

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 345  
Committee Substitute Favorable 4/20/89

Short Title: Absentee Ballot Amendments.

(Public)

Sponsors:

Referred to:

February 23, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO CONSOLIDATE INTO ONE FORM ALL ABSENTEE BALLOT  
3 APPLICATION FORMS AND TO MAKE OTHER CHANGES IN THE LAW  
4 AFFECTING ABSENTEE BALLOTS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 163-227 reads as rewritten:

7 "**§ 163-227. State Board to prescribe forms of applications—form of application for**  
8 **absentee ballots; county to secure.**

9 (a) Applications for Absentee Ballots Generally. – A voter falling in any one of  
10 the categories defined in G.S. 163-226, 163-226.1 or 163-226.2 may apply for absentee  
11 ballots not earlier than 60 days prior to the statewide, county or municipal election in  
12 which he seeks to vote and not later than 5:00 P.M. on the Tuesday before that election.  
13 Subject to all other provisions contained in this Article, a voter applying for an absentee  
14 ballot shall complete the ~~appropriate application~~ standard application form to be secured  
15 by the county board of elections, ~~lettered A, B, C, or OS,~~ as designed and prescribed by  
16 the State Board of Elections, and—The form shall contain lines to be checked off by  
17 each of the kinds of voters specified below:

18 (1) ~~Application A shall be completed by a—A~~ voter expecting to be absent  
19 from the county of his residence all day on the day of the specified  
20 election. (G.S. 163-226(a)(1)).

21 (2) ~~Application B shall be completed by a—A~~ voter who is unable to be  
22 present at the voting place to vote in person on the day of the specified  
23 election because of his sickness or other physical disability occurring

1 before 5:00 P.M. on the Tuesday prior to the date of the specified  
2 election. (G.S. 163-226(a)(2)). ~~Application B shall be printed on the~~  
3 ~~reverse side of Application A.~~

4 (3) ~~Application C shall be completed by a~~ A voter who is unable to be  
5 present at the voting place to vote in person on the day of the specified  
6 election because of his sickness or other physical disability occurring  
7 since 5:00 P.M. on the Tuesday prior to the date of the specified  
8 election. (G.S. 163-226(a)(2)).

9 (4) ~~Application OS shall be completed by a~~ A voter expecting to be absent  
10 from the county, or due to emergency disability will be unable to vote  
11 in person, or a person who qualifies under G.S. 163-226(a)(4), and  
12 who, in lieu of making application by mail, wishes to apply in person  
13 and receive a ballot which he may immediately vote in the office of the  
14 county board of elections.

15 (b) ~~Forms~~ Types of Applications; Instructions. –

16 (1) ~~Expected Absence from County on Election Day; Form A.~~ – A voter  
17 expected to be absent from the county in which registered during the  
18 entire period that the polls will be open on primary or general election  
19 day, or a near relative, shall make written application for absentee  
20 ballots to the chairman of the board of elections of the county in which  
21 the voter is registered not earlier than 60 days nor later than 5:00 P.M.  
22 on the Tuesday before the election. The application shall be submitted  
23 in the form set out in this subdivision upon a copy which shall be  
24 furnished the voter or a near relative by the chairman of the county  
25 board of elections.

26 The applicant shall sign his application personally, or it shall be  
27 signed by a near relative. The application shall be signed in the  
28 presence of a witness, who shall sign his name in the place provided  
29 on the form. The application form when properly filled out shall be  
30 transmitted by mail or delivered in person by the applicant or a near  
31 relative to the chairman or the supervisor of elections of the county  
32 board of elections.

33 (2) ~~Absence for Sickness or Physical Disability Occurring before 5:00~~  
34 ~~P.M. on the Tuesday prior to the Primary or General Election; Form B.~~  
35 – A voter expecting to be unable to go to the voting place to vote in  
36 person on primary or general election day because of his sickness or  
37 other physical disability, or his near relative, shall make written  
38 application for absentee ballots to the chairman of the board of  
39 elections of the county in which the voter is registered not earlier than  
40 60 days nor later than 5:00 P.M. on the Tuesday before the election.  
41 The application shall be submitted in the form set out in this  
42 subdivision upon a copy which shall be furnished the voter or a near  
43 relative by the chairman of the county board of elections.

1           The application shall be signed by the voter personally, or it shall  
 2           be signed by a near relative. The application shall be signed in the  
 3           presence of a witness, who shall sign his name in the place provided  
 4           on the form.

