

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 663

Short Title: Absentee Voting Changes.

(Public)

Sponsors: Senators Rucho; Ballantine, Cooper, Dannelly, Gulley, Hartsell, Horton, Odom, Rand, Reeves, Shaw of Guilford, and Winner.

Referred to: Judiciary.

April 2, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE ABSENTEE VOTING TO ALLOW NO EXCUSE
ABSENTEE VOTING AND TO ALLOW COUNTY BOARDS OF ELECTIONS
THE OPTION OF ADDING ADDITIONAL SITES FOR EARLY VOTING.

The General Assembly of North Carolina enacts:

Section 1. Article 20 of Chapter 163 of the General Statutes reads as rewritten:

"ARTICLE 20.

"ABSENTEE BALLOT.

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

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

(1) The voter expects not to be ~~absent from the county in which he is registered during the entire period that the polls are open~~ present at the voting place to vote in person on the day of the specified election in which the voter desires to vote; or

1 (2) The voter is unable to be present at the voting place to vote in person on
2 the day of the specified election in which the voter desires to vote
3 because of the voter's sickness or other physical ~~disability~~; disability
4 where such illness or other physical disability arises after 5:00 p.m. on
5 the Tuesday preceding the election but before 12:00 noon on the day of
6 the specified election.

7 (3) ~~The voter is incarcerated, whether in the voter's county of residence or~~
8 ~~elsewhere, shall be entitled to vote by absentee ballot in the county of~~
9 ~~the voter's residence in any election, specified herein, in which the voter~~
10 ~~otherwise would be entitled to vote. Absentee voting shall be in the~~
11 ~~same manner as provided in this Article. The chief custodian or~~
12 ~~superintendent of the institution or other place of confinement shall~~
13 ~~certify that the applicant is not a felon, and the certification shall be as~~
14 ~~prescribed by the State Board of Elections. The State Board of~~
15 ~~Elections is authorized to prescribe procedures to carry out the intent~~
16 ~~and purpose of this subsection;~~

17 (3a) ~~The voter because of the observance of a religious holiday pursuant to~~
18 ~~the tenets of the voter's religion will be unable to cast a ballot at the~~
19 ~~polling place on the day of the election; or~~

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

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

28 (c) As used in this Subchapter, unless the context clearly requires otherwise, the
29 term 'election' includes a general, primary, second primary, runoff, bond election,
30 referenda, or special election.

31 **"§ 163-226.1. Absentee voting in primary.**

32 A qualified voter may vote by absentee ballot in a ~~statewide or countywide partisan~~
33 ~~primary provided he the qualified voter is affiliated, at the time he the qualified voter~~
34 ~~makes application for absentee ballots, with the political party in whose primary he the~~
35 ~~qualified voter wishes to vote. vote, except that an unaffiliated voter may vote in a party~~
36 ~~primary if permitted under G.S. 163-116.~~ The official registration records of the county
37 in which the voter is registered shall be proof of whether ~~he the qualified voter is~~
38 affiliated with a political party and of the party, if any, with which ~~he the qualified voter~~
39 is affiliated.

40 **"§ 163-226.2. Absentee voting in municipal elections.**

41 Absentee voting by qualified voters residing in a municipality shall be in accordance
42 with the authorization specified in G.S. 163-302.

43 **"§ 163-226.3. Certain acts declared felonies.**

1 (a) Any person who shall, in connection with absentee voting in any ~~primary,~~
2 ~~general, municipal or special~~ election held in this State, do any of the acts or things
3 declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be
4 unlawful:

5 (1) For any person except the voter's near relative as defined in G.S. 163-
6 227(c)(4) or the voter's legal guardian to assist the voter to vote an
7 absentee ballot when the voter is voting an absentee ballot other than
8 under the procedure described in G.S. 163-227.2; provided that if there
9 is not a near relative or legal guardian available to assist the voter, the
10 voter may request some other person to give assistance;

11 (2) For any person to assist a voter to vote an absentee ballot under the
12 absentee voting procedure authorized by G.S. 163-227.2 except a
13 member of the county board of elections, the director of elections, an
14 employee of the board authorized by the board, the voter's near relative
15 as defined in G.S. 163-227(c)(4), or the voter's legal guardian;

16 (3) For a voter who votes an absentee ballot under the procedures
17 authorized by G.S. 163-227.2 to vote ~~his~~that voter's absentee ballot
18 outside of the voting booth or private room provided to ~~him~~the voter
19 for that purpose in or adjacent to the office of the county board of
20 elections or at the additional site provided by G.S. 163-227.2(f1), or to
21 receive assistance in getting to and from the voting booth or private
22 room and in preparing and marking ~~his~~that voter's ballots from any
23 person other than a member of the county board of elections, the
24 director of elections, an employee of the board of elections authorized
25 by the board, a near relative of the voter as defined in G.S. 163-
26 227(c)(4), or the voter's legal guardian;

27 (4) For any owner, manager, director, employee, or other person, other than
28 the voter's near relative as defined in G.S. 163-227(c)(4) or legal
29 guardian, to make application on behalf of a registered voter who is a
30 patient in any hospital, clinic, nursing home or rest home in this State or
31 for any owner, manager, director, employee, or other person other than
32 the voter's near relative or legal guardian, ~~or officer authorized to~~
33 ~~administer oaths acting pursuant to G.S. 163-231(a)(1)~~, to mark the
34 voter's absentee ballot or assist such a voter in marking an absentee
35 ballot;

36 (5) Repealed by Session Laws 1987, c. 583, s. 8.

37 (6) For any person to take into ~~his~~that voter's possession for delivery to a
38 voter or for return to a county board of elections the absentee ballot of
39 any voter, provided, however, that this prohibition shall not apply to a
40 voter's near relative as defined in G.S. 163-227(c)(4) or the voter's legal
41 guardian;

42 (7) Except as provided in subsections (1), (2), (3), and (4) of this section,
43 G.S. 163-231(a), G.S. 163-250(a), and G.S. 163-227.2(e), for any voter

1 to permit another person to assist ~~him~~ the voter in marking ~~his~~ that
2 voter's absentee ballot, to be in the voter's presence when a voter votes
3 an absentee ballot, or to observe the voter mark ~~his~~ that voter's absentee
4 ballot.

5 (b) The State Board of Elections or a county board of elections, upon receipt of a
6 sworn affidavit from any qualified voter of the State or the county, as the case may be,
7 attesting to first-person knowledge of any violation of subsection (a) of this section, shall
8 transmit such affidavit to the appropriate district attorney, who shall investigate and
9 prosecute any person violating subsection (a).

