# **GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001**

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## HOUSE BILL 1186

Short Title: Voter Registration by FAX.

Sponsors: Representatives Blue, Hensley; Adams and Goodwin. Referred to: Election Law and Campaign Finance Reform.

### April 12, 2001

### A BILL TO BE ENTITLED

2 AN ACT TO ALLOW CIVILIANS THE SAME RIGHT AS MILITARY 3 PERSONNEL TO REGISTER TO VOTE BY FAX.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 163-82.6 reads as rewritten:

#### 6 "§ 163-82.6. Acceptance of application forms.

7 How the Form May Be Submitted. - The county board of elections shall (a) 8 accept any form described in G.S. 163-82.3 if the applicant submits the form by mailmail, facsimile transmission, or in person. The applicant may delegate the 9 10 submission of the form to another person. Any person who communicates to an applicant acceptance of that delegation shall deliver that form so that it is received by 11 the appropriate county board of elections in time to satisfy the registration deadline in 12 13 subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be a 14 Class 2 misdemeanor for any person to communicate to the applicant acceptance of that delegation and then fail to make a good faith effort to deliver the form so that it is 15 16 received by the county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be an 17 18 affirmative defense to a charge of failing to make a good faith effort to deliver a 19 delegated form by the registration deadline that the delegatee informed the applicant 20 that the form would not likely be delivered in time for the applicant to vote in the next 21 election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a 22 completed voter registration form or to condition its delivery upon payment. 23

(b) Signature. – The form shall be valid only if signed by the applicant.

24 Registration Deadlines for an Election. - In order to be valid for an election, (c) 25 the form:

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(1)If submitted by mail, must be postmarked at least 25 days before the election, except that any mailed application on which the postmark is

(Public)

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1		missing or unclear is validly submitted if received in the mail not later
2		than 20 days before the election,
3	(2)	If submitted in person, person or by facsimile transmission, must be
4		received by the county board of elections by 5:00 p.m. on the
5		twenty-fifth day before the election,
6	(3)	If submitted through a delegatee who violates the duty set forth in
7		subsection (a) of this section, must be signed by the applicant and
8		given to the delegatee not later than 25 days before the election, except
9		as provided in subsection (d) of this section.
10		ces When Person May Register and Vote on Election Day. – If a person
11		alified to register and vote between the twenty-fifth day before an
12	election and election-day, then that person may apply to register on election day by	
13	submitting an application form described in G.S. 163-82.3(a) or (b) to:	
14	(1)	A member of the county board of elections;
15	(2)	The county director of elections; or
16	(3)	The chief judge or a judge of the precinct in which the person is
17		eligible to vote,
18	and, if the application is approved, that person may vote the same day. The official in	
19	subdivisions (1) through (3) of this subsection to whom the application is submitted	
20	shall decide whether the applicant is eligible to vote. The applicant shall present to the	
21	official written or documentary evidence that the applicant is the person he represents	
22	himself to be. T	The official, if in doubt as to the right of the applicant to register, may
23	require other ev	idence satisfactory to that official as to the applicant's qualifications. If
24	the official determines that the person is eligible, the person shall be permitted to vote in	
25	the election and the county board shall add the person's name to the list of registered	
26	voters. If the official denies the application, the person shall be permitted to vote a	
27	challenged ballot under the provisions of G.S. 163-88.1, and may appeal the denial to	
28	the full county board of elections. The State Board of Elections shall promulgate rules	
29	for the county boards of elections to follow in hearing appeals for denial of election-day	
30	applications to register. No person shall be permitted to register on the day of a second	
31	primary unless he shall have become qualified to register and vote between the date of	
32		and the date of the succeeding second primary.
33		urposes of subsection (d) of this section, persons who "become qualified
34		ote" during a time period:
35	(1)	Include those who during that time period are naturalized as citizens of
36		the United States or who are restored to citizenship after a conviction
37		of a felony; but
38	(2)	Do not include persons who reach the age of 18 during that time
39	(-)	period, if those persons were eligible to register while 17 years old
40		during an earlier period."
41	SECT	<b>FION 2.</b> This act becomes effective January 1, 2002.