

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 343

Short Title: Long-Term Absentees.

(Public)

Sponsors: Representatives Dawkins; Beall, N. Crawford, and Bownan.

Referred to: Judiciary.

February 23, 1989

A BILL TO BE ENTITLED

AN ACT TO PERMIT A VOTER TO RECEIVE ABSSENTE BALLOTS FOR AN ENTIRE CALENDAR YEAR WITH ONE APPLICATION IF THAT PERSON IS UNABLE TO GO TO A VOTING PLACE DUE TO AGE OR INFIRMITY.

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 (3a) A voter who qualifies under G.S. 163-227.4 as a person with a
9 disability that will prevent presence at the polling place over a long
10 term and wishes to receive absentee ballots for all the primaries and
11 elections during the calendar year in which his application is
12 submitted.
- 13 (4) ~~Application OS shall be completed by a~~ A voter expecting to be absent
14 from the county, or due to emergency disability will be unable to vote
15 in person, or a person who qualifies under G.S. 163-226(a)(4), and
16 who, in lieu of making application by mail, wishes to apply in person
17 and receive a ballot which he may immediately vote in the office of the
18 county board of elections.
- 19 (b) ~~Forms~~ Types of Applications; Instructions. –
- 20 (1) ~~Expected Absence from County on Election Day; Form A.~~ – A voter
21 expected to be absent from the county in which registered during the
22 entire period that the polls will be open on primary or general election
23 day, or a near relative, shall make written application for absentee
24 ballots to the chairman of the board of elections of the county in which
25 the voter is registered not earlier than 60 days nor later than 5:00 P.M.
26 on the Tuesday before the election. The application shall be submitted
27 in the form set out in this subdivision upon a copy which shall be
28 furnished the voter or a near relative by the chairman of the county
29 board of elections.
- 30 The applicant shall sign his application personally, or it shall be
31 signed by a near relative. The application shall be signed in the
32 presence of a witness, who shall sign his name in the place provided
33 on the form. The application form when properly filled out shall be
34 transmitted by mail or delivered in person by the applicant or a near
35 relative to the chairman or the supervisor of elections of the county
36 board of elections.
- 37 (2) ~~Absence for Sickness or Physical Disability Occurring before 5:00~~
38 ~~P.M. on the Tuesday prior to the Primary or General Election; Form B.~~
39 – A voter expecting to be unable to go to the voting place to vote in
40 person on primary or general election day because of his sickness or
41 other physical disability, or his near relative, shall make written
42 application for absentee ballots to the chairman of the board of
43 elections of the county in which the voter is registered not earlier than
44 60 days nor later than 5:00 P.M. on the Tuesday before the election.

1 The application shall be submitted in the form set out in this
2 subdivision upon a copy which shall be furnished the voter or a near
3 relative by the chairman of the county board of elections.

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

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

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

22 The chairman of the county board of elections shall not issue or
23 accept an application under the provisions of this subdivision later than
24 12:00 noon on the day preceding the election in which the voter seeks
25 to vote.

26 The application shall be signed by the voter personally, or it shall
27 be signed by a near relative. The application shall be signed in the
28 presence of a witness who shall sign his name in the place provided on
29 the form.

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

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

43 (3a) Absence for Age or Infirmity Preventing Presence at Voting Place
44 Over Long Term. A voter falling in the category specified in G.S. 163-

1 227.4, or his near relative, shall make written application for absentee
2 ballots to the chairman of the county board of elections of the county
3 in which the voter is registered. The application shall be in the form set
4 out in this section, and the voter or near relative shall check the
5 appropriate box indicating eligibility under G.S. 163-227.4 and a
6 desire to receive absentee ballots in all primaries and elections during
7 the calendar year in which the application is received. The chairman of
8 the county board of elections shall furnish a copy of the form to the
9 voter or near relative. The voter shall sign the application personally,
10 or it shall be signed by a near relative. The application shall be signed
11 in the presence of a witness, who shall sign his name in the place
12 provided on the form.

13 In his request for an application, the voter or his near relative shall
14 certify that the voter is, due to age or infirmity, unable to be present at
15 the polling place over a long term. The county board of elections shall
16 provide certification forms for that purpose.

17 The application made under the provisions of this subdivision may be
18 submitted and, if sufficient, shall be accepted at any time, but approval
19 shall not entitle the applicant to vote in the next primary or election if
20 the application is submitted later than 5:00 P.M. on the Tuesday before
21 that primary or election.

22 The application form, when properly filled out and signed by or for
23 the applicant in the presence of a subscribing witness as provided in
24 this subdivision, may be transmitted by mail to the chairman or
25 supervisor of elections of the board of elections of the county in which
26 the applicant is registered, or it may be delivered to the chairman or
27 supervisor of elections in person by the applicant or by his near
28 relative.

29 (4) ‘One-Stop’ Voting Procedure, in Office of the County Board of
30 Elections; ~~Form OS~~. – A voter falling in the category specified in G.S.
31 163-227.2 may execute ~~Form OS~~ an application form and proceed to
32 vote his absentee ballot in the office of the county board of elections
33 only.

