

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 102\*

Short Title: Voter Reg. Cleanup.

(Public)

Sponsors: Representatives Michaux, Lemmond; and Luebke.

Referred to: Judiciary II.

February 2, 1995

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS IN VOTER REGISTRATION LAWS AND OTHER ELECTION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-22(e) reads as rewritten:

"(e) The State Board of Elections shall determine, in the manner provided by law, the form and content of ballots, instruction sheets, pollbooks, talley sheets, abstract and return forms, certificates of election, and other forms to be used in primaries and elections. The Board shall furnish to the county and municipal boards of elections the registration application forms required pursuant to G.S. 163-67.163-82.3. The State Board of Elections shall direct the county boards of elections to purchase a sufficient quantity of all forms attendant to the registration and elections process. In addition, the State Board shall provide a source of supply from which the county boards of elections may purchase the quantity of pollbooks needed for the execution of its responsibilities. In the preparation of ballots, pollbooks, abstract and return forms, and all other forms, the State Board of Elections may call to its aid the Attorney General of the State, and it shall be the duty of the Attorney General to advise and aid in the preparation of these books, ballots and forms."

Sec. 2. Article 4 of Chapter 163 of the General Statutes is amended by adding a new section to read:

1 **"§ 163-37. Duty of county board of commissioners.**

2 The respective boards of county commissioners shall appropriate reasonable and  
3 adequate funds necessary for the legal functions of the county board of elections,  
4 including reasonable and just compensation of the supervisor of elections."

5 Sec. 3. Article 12 of Chapter 163 of the General Statutes is amended by  
6 adding a new section to read:

7 **"§ 163-131. Accessible polling places.**

8 (a) The State Board of Elections shall promulgate rules to assure that any disabled  
9 or elderly voter assigned to an inaccessible polling place, upon advance request of such  
10 voter, will be assigned to an accessible polling place. Such rules should allow the request  
11 to be made in advance of the day of the election.

12 (b) Words in this section have the meanings prescribed by P.L. 98-435, except that  
13 the term 'disabled' in this section has the same meaning as 'handicapped' in P.L. 98-435."

14 Sec. 4. G.S. 163-213.2 reads as rewritten:

15 **"§ 163-213.2. Primary to be held; date; qualifications and registration of voters.**

16 On the Tuesday after the first Monday in May, 1992, and every four years thereafter,  
17 the voters of this State shall be given an opportunity to express their preference for the  
18 person to be the presidential candidate of their political party.

19 Any person otherwise qualified who will become qualified by age to vote in the  
20 general election held in the same year of the presidential preference primary shall be  
21 entitled to register and vote in the presidential preference primary. Such persons may  
22 register not earlier than 60 days nor later than the last day for making application to  
23 register under G.S. ~~163-67~~ 163-82.6 prior to the said primary. In addition, persons who  
24 will become qualified by age to register and vote in the general election for which the  
25 primary is held, who do not register during the special period may register to vote after  
26 such period as if they were qualified on the basis of age, but until they are qualified by  
27 age to vote, they may vote only in primary elections."

28 Sec. 5. G.S. 163-227.2 reads as rewritten:

29 **"§ 163-227.2. Alternate procedures for requesting application for absentee ballot;**  
30 **'one-stop' voting procedure in board office.**

31 (a) A person expecting to be absent from the county in which he is registered  
32 during the entire period that the polls are open on the day of an election in which  
33 absentee ballots are authorized or is eligible under G.S. 163-226(a)(2) or 163-226(a)(4)  
34 may request an application for absentee ballots, complete the application, receive the  
35 absentee ballots, vote and deliver them sealed in a container-return envelope to the  
36 county board of elections in the county in which he is registered under the provisions of  
37 this section.

38 (b) Not earlier than the ~~twenty-fourth day~~ first business day after the twenty-fifth  
39 day before an election, in which absentee ballots are authorized, in which he seeks to vote  
40 and not later than 5:00 P.M. on the Friday prior to that election, the voter shall appear in  
41 person only at the office of the county board of elections and request that the chairman, a  
42 member, or the supervisor of elections of the board, or an employee of the board of  
43 elections, authorized by the board, furnish him with an application form as specified in

1 G.S. 163-227. The voter shall complete the application in the presence of the chairman,  
2 member, supervisor of elections or authorized employee of the board, and shall deliver  
3 the application to that person.

