

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1171

Short Title: Statewide Early Voting-2.

(Public)

Sponsors: Representatives Nesbitt, Michaux (Co-sponsors); and Hall.

Referred to: Judiciary I.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH EARLY VOTING IN GENERAL ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 163 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 21A.

"STATEWIDE EARLY VOTING.

"§ 163-258.1. Early voting period.

The period for early voting by personal appearance begins on the 20th day before election day and continues through the fourth day before election day. Early voting is allowed only in general elections conducted on the Tuesday after the first Monday in November of even-numbered years.

"§ 163-258.2. Main early voting polling place.

(a) Early voting by personal appearance for each election shall be conducted at the main early voting polling place.

(b) The main early voting polling place shall be located at the office of the county board of elections. However, if the county board of elections determines that locating the polling place in that building is impracticable, the body may designate a different location in the city in which the county board of elections office is located that is as near as practicable to it.

"§ 163-258.3. Voters served by main polling place.

Any registered voter in the county may vote an early voting ballot at the main early voting polling place.

"§ 163-258.4. Public notice of main polling place location.

1 The notice of election must state the location of the main early voting polling place.
2 Notice shall be given in accordance with G.S. 163-33(8).

3 **"§ 163-258.5. Regular days and hours for voting.**

4 (a) Except as provided by subsection (c) of this section, early voting by personal
5 appearance at the main early voting polling place shall be conducted on the weekdays of
6 the early voting period and during the hours that the board of elections main business
7 office is regularly open for business.

8 (b) Early voting by personal appearance at the main early voting polling place
9 shall be conducted at least eight hours each weekday of the early voting period that is
10 not a legal State holiday.

11 (c) In a county with a population of 100,000 or more, and in any other county
12 where the supervisor of elections receives at least 90 days prior to the election a petition
13 signed by at least 15 registered voters of the county so requesting, early voting shall be
14 conducted at the main early voting polling place for at least 12 hours on each weekday
15 of the last week of the early voting period.

16 **"§ 163-258.6. Voting on Saturday or Sunday.**

17 (a) The county board of elections may, and upon receipt of a petition signed by at
18 least 15 registered voters of the county received at least 90 days prior to the election
19 shall, order early voting by personal appearance at the main early voting polling place to
20 be conducted on one or more Saturdays or Sundays during the early voting period.

21 (b) The county board of elections ordering voting on a Saturday or Sunday shall
22 determine the hours during which voting is to be conducted. The county board of
23 elections is not required to order the voting on a particular date specified by the request
24 but shall order the voting on at least one Saturday if a Saturday is requested and on at
25 least one Sunday if a Sunday is requested.

26 **"§ 163-258.7. Public notice of time for voting.**

27 (a) The election notice under G.S. 163-33(8) must state:

28 (1) The regular dates and hours that voting will be conducted under G.S.
29 163-258.5.

30 (2) The dates and hours that voting on Saturday or Sunday is ordered to be
31 conducted under G.S. 163-258.6.

32 (b) The county supervisor of elections shall post notice for each election stating
33 the dates and hours that voting on a Saturday or Sunday is ordered to be conducted
34 under G.S. 163-258.6.

35 (c) Notice under subsection (b) of this section shall be posted continuously for at
36 least 72 hours immediately preceding the first hour that the voting to which the notice
37 pertains will be conducted. The notice shall be posted on the bulletin board used for
38 posting notice of meetings of the board of county commissioners.

39 **"§ 163-258.8. Casting ballot.**

40 (a) Ballots cast by early voting shall be cast in accordance with the procedures
41 established by this Chapter for ballots cast on a regular general election day, with the
42 modifications approved by the State Board of Elections necessary for the conduct of
43 early voting.

1 (b) The State Board of Elections shall provide security procedures to prevent
2 persons from voting more than once. Such procedures shall take advantage of computer
3 technology that the county board of elections has or can install, including on-line
4 monitoring of an applicant's status as already having applied for early voting or an
5 absentee ballot.

6 (c) If the applicant votes, the clerk shall indicate beside the applicant's name on
7 the list of registered voters that the applicant was accepted to vote by personal
8 appearance and the clerk shall enter the applicant's name on the pollbook.
9 Alternatively, the clerk may make an entry in a computer database used for printing
10 voting lists.

