

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 1195  
Second Edition Engrossed 4/26/01**

Short Title: Annual Absentee Ballot Request.

(Public)

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Sponsors: Representative Blue.

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Referred to: Election Law and Campaign Finance Reform.

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April 12, 2001

A BILL TO BE ENTITLED

1  
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, and the applicant states  
16 that the sickness or physical disability is expected to last the remainder of the calendar  
17 year, it shall constitute an application for more than one or all of the primaries and  
18 elections held during the calendar year when the application is received.

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

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

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