

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1189

Short Title: Annual Absentee Ballot Request.

(Public)

Sponsors: Representatives Blue and Hensley (Primary Sponsors).

Referred to: Election Law and Campaign Finance Reform.

April 12, 2001

A BILL TO BE ENTITLED

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2 AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS
3 MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN
4 ENTIRE CALENDAR YEAR.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 163-226 reads as rewritten:

7 "**§ 163-226. Who may vote an absentee ballot.**

8 (a) Who May Vote Absentee Ballot; Generally. – Any qualified voter of the State
9 may vote by absentee ballot in a statewide primary, general, or special election on
10 constitutional amendments, referenda or bond proposals, and any qualified voter of a
11 county is authorized to vote by absentee ballot in any primary or election conducted by
12 the county board of elections, in the manner provided in this Article if:

- 13 (1) The voter expects to be absent from the county in which he is
14 registered during the entire period that the polls are open on the day of
15 the specified election in which the voter desires to vote;
- 16 (2) The voter is unable to be present at the voting place to vote in person
17 on the day of the specified election in which the voter desires to vote
18 because of the voter's sickness or other physical disability;
- 19 (3) The voter is incarcerated, whether in the voter's county of residence or
20 elsewhere, shall be entitled to vote by absentee ballot in the county of
21 the voter's residence in any election, specified herein, in which the
22 voter otherwise would be entitled to vote. Absentee voting shall be in
23 the same manner as provided in this Article. The chief custodian or
24 superintendent of the institution or other place of confinement shall
25 certify that the applicant is not a felon, and the certification shall be as
26 prescribed by the State Board of Elections. The State Board of
27 Elections is authorized to prescribe procedures to carry out the intent
28 and purpose of this subsection;

1 (3a) The voter because of the observance of a religious holiday pursuant to
2 the tenets of the voter's religion will be unable to cast a ballot at the
3 polling place on the day of the election; or

4 (4) The voter is an employee of the county board of elections or a precinct
5 official, observer, or ballot counter, in another precinct and the voter's
6 assigned duties on the day of the election will cause the voter to be
7 unable to be present at the voting place to vote in person and provided
8 such employee has the application witnessed by the chairman of the
9 county board of elections.

10 (a1) No-Excuse Absentee Voting for One-Stop in General Elections Only. – The
11 only type of absentee voting that is not subject to the excuse requirements of subsection
12 (a) of this section is one-stop voting as provided in G.S. 163-227.2 for elections held on
13 the day of the general elections in November of even-numbered years.

14 (a2) Annual Request by Person With Sickness or Physical Disability. – If the
15 application under subdivision (a)(2) of this section so requests, it shall constitute an
16 application for more than one or all of the primaries and elections held during the
17 calendar year when the application is received.

18 (b) Absentee Ballots; Exceptions. – Notwithstanding the authority contained in
19 G.S. 163-226(a), absentee ballots shall not be permitted in fire district elections.

20 (c) The Term "Election". – As used in this Subchapter, unless the context clearly
21 requires otherwise, the term "election" includes a general, primary, second primary,
22 runoff election, bond election, referendum, or special election."

23 **SECTION 2.** This act applies with respect to primaries and elections held on
24 or after January 1, 2002.