

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 345

Short Title: Absentee Ballot Amendments.

(Public)

Sponsors: Representatives Dawkins; Beall, N. Crawford, Bowman, and Justus.

Referred to: Judiciary.

February 23, 1989

A BILL TO BE ENTITLED

AN ACT TO CONSOLIDATE INTO ONE FORM ALL ABSENTEE BALLOT APPLICATION FORMS AND TO MAKE OTHER CHANGES IN THE LAW AFFECTING ABSENTEE BALLOTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-227 reads as rewritten:

"§ 163-227. State Board to prescribe forms of applications form of application for absentee ballots; county to secure.

(a) Applications for Absentee Ballots Generally. – A voter falling in any one of the categories defined in G.S. 163-226, 163-226.1 or 163-226.2 may apply for absentee ballots not earlier than 60 days prior to the statewide, county or municipal election in which he seeks to vote and not later than 5:00 P.M. on the Tuesday before that election. Subject to all other provisions contained in this Article, a voter applying for an absentee ballot shall complete the appropriate application—standard application form to be secured by the county board of elections, ~~lettered A, B, C, or OS,~~ as designed and prescribed by the State Board of Elections. and—The form shall contain lines to be checked off by each of the kinds of voters specified below:

(1) ~~Application A shall be completed by a—A~~ voter expecting to be absent from the county of his residence all day on the day of the specified election. (G.S. 163-226(a)(1)).

(2) ~~Application B shall be completed by a—A~~ voter who is unable to be present at the voting place to vote in person on the day of the specified election because of his sickness or other physical disability occurring before 5:00 P.M. on the Tuesday prior to the date of the specified

1 election. (G.S. 163-226(a)(2)). ~~Application B shall be printed on the~~
2 ~~reverse side of Application A.~~

3 (3) ~~Application C shall be completed by a~~ A voter who is unable to be
4 present at the voting place to vote in person on the day of the specified
5 election because of his sickness or other physical disability occurring
6 since 5:00 P.M. on the Tuesday prior to the date of the specified
7 election. (G.S. 163-226(a)(2)).

8 (4) ~~Application OS shall be completed by a~~ A voter expecting to be absent
9 from the county, or due to emergency disability will be unable to vote
10 in person, or a person who qualifies under G.S. 163-226(a)(4), and
11 who, in lieu of making application by mail, wishes to apply in person
12 and receive a ballot which he may immediately vote in the office of the
13 county board of elections.

14 (b) ~~Forms~~ Types of Applications; Instructions. –

15 (1) ~~Expected Absence from County on Election Day; Form A.~~ – A voter
16 expected to be absent from the county in which registered during the
17 entire period that the polls will be open on primary or general election
18 day, or a near relative, shall make written application for absentee
19 ballots to the chairman of the board of elections of the county in which
20 the voter is registered not earlier than 60 days nor later than 5:00 P.M.
21 on the Tuesday before the election. The application shall be submitted
22 in the form set out in this subdivision upon a copy which shall be
23 furnished the voter or a near relative by the chairman of the county
24 board of elections.

25 The applicant shall sign his application personally, or it shall be
26 signed by a near relative. The application shall be signed in the
27 presence of a witness, who shall sign his name in the place provided
28 on the form. The application form when properly filled out shall be
29 transmitted by mail or delivered in person by the applicant or a near
30 relative to the chairman or the supervisor of elections of the county
31 board of elections.

32 (2) ~~Absence for Sickness or Physical Disability Occurring before 5:00~~
33 ~~P.M. on the Tuesday prior to the Primary or General Election; Form B.~~
34 – A voter expecting to be unable to go to the voting place to vote in
35 person on primary or general election day because of his sickness or
36 other physical disability, or his near relative, shall make written
37 application for absentee ballots to the chairman of the board of
38 elections of the county in which the voter is registered not earlier than
39 60 days nor later than 5:00 P.M. on the Tuesday before the election.
40 The application shall be submitted in the form set out in this
41 subdivision upon a copy which shall be furnished the voter or a near
42 relative by the chairman of the county board of elections.

43 The application shall be signed by the voter personally, or it shall
44 be signed by a near relative. The application shall be signed in the

1 presence of a witness, who shall sign his name in the place provided
2 on the form.

3 The application form, when properly filled out, shall be transmitted
4 by mail or delivered in person by the applicant or a near relative to the
5 chairman or supervisor of elections of the county board of elections of
6 the county in which the applicant is registered.

