

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 104

Short Title: Same Day Voter Registration.

(Public)

Sponsors: Representatives Michaux; Gist, Gottovi, H. Hunter, Luebke, and Mavretic.

Referred to: Judiciary III.

February 20, 1991

A BILL TO BE ENTITLED

AN ACT TO ALLOW VOTER REGISTRATION ON ELECTION DAY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-67 reads as rewritten:

"§ 163-67. Full-time registration; application to register.

(a) The county boards of elections shall establish, prior to January 1, 1971, a full-time system of registration, as prescribed by the State Board of Elections, under which the registration books, process, and records shall be open continuously for the acceptance of registration applications and for the registration of voters at all reasonable hours and time consistent with the daily function of all other county offices. In such counties no registration shall entitle a registrant to vote in any primary, general or special election unless the registrant shall have made application not later than the twenty-first day, excluding Saturdays and Sundays, immediately preceding such primary, general or special election, or on election day as provided by subsection (c1); provided that nothing shall prohibit registrants from registering to vote in future elections during ~~such period.~~ the 20-day pre-election period.

When full-time registration has been established in a county, the official record of registration shall be made and kept in the form of an application to register which, as prescribed by the State Board of Elections, shall contain all information necessary to show the applicant's qualifications to register. In such a county, no person shall be registered to vote without first making a written, sworn, and signed application to register upon the form prescribed by the State Board of Elections. If the applicant cannot write because of physical disability, his name shall be written on the application

1 for him by the election official to whom he makes application, but the specific reason
2 for the applicant's failure to sign shall be clearly stated upon the face of the application.

3 Registrars, judges of election, and special registration commissioners appointed
4 under the provisions of G.S. 163-41 may take registration applications from and
5 administer registration oaths to qualified applicants without regard to the precinct
6 residence of the registrar, judge of election, special registration commissioner, or
7 applicant.

8 Applications to register which have been completed by persons who have taken the
9 required oath shall be forwarded promptly to the county board of elections. An
10 application to register shall constitute a valid registration unless the county board of
11 elections shall notify the applicant of its rejection within 30 days after its completion;
12 provided that where the application is completed during the last 51 days prior to the
13 election but at least 21 days, excluding Saturdays and Sundays, prior to the election, the
14 notification of rejection shall be made no less than 14 days prior to the election or the
15 application shall constitute a valid registration. If the application is rejected after the
16 close of the registration books as provided in G.S. 163-67(a) the board shall notify the
17 applicant at least 14 days before the election that it has rejected his application. The
18 applicant may appear before the board and, if he establishes his qualifications to register
19 prior to the election, he shall be permitted to vote. The loose-leaf binders containing the
20 precinct records and the duplicate registration record, required by G.S. 163-65(a), shall
21 be kept at all times in a safe place.

22 For the purpose of receiving registration applications, registrars shall attend the
23 voting places in their precincts only on such days and at such hours as may be fixed by
24 the county board of elections: Provided, the county board of elections shall not require
25 registrars to be present at the voting places for this purpose on any pre-election day later
26 than the twenty-first day, excluding Saturdays and Sundays, prior to a primary or
27 election. In its discretion, the county board of elections may require no attendance by
28 registrars at the voting places for the purpose of receiving registration applications.

29 The county board of elections is authorized to make reasonable rules and
30 regulations, not inconsistent with law and State Board regulations, to insure full-time
31 registration as provided in this section.

32 (b) In counties which have less than 14,001 registered voters the State Board of
33 Elections shall prescribe reasonable regulations permitting such counties to operate a
34 modified full-time office to the extent that the operation of such full-time office will not
35 necessarily be required to be open such as is required in counties with total registered
36 voters in excess of 14,000; provided, that nothing herein shall preclude such counties
37 from maintaining office hours for registration consistent with the hours observed by all
38 other offices within said county.

39 ~~(c) No Registration on Day of Primary or Election; Exception.—No person shall~~
40 ~~be permitted to register on the day of an election or primary, unless he shall have~~
41 ~~become qualified to register and vote between the date the registration period expired~~
42 ~~and the date of the succeeding primary or election. No one shall be permitted to register~~
43 ~~on the day of a second primary unless he shall have become qualified to register and~~

1 ~~vote between the date of the first primary and the date of the succeeding second~~
2 ~~primary.~~

3 (c1) An individual who is eligible to vote may be registered on election day by a
4 precinct registrar, judge or assistant if the individual appears in person at the polling
5 place for the precinct in which the individual maintains a residence, completes a
6 registration card, makes an oath in the form prescribed by the State Board of Elections,
7 and provides proof of residence. An individual may provide proof of residence for
8 purposes of registering on election day by:

- 9 (1) Showing a North Carolina drivers license or identification card issued
10 pursuant to G.S. 20-37.7;
11 (2) Showing any document approved by the State Board of Elections as
12 proper identification; or
13 (3) Having a voter who is registered to vote in the precinct sign an oath in
14 the presence of the registrar, judge, or precinct assistant vouching that
15 the voter personally knows that the individual is a resident of the
16 precinct. A voter who has been vouched for may not sign a proof of
17 residence oath vouching for any other individual on that election day.

18 A county board of elections may require that the precinct registrar initial each
19 completed registration card.

20 (d) The cost of maintaining the registration and election processes required by
21 this section and G.S. 163-67.1 shall be allocated by the respective boards of county
22 commissioners upon approval of budget requirements submitted by the respective
23 county board of elections. The respective boards of county commissioners shall
24 appropriate reasonable and adequate funds necessary for the legal functions of the
25 county boards of elections, including reasonable and just compensation of the
26 supervisor of elections.

27 (e) With the approval of the board of county commissioners, the county board of
28 elections may issue to each voter in the county a voter registration card. At a minimum,
29 the voter registration card shall:

- 30 (1) List the voter's name, address and polling place;
31 (2) Contain the address and telephone number of the county board of
32 elections, along with blanks to report a change of address within the
33 county; and
34 (3) Be wallet size.

35 No voter registration card may be issued by a county board of elections unless the
36 State Board of Elections has approved the format of the card.

37 If a county board of elections issues voter registration cards, when a voter reports a
38 change of address within the county or when the polling place is changed, the county
39 board of elections shall issue a replacement card to the voter. If a voter returns the card,
40 reporting a change of address within the county, and if that card is signed by the voter, it
41 shall be accepted as a written address change report under G.S. 163-72.2.

42 The card shall be evidence of registration but shall not preclude a challenge as
43 permitted by law. No county board of elections or municipal board of elections may

- 1 require that a voter registration card be displayed in order to vote. This subsection does
2 not change voting procedures."
3 Sec. 2. This act becomes effective with respect to elections held on or after
4 January 1, 1992.