

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**HOUSE BILL 1102
Senate Judiciary I Committee Substitute Adopted 6/14/05**

Short Title: Early Prep for One-Stop Count.

(Public)

Sponsors:

Referred to:

April 4, 2005

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE COUNTY BOARDS OF ELECTIONS TO COUNT
3 ONE-STOP BALLOTS AT THE SAME TIME AS OTHER ABSENTEE
4 BALLOTS AND TO ALLOW THOSE BOARDS TO TAKE PREPARATORY
5 STEPS FOR COUNTING ONE-STOP AND OTHER ABSENTEE VOTES
6 EARLIER THAN TWO O'CLOCK P.M.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 163-234(2) reads as rewritten:

9 "(2) The county board of elections shall meet at 5:00 p.m. on election day
10 in the board office or other public location in the county courthouse for
11 the purpose of counting all absentee ballots except those which have
12 been challenged before 5:00 p.m. on election day. Any elector of the
13 county shall be permitted to attend the meeting and allowed to observe
14 the counting process, provided the elector shall not in any manner
15 interfere with the election officials in the discharge of their 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. and 5:00 p.m.
18 upon the adoption of a resolution at least two weeks prior to the
19 election wherein the hour and place of counting absentee ballots shall
20 be stated. A copy of the resolutions shall be published once a week for
21 two weeks prior to the election, in a newspaper having general
22 circulation in the county. Notice may additionally be made on a radio
23 or 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, except that if the
27 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~~

1 electronically shall not be counted until the polls close; provided,
2 however, that if there are outstack ballots in the counting device, they
3 may be counted at the same time as other ballots are counted under this
4 subdivision. The county board of elections may begin putting them in
5 the tabulator at the same time as other ballots are counted under this
6 subdivision if the system for counting one stop ballots requires them to
7 be put in a tabulator but the process has the voter place them in a ballot
8 box. Nothing in this section shall prohibit a county board of
9 elections from taking preparatory steps for the count earlier than the
10 times specified in this section, as long as the preparatory steps do not
11 reveal to any individual not engaged in the actual count election results
12 before the times specified in this subdivision for the count to begin. By
13 way of illustration and not limitation, a preparatory step for the count
14 would be the entry of tally cards from direct record electronic voting
15 units into a computer for processing. The board shall not announce the
16 result of the count before 7:30 p.m."

17 **SECTION 2.** This act is effective when it becomes law and applies to all
18 elections held on or after that date.