

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1408
Committee Substitute Favorable 6/18/92

Short Title: Voter Participation.

(Public)

Sponsors:

Referred to:

June 1, 1992

A BILL TO BE ENTITLED
AN ACT TO IMPROVE VOTER PARTICIPATION.

The General Assembly of North Carolina enacts:

PART 1 – MAIL REGISTRATION

Section 1.1. Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-72.4. Registration by mail.

(a) In addition to any other procedure provided by this Article, a person may apply by mail under this section to do any or all of the following:

- (1) Register to vote;
- (2) Change party affiliation or unaffiliated status;
- (3) Report a change of address within a county;
- (4) Report a change of name.

(b) The State Board of Elections shall develop a registration by mail form, which shall request sufficient information to enable officials of the county where a person resides to satisfactorily process the application for any purpose permitted under subsection (a) of this section. The State Board of Elections shall print sufficient copies of the form so that they may be publicly distributed. Registration forms shall be available from the State Board of Elections and county boards of elections, and may be distributed by any person. The single form shall permit all of the purposes listed under subsection (a) of this section to be carried out by filling in the appropriate information and marking boxes to indicate the action requested.

1 (c) In order to be valid, the registration form shall be signed by the applicant. To
2 be valid for an election, the form must be postmarked at least 30 days before the
3 election. The application form shall request the applicant's telephone number to assist
4 the appropriate board of elections in contacting the voter if needed in processing the
5 application. The application shall require the voter to state if the voter is currently
6 registered to vote anywhere, and at what address, so that any prior registration can be
7 cancelled. If that address is in the county where the voter applies to register, the
8 application shall be processed as if it had been submitted under G.S. 163-72.2.

9 (d) The application shall ask for political party affiliation and briefly explain the
10 law relating to party affiliation with respect to voting in primary elections.

11 (e) Reports received under this section of:

12 (1) Change in party affiliation shall be processed as if made under G.S.
13 163-74(b);

14 (2) Change of address within a county shall be processed as if made under
15 G.S. 163-72.2(c); and

16 (3) Change of name shall be processed as if made under G.S. 163-69.1;
17 except for the different deadline imposed under subsection (c) of this section.

18 (f) The application made under this section shall be under oath, and any person
19 who wilfully and knowingly and with fraudulent intent gives false information under
20 oath shall be guilty of a Class I felony.

21 (g) Upon receipt of any or all of the following:

22 (1) An application to register;

23 (2) A change of party affiliation;

24 (3) A report of address change;

25 (4) A report of change of name

26 under this section, the county board of elections shall send to the postal address on the
27 registration form a notice of registration, or a notice of change of party affiliation,
28 address, or name. The notice shall include an assignment of precinct and polling place,
29 or a reminder of precinct and polling place if the voter is reporting only a change of
30 party affiliation or name. The county board of elections shall send the notice by
31 nonforwardable first-class mail. If the notice is returned as undeliverable, the county
32 board of elections shall send a second nonforwardable first-class mailing. If that notice
33 is returned as undeliverable, the county board of elections shall cancel the registration if
34 it has been approved and shall reject it if it has not yet been approved.

35 (h) If a registration form is a duplicate of a registration already made, it shall not
36 be processed, and the applicant shall be so notified. The notification shall include the
37 voter's precinct and polling place.

38 (i) If the voter has listed a previous registration not in that county, the county
39 board of elections shall treat it as an authorization to cancel the previous registration and
40 also process it as such under the procedures of G.S. 163-72.1(c) through (e).

41 (j) The application shall require that the applicant pay the full postage required
42 by federal law, except that if federal law provides that it may be carried without
43 postage, the application shall contain the appropriate franking language to allow it to be
44 carried without postage."

1 Registration shall become effective as provided in G.S. 163-67(a). Every special
2 registration commissioner appointed under this section shall accept applications to vote
3 in an election until the deadline established in G.S. 163-67(a), and no person who
4 applies to that special registration commissioner shall be denied the vote in that election
5 for failure to apply earlier than that deadline.