4 (c) If the application is properly filled out, the chairman, member, supervisor of  
5 elections of the board, or employee of the board of elections, authorized by the board,  
6 shall enter the voter's name in the register of absentee ballot applications and ballots  
7 issued; shall furnish the voter with the instruction sheets called for by G.S. 163-229(c);  
8 shall furnish the voter with the ballots to which the application for absentee ballots  
9 applies; and shall furnish the voter with a container-return envelope. The voter thereupon  
10 shall comply with the provisions of G.S. 163-231(a) except that he shall deliver the  
11 container-return envelope to the chairman, member, supervisor of elections of the board,  
12 or an employee of the board of elections, authorized by the board, immediately after  
13 making and subscribing the certificate printed on the container-return envelope as  
14 provided in G.S. 163-229(b). All actions required by this subsection shall be performed  
15 in the office of the board of elections. For the purposes of this section only, the  
16 chairman, member, supervisor of elections of the board, or full-time employee,  
17 authorized by the board shall sign the application and certificate as the witness and  
18 indicate the official title held by him or her. Notwithstanding G.S. 163-231(a), in the  
19 case of this subsection, only one witness shall be required on the certificate.

20 (d) Only the chairman, member or supervisor of elections of the board shall keep  
21 the voter's application for absentee ballots and the sealed container-return envelope in a  
22 safe place, separate and apart from other applications and container-return envelopes. At  
23 the first meeting of the board pursuant to G.S. 163-230(2) held after receipt of the  
24 application and envelope, the chairman shall comply with the requirements of G.S. 163-  
25 230(1) and 163-230(2) b. and c. If the voter's application for absentee ballots is approved  
26 by the board at that meeting, the application form and container-return envelope, with the  
27 ballots enclosed, shall be handled in the same manner and under the same provisions of  
28 law as applications and container-return envelopes received by the board under other  
29 provisions of this Article. If the voter's application for absentee ballots is disapproved by  
30 the board, the board shall so notify the voter stating the reason for disapproval by first-  
31 class mail addressed to the voter at his residence address or at the address shown in the  
32 application for absentee ballots; and the board chairman shall retain the container-return  
33 envelope in its unopened condition until the day of the primary or election to which it  
34 relates and on that day he shall destroy the container-return envelope and the ballots  
35 therein, without, however, revealing the manner in which the voter marked the ballots.

36 (e) The voter shall vote his absentee ballot in a voting booth and the county board  
37 of elections shall provide a voting booth for that purpose, provided however, that the  
38 county board of elections may in the alternative provide a private room for the voter  
39 adjacent to the office of the board, in which case the voter shall vote his absentee ballot in  
40 that room. The voting booth shall be in the office of the county board of elections. If the  
41 voter needs assistance in getting to and from the voting booth and in preparing and  
42 marking his ballots or if he is a blind voter, only a member of the county board of  
43 elections, the supervisor of elections, an employee of the board of elections authorized by

1 the board, a near relative of the voter as defined in G.S. 163-227(c)(4), or the voter's legal  
2 guardian shall be entitled to assist the voter.

3 (f) Notwithstanding the exception specified in G.S. ~~163-116~~163-36 counties  
4 which operate a modified full-time office shall remain open five days each week during  
5 regular business hours consistent with daily hours presently observed by the county board  
6 of elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing  
7 until 5:00 P.M. on the Friday prior to that election or primary. The boards of county  
8 commissioners shall provide necessary funds for the additional operation of the office  
9 during such time."

10 Sec. 6. G.S. 163-253 reads as rewritten:

11 **"§ 163-253. Article inapplicable to persons after change of status; reregistration**  
12 **required.**

13 Upon discharge from the armed forces of the United States or termination of any other  
14 status qualifying him to register and vote by absentee ballot under the provisions of this  
15 Article, the voter shall not be entitled to vote by military absentee ballot, and if he was  
16 registered under the provisions of this Article his registration shall become void and he  
17 shall be required to register under the provisions of Article ~~7~~7A before being entitled to  
18 vote in any primary or election."

19 Sec. 7. G.S. 163-254 reads as rewritten:

20 **"§ 163-254. Registration and voting on primary or election day.**

21 Notwithstanding any other provisions of Chapter 163 of the General Statutes, any  
22 person entitled to vote an absentee ballot pursuant to G.S. 163-245 shall be permitted to  
23 register in person at any time including the day of a primary or election. Should such  
24 person's eligibility to register or vote as provided in G.S. 163-245 terminate after the  
25 ~~registration records have closed twenty-fifth day~~ prior to a primary or election, such person,  
26 if he appears in person, shall be entitled to register if otherwise qualified ~~during the time~~  
27 ~~the records are closed, after the twenty-fifth day before the primary or election,~~ or on the  
28 primary or election day, and shall be permitted to vote if such person is otherwise  
29 qualified."

30 Sec. 8. This act is effective upon ratification.