- 7 (3) Absence for Sickness or Physical Disability Occurring after 5:00 P.M.
8 on the Tuesday prior to Primary or General Election; ~~Form C.~~ – A voter
9 expecting to be unable to go to the voting place to vote in person on
10 primary or general election day because of sickness or other disability
11 occurring after 5:00 P.M. on the Tuesday before the election, or a near
12 relative, shall make written application for absentee ballots to the
13 chairman of the board of elections of the county in which he is
14 registered not later than 12:00 noon on the day preceding the election.
15 The application shall be submitted in the form set out in this
16 subdivision upon a copy which shall be furnished the voter or a near
17 relative by the chairman of the county board of elections.

18 The chairman of the county board of elections shall not issue or
19 accept an application under the provisions of this subdivision later than
20 12:00 noon on the day preceding the election in which the voter seeks
21 to vote.

22 The application shall be signed by the voter personally, or it shall
23 be signed by a near relative. The application shall be signed in the
24 presence of a witness who shall sign his name in the place provided on
25 the form.

26 The certificate printed on the application form below the signatures
27 of the applicant and his subscribing witness shall be filled in and
28 signed in the presence of a witness by a licensed physician who is
29 attending the applicant. The witness to the physician's certificate shall
30 sign his name in the place provided on the form.

31 The application form, when properly filled out, signed by or for the
32 applicant in the presence of a subscribing witness as provided in this
33 subdivision, and certified and signed by the attending physician in the
34 presence of a subscribing witness, may be transmitted by mail to the
35 chairman or supervisor of elections of the board of elections of the
36 county in which the applicant is registered, or it may be delivered to
37 the chairman or supervisor of elections in person by the applicant or by
38 his near relative.

- 39 (4) 'One-Stop' Voting Procedure, in Office of the County Board of
40 Elections; ~~Form OS.~~ – A voter falling in the category specified in G.S.
41 163-227.2 may execute ~~Form OS~~ an application form and proceed to
42 vote his absentee ballot in the office of the county board of elections
43 only.

1 (c) Application Forms Issued by Chairman of County Board of Elections. – The
2 chairman of the county board of elections shall be sole custodian of all absentee ballot
3 application forms, but he, the secretary of the board and the supervisor of elections of
4 the board, in accordance with one of the following two procedures, shall issue and
5 deliver a single application form, upon request, to a person authorized to sign such an
6 application under the provisions of this section:

7 (1) The chairman, secretary or supervisor of elections may deliver the
8 form to a voter personally or to his near relative at the office of the
9 county board of elections for the voter's own use; or

10 (2) The chairman, secretary or supervisor of elections may mail the form
11 to a voter for his own use upon receipt of a written request from the
12 voter or his near relative.

13 At the time he issues an application form, the chairman, secretary
14 or supervisor of elections of the county board of elections shall number
15 it and write the name of the voter in the space provided therefor at the
16 top of the form. At the same time the chairman, secretary or supervisor
17 of elections shall insert the name of the voter and the number assigned
18 his application in the register of absentee ballot applications and
19 ballots issued provided for in G.S. 163-228. If the application is
20 requested by the voter's near relative, the chairman, secretary or
21 supervisor of elections also shall insert that person's name in the
22 register after the name of the voter.

23 The chairman, secretary or supervisor of elections shall issue only
24 one application form to a voter or his near relative unless a form
25 previously issued is returned to the chairman, secretary or supervisor
26 of elections and marked 'Void' by him. In such a situation, the
27 chairman, secretary or supervisor of elections may issue another
28 application form to the voter or a near relative, but he shall retain the
29 voided application form in the board's records. If the application is
30 requested by the voter's near relative, the chairman, secretary or
31 supervisor of elections shall write the name of the near relative on the
32 index of near relatives, applying for applications for absentee ballots;
33 the index shall be in such form as may be prescribed or approved by
34 the State Board of Elections; a separate index shall be maintained for
35 each primary, general or special election in which absentee voting
36 is allowed.

37 (3) Applications or Absentee Ballots Transmitted by Mail or in Person. –
38 An application for absentee ballots shall be made and signed only by
39 the voter desiring to use them or the voter's near relative or legal
40 guardian and shall be valid only when transmitted to the chairman or
41 supervisor of elections of the county board of elections by mail or
42 delivered in person by the voter or his near relative or legal guardian.