10 **"§ 163-227. State Board to prescribe form of application for absentee ballots;**
11 **county to secure.**

12 (a) Applications for Absentee Ballots Generally. ~~—A~~ An eligible voter falling in
13 any one of the categories defined in G.S. 163-226, 163-226.1 or 163-226.2 may apply for
14 absentee ballots not earlier than 50 days prior to the ~~statewide, county or municipal~~
15 election in which ~~he~~ that eligible voter seeks to vote and not later than 5:00 P.M. on the
16 Tuesday before that ~~election.~~ election, except that applications under G.S. 163-227.2 shall
17 be governed by that section and applications under G.S. 163-226(a)(2) may be made not
18 earlier than 5:00 p.m. on the Tuesday preceding the election and not later than 12:00
19 noon on election day. Subject to all other provisions contained in this Article, a voter
20 applying for an absentee ~~ballot~~ ballot except under G.S. 163-227.2 shall complete the
21 standard application form to be secured by the county board of elections, as designed and
22 prescribed by the State Board of Elections. The form shall be printed on the container-
23 return envelope transmitted to the voter along with the ballots. The form shall allow
24 reporting of a change of name as provided by G.S. 163-82.16(d). The form shall contain
25 lines to be checked off by each of the kinds of voters specified below:

- 26 (1) A voter ~~expecting to be absent from the county of his residence all day~~
27 expecting not to be present at the voting place to vote in person on the
28 day of the specified election, or who is otherwise entitled to cast an
29 absentee ~~ballot under G.S. 163-226(a)(3), 163-226(a)(3a) or 163-~~
30 ~~226(a)(4).~~ ballot. (G.S. 163-226(a)(1)).
- 31 (2) A voter who is unable to be present at the voting place to vote in person
32 on the day of the specified election because of ~~his~~ that voter's sickness
33 or other physical disability occurring after 5:00 p.m. on the Tuesday
34 preceding the election but before 5:00 P.M. 12:00 noon on the day ~~prior~~
35 ~~to the date~~ of the specified election. (G.S. 163-226(a)(2)).
- 36 (3) Repealed by Session Laws 1991, c. 727, s. 6.1.
- 37 (4) ~~A voter expecting to be absent from the county or due to emergency~~
38 ~~disability will be unable to vote in person, or a person who qualifies~~
39 ~~under G.S. 163-226(a)(4), and who, in lieu of making application by~~
40 ~~mail, wishes to apply in person and receive a ballot which he may~~
41 ~~immediately vote in the office of the county board of elections.~~

42 (b) Types of Applications; Instructions. —

1 (1) ~~Expected Absence from County~~ Not to Be Present at the Voting Place
2 ~~on Election Day, or other Permitted Reason. – A voter expected to be~~
3 ~~absent from the county not be present at the voting place in which~~
4 ~~registered during the entire period that the polls will be open on primary~~
5 ~~or general election day, or a near relative, or verifiable legal guardian,~~
6 ~~day shall make written application request for absentee ballots to the~~
7 ~~chairman of the board of elections of the county in which the voter is~~
8 ~~registered not earlier than 50 days nor later than 5:00 P.M. on the~~
9 ~~Tuesday before the election. The application shall be submitted in the~~
10 ~~form set out in this subdivision upon a copy the container-return~~
11 ~~envelope which shall be furnished the voter or a near relative by the~~
12 ~~chairman of the county board of elections. The provisions of this~~
13 ~~subdivision also apply with respect to persons entitled to vote by~~
14 ~~absentee ballot under G.S. 163-226(a)(3), 163-226(a)(3a), or 163-~~
15 ~~226(a)(4).~~

16 The applicant shall sign his application personally, or it shall be
17 signed by a near relative or verifiable legal guardian. The application
18 shall be signed by the voter personally. ~~The application shall be signed~~
19 ~~in the presence of a witness, who shall sign his name in the place~~
20 ~~provided on the form. The application form when properly filled out~~
21 ~~shall be transmitted by mail or delivered in person by the applicant or a~~
22 ~~near relative to the chairman or the supervisor of elections of the county~~
23 ~~board of elections.~~

24 (2) Absence for Sickness or Physical Disability Occurring After 5:00 P.M.
25 on the Tuesday Prior to the Election but before 5:00 P.M. Before 12:00
26 Noon on the day prior to Day of the Primary or General Election. – A
27 voter expecting to be unable to go to the voting place to vote in person
28 on primary or general election day because of his that voter's sickness or
29 other physical disability, disability occurring after 5:00 p.m. on the
30 Tuesday preceding the election but before 12:00 noon on the day of the
31 date of the specified election or his near relative or verifiable legal
32 guardian, shall make written application request for absentee ballots to
33 the chairman of the board of elections of the county in which the voter
34 is registered not earlier than 50 days 5:00 p.m. on the Tuesday nor later
35 than 5:00 P.M. 12:00 noon on the day before of the election. The
36 application shall be submitted in the form set out in this subdivision
37 upon a copy the container-return envelope which shall be furnished the
38 voter or a near relative or verifiable legal guardian by the chairman of
39 the county board of elections.

40 The application shall be signed by the voter personally, or it shall be
41 signed by a near relative or verifiable legal guardian. personally. ~~The~~
42 ~~application shall be signed in the presence of a witness, who shall sign~~
43 ~~his name in the place provided on the form.~~

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

6 (3) Repealed by Session Laws 1991, c. 727, s. 6.1.

7 (4) 'One-Stop' Voting Procedure, in Office of the County Board of
8 Elections. – A voter falling in the category specified in G.S. 163-227.2
9 may execute an application form and proceed to vote ~~his~~ that voter's
10 absentee ballot in the office of the county board of elections only. The
11 application shall be on a separate form prescribed by the State Board of
12 Elections.

13 (c) Application Forms Issued by ~~Chairman of~~ County Board of Elections. – The
14 ~~chairman of the~~ county board of elections shall be sole custodian of all absentee ballot
15 application forms, ~~but he, and the chairman, a member,~~ the secretary of the board and or
16 the director of elections or an employee of the board, in accordance with one of the
17 following two procedures, shall issue and deliver a single application form, upon request,
18 to ~~a person authorized to sign such an application~~ an eligible voter under the provisions
19 of this section:

20 (1) The chairman, ~~secretary or member,~~ director of elections or an
21 employee of the board of elections may deliver the form to a voter
22 personally ~~or to his near relative or verifiable legal guardian~~ at the office
23 of the county board of elections for the voter's own use; or

24 (2) The chairman, ~~secretary or member,~~ director of elections or an
25 employee of the board of elections may mail the form to a voter for ~~his~~
26 that voter's own use upon receipt of a written request from the ~~voter or~~
27 ~~his near relative or verifiable legal guardian.~~ voter.

28 At the time ~~he issues~~ of issuance of an application form, the
29 chairman, ~~secretary or member,~~ director of elections or an employee of
30 the county board of elections shall number it and write the name of the
31 voter in the space provided therefor at the top of the form. At the same
32 time the chairman, ~~secretary or member,~~ director of elections or an
33 employee of the board of elections shall insert the name of the voter and
34 the number assigned ~~his~~ that voter's application in the register of
35 absentee ballot applications and ballots issued provided for in G.S. 163-
36 228. ~~If the application is requested by the voter's near relative, or~~
37 ~~verifiable legal guardian, the chairman, secretary or supervisor of~~
38 ~~elections also shall insert that person's name in the register after the~~
39 ~~name of the voter.~~

40 The chairman, ~~secretary or member,~~ director of elections or an
41 employee of the board of elections shall issue only one application form
42 to a voter ~~or his near relative or verifiable legal guardian~~ unless a form
43 previously issued is returned to the chairman, ~~secretary or member,~~

1 ~~secretary, director of elections or an employee of the board of elections~~
2 ~~and marked 'Void' by him, that person or unless the applicant certifies~~
3 ~~that the application has been lost or never received. In such a situation,~~
4 ~~the chairman, secretary or member, secretary, director of elections or an~~
5 ~~employee of the board of elections may issue another application form~~
6 ~~to the voter or a near relative or verifiable legal guardian, but he shall~~
7 ~~retain the voided application form or the certificate in the board's~~
8 ~~records. If the application is requested by the voter's near relative or~~
9 ~~verifiable legal guardian, the chairman, secretary or supervisor of~~
10 ~~elections shall write the name of the near relative or verifiable legal~~
11 ~~guardian on the index of near relatives or verifiable legal guardians,~~
12 ~~applying for applications for absentee ballots; the index shall be in such~~
13 ~~form as may be prescribed or approved by the State Board of Elections;~~
14 ~~a separate index shall be maintained for each primary, general or special~~
15 ~~election in which absentee voting is allowed.~~

