

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 568
Second Edition Engrossed 4/21/99
House Committee Substitute Favorable 7/1/99

Short Title: Absentee Voting Changes.

(Public)

Sponsors:

Referred to:

March 29, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE THE EXCUSE REQUIREMENT FROM ONE-STOP
3 ABSENTEE VOTING FOR THE GENERAL ELECTION HELD IN NOVEMBER
4 OF EVEN-NUMBERED YEARS, TO ALLOW COUNTY BOARDS OF
5 ELECTIONS TO DESIGNATE ADDITIONAL ONE-STOP SITES, AND TO
6 MAKE CHANGES RELATED TO STREAMLINING THE ABSENTEE BALLOT
7 PROCESS.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 163-226 reads as rewritten:

10 "**§ 163-226. Who may vote an absentee ballot.**

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

16 (1) The voter expects to be absent from the county in which he is registered
17 during the entire period that the polls are open on the day of the
18 specified election in which the voter desires to vote;

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

23 (a1) No-Excuse Absentee Voting for One-Stop in General Elections Only. – The
24 only type of absentee voting that is not subject to the excuse requirements of subsection
25 (a) of this section is one-stop voting as provided in G.S. 163-227.2 for elections held on
26 the day of the general elections in November of even-numbered years.

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) The Term 'Election'. – As used in this Subchapter, unless the context clearly
30 requires otherwise, the term 'election' includes a general, primary, second primary, runoff
31 election, bond 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~~ Except as provided in subsection (a1) of this section, a person expecting to
38 be absent from the county in which ~~he~~ that person is registered during the entire period
39 that the polls are open on the day of an election in which absentee ballots are authorized
40 or is eligible under G.S. 163-226(a)(2), 163-226(a)(3a), or 163-226(a)(4) may request an
41 application for absentee ballots, complete the application, ~~receive the absentee ballots,~~
42 ~~vote and deliver them sealed in a container return envelope to the county board of~~

1 ~~elections in the county in which he is registered and vote~~ under the provisions of this
2 section.

3 (a) The excuse requirements of G.S. 163-226(a) do not apply to one-stop voting
4 for elections held on the day of the general elections in November of even-numbered
5 years.

6 (b) Not earlier than the first business day after the twenty-fifth day before an
7 election, in which absentee ballots are authorized, in which ~~he a voter~~ seeks to vote and
8 not later than 5:00 P.M. ~~p.m.~~ on the Friday prior to that election, the voter shall appear in
9 person only at the office of the county board of ~~elections and elections~~, except as
10 provided in subsection (f1) of this section. That voter shall enter the voting enclosure at
11 the board office through the appropriate entrance and shall at once state his or her name
12 and place of residence to an authorized member or employee of the board. In a primary
13 election, the voter shall also state the political party with which the voter affiliates and in
14 whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted
15 to vote in the primary of a particular party under G.S. 163-119, the voter shall state the
16 name of the authorizing political party in whose primary he wishes to vote. The board
17 member or employee to whom the voter gives this information shall announce the name
18 and residence of the voter in a distinct tone of voice. After examining the registration
19 records, an employee of the board shall state whether the person seeking to vote is duly
20 registered. If the voter is found to be registered that voter may request that the chairman,
21 a member, authorized member or the director of elections of the board, or an employee of
22 the board of elections, authorized by the board, furnish him the voter with an application
23 form as specified in G.S. 163-227. The voter shall complete the application in the
24 presence of the chairman, member, director of elections or authorized member or
25 employee of the board, and shall deliver the application to that person.

26 (c) If the application is properly filled out, the ~~chairman, member, director of~~
27 ~~elections of the board, or employee of the board of elections, authorized by the board,~~
28 authorized member or employee shall enter the voter's name in the register of absentee
29 ballot applications requests, applications, and ballots issued; shall furnish the voter with
30 the instruction sheets called for by G.S. 163-229(c); and shall furnish the voter with the
31 ballots to which the application for absentee ballots applies; and shall furnish the voter
32 with a container return envelope. applies. The voter thereupon shall ~~comply with the~~
33 ~~provisions of G.S. 163-231(a) except that he shall deliver the container return envelope to~~
34 ~~the chairman, member, supervisor of elections of the board, or an employee of the board~~
35 ~~of elections, authorized by the board, immediately after making and subscribing the~~
36 ~~certificate printed on the container return envelope as provided in G.S. 163-229(b). vote~~
37 in accordance with subsection (e) of this section.

