

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1116\*

Short Title: Religious Holiday Absentee Vote.

(Public)

Sponsors: Senators Winner; Gulley, Hartsell, and Foxx.

Referred to: Judiciary II/Election Laws.

May 14, 1996

A BILL TO BE ENTITLED

AN ACT TO ALLOW PERSONS WHO ARE UNABLE TO GO TO THE POLLS  
BECAUSE OF OBSERVANCE OF A RELIGIOUS HOLIDAY TO CAST AN  
ABSENTEE BALLOT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-226(a) reads as rewritten:

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

- (1) ~~He~~The voter expects to be absent from the county in which he is registered during the entire period that the polls are open on the day of the specified election in which ~~he~~the voter desires to vote; ~~or~~
- (2) ~~He~~The voter is unable to be present at the voting place to vote in person on the day of the specified election in which ~~he~~the voter desires to vote because of ~~his~~the voter's sickness or other physical disability; ~~or~~
- (3) ~~He~~The voter is incarcerated, whether in ~~his~~the voter's county of residence or elsewhere, shall be entitled to vote by absentee ballot in the county of ~~his~~the voter's residence in any election, specified herein, in

1 which ~~he~~ the voter otherwise would be entitled to vote. Absentee voting  
2 shall be in the same manner as provided in this Article. The chief  
3 custodian or superintendent of the institution or other place of  
4 confinement shall certify that the applicant is not a felon, and the  
5 certification shall be as prescribed by the State Board of Elections. The  
6 State Board of Elections is authorized to prescribe procedures to carry  
7 out the intent and purpose of this subsection;

8 (3a) The voter because of the observance of a religious holiday pursuant to  
9 the tenets of the voter's religion will be unable to cast a ballot at the  
10 polling place on the day of the election; or

11 (4) He The voter is an employee of the county board of elections and his the  
12 voter's assigned duties on the day of the election will cause him the  
13 voter to be unable to be present at the voting place to vote in person and  
14 provided such employee has his the application witnessed by the  
15 chairman of the county board of elections."

16 Sec. 2. G.S. 163-227(a)(1) reads as rewritten:

17 "(1) A voter expecting to be absent from the county of his residence all day  
18 on the day of the specified ~~election.~~ election, or who is otherwise  
19 entitled to cast an absentee ballot under G.S. 163-226(a)(3), 163-  
20 226(a)(3a) or 163-226(a)(4). (G.S. 163-226(a)(4))."

21 Sec. 3. G.S. 163-227(b)(1) reads as rewritten:

22 "(1) Expected Absence from County on Election Day. Day, or other  
23 Permitted Reason. – A voter expected to be absent from the county in  
24 which registered during the entire period that the polls will be open on  
25 primary or general election day, or a near relative, or verifiable legal  
26 guardian, shall make written application for absentee ballots to the  
27 chairman of the board of elections of the county in which the voter is  
28 registered not earlier than 50 days nor later than 5:00 P.M. on the  
29 Tuesday before the election. The application shall be submitted in the  
30 form set out in this subdivision upon a copy which shall be furnished  
31 the voter or a near relative by the chairman of the county board of  
32 elections. The provisions of this subdivision also apply with respect to  
33 persons entitled to vote by absentee ballot under G.S. 163-226(a)(3),  
34 163-226(a)(3a), or 163-226(a)(4).

35 The applicant shall sign his application personally, or it shall be  
36 signed by a near relative or verifiable legal guardian. The application  
37 shall be signed in the presence of a witness, who shall sign his name in  
38 the place provided on the form. The application form when properly  
39 filled out shall be transmitted by mail or delivered in person by the  
40 applicant or a near relative to the chairman or the supervisor of elections  
41 of the county board of elections."

42 Sec. 4. G.S. 163-227.2(a) reads as rewritten:

"(a) A person expecting to be absent from the county in which he is registered during the entire period that the polls are open on the day of an election in which absentee ballots are authorized or is eligible under ~~G.S. 163-226(a)(2)~~ G.S. 163-226(a)(2), 163-226(a)(3a), or ~~G.S. 163-226(a)(4)~~ may request an application for absentee ballots, complete the application, receive the absentee ballots, vote and deliver them sealed in a container-return envelope to the county board of elections in the county in which he is registered under the provisions of this section."

Sec. 5. G.S. 163-229(b)(2) reads as rewritten:

"(2) On the other side shall be printed the return address of the chairman of the county board of elections and the following certificate:

'Certificate of Absentee or Sick Voter State of

County of, ....., do certify that I am a resident and registered voter in ..... precinct, ..... County, North Carolina; that on the day of an election, ....., ~~19~~.... (check whichever of the following statements is correct.)

[ ] I will be absent from the county in which I reside.

[ ] Due to sickness or physical disability, or incarceration as a misdemeanor, I will be unable to travel to the voting place in the precinct in which I reside.

[ ] Due to the observance of a religious holiday pursuant to the tenets of my religion, I will be unable to cast a ballot at the polling place on the day of the election.

I further certify that I made application for absentee ballots, and that I marked the ballots enclosed herein, or that they were marked for me in my presence and according to my instructions. I understand it is a felony to falsely sign this certificate.

(Signature of voter)

Signature of Witness #1

Signature of Witness #2

Address of Witness #1

Address of Witness #2'."

Sec. 5.

This act becomes effective with respect to elections conducted on or after January 1, 1997.