6 (d) The State Board of Elections is authorized to promulgate rules ~~and regulations~~
7 necessary to implement the provisions of this section."

8 Sec. 2.2. G.S. 163-80 reads as rewritten:

9 **"§ 163-80. Officers authorized to register voters.**

10 (a) Only the following election officials shall be authorized to register voters:

- 11 (1) Any member of a county board of elections who has been duly
12 appointed pursuant to G.S. 163-22(c) and properly installed as required
13 by G.S. 163-30 and 163-31.
- 14 (2) The supervisor of elections of a county board of elections appointed
15 pursuant to the provisions of G.S. 163-35.
- 16 (3) Precinct registrars and judges of election appointed pursuant to the
17 provisions of G.S. 163-41.
- 18 (4) Special registration commissioners appointed pursuant to the authority
19 and limitation contained in G.S. 163-41(b) , or serving ex officio
20 pursuant to G.S. 163-81.
- 21 (5) Full-time and salaried deputy supervisors of elections employed by the
22 county board of elections and who work under the direct supervision
23 of the board's supervisor of elections appointed pursuant to the
24 provisions contained in G.S. 163-35.
- 25 (6) Local public library employees designated by the governing board of
26 such public library to be appointed by the county board of elections as
27 special library registration deputies. Appointment of such deputies is
28 mandatory for libraries covered by G.S. 153A-272; appointment is
29 optional for other libraries. Persons appointed under this subsection
30 shall be given the oath contained in G.S. 163-41(b), and shall be
31 authorized to accept applications to register on those days and during
32 those hours said special deputies are on duty with their respective
33 libraries. If, for good and valid reasons, the local public library director
34 shall request that the county board of elections appoint 'replacement'
35 special library registration deputies before the two-year term ends, the
36 county board of elections shall do so.
- 37 (7) Public high school employees appointed under this subdivision. A
38 local board of education may, but is not required to, designate high
39 school employees to be appointed by the county board of elections as
40 special high school registration commissioners. Only employees who
41 volunteer for this duty, and who are acceptable to the county board of
42 elections, may be designated by boards of education. A special high
43 school registration commissioner may register voters only while on
44 duty as a high school employee and only at times and under

1 arrangements approved by the local school board of education. A
2 person appointed under this subdivision shall take the oath prescribed
3 in G.S. 163-41(b).

4 (b) All election officials authorized to register voters under authority of this
5 section shall not be authorized to register voters who reside outside the boundaries of
6 their respective counties except in those specific instances involving municipalities
7 which lie within the boundaries of two or more counties and except as provided by G.S.
8 163-81. The State Board of Elections shall have authority to promulgate rules for the
9 processing of voters in such instances.

10 (c) All election officials authorized by this section to register voters shall register
11 any qualified voter without regard to political party affiliation and without
12 discrimination in any manner whatsoever.

13 (d) The State Board of Elections shall promulgate rules for the proper training of
14 those persons qualifying under this section as registrars."

15 Sec. 2.3. There is appropriated from the General Fund to the State
16 Department of Transportation the sum of fifty-five thousand four hundred dollars
17 (\$55,400) for the 1992-93 fiscal year to implement the voter registration provisions of
18 Sections 2.1 and 2.2 of this part.

19 Sec. 2.4. Section 2.1 and 2.2 of this part become effective on January 1,
20 1994, or the date on which the Division of Motor Vehicles has in place the necessary
21 equipment to enforce those sections, whichever date is earlier. Section 2.3 of this part
22 becomes effective July 1, 1992.

23 24 **PART 3 – THREE-WEEK REGISTRATION DEADLINE**

25 Sec. 3.1. G.S. 163-67 reads as rewritten:

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

36 When full-time registration has been established in a county, the official record of
37 registration shall be made and kept in the form of an application to register which, as
38 prescribed by the State Board of Elections, shall contain all information necessary to
39 show the applicant's qualifications to register. In such a county, no person shall be
40 registered to vote without first making a written, sworn, and signed application to
41 register upon the form prescribed by the State Board of Elections. If the applicant
42 cannot write because of physical disability, his name shall be written on the application
43 for him by the election official to whom he makes application, but the specific reason
44 for the applicant's failure to sign shall be clearly stated upon the face of the application.