38 All actions required by this subsection shall be performed in the office of the board of
39 ~~elections. elections~~, except that the voting may take place in an adjacent room as
40 provided by subsection (e) of this section. For the purposes of this section only, the
41 application under this subsection shall be signed in the presence of the chairman,
42 member, director of elections of the board, or full-time employee, authorized by the
43 board who shall sign the application and certificate as the witness and indicate the official

1 title held by him or her. Notwithstanding G.S. 163-231(a), in the case of this subsection,
2 only one witness shall be required on the certificate.

3 (d) Only the chairman, ~~member~~member, ~~employee~~, or director of elections of the
4 board shall keep the voter's application for absentee ballots ~~and the sealed container-~~
5 ~~return envelope~~ in a safe place, separate and apart from other applications and container-
6 return envelopes. ~~At the first meeting of the board pursuant to G.S. 163-230(2) held after~~
7 ~~receipt of the application and envelope, the chairman shall comply with the requirements~~
8 ~~of G.S. 163-230(1) and G.S. 163-230(2) b. and c. If the voter's application for absentee~~
9 ~~ballots is approved by the board at that meeting, the application form and container return~~
10 ~~envelope, with the ballots enclosed, shall be handled in the same manner and under the~~
11 ~~same provisions of law as applications and container return envelopes received by the~~
12 ~~board under other provisions of this Article. If the voter's application for absentee ballots~~
13 ~~is disapproved by the board, the board shall so notify the voter stating the reason for~~
14 ~~disapproval by first-class mail addressed to the voter at his~~that voter's residence address
15 ~~or~~and at the address shown in the application for absentee ballots; and the board
16 ~~chairman shall retain the container return envelope in its unopened condition until the~~
17 ~~day of the primary or election to which it relates and on that day he shall destroy the~~
18 ~~container return envelope and the ballots therein, without, however, revealing the manner~~
19 ~~in which the voter marked the ballots.~~enter a challenge under G.S. 163-89.

20 (e) The voter shall vote ~~his~~that voter's absentee ballot in a voting booth in the
21 office of the county board of elections, and the county board of elections shall provide a
22 voting booth for that purpose, provided however, that the county board of elections may
23 in the alternative provide a private room for the voter adjacent to the office of the board,
24 in which case the voter shall vote ~~his~~that voter's absentee ballot in that room. ~~The voting~~
25 ~~booth shall be in the office of the county board of elections.~~ If the voter needs assistance
26 in getting to and from the voting booth and in preparing and marking ~~his~~that voter's
27 ballots or if ~~he~~the voter is a blind voter, only a member of the county board of elections,
28 the director of elections, an employee of the board of elections authorized by the board, a
29 near relative of the voter ~~as defined in G.S. 163-227(e)(4)~~, or the voter's verifiable legal
30 guardian shall be entitled to assist the voter.

31 (e1) If a county uses a voting system with retrievable ballots, that county's board of
32 elections may by resolution elect to conduct one-stop absentee voting according to the
33 provisions of this subsection. In a county in which the board has opted to do so, a one-
34 stop voter shall cast the ballot and then shall deposit the ballot in the ballot box or voting
35 system in the same manner as if such box or system was in use in a precinct on election
36 day. At the end of each business day, or at any time when there will be no employee or
37 officer of the board of elections on the premises, the ballot box or system shall be secured
38 in accordance with a plan approved by the State Board of Elections, which shall include
39 that no additional ballots have been placed in the box or system. Any county board
40 desiring to conduct one-stop voting according to this subsection shall submit a plan for
41 doing so to the State Board of Elections. The State Board shall adopt standards for
42 conducting one-stop voting under this subsection and shall approve any county plan that
43 adheres to its standards. The county board shall adhere to its State Board-approved plan.

1 The plan shall provide that each one-stop ballot shall have a ballot number on it in
2 accordance with G.S. ~~163-230(3)a.~~, 163-230.1(a2), or shall have an equivalent identifier
3 to allow for retrievability. The standards shall address retrievability in one-stop voting on
4 direct record electronic equipment where no paper ballot is used.

5 (f) Notwithstanding the exception specified in G.S. 163-36, counties which
6 operate a modified full-time office shall remain open five days each week during regular
7 business hours consistent with daily hours presently observed by the county board of
8 elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing until
9 5:00 ~~P.M.~~ p.m. on the Friday prior to that election or primary. The boards of county
10 commissioners shall provide necessary funds for the additional operation of the office
11 during ~~such~~ that time.

12 (f1) Notwithstanding any other provision of this section, a county board of
13 elections by unanimous vote of the members present may provide for one or more sites in
14 that county for absentee ballots to be applied for and cast under this section. Any site
15 other than the county board of elections office shall be in any building or part of a
16 building that the county board of elections is entitled under G.S. 163-129 to demand and
17 use as a voting place. Those sites must be approved by the State Board of Elections as
18 part of a Plan for Implementation approved by both the county board of elections and by
19 the State Board of Elections which shall also provide adequate security of the ballots and
20 provisions to avoid allowing persons to vote who have already voted."

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

22 "**§ 163-228. Register of absentee ~~ballot applications~~ requests, applications, and**
23 **ballots issued; a public record.**

24 The State Board of Elections shall ~~design~~ approve an official register and ~~provide a~~
25 ~~source of supply thereof from in~~ which the chairman of the county board of elections in
26 each county of the State shall purchase a book to be called the register of absentee ballot
27 applications and ballots issued in which shall be recorded record the following
28 information:

29 (1) Name of voter for whom application and ballots are being requested,
30 and, if applicable, the name and address of the voter's near relative or
31 verifiable legal guardian who requested the application and ballots for
32 the voter.

33 (2) Number of assigned voter's application when issued.

34 (3) Precinct in which applicant is registered.

35 (4) Address to which ballots are to be mailed, or, if the voter voted pursuant
36 to G.S. 163-227.2, a notation of that fact.

37 (5) Reason assigned for requesting absentee ballots.

38 (6) Date request for application for ballots is received by the county board
39 of elections.

40 (7) The voter's party affiliation.

41 (8) The date the ballots were mailed or delivered to the voter.

42 (9) ~~whatever~~ Whatever additional information and official action may be
43 required by this Article.

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

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

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

10 **"§ 163-229. Absentee ballots, applications on container-return envelopes, and**
11 **instruction sheets.**

12 (a) Absentee Ballot Form. – In accordance with the provisions of G.S. ~~163-230(3),~~
13 163-230.1, persons entitled to vote by absentee ballot shall be furnished with ~~regular~~
14 ~~official ballots. Separate or distinctly marked absentee ballots shall not be used.~~

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

27 (1) ~~On one side shall be printed an identified space in which shall be~~
28 ~~inserted the application number of the voter and the following statement~~
29 ~~which shall be certified by one member of the county board of elections:~~
30

31 "Certification of Election Official

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

37(Seal)Ch

38 ~~airman Member"~~

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

41 "Certificate of Absentee or Sick Voter
42 State of

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

- 5 ~~I will be absent from the county in which I reside.~~
- 6 ~~Due to sickness or physical disability, or incarceration as a~~
- 7 ~~misdemeanant, I will be unable to travel to the voting place in the~~
- 8 ~~precinct in which I reside.~~
- 9 ~~Due to the observance of a religious holiday pursuant to the~~
- 10 ~~tenets of my religion, I will be unable to cast a ballot at the~~
- 11 ~~polling place on the day of the election.~~

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

17
18 —(Signature of voter)

19
20 Signature of Witness #1 _____

Signature of Witness #2 _____

21 _____ Address of Witness #1 Address of Witness #2".

22 (c) Instruction Sheets. – In time for use not later than 50 days before a
23 statewide primary, general or county bond election, the county board of elections shall
24 prepare and print a sufficient number of sheets of instructions on how voters are to
25 prepare absentee ballots and return them to the ~~chairman of the~~ county board of
26 elections."Section 9. G.S. 163-230 is repealed.

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

28 **"§ 163-230.1. Simultaneous issuance of absentee ballots with application.**

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

- 38 (1) The official ballots the voter is entitled to ~~vote if his application is~~
39 ~~approved; vote;~~
- 40 (2) A container-return envelope for the ballots, ~~upon the outside of which~~
41 ~~shall be printed the appropriate application form as provided in G.S.~~
42 ~~163-227; printed in accordance with G.S. 163-229; and~~

1 ~~(3) A large envelope (similar to a No. 14 or larger manila envelope) in~~
2 ~~which the container-return envelope with the ballots may be returned~~
3 ~~and on which the affidavit provided by G.S. 163-229(b) shall be printed;~~
4 ~~and~~

5 (4) An instruction sheet.

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

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

12 ~~DO NOT PLACE THE ENVELOPE CONTAINING YOUR BALLOTS INTO THIS~~
13 ~~ENVELOPE UNTIL YOU HAVE COMPLETED THE APPLICATION ON THE~~
14 ~~ENVELOPE CONTAINING YOUR BALLOTS AND SECURED THE SIGNATURE~~
15 ~~OF A WITNESS.~~

16 (a1) Absence for Sickness or Physical Disability. – Notwithstanding the provisions
17 of subsection (a) of this section, if a voter expects to be unable to go to the voting place to
18 vote in person on election day because of that voter's sickness or other physical disability,
19 that voter or that voter's near relative or verifiable legal guardian may make written
20 request in person for absentee ballots to the board of elections of the county in which the
21 voter is registered after 5:00 p.m. on the Tuesday before the election but not later than
22 5:00 p.m. on the day before the election. The county board of elections shall enter in the
23 register of absentee requests, applications, and ballots issued the information required in
24 G.S. 163-228 as soon as each item of that information becomes available. The county
25 board of elections shall personally deliver to the requester in a single package:

26 (1) The official ballots the voter is entitled to vote;

27 (2) A container-return envelope for the ballots, printed in accordance with
28 G.S. 163-229; and

29 (3) An instruction sheet.

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

34 (1) On the top margin of each ballot the applicant is entitled to vote, the
35 chair, a member, officer, or employee of the board of elections shall
36 write or type the words 'Absentee Ballot No.' or an abbreviation
37 approved by the State Board of Elections and insert in the blank space
38 the number assigned the applicant's application in the register of
39 absentee requests, applications, and ballots issued. That person shall not
40 write, type, or print any other matter upon the ballots transmitted to the
41 absentee voter. Alternatively, the board of elections may cause to be
42 barcoded on the ballot the voter's application number, if that barcoding
43 system is approved by the State Board of Elections.

1 (2) The chair, member, officer, or employee of the board of elections shall
2 fold and place the ballots (identified in accordance with the preceding
3 instruction) in a container-return envelope and write or type in the
4 appropriate blanks thereon, in accordance with the terms of G.S. 163-
5 229(b), the absentee voter's name, the absentee voter's application
6 number, and the designation of the precinct in which the voter is
7 registered. If the ballot is barcoded under this section, the envelope may
8 be barcoded rather than having the actual number appear. The person
9 placing the ballots in the envelopes shall leave the container-return
10 envelope holding the ballots unsealed.

11 (3) The chair, member, officer, or employee of the board of elections shall
12 then place the unsealed container-return envelope holding the ballots
13 together with printed instructions for voting and returning the ballots, in
14 an envelope addressed to the voter at the post office address stated in the
15 request, seal the envelope, and mail it at the expense of the county board
16 of elections: Provided, that in case of a request received after 5:00 p.m.
17 on the Tuesday before the election under the provisions of subsection
18 (a1) of this section, in lieu of transmitting the ballots to the voter in
19 person or by mail, the chair, member, officer, or employee of the board
20 of elections may deliver the sealed envelope containing the instruction
21 sheet and the container-return envelope holding the ballots to a near
22 relative or verifiable legal guardian of the voter.

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

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

33 (c) At its next official meeting after return of the completed container-return
34 envelope ~~and large envelope~~ with the voter's ballots, the county board of elections shall
35 determine whether the container-return envelope ~~and large envelope~~ have ~~has~~ been
36 properly executed. If the board determines that ~~both~~ the container-return envelope ~~and~~
37 large envelope ~~have~~ has been properly executed, it shall approve the application and
38 deposit the container-return envelope with other container-return envelopes for the
39 envelope to be opened and the ballots counted at the same time as all other container-
40 return envelopes and absentee ballots.

41 (c1) Required Meeting of County Board of Elections. – During the period
42 commencing on the third Tuesday before an election, in which absentee ballots are
43 authorized, the county board of elections shall hold one or more public meetings each

1 Tuesday at 5:00 p.m. for the purpose of action on applications for absentee ballots. At
2 these meetings, the county board of elections shall pass upon applications for absentee
3 ballots.

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

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

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

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

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

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

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

28 **"§ 163-231. Voting absentee ballots and transmitting them to ~~chairman of the~~**
29 **county board of elections.**

30 (a) Procedure for Voting Absentee Ballots. – In the presence of two other persons
31 who are at least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4) or
32 G.S. 163-237(b1), the voter shall:

33 (1) Mark ~~his~~ the voter's ballots, or cause them to be marked by one of such
34 persons in ~~his~~ the voter's presence according to ~~his~~ the voter's
35 instruction;

36 (2) Fold each ballot separately, or cause each of them to be folded in ~~his~~ the
37 voter's presence;

38 (3) Place the folded ballots in the container-return envelope and securely
39 seal it, or have this done in ~~his~~ the voter's presence;

40 (4) Make the application printed on the container-return envelope according
41 to the provisions of G.S. 163-229(b) and make the certificate printed on
42 the container-return envelope according to the provisions of G.S. 163-
43 229(b).

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

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

10 (b) Transmitting Executed Absentee Ballots to ~~Chairman of County Board of~~
 11 Elections. – The sealed container-return envelope in which executed absentee ballots
 12 have been placed shall be transmitted to the ~~chairman of the county board of elections~~
 13 who issued them as follows: All ballots issued under the provisions of Articles 20 and 21
 14 of this Chapter shall be transmitted by ~~mail, mail or by commercial courier service,~~ at the
 15 voter's expense, or delivered in person, or by the voter's ~~spouse, brother, sister, parent,~~
 16 ~~grandparent, child or grandchild~~ near relative or verifiable legal guardian not later than
 17 5:00 P.M. ~~p.m.~~ on the day before the statewide primary or general election or county
 18 bond election. If such ballots are received later than that hour, they shall not be accepted
 19 for ~~voting, unless federal law so requires.~~"

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

21 "**§ 163-232. Certified list of executed absentee ballots; distribution of list.**

22 The ~~chairman of the county board of elections~~ shall prepare, or cause to be prepared, a
 23 list in at least quadruplicate, of all absentee ballots returned to the county board of
 24 elections to be counted, which have been approved by the county board of ~~elections.~~
 25 elections, and which have been received as of 5:00 p.m. on the day before the election.

26 At the end of the list, the chairman shall execute the following certificate under oath:

27 'State of North Carolina

28 County of

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

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

43

(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. 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 the chief judge of each precinct in the county. The ~~chairman~~ county board of elections shall be authorized to call upon the sheriff of the county to distribute the list to the precincts. In addition the ~~chairman~~ 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.

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

After receipt of the list of absentee voters required by this section the chief judge 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~~ record, or a similar entry on the computer list used at the polls. If such person is already recorded as having voted in that election, the chief judge shall enter a challenge which shall be presented to the ~~chairman of the~~ county board of elections for resolution by the board of elections prior to certification of results by the board.

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

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

"§ 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."

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

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

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

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

8 (2) The county board of elections shall meet at 5:00 ~~P.M.~~ p.m. on election
9 day in the board office or other public location in the county courthouse
10 for the purpose of counting all absentee ballots except those which have
11 been challenged before 5:00 ~~P.M.~~ p.m. on election day. Any elector of
12 the county shall be permitted to attend the meeting and allowed to
13 observe the counting process, provided ~~he~~ the elector shall not in any
14 manner interfere with the election officials in the discharge of their
15 duties.

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

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

42 (4) The county board of elections may employ such assistants as deemed
43 necessary to count the absentee ballots, but each board member present

1 shall be responsible for and observe and supervise the opening and
2 tallying of the ballots.

- 3 (5) As each ballot envelope is opened, the board shall cause to be entered
4 into a pollbook designated 'Pollbook of Absentee Voters' the name of
5 the absentee ~~voter.~~ voter, or if the pollbook is computer-generated, the
6 board shall check off the name. Preserving secrecy, the ballots shall be
7 placed in the appropriate ballot boxes, at least one of which shall be
8 provided for each type of ballot. The 'Pollbook of Absentee Voters'
9 shall also contain the names of all persons who voted under G.S. 163-
10 227.2, but those names may be printed by computer for inclusion in the
11 pollbook.

12 After all ballots have been placed in the boxes, the counting process
13 shall begin.

14 If one-stop ballots under G.S. 163-227.2 are counted electronically,
15 that count shall commence at the time the polls close. If one-stop
16 ballots are paper ballots counted manually, that count shall commence at
17 the same time as other absentee ballots are counted.

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

21 As soon as the absentee ballots have been counted and the names of
22 the absentee voters entered in the pollbook as required herein, the board
23 members and assistants employed to count the absentee ballots shall
24 each sign the pollbook immediately beneath the last absentee voter's
25 name entered therein. ~~The chairman~~ county board of elections shall be
26 responsible for the safekeeping of the pollbook of absentee voters.

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

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

- 38 (8) In the event a political party does not have a member of the county
39 board of elections present at the ~~5:00 P.M.~~ meeting to count absentee
40 ballots due to illness or other cause of the member, the counting shall
41 not commence until the county party chairman of said absent member,
42 or a member of the party's county executive committee, is in attendance.

