

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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SENATE BILL 706

Short Title: Lack of Postmark/Absentee Ballots. (Public)

Sponsors: Senators Bryant (Primary Sponsor); and Foushee.

Referred to: Rules and Operations of the Senate

January 16, 2018

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ABSENTEE BALLOTS RECEIVED BY A COUNTY BOARD OF ELECTIONS BY MAIL ON THE DAY AFTER THE ELECTION THAT ARE NOT POSTMARKED ARE DEEMED TO HAVE BEEN POSTMARKED ON OR BEFORE ELECTION DAY UPON VERIFICATION OF RECEIPT BY THE COUNTY BOARD OF ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163A-1310(b) reads as rewritten:

"(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed container-return envelope in which executed absentee ballots have been placed shall be transmitted to the county board of elections who issued those ballots as follows:

- (1) All ballots issued under the provisions of this Part and Part 2 of Article 21 of this Chapter shall be transmitted by mail or by commercial courier service, at the voter's expense, or delivered in person, or by the voter's near relative or verifiable legal guardian and received by the county board not later than 5:00 p.m. on the day of the statewide primary or general election or county bond election. Ballots issued under the provisions of Part 2 of Article 21 of this Chapter may also be electronically transmitted.
- (2) If ballots are received later than the hour stated in subdivision (1) of this subsection, those ballots shall not be accepted unless one of the following applies:
 - a. Federal law so requires.
 - b. The ballots issued under this Part are (i) postmarked and that postmark is dated on or before the day of the statewide primary or general election or county bond election and are received by the county board of elections not later than three days after the election by ~~5:00 p.m.~~ 5:00 P.M. or (ii) if there is no postmark, are received in the mail by the county board of elections not later than one day after the election by 5:00 P.M. When a ballot is received by mail one day after the election without a postmark, the county board of elections shall verify receipt of the ballot by stamping on the ballot that it was received by mail and the date it was received.
 - c. The ballots issued under Part 2 of Article 21 of this Chapter are received by the county board of elections not later than the end of business on the business day before the canvass conducted by the county board of elections held pursuant to G.S. 163A-1172."



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SECTION 2. This act is effective when it becomes law.