16 (3) ~~Applications or Absentee Ballots Requests for Application Transmitted~~
17 ~~by Mail or in Person. — An A request for application for absentee ballots~~
18 ~~shall be made and signed only by the voter desiring to use them or the~~
19 ~~voter's near relative or verifiable legal guardian and shall be valid only~~
20 ~~when transmitted to the chairman or supervisor of elections of the~~
21 ~~county board of elections by mail-mail, by fax, or delivered in person by~~
22 ~~the voter or his the voter's near relative or legal verifiable guardian.~~

23 (4) ~~Who Is Authorized to Request Applications for Absentee Ballots. — A~~
24 ~~voter may personally request an application for absentee ballots or may~~
25 ~~cause such request to be made through a near relative or verifiable legal~~
26 ~~guardian. — ballots. A near relative of the person may request for that~~
27 ~~person an application under G.S. 163-230.1(d). For the purpose of this~~
28 ~~Article, 'near relative' means spouse, brother, sister, parent, grandparent,~~
29 ~~child, or grandchild.~~

30 (5) ~~The form of application for persons applying to vote in a primary under~~
31 ~~the provisions of this section shall be as designed and prescribed by the~~
32 ~~State Board of Elections. No voter shall be furnished ballots for voting~~
33 ~~in a primary except the ballots for candidates for nomination in the~~
34 ~~primary of the political party with which he is affiliated at the time he~~
35 ~~makes application for absentee ballots. The official registration records~~
36 ~~of the county in which the voter is registered shall be proof of the party,~~
37 ~~if any, with which the voter is affiliated.~~

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

41 ~~'This application is issued for absentee ballots to be voted in the~~
42 ~~_____ (primary or general or special election) to be held in~~
43 ~~_____ County on the _____ day of _____, 19~~

~~_____.' The county board of elections shall not issue any absentee ballots on the basis of any application that does not bear the completed legend.~~

(7) ~~No applications shall be issued earlier than 50 days prior to the election in which the voter wishes to vote. Nothing herein shall prohibit the~~ The county board of elections ~~from receiving~~ may receive written requests for applications earlier than 50 days prior to the election but ~~such applications~~ applications and ballots shall not be mailed or issued to the voter in person earlier than 50 days prior to the ~~election.~~ election, except as provided in G.S. 163-227.2.

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

"§ 163-227.1. Second primary; applications for absentee ballots for voting in second primary.

A voter applying for an absentee ballot for a primary election who will be ~~absent from the county of his residence~~ eligible to vote under this Article on the day of the primary and second primary shall be permitted by the county board of elections to indicate such fact on ~~his~~ that voter's application and such voter shall automatically be issued an application and absentee ballot for the second primary if one is called. The county board of elections shall consider such indication a separate request for application for the second primary and, at the proper time, shall enter such voter's name in the absentee register along with the listing of other applicants for absentee ballots for the second primary.

In addition, a voter entitled to absentee ballots under the provisions of this Article who did not make application for the ~~primary~~ primary, does not have a continuing application for the calendar year under G.S. 163-227(c)(8), or who failed to apply for a second primary ballot at the time of application for a first primary ballot may apply for absentee ballots for a second primary not earlier than the day a second primary is called and not later than ~~5:00 P.M. on the Tuesday prior to the date on which the second primary is held.~~ the date and time provided by G.S. 163-227.

All procedures with respect to absentee ballots in a second primary shall be the same as with respect to absentee ballots in a first primary except as otherwise provided by this section.

"§ 163-227.2. Alternate procedures for requesting application for absentee ballot; 'one-stop' voting procedure in board office.

(a) A person expecting to ~~be absent from the county~~ not be present at the polling place in which he that person is registered during the entire period that the polls are open on the day of an election in which absentee ballots are authorized ~~or is eligible under G.S. 163-226(a)(2), 163-226(a)(3a), or 163-226(a)(4)~~ may request an application for absentee ballots, complete the application, ~~receive the absentee ballots, vote and deliver them~~

1 sealed in a container return envelope to the county board of elections in the county in
2 which he is registered and vote under the provisions of this section.

3 (b) Not earlier than the ~~twenty-fourth day~~ first business day after the twenty-fifth
4 day before an election, in which absentee ballots are authorized, in which ~~he a voter~~ seeks
5 to vote and not later than 5:00 P.M. on the Friday prior to that election, the voter shall
6 appear in person only at the office of the county board of elections and request that the
7 chairman, a member, or the director of elections of the board, or an employee of the
8 board of elections, authorized by the board, furnish ~~him~~ the voter with an application
9 form as specified in G.S. 163-227. The voter shall complete the application in the
10 presence of the chairman, member, director of elections or authorized employee of the
11 board, and shall deliver the application to that person.

12 (c) If the application is properly filled out, the chairman, member, director of
13 elections of the board, or employee of the board of elections, authorized by the board,
14 shall enter the voter's name in the register of absentee ballot applications and ballots
15 issued; shall furnish the voter with the instruction sheets called for by G.S. 163-229(c);
16 and shall furnish the voter with the ballots to which the application for absentee ballots
17 applies; and shall furnish the voter with a container return envelope. applies. The voter
18 thereupon shall ~~comply with the provisions of G.S. 163-231(a) except that he shall~~
19 ~~deliver the container return envelope to the chairman, member, supervisor of elections of~~
20 ~~the board, or an employee of the board of elections, authorized by the board, immediately~~
21 ~~after making and subscribing the certificate printed on the container return envelope as~~
22 ~~provided in G.S. 163-229(b).~~ vote in accordance with subsection (e) of this section.

23 All actions required by this subsection shall be performed in the office of the board of
24 ~~elections.~~ elections, except that the voting may take place in an adjacent room as
25 provided by subsection (e) of this section. ~~For the purposes of this section only, the~~ The
26 application under this subsection shall be signed in the presence of the chairman,
27 member, director of elections of the board, or full-time employee, authorized by the
28 board who shall sign the application and certificate as the witness and indicate the official
29 title held by him or her. Notwithstanding G.S. 163-231(a), in the case of this subsection,
30 only one witness shall be required on the certificate.

31 (d) Only the chairman, ~~member~~ member, employee, or director of elections of the
32 board shall keep the voter's application for absentee ballots ~~and the sealed container~~
33 ~~return envelope~~ in a safe place, separate and apart from other applications and container-
34 return envelopes. ~~At the first meeting of the board pursuant to G.S. 163-230(2) held after~~
35 ~~receipt of the application and envelope, the chairman shall comply with the requirements~~
36 ~~of G.S. 163-230(1) and G.S. 163-230(2) b. and c. If the voter's application for absentee~~
37 ~~ballots is approved by the board at that meeting, the application form and container return~~
38 ~~envelope, with the ballots enclosed, shall be handled in the same manner and under the~~
39 ~~same provisions of law as applications and container return envelopes received by the~~
40 ~~board under other provisions of this Article.~~ If the voter's application for absentee ballots
41 is disapproved by the board, the board shall so notify the voter stating the reason for
42 disapproval by first-class mail addressed to the voter at his that voter's residence address
43 ~~or~~ and at the address shown in the application for absentee ballots; and the board

1 chairman shall retain the container return envelope in its unopened condition until the
2 day of the primary or election to which it relates and on that day he shall destroy the
3 container return envelope and the ballots therein, without, however, revealing the manner
4 in which the voter marked the ballots. enter a challenge under G.S. 163-89.