11 **"§ 163-258.9. Security of early voting ballot box.**

12 The State Board of Elections shall adopt mandatory procedures to ensure the
13 security of ballot boxes at all early voting sites.

14 **"§ 163-258.10. Security of voting equipment.**

15 At the close of early voting each day, the county supervisor of elections shall
16 provide for the securing of voting equipment used for early voting in the manner
17 prescribed by the State Board of Elections so that its unauthorized operation is
18 prevented. The clerk shall unsecure the machine before the beginning of early voting
19 the following day.

20 **"§ 163-258.11. Voter unable to enter polling place.**

21 Early voting by personal appearance by a voter includes 'curbside voting' at that
22 location for persons who would be eligible under G.S. 163-155.

23 **"§ 163-258.11A. Voting ballot.**

24 (a) Immediately after sealing the ballot envelope, the voter must give it to the
25 clerk. Before depositing the envelope in the ballot box, the clerk shall indicate on the
26 envelope that the ballot was voted outside the polling place under this section.

27 (b) The State Board of Elections may provide for the use of envelopes or other
28 containers instead of ballot boxes in which to deposit ballots voted under this section.

29 **"§ 163-258.12. Assisting voter.**

30 A person voting an early voting ballot by personal appearance may be assisted under
31 the same procedure provided by law for voting at the regular polling place.

32 **"§ 163-258.13 Electioneering prohibited.**

33 (a) During the time an early voting polling place is open for the conduct of early
34 voting, the provisions of G.S. 163-147 shall apply as if the early voting site was a
35 polling place. The supervisor of elections shall ensure that each early voting site is
36 properly marked as to where the voting place and voting enclosure are.

37 (b) During the early voting period, the county supervisor of elections shall keep
38 continuously posted:

39 (1) At the entrance to the room or area, as applicable, in which the early
40 voting polling place is located, a sign on which is printed in large
41 letters 'Early Voting Polling Place'; and

42 (2) At the outer limits of the area within which electioneering is
43 prohibited, a sign on which is printed in large letters 'Distance Marker.

1 No electioneering between this point and the entrance to the early
2 voting polling place'.

3 **"§ 163-258.14. Other office of county board of elections.**

4 An early voting polling place shall be located at each branch office that is regularly
5 maintained by the county board of elections.

6 **"§ 163-258.15. Temporary branch polling place.**

7 (a) Except as provided by subsection (d) of this section, one or more early voting
8 polling places other than the main early voting polling place may be established by the
9 county board of elections.

10 (b) A polling place established under this section may be located, subject to
11 subsection (d) of this section, at any place in the county and may be located in any
12 structure, whether stationary or movable, as directed by the county board of elections.
13 Ropes or other suitable objects may be used at the polling place to make the voting
14 enclosure. Persons who are not expressly permitted by law to be in the voting enclosure
15 shall be excluded from the voting enclosure.

16 (c) In any election, the location of a polling place established under this section
17 shall be fixed at one place for the duration of the period that voting is required to be
18 conducted at the polling place.

19 (d) (1) The county board of elections of a county with a population
20 of 400,000 or more shall establish one or more early voting polling
21 places other than the main early voting polling place in each State
22 representative district located wholly or partially within the county.

23 (2) The county board of elections of a county with a population of 100,000
24 or more but less than 400,000 shall establish one or more early voting
25 polling places other than the main early voting polling place.

26 (e) In this Article, 'temporary polling place' means an early voting polling place
27 established under this section.

28 **"§ 163-258.16. Days and hours for voting; permanent branch.**

29 Early voting by personal appearance at each permanent branch polling place shall be
30 conducted on the same days and during the same hours as voting is conducted at the
31 main early voting polling place.

32 **"§ 153-258.17. Days and hours for voting; temporary branch in populous county.**

33 (a) This section applies only in a county with a population of 100,000 or more.

34 (b) Early voting by personal appearance at a temporary branch polling place
35 other than a temporary branch polling place established under G.S. 163-258.15(d) may
36 be conducted on any one or more days and during any hours of the period for early
37 voting by personal appearance, as determined by the county board of elections
38 establishing the branch.