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

6 Applications to register which have been completed by persons who have taken the
7 required oath shall be forwarded promptly, and in no case more than 72 hours after the
8 close of registration, to the county board of elections. Failure to forward the application
9 within 72 hours shall not disqualify an otherwise properly qualified voter from voting.
10 An 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~~16 days, excluding Saturdays and Sundays, prior to the election,
14 the notification of rejection shall be made no less than ~~14~~seven days prior to the
15 election or the application shall constitute a valid registration. If the application is
16 rejected after the close of the registration books as provided in G.S. 163-67(a) the
17 board shall notify the applicant at least ~~14~~seven days before the election that it has
18 rejected his application. The applicant may appear before the board and, if he
19 establishes his qualifications to register prior to the election, he shall be permitted to
20 vote. The loose-leaf binders containing the precinct records and the duplicate
21 registration record, required by G.S. 163-65(a), shall 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 day later than the
26 ~~twenty-first~~sixteenth 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 Sec. 3.2. G.S. 163-69.1(b) reads as rewritten:

33 "(b) A voter whose name has been changed shall report such change of name to an
34 official authorized to register voters under G.S. 163-80 no later than the ~~twenty-first day~~
35 ~~(excluding Saturdays and Sundays)~~last day for making application to register under G.S.
36 163-67 prior to an election, primary, or special election in order to vote in said election
37 if the name change occurred on or before that date. Alternatively, the voter may report
38 such change to the registrar at the polls, and, if otherwise eligible, may vote. A voter
39 wishing to vote by absentee ballot may report the name change to the county board of
40 elections, by mail or in person, along with that voter's application for absentee ballot;
41 and if otherwise eligible, may vote.

42 Any report made under this section shall be made under oath, and on a form
43 prescribed by the county board of elections. A name-change form shall be included in
44 any mailing to a voter of an absentee ballot application form."

1 Sec. 3.3. G.S. 163-72.2(e) reads as rewritten:

2 "(e) No report filed under this section shall be effective for a primary or election
3 unless received by the board of elections on or before the ~~twenty-first day (excluding~~
4 ~~Saturdays and Sundays)~~ last day for making application to register under G.S. 163-67
5 before the primary or election, except that if the report is submitted before the deadline
6 but more information is requested, such report shall be effective for the primary or
7 election if sufficient information is received more than ~~14~~ seven days before the primary
8 or election."

9 Sec. 3.4. G.S. 163-74(b) reads as rewritten:

10 "(b) Change of Party Affiliation or Unaffiliated Status. – No registered elector
11 shall be permitted to change the record of his party affiliation or unaffiliated status for a
12 primary, second primary or special or general election after the close of the registration
13 books immediately prior to any such election. Any registrant who desires to have the
14 record of his party affiliation or unaffiliated status changed on the registration book
15 shall, no later than the ~~twenty-first day (not including Saturdays and Sundays)~~ last day for
16 making application to register under G.S. 163-67 before the election go to the chairman
17 or the supervisor of elections of the county board of elections or to other registration
18 officials specified in G.S. 163-80 and request that the change be made. Before being
19 permitted to have the change made, the chairman, supervisor of elections or other
20 registration official shall require the registrant to take the following oath, and it shall be
21 the duty of the elections officer to administer it:

22 (1) If the voter desires to change from one political party to another, or
23 from unaffiliated to a political party:

24 I,, do solemnly swear (or affirm) that I desire in good faith
25 to change my party affiliation from the Party (or from
26 unaffiliated status) to the Party, and that such change of
27 affiliation be made on the registration records in the manner provided
28 by law, so help me, God.

