

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1014

Short Title: Shorter Lines at Polls.

(Public)

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Sponsors: Representatives Nesbitt, Alexander, Michaux; Adams, Baddour, Barbee, Beall, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Braswell, Brawley, Brown, Buchanan, Cole, Creech, Culpepper, Cunningham, Decker, Dedmon, Earle, Easterling, Esposito, Fitch, Gamble, Goodwin, Gulley, Hackney, Hensley, Hiatt, Hightower, H. Hunter, R. Hunter, Hurley, Insko, Ives, Jarrell, Jeffus, Kinney, Luebke, McAllister, McCrary, McMahan, Miller, Miner, Moore, Mosley, Nichols, Nye, Oldham, Owens, Ramsey, Redwine, Rogers, Saunders, Sherrill, Smith, Sutton, Tallent, Thompson, Tolson, Wainwright, Warner, Warwick, Wilkins, G. Wilson, Womble, Wood, Wright, and Yongue.

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Referred to: Election Law and Campaign Reform.

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April 21, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CHANGES IN THE ELECTION LAWS DESIGNED TO  
3 PREVENT LONG LINES AT THE POLLS ON ELECTION DAY.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 163-226 reads as rewritten:  
6 "**§ 163-226. Who may vote an absentee ballot.**  
7 (a) Who May Vote Absentee Ballot; Generally. – Any qualified voter of the State  
8 may vote by absentee ballot in a statewide primary, general, or special election on  
9 constitutional amendments, referenda or bond proposals, and any qualified voter of a  
10 county is authorized to vote by absentee ballot in any primary or election conducted by  
11 the county board of elections, in the manner provided in this Article if:

- 1           (1)    The voter expects not to be absent from the county in which he is  
2            registered during the entire period that the polls are open present at the  
3            voting place to vote in person on the day of the specified election in  
4            which the voter desires to vote; or  
5            (2)    The voter is unable to be present at the voting place to vote in person on  
6            the day of the specified election in which the voter desires to vote  
7            because of the voter's sickness or other physical disability.  
8            (3)    ~~The voter is incarcerated, whether in the voter's county of residence or  
9            elsewhere, shall be entitled to vote by absentee ballot in the county of  
10           the voter's residence in any election, specified herein, in which the voter  
11           otherwise would be entitled to vote. Absentee voting shall be in the  
12           same manner as provided in this Article. The chief custodian or  
13           superintendent of the institution or other place of confinement shall  
14           certify that the applicant is not a felon, and the certification shall be as  
15           prescribed by the State Board of Elections. The State Board of  
16           Elections is authorized to prescribe procedures to carry out the intent  
17           and purpose of this subsection;~~  
18           (3a)   ~~The voter because of the observance of a religious holiday pursuant to  
19           the tenets of the voter's religion will be unable to cast a ballot at the  
20           polling place on the day of the election; or~~  
21           (4)    ~~The voter is an employee of the county board of elections or a precinct  
22           official, observer, or ballot counter, in another precinct and the voter's  
23           assigned duties on the day of the election will cause the voter to be  
24           unable to be present at the voting place to vote in person and provided  
25           such employee has the application witnessed by the chairman of the  
26           county board of elections.~~

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

29           (c)    As used in this Subchapter, unless the context clearly requires otherwise, the  
30           term 'election' includes a general, primary, second primary, runoff election, bond  
31           election, referendum, or special election."

32           Section 2. G.S. 163-226.1 reads as rewritten:

33           "**§ 163-226.1. Absentee voting in primary.**

34           A qualified voter may vote by absentee ballot in a ~~statewide or countywide partisan~~  
35           primary provided ~~he the qualified voter is~~ affiliated, at the time ~~he the qualified voter~~  
36           makes application for absentee ballots, with the political party in whose primary ~~he the~~  
37           qualified voter wishes to vote. ~~vote, except that an unaffiliated voter may vote in a party~~  
38           primary if permitted under G.S. 163-119. The official registration records of the county  
39           in which the voter is registered shall be proof of whether ~~he the qualified voter is~~  
40           affiliated with a political party and of the party, if any, with which ~~he the qualified voter~~  
41           is affiliated."