5           The application form, when properly filled out, shall be transmitted  
 6           by mail or delivered in person by the applicant or a near relative to the  
 7           chairman or supervisor of elections of the county board of elections of  
 8           the county in which the applicant is registered.

9           (3) Absence for Sickness or Physical Disability Occurring after 5:00 P.M.  
 10          on the Tuesday prior to Primary or General Election; ~~Form C.~~ – A voter  
 11          expecting to be unable to go to the voting place to vote in person on  
 12          primary or general election day because of sickness or other disability  
 13          occurring after 5:00 P.M. on the Tuesday before the election, or a near  
 14          relative, shall make written application for absentee ballots to the  
 15          chairman of the board of elections of the county in which he is  
 16          registered not later than 12:00 noon on the day preceding the election.  
 17          The application shall be submitted in the form set out in this  
 18          subdivision upon a copy which shall be furnished the voter or a near  
 19          relative by the chairman of the county board of elections.

20          The chairman of the county board of elections shall not issue or  
 21          accept an application under the provisions of this subdivision later than  
 22          12:00 noon on the day preceding the election in which the voter seeks  
 23          to vote.

24          The application shall be signed by the voter personally, or it shall  
 25          be signed by a near relative. The application shall be signed in the  
 26          presence of a witness who shall sign his name in the place provided on  
 27          the form.

28          The certificate printed on the application form below the signatures  
 29          of the applicant and his subscribing witness shall be filled in and  
 30          signed in the presence of a witness by a licensed physician who is  
 31          attending the applicant. The witness to the physician's certificate shall  
 32          sign his name in the place provided on the form.

33          The application form, when properly filled out, signed by or for the  
 34          applicant in the presence of a subscribing witness as provided in this  
 35          subdivision, and certified and signed by the attending physician in the  
 36          presence of a subscribing witness, may be transmitted by mail to the  
 37          chairman or supervisor of elections of the board of elections of the  
 38          county in which the applicant is registered, or it may be delivered to  
 39          the chairman or supervisor of elections in person by the applicant or by  
 40          his near relative.

41          (4) 'One-Stop' Voting Procedure, in Office of the County Board of  
 42          Elections; ~~Form OS.~~ – A voter falling in the category specified in G.S.  
 43          163-227.2 may execute ~~Form OS~~ an application form and proceed to

1                   vote his absentee ballot in the office of the county board of elections  
2                   only.

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

- 9           (1)   The chairman, secretary or supervisor of elections may deliver the  
10 form to a voter personally or to his near relative at the office of the  
11 county board of elections for the voter's own use; or  
12       (2)   The chairman, secretary or supervisor of elections may mail the form  
13 to a voter for his own use upon receipt of a written request from the  
14 voter or his near relative.

15                   At the time he issues an application form, the chairman, secretary  
16 or supervisor of elections of the county board of elections shall number  
17 it and write the name of the voter in the space provided therefor at the  
18 top of the form. At the same time the chairman, secretary or supervisor  
19 of elections shall insert the name of the voter and the number assigned  
20 his application in the register of absentee ballot applications and  
21 ballots issued provided for in G.S. 163-228. If the application is  
22 requested by the voter's near relative, the chairman, secretary or  
23 supervisor of elections also shall insert that person's name in the  
24 register after the name of the voter.

25                   The chairman, secretary or supervisor of elections shall issue only  
26 one application form to a voter or his near relative unless a form  
27 previously issued is returned to the chairman, secretary or supervisor  
28 of elections and marked 'Void' by him. In such a situation, the  
29 chairman, secretary or supervisor of elections may issue another  
30 application form to the voter or a near relative, but he shall retain the  
31 voided application form in the board's records. If the application is  
32 requested by the voter's near relative, the chairman, secretary or  
33 supervisor of elections shall write the name of the near relative on the  
34 index of near relatives, applying for applications for absentee ballots;  
35 the index shall be in such form as may be prescribed or approved by  
36 the State Board of Elections; a separate index shall be maintained for  
37 each primary, general or special election in which absentee voting is  
38 allowed.

- 39       (3)   Applications or Absentee Ballots Transmitted by Mail or in Person. –  
40 An application for absentee ballots shall be made and signed only by  
41 the voter desiring to use them or the voter's near relative or legal  
42 guardian and shall be valid only when transmitted to the chairman or  
43 supervisor of elections of the county board of elections by mail or  
44 delivered in person by the voter or his near relative or legal guardian.

