

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 485

Short Title: Election Law Reform.

(Public)

Sponsors: Senator Hyde.

Referred to: Election Laws.

April 4, 1991

A BILL TO BE ENTITLED

AN ACT TO REFORM THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

PART I. VOTER INTIMIDATION PROHIBITED.

Section 1. G.S. 163-275 reads as rewritten:

"§ 163-275. Certain acts declared felonies.

Any person who shall, in connection with any primary, general or special election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

- (1) For any person fraudulently to cause his name to be placed upon the registration books of more than one election precinct or fraudulently to cause or procure his name or that of any other person to be placed upon the registration books in any precinct when such registration in that precinct does not qualify such person to vote legally therein, or to impersonate falsely another registered voter for the purpose of voting in the stead of such other voter;
- (2) For any person to give or promise or request or accept at any time, before or after any such primary or election, any money, property or other thing of value whatsoever in return for the vote of any elector;
- (3) For any person who is an election officer, a member of an election board or other officer charged with any duty with respect to any primary or election, knowingly to make any false or fraudulent entry on any election book or any false or fraudulent returns, or knowingly to make or cause to be made any false statement on any ballot, or to do

- 1 any fraudulent act or knowingly and fraudulently omit to do any act or
2 make any report legally required of such person;
- 3 (4) For any person knowingly to swear falsely with respect to any matter
4 pertaining to any primary or election;
- 5 (5) For any person convicted of a crime which excludes him from the right
6 of suffrage, to vote at any primary or election without having been
7 restored to the right of citizenship in due course and by the method
8 provided by law;
- 9 (6) For any person to take corruptly the oath prescribed for voters;
- 10 (7) For any person with intent to commit a fraud to register or vote at
11 more than one precinct or more than one time, or to induce another to
12 do so, in the same primary or election, or to vote illegally at any
13 primary or election;
- 14 (8) For any registrar or any clerk or copyist to make any entry or copy
15 with intent to commit a fraud;
- 16 (9) For any election official or other officer or person to make, certify,
17 deliver or transmit any false returns of any primary or election, or to
18 make any erasure, alteration, or conceal or destroy any election ballot,
19 book, record, return or process with intent to commit a fraud;
- 20 (10) For any person to assault any registrar, judge of election or other
21 election officer while in the discharge of his duty in the registration of
22 voters or in conducting any primary or election;
- 23 (11) For any person, by threats, menaces or in any other manner, to
24 intimidate or attempt to intimidate any registrar, judge of election or
25 other election officer in the discharge of his duties in the registration of
26 voters or in conducting any primary or election;
- 27 (12) For any registrar, judge of election, member of a board of elections,
28 assistant, marker, or other election official, directly or indirectly, to
29 seek, receive or accept money or the promise of money, the promise of
30 office, or other reward or compensation from a candidate in any
31 primary or election or from any source other than such compensation
32 as may be provided by law for his services;
- 33 (13) For any person falsely to make or present any certificate or other paper
34 to qualify any person fraudulently as a voter, or to attempt thereby to
35 secure to any person the privilege of voting;
- 36 (14) For any officer authorized by G.S. 163-80 to register voters and any
37 other individual to knowingly and willfully receive, complete, or sign
38 an application to register from any voter contrary to the provisions of
39 G.S. 163-72; or
- 40 (15) Reserved for future codification purposes.
- 41 (16) For any person falsely to make the certificate provided by G.S. 163-
42 229(b)(2) or G.S. 163-250(a).
- 43 (17) For any person, directly or indirectly, to misrepresent the law to the
44 public through mass mailing or any other means of communication

1 where the effect intimidates, harasses, or discourages potential voters
2 from exercising their lawful right to vote."

3 **PART II. EXTENSION OF POLL HOURS ON ELECTION DAY.**

4 Sec. 2. G.S. 163-2 reads as rewritten:

5 **"§ 163-2. Hours of primaries and elections.**

6 In all primaries, general elections, special elections, and referenda held in this State,
7 including those held in and for municipalities and special districts, the polls shall be
8 open at 6:30 A.M., and shall be closed at 7:30 P.M.: Provided, however, ~~that at all voting~~
9 ~~places at which voting machines are used that whenever:~~

- 10 (1) There are insufficient numbers of ballots;
11 (2) There are insufficient numbers of polling books;
12 (3) There are multiple breakdowns in voting equipment;
13 (4) The openings of the polls are delayed; or
14 (5) There are other irregularities

15 which cause undue delays in the voting process, the responsible county board of
16 elections may permit the polls to remain open until ~~8:30-9:30~~ P.M.

