

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1408  
Committee Substitute Favorable 6/18/92  
Committee Substitute #2 Favorable 7/21/92

Short Title: Voter Participation.

(Public)

Sponsors:

Referred to:

June 1, 1992

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPROVE VOTER PARTICIPATION.

3 The General Assembly of North Carolina enacts:

4 **PART 1 – THREE-WEEK REGISTRATION DEADLINE**

5 Section 1. G.S. 163-67 reads as rewritten:

6 "(a) The county boards of elections shall establish, prior to January 1, 1971, a full-  
7 time system of registration, as prescribed by the State Board of Elections, under which  
8 the registration books, process, and records shall be open continuously for the  
9 acceptance of registration applications and for the registration of voters at all reasonable  
10 hours and time consistent with the daily function of all other county offices. In such  
11 counties no registration shall entitle a registrant to vote in any primary, general or  
12 special election unless the registrant shall have made application not later than the  
13 ~~twenty-first-sixteenth~~ day, excluding Saturdays and Sundays, immediately preceding  
14 such primary, general or special election, provided that nothing shall prohibit registrants  
15 from registering to vote in future elections during such period.

16 When full-time registration has been established in a county, the official record of  
17 registration shall be made and kept in the form of an application to register which, as  
18 prescribed by the State Board of Elections, shall contain all information necessary to  
19 show the applicant's qualifications to register. In such a county, no person shall be  
20 registered to vote without first making a written, sworn, and signed application to  
21 register upon the form prescribed by the State Board of Elections. If the applicant  
22 cannot write because of physical disability, his name shall be written on the application

1 for him by the election official to whom he makes application, but the specific reason  
2 for the applicant's failure to sign shall be clearly stated upon the face of the application.

3 Registrars, judges of election, and special registration commissioners appointed  
4 under the provisions of G.S. 163-41 may take registration applications from and  
5 administer registration oaths to qualified applicants without regard to the precinct  
6 residence of the registrar, judge of election, special registration commissioner, or  
7 applicant.

8 Applications to register which have been completed by persons who have taken the  
9 required oath shall be forwarded promptly, and in no case more than 72 hours after the  
10 close of registration, to the county board of elections. Failure to forward the application  
11 within 72 hours shall not disqualify an otherwise properly qualified voter from voting.  
12 An application to register shall constitute a valid registration unless the county board of  
13 elections shall notify the applicant of its rejection within 30 days after its completion;  
14 provided that where the application is completed during the last 51 days prior to the  
15 election but at least ~~21-16~~ days, excluding Saturdays and Sundays, prior to the election,  
16 the notification of rejection shall be made no less than ~~14-seven~~ days prior to the  
17 election or the application shall constitute a valid registration. If the application is  
18 rejected after the close of the registration books as provided in G.S. 163-67(a) the  
19 board shall notify the applicant at least ~~14-seven~~ days before the election that it has  
20 rejected his application. The applicant may appear before the board and, if he  
21 establishes his qualifications to register prior to the election, he shall be permitted to  
22 vote. The loose-leaf binders containing the precinct records and the duplicate  
23 registration record, required by G.S. 163-65(a), shall be kept at all times in a safe place.

24 For the purpose of receiving registration applications, registrars shall attend the  
25 voting places in their precincts only on such days and at such hours as may be fixed by  
26 the county board of elections: Provided, the county board of elections shall not require  
27 registrars to be present at the voting places for this purpose on any day later than the  
28 ~~twenty-first-sixteenth~~ day, excluding Saturdays and Sundays, prior to a primary or  
29 election. In its discretion, the county board of elections may require no attendance by  
30 registrars at the voting places for the purpose of receiving registration applications.

31 The county board of elections is authorized to make reasonable rules and  
32 regulations, not inconsistent with law and State Board regulations, to insure full-time  
33 registration as provided in this section."

