

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 40*

Short Title: Absentee Voting Revision.

(Public)

Sponsors: Senators Plexico, Smith; Dannelly, Hoyle, Kerr, Odom, Gulley, Plyler, and Lucas.

Referred to: Judiciary II/Election Laws.

January 26, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO STREAMLINE, SIMPLIFY, AND MODERNIZE THE ABSENTEE
3 VOTING LAWS, AND TO CONFORM TO FEDERAL LAWS ON ABSENTEE
4 VOTING.

5 The General Assembly of North Carolina enacts:

6 Section 1. Subchapter VII of Chapter 163 of the General Statutes reads as
7 rewritten:

8
9 "SUBCHAPTER VII. ABSENTEE VOTING.

10
11 "ARTICLE 20.

12
13 "ABSENTEE BALLOT.

14
15 "§ 163-226. Who may vote an absentee ballot.

16 (a) Who May Vote Absentee Ballot; Generally. —~~Any~~ Except as provided by G.S.
17 163-302 with respect to municipal elections, and except as provided by G.S. 163-
18 82.7(g)(2) in the case where a person's voter registration notice has been returned by the
19 Postal Service as undeliverable, any qualified voter of the State may vote by absentee

1 ballot in a statewide primary, general, or special election on constitutional amendments,
2 referenda or bond proposals, and any qualified voter of a county is authorized to may
3 vote by absentee ballot in any primary or election conducted by the county board of
4 elections, in the manner provided in this Article if:

5 (1) ~~He~~ The qualified voter expects not to be present at the voting place to
6 vote in person ~~be absent from the county in which he is registered~~
7 ~~during the entire period that the polls are open on the day of the~~
8 ~~specified election in which he~~ the qualified voter ~~desires to vote; or~~

9 (2) ~~He~~ The qualified voter is unable to be present at the voting place to vote
10 in person on the day of the specified election in which he ~~the qualified~~
11 voter ~~desires to vote because of his~~ the qualified voter's ~~sickness or~~
12 ~~other physical disability where such illness or other physical disability~~
13 ~~arises after 5:00 p.m. on the Tuesday preceding the election but before~~
14 12:00 noon on the day of the specified election. ~~;~~ ~~or~~

15 (3) ~~He is incarcerated, whether in his county of residence or elsewhere,~~
16 ~~shall be entitled to vote by absentee ballot in the county of his residence~~
17 ~~in any election, specified herein, in which he otherwise would be~~
18 ~~entitled to vote. Absentee voting shall be in the same manner as~~
19 ~~provided in this Article. The chief custodian or superintendent of the~~
20 ~~institution or other place of confinement shall certify that the applicant~~
21 ~~is not a felon, and the certification shall be as prescribed by the State~~
22 ~~Board of Elections. The State Board of Elections is authorized to~~
23 ~~prescribe procedures to carry out the intent and purpose of this~~
24 ~~subsection;~~

25 (4) ~~He is an employee of the county board of elections and his assigned~~
26 ~~duties on the day of the election will cause him to be unable to be~~
27 ~~present at the voting place to vote in person and provided such~~
28 ~~employee has his application witnessed by the chairman of the county~~
29 ~~board of elections.~~

30 (b) ~~Absentee Ballots; Exceptions. Notwithstanding the authority contained in~~
31 ~~G.S. 163-226(a), absentee ballots shall not be permitted in fire district elections.~~

32 (c) As used in this Subchapter, unless the context clearly requires otherwise, the
33 term 'election' includes a general, primary, second primary, runoff, bond election,
34 referenda, or special election.

35 **"§ 163-226.1. Absentee voting in primary.**

36 A qualified voter may vote by absentee ballot in a ~~statewide or countywide partisan~~
37 ~~primary provided he~~ the qualified voter ~~is affiliated, at the time he~~ the qualified voter
38 makes application for absentee ballots, with the political party in whose primary he ~~the~~
39 qualified voter ~~wishes to vote.~~ vote, except that an unaffiliated voter may vote in a party
40 primary if permitted under G.S. 163-116. The official registration records of the county
41 in which the voter is registered shall be proof of whether he ~~the qualified voter~~ is
42 affiliated with a political party and of the party, if any, with which he ~~the qualified voter~~
43 is affiliated.

1 ~~"§ 163i Absentee voting by qualified voters residing in a municipality shall be in~~
2 ~~accordance with the authorization specified in G.S. 163-302.~~

3 **"§ 163-226.3. Certain acts declared felonies.**

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

- 8 (1) For any person except the voter's near relative as defined in G.S. 163-
9 227(c)(4) or the voter's legal guardian to assist the voter to vote an
10 absentee ballot when the voter is voting an absentee ballot other than
11 under the procedure described in G.S. 163-227.2; provided that if there
12 is not a near relative or legal guardian available to assist the voter, the
13 voter may request some other person to give assistance;
- 14 (2) For any person to assist a voter to vote an absentee ballot under the
15 absentee voting procedure authorized by G.S. 163-227.2 except a
16 member of the county board of elections, the supervisor of elections, an
17 employee of the board authorized by the board, the voter's near relative
18 as defined in G.S. 163-227(c)(4), or the voter's legal guardian;
- 19 (3) For a voter who votes an absentee ballot under the procedures
20 authorized by G.S. 163-227.2 to vote ~~his~~ that voter's absentee ballot
21 outside of the voting booth or private room provided to ~~him~~ the voter
22 for that purpose in or adjacent to the office of the county board of
23 elections or at the additional site provided by G.S. 163-227.2(f1), or to
24 receive assistance in getting to and from the voting booth or private
25 room and in preparing and marking ~~his~~ that voter's ballots from any
26 person other than a member of the county board of elections, the
27 supervisor of elections, an employee of the board of elections authorized
28 by the board, a near relative of the voter as defined in G.S. 163-
29 227(c)(4), or the voter's legal guardian;
- 30 (4) For any owner, manager, director, employee, or other person, other than
31 the voter's near relative as defined in G.S. 163-227(c)(4) or legal
32 guardian, to make application on behalf of a registered voter who is a
33 patient in any hospital, clinic, nursing home or rest home in this State or
34 for any owner, manager, director, employee, or other person other than
35 the voter's near relative or legal guardian, ~~or officer authorized to~~
36 ~~administer oaths acting pursuant to G.S. 163-231(a)(1)~~, to mark the
37 voter's absentee ballot or assist such a voter in marking an absentee
38 ballot;
- 39 (5) Repealed by Session Laws 1987, c. 583, s. 8.
- 40 (6) For any person to take into ~~his~~ that voter's possession for delivery to a
41 voter or for return to a county board of elections the absentee ballot of
42 any voter, provided, however, that this prohibition shall not apply to a

1 voter's near relative as defined in G.S. 163-227(c)(4) or the voter's legal
2 guardian;

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

9 (b) The State Board of Elections or a county board of elections, upon receipt of a
10 sworn affidavit from any qualified voter of the State or the county, as the case may be,
11 attesting to first-person knowledge of any violation of subsection (a) of this section, shall
12 transmit such affidavit to the appropriate district attorney, who shall investigate and
13 prosecute any person violating subsection (a).

14 **"§ 163-227. State Board to prescribe form of application for absentee ballots;
15 county to secure.**

16 (a) Applications for Absentee Ballots Generally. —~~A~~An eligible voter falling in
17 ~~any one of the categories defined in G.S. 163-226, 163-226.1 or 163-226.2~~ may apply for
18 absentee ballots not earlier than 50 days prior to the ~~statewide, county or municipal~~
19 election in which ~~he~~that eligible voter seeks to vote and not later than 5:00 P.M. on the
20 Tuesday before that ~~election.~~election, except that applications under G.S. 163-227.2 shall
21 be governed by that section and applications under G.S. 163-226(a)(2) may be made not
22 earlier than 5:00 p.m. on the Tuesday preceding the election and not later than 12:00
23 noon on election day. Subject to all other provisions contained in this Article, a voter
24 applying for an absentee ~~ballot~~ballot except under G.S. 163-227.2 shall complete the
25 standard application form to be secured by the county board of elections, as designed and
26 prescribed by the State Board of Elections. The form shall be printed on the container-
27 return envelope transmitted to the voter along with the ballots. The form shall allow
28 reporting of a change of name as provided by G.S. 163-82.16(d). The form shall contain
29 lines to be checked off by each of the kinds of voters specified below:

- 30 (1) A voter ~~expecting to be absent from the county of his residence all day~~
31 expecting not to be present at the voting place to vote in person on the
32 day of the specified election. (G.S. 163-226(a)(1)).
- 33 (2) A voter who is unable to be present at the voting place to vote in person
34 on the day of the specified election because of ~~his~~that voter's sickness
35 or other physical disability occurring after 5:00 p.m. on the Tuesday
36 preceding the election but before 5:00 P.M. 12:00 noon on the day ~~prior~~
37 ~~to the date~~ of the specified election. (G.S. 163-226(a)(2)).
- 38 (3) Repealed by Session Laws 1991, c. 727, s. 6.1.
- 39 (4) ~~A voter expecting to be absent from the county or due to emergency~~
40 ~~disability will be unable to vote in person, or a person who qualifies~~
41 ~~under G.S. 163-226(a)(4), and who, in lieu of making application by~~
42 ~~mail, wishes to apply in person and receive a ballot which he may~~
43 ~~immediately vote in the office of the county board of elections.~~

1 (b) Types of Applications; Instructions. –

2 (1) ~~Expected Absence from County Not to Be Present at the Voting Place~~
3 ~~on Election Day. – A voter expected to be absent from the county not be~~
4 ~~present at the voting place in which registered during the entire period~~
5 ~~that the polls will be open on primary or general election day, or a near~~
6 ~~relative, or verifiable legal guardian, day shall make written application~~
7 ~~request for absentee ballots to the chairman of the board of elections of~~
8 ~~the county in which the voter is registered not earlier than 50 days nor~~
9 ~~later than 5:00 P.M. on the Tuesday before the election. The application~~
10 ~~shall be submitted in the form set out in this subdivision upon a copy the~~
11 ~~container-return envelope which shall be furnished the voter or a near~~
12 ~~relative by the chairman of the county board of elections.~~

13 ~~The applicant shall sign his application personally, or it shall be~~
14 ~~signed by a near relative or verifiable legal guardian. The application~~
15 ~~shall be signed by the voter personally. The application shall be signed~~
16 ~~in the presence of a witness, who shall sign his name in the place~~
17 ~~provided on the form. The application form when properly filled out~~
18 ~~shall be transmitted by mail or delivered in person by the applicant or a~~
19 ~~near relative to the chairman or the supervisor of elections of the county~~
20 ~~board of elections.~~

21 (2) ~~Absence for Sickness or Physical Disability Occurring After 5:00 P.M.~~
22 ~~on the Tuesday Prior to the Election but before 5:00 P.M. Before 12:00~~
23 ~~Noon on the day prior to Day of the Primary or General Election. – A~~
24 ~~voter expecting to be unable to go to the voting place to vote in person~~
25 ~~on primary or general election day because of his that voter's sickness or~~
26 ~~other physical disability, disability occurring after 5:00 p.m. on the~~
27 ~~Tuesday preceding the election but before 12:00 noon on the day of the~~
28 ~~date of the specified election or his near relative or verifiable legal~~
29 ~~guardian, shall make written application request for absentee ballots to~~
30 ~~the chairman of the board of elections of the county in which the voter~~
31 ~~is registered not earlier than 50 days 5:00 p.m. on the Tuesday nor later~~
32 ~~than 5:00 P.M. 12:00 noon on the day before of the election. The~~
33 ~~application shall be submitted in the form set out in this subdivision~~
34 ~~upon a copy the container-return envelope which shall be furnished the~~
35 ~~voter or a near relative or verifiable legal guardian by the chairman of~~
36 ~~the county board of elections.~~

37 ~~The application shall be signed by the voter personally, or it shall be~~
38 ~~signed by a near relative or verifiable legal guardian. personally. The~~
39 ~~application shall be signed in the presence of a witness, who shall sign~~
40 ~~his name in the place provided on the form.~~

41 ~~The application form, when properly filled out, shall be transmitted~~
42 ~~by mail or delivered in person by the applicant or a near relative or~~
43 ~~verifiable legal guardian to the chairman or supervisor of elections of~~

1 ~~the county board of elections of the county in which the applicant is~~
2 ~~registered.~~

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

4 (4) 'One-Stop' Voting Procedure, in Office of the County Board of
5 Elections. – A voter falling in the category specified in G.S. 163-227.2
6 may execute an application form and proceed to vote ~~his~~that voter's
7 absentee ballot in the office of the county board of elections only. The
8 application shall be on a separate form prescribed by the State Board of
9 Elections.