17 Any registered voter of the county may request an extension of the polling hours
18 under this section, and if the request is denied by the county board of elections, appeal
19 may be taken either to the State Board of Elections or to the Superior Court of either
20 Wake County or the county involved. The county board of elections shall take action
21 promptly on the request, and if there is undue delay in making a decision, the petitioner
22 may file the request with the State Board of Elections or the superior court as if a
23 decision had been made. Any appeal shall be heard **de novo**."

24 **PART III. POLL OBSERVERS GET VOTING LISTS.**

25 Sec. 3. G.S. 163-45 reads as rewritten:

26 **"§ 163-45. Observers; appointment.**

27 The chairman of each political party in the county shall have the right to designate
28 two observers to attend each voting place at each primary and election and such
29 observers may, at the option of the designating party chairman, be relieved during the
30 day of the primary or election after serving no less than four hours and provided the list
31 required by this section to be filed by each chairman contains the names of all persons
32 authorized to represent such chairman's political party. Not more than two observers
33 from the same political party shall be permitted in the voting enclosure at any time.
34 This right shall not extend to the chairman of a political party during a primary unless
35 that party is participating in the primary. In any election in which an unaffiliated
36 candidate is named on the ballot, he or his campaign manager shall have the right to
37 appoint two observers for each voting place consistent with the provisions specified
38 herein. Persons appointed as observers must be registered voters of the precinct for
39 which appointed and must have good moral character. Observers shall take no oath of
40 office.

41 Individuals authorized to appoint observers must submit in writing to the registrar of
42 each precinct a signed list of the observers appointed for that precinct. Individuals
43 authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any
44 primary or general election, submit in writing to the chairman of the county board of

1 elections two signed copies of a list of observers appointed by them, designating the
2 precinct for which each observer is appointed. Before the opening of the voting place
3 on the day of a primary or general election, the chairman shall deliver one copy of the
4 list to the registrar for each affected precinct. He shall retain the other copy. The
5 chairman, or the registrar and judges for each affected precinct, may for good cause
6 reject any appointee and require that another be appointed. The names of any persons
7 appointed in place of those persons rejected shall be furnished in writing to the registrar
8 of each affected precinct no later than the time for opening the voting place on the day
9 of any primary or general election, either by the chairman of the county board of
10 elections or the person making the substitute appointment.

11 An observer shall do no electioneering at the voting place, and he shall in no manner
12 impede the voting process or interfere or communicate with or observe any voter in
13 casting his ballot, but, subject to these restrictions, the registrar and judges of elections
14 shall permit him to make such observation and take such notes as he may desire.

15 Whether or not the observer attends to the polls for the requisite time provided by
16 this section, each observer shall be entitled to obtain at times specified by the State
17 Board of Elections, but not less than three times during election day, with the first time
18 being after 11:00 a.m. and with the spacing not less than one hour apart, a list of the
19 persons who have voted in the precinct so far in that election day."

20 PART IV. SEALING OF BALLOTS.

21 Sec. 4. G.S. 163-171 reads as rewritten:

22 "**§ 163-171. Preservation of ballots; locking and sealing ballot boxes; signing**
23 **certificates.**

24 When the precinct count is completed after a primary or election, all ballots shall be
25 put back in the ballot boxes from which they were taken, and the registrar and judges
26 shall promptly lock and place a seal around the top of each ballot box, so that no ballot
27 may be taken from or put in it. The registrar and judges shall then sign the seal on each
28 ballot box. In the alternative, the county board of elections may permit the precinct
29 officials to put the counted ballots back in one ballot box or more to facilitate
30 safekeeping provided the board prescribes an appropriate procedure to keep the
31 different kinds of ballots separated in bundles or bags within the box.

32 Ballot boxes in which ballots have been placed and which have been locked and
33 sealed as required by the preceding paragraph shall remain in the safe custody of the
34 registrar, subject to the orders of the chairman of the county board of elections as to
35 their disposition; provided that ballot boxes with paper ballots shall be delivered in
36 person to the office of the county board of elections; provided further that in the case of
37 paper ballots which have been counted either mechanically or electronically either the
38 counting machines with the paper ballots sealed inside shall be delivered in person to
39 the office of the county board of elections, or the paper ballots shall be placed in ballot
40 boxes, sealed, and those boxes shall be delivered in person to the office of the county
41 board of elections. The ballots and ballot boxes shall be delivered at a time specified by
42 the county board of elections. No ballot box shall be opened except upon the written
43 order of the county board of elections or upon a proper order of court.