42           Section 3. G.S. 163-226.3 reads as rewritten:

43           "**§ 163-226.3. Certain acts declared felonies.**

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

- 5 (1) For any person except the voter's near relative ~~as defined in G.S. 163-~~  
6 ~~227(e)(4)~~ or the voter's verifiable legal guardian to assist the voter to  
7 vote an absentee ballot when the voter is voting an absentee ballot other  
8 than under the procedure described in G.S. 163-227.2; provided that if  
9 there is not a near relative or legal guardian available to assist the voter,  
10 the voter may request some other person to give assistance;
- 11 (2) For any person to assist a voter to vote an absentee ballot under the  
12 absentee voting procedure authorized by G.S. 163-227.2 except a  
13 member of the county board of elections, the director of elections, an  
14 employee of the board authorized by the board, the voter's near relative  
15 ~~as defined in G.S. 163-227(e)(4)~~, or the voter's verifiable legal guardian;
- 16 (3) For a voter who votes an absentee ballot under the procedures  
17 authorized by G.S. 163-227.2 to vote ~~his~~ that voter's absentee ballot  
18 outside of the voting booth or private room provided to ~~him~~ the voter  
19 for that purpose in or adjacent to the office of the county board of  
20 elections or at the additional site provided by G.S. 163-227.2(f1), or to  
21 receive assistance in getting to and from the voting booth or private  
22 room and in preparing and marking ~~his~~ that voter's ballots from any  
23 person other than a member of the county board of elections, the  
24 director of elections, an employee of the board of elections authorized  
25 by the board, a near relative of the voter ~~as defined in G.S. 163-~~  
26 ~~227(e)(4)~~, or the voter's verifiable legal guardian;
- 27 (4) For any owner, manager, director, employee, or other person, other than  
28 the voter's near relative ~~as defined in G.S. 163-227(e)(4)~~ or verifiable  
29 legal guardian, to make a written request pursuant to G.S. 163-230.1 or  
30 an application on behalf of a registered voter who is a patient in any  
31 hospital, clinic, nursing home or rest home in this State or for any  
32 owner, manager, director, employee, or other person other than the  
33 voter's near relative or verifiable legal guardian, ~~or officer authorized to~~  
34 ~~administer oaths acting pursuant to G.S. 163-231(a)(1)~~, to mark the  
35 voter's absentee ballot or assist such a voter in marking an absentee  
36 ballot;
- 37 (5) Repealed by Session Laws 1987, c. 583, s. 8.
- 38 (6) For any person to take into ~~his~~ that person's possession for delivery to a  
39 voter or for return to a county board of elections the absentee ballot of  
40 any voter, provided, however, that this prohibition shall not apply to a  
41 voter's near relative ~~as defined in G.S. 163-227(e)(4)~~ or the voter's  
42 verifiable legal guardian;

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

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

12 Section 4. G.S. 163-227 is repealed.

13 Section 5. G.S. 163-227.1 reads as rewritten:

14 "**§ 163-227.1. Second primary; applications for absentee ballots for voting in second**  
15 **primary.**

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

25 In addition, a voter entitled to absentee ballots under the provisions of this Article  
26 who did not make application for the primary or who failed to apply for a second primary  
27 ballot at the time of application for a first primary ballot may ~~apply for~~ make a written  
28 request for absentee ballots for a second primary not earlier than the day a second  
29 primary is called and not later than ~~5:00 P.M. on the Tuesday prior to the date on which~~  
30 ~~the second primary is held.~~ the date and time provided by G.S. 163-230.1.

31 All procedures with respect to absentee ballots in a second primary shall be the same  
32 as with respect to absentee ballots in a first primary except as otherwise provided by this  
33 section."

34 Section 6. G.S. 163-227.2 reads as rewritten:

35 "**§ 163-227.2. Alternate procedures for requesting application for absentee ballot;**  
36 **'one-stop' voting procedure in board office.**

37 (a) A person expecting ~~to be absent from the county~~ not to be present at the  
38 polling place in which he that person is registered during the entire period that the polls  
39 are open on the day of an election in which absentee ballots are authorized ~~or is eligible~~  
40 ~~under G.S. 163-226(a)(2), 163-226(a)(3a), or 163-226(a)(4)~~ may request an application  
41 for absentee ballots, complete the application, ~~receive the absentee ballots, vote and~~  
42 ~~deliver them sealed in a container return envelope to the county board of elections in the~~  
43 ~~county in which he is registered and~~ vote under the provisions of this section.

1 (b) Not earlier than the ~~twenty-fourth day~~ first business day after the twenty-fifth  
2 day before an election, in which absentee ballots are authorized, in which ~~he a voter~~ seeks  
3 to vote and not later than 5:00 P.M. on the Friday prior to that election, the voter shall  
4 appear in person only at the office of the county board of elections and request that the  
5 chairman, a member, or the director of elections of the board, or an employee of the  
6 board of elections, authorized by the board, furnish ~~him~~ the voter with an application  
7 form as specified in G.S. ~~163-227.~~ 163-229. The voter shall complete the application in  
8 the presence of the chairman, member, director of elections or authorized employee of  
9 the board, and shall deliver the application to that person.