5 (e) The voter shall vote ~~his~~ that voter's absentee ballot in a voting booth in the
6 office of the county board of elections and the county board of elections shall provide a
7 voting booth for that purpose, provided however, that the county board of elections may
8 in the alternative provide a private room for the voter adjacent to the office of the board,
9 in which case the voter shall vote ~~his~~ that voter's absentee ballot in that room. ~~The voting~~
10 ~~booth shall be in the office of the county board of elections.~~ If the voter needs assistance
11 in getting to and from the voting booth and in preparing and marking his that voter's
12 ballots or if he the voter is a blind voter, only a member of the county board of elections,
13 the director of elections, an employee of the board of elections authorized by the board, a
14 near relative of the voter as defined in G.S. 163-227(c)(4), or the voter's legal guardian
15 shall be entitled to assist the voter. The ballot shall be a paper ballot or a voting system
16 in which a paper ballot is counted by computer or mechanical device. The ballot in any
17 case shall have the ballot number on it in accordance with G.S. 163-230(3)a. After the
18 voter casts the ballot, the voter shall deposit the ballot in the ballot box or voting system
19 in the same manner as if such box or system was in use in a precinct on election day. At
20 the end of each business day, or at any time when there will be no employee or officer of
21 the board of elections on the premises, the ballot box or system shall be secured in
22 accordance with rules adopted by the State Board of Elections, which shall include
23 verifying that no additional ballots have been placed in the box or system. If a direct
24 record voting system with retrievable ballots is approved by the State Board of Elections,
25 it may be used for ballots cast under this section under rules approved by the State Board
26 of Elections.

27 (f) Notwithstanding the exception specified in G.S. 163-36, counties which
28 operate a modified full-time office shall remain open five days each week during regular
29 business hours consistent with daily hours presently observed by the county board of
30 elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing until
31 5:00 P.M. on the Friday prior to that election or primary. The boards of county
32 commissioners shall provide necessary funds for the additional operation of the office
33 during such time.

34 (f1) Notwithstanding any other provision of this section, a county board of
35 elections may provide for one or more sites in that county for absentee ballots to be
36 applied for and cast under this section. Such sites must be approved by the State Board
37 of Elections as part of a Plan for Implementation approved by both the county board of
38 elections and by the State Board of Elections which shall also provide adequate security
39 of the ballots and provisions to avoid allowing persons to vote who have already voted.

40 (f2) Unless the voter is personally known by an election official present at the
41 board of elections office or voting site, a voter prior to being issued a ballot shall show
42 one of the following types of identification at the time of applying for an absentee ballot
43 under subsection (c) or (f1) of this section:

- 1 (1) A voter registration card issued under G.S. 163-82.8 in a county which
2 issues such cards;
- 3 (2) A drivers license;
- 4 (3) A special identification card issued under G.S. 20-37.7;
- 5 (4) A passport;
- 6 (5) An identification card issued by the U.S. Department of Defense;
- 7 (6) A social security card and one other type of identification showing the
8 name and a picture of the voter; or
- 9 (7) Other identification acceptable to a precinct official in the precinct."

10 **"§ 163-227.3. Date by which absentee ballots must be available for voting.**

11 (a) The State Board of Elections shall provide absentee ballots of the kinds to be
12 furnished by the State Board, to the county boards of elections 50 days prior to the date
13 on which the election shall be conducted unless there shall exist an appeal before the
14 State Board or the courts not concluded, in which case the State Board shall provide the
15 ballots as quickly as possible upon the conclusion of such an appeal. In every instance the
16 State Board shall exert every effort to provide absentee ballots, of the kinds to be
17 furnished by the State Board, to each county by the date on which absentee voting is
18 authorized to commence.

19 (b) Second Primary. – The State Board of Elections shall provide absentee ballots,
20 of the kinds to be furnished by the State Board, as quickly as possible after the ballot
21 information has been determined.

22 **"§ 163-228. Register of absentee ballot applications and ballots issued; a public**
23 **record.**

24 The State Board of Elections shall design an official register and provide a source of
25 supply thereof from which the ~~chairman of the~~ county board of elections in each county
26 of the State shall purchase a book to be called the register of absentee ballot applications
27 and ballots issued in which shall be recorded whatever information and official action
28 may be required by this Article.

29 The State Board of Elections may provide for the register to be kept by electronic data
30 processing equipment, as long as the information required by this Article to be in the
31 register has a hard copy printed out each business day, or a supplement printed out each
32 day of new information.

33 The register of absentee ballot applications and ballots issued shall constitute a public
34 record and shall be opened to the inspection of any registered voter of the county at any
35 time within 50 days before and 30 days after an election in which absentee ballots were
36 authorized, or at any other time when good and sufficient reason may be assigned for its
37 inspection.

38 **"§ 163-229. Absentee ballots, container-return envelopes, and instruction sheets.**

39 (a) Absentee Ballot Form. – In accordance with the provisions of G.S. 163-230(3),
40 persons entitled to vote by absentee ballot shall be furnished with ~~regular~~ official ballots.
41 ~~Separate or distinctly marked absentee ballots shall not be used.~~

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

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

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

7
8 'Certification of Election Official

9 The undersigned election official does by ~~his~~ that election
10 official's hand and seal certify that is a registered and
11 qualified voter of Precinct #..... and ~~has made is~~
12 making proper application to vote under the Absentee Ballot Law
13 of North Carolina for absentee ballots to be voted in the
14 _____ (primary or general or special election) to be held in
15 _____ County on the _____ day of _____,
16 ~~19~~ ____.

17(Seal)Ch
18 airman-Member'(2).....On the
19 other side There shall be printed the return address of the ~~chairman of the~~ county board of
20 elections and the following certificate:

21 'Certificate of Absentee or Sick Voter

22 State of

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

26 [] I will ~~be absent from the county in which I reside~~ not be
27 present at the polling place in which I am registered during the
28 entire time the polls will be open on election day.

29 [] Due to sickness or physical disability, occurring after 5:00
30 p.m. on the Tuesday before the election but before 12:00 noon on
31 the day of the election, or incarceration as a misdemeanant, I will
32 be unable to travel to the voting place in the precinct in which I
33 reside.

34 [] ~~Due to the observance of a religious holiday pursuant to the~~
35 ~~tenets of my religion, I will be unable to cast a ballot at the~~
36 ~~polling place on the day of the election.~~

37 I further certify that I ~~made application for absentee~~
38 ~~ballots, and that~~ I marked the ballots enclosed herein, or that they
39 were marked for me in my presence and according to my
40 instructions. I understand it is a felony to falsely sign this
41 certificate.

42
43 (Signature of voter)

1
2 Signature of Witness #1 Signature of Witness #2
3 Address of Witness #1 Address of Witness #2(3) There shall be printed the
4 application provided by G.S. 163-227.

5 (c) Instruction Sheets. – In time for use not later than 50 days before a statewide
6 primary, general or county bond election, the county board of elections shall prepare and
7 print a sufficient number of sheets of instructions on how voters are to prepare absentee
8 ballots and return them to the ~~chairman of the~~ county board of elections.

9 **"§ 163-230. Consideration and approval of applications and issuance of absentee**
10 **ballots.**

11 The procedure to be followed in ~~receiving applications for absentee ballots, passing~~
12 ~~upon their validity, and~~ issuing absentee ballots shall be governed by the provisions of
13 this section.

14 (1) Record of Applications Received and Ballots Issued. – Upon receipt of
15 a voter's written ~~application request~~ for absentee ballots, the ~~chairman of~~
16 ~~the~~ county board of elections shall promptly enter in the register of
17 absentee ballot application and ballots issued ~~so much of the following~~
18 ~~information as he has not already entered there under the provisions of~~
19 ~~G.S. 163-227(4):~~

- 20 a. Name of voter applying for absentee ballots, and, if applicable,
21 the name and address of the voter's near relative who ~~applied for~~
22 requested the application for absentee ballots.
23 b. Number of assigned voter's application when issued.
24 c. Precinct in which applicant is registered.
25 d. Address to which ballots are to be mailed, or that the voter voted
26 pursuant to G.S. 163-227.2.
27 e. Reason assigned for requesting absentee ballots.
28 f. Date request for application for ballots is received by ~~chairman~~
29 the county board of elections.
30 g. The voter's party affiliation.
31 h. The date the ballots were mailed or delivered to the voter.