1 Ballots cast in a primary or general election shall be preserved for at least two
2 months after the primary or general election in which voted.

3 On each precinct return form there shall be printed a statement to be signed by the
4 registrar and judges certifying that, after the precinct count was completed, each ballot
5 box was properly locked, sealed, and the seals signed, as prescribed in this section,
6 before the precinct officials left the voting place on the night of the primary or election.

7 Willful failure to securely lock, seal, and sign the seal on each ballot box on the
8 night of any primary or election, and willful failure to sign the certificate on the
9 duplicate return forms certifying that this was done, shall constitute a misdemeanor.

10 In the event that a recount is requested as provided by law or there is other filing of
11 an appeal of the election results, the county board of elections shall seal and secure the
12 ballots, ballot boxes, and voting machines within a uniform period of time set by the
13 State Board of Elections, to the extent that such actions have not already been taken as
14 required by law. The aforementioned items shall then be stored in one location that is
15 securely locked by members of the county board of elections."

16 **PART V. VOTER REGISTRATION AMENDMENTS.**

17 Sec. 5. G.S. 163-67(a) reads as rewritten:

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

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

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

43 Applications to register which have been completed by persons who have taken the
44 required oath shall be forwarded promptly to the county board of elections. An

1 application to register shall constitute a valid registration unless the county board of
2 elections shall notify the applicant of its rejection within 30 days after its completion;
3 provided that where the application is completed during the last 51 days prior to the
4 election but at least ~~21-15~~ days, ~~excluding~~ including Saturdays and Sundays, prior to the
5 election, the notification of rejection shall be made no less than ~~14~~ seven days prior to
6 the election or the application shall constitute a valid registration. If the application is
7 rejected after the close of the registration books as provided in G.S. 163-67(a) the
8 board shall notify the applicant at least ~~14~~ seven days before the election that it has
9 rejected his application. The applicant may appear before the board and, if he
10 establishes his qualifications to register prior to the election, he shall be permitted to
11 vote. The loose-leaf binders containing the precinct records and the duplicate
12 registration record, required by G.S. 163-65(a), shall be kept at all times in a safe place.

13 For the purpose of receiving registration applications, registrars shall attend the
14 voting places in their precincts only on such days and at such hours as may be fixed by
15 the county board of elections: Provided, the county board of elections shall not require
16 registrars to be present at the voting places for this purpose on any day later than the
17 ~~twenty-first-fifteenth~~ day, ~~excluding~~ including Saturdays and Sundays, prior to a primary
18 or election. In its discretion, the county board of elections may require no attendance by
19 registrars at the voting places for the purpose of receiving registration applications.

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

23 Sec. 6. G.S. 163-69.1(b) reads as rewritten:

24 "(b) A voter whose name has been changed shall report such change of name to an
25 official authorized to register voters under G.S. 163-80 no later than the ~~twenty-first day~~
26 ~~(excluding Saturdays and Sundays)~~ last day for making application to register under G.S.
27 163-67 prior to an election, primary, or special election in order to vote in said election
28 if the name change occurred on or before that date. Alternatively, the voter may report
29 such change to the registrar at the polls, and, if otherwise eligible, may vote. A voter
30 wishing to vote by absentee ballot may report the name change to the county board of
31 elections, by mail or in person, along with that voter's application for absentee ballot;
32 and if otherwise eligible, may vote.

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

36 Sec. 7. G.S. 163-72.2(e) reads as rewritten:

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

44 Sec. 8. G.S. 163-74(b) reads as rewritten:

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

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

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

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

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

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

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

34 Sec. 9. G.S. 163-59 reads as rewritten:

35 "**§ 163-59. Right to participate or vote in party primary.**

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

38 (1) Is a registered voter, and

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

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

43 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized
44 under G.S. 163-74(a1) may also vote in the primary if the voter is otherwise

1 eligible to vote in that primary except for subdivisions (2) and (3) of the previous
2 paragraph.

