

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 799
SENATE BILL 519

AN ACT TO PREVENT FRAUD IN ABSENTEE VOTING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-227.2(b) is amended by striking "60 days" and inserting in lieu thereof "30 days" and by striking "not later than 5:00 p.m. on the Wednesday prior to that election" and inserting in lieu thereof "not later than 5:00 p.m. on the Thursday prior to that election."

Sec. 2. G.S. 163-227.2 is amended by adding a new subsection (e) to read as follows:

"(e) The voter shall vote his absentee ballot in a voting booth and the county board of elections shall provide a voting booth for that purpose, provided however, that the county board of elections may in the alternative provide a private room for the voter adjacent to the office of the board, in which case the voter shall vote his absentee ballot in that room. The voting booth shall be in the office of the county board of elections. If the voter needs assistance in getting to and from the voting booth and in preparing and marking his ballots or if he is a blind voter, only a member of the county board of elections, the supervisor of elections, an employee of the board of elections authorized by the board, a near relative of the voter as defined in G.S. 163-227(c)(4), or the voter's legal guardian shall be entitled to assist the voter."

Sec. 3. G.S. 163-227.2 is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding the exception specified in G.S. 163-67(b) counties which operate a modified full-time office shall remain open five days each week during regular business hours consistent with the daily hours presently observed by the county board of elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 p.m. on the Thursday prior to that election or primary. The boards of county commissioners shall provide necessary funds for the additional operation of the office during such time."

Sec. 4. Article 20 of Chapter 163 of the General Statutes is amended by adding a new section to read as follows:

"§ 163-226.3. **Certain acts declared felonies.** — (a) Any person who shall, in connection with absentee voting in any primary, general, municipal or special election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a felony and upon conviction shall be imprisoned for not less than six months or fined not less than one thousand dollars (\$1,000), or both, in the discretion of the court. It shall be unlawful:

- (1) for any person except the voter's near relative as defined in G.S. 163-227(c)(4) or the voter's legal guardian to assist the voter to vote an absentee ballot when the voter is voting an absentee ballot other than under the procedure described in G.S. 163-227.2; provided that if there is not a near relative or legal guardian available to assist the voter, the voter may request some other person to give assistance;
- (2) for any person to assist a voter to vote an absentee ballot under the absentee voting procedure authorized by G.S. 163-227.2 except a member of the county board of elections, the supervisor of elections, an employee of the

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- board authorized by the board, the voter's near relative as defined in G.S. 163-227(c)(4), or the voter's legal guardian;
- (3) for a voter who votes an absentee ballot under the procedures authorized by G.S. 163-227.2 to vote his absentee ballot outside of the voting booth or private room provided to him for that purpose in the office of the county board of elections or to receive assistance in getting to and from the voting booth or private room and in preparing and marking his ballots from any person other than a member of the county board of elections, the supervisor of elections, an employee of the board of elections authorized by the board, a near relative of the voter as defined in G.S. 163-227(c)(4), or the voter's legal guardian;
 - (4) for any owner, manager, director, employee, or other person, other than the voter's near relative as defined in G.S. 163-227(c)(4) or legal guardian, to make application on behalf of a registered voter who is a patient in any hospital, clinic, nursing home or rest home in this State or for any owner, manager, director, employee, or other person other than the voter's near relative or legal guardian to mark the voter's absentee ballot or assist such a voter in marking an absentee ballot;
 - (5) for any officer with a seal to take the acknowledgement on the container-return envelope of any absentee voter in any primary or election in which the officer is a candidate for nomination or election;
 - (6) for any person to take into his possession for delivery to a voter or for return to a county board of elections the absentee ballot of any voter, provided, however, that this prohibition shall not apply to a voter's near relative as defined in G.S. 163-227(c)(4) or the voter's legal guardian; (7) except as provided in subsections (1), (2), (3), and (4) of this section and G.S. 163-227.2(e), for any voter to permit another person to assist him in marking his absentee ballot, to be in the voter's presence when a voter votes an absentee ballot, or to observe the voter mark his absentee ballot,

(b) The State Board of Elections or a county board of elections, upon receipt of a sworn affidavit from any qualified voter of the State or the county, as the case may be, attesting to first-person knowledge of any violation of subsection (a) of this section, shall transmit such affidavit to the appropriate district attorney, who shall investigate and prosecute any person violating subsection (a)."

Sec. 5. G.S. 163-231(a)(1) is amended by inserting the words "by such officer" after the words "to be marked" and before the words "in his presence".

Sec. 6. This act shall become effective September 1, 1979. In the General Assembly read three times and ratified, this the 6th day of June, 1979.