10 (c) If the application is properly filled out, the chairman, member, director of  
11 elections of the board, or employee of the board of elections, authorized by the board,  
12 shall enter the voter's name in the register of absentee ~~ballot requests,~~ applications, and  
13 ballots issued; shall furnish the voter with the instruction sheets called for by G.S. 163-  
14 229(c); and shall furnish the voter with the ballots to which the application for absentee  
15 ballots applies; ~~and shall furnish the voter with a container return envelope.~~ applies. The  
16 voter thereupon shall ~~comply with the provisions of G.S. 163-231(a) except that he shall~~  
17 ~~deliver the container return envelope to the chairman, member, supervisor of elections of~~  
18 ~~the board, or an employee of the board of elections, authorized by the board, immediately~~  
19 ~~after making and subscribing the certificate printed on the container return envelope as~~  
20 ~~provided in G.S. 163-229(b).~~ vote in accordance with subsection (e) of this section.

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

29 (d) Only the chairman, ~~member~~ member, employee, or director of elections of the  
30 board shall keep the voter's application for absentee ballots ~~and the sealed container-~~  
31 ~~return envelope~~ in a safe place, separate and apart from other applications and container-  
32 return envelopes. ~~At the first meeting of the board pursuant to G.S. 163-230(2) held after~~  
33 ~~receipt of the application and envelope, the chairman shall comply with the requirements~~  
34 ~~of G.S. 163-230(1) and G.S. 163-230(2) b. and c. If the voter's application for absentee~~  
35 ~~ballots is approved by the board at that meeting, the application form and container return~~  
36 ~~envelope, with the ballots enclosed, shall be handled in the same manner and under the~~  
37 ~~same provisions of law as applications and container return envelopes received by the~~  
38 ~~board under other provisions of this Article.~~ If the voter's application for absentee ballots  
39 is disapproved by the board, the board shall so notify the voter stating the reason for  
40 disapproval by first-class mail addressed to the voter at ~~his~~ that voter's residence address  
41 ~~or~~ and at the address shown in the application for absentee ballots; and the board  
42 ~~chairman shall retain the container return envelope in its unopened condition until the~~  
43 ~~day of the primary or election to which it relates and on that day he shall destroy the~~

1 container return envelope and the ballots therein, without, however, revealing the manner  
2 in which the voter marked the ballots. ~~enter a challenge under G.S. 163-89.~~

3 (e) The voter shall vote ~~his~~ that voter's absentee ballot in a voting booth in the  
4 office of the county board of elections, and the county board of elections shall provide a  
5 voting booth for that purpose, provided however, that the county board of elections may  
6 in the alternative provide a private room for the voter adjacent to the office of the board,  
7 in which case the voter shall vote ~~his~~ that voter's absentee ballot in that room. ~~The voting~~  
8 ~~booth shall be in the office of the county board of elections.~~ If the voter needs assistance  
9 in getting to and from the voting booth and in preparing and marking ~~his~~ that voter's  
10 ballots or if ~~he~~ the voter is a blind voter, only a member of the county board of elections,  
11 the director of elections, an employee of the board of elections authorized by the board, a  
12 near relative of the voter ~~as defined in G.S. 163-227(e)(4),~~ or the voter's verifiable legal  
13 guardian shall be entitled to assist the voter. The ballot shall be a paper ballot or a voting  
14 system in which a paper ballot is counted by computer or mechanical device. The ballot  
15 in any case shall have the ballot number on it in accordance with G.S. 163-230.1(a2)(1).  
16 After the voter casts the ballot, the voter shall deposit the ballot in the ballot box or  
17 voting system in the same manner as if that box or system was in use in a precinct on  
18 election day. At the end of each business day, or at any time when there will be no  
19 employee or officer of the board of elections on the premises, the ballot box or system  
20 shall be secured in accordance with rules approved by the State Board of Elections,  
21 which shall include verifying that no additional ballots have been placed in the box or  
22 system. If a direct record electronic voting system with retrievable ballots is approved by  
23 the State Board of Elections, it may be used for ballots cast under this section under rules  
24 approved by the State Board of Elections.

25 (f) Notwithstanding the exception specified in G.S. 163-36, counties which  
26 operate a modified full-time office shall remain open five days each week during regular  
27 business hours consistent with daily hours presently observed by the county board of  
28 elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing until  
29 5:00 P.M. on the Friday prior to that election or primary. The boards of county  
30 commissioners shall provide necessary funds for the additional operation of the office  
31 during ~~such~~ that time.