10 (c) Application Forms Issued by ~~Chairman of~~ County Board of Elections. – The
11 ~~chairman of the~~ county board of elections shall be sole custodian of all absentee ballot
12 application forms, ~~but he, and the chairman, a member,~~ the secretary of the board ~~and or~~
13 the supervisor of elections or an employee of the board, in accordance with one of the
14 following two procedures, shall issue and deliver a single application form, upon request,
15 to ~~a person authorized to sign such an application~~ an eligible voter under the provisions
16 of this section:

17 (1) The chairman, ~~secretary or member,~~ supervisor of elections or an
18 employee of the board of elections may deliver the form to a voter
19 personally ~~or to his near relative or verifiable legal guardian~~ at the office
20 of the county board of elections for the voter's own use; or

21 (2) The chairman, ~~secretary or member,~~ supervisor of elections or an
22 employee of the board of elections may mail the form to a voter for ~~his~~
23 that voter's own use upon receipt of a written request from the ~~voter or~~
24 ~~his near relative or verifiable legal guardian.~~ voter.

25 At the time ~~he issues~~ of issuance of an application form, the
26 chairman, ~~secretary or member,~~ supervisor of elections or an employee
27 of the county board of elections shall number it and write the name of
28 the voter in the space provided therefor at the top of the form. At the
29 same time the chairman, ~~secretary or member,~~ supervisor of elections or
30 an employee of the board of elections shall insert the name of the voter
31 and the number assigned ~~his~~ that voter's application in the register of
32 absentee ballot applications and ballots issued provided for in G.S. 163-
33 228. ~~If the application is requested by the voter's near relative, or~~
34 ~~verifiable legal guardian, the chairman, secretary or supervisor of~~
35 ~~elections also shall insert that person's name in the register after the~~
36 ~~name of the voter.~~

37 The chairman, ~~secretary or member,~~ supervisor of elections or an
38 employee of the board of elections shall issue only one application form
39 to a voter ~~or his near relative or verifiable legal guardian~~ unless a form
40 previously issued is returned to the chairman, ~~secretary or member,~~
41 secretary, supervisor of elections or an employee of the board of
42 elections and marked 'Void' by ~~him~~ that person or unless the applicant
43 certifies that the application has been lost or never received. In such a

1 situation, the chairman, secretary or member, secretary, supervisor of
2 elections or an employee of the board of elections may issue another
3 application form to the voter or a near relative or verifiable legal
4 guardian, but he shall retain the voided application form or the
5 certificate in the board's records. If the application is requested by the
6 voter's near relative or verifiable legal guardian, the chairman, secretary
7 or supervisor of elections shall write the name of the near relative or
8 verifiable legal guardian on the index of near relatives or verifiable legal
9 guardians, applying for applications for absentee ballots; the index shall
10 be in such form as may be prescribed or approved by the State Board of
11 Elections; a separate index shall be maintained for each primary, general
12 or special election in which absentee voting is allowed.

13 (3) ~~Applications or Absentee Ballots Requests for Application Transmitted~~
14 ~~by Mail, Mail, Fax, or in Person. — An A request for~~ application for
15 absentee ballots shall be made and signed only by the voter desiring to
16 use them or the voter's near relative or verifiable legal guardian and
17 shall be valid only when transmitted to the chairman or supervisor of
18 elections of the county board of elections by mail, mail, by fax, or
19 delivered in person by the voter or his the voter's near relative or legal
20 verifiable guardian.

21 (4) Who Is Authorized to Request Applications for Absentee Ballots. – A
22 voter may personally request an application for absentee ballots or may
23 cause such request to be made through a near relative or verifiable legal
24 guardian. ballots. A near relative of the person may request for that
25 person an application under G.S. 163-230.1(d). For the purpose of this
26 Article, 'near relative' means spouse, brother, sister, parent, grandparent,
27 child, or grandchild.

28 (5) The form of application for persons applying to vote in a primary under
29 the provisions of this section shall be as designed and prescribed by the
30 State Board of Elections. ~~No voter shall be furnished ballots for voting~~
31 ~~in a primary except the ballots for candidates for nomination in the~~
32 ~~primary of the political party with which he is affiliated at the time he~~
33 ~~makes application for absentee ballots. The official registration records~~
34 ~~of the county in which the voter is registered shall be proof of the party,~~
35 ~~if any, with which the voter is affiliated.~~

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

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

- 1 (7) ~~No applications shall be issued earlier than 50 days prior to the election~~
2 ~~in which the voter wishes to vote. Nothing herein shall prohibit the~~ The
3 ~~county board of elections from receiving~~ may receive written requests
4 for applications earlier than 50 days prior to the election but ~~such~~
5 ~~applications~~ applications and ballots shall not be mailed or issued to the
6 ~~voter in person earlier than 50 days prior to the election.~~ except as
7 provided in G.S. 163-227.2.
- 8 (8) ~~Applications for absentee ballots shall be issued only by mail or in the~~
9 ~~office of the county board of elections to the voter or a near relative or~~
10 ~~verifiable legal guardian authorized to make application.~~ No election
11 official shall issue applications for absentee ballots except in
12 compliance with the provisions stated herein.
- 13 (9) If the voter has a physical disability or condition which substantially
14 impairs that voter's ability to go to the polling place to vote, the voter
15 may request an absentee ballot for all the primaries and elections held
16 during the calendar year in which the request is received by the board of
17 elections. The request must include a description of the physical
18 disability or condition.

19 **"§ 163-227.1. Second primary; applications for absentee ballots for voting in second**
20 **primary.**

21 A voter applying for an absentee ballot for a primary election who will be ~~absent from~~
22 ~~the county of his residence~~ eligible to vote under this Article on the day of the primary
23 and second primary shall be permitted by the county board of elections to indicate such
24 fact on ~~his~~ that voter's application and such voter shall automatically be issued an
25 application and absentee ballot for the second primary if one is called. The county board
26 of elections shall consider such indication a separate request for application for the
27 second primary and, at the proper time, shall enter such voter's name in the absentee
28 register along with the listing of other applicants for absentee ballots for the second
29 primary.

30 In addition, a voter entitled to absentee ballots under the provisions of this Article
31 who did not make application for the ~~primary~~ primary, does not have a continuing
32 application for the calendar year under G.S. 163-227(c)(8), or who failed to apply for a
33 second primary ballot at the time of application for a first primary ballot may apply for
34 absentee ballots for a second primary not earlier than the day a second primary is called
35 and not later than ~~5:00 P.M. on the Tuesday prior to the date on which the second~~
36 ~~primary is held.~~ the date and time provided by G.S. 163-227.

37 All procedures with respect to absentee ballots in a second primary shall be the same
38 as with respect to absentee ballots in a first primary except as otherwise provided by this
39 section.

40 **"§ 163-227.2. Alternate procedures for requesting application for absentee ballot;**
41 **'one-stop' voting procedure in board office.**

42 (a) A person expecting to ~~be absent from the county~~ not be present at the polling
43 place in which he that person is registered during the entire period that the polls are open

1 on the day of an election in which absentee ballots are authorized ~~or is eligible under G.S.~~
2 ~~163-226(a)(2) or 163-226(a)(4)~~ may request an application for absentee ballots, complete
3 the application, ~~receive the absentee ballots, vote and deliver them sealed in a container-~~
4 ~~return envelope to the county board of elections in the county in which he is registered~~
5 ~~and vote under the provisions of this section.~~

6 (b) Not earlier than the ~~twenty-fourth day-~~first business day after the ~~twenty-fifth~~
7 ~~day~~ before an election, in which absentee ballots are authorized, in which ~~he a voter~~ seeks
8 to vote and not later than 5:00 P.M. on the Friday prior to that election, the voter shall
9 appear in person only at the office of the county board of elections and request that the
10 chairman, a member, or the supervisor of elections of the board, or an employee of the
11 board of elections, authorized by the board, furnish ~~him~~the voter with an application
12 form as specified in G.S. 163-227. The voter shall complete the application in the
13 presence of the chairman, member, supervisor of elections or authorized employee of the
14 board, and shall deliver the application to that person.

15 (c) If the application is properly filled out, the chairman, member, supervisor of
16 elections of the board, or employee of the board of elections, authorized by the board,
17 shall enter the voter's name in the register of absentee ballot applications and ballots
18 issued; shall furnish the voter with the instruction sheets called for by G.S. 163-229(c);
19 and shall furnish the voter with the ballots to which the application for absentee ballots
20 applies; and shall furnish the voter with a container return envelope. applies. The voter
21 thereupon shall ~~comply with the provisions of G.S. 163-231(a) except that he shall~~
22 ~~deliver the container return envelope to the chairman, member, supervisor of elections of~~
23 ~~the board, or an employee of the board of elections, authorized by the board, immediately~~
24 ~~after making and subscribing the certificate printed on the container return envelope as~~
25 ~~provided in G.S. 163-229(b).~~vote in accordance with subsection (e) of this section.

26 All actions required by this subsection shall be performed in the office of the board of
27 ~~elections.~~except that the voting may take place in an adjacent room as provided by
28 subsection (e) of this section. ~~For the purposes of this section only, the~~The application
29 under this subsection shall be signed in the presence of the chairman, member, supervisor
30 of elections of the board, or full-time employee, authorized by the board who shall sign
31 the application and certificate as the witness and indicate the official title held by him or
32 her. Notwithstanding G.S. 163-231(a), in the case of this subsection, only one witness
33 shall be required on the certificate.

34 (d) Only the chairman, ~~member-~~member, employee, or supervisor of elections of
35 the board shall keep the voter's application for absentee ballots ~~and the sealed container-~~
36 ~~return envelope~~ in a safe place, separate and apart from other applications and container-
37 return envelopes. ~~At the first meeting of the board pursuant to G.S. 163-230(2) held after~~
38 ~~receipt of the application and envelope, the chairman shall comply with the requirements~~
39 ~~of G.S. 163-230(1) and 163-230(2) b. and c. If the voter's application for absentee ballots~~
40 ~~is approved by the board at that meeting, the application form and container return~~
41 ~~envelope, with the ballots enclosed, shall be handled in the same manner and under the~~
42 ~~same provisions of law as applications and container return envelopes received by the~~
43 ~~board under other provisions of this Article.~~ If the voter's application for absentee ballots

1 is disapproved by the board, the board shall so notify the voter stating the reason for
2 disapproval by first-class mail addressed to the voter at ~~his~~that voter's residence address
3 ~~or~~and at the address shown in the application for absentee ballots; and the board
4 ~~chairman shall retain the container return envelope in its unopened condition until the~~
5 ~~day of the primary or election to which it relates and on that day he shall destroy the~~
6 ~~container return envelope and the ballots therein, without, however, revealing the manner~~
7 ~~in which the voter marked the ballots.~~enter a challenge under G.S. 163-89.

8 (e) The voter shall vote ~~his~~that voter's absentee ballot in a voting booth in the
9 office of the county board of elections and the county board of elections shall provide a
10 voting booth for that purpose, provided however, that the county board of elections may
11 in the alternative provide a private room for the voter adjacent to the office of the board,
12 in which case the voter shall vote ~~his~~that voter's absentee ballot in that room. ~~The voting~~
13 ~~booth shall be in the office of the county board of elections.~~If the voter needs assistance
14 in getting to and from the voting booth and in preparing and marking ~~his~~that voter's
15 ballots or if ~~he~~the voter is a blind voter, only a member of the county board of elections,
16 the supervisor of elections, an employee of the board of elections authorized by the
17 board, a near relative of the voter as defined in G.S. 163-227(c)(4), or the voter's legal
18 guardian shall be entitled to assist the voter. The ballot shall be a paper ballot or a voting
19 system in which a paper ballot is counted by computer or mechanical device. The ballot
20 in any case shall have the ballot number on it in accordance with G.S. 163-230(3)a. After
21 the voter casts the ballot, the voter shall deposit the ballot in the ballot box or voting
22 system in the same manner as if such box or system was in use in a precinct on election
23 day. At the end of each business day, or at any time when there will be no employee or
24 officer of the board of elections on the premises, the ballot box or system shall be secured
25 in accordance with rules adopted by the State Board of Elections, which shall include
26 verifying that no additional ballots have been placed in the box or system. If a direct
27 record voting system with retrievable ballots is approved by the State Board of Elections,
28 it may be used for ballots cast under this section under rules approved by the State Board
29 of Elections.