32 (2) Determination of Validity of ~~Applications~~ Requests for Absentee
33 Ballots. – ~~The county board of election shall constitute the proper~~
34 ~~official body to pass upon the validity of all applications for absentee~~
35 ~~ballots received in the county; this function shall not be performed by~~
36 ~~the chairman or any other member of the board individually.~~

- 37 a. ~~Required Meeting of County Board of Elections. — During the~~
38 ~~period commencing 50 days before an election, and until 30 days~~
39 ~~before the election, in which absentee ballots are authorized, the~~
40 ~~county board of elections shall hold one or more public meetings~~
41 ~~each week on a day and at an hour to be determined by the board~~
42 ~~for the purpose of action on applications for absentee ballots.~~
43 ~~Each member of the board shall be notified in writing of the day~~

1 and hour such meetings shall be conducted. During the period
2 opening 30 days before an election in which absentee ballots are
3 authorized and closing at 5:00 P.M. on the Tuesday before the
4 election, the county board of elections shall hold public meetings
5 at 10:00 A.M. on Tuesday and Friday of each week, and it shall
6 also hold public meetings at 10:00 A.M. on the eighth, sixth,
7 fourth and first days immediately preceding election day. These
8 meetings shall be held at the county courthouse or at the elections
9 board's office at the hour fixed by law. At these meetings the
10 county board of elections shall pass upon applications for
11 absentee ballots.

12 Upon a majority vote, the county board of elections may hold
13 any such public meetings at an hour other than 10:00 A.M., and it
14 may hold more than one session on each day it meets and may set
15 the hours of any additional sessions. If the board desires to
16 exercise either or both of the options granted by the preceding
17 sentence, it shall do so no later than 70 days before the election;
18 thereafter, no change shall be made in the hours or dates fixed for
19 the board's public meetings on absentee ballot applications.

20 The chairman of the county board of elections shall give
21 notice to other board members of the schedule of meetings of the
22 board.

23 If the county board of elections changes the time of holding
24 its meetings or provides for additional meetings in accordance
25 with the terms of this subdivision, notice of the change in hour
26 and notice of the schedule of additional meetings, if any, shall be
27 published in a newspaper circulated in the county, and a notice
28 thereof shall be posted at the courthouse door of the county, at
29 least 65 days prior to the election. Similar notice shall also be
30 given of the dates and hours of the weekly meetings held until 30
31 days before the election. Notice may additionally be made on a
32 radio or television station or both, but such notice shall be in
33 addition to the newspaper and other required notice.

34 The county board of elections shall not be required to hold
35 any of the meetings prescribed by this subdivision unless, since
36 its last preceding meeting, it actually has received one or more
37 applications for absentee ballots which it has not passed upon.
38 When no meeting is to be held for this reason, the chairman shall
39 notify each of the other members of the county board of elections
40 that the scheduled public meeting will not be held and state the
41 reasons for its cancellation.

42 b. Procedure at Required Meeting; Making Determination.—At
43 each public meeting of the county board of elections the

1 chairman shall present for consideration, and the board shall pass
2 upon, the validity of all applications for absentee ballots received
3 since its last preceding public meeting held for that purpose. At
4 each such meeting any registered voter of the county shall be
5 heard and allowed to present evidence in opposition to, or in
6 favor of, the issuance of absentee ballots to any voter making
7 application for them.

8 The county board of elections, upon receipt of a properly made request for application
9 for ballot by a person authorized to make such request for a person qualified to vote by
10 absentee ballot, shall transmit the application and ballot to the voter in accordance with
11 this Article. During the period commencing 60 days before the election, the board of
12 elections shall each business day no later than 10:00 a.m. post a list of all persons for
13 whom requests for application which have been received by the end of the previous
14 business day. The county board of elections may post updated lists at additional times.
15 Such list shall also include applicants for one-stop voting under G.S. 163-227.2. Such
16 list need not contain all the information on the request. Any registered voter of the
17 county may contest in writing such request, giving specific grounds by which complying
18 with the request would not be lawful. If such contest is received prior to the absentee
19 ballot and application being transmitted to the voter, they shall not be transmitted until
20 the request has been approved by the county board of elections, which shall meet no later
21 than 4:00 p.m. on the next business day after the contest is received to act on the request.
22 At any such meeting any registered voter of the county shall be heard and allowed to
23 present evidence in opposition to, or in favor of, the issuance of absentee ballots to any
24 voter making application for them. If the board approves the request, the application and
25 ballot shall be transmitted in accordance with law if it has not yet been transmitted. If the
26 board disapproves the request, the ballot and application shall not be transmitted, shall
27 not be counted if the rejection occurs after the ballot has been transmitted, or if the denial
28 comes after the ballot has been counted, it shall be treated as if a challenge has been
29 sustained under G.S. 163-89(e). In the case of one-stop absentee ballots cast under G.S.
30 163-227.1, if the board of elections denies an application, it shall be treated as if a
31 challenge has been sustained under G.S. 163-89(e). It is a misdemeanor to make a
32 contest under this subdivision if the contester does not know, suspect, or reasonably
33 believe the person not to be qualified to receive an absentee ballot.

34 The county board of elections may consider the registration records as evidence of the
35 voter's signature, if available, and as any other evidence that may be necessary to pass
36 upon such ~~an~~ a request for application, including the party affiliation of a voter seeking to
37 vote in a primary.

38 If the board finds that the applicant is a qualified voter of the county, that ~~he~~ the
39 qualified voter is registered in the precinct stated in ~~his~~ the qualified voter's application,
40 that the assertions in ~~his~~ the qualified voter's application are true, and that ~~his~~ the
41 qualified voter's application is in proper form, it shall approve ~~his~~ the qualified voter's
42 application for absentee ballots.

1 e- Record of Board's Determination; Decision Final. – At the time the county
2 board of elections makes its decision on an application or request for application for
3 absentee ballots, the ~~chairman~~ board shall enter in the appropriate column in the register
4 of absentee ballot applications and ballots issued opposite the name of the applicant a
5 notation of whether ~~his~~ the applicant's application was 'Approved' or 'Disapproved'.

6 The decision of the board on the validity of an application or request for application
7 for absentee ballots shall be final subject only to such review as may be necessary in the
8 event of an election contest.

9 (3) Delivery of Absentee Ballots and Container-Return Envelope to
10 Applicant. – When the county board of elections approves ~~an~~ a request
11 for application for absentee ballots, ~~the chairman~~ the chairman, a
12 member, officer, or employee or the board shall promptly issue and
13 transmit them to the voter only, and not to ~~his~~ the voter's near relative,
14 in accordance with the following instructions:

15 a. On the top margin of each ballot the applicant is entitled to vote,
16 the ~~chairman~~ chairman, a member, officer, or employee of the
17 board of elections shall write or type the words 'Absentee Ballot
18 No.' or an abbreviation approved by the State Board of
19 Elections and insert in the blank space the number assigned the
20 applicant's application in the register of applications for absentee
21 ballots and ballots issued. ~~He~~ That person shall not write, type,
22 or print any other matter upon the ballots transmitted to the
23 absentee voter. Alternatively, the board of elections may cause
24 to be barcoded on the ballot the voter's application number, if
25 such barcoding system is approved by the State Board of
26 Elections.