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

38 Section 7. G.S. 163-228 reads as rewritten:

39 "**§ 163-228. Register of absentee ~~ballot requests, applications, and ballots issued; a~~**  
40 **public record.**

41 The State Board of Elections shall ~~design~~ approve an official register and ~~provide a~~  
42 ~~source of supply thereof from~~ in which the ~~chairman~~ of the county board of elections in  
43 each county of the State shall ~~purchase a book to be called the register of absentee ballot~~

1 ~~applications and ballots issued in which shall be recorded~~ record the following  
2 information:

- 3       (1) Name of voter for whom application and ballots are being requested,  
4 and, if applicable, the name and address of the voter's near relative or  
5 verifiable legal guardian who requested the application and ballots for  
6 the voter.
- 7       (2) Number of assigned voter's application when issued.
- 8       (3) Precinct in which applicant is registered.
- 9       (4) Address to which ballots are to be mailed, or, if the voter voted pursuant  
10 to G.S. 163-227.2, a notation of that fact.
- 11       (5) Reason assigned for requesting absentee ballots.
- 12       (6) Date request for application for ballots is received by the county board  
13 of elections.
- 14       (7) The voter's party affiliation.
- 15       (8) The date the ballots were mailed or delivered to the voter.
- 16       (9) ~~whatever~~ Whatever additional information and official action may be  
17 required by this Article.

18       The State Board of Elections may provide for the register to be kept by electronic data  
19 processing equipment, and a copy shall be printed out each business day, or a supplement  
20 printed out each business day of new information.

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

26       Section 8. G.S. 163-229 reads as rewritten:

27 **"§ 163-229. Absentee ballots, applications on container-return envelopes, and**  
28 **instruction sheets.**

29       (a) Absentee Ballot Form. – In accordance with the provisions of G.S. ~~163-230(3),~~  
30 163-230.1, persons entitled to vote by absentee ballot shall be furnished with regular  
31 official ballots. ~~Separate or distinctly marked absentee ballots shall not be used.~~

32       (b) Application on Container-Return Envelope. – In time for use not later than 50  
33 days before a statewide primary, general election or county bond election, the county  
34 board of elections shall print a sufficient number of envelopes in which persons casting  
35 absentee ballots may transmit their marked ballots to the ~~chairman of the~~ county board of  
36 elections. Each container-return envelope shall have printed on it an application which  
37 shall be designed and prescribed by the State Board of Elections, the voter's certification  
38 of eligibility to vote the enclosed ballot and of having voted the enclosed ballot in  
39 accordance with this Article, a space for identification of the envelope with the voter, and  
40 a space for approval by the county board of elections. The envelope shall allow reporting  
41 of a change of name as provided by G.S. 163-82.16. The container-return envelope shall  
42 be printed in accordance with the ~~following instructions:~~ instructions of the State Board  
43 of Elections.

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

~~"Certification of Election Official~~

~~The undersigned election official does by his hand and seal certify that..... is a registered and qualified voter of ..... County, Precinct # ..... and has made proper application to vote under the Absentee Ballot Law of North Carolina.~~

~~.....(Seal)Chairman-Member"~~

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

~~"Certificate of Absentee or Sick Voter~~

~~State of~~

~~County of~~

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

~~I will be absent from the county in which I reside.~~

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

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

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

~~—(Signature of voter)~~

~~Signature of Witness #1~~

~~Signature of Witness #2~~

~~\_\_\_\_\_ Address of Witness #1 Address of Witness~~

~~#2".(c) Instruction Sheets. – In time for use not later than 50 days before a statewide primary, general or county bond election, the county board of elections shall prepare and print a sufficient number of sheets of instructions on how voters are to prepare absentee ballots and return them to the chairman of the county board of elections."~~

Section 9. G.S. 163-230 is repealed.

Section 10. G.S. 163-230.1 reads as rewritten:

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



1 (a) ~~When a~~ A qualified voter personally requests by mail who is eligible to vote by  
2 absentee ballot under G.S. 163-226(a)(1), or that voter's near relative or verifiable legal  
3 guardian, shall request in writing an application for absentee ballots, so that the county  
4 board of elections receives the request not later than 5:00 p.m. on the Tuesday before the  
5 election. an application for absentee ballots, – The county board of elections shall enter in  
6 the register of absentee requests, applications, and ballots issued the information required  
7 in G.S. 163-228 as soon as each item of that information becomes available. Upon  
8 receiving the application, the county board of elections shall cause to be mailed to that  
9 voter in a single package:

- 10 (1) ~~The official ballots the voter is entitled to vote if his application is~~  
11 ~~approved; vote;~~  
12 (2) ~~A container-return envelope for the ballots, upon the outside of which~~  
13 ~~shall be printed the appropriate application form as provided in G.S.~~  
14 ~~163-227; printed in accordance with G.S. 163-229; and~~  
15 (3) ~~A large envelope (similar to a No. 14 or larger manila envelope) in~~  
16 ~~which the container return envelope with the ballots may be returned~~  
17 ~~and on which the affidavit provided by G.S. 163-229(b) shall be printed;~~  
18 ~~and~~  
19 (4) ~~An instruction sheet.~~

20 The ballots, ~~envelopes envelope,~~ and instructions shall be mailed to the voter by the  
21 county board's ~~chairman, secretary or director chairman,~~ member, officer, or employee as  
22 determined by the board and entered in ~~its official minutes. the register as provided by~~  
23 this Article.

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

26 ~~DO NOT PLACE THE ENVELOPE CONTAINING YOUR BALLOTS INTO THIS~~  
27 ~~ENVELOPE UNTIL YOU HAVE COMPLETED THE APPLICATION ON THE~~  
28 ~~ENVELOPE CONTAINING YOUR BALLOTS AND SECURED THE SIGNATURE~~  
29 ~~OF A WITNESS.~~

30 (a1) Absence for Sickness or Physical Disability. – Notwithstanding the provisions  
31 of subsection (a) of this section, if a voter expects to be unable to go to the voting place to  
32 vote in person on election day because of that voter's sickness or other physical disability,  
33 that voter or that voter's near relative or verifiable legal guardian may make written  
34 request in person for absentee ballots to the board of elections of the county in which the  
35 voter is registered after 5:00 p.m. on the Tuesday before the election but not later than  
36 5:00 p.m. on the Friday before the election. The county board of elections shall enter in  
37 the register of absentee requests, applications, and ballots issued the information required  
38 in G.S. 163-228 as soon as each item of that information becomes available. The county  
39 board of elections shall personally deliver to the requester in a single package:

- 40 (1) The official ballots the voter is entitled to vote;  
41 (2) A container-return envelope for the ballots, printed in accordance with  
42 G.S. 163-229; and  
43 (3) An instruction sheet.

1       (a2) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. –  
2 When the county board of elections receives a request for applications and absentee  
3 ballots, the board shall promptly issue and transmit them to the voter in accordance with  
4 the following instructions:

5           (1) On the top margin of each ballot the applicant is entitled to vote, the  
6 chair, a member, officer, or employee of the board of elections shall  
7 write or type the words 'Absentee Ballot No. ...' or an abbreviation  
8 approved by the State Board of Elections and insert in the blank space  
9 the number assigned the applicant's application in the register of  
10 absentee requests, applications, and ballots issued. That person shall not  
11 write, type, or print any other matter upon the ballots transmitted to the  
12 absentee voter. Alternatively, the board of elections may cause to be  
13 barcoded on the ballot the voter's application number, if that barcoding  
14 system is approved by the State Board of Elections.

15           (2) The chair, member, officer, or employee of the board of elections shall  
16 fold and place the ballots (identified in accordance with the preceding  
17 instruction) in a container-return envelope and write or type in the  
18 appropriate blanks thereon, in accordance with the terms of G.S. 163-  
19 229(b), the absentee voter's name, the absentee voter's application  
20 number, and the designation of the precinct in which the voter is  
21 registered. If the ballot is barcoded under this section, the envelope may  
22 be barcoded rather than having the actual number appear. The person  
23 placing the ballots in the envelopes shall leave the container-return  
24 envelope holding the ballots unsealed.

25           (3) The chair, member, officer, or employee of the board of elections shall  
26 then place the unsealed container-return envelope holding the ballots  
27 together with printed instructions for voting and returning the ballots, in  
28 an envelope addressed to the voter at the post office address stated in the  
29 request, seal the envelope, and mail it at the expense of the county board  
30 of elections, or deliver it to the voter in person: Provided, that in case of  
31 a request received after 5:00 p.m. on the Tuesday before the election  
32 under the provisions of subsection (a1) of this section, in lieu of  
33 transmitting the ballots to the voter in person or by mail, the chair,  
34 member, officer, or employee of the board of elections may deliver the  
35 sealed envelope containing the instruction sheet and the container-return  
36 envelope holding the ballots to a near relative or verifiable legal  
37 guardian of the voter.

38       The county board of elections may receive written requests for applications earlier  
39 than 50 days prior to the election but shall not mail applications and ballots to the voter or  
40 issue applications and ballots in person earlier than 50 days prior to the election, except  
41 as provided in G.S. 163-227.2. No election official shall issue applications for absentee  
42 ballots except in compliance with this Article.

1 (b) The application shall be ~~completed,~~ completed and signed by the voter  
2 personally, the ballots marked, the ballots sealed in the container-return envelope, and the  
3 large envelope affidavit certificate completed as provided in ~~G.S. 163-227 and G.S. 163-~~  
4 ~~231.~~ The container-return envelope shall be placed in the large transmittal envelope for  
5 return to the chairman of the county board of elections.

6 (c) At its next official meeting after return of the completed container-return  
7 envelope ~~and large envelope~~ with the voter's ballots, the county board of elections shall  
8 determine whether the container-return envelope ~~and large envelope~~ have has been  
9 properly executed. If the board determines that ~~both~~ the container-return envelope ~~and~~  
10 ~~large envelope~~ have has been properly executed, it shall approve the application and  
11 deposit the container-return envelope with other container-return envelopes for the  
12 envelope to be opened and the ballots counted at the same time as all other container-  
13 return envelopes and absentee ballots.

14 (c1) Required Meeting of County Board of Elections. – During the period  
15 commencing on the third Tuesday before an election, in which absentee ballots are  
16 authorized, the county board of elections shall hold one or more public meetings each  
17 Tuesday at 5:00 p.m. for the purpose of action on applications for absentee ballots. At  
18 these meetings, the county board of elections shall pass upon applications for absentee  
19 ballots.

20 If the county board of elections changes the time of holding its meetings or provides  
21 for additional meetings in accordance with the terms of this subsection, notice of the  
22 change in hour and notice of the schedule of additional meetings, if any, shall be  
23 published in a newspaper circulated in the county at least 30 days prior to the election.

24 At the time the county board of elections makes its decision on an application for  
25 absentee ballots, the board shall enter in the appropriate column in the register of  
26 absentee requests, applications, and ballots issued opposite the name of the applicant a  
27 notation of whether the applicant's application was 'Approved' or 'Disapproved'.

28 The decision of the board on the validity of an application for absentee ballots shall be  
29 final subject only to such review as may be necessary in the event of an election contest.  
30 The county board of elections shall constitute the proper official body to pass upon the  
31 validity of all applications for absentee ballots received in the county; this function shall  
32 not be performed by the chairman or any other member of the board individually.

33 ~~(d) The provisions of this section shall apply only to requests received by mail~~  
34 ~~from and signed by the voter individually and personally. No near relative, guardian, or~~  
35 ~~other person other than the voter himself shall be permitted to apply for absentee ballots~~  
36 ~~under this section.~~

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

40 (f) For the purpose of this Article, 'near relative' means spouse, brother, sister,  
41 parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law,  
42 son-in-law, stepparent, or stepchild."

43 Section 11. G.S. 163-231 reads as rewritten:

1 **"§ 163-231. Voting absentee ballots and transmitting them to ~~chairman of the~~**  
2 **county board of elections.**

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

- 6 (1) Mark ~~his~~the voter's ballots, or cause them to be marked by one of such  
7 persons in ~~his~~the voter's presence according to ~~his~~the voter's  
8 instruction;
- 9 (2) Fold each ballot separately, or cause each of them to be folded in ~~his~~the  
10 voter's presence;
- 11 (3) Place the folded ballots in the container-return envelope and securely  
12 seal it, or have this done in ~~his~~the voter's presence;
- 13 (4) Make the application printed on the container-return envelope according  
14 to the provisions of G.S. 163-229(b) and make the certificate printed on  
15 the container-return envelope according to the provisions of G.S. 163-  
16 229(b).

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

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

26 (b) Transmitting Executed Absentee Ballots to ~~Chairman of~~ County Board of  
27 Elections. – The sealed container-return envelope in which executed absentee ballots  
28 have been placed shall be transmitted to the ~~chairman of the~~ county board of elections  
29 who issued them as follows: All ballots issued under the provisions of Articles 20 and 21  
30 of this Chapter shall be transmitted by ~~mail, mail or by commercial courier service,~~ at the  
31 voter's expense, or delivered in person, or by the voter's ~~spouse, brother, sister, parent,~~  
32 ~~grandparent, child or grandchild~~ near relative or verifiable legal guardian not later than  
33 5:00 P.M. on the day before the statewide primary or general election or county bond  
34 7:30 p.m. on the day of the election. If such ballots are received later than that hour, they  
35 shall not be accepted for voting."

36 Section 12. G.S. 163-232 reads as rewritten:

37 **"§ 163-232. Certified list of executed absentee ballots; distribution of list.**

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

1 'State of North Carolina  
2 County of .....