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

15 Sec. 10. G.S. 163-213.2 reads as rewritten:

16 **"§ 163-213.2. Primary to be held; date; qualifications and registration of voters.**

17 On the second Tuesday in March, 1988, and every four years thereafter, the voters of
18 this State shall be given an opportunity to express their preference for the person to be
19 the presidential candidate of their political party.

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

29 Sec. 11. G.S. 163-288(c)(3) reads as rewritten:

30 "(3) METHOD C. – The county board of elections shall permit the
31 municipal board of elections to copy county registration books from
32 the precinct binder record or from the duplicate required to be
33 maintained by said county board of elections. During the period
34 beginning on the ~~twenty-first day before each municipal election~~
35 ~~(excluding Saturdays and Sundays)~~ last day for making application to
36 register under G.S. 163-67, the municipal board of elections shall
37 compare the municipal registration books with the appropriate county
38 books and shall add or delete registration certificates in order that the
39 city and county records shall agree. The precincts established for
40 municipal elections may differ from those established by the county
41 board of elections."

42 Sec. 12. G.S. 163-283 reads as rewritten:

43 **"§ 163-283. 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 for which the primary is held, even though not so qualified by the date
14 of the primary election, shall be entitled to register while the registration books are open
15 during the regular registration period prior to the primary and then to vote in the
16 primary after being registered, provided however, under full-time and permanent
17 registration, such an individual may register not earlier than 60 days nor later than the
18 ~~21st day last day for making application to register under G.S. 163-67~~ prior to the
19 primary. In addition, persons who will become qualified by age to register and vote in
20 the general 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. 13. G.S. 163-288.2(a) reads as rewritten:

25 "**§ 163-288.2. Registration in area proposed for incorporation or annexed.**

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

35 METHOD A. – The board of elections shall prepare a list of those registered voters
36 residing within the proposed city or newly annexed territory. The board shall make this
37 list available for public inspection in its office for a two-week period ending on the
38 ~~twenty first day (excluding Saturdays and Sundays) last day for making application to~~
39 register under G.S. 163-67 before the day of the referendum or special election, or the
40 next scheduled city or special district election. During this period, any voter resident
41 within the proposed city or newly annexed territory and not included on the list may
42 cause his name to be added to the list. At least one week and no more than two weeks
43 before the day the period of public inspection is to begin, the board shall cause notice of
44 the list's availability to be posted in at least two prominent places within the proposed

1 city or newly annexed territory and may cause the notice to be published in a newspaper
2 of general circulation within the county. The notice shall state that the list has been
3 prepared, that only those persons listed may vote in the referendum or special election,
4 that the list will be available for public inspection in the board's office, that any
5 qualified voter not included on the list may cause his name to be added to the list during
6 the two-week period of public inspection, and that persons in newly annexed territory
7 should present themselves so their registration records may be activated for voting in
8 city or special district elections in the newly annexed territory. Notice may additionally
9 be made on a radio or television station or both, but such notice shall be in addition to
10 the newspaper and other required notice.

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

32 Sec. 14. G.S. 163-57 reads as rewritten:

33 **"§ 163-57. Residence defined for registration and voting.**

34 All registrars and judges, in determining the residence of a person offering to
35 register or vote, shall be governed by the following rules, so far as they may apply:

- 36 (1) That place shall be considered the residence of a person in which his
37 habitation is fixed, and to which, whenever he is absent, he has the
38 intention of returning.
- 39 (2) A person shall not be considered to have lost his residence who leaves
40 his home and goes into another state or county of this State, for
41 temporary purposes only, with the intention of returning.
- 42 (3) A person shall not be considered to have gained a residence in any
43 county of this State, into which he comes for temporary purposes only,

1 without the intention of making such county his permanent place of
2 abode.

3 (4) If a person removes to another state or county within this State, with
4 the intention of making such state or county his permanent residence,
5 he shall be considered to have lost his residence in the state or county
6 from which he has removed.

7 (5) If a person removes to another state or county within this State, with
8 the intention of remaining there an indefinite time and making such
9 state or county his place of residence, he shall be considered to have
10 lost his place of residence in this State or the county from which he has
11 removed, notwithstanding he may entertain an intention to return at
12 some future time.

13 (6) If a person goes into another state or county, or into the District of
14 Columbia, and while there exercises the right of a citizen by voting in
15 an election, he shall be considered to have lost his residence in this
16 State or county.