30 (f) Notwithstanding the exception specified in G.S. 163-116, counties which
31 operate a modified full-time office shall remain open five days each week during regular
32 business hours consistent with daily hours presently observed by the county board of
33 elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing until
34 5:00 P.M. on the Friday prior to that election or primary. The boards of county
35 commissioners shall provide necessary funds for the additional operation of the office
36 during such time.

37 (f1) Notwithstanding any other provision of this section, a county board of
38 elections may provide for one or more sites in that county for absentee ballots to be
39 applied for and cast under this section. Such sites must be approved by the State Board
40 of Elections as part of a Plan for Implementation approved by both the county board of
41 elections and by the State Board of Elections which shall also provide adequate security
42 of the ballots and provisions to avoid allowing persons to vote who have already voted.

43 **"§ 163-227.3. Date by which absentee ballots must be available for voting.**

1 (a) The State Board of Elections shall provide absentee ballots of the kinds to be
2 furnished by the State Board, to the county boards of elections 50 days prior to the date
3 on which the election shall be conducted unless there shall exist an appeal before the
4 State Board or the courts not concluded, in which case the State Board shall provide the
5 ballots as quickly as possible upon the conclusion of such an appeal. In every instance the
6 State Board shall exert every effort to provide absentee ballots, of the kinds to be
7 furnished by the State Board, to each county by the date on which absentee voting is
8 authorized to commence.

9 (b) Second Primary. – The State Board of Elections shall provide absentee ballots,
10 of the kinds to be furnished by the State Board, as quickly as possible after the ballot
11 information has been determined.

12 **"§ 163-228. Register of absentee ballot applications and ballots issued; a public**
13 **record.**

14 The State Board of Elections shall design an official register and provide a source of
15 supply thereof from which the ~~chairman of the~~ county board of elections in each county
16 of the State shall purchase a book to be called the register of absentee ballot applications
17 and ballots issued in which shall be recorded whatever information and official action
18 may be required by this Article.

19 The State Board of Elections may provide for the register to be kept by electronic data
20 processing equipment, as long as the information required by this Article to be in the
21 register has a hard copy printed out each business day, or a supplement printed out each
22 day of new information.

23 The register of absentee ballot applications and ballots issued shall constitute a public
24 record and shall be opened to the inspection of any registered voter of the county at any
25 time within 50 days before and 30 days after an election in which absentee ballots were
26 authorized, or at any other time when good and sufficient reason may be assigned for its
27 inspection.

28 **"§ 163-229. Absentee ballots, container-return envelopes, and instruction sheets.**

29 (a) Absentee Ballot Form. – In accordance with the provisions of G.S. 163-230(3),
30 persons entitled to vote by absentee ballot shall be furnished with ~~regular~~ official ballots.
31 ~~Separate or distinctly marked absentee ballots shall not be used.~~

32 (b) Container-Return Envelope. – In time for use not later than 50 days before a
33 statewide primary, general election or county bond election, the county board of elections
34 shall print a sufficient number of envelopes in which persons casting absentee ballots
35 may transmit their marked ballots to the ~~chairman of the~~ county board of elections. Each
36 container-return envelope shall be printed in accordance with the following instructions:

- 37 (1) ~~On one side~~ There shall be printed an identified space in which shall be
38 inserted the application number of the voter and the following statement
39 which shall be certified by one member of the county board of elections:

40
41 'Certification of Election Official

42 The undersigned election official does by ~~his~~ that election
43 official's hand and seal certify that..... is a registered and

1 qualified voter of County, Precinct #..... and has
2 ~~made~~ is making proper application to vote under the Absentee
3 Ballot Law of North Carolina for absentee ballots to be voted in
4 the _____ (primary or general or special election) to be held
5 in _____ County on the _____ day of
6 _____, ~~19~~_____.

7(Seal)Ch
8 airman-Member'(2).....On the
9 other side There shall be printed the return address of the ~~chairman~~ of the county board of
10 elections and the following certificate:

11 'Certificate of Absentee or Sick Voter
12 State of
13 County ofl,, do certify that I am a resident and
14 registered voter in precinct, County, North Carolina; that on the day of an
15 election,, ~~19~~.... (check whichever of the following statements is correct.)

16 [] I will ~~be absent from the county in which I reside~~ not be
17 present at the polling place in which I am registered during the
18 entire time the polls will be open on election day.

19 [] Due to sickness or physical disability, occurring after 5:00
20 p.m. on the Tuesday before the election but before 12:00 noon on
21 the day of the election, or incarceration as a misdemeanor, I will
22 be unable to travel to the voting place in the precinct in which I
23 reside.

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

30 (Signature of voter)

31
32 Signature of Witness #1 Signature of Witness #2
33 Address of Witness #1 Address of Witness #2'(3) There
34 shall be printed the application provided by G.S. 163-227.

35 (c) Instruction Sheets. – In time for use not later than 50 days before a statewide
36 primary, general or county bond election, the county board of elections shall prepare and
37 print a sufficient number of sheets of instructions on how voters are to prepare absentee
38 ballots and return them to the ~~chairman~~ of the county board of elections.

39 **"§ 163-230. Consideration and approval of applications and issuance of absentee**
40 **ballots.**

41 The procedure to be followed in ~~receiving applications for absentee ballots, passing~~
42 ~~upon their validity, and~~ issuing absentee ballots shall be governed by the provisions of
43 this section.

- 1 (1) Record of Applications Received and Ballots Issued. – Upon receipt of
2 a voter's written ~~application request~~ for absentee ballots, the ~~chairman of~~
3 ~~the~~ county board of elections shall promptly enter in the register of
4 absentee ballot application and ballots issued ~~so much of the following~~
5 information as ~~he has not already entered there under the provisions of~~
6 ~~G.S. 163-227(4)~~;
- 7 a. Name of voter applying for absentee ballots, and, if applicable,
8 the name and address of the voter's near relative who ~~applied for~~
9 requested the application for absentee ballots.
 - 10 b. Number of assigned voter's application when issued.
 - 11 c. Precinct in which applicant is registered.
 - 12 d. Address to which ballots are to be mailed, or that the voter voted
13 pursuant to G.S. 163-227.2.
 - 14 e. Reason assigned for requesting absentee ballots.
 - 15 f. Date request for application for ballots is received by ~~chairman~~
16 the county board of elections.
 - 17 g. The voter's party affiliation.
 - 18 h. The date the ballots were mailed or delivered to the voter.

- 19 (2) ~~Determination of Validity of Applications—Requests for Absentee~~
20 ~~Ballots. – The county board of election shall constitute the proper~~
21 ~~official body to pass upon the validity of all applications for absentee~~
22 ~~ballots received in the county; this function shall not be performed by~~
23 ~~the chairman or any other member of the board individually.~~

- 24 a: ~~Required Meeting of County Board of Elections. — During the~~
25 ~~period commencing 50 days before an election, and until 30 days~~
26 ~~before the election, in which absentee ballots are authorized, the~~
27 ~~county board of elections shall hold one or more public meetings~~
28 ~~each week on a day and at an hour to be determined by the board~~
29 ~~for the purpose of action on applications for absentee ballots.~~
30 ~~Each member of the board shall be notified in writing of the day~~
31 ~~and hour such meetings shall be conducted. During the period~~
32 ~~opening 30 days before an election in which absentee ballots are~~
33 ~~authorized and closing at 5:00 P.M. on the Tuesday before the~~
34 ~~election, the county board of elections shall hold public meetings~~
35 ~~at 10:00 A.M. on Tuesday and Friday of each week, and it shall~~
36 ~~also hold public meetings at 10:00 A.M. on the eighth, sixth,~~
37 ~~fourth and first days immediately preceding election day. These~~
38 ~~meetings shall be held at the county courthouse or at the elections~~
39 ~~board's office at the hour fixed by law. At these meetings the~~
40 ~~county board of elections shall pass upon applications for~~
41 ~~absentee ballots.~~

42 Upon a majority vote, the county board of elections may hold
43 ~~any such public meetings at an hour other than 10:00 A.M., and it~~

1 may hold more than one session on each day it meets and may set
2 the hours of any additional sessions. If the board desires to
3 exercise either or both of the options granted by the preceding
4 sentence, it shall do so no later than 70 days before the election;
5 thereafter, no change shall be made in the hours or dates fixed for
6 the board's public meetings on absentee ballot applications.

7 The chairman of the county board of elections shall give
8 notice to other board members of the schedule of meetings of the
9 board.

10 If the county board of elections changes the time of holding
11 its meetings or provides for additional meetings in accordance
12 with the terms of this subdivision, notice of the change in hour
13 and notice of the schedule of additional meetings, if any, shall be
14 published in a newspaper circulated in the county, and a notice
15 thereof shall be posted at the courthouse door of the county, at
16 least 65 days prior to the election. Similar notice shall also be
17 given of the dates and hours of the weekly meetings held until 30
18 days before the election. Notice may additionally be made on a
19 radio or television station or both, but such notice shall be in
20 addition to the newspaper and other required notice.

21 The county board of elections shall not be required to hold
22 any of the meetings prescribed by this subdivision unless, since
23 its last preceding meeting, it actually has received one or more
24 applications for absentee ballots which it has not passed upon.
25 When no meeting is to be held for this reason, the chairman shall
26 notify each of the other members of the county board of elections
27 that the scheduled public meeting will not be held and state the
28 reasons for its cancellation.

- 29 b. Procedure at Required Meeting; Making Determination.— At
30 each public meeting of the county board of elections the
31 chairman shall present for consideration, and the board shall pass
32 upon, the validity of all applications for absentee ballots received
33 since its last preceding public meeting held for that purpose. At
34 each such meeting any registered voter of the county shall be
35 heard and allowed to present evidence in opposition to, or in
36 favor of, the issuance of absentee ballots to any voter making
37 application for them.

38 The county board of elections, upon receipt of a properly made request for application
39 for ballot by a person authorized to make such request for a person qualified to vote by
40 absentee ballot, shall transmit the application and ballot to the voter in accordance with
41 this Article. During the period commencing 60 days before the election, the board of
42 elections shall each business day no later than 10:00 a.m. post a list of all persons for
43 whom requests for application which have been received by the end of the previous

1 business day. The county board of elections may post updated lists at additional times.
2 Such list shall also include applicants for one-stop voting under G.S. 163-227.2. Such
3 list need not contain all the information on the request. Any registered voter of the
4 county may contest in writing such request, giving specific grounds by which complying
5 with the request would not be lawful. If such contest is received prior to the absentee
6 ballot and application being transmitted to the voter, they shall not be transmitted until
7 the request has been approved by the county board of elections, which shall meet no later
8 than 4:00 p.m. on the next business day after the contest is received to act on the request.
9 At any such meeting any registered voter of the county shall be heard and allowed to
10 present evidence in opposition to, or in favor of, the issuance of absentee ballots to any
11 voter making application for them. If the board approves the request, the application and
12 ballot shall be transmitted in accordance with law if it has not yet been transmitted. If the
13 board disapproves the request, the ballot and application shall not be transmitted, shall
14 not be counted if the rejection occurs after the ballot has been transmitted, or if the denial
15 comes after the ballot has been counted, it shall be treated as if a challenge has been
16 sustained under G.S. 163-89(e). In the case of one-stop absentee ballots cast under G.S.
17 163-227.1, if the board of elections denies an application, it shall be treated as if a
18 challenge has been sustained under G.S. 163-89(e). It is a misdemeanor to make a
19 contest under this subdivision if the contester does not know, suspect, or reasonably
20 believe the person not to be qualified to receive an absentee ballot.

21 The county board of elections may consider the registration records as evidence of the
22 voter's signature, if available, and as any other evidence that may be necessary to pass
23 upon such ~~an~~ a request for application, including the party affiliation of a voter seeking to
24 vote in a primary.

25 If the board finds that the applicant is a qualified voter of the county, that ~~he~~ the
26 qualified voter is registered in the precinct stated in ~~his~~ the qualified voter's application,
27 that the assertions in ~~his~~ the qualified voter's application are true, and that ~~his~~ the
28 qualified voter's application is in proper form, it shall approve ~~his~~ the qualified voter's
29 application for absentee ballots.