29 (2) If the voter desires to change his affiliation with any political party to
30 unaffiliated status:

31 I,, do solemnly swear (or affirm) that I desire in good faith
32 to change my party affiliation with the Party to unaffiliated and
33 that such change of affiliation be made on the registration records in
34 the manner provided by law, so help me, God.

35 Upon receipt of the required oath, the county board of elections shall immediately
36 change the record of the registrant's party affiliation, or unaffiliated status, to conform to
37 that stated in the oath. Thereafter the voter shall be considered registered and qualified
38 to vote in accordance with the effected change.

39 Provided, in the event that a registrant has the record of his party affiliation or
40 unaffiliated status changed later than the ~~21st day (not including Saturdays and Sundays)~~
41 last day for making application to register under G.S. 163-67 before a primary, the
42 registrant shall not be entitled to vote in that primary."

43 Sec. 3.5. G.S. 163-59 reads as rewritten:

44 "§ 163-59. Right to participate or vote in party primary.

1 No person shall be entitled to vote or otherwise participate in the primary election of
2 any political party unless he

3 (1) Is a registered voter, and

4 (2) Has declared and has had recorded on the registration book or record
5 the fact that he affiliates with the political party in whose primary he
6 proposes to vote or participate, and

7 (3) Is in good faith a member of that party.

8 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized
9 under G.S. 163-74(a1) may also vote in the primary if the voter is otherwise
10 eligible to vote in that primary except for subdivisions (2) and (3) of the previous
11 paragraph.

12 Any person who will become qualified by age or residence to register and vote in the
13 general election or regular municipal election for which the primary is held, even
14 though not so qualified by the date of the primary, shall be entitled to register for the
15 primary and general or regular municipal election prior to the primary and then to vote
16 in the primary after being registered. Such person may register not earlier than 60 days
17 nor later than the ~~21st day (excluding Saturdays and Sundays)~~ last day for making
18 application to register under G.S. 163-67 prior to the primary. In addition, persons who
19 will become qualified by age to register and vote in the general election or regular
20 municipal election for which the primary is held, who do not register during the special
21 period may register to vote after such period as if they were qualified on the basis of
22 age, but until they are qualified by age to vote, they may vote only in primary
23 elections."

24 Sec. 3.6. G.S. 163-213.2 reads as rewritten:

25 "**§ 163-213.2. Primary to be held; date; qualifications and registration of voters.**

26 On the Tuesday after the first Monday in May, 1992, and every four years thereafter,
27 the voters of this State shall be given an opportunity to express their preference for the
28 person to be the presidential candidate of their political party.

29 Any person otherwise qualified who will become qualified by age to vote in the
30 general election held in the same year of the presidential preference primary shall be
31 entitled to register and vote in the presidential preference primary. Such persons may
32 register not earlier than 60 days nor later than the ~~21st day~~ last day for making
33 application to register under G.S. 163-67 prior to the said primary. In addition, persons
34 who will become qualified by age to register and vote in the general election for which
35 the primary is held, who do not register during the special period may register to vote
36 after such period as if they were qualified on the basis of age, but until they are qualified
37 by age to vote, they may vote only in primary elections."

38 Sec. 3.7. G.S. 163-288(c)(3) reads as rewritten:

39 "(3) METHOD C. – The county board of elections shall permit the
40 municipal board of elections to copy county registration books from
41 the precinct binder record or from the duplicate required to be
42 maintained by said county board of elections. During the period
43 beginning on the ~~twenty first day before each municipal election~~
44 ~~(excluding Saturdays and Sundays)~~ last day for making application to

1 register under G.S. 163-67, the municipal board of elections shall
2 compare the municipal registration books with the appropriate county
3 books and shall add or delete registration certificates in order that the
4 city and county records shall agree. The precincts established for
5 municipal elections may differ from those established by the county
6 board of elections."