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

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

18 .....  
19 (Signature of chairman of  
20 county board of elections)

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

23 .....  
24 (Signature of officer  
25 administering oath)  
26 .....  
27 (Title of officer)'

28 No ~~earlier than 3:00 P.M. on the day before the election and no later than 10:00 A.M.~~  
29 on election day, the chairman county board of elections shall cause one copy of the list of  
30 executed absentee ballots, which may be a continuing countywide list or a separate list  
31 for each precinct, to be immediately deposited as 'first-class' mail to the State Board of  
32 Elections. He The board shall retain one copy in the board office for public inspection  
33 and he the board shall cause two copies of the appropriate precinct list to be delivered to  
34 the chief judge of each precinct in the county. The chairman county board of elections  
35 shall be authorized to call upon the sheriff of the county to distribute the list to the  
36 precincts. In addition the chairman county board of elections shall, upon request, provide  
37 a copy of the complete list to the chairman of each political party, recognized under the  
38 provisions of G.S. 163-96, represented in the county.

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

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

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

14 'State of North Carolina

15 County of .....

16 I, ....., chairman of the ..... County board of elections, do hereby  
17 certify that the foregoing is a list of all executed absentee ballots to be voted in the  
18 election to be conducted on the .... day of ....., ....., which have been approved  
19 by the county board of elections and which have been returned after 5:00 p.m. on  
20 the day before the election but before 7:30 p.m. on election day, and I further  
21 certify that the chairman, member, officer, or employee of the board of elections  
22 has not delivered ballots for absentee voting to any person other than the voter, by  
23 mail or in person, except as provided by law, and have not mailed or delivered  
24 ballots when the request for the ballot was received after the deadline provided by  
25 law.

26 This the ..... day of ....., .....

27 \_\_\_\_\_  
28 (Signature of chairman of  
29 county board of elections)

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

32 \_\_\_\_\_  
33 (Signature of officer  
34 administering oath)

35 \_\_\_\_\_  
36 (Title of officer)'

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

1 provisions of G.S. 163-96, represented in the county. Challenges shall be made to  
2 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 that person is already recorded as having voted in that election, the director of  
7 elections shall enter a challenge which shall be presented to the county board of elections  
8 for resolution by the board of elections prior to certification of results by the board.

9 (c) All lists required by this section shall be retained by the county board of  
10 elections for a period of ~~four years~~ 22 months after which they may then be destroyed."

11 Section 13. G.S. 163-233 reads as rewritten:

12 **"§ 163-233. Applications for absentee ballots; how retained.**

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

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

19 Section 14. G.S. 163-234 reads as rewritten:

20 **"§ 163-234. Counting absentee ballots by county board of elections.**

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

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

27 (2) The county board of elections shall meet at 5:00 P.M. on election day in  
28 the board office or other public location in the county courthouse for the  
29 purpose of counting all absentee ballots except those which have been  
30 challenged before 5:00 P.M. on election day. Any elector of the county  
31 shall be permitted to attend the meeting and allowed to observe the  
32 counting process, provided ~~he~~ the elector shall not in any manner  
33 interfere with the election officials in the discharge of their duties.

34 Provided, that the county board of elections is authorized to begin  
35 counting absentee ballots between the hours of 2:00 P.M. and 5:00 P.M.  
36 upon the adoption of a resolution at least two weeks prior to the election  
37 wherein the hour and place of counting absentee ballots shall be stated.  
38 A copy of the resolutions shall be published once a week for two weeks  
39 prior to the election, in a newspaper having general circulation in the  
40 county. Notice may additionally be made on a radio or television station  
41 or both, but such notice shall be in addition to the newspaper and other  
42 required notice. The count shall be continuous until completed and the  
43 members shall not separate or leave the counting place except for

1           unavoidable ~~necessity~~ necessity, except that if the count has been  
2           completed prior to the time the polls close, it shall be suspended until  
3           that time pending receipt of any additional ballots, and except that one-  
4           stop ballots under G.S. 163-227.2 counted electronically shall not be  
5           counted until the polls close; provided, however, that if there are  
6           outstack ballots in the counting device, they may be counted at the same  
7           time as other ballots are counted under this subdivision. The county  
8           board of elections may begin putting them in the tabulator at the same  
9           time as other ballots are counted under this subdivision if the system for  
10           counting one-stop ballots requires them to be put in a tabulator but the  
11           process has the voter place them in a ballot box. The board shall not  
12           announce the result of the count before 7:30 P.M.

13           (3) The counting of absentee ballots shall not commence until a majority  
14           and at least one board member of each political party represented on the  
15           board is present and ~~such~~ that fact is publicly declared and entered in the  
16           official minutes of the county board.