30 ~~e.~~ Record of Board's Determination; Decision Final. – At the time the county
31 board of elections makes its decision on an application or request for application for
32 absentee ballots, the ~~chairman~~ board shall enter in the appropriate column in the register
33 of absentee ballot applications and ballots issued opposite the name of the applicant a
34 notation of whether ~~his~~ the applicant's application was 'Approved' or 'Disapproved'.

35 The decision of the board on the validity of an application or request for
36 application for absentee ballots shall be final subject only to such review as may be
37 necessary in the event of an election contest.

38 (3) Delivery of Absentee Ballots and Container-Return Envelope to
39 Applicant. – When the county board of elections approves ~~an~~ a request
40 for application for absentee ballots, ~~the chairman~~ the chairman, a
41 member, officer, or employee or the board shall promptly issue and
42 transmit them to the voter only, and not to ~~his~~ the voter's near relative,
43 in accordance with the following instructions:

- 1 a. On the top margin of each ballot the applicant is entitled to vote,
2 the ~~chairman~~ chairman, a member, officer, or employee of the
3 board of elections shall write or type the words 'Absentee Ballot
4 No.' or an abbreviation approved by the State Board of
5 Elections and insert in the blank space the number assigned the
6 applicant's application in the register of applications for absentee
7 ballots and ballots issued. He That person shall not write, type,
8 or print any other matter upon the ballots transmitted to the
9 absentee voter. Alternatively, the board of elections may cause
10 to be barcoded on the ballot the voter's application number, if
11 such barcoding system is approved by the State Board of
12 Elections.
- 13 b. The ~~chairman~~ chairman, member, officer, or employee of the
14 board of elections shall fold and place the ballots (identified in
15 accordance with the preceding instruction) in a container-return
16 envelope and write or type in the appropriate blanks thereon, in
17 accordance with the terms of G.S. 163-229(b), the absentee
18 voter's name, his the absentee voter's application number and the
19 designation of the precinct in which the voter is registered. If the
20 ballot is barcoded under this section, the envelope may be
21 barcoded rather than having the actual number appear. The
22 chairman person placing the ballots in the envelopes shall leave
23 the container-return envelope holding the ballots unsealed.
- 24 c. The ~~chairman~~ chairman, member, officer, or employee of the
25 board of elections shall then place the unsealed container-return
26 envelope holding the ballots together with printed instructions for
27 voting and returning the ballots, in an envelope addressed to the
28 applicant at the post office address stated in his the applicant's
29 application, request, seal the envelope, and mail it at the expense
30 of the county board of elections, or deliver it to the applicant in
31 person: Provided, that in case of approval of an application
32 received after 5:00 P.M. on the Tuesday before the election under
33 the provisions of G.S. 163-227(b)(2), in lieu of transmitting the
34 ballots to the applicant in person or by mail, the chairman
35 chairman, member, officer, or employee of the board of elections
36 may deliver the sealed envelope containing the instruction sheet
37 and the container-return envelope holding the ballots to a near
38 relative of the voter.

39 **"§ 163-230.1. Simultaneous issuance of absentee ballots with application.**

40 (a) When a qualified voter personally requests by mail an application for absentee
41 ballots, the county board of elections shall cause to be mailed to that voter in a single
42 package:

- 1 (1) The official ballots the voter is entitled to vote if ~~his~~the qualified voter's
2 ~~application request~~ is approved;
- 3 (2) A container-return envelope for the ballots, upon the outside of which
4 shall be printed the appropriate application form as provided in G.S.
5 163-227;
- 6 (3) ~~A large envelope (similar to a No. 14 or larger manila envelope) in~~
7 ~~which the container return envelope with the ballots may be returned~~
8 163-227 and on which the affidavit provided by G.S. 163-229(b) shall
9 be printed; and
- 10 (4) An instruction sheet.

11 The ballots, envelopes and instructions shall be mailed to the voter by the county
12 board's ~~chairman, secretary or supervisor~~ chairman, member, officer, or employee as
13 determined by the board and entered in ~~its official minutes.~~ the register as provided by
14 this Article.

15 ~~On the back of the large transmittal envelope shall be clearly printed or stamped the~~
16 ~~following statement:~~

17 ~~DO NOT PLACE THE ENVELOPE CONTAINING YOUR BALLOTS INTO THIS~~
18 ~~ENVELOPE UNTIL YOU HAVE COMPLETED THE APPLICATION ON THE~~
19 ~~ENVELOPE CONTAINING YOUR BALLOTS AND SECURED THE SIGNATURE~~
20 ~~OF A WITNESS.~~

21 (b) The application shall be completed, the ballots marked, the ballots sealed in the
22 container-return envelope, and the ~~large envelope affidavit certificate~~ completed as
23 provided in G.S. 163-227 and G.S. ~~163-231.~~ 163-229. ~~The container return envelope~~
24 ~~shall be placed in the large transmittal envelope for return to the chairman of the county~~
25 ~~board of elections.~~

26 (c) At its next official meeting after return of the completed container-return
27 envelope ~~and large envelope~~ with the voter's ballots, the county board of elections shall
28 determine whether the container-return envelope ~~and large envelope~~ have ~~has~~ been
29 properly executed. If the board determines that ~~both~~ the container-return envelope ~~and~~
30 ~~large envelope~~ have ~~has~~ been properly executed, it shall approve the application and
31 deposit the container-return envelope with other container-return envelopes for the
32 envelope to be opened and the ballots counted at the same time as all other container-
33 return envelopes and absentee ballots. The board may hold official meetings under this
34 section periodically, may hold such meeting on the day of the election before counting
35 begins, along with another meeting to approve any applications which have been received
36 before 12:00 noon on the day of the election under G.S. 163-227(b)(2), or may delegate
37 the approval to the supervisor of elections.

38 (d) ~~The provisions of this section shall apply only to requests received by mail~~
39 ~~from and signed by the voter individually and personally. No near relative, guardian, or~~
40 ~~other person other than the voter himself shall be permitted to apply for absentee ballots~~
41 ~~under this section.~~ Only the voter may make application for absentee ballots. A near
42 relative of a voter may request an application and ballot on behalf of a voter, on a form
43 approved by the State Board of Elections which shall be provided by the county board of

1 elections. Such form may be delivered to the county board of elections personally by the
2 near relative, by mail, or by fax.

3 (e) The State Board of Elections, by ~~regulation~~ rule or by instruction to the county
4 board of elections, shall establish procedures to provide appropriate safeguards in the
5 implementation of this section.

6 **"§ 163-230.2. Faxing.**

7 (a) As used in this Subchapter a 'fax' is an electronic transmission of a facsimile,
8 but the facsimile must have on it the signature of the person making the request.

9 (b) Any provision of this Subchapter allowing a fax to be used applies only if the
10 county board of elections or the office of the county manager has a fax machine.

11 (c) The State Board of Elections shall issue rules to implement this section.

12 **"§ 163-231. Voting absentee ballots and transmitting them to ~~chairman of the~~**
13 **county board of elections.**

14 (a) Procedure for Voting Absentee Ballots. – In the presence of two other persons
15 who are at least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4) or
16 G.S. 163-274(5a), the voter shall:

- 17 (1) Mark ~~his~~ the voter's ballots, or cause them to be marked by one of such
18 persons in ~~his~~ the voter's presence according to ~~his~~ the voter's
19 instruction;
- 20 (2) Fold each ballot separately, or cause each of them to be folded in ~~his~~ the
21 voter's presence;
- 22 (3) Place the folded ballots in the container-return envelope and securely
23 seal it, or have this done in ~~his~~ the voter's presence;
- 24 (4) Make the application printed on the container-return envelope according
25 to the provisions of G.S. 163-227 and make the certificate printed on the
26 container-return envelope according to the provisions of G.S. 163-
27 229(b).

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

36 (a1) Repealed by Session Laws 1987, c. 583, s. 1.

37 (b) Transmitting Executed Absentee Ballots to ~~Chairman of~~ County Board of
38 Elections. – The sealed container-return envelope in which executed absentee ballots
39 have been placed shall be transmitted to the ~~chairman of the~~ county board of elections
40 who issued them as follows: All ballots issued under the provisions of Articles 20 and 21
41 of this Chapter shall be transmitted by mail, at the voter's expense, or delivered in person,
42 or by the voter's ~~spouse, brother, sister, parent, grandparent, child or grandchild~~ near
43 relative not later than 5:00 P.M. ~~on the day before the statewide primary or general~~

election or county bond ~~7:30 p.m.~~ on the day of the election. If such ballots are received later than that hour, they shall not be accepted for voting.

"§ 163-232. Certified list of executed absentee ballots; distribution of list.

(a) ~~The chairman of the county board of elections shall prepare, or cause to be prepared, a list in at least quadruplicate, of all absentee ballots returned to the county board of elections to be counted, which have been approved by the county board of elections.~~ elections, and which have been received as of 5:00 p.m. on the day before the election. At the end of the list, the chairman shall execute the following certificate under oath:

'State of North Carolina
County of

I,, chairman of the County board of elections, do hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on the day of, ~~19.....~~, which have been approved by the county board of ~~elections.~~ elections and which have been returned no later than 5:00 p.m. on the day before the election. ~~I further certify that I have issued ballots to no other persons than those listed herein, whose original applications or original applications made by near relatives are filed in the office of the county board of elections; and I further certify that I have the chairman, member, officer, or employee of the board of elections has not delivered ballots for absentee voting to any person other than the voter himself, voter, by mail or in person, except as provided by law, in the case of approved applications received after 5:00 P.M. on the Tuesday or Friday before the election. and have not mailed or delivered ballots when the request for the ballot was received after the deadline provided by law.~~

This the day of, ~~19.....~~
.....

(Signature of chairman of
county board of elections)

Sworn to and subscribed before me this day of, ~~19.....~~ Witness my hand and official seal.

.....
(Signature of officer
administering oath)

.....
(Title of officer)'

No ~~earlier than 3:00 P.M. on the day before the election and no later than 10:00 A.M.~~ on election day, the ~~chairman~~ county board of elections shall cause one copy of the list of executed absentee ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately deposited as 'first-class' mail to the State Board of Elections. ~~He~~ The board shall retain one copy in the board office for public inspection and ~~he~~ the board shall cause two copies of the appropriate precinct list to be delivered to

1 the chief judge of each precinct in the county. The ~~chairman~~ county board of elections
2 shall be authorized to call upon the sheriff of the county to distribute the list to the
3 precincts. In addition the ~~chairman~~ county board of elections shall, upon request, provide
4 a copy of the complete list to the chairman of each political party, recognized under the
5 provisions of G.S. 163-96, represented in the county.

6 The chief judge shall post one copy of the list immediately in a conspicuous location
7 in the voting place and retain one copy until all challenges of absentee ballots have been
8 heard by the county board of elections. Challenges shall be made to absentee ballots as
9 provided in G.S. 163-89.

10 After receipt of the list of absentee voters required by this section the chief judge shall
11 call the name of each person recorded on the list and enter an 'A' in the appropriate voting
12 square on the voter's permanent registration ~~record~~ record, or a similar entry on the
13 computer list used at the polls. If such person is already recorded as having voted in that
14 election, the chief judge shall enter a challenge which shall be presented to the ~~chairman~~
15 of the county board of elections for resolution by the board of elections prior to
16 certification of results by the board.

17 (b) The county board of elections shall prepare, or cause to be prepared, a list in at
18 least duplicate, of all absentee ballots returned to the county board of elections to be
19 counted, which have been approved by the county board of elections, and which have
20 been received after 5:00 p.m. on the day before the election but before 7:30 p.m. on
21 election day. At the end of the list, the chairman shall execute the following certificate
22 under oath:

23 'State of North Carolina
24 County of

25 I,, chairman of the County board of elections, do hereby
26 certify that the foregoing is a list of all executed absentee ballots to be
27 voted in the election to be conducted on the day of,, which
28 have been approved by the county board of elections and which have been
29 returned no later than 5:00 p.m. on the day before the election but before
30 7:30 p.m. on election day and I further certify that the chairman, member,
31 officer, or employee of the board of elections has not delivered ballots for
32 absentee voting to any person other than the voter, by mail or in person,
33 except as provided by law, and have not mailed or delivered ballots when
34 the request for the ballot was received after the deadline provided by law.

