

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 12
HOUSE BILL 32

AN ACT TO REENACT AN ACT WHICH EXPIRED JANUARY 1, 1991, WHICH
SIMPLIFIED THE REQUIREMENTS FOR ELECTION DAY VOTER
TRANSFERS.

Whereas, the 1989 General Assembly in House Bill 405, ratified as Chapter 427 of the 1989 Session Laws, simplified the procedure for election day voter transfers; and

Whereas, that act was temporary in nature and expired at the end of 1990; and
Whereas, that act should be reenacted and made permanent; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-72.3 reads as rewritten:

"§ 163-72.3. Change of address on election day; authorization to vote.

(a) A registered voter who has moved from one precinct to another within the same county more than 30 days before a primary or election, but who has not submitted a change of address report as provided in G.S. 163-72.2, nevertheless may vote under the following procedure:

- (1) On the day of the primary or election the voter must go to the polling place for the precinct at which the voter is registered. If the precinct at which the voter is registered is not open for that election, the voter shall go instead to the county board of elections office or to another location designated by the board, at which place a board employee or election official designated by the board shall issue the certificate of removal and perform the other duties specified below for the precinct officials.
- (2) Upon determining that the voter is registered in that precinct but moved more than 30 days before, the precinct registrar, precinct assistant appointed under G.S. 163-42, or a judge shall issue to the voter a certificate of removal on the following form:

NOTICE OF ELECTION DAY TRANSFER

(name of voter as it appears in registration records)

On this day,

(address on voter's record)

recorded as residing at,

appeared before the undersigned precinct official. This person has not voted this date in this precinct and hereby requests that he or she be permitted to vote after executing the required transfer certificate.

.....
Registrar or Judge

.....
Name and number of precinct

.....
Signature of voter

TAKE THIS CERTIFICATE TO THE COUNTY BOARD OF ELECTIONS'.

- (3) Upon issuance of the certificate to the voter, the precinct official shall mark the voter's registration record with a 'T' in the appropriate voting square to indicate that the voter has transferred.
- (4) The voter shall take the certificate of removal to the precinct transfer assistant at the county board of elections' office. Upon determining that the voter moved more than 30 days before the election, that the voter now resides in another precinct within the county, and that the voter is otherwise qualified to vote in the election, the precinct transfer assistant shall have the voter complete the proper precinct transfer forms. The precinct transfer assistant shall then provide the voter with the proper ballots, or access to the proper voting equipment, for the precinct where the voter now resides. If the voter fails to take the certificate of removal to the precinct transfer assistant at the county board of elections' office by the time the polls close on election day, the voter may at a later date submit a change of address report under G.S. 163-72.2 to become effective as provided by law.
- (5) After marking the ballots, or using the voting equipment in a booth or separate room provided for ~~that purpose voting,~~ the voter shall place the ballots, if any, in an envelope provided by the precinct transfer assistant. ~~That envelope shall have printed or stamped on it the following:~~
 - Transfer voter ballot #
 - Assigned precinct

The precinct transfer assistant shall write the proper information in the blanks before giving the envelope to the voter in the proper ballot box.
- (6) The precinct transfer assistant shall enter in a book provided by the board of elections the name of each voter permitted to vote under this section, ~~the number assigned to the voter's ballot and envelope,~~ the precinct in which the voter was previously registered, and the precinct to which the voter has transferred.
- (7) ~~Envelopes containing ballots voted under this section shall be retained to be opened and the ballots counted after the polls close on election day.~~ Ballots voted at the board office shall be counted after the polls

have closed by board members or assistants appointed by the board. Ballots voted at other locations shall be counted by the precinct transfer assistants assigned to those locations, aided by precinct officials or ballot counters for those locations, provided that if the other location is the polling place at which the person would have voted if a change of address report had been filed under G.S. 163-72.2 prior to the close of registration for the election, the ballots shall be counted in the same manner as those of other voters. At each location all envelopes shall be opened and all ballots deposited in the appropriate boxes before any ballots are counted, and other than the polling place at which the person would have voted if a change of address report had been filed under G.S. 163-72.2 prior to the close of registration for the election, the results of the counting shall be entered on duplicate transfer report forms signed by the officials responsible for the counting.

~~If the county board of elections designates a precinct voting place as a location for voting under this section, and only voters who now reside in that precinct are permitted to vote transfer ballots there, the board may direct the precinct officials to place the transfer ballots in the appropriate precinct ballot boxes immediately after the polls close and to count and report the results of the transfer ballots together with all other ballots voted in the precinct.~~

- (8) A person voting under this section shall be entitled to the same assistance as provided in G.S. 163-152.
- (9) The precinct officials and precinct transfer assistant may require a person to show identification if needed to establish that the person is entitled to vote under this section.

(b) The county board of elections shall either designate a board employee or appoint another person to serve as a precinct transfer assistant. County boards of elections in counties with 70,000 or more registered voters may appoint two precinct transfer assistants, and boards in counties with 100,000 or more registered voters may appoint three assistants. In addition, board members and employees may perform the duties of a precinct transfer assistant.

(c) The board may appoint precinct transfer assistants in addition to those authorized by subsection (b) and assign them to locations other than the board of elections' office, ~~provided the board adopts a resolution approving such additional appointments and gives written notice to the State Board of Elections of the additional locations at least 60 days before the election.~~ The board may provide that each polling place open for an election shall be an additional location, and that each voter shall, after receiving a certificate under subdivision (2) of subsection (a), go to vote at the polling place where they would have been assigned if they had filed a change of address report under G.S. 163-72.2 prior to the time that registration closed for the election. If such provision is made, the registrar, judge, or precinct assistant issuing a certificate under subdivision (2) of subsection (a) shall notify the voter of the location of such polling

place. If additional locations are established, the county board may make the appropriate changes in the forms and procedures to be used under subsection (a). To exercise any option permitted to it in this subsection, the county board of elections shall adopt a resolution and give written notice to the State Board of Elections at least 60 days before the election. The notice shall include the additional locations at which transfer voting will be allowed.

(d) Each precinct transfer assistant shall be paid at least thirty-five dollars (\$35.00) for the duties performed on election day, and may be paid additional compensation as recommended by the board of elections and authorized by the board of county commissioners."

Sec. 2. This act reenacts without change, and makes permanent, the expired provisions of Chapter 427, Session Laws of 1989.

Sec. 3. This act becomes effective with respect to primaries and elections held on or after 30 days after effectiveness of this act under Section 5 of the Voting Rights Act of 1965.

In the General Assembly read three times and ratified this the 21st day of March, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives