

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 300
HOUSE BILL 494

AN ACT TO ALLOW CURBSIDE VOTING DURING THE ENTIRE TIME THE
POLLS ARE OPEN, SO AS TO COMPLY WITH THE FEDERAL VOTING
ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-155 reads as rewritten:

"§ 163-155. **Aged and disabled persons allowed to vote outside voting enclosure.**—In any primary or election any qualified voter who is able to travel to the voting place, but because of age, or physical disability and physical barriers encountered at the voting place is unable to enter the voting place or enclosure to vote in person without physical assistance, shall be allowed to vote ~~between the hours of 7:00 A.M. and 6:00 P.M. only~~ either in the vehicle conveying such person to the voting place or in the immediate proximity of the voting place under the following restrictions:

- (1) The county board of elections shall have printed and numbered a sufficient supply of affidavits to be distributed to each precinct registrar which shall be in the following form:

'Affidavit of person voting outside voting place or enclosure.

State of North Carolina

County of _____

I do solemnly swear (or affirm) that I am a registered voter in _____ precinct. That because of age or physical disability I am unable to enter the voting place to vote in person without physical assistance. That I desire to vote outside the voting place and enclosure.

I understand that a false statement as to my condition will subject me to a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed six months, or both.

Date

Signature of Voter

Address

Signature of assistant

who administered oath.'

- (2) The registrar shall designate one of the assistants, appointed under G.S. 163-42 to attend the voter. Upon arrival outside the voting place, the voter shall execute the affidavit after being sworn by the assistant. The ballots shall then be delivered to the voter who shall mark the ballots and hand them to the assistant. The ballots shall then be delivered to one of the judges of elections who shall deposit the ballots in the proper boxes. The affidavit shall be delivered to the other judge of election.
- (3) The voter shall be entitled to the same assistance in marking the ballots as is authorized by G.S. 163-152.
- (4) The affidavit executed by the voter shall be retained by the county board of elections for a period of six months. In those precincts using voting machines, the county board of elections shall furnish paper ballots of each kind for use by persons authorized to vote outside the voting place by this section.
- (5) If there is no assistant appointed under G.S. 163-42 to perform the duties required by this section, the precinct registrar or one of the precinct judges, to be designated by the voter, if he chooses, or, if he does not, by the precinct registrar, shall perform those duties.

A violation of this section shall be a misdemeanor and upon conviction punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed six months, or both, in the discretion of the court."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 8th day of June, 1987.