35 This the day of,

36 _____
37 (Signature of chairman of
38 county board of elections)

39 Sworn to and subscribed before me this day of, Witness my
40 hand and official seal.

41 _____
42 (Signature of officer

43 administering oath)

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.....
(Title of officer)'

No later than 10:00 p.m. on election day, the county board of elections shall cause one copy of the list of executed absentee ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately deposited as 'first-class' mail to the State Board of Elections. The board shall retain one copy in the board office for public inspection. In addition the county board of elections shall, upon request, provide a copy of the complete list to the chairman of each political party, recognized under the provisions of G.S. 163-96, represented in the county. Challenges shall be made to absentee ballots as provided in G.S. 163-89.

On or before the day of the canvass by the county board of elections, a member or employee of the board of elections shall call the name of each person recorded on the list and enter an 'A' in the appropriate voting square on the voter's permanent registration record. If such person is already recorded as having voted in that election, the supervisor of elections shall enter a challenge which shall be presented to the county board of elections for resolution by the board of elections prior to certification of results by the board.

(c) All lists required by this section shall be retained by the county board of elections for a period of ~~four years~~ twenty-two months after which they may then be destroyed.

"§ 163-233. Applications for absentee ballots; how retained.

The ~~chairman of the~~ county board of elections shall retain, in a safe place, the original of all applications made for absentee ballots and shall make them available to inspection by the State Board of Elections or to any person upon the directive of the State Board of Elections.

All applications for absentee ballots shall be retained by the county board of elections for a period of one year after which they may be destroyed.

"§ 163-233.1. Withdrawal of absentee ballots not allowed.

No person shall be permitted to withdraw an absentee ballot after such ballot has been mailed to or returned to the county board of elections.

"§ 163-234. Counting absentee ballots by county board of elections.

All absentee ballots returned to the ~~chairman or supervisor of elections of the county board of elections in the container-return envelopes~~ shall be retained by the ~~chairman board~~ to be counted by the county board of elections as herein provided.

(1) Only those absentee ballots returned to the county board of elections no later than ~~5:00 P.M.~~ 7:30 p.m. on the ~~day before~~ election day in a properly executed container-return envelope shall be counted.

(2) The county board of elections shall meet at 5:00 P.M. on election day in the board office or other public location in the county courthouse for the purpose of counting all absentee ballots except those which have been challenged before 5:00 P.M. on election day. Any elector of the county shall be permitted to attend the meeting and allowed to observe the

1 counting process, provided ~~he~~ the elector shall not in any manner
2 interfere with the election officials in the discharge of their duties.

3 Provided, that the county board of elections is authorized to begin
4 counting absentee ballots between the hours of 2:00 P.M. and 5:00 P.M.
5 upon the adoption of a resolution at least two weeks prior to the election
6 wherein the hour and place of counting absentee ballots shall be stated.
7 A copy of the resolutions shall be published once a week for two weeks
8 prior to the election, in a newspaper having general circulation in the
9 county. Notice may additionally be made on a radio or television station
10 or both, but such notice shall be in addition to the newspaper and other
11 required notice. The count shall be continuous until completed and the
12 members shall not separate or leave the counting place except for
13 unavoidable ~~necessity~~ necessity, except that if the count has been
14 completed prior to the time the polls close, it shall be suspended until
15 that time pending receipt of any additional ballots, and except that one-
16 stop ballots under G.S. 163-227.2 counted electronically shall not be
17 counted until the polls close; provided, however, that if there are
18 outstack ballots in the counting device, they may be counted at the same
19 time as other ballots are counted under this subdivision. The county
20 board of elections may begin putting them in the tabulator at the same
21 time as other ballots are counted under this subdivision if the system for
22 counting one-stop ballots requires them to be put in a tabulator but the
23 process has the voter place them in a ballot box. The board shall not
24 announce the result of the count before 7:30 P.M.

25 (3) The counting of absentee ballots shall not commence until a majority
26 and at least one board member of each political party represented on the
27 board is present and such fact is publicly declared and entered in the
28 official minutes of the county board.

29 (4) The county board of elections may employ such assistants as deemed
30 necessary to count the absentee ballots, but each board member present
31 shall be responsible for and observe and supervise the opening and
32 tallying of the ballots.

33 (5) As each ballot envelope is opened, the board shall cause to be entered
34 into a pollbook designated 'Pollbook of Absentee Voters' the name of
35 the absentee ~~voter~~ voter, or if the pollbook is computer generated the
36 board shall check off the name. Preserving secrecy, the ballots shall be
37 placed in the appropriate ballot boxes, at least one of which shall be
38 provided for each type of ballot. The 'Pollbook of Absentee Voters'
39 shall also contain the names of all persons who voted under G.S. 163-
40 227.2, but such names may be printed by computer for inclusion in the
41 pollbook.

42 After all ballots have been placed in the boxes, the counting process
43 shall begin.

1 If one-stop ballots under G.S. 163-227.2 are counted electronically,
2 that count shall commence at the time the polls close. If one-stop
3 ballots are paper ballots counted manually, that count shall commence at
4 the same time as other absentee ballots are counted.

5 If a challenge transmitted to the board on canvass day by a chief
6 judge is sustained, the ballots challenged and sustained shall be
7 withdrawn from the appropriate boxes, as provided in G.S. 163-89(e).

8 As soon as the absentee ballots have been counted and the names of
9 the absentee voters entered in the pollbook as required herein, the board
10 members and assistants employed to count the absentee ballots shall
11 each sign the pollbook immediately beneath the last absentee voter's
12 name entered therein. ~~The chairman~~ county board of elections shall be
13 responsible for the safekeeping of the pollbook of absentee voters.

14 (6) Upon completion of the counting process the board members shall cause
15 the results of the tally to be entered on the absentee abstract prescribed
16 by the State Board of Elections. The abstract shall be signed by the
17 members of the board in attendance and the original mailed immediately
18 to the State Board of Elections, Raleigh, North Carolina 27602. The
19 county board of elections may have a separate count on the abstract for
20 one-stop absentee ballots under G.S. 163-227.2.

21 (7) One copy of the absentee abstract shall be retained by the county board
22 of elections and the totals appearing thereon shall be added to the final
23 totals of all votes cast in the county for each office as determined on the
24 official canvass.

25 (8) In the event a political party does not have a member of the county
26 board of elections present at the ~~5:00 P.M.~~ meeting to count absentee
27 ballots due to illness or other cause of the member, the counting shall
28 not commence until the county party chairman of said absent member,
29 or a member of the party's county executive committee, is in attendance.
30 Such person shall act as an official witness to the counting and shall
31 sign the absentee ballot abstract as an 'observer.'

32 (9) The county board of elections shall retain all container-return envelopes
33 and absentee ballots, in a safe place, for at least four months, and longer
34 if any contest is pending concerning the validity of any ballot.

35 "**§ 163-236. Violations by ~~chairman of~~ county board of elections.**

36 The ~~chairman of the~~ county board of elections shall be sole custodian of blank
37 applications for absentee ballots, official ballots, and container-return envelopes for
38 absentee ballots. ~~He~~ The board shall issue and deliver blank applications for absentee
39 ballots in strict accordance with the provisions of G.S. 163-227(c). The issuance of
40 ballots to persons whose applications for absentee ballots have been approved by the
41 county board of elections under the provisions of G.S. 163-230(3) is the responsibility
42 and duty of the ~~chairman of the~~ county board of elections.

1 It shall be the duty of the ~~chairman~~ of the county board of elections to keep current all
2 records required ~~of him~~ by this Article and to make promptly all reports required ~~of him~~
3 by this Article. If such duty has been assigned to the chairman, member, officer, or
4 employee of the board of elections, they shall carry out the duty.

5 The willful violation of this section shall constitute a Class 2 misdemeanor.

6 **"§ 163-237. Certain violations of absentee ballot law made criminal offenses.**

7 (a) False Statements under Oath Made Class 2 Misdemeanor. – If any person shall
8 willfully and falsely make any affidavit or statement, under oath, which affidavit or
9 statement under oath, is required to be made by the provisions of this Article, ~~he~~ that
10 person shall be guilty of a Class 2 misdemeanor.

11 (b) False Statements Not under Oath Made Class 2 Misdemeanor. – Except as
12 provided by G.S. 163-275(16), if any person, for the purpose of obtaining or voting any
13 official ballot under the provisions of this Article, shall willfully sign any printed or
14 written false statement which does not purport to be under oath, or which, if it purports to
15 be under oath, was not duly sworn to, ~~he~~ that person shall be guilty of a Class 2
16 misdemeanor.

17 (c) Fraud in Connection with Absentee Vote; Forgery. – Any person attempting to
18 aid and abet fraud in connection with any absentee vote cast or to be cast, under the
19 provisions of this Article, shall be guilty of a misdemeanor. Attempting to vote by
20 fraudulently signing the name of a regularly qualified voter is a Class I felony.

21 (d) Violations Not Otherwise Provided for Made Class 2 Misdemeanors. – If any
22 person shall willfully violate any of the provisions of this Article, or willfully fail to
23 comply with any of the provisions thereof, for which no other punishment is herein
24 provided, ~~he~~ that person shall be guilty of a Class 2 misdemeanor.

25 **"§ 163-238. Reports of violations to district attorneys.**

26 It shall be the duty of the State Board of Elections to report to the district attorney of
27 the appropriate prosecutorial district, any violation of this Article, or the failure of any
28 person charged with a duty under its provisions to comply with and perform that duty,
29 and it shall be the duty of the district attorney to cause such a person to be prosecuted
30 therefor.

31 **"§ 163-239. Article 21 relating to absentee voting by ~~servicemen and certain civilians~~**
32 **uniformed and overseas citizens not applicable.**

33 Except as otherwise provided therein, Article 21 of this Chapter, relating to absentee
34 registration and voting by ~~servicemen and certain civilians, uniformed and overseas~~
35 citizens shall not apply to or modify the provisions of this Article.

36
37 **"ARTICLE 21.**

38
39 **~~"MILITARY ABSENTEE REGISTRATION AND VOTING IN~~**
40 **~~PRIMARY AND GENERAL ELECTIONS.~~**
41 **ELECTIONS BY UNIFORMED AND OVERSEAS CITIZENS.**
42

1 ~~"§ 163-245. Persons in armed forces, their spouses, certain veterans, civilians~~
2 ~~working with armed forces, and members of Peace Corps~~ Uniformed and
3 overseas citizens may register and vote by mail.

4 (a) Any individual who is eligible to register and who is qualified to vote in any
5 ~~statewide primary or~~ election held under the laws of this State, other than municipal
6 elections where absentee voting is not permitted under G.S. 163-302, and who is absent
7 from the county of ~~his~~ the individual's residence in any of the capacities specified in
8 subsection (b) of this section, shall be entitled to register by mail and to vote by ~~military~~
9 uniformed citizens absentee ballot in the manner provided in this Article.

10 As has been the case since enactment of this Article in 1941, registration under this
11 Article is not permanent, and is only for the election or for the calendar year as provided
12 by this Article.

13 (b) The provisions of this Article shall apply to the following persons:

14 (1) ~~Persons serving in the armed forces of the United States, including (but~~
15 ~~not limited to) the army, the navy, the air force, the marine corps, the~~
16 ~~coast guard, the Army Nurse Corps, the Navy Nurse Corps, the~~
17 ~~Women's Navy Reserve, the Marine Corps Women's Reserve, the~~
18 ~~Women's Army Corps, Army, Navy, Air Force, Marine Corps, and~~
19 ~~Coast Guard, the commissioned corps of the Public Health Service, the~~
20 ~~commissioned corps of the National Oceanic and Atmospheric~~
21 ~~Administration, the Merchant Marine, and members of the national~~
22 ~~guard and military reserve who on the day of a primary or general~~
23 ~~election are absent from the county where registered to vote by reason~~
24 ~~of active duty.~~

25 (2) ~~Spouses of persons serving in the armed forces of the United States~~
26 ~~residing outside the counties of their spouses' voting residence. A~~
27 ~~spouse or dependent of a member referred to in subdivision (2) or (5) of~~
28 ~~this section who, by reason of the active duty or service of the member,~~
29 ~~is absent from the county where the spouse or dependent is otherwise~~
30 ~~qualified to vote;~~

31 (3) ~~Disabled war veterans in United States government hospitals.~~

32 (4) ~~Civilians attached to and serving outside the United States with the~~
33 ~~armed forces of the United States.~~

34 (5) ~~Members of the Peace Corps.~~

35 (6) Members of the merchant marine who, by reason of service in the
36 merchant marine, are absent from the county.

37 (c) As used in this section, 'member of the merchant marine' means an individual
38 (other than a person covered by subdivision (b)(1) of this section or an individual
39 employed, enrolled, or maintained on the Great Lakes or the inland waterways):

40 (1) Employed as an officer or crew member of a vessel documented under
41 the laws of the United States, or a vessel owned by the United States, or
42 a vessel of foreign-flag registry under charter to or control of the United
43 States; or

- 1 (2) Enrolled with the United States for employment or training for
2 employment, or maintained by the United States for emergency relief
3 service, as an officer or crew member of any such vessel.

4 **"§ 163-246. Provisions of Article 20 applicable except as otherwise provided; State**
5 **Board of Elections to adopt ~~regulations-~~ rules.**

6 Except as otherwise provided in this Article, registration by mail and absentee voting
7 by individuals to whom this Article is applicable shall be governed by the provisions of
8 Article 20 of this Chapter. By way of illustration rather than limitation, the provisions of
9 this paragraph shall apply to the form of absentee ballots, certificates and container-return
10 envelopes; the manner of depositing and voting military absentee ballots; the counting
11 and certifying of results; the hearing of challenges; and the preservation of container-
12 return envelopes in which executed military absentee ballots are transmitted.

13 The State Board of Elections ~~is authorized to~~ may adopt and promulgate whatever
14 rules ~~and regulations~~ (not in conflict with other provisions of this Chapter) it may deem
15 necessary to carry out the true intent and purpose of this Article.

16 **"§ 163-247. Methods of applying for absentee ballots.**

17 An individual entitled to exercise the rights conferred by this Article and who is
18 absent from the county of ~~his~~ the individual's residence may apply for absentee ballots in
19 ~~either any~~ of the ways provided in this section. as follows:

- 20 (1) Federal Postcard Application Form. – At any time prior to the statewide
21 primary or general election in which ~~he~~ the applicant seeks to vote, the
22 applicant may make and sign a written application to the County Board
23 of ~~Election in~~ Elections in the County of Voter's Residence for absentee
24 ballots on the postcard form specified in or promulgated by regulation
25 under 42 U.S.C. ~~1973ee-14-~~ 1973ff.
- 26 (2) Application to Chairman of County Board of Elections. – In lieu of
27 applying on the federal post card as provided in the preceding
28 subdivision, at any time prior to the ~~statewide primary or general~~
29 election in which ~~he~~ seeks to vote the applicant may make and sign a
30 written application to the chairman of the board of elections of the
31 county of ~~his~~ the applicant's residence upon a form prepared and
32 furnished ~~him~~ the applicant upon request by the county board of
33 elections. This form shall require the applicant's signature and shall
34 elicit from ~~him:~~ the applicant:
- 35 a. A request for absentee ballots to be voted in a specified ~~statewide~~
36 ~~primary or general~~ election.
- 37 b. A statement of ~~his~~ the applicant's political party affiliation if ~~he~~
38 the applicant seeks to vote by absentee ballot in a partisan
39 primary election.
- 40 c. A statement of ~~his~~ the applicant's membership in ~~the armed~~
41 ~~forces of the United States, or his membership in one of the other~~
42 ~~categories~~ a category to which this Article is made applicable in
43 G.S. 163-245.

1 d. A statement of the precinct in which ~~he~~ the applicant is registered
2 to vote, or, if the applicant is not registered, a statement of ~~his~~ the
3 applicant's address before entering military or other qualifying
4 service and the period of time ~~he~~ the applicant resided at that
5 address.

6 e. A statement of the address to which the absentee ballots should
7 be mailed.

8 In lieu of using a form prepared and furnished by the county board
9 of elections, the voter may apply in an informal writing. If the written
10 application is signed by the voter and if it contains all the information
11 required by this subdivision, it shall be regarded as sufficient to permit
12 the chairman of the county board of elections to act upon it.

13 (3) Notwithstanding subdivisions (1) or (2) of this section, if the application
14 under either of those subdivisions so requests, it shall constitute an
15 application for more than one or for all of the primaries and elections
16 held during the calendar year when the application is received.

17 The postcard application form, written application, or informal writing provided by
18 this section may be transmitted to the county board of elections, by mail, by fax, or
19 delivered in person by the voter or the voter's near relative or legal verifiable guardian.

20 **"§ 163-248. Register, ballots, container-return envelopes, and instruction sheets.**

21 (a) Register of Military Absentee Ballot Applications and Ballots Issued. – The
22 State Board of Elections shall furnish the chairman of the board of elections in each
23 county of the State with a book to be called the register of military absentee ballot
24 applications and ballots issued in which shall be recorded whatever information and
25 official action may be required by this Article. In lieu of furnishing this register, the State
26 Board of Elections may provide for a separate military section in the register furnished
27 under the provisions of G.S. 163-228 which shall be used for the same purpose.

28 The State Board of Elections may provide for the register to be kept by electronic data
29 processing equipment, as long as the information required by this Article to be in the
30 register has a hard copy printed out each business day, or a supplement printed out each
31 day of new information.

32 The register of military absentee ballot applications and ballots issued, whether
33 contained in a separate book or maintained as a separate part of the register furnished
34 under the provisions of G.S. 163-228, shall constitute a public record and shall be opened
35 to the inspection of any registered voter of the county at any time.

36 (b) Absentee Ballot Form. – Persons entitled to vote by absentee ballot under the
37 terms of this Article shall be furnished with ~~regular official ballots; separate or distinctly~~
38 ~~marked absentee ballots shall not be used.~~ official ballots. The State Board of Elections
39 and the county boards of elections shall have all necessary absentee ballots printed and in
40 the hands of the proper election officials not later than 50 days before the primary or
41 election.

42 (c) Container-Return Envelope. – The county board of elections shall print a
43 sufficient number of envelopes in which persons casting military absentee ballots may

1 transmit their marked ballots to the ~~chairman~~ of the county board of elections. The
2 container-return envelopes shall be printed and available for use not later than 50 days
3 before the primary or election. Each container-return envelope shall be printed in
4 accordance with the following instructions:

- 5 (1) On one side shall be arranged identified spaces in which the ~~chairman~~ of
6 ~~the~~ county board of elections may insert the name of the applicant, the
7 number assigned ~~his~~ to the application, and the designation of the
8 precinct in which ~~his~~ the applicant's ballots are to be voted.
- 9 (2) On the other side shall be printed the return address of the ~~chairman~~ of
10 ~~the~~ county board of elections and the following certificate:

11 **'CERTIFICATE OF ABSENTEE VOTER**

12 I,, do hereby certify that I am a resident and qualified voter in
13 precinct, County, North Carolina, and that I am [check whichever of the following
14 statements is correct]

15 ~~Serving in the armed forces of the~~ United States Army, Navy, Air Force, Marine
16 Corps, and Coast Guard, the commissioned corps of the Public Health Service, the
17 commissioned corps of the National Oceanic and Atmospheric Administration, the
18 merchant marine, or a member of the national guard and military reserve and on the day
19 of the election expect to be absent from the county by reason of my active duty.

20 ~~The spouse of a member of the armed forces of the United States residing outside the~~
21 county of my spouse's residence a person in a category listed above and will, by reason of
22 the active duty of that person, expect on the day of the election to be absent from the
23 county where I am registered to vote.

24 ~~A disabled war veteran in a United States government hospital~~

25 ~~A civilian attached to and serving outside the United States with the armed forces of~~
26 ~~the United States~~

27 ~~A member of the Peace Corps~~

28 I further certify that I am affiliated with the Party. [To be completed only if
29 applicant seeks to vote in the primary of the political party to which ~~he~~ the applicant
30 belongs.]

31 I further certify that the following is my official address:

32
33 [Unit (Co., Sq., Trp., Bn., etc.), Governmental Agency, or Office]

34
35 [Military Base, Station, Camp, Fort, Ship, Airfield, etc.]

36
37 [Street number, APO, or FPO number]

38
39 [City, ~~postal zone~~, State, and zip code or applicable foreign address]

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

1 Witness my hand in the presence of [Insert names and addresses of witnesses]
 2 this day of....., ~~19~~.....

3
 4 (Signature of voter)

5 Signature of witness #1

6 Address of witness #1

7 Signature of witness #2

8 Address of witness #2

9 Note: This certificate must be witnessed by any two persons who are 18 years of age or
 10 older, and must contain their signatures and addresses.'

11 (d) Instruction Sheets. – The county board of elections shall prepare and print a
 12 sufficient number of sheets of instructions on how voters covered by the provisions of
 13 this Article are to prepare absentee ballots and return them to the ~~chairman of the county~~
 14 board of elections. The instruction sheets shall be printed and available for use not later
 15 than ~~60-50~~ days before the ~~primary or~~ election.

16 **"§ 163-249. Consideration and approval of applications and issuance of absentee**
 17 **ballots.**

18 The procedure to be followed in receiving applications for absentee ballots under this
 19 Article, passing upon their validity, and issuing absentee ballots shall be governed by the
 20 provisions of this section.

21 (1) Record of Applications Received and Ballots Issued. – Upon receipt of
 22 a voter's written application for absentee ballots in ~~either any~~ of the
 23 forms permitted by G.S. 163-247, the ~~chairman~~ chairman, secretary,
 24 supervisor of elections, or an employee of the county board of elections
 25 shall promptly enter in the register of military absentee ballot
 26 applications and ballots issued:

- 27 a. Name of voter applying for absentee ballots.
- 28 b. Applicant's political party affiliation as stated in an application
 29 for ballots in a primary.
- 30 c. Number assigned voter's application. (Numbers assigned
 31 applications received under the provisions of this Article shall be
 32 chosen so as not to be identical with numbers assigned
 33 applications received under the provisions of Article 20.)
- 34 d. Precinct in which applicant is registered if ~~he~~ the applicant is
 35 already registered, or precinct in which applicant is registered by
 36 the ~~chairman of the~~ county board of elections under the
 37 provisions of subdivisions (2) and (3) of this section.
- 38 e. Address to which ballots are to be mailed.
- 39 f. Statement of basis on which applicant asserts ~~his~~ the applicant's
 40 qualifications for obtaining absentee ballots under the provisions
 41 of this Article.
- 42 g. Date application for ballots is received by ~~chairman~~ county
 43 board of elections.

- 1 (2) Determination of Validity of Applications for Absentee Ballots;
2 Handling Applications for Persons Not Registered. – The chairman or
3 supervisor of elections of the county board of elections shall pass upon
4 the validity of all applications for absentee ballots received under the
5 provisions of this Article, and ~~he~~ neither of them shall ~~not~~ delegate this
6 responsibility.

7 If the chairman or supervisor finds that the applicant is a qualified voter of the county,
8 that ~~he~~ the applicant is registered in the precinct stated in ~~his~~ the applicant's application,
9 that the assertions in ~~his~~ the applicant's application are true, that they demonstrate that ~~he~~
10 the applicant is entitled to vote by absentee ballot under the terms of this Article, and that
11 ~~his~~ the applicant's application is in proper form, the chairman or supervisor shall approve
12 the application for absentee ballots.

13 If the chairman or supervisor finds that the applicant is not registered to vote in the
14 precinct in which ~~he~~ the applicant declares ~~he~~ the applicant is a resident, the chairman
15 shall make a reasonable investigation as to the applicant's residence. If the chairman
16 determines that the applicant is a resident of the precinct asserted, that ~~he~~ the applicant is
17 eligible to register and vote under the Constitution and statutes of this State, and that ~~his~~
18 the applicant's application is otherwise in order, the chairman or supervisor shall register
19 ~~him~~ the applicant according to the procedure specified in subdivision (3) of this
20 section and approve ~~his~~ the applicant's application for absentee ballots.

- 21 (3) Record of ~~Chairman's~~ Decisions; ~~Registration~~ by
22 ~~Chairman~~ Registration. – At the time the chairman or supervisor of the
23 county board of elections makes ~~his~~ the decision on an application for
24 absentee ballots, ~~he~~ that person shall enter in the appropriate column in
25 the register of military absentee ballot applications and ballots issued
26 opposite the name of the applicant a notation of whether ~~his~~ the
27 applicant's application was 'Approved' or 'Disapproved.' In cases in
28 which the chairman or supervisor determines that an unregistered
29 applicant is entitled to register, ~~he~~ that person shall also note in the
30 appropriate column of the register the designation of the precinct in
31 which the applicant is entitled to vote. This entry shall constitute
32 registration and shall entitle an otherwise qualified applicant to receive
33 absentee ballots. As has been the case since enactment of this Article in
34 1941, registration under this Article is not permanent, and is only for the
35 election or for the calendar year as provided by this Article.