39 (d) The county board of elections ordering early voting on a Saturday or Sunday
40 may also order, in the manner prescribed by that section, early voting to be conducted
41 on a Saturday or Sunday at any one or more of the temporary branch polling places. (e)

42 The schedules for conducting voting are not required to be uniform among
43 the temporary branch polling places.

44 **"§ 163-258.18. Voters served by branch polling place.**

1 Any voter who is entitled to vote an early voting ballot by personal appearance may
2 do so at any branch polling place in the territory served by the county supervisor of
3 elections.

4 **"§ 163-258.19. Public notice of branch voting schedule.**

5 (a) The county supervisor of elections shall post for each election a schedule
6 stating:

7 (1) The location of each permanent and temporary branch polling place at
8 which voting will be conducted and the election precincts served by
9 each branch polling place; and

10 (2) Except as provided by subsection (b) of this section, the dates and
11 hours that temporary branch voting will be conducted.

12 (b) The schedule shall be posted continuously for a period beginning not later
13 than the fifth day before the first day of the period for early voting by personal
14 appearance and ending on the last day of that period. The schedule may be amended
15 after the beginning of early voting by personal appearance to include notice of
16 additional temporary branch polling place locations, dates, and hours, but any
17 amendment must be made no later than the fifth day before the date the voting is
18 scheduled to begin at the additional temporary branch.

19 (c) The schedule shall be posted on the bulletin board used for posting notice of
20 meetings of the governing body of the county.

21 (d) The county supervisor of elections shall make copies of the schedule
22 available to the public in reasonable quantities without charge during the posting period.

23 **"§ 163-258.20. Officer in charge of branch polling place.**

24 The county supervisor of elections shall designate for each branch polling place a
25 deputy county supervisor of elections as the election officer in charge of the polling
26 place.

27 **"§ 163-258.21. Delivery of applications to main polling place.**

28 Each early voting ballot application submitted at a branch polling place shall be
29 delivered by an election officer to the main early voting polling place not later than 1:00
30 p.m. on the day after the date the application is submitted.

31 **"§ 163-258.22. Delivery of ballots to main polling place.**

32 (a) During the period for early voting by personal appearance, the ballots voted
33 at a branch polling place, other than those cast on a voting machine, shall be:

34 (1) Retained securely by the branch polling place in a locked room
35 accessible only to election officers; or

36 (2) Delivered by an election officer or designated law enforcement officer
37 to the main early voting polling place at the close of voting each day.

38 (b) The unvoted ballots at the branch polling place, other than voting machine
39 ballots, shall be retained or delivered with the voted ballots but in a separate locked
40 container.

41 (c) All voted and unvoted ballots shall be delivered by an election officer or
42 designated law enforcement officer to the main polling place at the close of voting on
43 the last day of voting at the branch polling place.

44 **"§ 163-258.23. Branch daily register.**

1 (a) Each day early voting is conducted at a branch polling place, an election
2 officer in charge of the branch shall prepare a register listing the voters who cast ballots
3 at the branch that day.

4 (b) The register must include for each voter the information necessary for
5 entering the voter's name on the early voting roster for the election.

6 (c) The election officer preparing the register shall deliver it to the county
7 supervisor of elections at the close of each day's voting at the branch polling place.

8 (d) The county supervisor of elections shall preserve each daily register for the
9 period for preserving the precinct election records.

10 (e) A current copy of the register shall be kept at the branch polling place during
11 the period voting is conducted there.

12 (f) If the county was entering applicants on-line by computer from a permanent,
13 temporary, or branch early voting site, lists of voters may be generated by computer in
14 accordance with rules provided by the State Board of Elections in lieu of the procedures
15 otherwise provided by this section.

16 **"§ 163-258.24. Rules.**

17 The State Board of Elections may establish rules to implement this Article."

18 Sec. 2. G.S. 163-227.2 is amended by adding a new subsection to read:

19 "(f) This section does not apply in general elections held on the Tuesday after the
20 first Monday in December of an even-numbered year."

21 Sec. 3. This act becomes effective with respect to elections conducted on or
22 after July 1, 1994.