34 Sec. 2. G.S. 163-69.1(b) reads as rewritten:

35 "(b) A voter whose name has been changed shall report such change of name to an  
36 official authorized to register voters under G.S. 163-80 no later than the ~~twenty-first day~~  
37 ~~(excluding Saturdays and Sundays)-last day for making application to register under G.S.~~  
38 163-67 prior to an election, primary, or special election in order to vote in said election  
39 if the name change occurred on or before that date. Alternatively, the voter may report  
40 such change to the registrar at the polls, and, if otherwise eligible, may vote. A voter  
41 wishing to vote by absentee ballot may report the name change to the county board of  
42 elections, by mail or in person, along with that voter's application for absentee ballot;  
43 and if otherwise eligible, may vote.

1 Any report made under this section shall be made under oath, and on a form  
2 prescribed by the county board of elections. A name-change form shall be included in  
3 any mailing to a voter of an absentee ballot application form."

4 Sec. 3. G.S. 163-72.2(e) reads as rewritten:

5 "(e) No report filed under this section shall be effective for a primary or election  
6 unless received by the board of elections on or before the ~~twenty-first day (excluding~~  
7 ~~Saturdays and Sundays)~~ last day for making application to register under G.S. 163-67  
8 before the primary or election, except that if the report is submitted before the deadline  
9 but more information is requested, such report shall be effective for the primary or  
10 election if sufficient information is received more than ~~14~~ seven days before the primary  
11 or election."

12 Sec. 4. G.S. 163-74(b) reads as rewritten:

13 "(b) Change of Party Affiliation or Unaffiliated Status. – No registered elector  
14 shall be permitted to change the record of his party affiliation or unaffiliated status for a  
15 primary, second primary or special or general election after the close of the registration  
16 books immediately prior to any such election. Any registrant who desires to have the  
17 record of his party affiliation or unaffiliated status changed on the registration book  
18 shall, no later than the ~~twenty-first day (not including Saturdays and Sundays)~~ last day for  
19 making application to register under G.S. 163-67 before the election go to the chairman  
20 or the supervisor of elections of the county board of elections or to other registration  
21 officials specified in G.S. 163-80 and request that the change be made. Before being  
22 permitted to have the change made, the chairman, supervisor of elections or other  
23 registration official shall require the registrant to take the following oath, and it shall be  
24 the duty of the elections officer to administer it:

25 (1) If the voter desires to change from one political party to another, or  
26 from unaffiliated to a political party:

27 I, ....., do solemnly swear (or affirm) that I desire in good faith  
28 to change my party affiliation from the ..... Party (or from  
29 unaffiliated status) to the ..... Party, and that such change of  
30 affiliation be made on the registration records in the manner provided  
31 by law, so help me, God.

32 (2) If the voter desires to change his affiliation with any political party to  
33 unaffiliated status:

34 I, ....., do solemnly swear (or affirm) that I desire in good faith  
35 to change my party affiliation with the ..... Party to unaffiliated and  
36 that such change of affiliation be made on the registration records in  
37 the manner provided by law, so help me, God.

38 Upon receipt of the required oath, the county board of elections shall immediately  
39 change the record of the registrant's party affiliation, or unaffiliated status, to conform to  
40 that stated in the oath. Thereafter the voter shall be considered registered and qualified  
41 to vote in accordance with the effected change.

42 Provided, in the event that a registrant has the record of his party affiliation or  
43 unaffiliated status changed later than the ~~21st day (not including Saturdays and Sundays)~~

1 last day for making application to register under G.S. 163-67 before a primary, the  
2 registrant shall not be entitled to vote in that primary."

3 Sec. 5. G.S. 163-59 reads as rewritten:

4 **"§ 163-59. Right to participate or vote in party primary.**

5 No person shall be entitled to vote or otherwise participate in the primary election of  
6 any political party unless he

7 (1) Is a registered voter, and

8 (2) Has declared and has had recorded on the registration book or record  
9 the fact that he affiliates with the political party in whose primary he  
10 proposes to vote or participate, and

11 (3) Is in good faith a member of that party.

