

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-337
HOUSE BILL 977**

**AN ACT TO REMOVE THE EXCUSE REQUIREMENT FROM ABSENTEE
VOTING.**

The General Assembly of North Carolina enacts:

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

"§ 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 to be absent from the county in which he is registered during the entire period that the polls are open on the day of the specified election in which the voter desires to vote;~~
- ~~(2) The voter is unable to be present at the voting place to vote in person on the day of the specified election in which the voter desires to vote because of the voter's sickness or other physical disability;~~
- ~~(3) The voter is incarcerated, whether in the voter's county of residence or elsewhere, shall be entitled to vote by absentee ballot in the county of the voter's residence in any election, specified herein, in which the voter otherwise would be entitled to vote. Absentee voting shall be in the same manner as provided in this Article. The chief custodian or superintendent of the institution or other place of confinement shall certify that the applicant is not a felon, and the certification shall be as prescribed by the State Board of Elections. The State Board of Elections is authorized to prescribe procedures to carry out the intent and purpose of this subsection;~~
- ~~(3a) The voter because of the observance of a religious holiday pursuant to the tenets of the voter's religion will be unable to cast a ballot at the polling place on the day of the election; or~~
- ~~(4) The voter is an employee of the county board of elections or a precinct official, observer, or ballot counter, in another precinct and the voter's assigned duties on the day of the election will cause the voter to be unable to be present at the voting place to vote in person and provided such employee has the application witnessed by the chairman of the county board of elections. Article.~~

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

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

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

SECTION 2. G.S. 163-227.2(a1) is repealed.

SECTION 3. G.S. 163-230.1(a) reads as rewritten:

"(a) A qualified voter who is eligible to vote by absentee ballot under G.S. ~~163-226(a)(1)~~, ~~163-226(a)~~ or that voter's near relative or verifiable legal guardian, shall request in writing an application for absentee ballots, so that the county board of elections receives the request not later than 5:00 P.M. on the Tuesday before the election. The county board of elections shall enter in the register of absentee requests, applications, and ballots issued the information required in G.S. 163-228 as soon as each item of that information becomes available. Upon receiving the application, the county board of elections shall cause to be mailed to that voter in a single package:

- (1) The official ballots the voter is entitled to vote;
- (2) A container-return envelope for the ballots, printed in accordance with G.S. 163-229; and
- (3) Repealed by Session Laws 1999-455, s. 10.
- (4) An instruction sheet.

The ballots, envelope, and instructions shall be mailed to the voter by the county board's chairman, member, officer, or employee as determined by the board and entered in the register as provided by this Article."

SECTION 4. This act becomes effective January 1, 2002.

In the General Assembly read three times and ratified this the 26th day of July, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:35 a.m. this 3rd day of August, 2001