- 36 (4) Delivery of Absentee Ballots and Container-Return Envelope to
37 Applicant. – When the chairman or supervisor of the county board of
38 elections approves an application for military absentee ballots ~~he~~ that
39 person shall promptly issue and transmit them in accordance with the
40 following instructions:

- 41 a. On the top margin of each ballot the applicant is entitled to vote,
42 the ~~chairman~~ chairman, member, supervisor, or employee of the
43 county board of elections shall write or type the words 'Absentee

1 Ballot No' or an abbreviation approved by the State Board of
2 Elections and insert in the blank space the number assigned the
3 applicant's application in the register of military absentee ballot
4 applications and ballots issued. ~~He shall not write, type, or print~~
5 There shall not be written, typed, or printed any other extraneous
6 matter upon the ballots transmitted to the absentee voter.
7 Alternatively, the board of elections may cause to be barcoded on
8 the ballot the voter's application number, if such barcoding
9 system is approved by the State Board of Elections.

10 b. ~~The chairman~~ chairman, member, supervisor, or employee of the
11 county board of elections shall fold and place the ballots
12 (identified in accordance with the preceding instruction) in a
13 container-return envelope and write or type in the appropriate
14 blanks thereon, the absentee voter's name, ~~his~~ the absentee voter's
15 application number, and the designation of the precinct in which
16 ~~his~~ the absentee voter's ballots are to be voted. If the ballot is
17 barcoded under this section, the envelope may be barcoded rather
18 than having the actual number appear. ~~The chairman~~ chairman,
19 member, supervisor, or employee of the county board of
20 elections shall leave the container-return envelope holding the
21 ballots unsealed.

22 c. ~~The chairman~~ chairman, member, supervisor, or employee of the
23 county board of elections shall then place the unsealed container-
24 return envelope holding the ballots, together with printed
25 instructions for voting and returning the ballots, in an envelope
26 addressed to the applicant at the address stated in ~~his~~ the
27 applicant's application, seal the envelope, and mail it at the
28 expense of the county board of elections.

29 **"§ 163-250. Voting absentee ballots and transmitting them to chairman of county**
30 **board of elections.**

31 (a) Procedure for Voting Absentee Ballots. – In the presence of two persons who
32 are at least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4) or G.S.
33 163-274(5a), the voter shall:

- 34 (1) Mark ~~his~~ the voter's ballots, or cause them to be marked by one of such
35 persons in ~~his~~ the voter's presence according to ~~his~~ the voter's
36 instructions.
- 37 (2) Fold each ballot separately, or cause each of them to be folded in ~~his~~ the
38 voter's presence.
- 39 (3) Place the folded ballots in the container-return envelope and securely
40 seal it, or have this done in ~~his~~ the voter's presence.
- 41 (4) Make and subscribe the certificate printed on the container-return
42 envelope according to the provisions of G.S. 163-248(c).

1 The persons in whose presence the ballots were marked shall sign the certificate as
2 witnesses, and shall give their addresses.

3 (b) Transmitting Executed Absentee Ballots to ~~Chairman of County Board of~~
4 Elections. – When executed and witnessed in accordance with the provisions of
5 subsection (a) of this section, the sealed container-return envelope in which executed
6 absentee ballots have been placed shall be mailed by the voter to the ~~chairman of the~~
7 county board of elections ~~who~~which issued them.

8 **"§ 163-251. Certified list of approved military absentee ballot applications; record**
9 **of ballots received; disposition of list; list constitutes registration.**

10 (a) Preparation of List. – The ~~chairman of the~~ county board of elections shall
11 prepare, or cause to be prepared, a list in quadruplicate of all military absentee ballots
12 returned to the county board of elections to be counted which have been approved by the
13 county board of ~~elections~~elections, and which have been received as of 5:00 p.m. on the
14 day before the election. At the end of the list the chairman shall execute the following
15 certificate under oath:

16 'State of North Carolina
17 County of

18 I,, Chairman of the County Board of Elections, do hereby
19 certify that the foregoing is a list of all executed military absentee ballots to
20 be voted in the election to be conducted on the day of, ~~19~~.....,
21 which have been approved by the County Board of ~~Elections~~Elections and
22 which have been received no later than 5:00 p.m. on the day before the
23 election. I further certify that I have issued ballots to no other persons than
24 those listed herein and further that I have not delivered military absentee
25 ballots to persons other than those listed herein; that this list constitutes the
26 only precinct registration of military absentee voters whose names have not
27 heretofore been entered on the regular registration of the appropriate
28 precinct.

29 This the day of.....~~19~~.....

30
31 (Signature of Chairman of County
32 Board of Elections)

33 Sworn to and subscribed before me this day of.....~~19~~.....

34
35 (Signature of Officer administering oath)
36
37 (Title of officer)'

38 (b) Distribution of List. – No ~~earlier than 3:00 P.M. on the day before the election~~
39 ~~and no~~ later than 10:00 A.M. on election day, the ~~chairman~~county board of elections
40 shall cause one copy of the list of executed military absentee ~~ballots~~ballots prepared
41 under subsection (a) of this section, which may be a continuing countywide list or a
42 separate list for each precinct, to be immediately deposited as first-class mail to the State
43 Board of Elections. The ~~chairman~~county board of elections shall retain one copy in the

1 board office for public inspection and he—shall cause two copies of the appropriate
2 precinct list to be delivered to the chief judge of each precinct in the county. The chief
3 judge shall post one copy in the voting place and retain one copy until all challenges of
4 absentee ballots have been heard by the county board of elections. Challenges shall be
5 made as provided in G.S. 163-89.

6 After receipt of the list of absentee voters required by this section the chief judge shall
7 call the name of each person recorded on the list and enter an 'A' in the appropriate voting
8 square on the voter's permanent registration record, if any. If such person is already
9 recorded as having voted in that election, the chief judge shall enter a challenge which
10 shall be presented to the ~~chairman~~ of the county board of elections for resolution by the
11 board of elections prior to certification of results by the board.

12 (b1) Preparation of List. – The county board of elections shall prepare, or cause to
13 be prepared, a list in quadruplicate of all military absentee ballots returned to the county
14 board of elections to be counted which have been approved by the county board of
15 elections, and which have been received after 5:00 p.m. on the day before the election but
16 before 7:30 p.m. on election day. At the end of the list the chairman shall execute the
17 following certificate under oath:

18 'State of North Carolina
19 County of

20 I,, Chairman of the County Board of Elections, do hereby
21 certify that the foregoing is a list of all executed military absentee ballots to
22 be voted in the election to be conducted on the day of,,
23 which have been approved by the County Board of Elections and which
24 have been received after 5:00 p.m. on the day before the election but before
25 7:30 p.m. on the day of the election. I further certify that this list constitutes
26 the only supplemental precinct registration of military absentee voters
27 whose names have not heretofore been entered on the regular registration of
28 the appropriate precinct.

29 This the day of..... ..

30 _____
31 (Signature of Chairman of County
32 Board of Elections) Sworn to and subscribed before me this
33 day of.... ..

34 _____
35 (Signature of Officer administering oath)

36 _____
37 (Title of officer)'

38 No later than 10:00 p.m. on election day, the county board of elections shall cause one
39 copy of the list of executed military absentee ballots, which may be a continuing
40 countywide list or a separate list for each precinct, to be immediately deposited as 'first-
41 class' mail to the State Board of Elections. The board shall retain one copy in the board
42 office for public inspection. In addition the county board of elections shall, upon request,
43 provide a copy of the complete list to the chairman of each political party, recognized

1 under the provisions of G.S. 163-96, represented in the county. Challenges shall be made
2 to absentee ballots as provided in G.S. 163-89.

3 On or before the day of the canvass by the county board of elections, a member or
4 employee of the board of elections shall call the name of each person recorded on the list
5 and enter an 'A' in the appropriate voting square on the voter's permanent registration
6 record, if any. If such person is already recorded as having voted in that election, the
7 supervisor of elections shall enter a challenge which shall be presented to the county
8 board of elections for resolution by the board of elections prior to certification of results
9 by the board.

10 (c) List Constitutes Registration. – The 'List of Applicants for Military Absentee
11 Ballots to Whom Ballots Have Been Issued' prescribed by subsections (a) and (b1) of this
12 section, when delivered to the chief judges of the various precincts, shall constitute the
13 only precinct registration of the military absentee voters listed thereon whose names are
14 not already entered in the registration records of the appropriate precinct. Chief judges
15 shall not add the names of persons listed on the military absentee list to the regular
16 registration books of their precincts.

17 (d) Counting Ballots, Hearing Challenges. – The county board of elections shall
18 count military ballots as provided for civilian absentee ballots in G.S. 163-234, and shall
19 hear challenges as provided in G.S. 163-89.

20 **"§ 163-253. Article inapplicable—Applicability to persons after change of status;**
21 **reregistration required. status.**

22 ~~Upon discharge from the armed forces of the United States or The termination of any~~
23 ~~other status qualifying him a person to register and vote by absentee ballot under the~~
24 ~~provisions of this Article, the voter shall not be entitled to vote by military absentee~~
25 ~~ballot, and if he was registered under the provisions of this Article his registration shall~~
26 ~~become void and he shall be required to register under the provisions of Article 7 before~~
27 ~~being entitled to vote in any primary or election. does not invalidate any application made~~
28 ~~or ballot returned while the person was eligible.~~

29 **"§ 163-254. Registration and voting on primary or election day.**

30 ~~Notwithstanding any other provisions of Chapter 163 of the General Statutes, any~~
31 ~~person entitled to vote an absentee ballot pursuant to G.S. 163-245 shall be permitted to~~
32 ~~register in person at any time including the day of a primary or election. Should such~~
33 ~~person's eligibility to register or vote as provided in G.S. 163-245 terminate after the~~
34 ~~registration records have closed prior to a primary or election, such person, if he appears~~
35 ~~in person, shall be entitled to register if otherwise qualified during the time the records~~
36 ~~are closed, or on the primary or election day, and shall be permitted to vote if such person~~
37 ~~is otherwise qualified. If any person was eligible to vote an absentee ballot under this~~
38 ~~Article on the last day to submit voter registration applications in person under G.S. 163-~~
39 ~~82.6(c)(2), that person may register and vote on election day in accordance with G.S.~~
40 ~~163-82.6(d).~~

41 **"§ 163-255. Absentee voting at office of board of elections.**

42 Notwithstanding any other provisions of Chapter 163 of the General Statutes, any
43 person eligible to vote an absentee ballot pursuant to G.S. 163-245 shall be permitted to

1 vote an absentee ballot pursuant to G.S. 163-227.2 if the person has not already voted an
2 absentee ballot which has been returned to the board of elections, and if ~~he~~the person
3 will not be in the county on the day of the ~~primary or~~ election.

4 In the event an absentee application or ballot has already been mailed to such person
5 applying to vote pursuant to G.S. 163-227.2, the board of elections shall void the
6 application and ballot unless the voted absentee ballot has been received by the board of
7 elections. Such person shall be eligible to vote pursuant to G.S. 163-227.2 no later than
8 5:00 P.M. on the day Friday next preceding the ~~primary, second primary or~~ election.

9 **"§ 163-256. Regulations of State Board of Elections.**

10 The State Board of Elections shall adopt rules ~~and regulations~~ to carry out the intent
11 and purpose of G.S. 163-254 and 163-255, and to ensure that a proper list of persons
12 voting under said sections shall be maintained by the boards of elections, and to ensure
13 proper registration records, and such rules ~~and regulations~~ shall not be subject to the
14 provisions of G.S. 150B-9.

15 **"§ 163-256.1. Compliance with Uniformed and Overseas Citizens Absentee Voting**
16 **Act.**

17 (a) In order to comply with the Uniformed and Overseas Citizens Absentee Voting
18 Act, 42 U.S.C. 1973ff et. seq., the State Board of Elections shall by rule provide for:

19 (1) Overseas voters as defined in that act who are not eligible under this
20 Article or Article 20 of this Chapter to register and vote in any federal
21 general election if the application is received no later than 30 days
22 before the election. Such application may be received my mail, by fax,
23 or in person from the voter or a near relative.