17 (7) School teachers who remove to a county for the purpose of teaching in
18 the schools of that county temporarily and with the intention or
19 expectation of returning during vacation periods to live in the county
20 in which their parents or other relatives reside, and who do not have
21 the intention of becoming residents of the county to which they have
22 moved to teach, for purposes of registration and voting shall be
23 considered residents of the county in which their parents or other
24 relatives reside.

25 (8) If a person removes to the District of Columbia or other federal
26 territory to engage in the government service, he shall not be
27 considered to have lost his residence in this State during the period of
28 such service unless he votes there, and the place at which he resided at
29 the time of his removal shall be considered and held to be his place of
30 residence.

31 (9) If a person removes to a county to engage in the service of the State
32 government, he shall not be considered to have lost his residence in the
33 county from which he removed, unless he demonstrates a contrary
34 intention.

35 (10) For the purpose of voting a spouse shall be eligible to establish a
36 separate domicile.

37 (11) So long as a student intends to make his home in the community where
38 he is physically present for the purpose of attending school while he is
39 attending school and has no intent to return to his former home after
40 graduation, he may claim the college community as his domicile. He
41 need not also intend to stay in the college community beyond
42 graduation in order to establish his domicile there. This subdivision is
43 intended to codify the case law."

44 Sec. 15. G.S. 163-22 is amended by adding a new subsection to read:

1 "(n) The State Board of Elections shall provide specific training to county boards
2 of elections regarding rules for registering students."

3 **PART VI. ABSENTEE VOTING MADE EASIER.**

4 Sec. 16. G.S. 163-227 reads as rewritten:

5 **"§ 163-227. State Board to prescribe form of application for absentee ballots;**
6 **county to secure.**

7 (a) Applications for Absentee Ballots Generally. – A voter falling in any one of
8 the categories defined in G.S. 163-226, 163-226.1 or 163-226.2 may apply for absentee
9 ballots not earlier than 50 days prior to the statewide, county or municipal election in
10 which he seeks to vote and not later than 5:00 P.M. on the Tuesday before that election.
11 Subject to all other provisions contained in this Article, a voter applying for an absentee
12 ballot shall complete the standard application form to be secured by the county board of
13 elections, as designed and prescribed by the State Board of Elections. The form shall
14 contain lines to be checked off by each of the kinds of voters specified below:

15 (1) A voter expecting to be absent from the county of his residence all day
16 on the day of the specified election. (G.S. 163-226(a)(1)).

17 (2) A voter who is unable to be present at the voting place to vote in
18 person on the day of the specified election because of his sickness or
19 other physical disability occurring before 5:00 P.M. on the ~~Tuesday~~ day
20 prior to the date of the specified election. (G.S. 163-226(a)(2)).

21 ~~(3) A voter who is unable to be present at the voting place to vote in~~
22 ~~person on the day of the specified election because of his sickness or~~
23 ~~other physical disability occurring since 5:00 P.M. on the Tuesday~~
24 ~~prior to the date of the specified election. (G.S. 163-226(a)(2)).~~

25 (4) A voter expecting to be absent from the county, or due to emergency
26 disability will be unable to vote in person, or a person who qualifies
27 under G.S. 163-226(a)(4), and who, in lieu of making application by
28 mail, wishes to apply in person and receive a ballot which he may
29 immediately vote in the office of the county board of elections.

30 (b) Types of Applications; Instructions. –

31 (1) Expected Absence from County on Election Day. – A voter expected
32 to be absent from the county in which registered during the entire
33 period that the polls will be open on primary or general election day,
34 or a near relative, shall make written application for absentee ballots to
35 the chairman of the board of elections of the county in which the voter
36 is registered not earlier than 50 days nor later than 5:00 P.M. on the
37 Tuesday before the election. The application shall be submitted in the
38 form set out in this subdivision upon a copy which shall be furnished
39 the voter or a near relative by the chairman of the county board of
40 elections.

41 The applicant shall sign his application personally, or it shall be
42 signed by a near relative. The application shall be signed in the
43 presence of a witness, who shall sign his name in the place provided
44 on the form. The application form when properly filled out shall be

1 transmitted by mail or delivered in person by the applicant or a near
2 relative, or any person authorized to register voters in that county
3 to the chairman or the supervisor of elections of the county board of
4 elections.

