise provided.**

2 Except as otherwise provided in this Article, Internet voting by individuals to whom  
3 this Article is applicable shall be governed by the provisions of Article 20 of this  
4 Chapter."

5 **SECTION 3.** This act is effective when it becomes law.