24 (2) Overseas voters as defined in that act to use a federal write-in absentee
25 ballot under that act.

26 (b) In accord with suggestions of the Federal Voting Assistance Program of the
27 Department of Defense, the State Board of Elections shall by rule provide for:

28 (1) Overseas voter as defined in that act to use a federal write-in absentee
29 ballot under that act for primary and special elections for federal office,
30 including the Presidential Preference Primary.

31 (2) Acceptance of the Federal Write-In Absentee Ballot transmission
32 envelope as a request for registration for that election as an overseas
33 absentee voter for the federal election involved where the person is
34 eligible under the act and the request is received not less than 30 days
35 before the election.

36 (3) If a person is a citizen of the United States, but has never been
37 domiciled in the United States, but that person's parent is registered to
38 vote in this State for that person to be eligible to vote under that act as if
39 that person was an overseas voter as defined in that act but for the fact
40 of never having a domicile in this State."

41 Sec. 2. G.S. 163-82.6(d)(1) reads as rewritten:

42 "(1) Include those who during that time period are naturalized as citizens of
43 the United States or who are restored to citizenship after a conviction of

1 a ~~felony; but~~ felony, and those who were eligible to vote an absentee
2 ballot under Article 21 of this Chapter on the last day to submit voter
3 registration applications in person under G.S. 163-82.6(c)(2), but did
4 not do so, and who are on the day of the election not eligible to vote an
5 absentee ballot under that Article because of not falling within any of
6 the categories under G.S. 163-245(b); but".

7 Sec. 3. G.S. 163-82.7(g)(2) reads as rewritten:

8 "(2) If the Postal Service has returned as undeliverable a notice sent within
9 25 days before the election to the applicant under subsection (c) of this
10 section, then the applicant may vote only in person in that first election
11 and may not vote by ~~mailed~~ absentee ballot. ballot except in person
12 under G.S. 163-227.2. The county board of elections shall establish a
13 procedure at the voting site for:

- 14 a. Obtaining the correct address of any person described in this
15 subdivision who appears to vote in person; and
16 b. Assuring that the person votes in the proper place and in the
17 proper contests.

18 If a notice mailed under subsection (c) or subsection (e) of this section is
19 returned as undeliverable after a person has already voted by absentee
20 ballot, then that person's ballot may be challenged in accordance with
21 G.S. 163-89."

22 Sec. 4. G.S. 163-137(b) reads as rewritten:

23 "(b) The ballots prepared for use in general and special elections under the
24 provisions of this Article by the State Board of Elections shall be printed and delivered to
25 the county boards of elections at least ~~60~~ 50 days prior to the date of any ~~election in~~
26 ~~which absentee voting is permitted and at least 60 days prior to the date of any election in~~
27 ~~which absentee voting is not permitted.~~ election."

28 Sec. 4.1. G.S. 163-155(4) reads as rewritten:

29 "(4) The affidavit executed by the voter shall be retained by the county board
30 of elections for a period of six months. In those precincts using ~~voting~~
31 ~~machines,~~ direct record voting equipment, the county board of elections
32 shall furnish paper ballots of each kind for use by persons authorized to
33 vote outside the voting place by this section. In any precinct using
34 direct record voting equipment, the county board of elections, with the
35 approval of the State Board of Elections, may provide for all such paper
36 ballots to be transported upon closing of the polls to the office of the
37 county board of elections for counting. Such ballots may be transported
38 only by the chief judge, judge, assistant, or a sworn officer of the county
39 police department, sheriff's department, or municipal police officer.
40 Upon receipt by the county board of elections, such ballots shall be
41 counted and canvassed in the same manner as one-stop ballots cast
42 under G.S. 163-227.2, except that rather than the count commencing
43 when the polls close under G.S. 163-234(5) as provided for one-stop

1 ballots, the count shall commence when from all precincts either ballots
2 under this section are received or notification that no such ballots were
3 cast.

4 The total for ballots counted by the county board of elections under
5 this subdivision shall be canvassed as if it were a separate precinct."

6 Sec. 5. G.S. 163-169(i) reads as rewritten:

7 "(i) Absentee Ballots. – Absentee ballots shall be deposited and voted in
8 accordance with the provisions of G.S. 163-227.2 and G.S. 163-234; they shall be
9 counted and tabulated as provided in this section and G.S. 163-170."

10 Sec. 6. G.S. 163-302 reads as rewritten:

11 **"§ 163-302. Absentee voting.**

12 (a) In any municipal election, including a primary or general election or
13 referendum, conducted by the county board of ~~elections,~~elections:

14 (1) For any city, town, or incorporated village with a population of 5,000 or
15 over according to the most recent decennial federal census is permitted;
16 and

17 (2) For any other city, town, or incorporated village or for any municipal
18 election for a special district for which the most recent decennial federal
19 census does not show a population, absentee voting may, upon
20 resolution of the municipal governing body, be permitted. Such
21 resolution must be adopted no later than 60 days prior to an election in
22 order to be effective for that election. Any such resolution shall remain
23 effective for all future elections unless repealed no later than 60 days
24 before an election. A copy of all resolutions adopted under this section
25 shall be filed with the State Board of Elections and the county board of
26 elections conducting the election within 10 days of passage in order to
27 be effective.

28 Absentee voting shall not be permitted in any municipal election unless such election is
29 conducted by the county board of elections. In addition, absentee voting shall be allowed
30 in any referendum on incorporation of a municipality.

31 (b) The provisions of Articles 20 and 21 of this Chapter shall apply to absentee
32 voting in municipal elections, special district elections, and other elections for an area
33 less than an entire county other than elections for the General Assembly, except that the
34 earliest date by which absentee ballots shall be required to be available for absentee
35 voting in such elections shall be 30 days prior to the primary or election or as quickly
36 following the filing deadline specified in G.S. 163-291(2) or G.S. 163-294.2(c) as the
37 county board of elections is able to secure the official ballots. ~~In elections on~~
38 ~~incorporation of a municipality not held at the same time as another election in the same~~
39 ~~area, the county board of elections shall adopt a special schedule of meetings of the~~
40 ~~county board of elections to approve absentee ballot applications so as to reduce the cost~~
41 ~~of the process, and to further implement the last paragraph of G.S. 163-230(2)a. If no~~
42 ~~application has been received since the last meeting, no meeting shall be held of the~~
43 ~~county board of elections under such schedule unless the meeting is scheduled for~~

1 ~~another purpose.~~—If another election is being held in the same area on the same day, or
2 elsewhere in the county, the cost of per diem for meetings of the county board of
3 elections to approve absentee ballots shall not be considered a cost of the election to be
4 billed to the municipality being created."

5 Sec. 7. G.S. 159-61(b) reads as rewritten:

6 "(b) The date of a bond referendum shall be fixed by the governing board, but shall
7 not be less than 60 days after the date the election is called nor more than one year after
8 adoption of the bond order. The governing board may call a special referendum for the
9 purpose of voting on a bond issue on any day, including the day of any regular or special
10 election held for another purpose (unless the law under which the bond referendum or
11 other election is held specifically prohibits submission of other questions at the same
12 time). A special bond referendum may not be held within 30 days before or 10 days after
13 a statewide primary, election, or referendum, or within 30 days before or 10 days after
14 any other primary, election, or referendum to be held in the same unit holding the bond
15 referendum and already validly called or scheduled by law at the time the bond
16 referendum is called. The clerk shall mail or deliver a certified copy of the resolution
17 calling a special bond referendum to the board of elections that is to conduct it within
18 three days after the resolution is adopted, but failure to observe this requirement shall not
19 in any manner affect the validity of the referendum or bonds issued pursuant thereto.
20 Bond referenda shall be conducted by the board of elections conducting regular elections
21 of the county, city, or special district. In fixing the date of a bond referendum, the
22 governing board shall consult the board of elections in order that the referendum shall not
23 unduly interfere with other elections already scheduled or in process. Several bond orders
24 or other matters may be voted upon at the same referendum."

25 Sec. 8. Section 3.7 of the Charter of the City of High Point, being Chapter 501
26 of the 1979 Session Laws reads as rewritten:

27 "Sec. 3.7. Absentee voting. The provisions of Articles 20 and 21 of Chapter 163 of the
28 General Statutes shall be applicable to all municipal elections and primaries in the City of
29 ~~High Point; provided that absentee ballots shall not be permitted in a second primary or~~
30 ~~runoff election.~~ Point. The Guilford County Board of Elections shall administer the
31 absentee voting laws for all municipal elections in the City of High Point and is hereby
32 authorized to adopt rules and regulations which may be necessary to adapt the procedures
33 of Articles 20 and 21 of Chapter 163 to municipal elections."

34 Sec. 9. Section 5 of Chapter 232 of the 1971 Session Laws reads as rewritten:

35 "Sec. 5. The elections to be held in 1972 and thereafter shall be held and conducted by
36 the County Board of Elections and said elections shall be conducted under the same laws,
37 rules and regulations governing elections for county ~~officers, except that absentee ballots~~
38 ~~shall not be allowed.~~ officers. Any qualified voter residing in the Administrative Unit
39 shall be eligible to seek office to the Board of Trustees, and to vote in said elections."

40 Sec. 10. Section 4.8 of the Charter of the Town of Cary, being Chapter 868 of
41 the 1971 Session Laws, is repealed.

42 Sec. 11. Section 4.3 of the Charter of the Town of Mebane, being Chapter 514
43 of the 1973 Session Laws, is repealed.

1 Sec. 12. Chapter 91 of the 1977 Session Laws is repealed.

2 Sec. 13. Section 5.18 of the Charter of Bessemer City, being Chapter 1018 of
3 the 1981 Session Laws is repealed.

4 Sec. 14. Section 5 of Chapter 442 of the 1977 Session Laws is repealed.

5 Sec. 15. Section 1 of Chapter 603 of the 1977 Session Laws reads as rewritten:

6 **"Section 1.** The Orange County Board of Education shall be elected on a nonpartisan
7 basis at the time of the primary election in 1978 and biennially thereafter. The names of
8 the candidates shall be printed on the ballots without reference to any party affiliation.
9 The election and runoff election method shall be used with the results determined as
10 provided in G.S. ~~163-293, and absentee ballots shall be permitted.~~ 163-293. Except as
11 may be otherwise provided herein, the elections shall be conducted according to the
12 provisions of Chapter 163 of the General Statutes governing elections for county
13 officers."

14 Sec. 16. Section 6 of Chapter 633 of the 1977 Session Laws is repealed.

15 Sec. 17. The last two sentences of Section 4 of Chapter 126, Session Laws of
16 1963, as amended by Chapter 22, Session Laws of 1977, as amended by Section 1 of
17 Chapter 89, Session Laws of 1979, reads as rewritten:

18 "All candidates for membership of the consolidated school system for the various
19 districts shall file a notice of such candidacy no earlier than the first Monday in July, and
20 no later than 12:00 noon on the third Friday in August preceding the general election and
21 each candidate shall pay a filing fee of ten dollars (\$10.00) and shall certify in writing the
22 election district for which ~~he~~ the candidate is filing and that ~~he~~ the candidate is a bona
23 fide resident and qualified voter thereof. The election of members for the consolidated
24 school system shall be held, conducted and supervised by the Haywood County Board of
25 Elections and, except as otherwise provided herein, such election shall be held in
26 accordance with the laws and regulations for the election of county officers. ~~Absentee~~
27 ~~ballots shall be permitted in the election."~~

28 Sec. 18. Section 3 of Chapter 81 of the 1985 Session Laws is repealed.

29 Sec. 19. (a) Except as provided by subsection (b) of this section, to the extent of
30 the conflict, this act prevails over any local act in conflict with it.

31 (b) This act does not amend or repeal:

32 (1) Section 12 of Chapter 763 of the 1981 Session Laws;

33 (2) Chapter 1157 of the 1981 Session Laws;

34 (3) Chapters 192 or 978 of the 1983 Session Laws;

35 (4) Chapter 935 of the 1983 Session Laws;

36 (5) Chapter 359 of the 1987 Session Laws;

37 (6) Section 11(a) of Chapter 391 of the 1991 Session Laws; or

38 (7) Chapter 35 of the 1993 Session Laws.

39 Sec. 20. This act applies to elections held on or after January 1, 1996, except
40 that the State Board of Elections may issue rules required or permitted by this act prior to
41 that date.