- 5 (2) Absence for Sickness or Physical Disability Occurring before 5:00
6 P.M. on the ~~Tuesday~~ day prior to the Primary or General Election. – A
7 voter expecting to be unable to go to the voting place to vote in person
8 on primary or general election day because of his sickness or other
9 physical disability, or his near relative, shall make written application
10 for absentee ballots to the chairman of the board of elections of the
11 county in which the voter is registered not earlier than 50 days nor
12 later than 5:00 P.M. on the ~~Tuesday~~ day before the election. The
13 application shall be submitted in the form set out in this subdivision
14 upon a copy which shall be furnished the voter or a near relative by the
15 chairman of the county board of elections.

16 The application shall be signed by the voter personally, or it shall
17 be signed by a near relative. The application shall be signed in the
18 presence of a witness, who shall sign his name in the place provided
19 on the form.

20 The application form, when properly filled out, shall be transmitted
21 by mail or delivered in person by the applicant or a near relative or by
22 any person authorized to register voters in that county to the chairman
23 or supervisor of elections of the county board of elections of the
24 county in which the applicant is registered.

- 25 ~~(3) Absence for Sickness or Physical Disability Occurring after 5:00 P.M.~~
26 ~~on the Tuesday prior to Primary or General Election. — A voter~~
27 ~~expecting to be unable to go to the voting place to vote in person on~~
28 ~~primary or general election day because of sickness or other disability~~
29 ~~occurring after 5:00 P.M. on the Tuesday before the election, or a near~~
30 ~~relative, shall make written application for absentee ballots to the~~
31 ~~chairman of the board of elections of the county in which he is~~
32 ~~registered not later than 12:00 noon on the day preceding the election.~~
33 ~~The application shall be submitted in the form set out in this~~
34 ~~subdivision upon a copy which shall be furnished the voter or a near~~
35 ~~relative by the chairman of the county board of elections.~~

36 ~~The chairman of the county board of elections shall not issue or~~
37 ~~accept an application under the provisions of this subdivision later than~~
38 ~~12:00 noon on the day preceding the election in which the voter seeks~~
39 ~~to vote.~~

40 ~~The application shall be signed by the voter personally, or it shall~~
41 ~~be signed by a near relative. The application shall be signed in the~~
42 ~~presence of a witness who shall sign his name in the place provided on~~
43 ~~the form.~~

1 ~~The certificate printed on the application form below the signatures~~
2 ~~of the applicant and his subscribing witness shall be filled in and~~
3 ~~signed in the presence of a witness by a licensed physician who is~~
4 ~~attending the applicant. The witness to the physician's certificate shall~~
5 ~~sign his name in the place provided on the form.~~

6 ~~The application form, when properly filled out, signed by or for the~~
7 ~~applicant in the presence of a subscribing witness as provided in this~~
8 ~~subdivision, and certified and signed by the attending physician in the~~
9 ~~presence of a subscribing witness, may be transmitted by mail to the~~
10 ~~chairman or supervisor of elections of the board of elections of the~~
11 ~~county in which the applicant is registered, or it may be delivered to~~
12 ~~the chairman or supervisor of elections in person by the applicant or by~~
13 ~~his near relative.~~

- 14 (4) 'One-Stop' Voting Procedure, in Office of the County Board of
15 Elections. – A voter falling in the category specified in G.S. 163-227.2
16 may execute an application form and proceed to vote his absentee
17 ballot in the office of the county board of elections only.

18 (c) Application Forms Issued by Chairman of County Board of Elections. – The
19 chairman of the county board of elections shall be sole custodian of all absentee ballot
20 application forms, but he, the secretary of the board and the supervisor of elections of
21 the board, in accordance with one of the following two procedures, shall issue and
22 deliver a single application form, upon request, to a person authorized to sign such an
23 application under the provisions of this section:

- 24 (1) The chairman, secretary or supervisor of elections may deliver the
25 form to a voter personally or to his near relative at the office of the
26 county board of elections for the voter's own use; or
27 (2) The chairman, secretary or supervisor of elections may mail the form
28 to a voter for his own use upon receipt of a written request from the
29 voter or his near relative.

30 At the time he issues an application form, the chairman, secretary
31 or supervisor of elections of the county board of elections shall number
32 it and write the name of the voter in the space provided therefor at the
33 top of the form. At the same time the chairman, secretary or
34 supervisor of elections shall insert the name of the voter and the
35 number assigned his application in the register of absentee ballot
36 applications and ballots issued provided for in G.S. 163-228. If the
37 application is requested by the voter's near relative, the chairman,
38 secretary or supervisor of elections also shall insert that person's name
39 in the register after the name of the voter.

