

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 756

Short Title: Same Day Registration. (Public)

Sponsors: Representatives Ross, Michaux, Alexander, Luebke (Primary Sponsors);
B. Allen, Bell, Bonner, Carney, Earle, Farmer-Butterfield, Glazier,
Goodwin, Holliman, Insko, McComas, Parmon, Wainwright, and Weiss.

Referred to: Election Law and Campaign Finance Reform.

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT
EARLY VOTING SITES AND AT CENTRAL SITES ON ELECTION DAY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-82.6 reads as rewritten:

"§ 163-82.6. Acceptance of voter registration application forms.

(a) How the Form May Be Submitted. – The county board of elections shall accept any form described in G.S. 163-82.3 if the applicant submits the form by mail, facsimile transmission, or in person. The applicant may delegate the submission of the form to another person. Any person who communicates to an applicant acceptance of that delegation shall deliver that form so that it is received by the appropriate county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be a Class 2 misdemeanor for any person to communicate to the applicant acceptance of that delegation and then fail to make a good faith effort to deliver the form so that it is received by the county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be an affirmative defense to a charge of failing to make a good faith effort to deliver a delegated form by the registration deadline that the delegatee informed the applicant that the form would not likely be delivered in time for the applicant to vote in the next election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a completed voter registration form or to condition its delivery upon payment.

(b) Signature. – The form shall be valid only if signed by the applicant.

(c) Registration Deadlines for an Election. – In order to be valid for an election, except as provided in subsection (f) of this section, the form:

(1) If submitted by mail, must be postmarked at least 25 days before the election, except that any mailed application on which the postmark is

1 missing or unclear is validly submitted if received in the mail not later
2 than 20 days before the election,

3 (2) If submitted in person or by facsimile transmission, must be received
4 by the county board of elections by a time established by that board,
5 but no earlier than 5:00 P.M., on the twenty-fifth day before the
6 election,

7 (3) If submitted through a delegatee who violates the duty set forth in
8 subsection (a) of this section, must be signed by the applicant and
9 given to the delegatee not later than 25 days before the election, ~~except~~
10 ~~as provided in subsection (d) of this section.~~ election.

11 (c1) If the application is submitted by facsimile transmission, a permanent copy of
12 the completed, signed form shall be delivered to the county board no later than 20 days
13 before the election.

14 ~~(d) Instances When Person May Register and Vote on Election Day.—If a person~~
15 ~~has become qualified to register and vote between the twenty fifth day before an~~
16 ~~election and election day, then that person may apply to register on election day by~~
17 ~~submitting an application form described in G.S. 163-82.3(a) or (b) to:~~

18 (1) ~~A member of the county board of elections;~~

19 (2) ~~The county director of elections; or~~

20 (3) ~~The chief judge or a judge of the precinct in which the person is~~
21 ~~eligible to vote,~~

22 ~~and, if the application is approved, that person may vote the same day. The official in~~
23 ~~subdivisions (1) through (3) of this subsection to whom the application is submitted~~
24 ~~shall decide whether the applicant is eligible to vote. The applicant shall present to the~~
25 ~~official written or documentary evidence that the applicant is the person he represents~~
26 ~~himself to be. The official, if in doubt as to the right of the applicant to register, may~~
27 ~~require other evidence satisfactory to that official as to the applicant's qualifications. If~~
28 ~~the official determines that the person is eligible, the person shall be permitted to vote in~~
29 ~~the election and the county board shall add the person's name to the list of registered~~
30 ~~voters. If the official denies the application, the person shall be permitted to vote a~~
31 ~~challenged ballot under the provisions of G.S. 163-88.1, and may appeal the denial to~~
32 ~~the full county board of elections. The State Board of Elections shall promulgate rules~~
33 ~~for the county boards of elections to follow in hearing appeals for denial of election day~~
34 ~~applications to register. No person shall be permitted to register on the day of a second~~
35 ~~primary unless he shall have become qualified to register and vote between the date of~~
36 ~~the first primary and the date of the succeeding second primary.~~

37 (e) ~~For purposes of subsection (d) of this section, persons who "become qualified~~
38 ~~to register and vote" during a time period:~~

39 (1) ~~Include those who during that time period are naturalized as citizens of~~
40 ~~the United States or who are restored to citizenship after a conviction~~
41 ~~of a felony; but~~

42 (2) ~~Do not include persons who reach the age of 18 during that time~~
43 ~~period, if those persons were eligible to register while 17 years old~~
44 ~~during an earlier period.~~

1 (f) In-Person Registration and Voting. – An individual who is qualified to
2 register to vote may register in person and then vote at one of the following times and
3 places in that individual's county of residence:

4 (1) At a one-stop voting site in that county during the period for one-stop
5 voting provided under G.S. 163-227.2.

6 (2) At a central site in that county provided for in-person registration and
7 voting on election day.

8 The central site or sites in a county for in-person registration and voting on election
9 day shall be determined by the same process as one-stop voting sites are determined
10 under G.S. 163-227.2. Each county shall have at least one site. They need not be the
11 same sites as the one-stop voting sites for the same election.

12 The State Board of Elections and the county boards of elections shall provide to the
13 maximum extent practical electronic access to an updated statewide voter registration
14 database at each site where in-person registration and voting take place. The county
15 board shall staff those sites with personnel capable of using the equipment to conduct
16 in-person registration and voting with competence and integrity.

17 To register under this subsection, the person shall complete a registration form,
18 make an oath in the form prescribed by the State Board of Elections, and provide proof
19 of identity and residence. The State Board of Elections shall prescribe procedures for
20 providing proof of identity and residence. Under those procedures, the display of a
21 current and valid North Carolina drivers license or identification card issued pursuant to
22 G.S. 20-37.7 shall suffice as proof of identity, and the State Board may provide that
23 other documents or methods may suffice.

24 An individual who registers in person under this subsection must vote immediately
25 after registering. The county board of elections shall ensure that the individual is
26 informed of this requirement before registering. If an individual who has registered
27 under this subsection declines to vote immediately, the registration shall be cancelled,
28 but that individual may later register and vote under this subsection in the same election.

29 An election-day vote cast immediately after registration under this subsection shall
30 be treated as a one-stop absentee ballot, except that as to the timing of counting the
31 ballots, the State Board of Elections shall prescribe procedures so that complete returns
32 will be available promptly after the polls close.

33 The county board of elections shall proceed under G.S. 163-82.7 to verify the
34 qualifications and address of every individual who registers under this subsection. The
35 individual's vote shall be counted, unless the county board determines under G.S.
36 163-82.7(b) that the applicant is not qualified to vote at the address given. Appeals in
37 sufficient number from those denials may be grounds for an election protest under
38 Article 15A of this Chapter. Denials of registration in sufficient number based on lack
39 of verification of address under G.S. 163-82.7(f) may be grounds for an election protest
40 under Article 15A of this Chapter."

41 **SECTION 2.** The State Board of Elections shall monitor the progress of the
42 implementation of this act. It shall report during the 2004 Regular Session of the 2003
43 General Assembly to the House Committee on Election Laws and Campaign Finance

- 1 Reform and to the Senate Judiciary I Committee on that progress and on the feasibility
2 of expanding election-day registration and voting to every voting place.
3 **SECTION 3.** This act becomes effective January 1, 2004, and shall apply to
4 all primaries and elections held on or after that date.