1 Such person shall act as an official witness to the counting and shall
2 sign the absentee ballot abstract as an 'observer.'

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

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

7 "**§ 163-236. Violations by ~~chairman of county board of elections.~~**

8 The ~~chairman of the~~ county board of elections shall be sole custodian of blank
9 applications for absentee ballots, official ballots, and container-return envelopes for
10 absentee ballots. ~~He~~ The board shall issue and deliver blank applications for absentee
11 ballots in strict accordance with the provisions of G.S. ~~163-227(e)~~ 163-230.1. The
12 issuance of ballots to persons whose ~~applications~~ requests for absentee ballots have been
13 ~~approved~~ received by the county board of elections under the provisions of G.S. ~~163-~~
14 ~~230(3)~~ 163-230.1 is the responsibility and duty of the ~~chairman of the~~ county board of
15 elections.

16 It shall be the duty of the ~~chairman of the~~ county board of elections to keep current all
17 records required ~~of him~~ by this Article and to make promptly all reports required ~~of him~~
18 by this Article. If that duty has been assigned to the chair, member, officer, or employee
19 of the board of elections, that person shall carry out the duty.

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

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

- 22 "(2) If the Postal Service has returned as undeliverable a notice sent within
23 25 days before the election to the applicant under subsection (c) of this
24 section, then the applicant may vote only in person in that first election
25 and may not vote by ~~mailed~~ absentee ballot ~~ballot~~ except in person
26 under G.S. 163-227.2. The county board of elections shall establish a
27 procedure at the voting site for:

- 28 a. Obtaining the correct address of any person described in this
29 subdivision who appears to vote in person; and
30 b. Assuring that the person votes in the proper place and in the
31 proper contests.

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

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

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

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

1 "(4) The affidavit executed by the voter shall be retained by the county board
2 of elections for a period of six months. In those precincts using voting
3 machines, the county board of elections shall furnish paper ballots of
4 each kind for use by persons authorized to vote outside the voting place
5 by this section. In any precinct using direct record electronic voting
6 equipment, the county board of elections, with the approval of the State
7 Board of Elections, may provide for all such paper ballots to be
8 transported upon closing of the polls to the office of the county board of
9 elections for counting. Those ballots may be transported only by the
10 chief judge, judge, or assistant. Upon receipt by the county board of
11 elections, those ballots shall be counted and canvassed in the same
12 manner as one-stop ballots cast under G.S. 163-227.2, except that rather
13 than the count commencing when the polls close under G.S. 163-234(5)
14 as provided for one-stop ballots, the count shall commence when the
15 board has received from each precinct either that precinct's ballots or
16 notification that no such ballots were cast.

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

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

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

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

24 "**§ 163-257. Facsimile and electronic mail transmission of election materials.**

25 An applicant entitled to exercise the rights conferred by this Article may apply for
26 registration and an absentee ballot by facsimile or electronic mail if otherwise qualified to
27 apply for and vote by absentee ballot. A county board of elections may send and receive
28 absentee ballot applications and accept voted ballots by facsimile or electronic mail from
29 eligible electors as defined in G.S. 163-245."

30 Section 21. G.S. 163-274(5a) is repealed.

31 Section 22. G.S. 163-237 is amended by adding a new subsection to read:

32 "**(b1) Candidate Witnessing Absentee Ballots of Nonrelative Made Class 2**
33 **Misdemeanor. – A person is guilty of a Class 2 misdemeanor if that person acts as a**
34 **witness under G.S. 163-231(a) or G.S. 163-250(a) in any primary or election in which the**
35 **person is a candidate for nomination or election, unless the voter is the candidate's near**
36 **relative as defined in G.S. 163-230.1(f)."**

37 Section 23. Article 3 of Chapter 163 of the General Statutes is amended by
38 adding a new section to read:

39 "**§ 163-27.1. Emergency powers.**

40 The chief election official may exercise emergency powers over any election being
41 held in a district in which either a natural disaster or extremely inclement weather has
42 occurred. The chief election official may also exercise emergency powers during an
43 armed conflict involving United States armed forces, or mobilization of those forces,

1 including State national guard and reserve components, or if an election contest court
2 finds that there were errors in the conduct of an election making it impossible to
3 determine the result. The chief election official shall adopt rules describing the
4 emergency powers and the situations in which the powers will be exercised."

5 Section 24. This act applies to elections held on or after January 1, 2000,
6 except that the State Board of Elections may issue rules required or permitted by this act
7 prior to that date.