40 The chairman, secretary or supervisor of elections shall issue only
41 one application form to a voter or his near relative unless a form
42 previously issued is returned to the chairman, secretary or supervisor
43 of elections and marked 'Void' by him. In such a situation, the
44 chairman, secretary or supervisor of elections may issue another

1 application form to the voter or a near relative, but he shall retain the
2 voided application form in the board's records. If the application is
3 requested by the voter's near relative, the chairman, secretary or
4 supervisor of elections shall write the name of the near relative on the
5 index of near relatives, applying for applications for absentee ballots;
6 the index shall be in such form as may be prescribed or approved by
7 the State Board of Elections; a separate index shall be maintained for
8 each primary, general or special election in which absentee voting is
9 allowed.

10 (3) Applications or Absentee Ballots Transmitted by Mail or in Person. –
11 An application for absentee ballots shall be made and signed only by
12 the voter desiring to use them or the voter's near relative or legal
13 guardian and shall be valid only when transmitted to the chairman or
14 supervisor of elections of the county board of elections by mail or
15 delivered in person by the voter or his near relative or legal guardian,
16 or by any person authorized to register voters in that county.

17 (4) Who Is Authorized to Request Applications for Absentee Ballots. – A
18 voter may personally request an application for absentee ballots or
19 may cause such request to be made through a near relative or legal
20 guardian. For the purpose of this Article, 'near relative or legal
21 guardian' means spouse, brother, sister, parent, grandparent, child, or
22 grandchild.

23 (5) The form of application for persons applying to vote in a primary
24 under the provisions of this section shall be as designed and prescribed
25 by the State Board of Elections. No voter shall be furnished ballots for
26 voting in a primary except the ballots for candidates for nomination in
27 the primary of the political party with which he is affiliated at the time
28 he makes application for absentee ballots. The official registration
29 records of the county in which the voter is registered shall be proof of
30 the party, if any, with which the voter is affiliated.

31 (6) The county board of elections shall cause to be stamped or printed on
32 the face of each application for absentee ballots the following legend,
33 and the blank space in the legend to be completed:

34 'This application is issued for absentee ballots to be voted in the
35 _____ (primary or general or special election) to be held in
36 _____ County on the _____ day of _____, 19
37 ____.' The county board of elections shall not issue any absentee
38 ballots on the basis of any application that does not bear the completed
39 legend.

40 (7) No applications shall be issued earlier than 60 days prior to the
41 election in which the voter wishes to vote. Nothing herein shall
42 prohibit the county board of elections from receiving written requests
43 for applications earlier than 60 days prior to the election but such

1 applications shall not be mailed or issued to the voter in person earlier
2 than 60 days prior to the election.

- 3 (8) Applications for absentee ballots shall be issued only by mail or in the
4 office of the county board of elections to the voter or a near relative or
5 legal guardian authorized to make application. No election official
6 shall issue applications for absentee ballots except in compliance with
7 the provisions stated herein."

8 Sec. 17. G.S. 163-230(3) reads as rewritten:

- 9 "(3) Delivery of Absentee Ballots and Container-Return Envelope to
10 Applicant. – When the county board of elections approves an
11 application for absentee ballots, the chairman shall promptly issue and
12 transmit them to the voter only, and not to his near relative, in
13 accordance with the following instructions:

14 a. On the top margin of each ballot the applicant is entitled to
15 vote, the chairman shall write or type the words 'Absentee
16 Ballot No.' and insert in the blank space the number assigned
17 the applicant's application in the register of applications for
18 absentee ballots and ballots issued. He shall not write, type, or
19 print any other matter upon the ballots transmitted to the
20 absentee voter.

21 b. The chairman shall fold and place the ballots (identified in
22 accordance with the preceding instruction) in a container-return
23 envelope and write or type in the appropriate blanks thereon, in
24 accordance with the terms of G.S. 163-229(b), the absentee
25 voter's name, his application number and the designation of the
26 precinct in which the voter is registered. The chairman shall
27 leave the container-return envelope holding the ballots
28 unsealed.