43 (4) Who Is Authorized to Request Applications for Absentee Ballots. – A
44 voter may personally request an application for absentee ballots or

1 may cause such request to be made through a near relative or legal
2 guardian. For the purpose of this Article, 'near relative or legal
3 guardian' means spouse, brother, sister, parent, grandparent, child, or
4 grandchild.

5 (5) The form of application for persons applying to vote in a primary
6 under the provisions of this section shall be as designed and prescribed
7 by the State Board of Elections. No voter shall be furnished ballots for
8 voting in a primary except the ballots for candidates for nomination in
9 the primary of the political party with which he is affiliated at the time
10 he makes application for absentee ballots. The official registration
11 records of the county in which the voter is registered shall be proof of
12 the party, if any, with which the voter is affiliated.

13 (6) The county board of elections shall cause to be stamped or printed on
14 the face of each application for absentee ballots the following legend,
15 and the blank space in the legend to be completed:

16 'This application is issued for absentee ballots to be voted in the
17 _____ (primary or general or special election) to be held in
18 _____ County on the _____ day of _____, 19
19 ____.' The county board of elections shall not issue any absentee
20 ballots on the basis of any application that does not bear the completed
21 legend.

22 (7) No applications shall be issued earlier than 60 days prior to the
23 election in which the voter wishes to vote. Nothing herein shall
24 prohibit the county board of elections from receiving written requests
25 for applications earlier than 60 days prior to the election but such
26 applications shall not be mailed or issued to the voter in person earlier
27 than 60 days prior to the election.

28 (8) Applications for absentee ballots shall be issued only by mail or in the
29 office of the county board of elections to the voter or a near relative or
30 legal guardian authorized to make application. No election official
31 shall issue applications for absentee ballots except in compliance with
32 the provisions stated herein."

33 Sec. 2. G.S. 163-227.2(b) reads as rewritten:

34 "(b) Not earlier than the day following the day on which the registration books
35 close before an election, in which absentee ballots are authorized, in which he seeks to
36 vote and not later than 5:00 P.M. on the Friday prior to that election, the voter shall
37 appear in person only at the office of the county board of elections and request that the
38 chairman, a member, or the supervisor of elections of the board, or an employee of the
39 board of elections, authorized by the board, furnish him with ~~application Form OS~~ an
40 application form as specified in G.S. 163-227. The voter shall complete the application
41 in the presence of the chairman, member, supervisor of elections or authorized
42 employee of the board, and shall deliver the application to that person."

43 Sec. 3. G.S. 163-69.1(b) reads as rewritten:

1 "(b) A voter whose name has been changed shall report such change of name to an
2 official authorized to register voters under G.S. 163-80 no later than the twenty-first day
3 (excluding Saturdays and Sundays) prior to an election, primary, or special election in
4 order to vote in said election if the name change occurred on or before that date.
5 Alternatively, the voter may report such change to the registrar at the polls, and, if
6 otherwise eligible, may vote. A voter wishing to vote by absentee ballot may report the
7 name change to the county board of elections, by mail or in person, along with that
8 voter's application for absentee ballot; and if otherwise eligible, may vote.

9 Any report made under this section shall be made under oath, and on a form
10 prescribed by the county board of elections. A name-change form shall be included in
11 any mailing to a voter of an absentee ballot application form."

12 Sec. 4. G.S. 163-231(a) reads as rewritten:

13 "(a) Procedure for Voting Absentee Ballots. – In the presence of two other
14 persons who are at least 18 years of age, the voter shall:

- 15 (1) Mark his ballots, or cause them to be marked by one of such persons in
16 his presence according to his instruction;
- 17 (2) Fold each ballot separately, or cause each of them to be folded in his
18 presence;
- 19 (3) Place the folded ballots in the container-return envelope and securely
20 seal it, or have this done in his presence;
- 21 (4) Make the certificate printed on the container-return envelope
22 according to the provisions of G.S. 163-229(b).

23 The persons in whose presence the ballot is marked shall at all times respect the
24 secrecy of the ballot and the privacy of the absentee voter, unless the voter requests their
25 assistance. The persons in whose presence the ballot was marked shall sign the
26 certificate as witnesses, and shall indicate their address. When thus executed, the sealed
27 container-return envelope, with the ballots enclosed, shall be transmitted in accordance
28 with the provisions of subsection (b) of this section to the chairman of the county
29 board of elections who issued the ballots."

30 Sec. 5. This act shall become effective with respect to primaries and
31 elections held on or after January 1, 1990.