

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 921

Short Title: Faxing Military/Overseas Ballots.

(Public)

Sponsors: Senator Gunter.

Referred to: Constitution and Election Laws.

April 20, 1993

A BILL TO BE ENTITLED

AN ACT TO ALLOW FAXING OF ABSENTEE BALLOTS FROM MILITARY
VOTERS AND PERSONS OUTSIDE THE UNITED STATES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-247(1) reads as rewritten:

"(1) Federal Postcard Application Form. – At any time prior to the statewide primary or general election in which he seeks to vote, the applicant may make and sign a written application to the County Board of Election[s] in County of Voter's Residence for absentee ballots on the postcard form specified in or promulgated by regulation under ~~42 U.S.C. 1973ee-14.~~ 42 U.S.C. § 1973ff."

Sec. 2. Article 21 of Chapter 163 of the General Statutes is amended by adding a new section to read:

§ 163-251. Electronic facsimile absentee voting.

(a) A Federal Postcard Application Form may be sent to a county board of elections under this Article by fax.

(b) A ballot under this Article may be returned to the appropriate county board of elections by fax if:

(1) Both sides of the container return envelope, with the voter's certificate properly executed, are also transmitted by fax; and

(2) A statement signed by the voter, which states 'I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot' is also transmitted by fax.

1 (c) Any documents allowed to be faxed to a county board of elections may also
2 be faxed to a federal officer under the Federal Voting Assistance Program for mailing or
3 retransmitting to the county board of elections, but such document must be received by
4 the county board of elections by the date required by law in order to be valid.

5 (d) As used in this section, a 'fax' is an electronic transmission of a facsimile.

6 (e) The State Board of Elections shall issue rules to implement this section."

7 Sec. 3. Chapter 163 of the General Statutes is amended by adding a new
8 Article to read:

9 **"ARTICLE 21A.**

10 **"FAXING OF OVERSEAS ELECTION MATERIALS.**

11 **"§ 163-258. Electronic facsimile absentee voting.**

12 (a) A Federal Postcard Application Form may be sent by an overseas voter as
13 defined by the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §
14 1973ff et seq. to a county board of elections by fax.

15 (b) A ballot for federal office sent by an overseas voter as defined by the
16 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff et seq. may
17 be returned to the appropriate county board of elections by fax if:

18 (1) Any certification by the voter required by the State Board of Elections
19 in its regulations implementing the Uniformed and Overseas Citizens
20 Absentee Voting Act, 42 U.S.C. § 1973ff et seq. is also transmitted by
21 fax; and

22 (2) A statement signed by the voter, which states 'I understand that by
23 faxing my voted ballot I am voluntarily waiving my right to a secret
24 ballot' is also transmitted by fax.

25 (c) Any documents allowed to be sent by fax to a county board of elections may
26 also be faxed to a federal officer under the Federal Voting Assistance Program for
27 mailing or retransmitting to the county board of elections, but such document must be
28 received by the county board of elections by the date required by law in order to be
29 valid.

30 (d) As used in this section, a 'fax' is an electronic transmission of a facsimile.

31 (e) This section only applies to persons not registered to vote in North Carolina,
32 who are voting a ballot for federal office only as permitted by the Uniformed and
33 Overseas Citizens Absentee Voting Act.

34 (f) The State Board of Elections shall issue rules to implement this section."

35 Sec. 4. This act becomes effective with respect to elections held on or after
36 July 1, 1994.