29 c. The chairman shall then place the unsealed container-return
30 envelope holding the ballots together with printed instructions
31 for voting and returning the ballots, in an envelope addressed to
32 the applicant at the post office address stated in his application,
33 seal the envelope, and mail it at the expense of the county board
34 of elections, or deliver it to the applicant in person: Provided,
35 ~~that in case of approval of an application received after 5:00 P.M. on~~
36 ~~the Tuesday before the election under the provisions of G.S. 163-~~
37 ~~227(b)(3), in lieu of transmitting the ballots to the applicant in person~~
38 ~~or by mail, if so requested by the voter on his application the~~
39 chairman may deliver the sealed envelope containing the
40 instruction sheet and the container-return envelope holding the
41 ballots to ~~a near relative of the voter~~ any official authorized to
42 register voters in that county who is designated by the applicant,
43 and that person shall immediately make such delivery."

44 Sec. 18. G.S. 163-230.1 reads as rewritten:

1 **"§ 163-230.1. Simultaneous issuance of absentee ballots with application.**

2 (a) When a qualified voter personally requests by mail an application for
3 absentee ballots, or when a person authorized to register voters in the county delivers
4 such a request to the county board of elections, the county board of elections shall cause
5 to be mailed to that voter in a single package:

6 (1) The official ballots the voter is entitled to vote if his application is
7 approved;

8 (2) A container-return envelope for the ballots, upon the outside of which
9 shall be printed the appropriate application form as provided in G.S.
10 163-227;

11 (3) A large envelope (similar to a No. 14 or larger manila envelope) in
12 which the container-return with the ballots may be returned and on
13 which the affidavit provided by G.S. 163-229(b) shall be printed; and

14 (4) An instruction sheet.

15 The ballots, envelopes and instructions shall be mailed to the voter by the county
16 board's chairman, secretary or supervisor as determined by the board and entered in its
17 official minutes; Provided that if the voter's request designated an official authorized to
18 register voters in that county to deliver the package to the voter, the board of elections
19 shall allow that official to immediately make such delivery.

20 On the back of the large transmittal envelope shall be clearly printed or stamped the
21 following statement:

22 DO NOT PLACE THE ENVELOPE CONTAINING YOUR BALLOTS INTO
23 THIS ENVELOPE UNTIL YOU HAVE COMPLETED THE APPLICATION ON
24 THE ENVELOPE CONTAINING YOUR BALLOTS AND SECURED THE
25 SIGNATURE OF A WITNESS.

26 (b) The application shall be completed, the ballots marked, the ballots sealed in
27 the container-return envelope, and the large envelope affidavit completed as provided in
28 G.S. 163-227 and G.S. 163-231. The container-return envelope shall be placed in the
29 large transmittal envelope for return to the chairman of the county board of elections.

30 (c) At its next official meeting after return of the completed container-return
31 envelope and large envelope with the voter's ballots, the county board of elections shall
32 determine whether the container-return envelope and large envelope have been properly
33 executed. If the board determines that both the container-return envelope and large
34 envelope have been properly executed, it shall approve the application and deposit the
35 container-return envelope with other container-return envelopes for the envelope to be
36 opened and the ballots counted at the same time as all other container-return envelopes
37 and absentee ballots.

38 (d) The provisions of this section shall apply only to requests received by mail, or
39 delivered by an official authorized to register voters in that county, from and signed by
40 the voter individually and personally. No near relative, guardian, or other person other
41 than the voter himself shall be permitted to apply for absentee ballots under this section.

42 (e) The State Board of Elections, by regulation or by instruction to the county
43 board of elections, shall establish procedures to provide appropriate safeguards in the
44 implementation of this section."

PART VII. MINIMUM STANDARDS FOR COUNTIES.

1 Sec. 19. G.S. 163-22 is amended by adding a new subsection to read:

2 "(o) The State Board of Elections shall promulgate minimum requirements for the
3 number of pollbooks, voting machines and curbside ballots to be available at each
4 precinct, such that more of such will be available at general elections and a sufficient
5 number will be available to allow voting without excessive delay. The State Board of
6 Elections shall provide for a training and screening program for registrars and judges.
7 The State Board of Elections shall provide additional testing of voting machines to
8 ensure that they operate properly even with complicated ballots.

9 The State Board of Elections shall require counties with voting systems to have
10 sufficient staff available on election day with technical expertise to make repairs in such
11 equipment, to investigate election day problems, and assist in curbside voting."

PART VIII. CANDIDATE REPLACEMENT EXTENDED.

12 Sec. 20. G.S. 163-114 is amended by deleting "90 days", and substituting "75
13 days".

14 Sec. 21. This act becomes effective with respect to elections occurring on or
15 after January 1, 1992.
16
17