12 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized  
13 under G.S. 163-74(a1) may also vote in the primary if the voter is otherwise  
14 eligible to vote in that primary except for subdivisions (2) and (3) of the previous  
15 paragraph.

16 Any person who will become qualified by age or residence to register and vote in the  
17 general election or regular municipal election for which the primary is held, even  
18 though not so qualified by the date of the primary, shall be entitled to register for the  
19 primary and general or regular municipal election prior to the primary and then to vote  
20 in the primary after being registered. Such person may register not earlier than 60 days  
21 nor later than the ~~21st day (excluding Saturdays and Sundays)~~ last day for making  
22 application to register under G.S. 163-67 prior to the primary. In addition, persons who  
23 will become qualified by age to register and vote in the general election or regular  
24 municipal election for which the primary is held, who do not register during the special  
25 period may register to vote after such period as if they were qualified on the basis of  
26 age, but until they are qualified by age to vote, they may vote only in primary  
27 elections."

28 Sec. 6. G.S. 163-213.2 reads as rewritten:

29 **"§ 163-213.2. Primary to be held; date; qualifications and registration of voters.**

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

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

42 Sec. 7. G.S. 163-288(c)(3) reads as rewritten:

43 "(3) METHOD C. – The county board of elections shall permit the  
44 municipal board of elections to copy county registration books from

1 the precinct binder record or from the duplicate required to be  
2 maintained by said county board of elections. During the period  
3 beginning on the ~~twenty-first day before each municipal election~~  
4 ~~(excluding Saturdays and Sundays)~~ last day for making application to  
5 register under G.S. 163-67, the municipal board of elections shall  
6 compare the municipal registration books with the appropriate county  
7 books and shall add or delete registration certificates in order that the  
8 city and county records shall agree. The precincts established for  
9 municipal elections may differ from those established by the county  
10 board of elections."

11 Sec. 8. G.S. 163-283 reads as rewritten:

12 **"§ 163-283. Right to participate or vote in party primary.**

13 No person shall be entitled to vote or otherwise participate in the primary election of  
14 any political party unless he

- 15 (1) Is a registered voter, and
- 16 (2) Has declared and has had recorded on the registration book or record  
17 the fact that he affiliates with the political party in whose primary he  
18 proposes to vote or participate, and
- 19 (3) Is in good faith a member of that party.

20 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized  
21 under G.S. 163-74(a1) may also vote in the primary if the voter is otherwise  
22 eligible to vote in that primary except for subdivisions (2) and (3) of the previous  
23 paragraph.

24 Any person who will become qualified by age or residence to register and vote in the  
25 general election for which the primary is held, even though not so qualified by the date  
26 of the primary election, shall be entitled to register while the registration books are open  
27 during the regular registration period prior to the primary and then to vote in the  
28 primary after being registered, provided however, under full-time and permanent  
29 registration, such an individual may register not earlier than 60 days nor later than the  
30 ~~21st day~~ last day for making application to register under G.S. 163-67 prior to the  
31 primary. In addition, persons who will become qualified by age to register and vote in  
32 the general election for which the primary is held, who do not register during the special  
33 period may register to vote after such period as if they were qualified on the basis of  
34 age, but until they are qualified by age to vote, they may vote only in primary  
35 elections."

36 Sec. 9. G.S. 163-288.2(a) reads as rewritten:

37 **"§ 163-288.2. Registration in area proposed for incorporation or annexed.**

38 (a) Whenever the General Assembly incorporates a new city and provides in the  
39 act of incorporation for a referendum on the question of incorporation or for a special  
40 election for town officials or for both, or whenever an existing city or special district  
41 annexes new territory under the provisions of Chapter 160A, Article 4A, or other  
42 general or local law, the board of elections of the county in which the proposed city is  
43 located or in which the newly annexed territory is located shall determine those  
44 individuals eligible to vote in the referendum or special election or in the city or special