27 b. The ~~chairman~~ chairman, member, officer, or employee of the
28 board of elections shall fold and place the ballots (identified in
29 accordance with the preceding instruction) in a container-return
30 envelope and write or type in the appropriate blanks thereon, in
31 accordance with the terms of G.S. 163-229(b), the absentee
32 voter's name, ~~his~~ the absentee voter's application number and the
33 designation of the precinct in which the voter is registered. If the
34 ballot is barcoded under this section, the envelope may be
35 barcoded rather than having the actual number appear. The
36 chairman person placing the ballots in the envelopes shall leave
37 the container-return envelope holding the ballots unsealed.

38 c. The ~~chairman~~ chairman, member, officer, or employee of the
39 board of elections shall then place the unsealed container-return
40 envelope holding the ballots together with printed instructions for
41 voting and returning the ballots, in an envelope addressed to the
42 applicant at the post office address stated in ~~his~~ the applicant's
43 application, request, seal the envelope, and mail it at the expense

1 of the county board of elections, or deliver it to the applicant in
2 person: Provided, that in case of approval of an application
3 received after 5:00 P.M. on the Tuesday before the election under
4 the provisions of G.S. 163-227(b)(2), in lieu of transmitting the
5 ballots to the applicant in person or by mail, the ~~chairman~~
6 chairman, member, officer, or employee of the board of elections
7 may deliver the sealed envelope containing the instruction sheet
8 and the container-return envelope holding the ballots to a near
9 relative of the voter.

10 **"§ 163-230.1. Simultaneous issuance of absentee ballots with application.**

11 (a) When a qualified voter personally requests by mail an application for absentee
12 ballots, the county board of elections shall cause to be mailed to that voter in a single
13 package:

- 14 (1) The official ballots the voter is entitled to vote if ~~his~~ the qualified voter's
15 application request is approved;
- 16 (2) A container-return envelope for the ballots, upon the outside of which
17 shall be printed the appropriate application form as provided in G.S.
18 ~~163-227~~;
- 19 (3) ~~A large envelope (similar to a No. 14 or larger manila envelope) in~~
20 ~~which the container-return envelope with the ballots may be returned~~
21 163-227 and on which the affidavit provided by G.S. 163-229(b) shall
22 be printed; and
- 23 (4) An instruction sheet.

24 The ballots, envelopes and instructions shall be mailed to the voter by the county
25 board's ~~chairman, secretary or director~~ chairman, member, officer, or employee as
26 determined by the board and entered in ~~its official minutes.~~ the register as provided by
27 this Article.

28 ~~On the back of the large transmittal envelope shall be clearly printed or stamped the~~
29 ~~following statement:~~

30 ~~DO NOT PLACE THE ENVELOPE CONTAINING YOUR BALLOTS INTO THIS~~
31 ~~ENVELOPE UNTIL YOU HAVE COMPLETED THE APPLICATION ON THE~~
32 ~~ENVELOPE CONTAINING YOUR BALLOTS AND SECURED THE SIGNATURE~~
33 ~~OF A WITNESS.~~

34 (b) The application shall be completed, the ballots marked, the ballots sealed in the
35 container-return envelope, and the ~~large envelope affidavit certificate~~ completed as
36 provided in G.S. ~~163-227 and G.S. 163-231.~~ 163-229. ~~The container return envelope~~
37 ~~shall be placed in the large transmittal envelope for return to the chairman of the county~~
38 ~~board of elections.~~

39 (c) At its next official meeting after return of the completed container-return
40 envelope ~~and large envelope~~ with the voter's ballots, the county board of elections shall
41 determine whether the container-return envelope ~~and large envelope~~ have ~~has~~ been
42 properly executed. If the board determines that ~~both~~ the container-return envelope ~~and~~
43 ~~large envelope~~ have ~~has~~ been properly executed, it shall approve the application and

1 deposit the container-return envelope with other container-return envelopes for the
2 envelope to be opened and the ballots counted at the same time as all other container-
3 return envelopes and absentee ballots. The board may hold official meetings under this
4 section periodically, may hold such meeting on the day of the election before counting
5 begins, along with another meeting to approve any applications which have been received
6 before 12:00 noon on the day of the election under G.S. 163-227(b)(2), or may delegate
7 the approval to the director of elections.

8 (d) ~~The provisions of this section shall apply only to requests received by mail~~
9 ~~from and signed by the voter individually and personally. No near relative, guardian, or~~
10 ~~other person other than the voter himself shall be permitted to apply for absentee ballots~~
11 ~~under this section. Only the voter may make application for absentee ballots. A near~~
12 ~~relative of a voter may request an application and ballot on behalf of a voter, on a form~~
13 ~~approved by the State Board of Elections which shall be provided by the county board of~~
14 ~~elections. Such form may be delivered to the county board of elections personally by the~~
15 ~~near relative or by mail.~~

16 (e) The State Board of Elections, by ~~regulation~~ rule or by instruction to the county
17 board of elections, shall establish procedures to provide appropriate safeguards in the
18 implementation of this section.

19 **"§ 163-231. Voting absentee ballots and transmitting them to ~~chairman of the~~**
20 **county board of elections.**

21 (a) Procedure for Voting Absentee Ballots. – In the presence of two other persons
22 who are at least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4) or
23 G.S. 163-274(5a), the voter shall:

- 24 (1) ~~Mark his~~ the voter's ballots, or cause them to be marked by one of such
25 persons in ~~his~~ the voter's presence according to ~~his~~ the voter's
26 instruction;
- 27 (2) Fold each ballot separately, or cause each of them to be folded in ~~his~~ the
28 voter's presence;
- 29 (3) Place the folded ballots in the container-return envelope and securely
30 seal it, or have this done in ~~his~~ the voter's presence;
- 31 (4) Make the application printed on the container-return envelope according
32 to the provisions of G.S. 163-227 and make the certificate printed on the
33 container-return envelope according to the provisions of G.S. 163-
34 229(b).

35 The persons in whose presence the ballot is marked shall at all times respect the
36 secrecy of the ballot and the privacy of the absentee voter, unless the voter requests their
37 assistance and they are otherwise authorized by law to give assistance. The persons in
38 whose presence the ballot was marked shall sign the application and certificate as
39 witnesses, and shall indicate their address. When thus executed, the sealed container-
40 return envelope, with the ballots enclosed, shall be transmitted in accordance with the
41 provisions of subsection (b) of this section to the ~~chairman of the~~ county board of
42 elections ~~who~~ which issued the ballots.

43 (a1) Repealed by Session Laws 1987, c. 583, s. 1.

(b) Transmitting Executed Absentee Ballots to ~~Chairman of~~ County Board of Elections. - The sealed container-return envelope in which executed absentee ballots have been placed shall be transmitted to the ~~chairman of the~~ county board of elections who issued them as follows: All ballots issued under the provisions of Articles 20 and 21 of this Chapter shall be transmitted by mail, at the voter's expense, or delivered in person, or by the voter's spouse, brother, sister, parent, grandparent, child or grandchild near relative not later than 5:00 P.M. on the day before the statewide primary or general election or county bond 7:30 p.m. on the day of the election. If such ballots are received later than that hour, they shall not be accepted for voting.

"§ 163-232. Certified list of executed absentee ballots; distribution of list.

(a) The ~~chairman of the~~ county board of elections shall prepare, or cause to be prepared, a list in at least quadruplicate, of all absentee ballots returned to the county board of elections to be counted, which have been approved by the county board of ~~elections.~~ elections, and which have been received as of 5:00 p.m. on the day before the election. At the end of the list, the chairman shall execute the following certificate under oath:

'State of North Carolina

County of

I,, chairman of the County board of elections, do hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on the day of, ~~19.....,~~ which have been approved by the county board of ~~elections.~~ elections and which have been returned no later than 5:00 p.m. on the day before the election. ~~I further certify that I have issued ballots to no other persons than those listed herein, whose original applications or original applications made by near relatives are filed in the office of the county board of elections; and I further certify that I have~~ the chairman, member, officer, or employee of the board of elections has not delivered ballots for absentee voting to any person other than the voter himself, voter, by mail or in person, except as provided by law, in the case of approved applications received after 5:00 P.M. on the Tuesday or Friday before the election, and have not mailed or delivered ballots when the request for the ballot was received after the deadline provided by law.

