

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 745

Short Title: Same Day Registration. (Public)

Sponsors: Senators Lucas, Clodfelter; Dannelly, Dorsett, Garwood, Gulley, Hartsell, Holloman, and Malone.

Referred to: Judiciary I.

April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT
2 EARLY VOTING SITES AND AT CENTRAL SITES ON ELECTION DAY; AND
3 TO PROVIDE FOR ADEQUATE IDENTIFICATION REQUIREMENTS FOR
4 PERSONS REGISTERING AND VOTING ON THE SAME DAY TO PROTECT
5 AGAINST FRAUD; AND TO APPROPRIATE FUNDS FOR IMPLEMENTING
6 AND MONITORING THE PROGRAM.
7

8 The General Assembly of North Carolina enacts:

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

10 "**§ 163-82.6. Acceptance of voter registration application forms.**

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

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

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

- 3 (1) If submitted by mail, must be postmarked at least 25 days before the
4 election, except that any mailed application on which the postmark is
5 missing or unclear is validly submitted if received in the mail not later
6 than 20 days before the election,
7 (2) If submitted in person or by facsimile transmission, must be received
8 by the county board of elections by a time established by that board,
9 but no earlier than 5:00 P.M., on the twenty-fifth day before the
10 election,
11 (3) If submitted through a delegatee who violates the duty set forth in
12 subsection (a) of this section, must be signed by the applicant and
13 given to the delegatee not later than 25 days before the ~~election~~, election,
14 ~~as provided in subsection (d) of this section.~~ election.

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

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

- 22 ~~(1) A member of the county board of elections;
23 (2) The county director of elections; or
24 (3) The chief judge or a judge of the precinct in which the person is
25 eligible to vote,~~

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

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

- 1 (1) ~~Include those who during that time period are naturalized as citizens of~~
2 ~~the United States or who are restored to citizenship after a conviction~~
3 ~~of a felony; but~~
4 (2) ~~Do not include persons who reach the age of 18 during that time~~
5 ~~period, if those persons were eligible to register while 17 years old~~
6 ~~during an earlier period.~~

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

- 10 (1) At a one-stop voting site in that county during the period for one-stop
11 voting provided under G.S. 163-227.2.
12 (2) At a central site in that county provided for in-person registration and
13 voting on election day.

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

18 The State Board of Elections and the county boards of elections shall provide to the
19 maximum extent practical electronic access to an updated statewide voter registration
20 database and the North Carolina drivers license database at each site where in-person
21 registration and voting take place. The county board shall staff those sites with
22 personnel capable of using the equipment to conduct in-person registration and voting
23 with competence and integrity.

24 To register under this subsection, the person shall provide proof of identity and
25 residence and shall complete a registration form which includes signing a statement,
26 under penalty of perjury, that the person is a citizen of the United States and resides at
27 the address given. The presentation of any of the following valid documents that show
28 the name and address of the person shall suffice as proof of identity and residence: A
29 North Carolina drivers license, photo identification from a government agency, utility
30 bill, bank statement, paycheck, government check, or other government document. The
31 State Board of Elections may designate additional documents or methods that suffice
32 and shall prescribe procedures for establishing proof of identity and residence.

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

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

42 The county board of elections shall proceed under G.S. 163-82.7 to verify the
43 qualifications and address of every individual who registers under this subsection. The
44 individual's vote shall be counted, unless the county board determines under G.S.

1 163-82.7(b) that the applicant is not qualified to vote at the address given. Appeals in
2 sufficient number from those denials may be grounds for an election protest under
3 Article 15A of this Chapter. Denials of registration in sufficient number based on lack
4 of verification of address under G.S. 163-82.7(f) may be grounds for an election protest
5 under Article 15A of this Chapter."

6 **SECTION 2.** The State Board of Elections shall provide counties with the
7 access to the databases described in G.S. 163-82.6(f), monitor the implementation of
8 this act, analyze its use in the counties during 2004, and determine the feasibility and
9 timetable for expanding election-day registration and voting to all voting places. The
10 State Board shall report its findings no later than March 1, 2005, to the Joint Legislative
11 Commission on Governmental Operations of the General Assembly. There is
12 appropriated from the General Fund to the State Board of Elections for the 2003-2004
13 fiscal year the sum of thirty thousand dollars (\$30,000) for this purpose.

14 **SECTION 3.** Section 1 of this act becomes effective June 15, 2004, and
15 shall apply to all primaries and elections held on or after that date. The remainder of this
16 act becomes effective July 1, 2003.