1 district elections. In determining the eligible voters the board may, in its discretion, use  
2 either of the following methods:

3 METHOD A. – The board of elections shall prepare a list of those registered voters  
4 residing within the proposed city or newly annexed territory. The board shall make this  
5 list available for public inspection in its office for a two-week period ending on the  
6 ~~twenty first day (excluding Saturdays and Sundays)~~ last day for making application to  
7 register under G.S. 163-67 before the day of the referendum or special election, or the  
8 next scheduled city or special district election. During this period, any voter resident  
9 within the proposed city or newly annexed territory and not included on the list may  
10 cause his name to be added to the list. At least one week and no more than two weeks  
11 before the day the period of public inspection is to begin, the board shall cause notice of  
12 the list's availability to be posted in at least two prominent places within the proposed  
13 city or newly annexed territory and may cause the notice to be published in a newspaper  
14 of general circulation within the county. The notice shall state that the list has been  
15 prepared, that only those persons listed may vote in the referendum or special election,  
16 that the list will be available for public inspection in the board's office, that any  
17 qualified voter not included on the list may cause his name to be added to the list during  
18 the two-week period of public inspection, and that persons in newly annexed territory  
19 should present themselves so their registration records may be activated for voting in  
20 city or special district elections in the newly annexed territory. Notice may additionally  
21 be made on a radio or television station or both, but such notice shall be in addition to  
22 the newspaper and other required notice.

23 METHOD B. – The board of elections shall conduct a special registration of eligible  
24 persons desiring to vote in the referendum or special election or in the newly annexed  
25 territory. The registration records shall be open for a two-week period (except Sundays)  
26 ending on the ~~twenty first day (excluding Saturdays and Sundays)~~ last day for making  
27 application to register under G.S. 163-67 before the day of the referendum or special  
28 election or the next scheduled city or special district election. On the two Saturdays  
29 during that two-week period, the records shall be located at the voting place for the  
30 referendum or special election or the next scheduled city or special district election; on  
31 the other days it may, in the discretion of the board, be kept at the voting place, at the  
32 office of the board, or at the place of business of a person designated by the board to  
33 conduct the special registration. At least one week and no more than two weeks before  
34 the day the period of special registration is to begin, the board shall cause notice of the  
35 registration to be posted in at least two prominent places within the proposed city or  
36 newly annexed territory and may cause the notice to be published in a newspaper of  
37 general circulation within the county. The notice shall state the purpose and times of  
38 the special registration, the location of the registration records, that only those persons  
39 registered in the special registration may vote in the referendum or special election, and  
40 that persons in newly annexed territory should present themselves so their registration  
41 records may be activated for voting in city or special district elections in the newly  
42 annexed territory. Notice may additionally be made on a radio or television station or  
43 both, but such notice shall be in addition to the newspaper and other required notice."

#### 44 PART 2 – SATELLITE VOTING PRECINCTS

1           Sec. 10. Article 12 of Chapter 163 of the General Statutes is amended by  
2 adding a new section to read:

3 **"§ 163-130. Satellite voting places.**

4           A county board of elections may, upon approval of a request submitted in writing to  
5 the State Board of Elections, establish a plan whereby elderly or disabled voters in a  
6 precinct may vote at designated sites within the precinct other than the regular voting  
7 place for that precinct. The State Board of Elections shall approve a county board's  
8 proposed plan if:

9           (1) All the satellite voting places to be used are listed in the county's  
10 written request;

11           (2) The plan will in the State Board's judgment overcome a barrier to  
12 voting by the elderly or disabled;

13           (3) Adequate security against fraud is provided for; and

14           (4) The plan does not unfairly favor or disfavor voters with regard to race  
15 or party affiliation."

16           Sec. 11. Sections 1 through 9 of this act become effective with respect to  
17 elections occurring on or after July 1, 1993. Section 10 of this act becomes effective  
18 January 31, 1993.