

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 58*
House Committee Substitute Favorable 7/17/95

Short Title: Voter Reg. Cleanup.

(Public)

Sponsors:

Referred to:

January 26, 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."

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. G.S. 163-82.10 reads as rewritten:

33 **"§ 163-82.10. Official record of voter registration.**

34 (a) Application Form Becomes Official Record. – A completed and signed
35 registration application form described in G.S. 163-82.3, once approved by the county
36 board of elections, becomes the official registration record of the voter. The county board
37 of elections shall maintain custody of the official registration records of all voters in the
38 county and shall keep them in a place where they are secure.

39 (b) Access to Registration Records. – Upon request by that person, the county
40 board of elections shall provide to any person a list of the registered voters of the county
41 or of any precinct or precincts in the county. The county board may furnish selective lists
42 according to party affiliation, gender, race, date of registration, precinct name, precinct
43 identification code, congressional district, senate district, representative district, and,

1 where applicable, county commissioner district, school board district, city governing
2 board district, fire district, soil and water conservation district, and voter history
3 including primary, general, and special districts, or any other reasonable category. The
4 following shall apply if a county maintains or has its voter registration list maintained on
5 a computer:

6 (1) In addition to the typed, mimeographed, photocopied, computer printout
7 or label lists, the county board of elections shall make the voter
8 registration information available to the public on magnetic medium.
9 Magnetic medium for the purpose of this section shall consist of nine
10 track tape or 3.5 inch diskettes or 5.25 inch diskettes readily accessible
11 using IBM compatible operating systems; and

12 (2) Information requested on magnetic medium shall contain the following
13 if known to the board of elections: voter name including courtesy title,
14 county voter identification number, residential address, mailing address,
15 sex, race, age or date of birth or both, party affiliation, precinct name,
16 precinct identification code, congressional district, senate district,
17 representative district, and, where applicable, county commissioner
18 district, school board district, city governing board district, fire district,
19 soil and water conservation district, and any other district information
20 available, and voter history including primary, general, and special
21 districts, or any other reasonable category,

22 provided that this subsection shall not require a county to computerize or upgrade the
23 computerization of its lists, but if a county does computerize or upgrade it shall comply
24 with subdivisions (1) and (2) of this subsection. The county board shall require each
25 person to whom a list is furnished to reimburse the board for the actual cost incurred in
26 preparing it, except as provided in subsection (c) of this section. Actual cost for the
27 purpose of this section for any paper list or computer list shall not include the cost of any
28 equipment or any imputed overhead expenses. It may include the actual cost of paper,
29 labels, and magnetic medium. The purchaser at its discretion may provide the magnetic
30 medium. When furnishing information under this subsection to a purchaser on a
31 magnetic medium provided by the county board or the purchaser, the county board may
32 impose a service charge of up to twenty-five dollars (\$25.00).

33 (c) Free Lists. – Free lists of all registered voters in the county shall be provided in
34 the following cases:

35 (1) A county board that maintains voter records on computer shall provide,
36 upon written request, one free list to:
37 a. The State chair of each political party; and
38 b. The county chair of each political party
39 once in every odd-numbered year, once during the first six calendar
40 months of every even-numbered year, and once during the latter six
41 calendar months of every even-numbered year.

1 (2) A county board that does not maintain voter records on computer shall
2 provide one free paper list every two years to the county chair of each
3 political party.
4 Each free list shall include the name, address, gender, date of birth, race, political
5 affiliation, voting history, ~~and precinct~~ precinct, precinct name, precinct identification
6 code, congressional district, senate district, representative district, and, where applicable,
7 county commissioner district, school board district, city governing board district, fire
8 district, soil and water conservation district, and voter history including primary, general,
9 and special districts of each registered voter. The free paper list to the county party chairs
10 shall group voters by precinct. All free lists shall be provided as soon as practicable but
11 no later than 30 days after written request. Each State party chair shall provide the discs
12 or tapes received from the county boards to candidates of that party who request the discs
13 or tapes in writing. Each State party chair shall return discs and tapes to the county
14 boards within 30 days after receiving them. As used in this section, 'political party' means
15 a political party as defined in G.S. 163-96."
16 Sec. 9. Section 8 of this act becomes effective January 1, 1996. The remainder
17 of this act is effective upon ratification.