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Short Title: Early Voting/Preregistration.

(Public)

Sponsors:

Referred to:

May 6, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR VOTER PREREGISTRATION OF SIXTEEN- AND SEVENTEEN-YEAR-OLDS BY DRIVERS LICENSE EXAMINERS, TO ALLOW EARLY VOTING, AND TO ALLOW MAILED ABSENTEE BALLOTS WITHOUT EXCUSE IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. Article 7 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-81.1. Drivers license examiners to preregister 16- and 17-year-olds.

(a) Notwithstanding any other provision of law, special registration commissioners who are drivers license examiners pursuant to G.S. 163-81 shall accept the voter-registration applications of 16- and 17-year-olds who are qualified for registration except for their age.

(b) The Division of Motor Vehicles shall, pursuant to rules adopted by the State Board of Elections, modify its forms so that any 16- or 17-year-old person who is qualified to vote except for age may complete an application to register to vote or update voter registration when that person applies for original issuance or correction of a drivers license or special identification card.

(c) The Division of Motor Vehicles shall forward all applications to register made pursuant to this section to the State Board of Elections, which shall make the names available to the appropriate county board of elections. The county board of

1 elections shall approve the applications of qualified applicants as provided in G.S. 163-
2 67(a), but shall not send any notice until the applicant has attained the age of eligibility
3 to be registered to vote under G.S. 163-55, 163-59, 163-213.2, or 163-283.

4 (d) If a person has completed an application to register under this section, but
5 prior to the time the person has attained the age of eligibility to be registered to vote,
6 that person obtains a:

7 (1) Duplicate license under G.S. 20-7.1; or

8 (2) Reissued special identification card under G.S. 20-37.9,

9 on account of change of address, that change of address shall be considered as updating
10 the voter's application to register under this section. If the change of address is to a
11 different county, then the first county shall not send a registration notice, and the second
12 county shall treat the change of address notice as an application to register under this
13 section.

14 (e) The State Board of Elections is authorized to promulgate rules necessary to
15 implement the provisions of this section."

16 Sec. 2. Chapter 163 of the General Statutes is amended by adding a new
17 Article to read:

18 **"ARTICLE 13A.**

19 **"EARLY VOTING.**

20 **"§ 163-158.1. Early voting sites.**

21 (a) Each county shall have an early voting period for each election. The county
22 board of elections shall select between 1 and 20 early voting sites at which voters may
23 cast their ballots by early voting, except as a greater minimum number of sites may be
24 required in certain counties under subsection (b) of this section. The county board of
25 elections office shall be one of the early voting sites, except if the county board of
26 elections determines that locating the polling place in that building is impracticable, that
27 board shall designate a different location in the city in which the county board of
28 elections office is located that is as near as practicable to it, except if the county seat is
29 unincorporated, the location shall be in the township where the county seat is located.
30 The county board of elections office, or the alternate location selected under this
31 section, is the main early voting site. Other sites are temporary early voting sites.

32 (b) The county board of elections of each county with a population of 300,000 or
33 more according to the most recent decennial federal census shall establish, in addition to
34 the main early voting site, at least one temporary early voting site per 50,000 persons or
35 major fraction thereof.

36 A site established under this subsection is a mandatory temporary early voting site.
37 This subsection applies only to the statewide general election held in each even-
38 numbered year.

39 (c) Selection of early voting sites shall not favor or disfavor voters on the basis of
40 race or party affiliation.

41 **"§ 163-158.2. Early voting defined.**

42 'Early voting', as used in this Article, means voting by personal appearance, at an
43 early voting site designated under G.S. 163-158.1, during the period beginning on the
44 third Friday before election day and ending on the Friday prior to the election.

1 **"§ 163-158.3. Early voting; no reason required.**

2 Any person registered to vote in a county shall be allowed to vote by early voting at
3 any one of the early voting sites in that county designated under G.S. 163-158.1. To
4 vote by early voting, no one shall be required to state a reason why that person will be
5 unable to vote on election day.

6 **"§ 163-158.4. Voting method.**

7 (a) Ballots cast by early voting shall be cast in accordance with the procedures
8 established by this Chapter for ballots cast on a regular general election day with
9 modifications approved by the State Board of Elections necessary for the conduct of
10 early voting.

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

16 (c) If the applicant votes, an indication shall be made beside the applicant's name
17 on the list of registered voters that the applicant was accepted to vote by early voting or
18 an entry may be made in a computer database used for printing voting lists.

19 **"§ 163-158.5. Staffing.**

20 The county board of elections shall staff the early voting sites with employees of the
21 county board of elections or with persons appointed by the county board of elections.
22 The county board of elections shall designate one official as the chief of each early
23 voting site.

