

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1123*

Short Title: National Voter Registration Act Corrections.

(Public)

Sponsors: Senator Gulley.

Referred to: Judiciary II/Election Laws.

May 14, 1996

A BILL TO BE ENTITLED

1 AN ACT TO MAKE CORRECTIONS IN THE 1994 LEGISLATION DESIGNED TO
2 BRING NORTH CAROLINA INTO COMPLIANCE WITH THE NATIONAL
3 VOTER REGISTRATION ACT.
4

5 The General Assembly of North Carolina enacts:

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

7 "(e) The State Board of Elections shall determine, in the manner provided by law,
8 the form and content of ballots, instruction sheets, pollbooks, talley sheets, abstract and
9 return forms, certificates of election, and other forms to be used in primaries and
10 elections. The Board shall furnish to the county ~~and municipal~~ boards of elections the
11 registration application forms required pursuant to G.S. ~~463-67-~~163-82.3. The State
12 Board of Elections shall direct the county boards of elections to purchase a sufficient
13 quantity of all forms attendant to the registration and elections process. In addition, the
14 State Board shall provide a source of supply from which the county boards of elections
15 may purchase the quantity of pollbooks needed for the execution of its responsibilities.
16 In the preparation of ballots, pollbooks, abstract and return forms, and all other forms, the
17 State Board of Elections may call to its aid the Attorney General of the State, and it shall
18 be the duty of the Attorney General to advise and aid in the preparation of these books,
19 ballots and forms."

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

3 **"§ 163-37. Duty of county board of commissioners.**

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

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

9 **"§ 163-131. Accessible polling places.**

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

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

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

17 **"§ 163-213.2. Primary to be held; date; qualifications and registration of voters.**

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

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

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

31 **"§ 163-227.2. Alternate procedures for requesting application for absentee ballot;**
32 **'one-stop' voting procedure in board office.**

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

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

1 member, or the supervisor of elections of the board, or an employee of the board of
2 elections, authorized by the board, furnish him with an application form as specified in
3 G.S. 163-227. The voter shall complete the application in the presence of the chairman,
4 member, supervisor of elections or authorized employee of the board, and shall deliver
5 the application to that person.

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

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

38 (e) The voter shall vote his absentee ballot in a voting booth and the county board
39 of elections shall provide a voting booth for that purpose, provided however, that the
40 county board of elections may in the alternative provide a private room for the voter
41 adjacent to the office of the board, in which case the voter shall vote his absentee ballot in
42 that room. The voting booth shall be in the office of the county board of elections. If the
43 voter needs assistance in getting to and from the voting booth and in preparing and

1 marking his ballots or if he is a blind voter, only a member of the county board of
2 elections, the supervisor of elections, an employee of the board of elections authorized by
3 the board, a near relative of the voter as defined in G.S. 163-227(c)(4), or the voter's legal
4 guardian shall be entitled to assist the voter.

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

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

13 **"§ 163-253. Article inapplicable to persons after change of status; reregistration**
14 **required.**

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

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

22 **"§ 163-254. Registration and voting on primary or election day.**

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

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