

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 4

Short Title: Amend One-Stop Voting Days.

(Public)

Sponsors: Representatives Setzer; Current and Steen.

Referred to: Rules, Calendar, and Operations of the House.

January 25, 2007

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE ONE-STOP VOTING ON THE SATURDAY BEFORE
THE ELECTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-227.2 reads as rewritten:

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

(a) Any voter eligible to vote by absentee ballot under G.S. 163-226 may request an application for absentee ballots, complete the application, and vote under the provisions of this section.

(a1) Repealed by Session Laws 2001-337, s. 2, effective January 1, 2002.

(b) Not earlier than the third Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than ~~4:00~~5:00 P.M. on the last ~~Saturday~~Friday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in subsection (g) of this section. ~~A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday.~~ That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163-227. The

1 voter shall complete the application in the presence of the authorized member or
2 employee of the board, and shall deliver the application to that person.

3 (c) If the application is properly filled out, the authorized member or employee
4 shall enter the voter's name in the register of absentee requests, applications, and ballots
5 issued and shall furnish the voter with the ballots to which the application for absentee
6 ballots applies. The voter thereupon shall vote in accordance with subsection (e) of this
7 section.

8 All actions required by this subsection shall be performed in the office of the board
9 of elections, except that the voting may take place in an adjacent room as provided by
10 subsection (e) of this section. The application under this subsection shall be signed in
11 the presence of the chair, member, director of elections of the board, or full-time
12 employee, authorized by the board who shall sign the application and certificate as the
13 witness and indicate the official title held by him or her. Notwithstanding
14 G.S. 163-231(a), in the case of this subsection, only one witness shall be required on the
15 certificate.

16 (d) Only the chairman, member, employee, or director of elections of the board
17 shall keep the voter's application for absentee ballots in a safe place, separate and apart
18 from other applications and container-return envelopes. If the voter's application for
19 absentee ballots is disapproved by the board, the board shall so notify the voter stating
20 the reason for disapproval by first-class mail addressed to the voter at that voter's
21 residence address and at the address shown in the application for absentee ballots; and
22 the board shall enter a challenge under G.S. 163-89.

23 (e) The voter shall vote that voter's absentee ballot in a voting booth in the office
24 of the county board of elections, and the county board of elections shall provide a voting
25 booth for that purpose, provided however, that the county board of elections may in the
26 alternative provide a private room for the voter adjacent to the office of the board, in
27 which case the voter shall vote that voter's absentee ballot in that room. A voter at a
28 one-stop site shall be entitled to the same assistance as a voter at a voting place on
29 election day under G.S. 163-166.8. The State Board of Elections shall, where
30 appropriate, adapt the rules it adopts under G.S. 163-166.8 to one-stop voting.

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

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

4 (e2) A voter who has moved within the county more than 30 days before election
5 day but has not reported the move to the board of elections shall not be required on that
6 account to vote a provisional ballot at the one-stop site, as long as the one-stop site has
7 available all the information necessary to determine whether a voter is registered to vote
8 in the county and which ballot the voter is eligible to vote based on the voter's proper
9 residence address. The voter with that kind of unreported move shall be allowed to vote
10 the same kind of absentee ballot as other one-stop voters.

11 (f) Notwithstanding the exception specified in G.S. 163-36, counties which
12 operate a modified full-time office shall remain open five days each week during
13 regular business hours consistent with daily hours presently observed by the county
14 board of elections, commencing with the date prescribed in G.S. 163-227.2(b) and
15 continuing until 5:00 P.M. on the Friday prior to that election ~~and shall also be open on~~
16 ~~the last Saturday before the election.~~ A county board may conduct one-stop absentee
17 voting during evenings or on weekends, as long as the hours are part of a plan submitted
18 and approved according to subsection (g) of this section. The boards of county
19 commissioners shall provide necessary funds for the additional operation of the office
20 during that time.

21 (g) Notwithstanding any other provision of this section, a county board of
22 elections by unanimous vote of all its members may provide for one or more sites in that
23 county for absentee ballots to be applied for and cast under this section. Any site other
24 than the county board of elections office shall be in any building or part of a building
25 that the county board of elections is entitled under G.S. 163-129 to demand and use as a
26 voting place. Every individual staffing any of those sites shall be a member or full-time
27 employee of the county board of elections or an employee of the county board of
28 elections whom the board has given training equivalent to that given a full-time
29 employee. Those sites must be approved by the State Board of Elections as part of a
30 Plan for Implementation approved by both the county board of elections and by the
31 State Board of Elections which shall also provide adequate security of the ballots and
32 provisions to avoid allowing persons to vote who have already voted. The Plan for
33 Implementation shall include a provision for the presence of political party observers at
34 each one-stop site equivalent to the provisions in G.S. 163-45 for party observers at
35 voting places on election day. A county board of elections may propose in its Plan not
36 to offer one-stop voting at the county board of elections office; the State Board may
37 approve that proposal in a Plan only if the Plan includes at least one site reasonably
38 proximate to the county board of elections office and the State Board finds that the sites
39 in the Plan as a whole provide adequate coverage of the county's electorate. If a county
40 board of elections has considered a proposed Plan or Plans for Implementation and has
41 been unable to reach unanimity in favor of a Plan, a member or members of that county
42 board of elections may petition the State Board of Elections to adopt a plan for it. If
43 petitioned, the State Board may also receive and consider alternative petitions from
44 another member or members of that county board. The State Board of Elections may

1 adopt a Plan for that county. The State Board, in that plan, shall take into consideration
2 factors including geographic, demographic, and partisan interests of that county.

3 (h) Notwithstanding the provisions of G.S. 163-89(a) and (b), a challenge may be
4 entered against a voter at a one-stop site under subsection (g) of this section or during
5 one-stop voting at the county board office. The challenge may be entered by a person
6 conducting one-stop voting under this section or by another registered voter who resides
7 in the same precinct as the voter being challenged. If challenged at the place where
8 one-stop voting occurs, the voter shall be allowed to cast a ballot in the same way as
9 other voters. The challenge shall be made on forms prescribed by the State Board of
10 Elections. The challenge shall be heard by the county board of elections in accordance
11 with the procedures set forth in G.S. 163-89(e).

12 (i) At any site where one-stop absentee voting is conducted, there shall be a
13 curtained or otherwise private area where the voter may mark the ballot unobserved."

14 **SECTION 2.** This act becomes effective January 1, 2008.