24 **"§ 163-158.6. Lists of those voting.**

25 The chief of each early voting site shall maintain a daily list of every person who
26 votes by early voting at that site, and shall submit that list to the supervisor of elections
27 immediately after the close of voting that day. The supervisor of elections shall
28 distribute to all early voting sites before voting begins the next day a cumulative list of
29 all voters who have voted at all early voting sites. A copy of that list shall be made
30 available to a person designated by the State chair of each political party as defined by
31 G.S. 163-96. If on-line computer updating of the list is employed, allowing electronic
32 access to the computer file by personnel at the early voting site, no printed cumulative
33 list need be provided to the early voting site. No official at an early voting site shall
34 permit a person who has already voted in the election to vote again.

35 **"§ 163-158.7. Lists to precincts on election day.**

36 The supervisor of elections shall provide to each precinct a list of all persons
37 registered to vote in that precinct who have voted by early voting in that election. No
38 precinct official shall permit a person who has voted by early voting to vote on election
39 day. In lieu of providing a list, the board of elections may premark the voter cards or
40 voter list used at the polling place to indicate that the voter has voted by early voting, or
41 may use a combination of lists and premarking, as long as each person who has voted
42 by early voting is accounted for.

43 **"§ 163-158.8. Schedule.**

1 (a) Except as provided by subsection (b) of this section, early voting by personal
2 appearance at the main early voting site and mandatory temporary early voting sites
3 shall be conducted on each weekday of the early voting period for at least eight hours.

4 (b) In a county with a population of 100,000 or more according to the most
5 recent decennial federal census, early voting shall be conducted for at least 10 hours on
6 each of the last three days of the early voting period at the main early voting site and at
7 any mandatory temporary early voting site that is required by G.S. 163-158.1(b) to be
8 open in that election.

9 (c) Early voting by personal appearance at a temporary early voting site other
10 than a mandatory temporary early voting site established under G.S. 163-158.1(b) may
11 be conducted on any one or more days and during any hours of the period for early
12 voting determined by the county board of elections establishing the temporary early
13 voting site.

14 **"§ 163-158.9. Voting on Saturday.**

15 The county board of elections shall order early voting at the main early voting site
16 and all mandatory temporary early voting sites to be conducted on both Saturdays
17 during the early voting period, and may order early voting at any other temporary early
18 voting site on either or both Saturdays during the early voting period.

19 The county board of elections ordering voting on a Saturday shall determine the
20 hours during which voting is to be conducted, except that it shall order the voting for at
21 least six hours on the last Saturday of the early voting period.

22 This section applies only to the statewide general election held in each even-
23 numbered year.

24 **"§ 163-158.10. Public notice of time for voting.**

25 (a) The county board of elections shall publish under the same procedure as the
26 notice required under G.S. 163-33(8) a list of all the early voting sites and the hours
27 they will be open. A copy of the schedule shall be mailed to the State chairs of each
28 political party as defined by G.S. 163-96. The schedule may be revised prior to the start
29 of the early voting period, but any such revision must have notice published at least
30 seven days before the revision is to become effective, and notice mailed as provided by
31 the previous sentence.

32 (b) The schedule may be amended after the beginning of the early voting period
33 to include notice of additional temporary early voting sites, dates, and hours, but any
34 such additions shall be made no later than the fifth day before the date the voting is
35 scheduled to begin at the temporary voting place. Notice shall be mailed as provided by
36 subsection (a) of this section.

37 **"§ 163-158.11. Assisting voter.**

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

40 **"§ 163-158.12. Electioneering prohibited.**

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

1 **"§ 163-158.13. Temporary early voting site.**

2 A temporary early voting site, whether or not mandatory, may be located in any
3 structure, whether stationary or movable, as directed by the county board of elections.
4 Ropes or other suitable objects may be used at the polling place to make the voting
5 enclosure.

6 **"§ 163-158.14. Rules.**

7 The State Board of Elections may promulgate rules to implement this Article."

8 Sec. 3. G.S. 163-227.2 is repealed.

9 Sec. 4. G.S. 163-226.3(a) reads as rewritten:

10 "(a) Any person who shall, in connection with absentee voting in any primary,
11 general, municipal or special election held in this State, do any of the acts or things
12 declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be
13 unlawful:

14 (1) For any person except the voter's near relative as defined in G.S. 163-
15 227(c)(4) or the voter's legal guardian to assist the voter to vote an
16 absentee ballot when the voter is voting an absentee ~~ballot other than~~
17 ~~under the procedure described in G.S. 163-227.2;~~ ballot; provided that if
18 there is not a near relative or legal guardian available to assist the
19 voter, the voter may request some other person to give assistance;