7 Sec. 3.8. G.S. 163-283 reads as rewritten:

8 **"§ 163-283. Right to participate or vote in party primary.**

9 No person shall be entitled to vote or otherwise participate in the primary election of
10 any political party unless he

11 (1) Is a registered voter, and

12 (2) Has declared and has had recorded on the registration book or record
13 the fact that he affiliates with the political party in whose primary he
14 proposes to vote or participate, and

15 (3) Is in good faith a member of that party.

16 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized
17 under G.S. 163-74(a1) may also vote in the primary if the voter is otherwise
18 eligible to vote in that primary except for subdivisions (2) and (3) of the previous
19 paragraph.

20 Any person who will become qualified by age or residence to register and vote in the
21 general election for which the primary is held, even though not so qualified by the date
22 of the primary election, shall be entitled to register while the registration books are open
23 during the regular registration period prior to the primary and then to vote in the
24 primary after being registered, provided however, under full-time and permanent
25 registration, such an individual may register not earlier than 60 days nor later than the
26 ~~21st day last day for making application to register under G.S. 163-67~~ prior to the
27 primary. In addition, persons who will become qualified by age to register and vote in
28 the general election for which the primary is held, who do not register during the special
29 period may register to vote after such period as if they were qualified on the basis of
30 age, but until they are qualified by age to vote, they may vote only in primary
31 elections."

32 Sec. 3.9. G.S. 163-288.2(a) reads as rewritten:

33 **"§ 163-288.2. Registration in area proposed for incorporation or annexed.**

34 (a) Whenever the General Assembly incorporates a new city and provides in the
35 act of incorporation for a referendum on the question of incorporation or for a special
36 election for town officials or for both, or whenever an existing city or special district
37 annexes new territory under the provisions of Chapter 160A, Article 4A, or other
38 general or local law, the board of elections of the county in which the proposed city is
39 located or in which the newly annexed territory is located shall determine those
40 individuals eligible to vote in the referendum or special election or in the city or special
41 district elections. In determining the eligible voters the board may, in its discretion, use
42 either of the following methods:

43 METHOD A. – The board of elections shall prepare a list of those registered voters
44 residing within the proposed city or newly annexed territory. The board shall make this

1 list available for public inspection in its office for a two-week period ending on the
2 ~~twenty first day (excluding Saturdays and Sundays) last day for making application to~~
3 register under G.S. 163-67 before the day of the referendum or special election, or the
4 next scheduled city or special district election. During this period, any voter resident
5 within the proposed city or newly annexed territory and not included on the list may
6 cause his name to be added to the list. At least one week and no more than two weeks
7 before the day the period of public inspection is to begin, the board shall cause notice of
8 the list's availability to be posted in at least two prominent places within the proposed
9 city or newly annexed territory and may cause the notice to be published in a newspaper
10 of general circulation within the county. The notice shall state that the list has been
11 prepared, that only those persons listed may vote in the referendum or special election,
12 that the list will be available for public inspection in the board's office, that any
13 qualified voter not included on the list may cause his name to be added to the list during
14 the two-week period of public inspection, and that persons in newly annexed territory
15 should present themselves so their registration records may be activated for voting in
16 city or special district elections in the newly annexed territory. Notice may additionally
17 be made on a radio or television station or both, but such notice shall be in addition to
18 the newspaper and other required notice.

19 METHOD B. – The board of elections shall conduct a special registration of eligible
20 persons desiring to vote in the referendum or special election or in the newly annexed
21 territory. The registration records shall be open for a two-week period (except Sundays)
22 ending on the ~~twenty first day (excluding Saturdays and Sundays) last day for making~~
23 application to register under G.S. 163-67 before the day of the referendum or special
24 election or the next scheduled city or special district election. On the two Saturdays
25 during that two-week period, the records shall be located at the voting place for the
26 referendum or special election or the next scheduled city or special district election; on
27 the other days it may, in the discretion of the board, be kept at the voting place, at the
28 office of the board, or at the place of business of a person designated by the board to
29 conduct the special registration. At least one week and no more than two weeks before
30 the day the period of special registration is to begin, the board shall cause notice of the
31 registration to be posted in at least two prominent places within the proposed city or
32 newly annexed territory and may cause the notice to be published in a newspaper of
33 general circulation within the county. The notice shall state the purpose and times of
34 the special registration, the location of the registration records, that only those persons
35 registered in the special registration may vote in the referendum or special election, and
36 that persons in newly annexed territory should present themselves so their registration
37 records may be activated for voting in city or special district elections in the newly
38 annexed territory. Notice may additionally be made on a radio or television station or
39 both, but such notice shall be in addition to the newspaper and other required notice."