This the day of, ~~19.....~~

.....
(Signature of chairman of county board of elections)

Sworn to and subscribed before me this day of, ~~19.....~~ Witness my hand and official seal.

.....
(Signature of officer administering oath)
.....

(Title of officer)'

No earlier than 3:00 P.M. on the day before the election and no later than 10:00 A.M. on election day, the ~~chairman~~ county board of elections shall cause one copy of the list of executed absentee ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately deposited as 'first-class' mail to the State Board of Elections. ~~He~~ The board shall retain one copy in the board office for public inspection and ~~he~~ the board shall cause two copies of the appropriate precinct list to be delivered to the chief judge of each precinct in the county. The ~~chairman~~ county board of elections shall be authorized to call upon the sheriff of the county to distribute the list to the precincts. In addition the ~~chairman~~ county board of elections shall, upon request, provide a copy of the complete list to the chairman of each political party, recognized under the provisions of G.S. 163-96, represented in the county.

The chief judge shall post one copy of the list immediately in a conspicuous location in the voting place and retain one copy until all challenges of absentee ballots have been heard by the county board of elections. Challenges shall be made to absentee ballots as provided in G.S. 163-89.

After receipt of the list of absentee voters required by this section the chief judge shall call the name of each person recorded on the list and enter an 'A' in the appropriate voting square on the voter's permanent registration ~~record~~ record, or a similar entry on the computer list used at the polls. If such person is already recorded as having voted in that election, the chief judge shall enter a challenge which shall be presented to the ~~chairman~~ of the county board of elections for resolution by the board of elections prior to certification of results by the board.

(b) The county board of elections shall prepare, or cause to be prepared, a list in at least duplicate, of all absentee ballots returned to the county board of elections to be counted, which have been approved by the county board of elections, and which have been received after 5:00 p.m. on the day before the election but before 7:30 p.m. on election day. At the end of the list, the chairman shall execute the following certificate under oath:

'State of North Carolina
County of

I,, chairman of the County board of elections, do hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on the day of,, which have been approved by the county board of elections and which have been returned no later than 5:00 p.m. on the day before the election but before 7:30 p.m. on election day and I further certify that the chairman, member, officer, or employee of the board of elections has not delivered ballots for absentee voting to any person other than the voter, by mail or in person, except as provided by law, and have not mailed or delivered ballots when the request for the ballot was received after the deadline provided by law.

This the day of,

.....

(Signature of chairman of
county board of elections)

Sworn to and subscribed before me this day of, Witness my
hand and official seal.

(Signature of officer
administering oath)

(Title of officer)'

No later than 10:00 p.m. on election day, the county board of elections shall cause one copy of the list of executed absentee ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately deposited as 'first-class' mail to the State Board of Elections. The board shall retain one copy in the board office for public inspection. In addition the county board of elections shall, upon request, provide a copy of the complete list to the chairman of each political party, recognized under the provisions of G.S. 163-96, represented in the county. Challenges shall be made to absentee ballots as provided in G.S. 163-89.

On or before the day of the canvass by the county board of elections, a member or employee of the board of elections shall call the name of each person recorded on the list and enter an 'A' in the appropriate voting square on the voter's permanent registration record. If such person is already recorded as having voted in that election, the director of elections shall enter a challenge which shall be presented to the county board of elections for resolution by the board of elections prior to certification of results by the board.

(c) All lists required by this section shall be retained by the county board of elections for a period of ~~four years~~ 22 months after which they may then be destroyed.

"§ 163-233. Applications for absentee ballots; how retained.

The ~~chairman of the~~ county board of elections shall retain, in a safe place, the original of all applications made for absentee ballots and shall make them available to inspection by the State Board of Elections or to any person upon the directive of the State Board of Elections.

All applications for absentee ballots shall be retained by the county board of elections for a period of one year after which they may be destroyed.

"§ 163-233.1. Withdrawal of absentee ballots not allowed.

No person shall be permitted to withdraw an absentee ballot after such ballot has been mailed to or returned to the county board of elections.

"§ 163-234. Counting absentee ballots by county board of elections.

All absentee ballots returned to the ~~chairman or supervisor of elections of the~~ county board of elections in the container-return envelopes shall be retained by the ~~chairman board~~ to be counted by the county board of elections as herein provided.

- (1) Only those absentee ballots returned to the county board of elections no later than ~~5:00 P.M.~~ 7:30 p.m. on the ~~day before~~ election day in a properly executed container-return envelope shall be counted.

1 (2) The county board of elections shall meet at 5:00 P.M. on election day in
2 the board office or other public location in the county courthouse for the
3 purpose of counting all absentee ballots except those which have been
4 challenged before 5:00 P.M. on election day. Any elector of the county
5 shall be permitted to attend the meeting and allowed to observe the
6 counting process, provided ~~he~~the elector shall not in any manner
7 interfere with the election officials in the discharge of their duties.

8 Provided, that the county board of elections is authorized to begin
9 counting absentee ballots between the hours of 2:00 P.M. and 5:00 P.M.
10 upon the adoption of a resolution at least two weeks prior to the election
11 wherein the hour and place of counting absentee ballots shall be stated.
12 A copy of the resolutions shall be published once a week for two weeks
13 prior to the election, in a newspaper having general circulation in the
14 county. Notice may additionally be made on a radio or television station
15 or both, but such notice shall be in addition to the newspaper and other
16 required notice. The count shall be continuous until completed and the
17 members shall not separate or leave the counting place except for
18 unavoidable ~~necessity~~necessity, except that if the count has been
19 completed prior to the time the polls close, it shall be suspended until
20 that time pending receipt of any additional ballots, and except that one-
21 stop ballots under G.S. 163-227.2 counted electronically shall not be
22 counted until the polls close; provided, however, that if there are
23 outstack ballots in the counting device, they may be counted at the same
24 time as other ballots are counted under this subdivision. The county
25 board of elections may begin putting them in the tabulator at the same
26 time as other ballots are counted under this subdivision if the system for
27 counting one-stop ballots requires them to be put in a tabulator but the
28 process has the voter place them in a ballot box. The board shall not
29 announce the result of the count before 7:30 P.M.

30 (3) The counting of absentee ballots shall not commence until a majority
31 and at least one board member of each political party represented on the
32 board is present and such fact is publicly declared and entered in the
33 official minutes of the county board.

34 (4) The county board of elections may employ such assistants as deemed
35 necessary to count the absentee ballots, but each board member present
36 shall be responsible for and observe and supervise the opening and
37 tallying of the ballots.

38 (5) As each ballot envelope is opened, the board shall cause to be entered
39 into a pollbook designated 'Pollbook of Absentee Voters' the name of
40 the absentee ~~voter~~voter, or if the pollbook is computer generated the
41 board shall check off the name. Preserving secrecy, the ballots shall be
42 placed in the appropriate ballot boxes, at least one of which shall be
43 provided for each type of ballot. The 'Pollbook of Absentee Voters'

1 shall also contain the names of all persons who voted under G.S. 163-
2 227.2, but such names may be printed by computer for inclusion in the
3 pollbook.

4 After all ballots have been placed in the boxes, the counting process
5 shall begin.

6 If one-stop ballots under G.S. 163-227.2 are counted electronically,
7 that count shall commence at the time the polls close. If one-stop
8 ballots are paper ballots counted manually, that count shall commence at
9 the same time as other absentee ballots are counted.