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

21           (5) As each ballot envelope is opened, the board shall cause to be entered  
22           into a pollbook designated 'Pollbook of Absentee Voters' the name of  
23           the absentee ~~voter~~ voter, or if the pollbook is computer-generated, the  
24           board shall check off the name. Preserving secrecy, the ballots shall be  
25           placed in the appropriate ballot boxes, at least one of which shall be  
26           provided for each type of ballot. The 'Pollbook of Absentee Voters'  
27           shall also contain the names of all persons who voted under G.S. 163-  
28           227.2, but those names may be printed by computer for inclusion in the  
29           pollbook.

30           After all ballots have been placed in the boxes, the counting process  
31           shall begin.

32           If one-stop ballots under G.S. 163-227.2 are counted electronically,  
33           that count shall commence at the time the polls close. If one-stop  
34           ballots are paper ballots counted manually, that count shall commence at  
35           the same time as other absentee ballots are counted.

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

39           As soon as the absentee ballots have been counted and the names of  
40           the absentee voters entered in the pollbook as required herein, the board  
41           members and assistants employed to count the absentee ballots shall  
42           each sign the pollbook immediately beneath the last absentee voter's



1 name entered therein. The ~~chairman~~ county board of elections shall be  
2 responsible for the safekeeping of the pollbook of absentee voters.

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

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

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

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

24 Section 15. G.S. 163-236 reads as rewritten:

25 "**§ 163-236. Violations by ~~chairman~~ of county board of elections.**

26 The ~~chairman of the~~ county board of elections shall be sole custodian of blank  
27 applications for absentee ballots, official ballots, and container-return envelopes for  
28 absentee ballots. ~~He~~ The board shall issue and deliver blank applications for absentee  
29 ballots in strict accordance with the provisions of G.S. ~~163-227(e)~~ 163-230.1. The  
30 issuance of ballots to persons whose ~~applications requests~~ for absentee ballots have been  
31 ~~approved received~~ by the county board of elections under the provisions of G.S. ~~163-~~  
32 ~~230(3)~~ 163-230.1 is the responsibility and duty of the ~~chairman of the~~ county board of  
33 elections.

34 It shall be the duty of the ~~chairman of the~~ county board of elections to keep current all  
35 records required ~~of him~~ by this Article and to make promptly all reports required ~~of him~~  
36 by this Article. If that duty has been assigned to the chair, member, officer, or employee  
37 of the board of elections, they shall carry out the duty.

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

39 Section 16. G.S. 163-82.7(g)(2) reads as rewritten:

40 "(2) If the Postal Service has returned as undeliverable a notice sent within  
41 25 days before the election to the applicant under subsection (c) of this  
42 section, then the applicant may vote only in person in that first election  
43 and may not vote by ~~mailed~~ absentee ballot ~~ballot~~ except in person

1 under G.S. 163-227.2. The county board of elections shall establish a  
2 procedure at the voting site for:

- 3 a. Obtaining the correct address of any person described in this  
4 subdivision who appears to vote in person; and  
5 b. Assuring that the person votes in the proper place and in the  
6 proper contests.

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

11 Section 17. G.S. 163-137(b) reads as rewritten:

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

17 Section 18. G.S. 163-155(4) reads as rewritten:

18 "(4) The affidavit executed by the voter shall be retained by the county board  
19 of elections for a period of six months. In those precincts using voting  
20 machines, the county board of elections shall furnish paper ballots of  
21 each kind for use by persons authorized to vote outside the voting place  
22 by this section. In any precinct using direct record electronic voting  
23 equipment, the county board of elections, with the approval of the State  
24 Board of Elections, may provide for all such paper ballots to be  
25 transported upon closing of the polls to the office of the county board of  
26 elections for counting. Those ballots may be transported only by the  
27 chief judge, judge, or assistant. Upon receipt by the county board of  
28 elections, those ballots shall be counted and canvassed in the same  
29 manner as one-stop ballots cast under G.S. 163-227.2, except that rather  
30 than the count commencing when the polls close under G.S. 163-234(5)  
31 as provided for one-stop ballots, the count shall commence when the  
32 board has received from each precinct either that precinct's ballots or  
33 notification that no such ballots were cast.

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

36 Section 19. G.S. 163-169(i) reads as rewritten:

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

40 Section 20. Article 21 is amended by adding a new section to read:

41 "**§ 163-257. Facsimile transmission of election materials.**

42 An applicant entitled to exercise the rights conferred by this Article may apply for  
43 registration and an absentee ballot by facsimile if otherwise qualified to apply for and

1 vote by absentee ballot. A county board of elections may send and receive facsimile  
2 absentee ballot applications and accept voted ballots by facsimile from eligible electors as  
3 defined in G.S. 163-245."

4           Section 21. This act applies to elections held on or after January 1, 1998,  
5 except that the State Board of Elections may issue rules required or permitted by this act  
6 prior to that date.