40 Sec. 3.10. This part becomes effective with respect to all elections occurring
41 on and after July 1, 1993.

42 43 **PART 4 – SATELLITE VOTING PRECINCTS**

1 of Supervisors of Elections and one person recommended by the North
2 Carolina Election Conference.

3 (2) Five shall be appointed by the Speaker of the House. Of these, the
4 Speaker shall appoint one person recommended by the North Carolina
5 Association of County Commissioners, one person recommended by
6 the North Carolina League of Municipalities, and one person
7 recommended by the State Board of Elections.

8 (3) Five shall be appointed by the President Pro Tempore of the Senate. Of
9 these, the President Pro Tempore shall appoint two persons
10 recommended by the Election Boards Association of North Carolina.

11 (c) The Speaker of the House and the President Pro Tempore of the Senate shall
12 each designate a Cochair of the Commission from one of his five appointees. The
13 Cochairs shall call the first meeting of the Commission as soon as all members are
14 appointed.

15 (d) Each member of the Commission shall serve a term of two years. The first
16 term shall begin July 1, 1992. Each appointing authority shall make his appointments
17 immediately upon the ratification of this Article.

18 **"§ 120-191. Subsistence and travel expenses.**

19 The members of the Commission who are members of the General Assembly shall
20 receive subsistence and travel allowances at the rate set forth in G.S. 120-3.1. Members
21 who are officials or employees of the State of North Carolina shall receive subsistence
22 and travel allowances at the rate set forth in G.S. 138-6. All other members shall be paid
23 the per diem allowances at the rates set forth in G.S. 138-5.

24 **"§ 120-192. Facilities and staff.**

25 The Commission may hold its meetings in the State Legislative Building or the
26 Legislative Office Building with the approval of the Legislative Services Commission.
27 The Legislative Services Commission shall provide necessary professional and clerical
28 assistance to the Commission. If necessary, the Commission may enter into contracts for
29 services of experts outside the legislative staff in order to fulfill its duties.

30 **"§ 120-193. Duties.**

31 (a) With regard to statewide computerized voter registration, the Commission
32 shall:

- 33 (1) Design a statewide computerized voter registration system;
- 34 (2) Decide where the system shall be housed administratively;
- 35 (3) Develop a timetable for establishment of the system; and
- 36 (4) Recommend legislation to the General Assembly to implement
37 subdivisions (1), (2), and (3).

38 (b) With regard to campaign regulation, the Commission shall:

- 39 (1) Review Articles 22, 22A, 22B, and 22C of Chapter 163 of the General
40 Statutes; and
- 41 (2) Recommend to the General Assembly needed changes to those
42 Articles.

43 (c) The Commission shall report its progress to the General Assembly prior to
44 February 1 of each year."

1 Sec. 6.2. There is appropriated from the General Fund to the North Carolina
2 Commission to Improve Voter Participation the sum of two hundred fifty thousand
3 dollars (\$250,000) for the 1992-93 fiscal year to implement the provisions of Section
4 6.1 of this part.

5 Sec. 6.2A. All mandated costs in this act shall be provided by the State out of
6 funds appropriated.

7 Sec. 6.3. Section 6.1 of this part becomes effective upon ratification of this
8 act. Section 6.2 of this part becomes effective July 1, 1992.

9 Sec. 7. This act is effective upon ratification.