20 (2) ~~For any person to assist a voter to vote an absentee ballot under the~~
21 ~~absentee voting procedure authorized by G.S. 163-227.2 except a~~
22 ~~member of the county board of elections, the supervisor of elections,~~
23 ~~an employee of the board authorized by the board, the voter's near~~
24 ~~relative as defined in G.S. 163-227(c)(4), or the voter's legal guardian;~~

25 (3) ~~For a voter who votes an absentee ballot under the procedures~~
26 ~~authorized by G.S. 163-227.2 to vote his absentee ballot outside of the~~
27 ~~voting booth or private room provided to him for that purpose in the~~
28 ~~office of the county board of elections or to receive assistance in~~
29 ~~getting to and from the voting booth or private room and in preparing~~
30 ~~and marking his ballots from any person other than a member of the~~
31 ~~county board of elections, the supervisor of elections, an employee of~~
32 ~~the board of elections authorized by the board, a near relative of the~~
33 ~~voter as defined in G.S. 163-227(c)(4), or the voter's legal guardian;~~

34 (4) For any owner, manager, director, employee, or other person, other
35 than the voter's near relative as defined in G.S. 163-227(c)(4) or legal
36 guardian, to make application on behalf of a registered voter who is a
37 patient in any hospital, clinic, nursing home or rest home in this State
38 or for any owner, manager, director, employee, or other person other
39 than the voter's near relative or legal guardian, or officer authorized to
40 administer oaths acting pursuant to G.S. 163-231(a)(1), to mark the
41 voter's absentee ballot or assist such a voter in marking an absentee
42 ballot;

43 (5) Repealed by Session Laws 1987, c. 583, s. 8.

1 (6) For any person to take into his possession for delivery to a voter or for
2 return to a county board of elections the absentee ballot of any voter,
3 provided, however, that this prohibition shall not apply to a voter's
4 near relative as defined in G.S. 163-227(c)(4) or the voter's legal
5 guardian;

6 (7) Except as provided in subsections (1), (2), (3), and (4) of this section,
7 G.S. 163-231(a), and G.S. 163-250(a), ~~and G.S. 163-227.2(e),~~ for any
8 voter to permit another person to assist him in marking his absentee
9 ballot, to be in the voter's presence when a voter votes an absentee
10 ballot, or to observe the voter mark his absentee ballot."

11 Sec. 5. G.S. 163-230(1)d. reads as rewritten:

12 "d. Address to which ballots are to be mailed, ~~or that the voter~~
13 ~~voted pursuant to G.S. 163-227.2.~~ mailed."

14 Sec. 6. G.S. 163-255 is repealed.

15 Sec. 7. G.S. 163-226(a) reads as rewritten:

16 "(a) Who May Vote Absentee Ballot; Generally. – Any qualified voter of the State
17 may vote by absentee ballot in a statewide primary, general, or special election on
18 constitutional amendments, referenda or bond proposals, and any qualified voter of a
19 county is authorized to vote by absentee ballot in any primary or election conducted by
20 the county board of elections, in the manner provided in this Article if:

21 (1) He expects not to be present at the voting place to vote in person to be
22 absent from the county in which he is registered during the entire period that
23 the polls are open on the day of the specified election in which he
24 desires to vote; or

25 (2) He is unable to be present at the voting place to vote in person on the
26 day of the specified election in which he desires to vote because of his
27 sickness or other physical disability where such illness or other
28 physical disability arises after 5:00 p.m. on the Tuesday preceding the
29 election but before 5:00 p.m. on the day prior to the date of the
30 specified election.; ~~or~~

31 (3) ~~He is incarcerated, whether in his county of residence or elsewhere,~~
32 ~~shall be entitled to vote by absentee ballot in the county of his~~
33 ~~residence in any election, specified herein, in which he otherwise~~
34 ~~would be entitled to vote. Absentee voting shall be in the same manner~~
35 ~~as provided in this Article. The chief custodian or superintendent of~~
36 ~~the institution or other place of confinement shall certify that the~~
37 ~~applicant is not a felon, and the certification shall be as prescribed by~~
38 ~~the State Board of Elections. The State Board of Elections is~~
39 ~~authorized to prescribe procedures to carry out the intent and purpose~~
40 ~~of this subsection;~~

41 (4) ~~He is an employee of the county board of elections and his assigned~~
42 ~~duties on the day of the election will cause him to be unable to be~~
43 ~~present at the voting place to vote in person and provided such~~

1 employee has his application witnessed by the chairman of the county
2 board of elections."

3 Sec. 8. G.S. 163-227 reads as rewritten:

4 **"§ 163-227. State Board to prescribe form of application for absentee ballots;
5 county to secure.**

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

14 (1) ~~A voter expecting to be absent from the county of his residence all day~~
15 ~~expecting not to be present at the voting place to vote in person on the~~
16 ~~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 after 5:00 p.m. on the Tuesday
20 preceding the election but before 5:00 P.M. on the day prior to the date
21 of the specified election. (G.S. 163-226(a)(2)).