10 If a challenge transmitted to the board on canvass day by a chief
11 judge is sustained, the ballots challenged and sustained shall be
12 withdrawn from the appropriate boxes, as provided in G.S. 163-89(e).

13 As soon as the absentee ballots have been counted and the names of
14 the absentee voters entered in the pollbook as required herein, the board
15 members and assistants employed to count the absentee ballots shall
16 each sign the pollbook immediately beneath the last absentee voter's
17 name entered therein. ~~The chairman~~ county board of elections shall be
18 responsible for the safekeeping of the pollbook of absentee voters.

19 (6) Upon completion of the counting process the board members shall cause
20 the results of the tally to be entered on the absentee abstract prescribed
21 by the State Board of Elections. The abstract shall be signed by the
22 members of the board in attendance and the original mailed immediately
23 to the State Board of Elections, Raleigh, North Carolina 27602. The
24 county board of elections may have a separate count on the abstract for
25 one-stop absentee ballots under G.S. 163-227.2.

26 (7) One copy of the absentee abstract shall be retained by the county board
27 of elections and the totals appearing thereon shall be added to the final
28 totals of all votes cast in the county for each office as determined on the
29 official canvass.

30 (8) In the event a political party does not have a member of the county
31 board of elections present at the ~~5:00 P.M.~~ meeting to count absentee
32 ballots due to illness or other cause of the member, the counting shall
33 not commence until the county party chairman of said absent member,
34 or a member of the party's county executive committee, is in attendance.
35 Such person shall act as an official witness to the counting and shall
36 sign the absentee ballot abstract as an 'observer.'

37 (9) The county board of elections shall retain all container-return envelopes
38 and absentee ballots, in a safe place, for at least four months, and longer
39 if any contest is pending concerning the validity of any ballot.

40 **"§ 163-236. Violations by ~~chairman of~~ county board of elections.**

41 The ~~chairman of the~~ county board of elections shall be sole custodian of blank
42 applications for absentee ballots, official ballots, and container-return envelopes for
43 absentee ballots. ~~He~~ The board shall issue and deliver blank applications for absentee

1 ballots in strict accordance with the provisions of G.S. 163-227(c). The issuance of
2 ballots to persons whose applications for absentee ballots have been approved by the
3 county board of elections under the provisions of G.S. 163-230(3) is the responsibility
4 and duty of the ~~chairman of the~~ county board of elections.

5 It shall be the duty of the ~~chairman of the~~ county board of elections to keep current all
6 records required ~~of him~~ by this Article and to make promptly all reports required ~~of him~~
7 by this Article. If such duty has been assigned to the chairman, member, officer, or
8 employee of the board of elections, they shall carry out the duty.

9 The willful violation of this section shall constitute a Class 2 misdemeanor.

10 **"§ 163-237. Certain violations of absentee ballot law made criminal offenses.**

11 (a) False Statements under Oath Made Class 2 Misdemeanor. – If any person shall
12 willfully and falsely make any affidavit or statement, under oath, which affidavit or
13 statement under oath, is required to be made by the provisions of this Article, ~~he~~ that
14 person shall be guilty of a Class 2 misdemeanor.

15 (b) False Statements Not under Oath Made Class 2 Misdemeanor. – Except as
16 provided by G.S. 163-275(16), if any person, for the purpose of obtaining or voting any
17 official ballot under the provisions of this Article, shall willfully sign any printed or
18 written false statement which does not purport to be under oath, or which, if it purports to
19 be under oath, was not duly sworn to, ~~he~~ that person shall be guilty of a Class 2
20 misdemeanor.

21 (c) Fraud in Connection with Absentee Vote; Forgery. – Any person attempting to
22 aid and abet fraud in connection with any absentee vote cast or to be cast, under the
23 provisions of this Article, shall be guilty of a misdemeanor. Attempting to vote by
24 fraudulently signing the name of a regularly qualified voter is a Class I felony.

25 (d) Violations Not Otherwise Provided for Made Class 2 Misdemeanors. – If any
26 person shall willfully violate any of the provisions of this Article, or willfully fail to
27 comply with any of the provisions thereof, for which no other punishment is herein
28 provided, ~~he~~ that person shall be guilty of a Class 2 misdemeanor.

29 **"§ 163-238. Reports of violations to district attorneys.**

30 It shall be the duty of the State Board of Elections to report to the district attorney of
31 the appropriate prosecutorial district, any violation of this Article, or the failure of any
32 person charged with a duty under its provisions to comply with and perform that duty,
33 and it shall be the duty of the district attorney to cause such a person to be prosecuted
34 therefor.

35 **"§ 163-239. Article 21 relating to absentee voting by servicemen and certain civilians
36 not applicable.**

37 Except as otherwise provided therein, Article 21 of this Chapter, relating to absentee
38 registration and voting by servicemen and certain civilians, shall not apply to or modify
39 the provisions of this Article."

40 Section 2. G.S. 163-82.7(g)(2) reads as rewritten:

41 "(2) If the Postal Service has returned as undeliverable a notice sent within
42 25 days before the election to the applicant under subsection (c) of this
43 section, then the applicant may vote only in person in that first election

1 and may not vote by ~~mailed absentee ballot.~~ ballot except in person
2 under G.S. 163-227.2. The county board of elections shall establish a
3 procedure at the voting site for:

- 4 a. Obtaining the correct address of any person described in this
5 subdivision who appears to vote in person; and
6 b. Assuring that the person votes in the proper place and in the
7 proper contests.

8 If a notice mailed under subsection (c) or subsection (e) of this section is
9 returned as undeliverable after a person has already voted by absentee
10 ballot, then that person's ballot may be challenged in accordance with
11 G.S. 163-89."

12 Section 3. G.S. 163-137(b) reads as rewritten:

13 "(b) The ballots prepared for use in general and special elections under the
14 provisions of this Article by the State Board of Elections shall be printed and delivered to
15 the county boards of elections at least ~~60~~ 50 days prior to the date of any ~~election in~~
16 ~~which absentee voting is permitted and at least 60 days prior to the date of any election in~~
17 ~~which absentee voting is not permitted.~~ election."

18 Section 4. G.S. 163-155(4) reads as rewritten:

19 "(4) The affidavit executed by the voter shall be retained by the county board
20 of elections for a period of six months. In those precincts using ~~voting~~
21 ~~machines,~~ direct record voting equipment, the county board of elections
22 shall furnish paper ballots of each kind for use by persons authorized to
23 vote outside the voting place by this section. In any precinct using
24 direct record voting equipment, the county board of elections, with the
25 approval of the State Board of Elections, may provide for all such paper
26 ballots to be transported upon closing of the polls to the office of the
27 county board of elections for counting. Such ballots may be transported
28 only by the chief judge, judge, assistant, or a sworn officer of the county
29 police department, sheriff's department, or municipal police officer.
30 Upon receipt by the county board of elections, such ballots shall be
31 counted and canvassed in the same manner as one-stop ballots cast
32 under G.S. 163-227.2, except that rather than the count commencing
33 when the polls close under G.S. 163-234(5) as provided for one-stop
34 ballots, the count shall commence when from all precincts either ballots
35 under this section are received or notification that no such ballots were
36 cast.

37 The total for ballots counted by the county board of elections under
38 this subdivision shall be canvassed as if it were a separate precinct."

39 Section 5. G.S. 163-169(i) reads as rewritten:

40 "(i) Absentee Ballots. – Absentee ballots shall be deposited and voted in
41 accordance with the provisions of G.S. 163-227.2 and G.S. 163-234; they shall be
42 counted and tabulated as provided in this section and G.S. 163-170."

1 Section 6. This act applies to elections held on or after January 1, 1998, except
2 that the State Board of Elections may issue rules required or permitted by this act prior to
3 that date.