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

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

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

4 At the time he issues an application form, the chairman, secretary or
5 supervisor of elections of the county board of elections shall number it
6 and write the name of the voter in the space provided therefor at the
7 top of the form. At the same time the chairman, secretary or supervisor
8 of elections shall insert the name of the voter and the number assigned
9 his application in the register of absentee ballot applications and
10 ballots issued provided for in G.S. 163-228. If the application is
11 requested by the voter's near relative, the chairman, secretary or
12 supervisor of elections also shall insert that person's name in the
13 register after the name of the voter.

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

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

34 (4) Who Is Authorized to Request Applications for Absentee Ballots. – A
35 voter may personally request an application for absentee ballots or
36 may cause such request to be made through a near relative or legal
37 guardian. For the purpose of this Article, 'near relative or legal
38 guardian' means spouse, brother, sister, parent, grandparent, child, or
39 grandchild.

40 (5) The form of application for persons applying to vote in a primary
41 under the provisions of this section shall be as designed and prescribed
42 by the State Board of Elections. No voter shall be furnished ballots for
43 voting in a primary except the ballots for candidates for nomination in
44 the primary of the political party with which he is affiliated at the time

1 he makes application for absentee ballots. The official registration
2 records of the county in which the voter is registered shall be proof of
3 the party, if any, with which the voter is affiliated.

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

7 'This application is issued for absentee ballots to be voted in the
8 _____ (primary or general or special election) to be held in
9 _____ County on the _____ day of _____,

10 19 ____.' The county board of elections shall not issue any absentee
11 ballots on the basis of any application that does not bear the completed
12 legend; Provided, however, that this sentence does not apply to
13 applications issued to voters who qualify under G.S. 163-227.4.

- 14 (7) No applications shall be issued earlier than 60 days prior to the
15 election in which the voter wishes to vote, except for applications
16 issued to voters who qualify under G.S. 163-227.4. Nothing herein
17 shall prohibit the county board of elections from receiving written
18 requests for applications earlier than 60 days prior to the election but
19 such applications shall not be mailed or issued to the voter in person
20 earlier than 60 days prior to the election.

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

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

28 "**§ 163-227.4. Voter who due to age or infirmity is unable to be present at a voting**
29 **place over a long term; applications for continuous issuance of absentee**
30 **ballots over a calendar year.**

31 A voter who due to age or infirmity is unable to be present at a voting place over a
32 long term may apply according to the procedure set out in G.S. 163-227(a)(3a) and
33 (b)(3a) to receive absentee ballots for all elections during the calendar year in which his
34 application is submitted. Except as otherwise provided in 163-227(b)(3a) and unless
35 otherwise disqualified to vote, the voter upon approval of his application shall
36 automatically be issued absentee ballots for all primaries and elections during the
37 calendar year in which he submits his application. The county board of elections shall
38 consider the voter's completing the procedure set out in 163-227(a)(3a) and (b)(3a) to be
39 a separate application for each primary and election during the calendar year and, at the
40 proper time, shall enter the voter's name in the absentee register along with the listing of
41 other applicants for absentee ballots in each primary and election."

42 Sec. 3. G.S. 163-229(b) reads as rewritten:

43 "(b) Container-Return Envelope. – In time for use not later than 50 days before a
44 statewide primary, general election or county bond election, the county board of

1 elections shall print a sufficient number of envelopes in which persons casting absentee
2 ballots may transmit their marked ballots to the chairman of the county board of
3 elections. Each container-return envelope shall be printed in accordance with the
4 following instructions:

- 5 (1) On one side shall be printed an identified space in which shall be
6 inserted the application number of the voter and the following
7 statement which shall be certified by one member of the county board
8 of elections:

9
10 **‘CERTIFICATION OF ELECTION OFFICIAL**

11
12 The undersigned election official does by his hand and seal certify
13 that..... is a registered and qualified voter of County,
14 Precinct # and has made proper application to vote under the
15 Absentee Ballot Law of North Carolina.

16(Seal)
17 Chairman-Member'

- 18 (2) On the other side shall be printed the return address of the chairman of
19 the county board of elections and the following certificate:

20 **‘CERTIFICATE OF ABSENTEE OR SICK VOTER**

21 State of
22 County of

23 I,, do certify that I am a resident and registered voter in
24 precinct, County, North Carolina; that on the day of an
25 election,, 19 (check whichever of the following statements
26 is correct.)

27 I will be absent from the county in which I reside.

28 Due to sickness or physical disability, or incarceration as a
29 misdemeanant, I will be unable to travel to the voting place in the
30 precinct in which I reside.

31 Due to age or infirmity I am unable to be present at the voting place
32 in the precinct in which I reside for a long term.

33 I further certify that I made application for absentee ballots, and that I
34 marked the ballots enclosed herein, or that they were marked for me in
35 my presence and according to my instructions. I understand it is a
36 felony to falsely sign this certificate.

37
38
39 (Signature of voter)

40
41
42
43 Signature of Witness #1

Signature of Witness #2

1
2
3
4
5
6

Address of Witness #1 Address of Witness #2"

Sec. 4. This act shall become effective with respect to all primaries and
elections held on or after January 1, 1990.