- 1 (4) Who Is Authorized to Request Applications for Absentee Ballots. – A  
2 voter may personally request an application for absentee ballots or  
3 may cause such request to be made through a near relative or legal  
4 guardian. For the purpose of this Article, 'near relative or legal  
5 guardian' means spouse, brother, sister, parent, grandparent, child, or  
6 grandchild.
- 7 (5) The form of application for persons applying to vote in a primary  
8 under the provisions of this section shall be as designed and prescribed  
9 by the State Board of Elections. No voter shall be furnished ballots for  
10 voting in a primary except the ballots for candidates for nomination in  
11 the primary of the political party with which he is affiliated at the time  
12 he makes application for absentee ballots. The official registration  
13 records of the county in which the voter is registered shall be proof of  
14 the party, if any, with which the voter is affiliated.
- 15 (6) The county board of elections shall cause to be stamped or printed on  
16 the face of each application for absentee ballots the following legend,  
17 and the blank space in the legend to be completed:  
18 'This application is issued for absentee ballots to be voted in the  
19 \_\_\_\_\_ (primary or general or special election) to be held in  
20 \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 19  
21 \_\_\_\_.' The county board of elections shall not issue any absentee  
22 ballots on the basis of any application that does not bear the completed  
23 legend.
- 24 (7) No applications shall be issued earlier than 60 days prior to the  
25 election in which the voter wishes to vote. Nothing herein shall  
26 prohibit the county board of elections from receiving written requests  
27 for applications earlier than 60 days prior to the election but such  
28 applications shall not be mailed or issued to the voter in person earlier  
29 than 60 days prior to the election.
- 30 (8) Applications for absentee ballots shall be issued only by mail or in the  
31 office of the county board of elections to the voter or a near relative or  
32 legal guardian authorized to make application. No election official  
33 shall issue applications for absentee ballots except in compliance with  
34 the provisions stated herein."

35 Sec. 2. G.S. 163-227.2(b) reads as rewritten:

36 "(b) Not earlier than the day following the day on which the registration books  
37 close before an election, in which absentee ballots are authorized, in which he seeks to  
38 vote and not later than 5:00 P.M. on the Friday prior to that election, the voter shall  
39 appear in person only at the office of the county board of elections and request that the  
40 chairman, a member, or the supervisor of elections of the board, or an employee of the  
41 board of elections, authorized by the board, furnish him with ~~application Form OS~~ an  
42 application form as specified in G.S. 163-227. The voter shall complete the application  
43 in the presence of the chairman, member, supervisor of elections or authorized  
44 employee of the board, and shall deliver the application to that person."

1           Sec. 3. G.S. 163-69.1(b) reads as rewritten:

2           "(b) A voter whose name has been changed shall report such change of name to an  
3 official authorized to register voters under G.S. 163-80 no later than the twenty-first day  
4 (excluding Saturdays and Sundays) prior to an election, primary, or special election in  
5 order to vote in said election if the name change occurred on or before that date.  
6 Alternatively, the voter may report such change to the registrar at the polls, and, if  
7 otherwise eligible, may vote. A voter wishing to vote by absentee ballot may report the  
8 name change to the county board of elections, by mail or in person, along with that  
9 voter's application for absentee ballot; and if otherwise eligible, may vote.

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

13           Sec. 4. G.S. 163-231(a) reads as rewritten:

14           "(a) Procedure for Voting Absentee Ballots. – In the presence of two other  
15 persons who are at least 18 years of age, the voter shall:

- 16           (1) Mark his ballots, or cause them to be marked by one of such persons in  
17 his presence according to his instruction;
- 18           (2) Fold each ballot separately, or cause each of them to be folded in his  
19 presence;
- 20           (3) Place the folded ballots in the container-return envelope and securely  
21 seal it, or have this done in his presence;
- 22           (4) Make the certificate printed on the container-return envelope  
23 according to the provisions of G.S. 163-229(b).

24          The persons in whose presence the ballot is marked shall at all times respect the  
25 secrecy of the ballot and the privacy of the absentee voter, unless the voter requests their  
26 assistance and they are otherwise authorized by law to give assistance. The persons in  
27 whose presence the ballot was marked shall sign the certificate as witnesses, and shall  
28 indicate their address. When thus executed, the sealed container-return envelope, with  
29 the ballots enclosed, shall be transmitted in accordance with the provisions of  
30 subsection (b) of this section to the chairman of the county board of elections who  
31 issued the ballots."

32           Sec. 5. This act shall become effective with respect to primaries and  
33 elections held on or after January 1, 1990.