

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 1247
HOUSE BILL 1606

AN ACT OF LIMITED DURATION TO PERMIT ABSENTEE VOTING BY STUDENTS
AND OTHERS IN THE 1972 PRIMARIES.

The General Assembly of North Carolina enacts:

Section 1. Article 20 of Chapter 163 of the General Statutes of North Carolina is hereby amended by inserting a new section to be designated as G.S. 163-240 and to read as follows:

"§ 163-240. **Temporary applicability to civilians.** — Any civilian who is registered to vote no later than 21 days, excluding Saturdays and Sundays, prior to the date of the state-wide primary election to be conducted in 1972 shall be authorized to make application for and vote on absentee ballot in the primary in the county of such voter's legal residence under the following conditions:

- (a) Applicant must be a registered voter in the county in which application is made.
- (b) Applicant must be affiliated with a political party at the time application is made.
- (c) Applicant shall make a written request for an application form for absentee ballots not earlier than 35 days nor later than 6:00 p.m. on Tuesday before the primary election.
- (d) No one shall be allowed to vote by absentee ballot in any state-wide bond election held during the time for which this act is effective.
- (e) Ballots shall be issued by U. S. mail only. Applicants shall not be permitted to pick up applications or return ballots in person but shall deposit same in the U. S. mail, addressed to the Chairman of the County Board of Elections in the envelope provided for such purpose.

"§ 163-240.1. **Second primary application.** — A voter falling in the category denned in Section 1 of this bill, G.S. 163-240 and G.S. 163-240.2, may apply for absentee ballots for the second primary not earlier than the day a second primary is called and not later than 6:00 p.m. on Tuesday, immediately preceding the second primary election date; applications for ballots, issuance and return of same, must be in the same manner as provided in G.S. 163-240(c) and G.S. 163-240(e).

"§ 163-240.2. **Form of application.** — The form of application for persons applying under the provisions of this section shall be the same as the application now required under provisions of G.S. 163-227 for persons applying to vote in the general election. Provided, however, the Chairman or Executive Secretary of each County Board of Elections shall cause to be printed or stamped on the margin of such application the phrase 'I certify that I am now registered as an affiliate of the party.' A line or space for signature of the voter shall be provided. No voter shall be mailed ballots under this section other than ballots for candidates for nomination in the primary election of the political party with which such voter is affiliated. The official voter registration record in the county shall be the final determination.

"§ 163-240.3. **State Board of Elections to have additional authority.** — The State Board of Elections shall have authority to promulgate rules and regulations for the detailed

administration of such requirements contained in this act, including the amendment of application forms.

"§ 163-240.4. **Violation a felony.** — Any person who shall, in connection with the primary election in 1972, make fraudulent application under the provisions of this act or any person who encourages another to make false application, or any person who pays or rewards any other person to make false application for absentee ballots shall be guilty of a felony and upon conviction shall be imprisoned in the State's prison not less than six months or fined not less than two thousand dollars, or both, in the discretion of the court.

"§ 163-240.5. Except as otherwise provided herein, all provisions set out in Article 8 and Article 20 of Chapter 163 applicable in state-wide general elections shall be applicable to state-wide primary elections, except the State Board of Elections is authorized and shall set all dates for meetings and all deadlines for County Boards of Elections to the end that the administration of this temporary act shall be orderly and efficient. All such dates shall be publicly announced no later than February 21, 1972."

Sec. 2. All laws and clauses of laws in conflict with this act, as they might relate to primary election, are hereby temporarily suspended until July 1, 1972.

Sec. 3. § 163-231(b)(1) is hereby amended as follows: After the word "election" delete the period and add "or by U. S. mail by 12:00 noon on the Wednesday immediately preceding the state-wide primary election."

Sec. 4. This act shall be in full force and effect upon ratification and shall cease to be in effect on and after July 1, 1972.

In the General Assembly read three times and ratified, this the 30th day of October, 1971.