22 (3) Repealed by Session Laws 1991, c. 727, s. 6.1.

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

28 (b) Types of Applications; Instructions. –

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

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

1 applicant or a near relative to the chairman or the supervisor of
2 elections of the county board of elections.

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

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

22 The application form, when properly filled out, shall be transmitted
23 by mail or delivered in person by the applicant or a near relative or
24 verifiable legal guardian to the chairman or supervisor of elections of
25 the county board of elections of the county in which the applicant is
26 registered.

- 27 (3) Repealed by Session Laws 1991, c. 727, s. 6.1.

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

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

- 38 (1) The chairman, secretary or supervisor of elections may deliver the
39 form to a voter personally or to his near relative or verifiable legal
40 guardian at the office of the county board of elections for the voter's
41 own use; or
42 (2) The chairman, secretary or supervisor of elections may mail the form
43 to a voter for his own use upon receipt of a written request from the
44 voter or his near relative or verifiable legal guardian.

1 At the time he issues an application form, the chairman, secretary
2 or supervisor of elections of the county board of elections shall number
3 it and write the name of the voter in the space provided therefor at the
4 top of the form. At the same time the chairman, secretary or supervisor
5 of elections shall insert the name of the voter and the number assigned
6 his application in the register of absentee ballot applications and
7 ballots issued provided for in G.S. 163-228. If the application is
8 requested by the voter's near relative, or verifiable legal guardian, the
9 chairman, secretary or supervisor of elections also shall insert that
10 person's name in the register after the name of the voter.

11 The chairman, secretary or supervisor of elections shall issue only
12 one application form to a voter or his near relative or verifiable legal
13 guardian unless a form previously issued is returned to the chairman,
14 secretary or supervisor of elections and marked 'Void' by him. In such
15 a situation, the chairman, secretary or supervisor of elections may
16 issue another application form to the voter or a near relative or
17 verifiable legal guardian, but he shall retain the voided application
18 form in the board's records. If the application is requested by the
19 voter's near relative or verifiable legal guardian, the chairman,
20 secretary or supervisor of elections shall write the name of the near
21 relative or verifiable legal guardian on the index of near relatives or
22 verifiable legal guardians, applying for applications for absentee
23 ballots; the index shall be in such form as may be prescribed or
24 approved by the State Board of Elections; a separate index shall be
25 maintained for each primary, general or special election in which
26 absentee voting is allowed.

- 27 (3) Applications or Absentee Ballots Transmitted by Mail or in Person. –
28 An application for absentee ballots shall be made and signed only by
29 the voter desiring to use them or the voter's near relative or verifiable
30 legal guardian and shall be valid only when transmitted to the
31 chairman or supervisor of elections of the county board of elections by
32 mail or delivered in person by the voter or his near relative or legal
33 verifiable guardian.
- 34 (4) Who Is Authorized to Request Applications for Absentee Ballots. – A
35 voter may personally request an application for absentee ballots or
36 may cause such request to be made through a near relative or verifiable
37 legal guardian. For the purpose of this Article, 'near relative' means
38 spouse, brother, sister, parent, grandparent, child, or grandchild.
- 39 (5) The form of application for persons applying to vote in a primary
40 under the provisions of this section shall be as designed and prescribed
41 by the State Board of Elections. No voter shall be furnished ballots for
42 voting in a primary except the ballots for candidates for nomination in
43 the primary of the political party with which he is affiliated at the time
44 he makes application for absentee ballots. The official registration

1 records of the county in which the voter is registered shall be proof of
2 the party, if any, with which the voter is affiliated.

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

6 'This application is issued for absentee ballots to be voted in the
7 _____ (primary or general or special election) to be held in
8 _____ County on the _____ day of _____, 19
9 ____.' The county board of elections shall not issue any absentee
10 ballots on the basis of any application that does not bear the completed
11 legend.

- 12 (7) No applications shall be issued earlier than 50 days prior to the
13 election in which the voter wishes to vote. Nothing herein shall
14 prohibit the county board of elections from receiving written requests
15 for applications earlier than 50 days prior to the election but such
16 applications shall not be mailed or issued to the voter in person earlier
17 than 50 days prior to the election.

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

23 Sec. 9. Section 1 of this act becomes effective January 1, 1995. Sections 2
24 through 8 of this act become effective beginning with respect to primaries and elections
25 conducted on or after January 1, 1995, but the State Board of Elections and each county
26 board of elections may take necessary action under those sections at any time after
27 ratification.