

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 514

Short Title: Uniform Military and Overseas Voters Act. (Public)

Sponsors: Representatives Martin, Killian, Lewis, and Glazier (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Homeland Security, Military, and Veterans Affairs, if favorable, Elections.

March 30, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ADOPT PROVISIONS OF THE UNIFORM MILITARY AND OVERSEAS
3 VOTERS ACT PROMULGATED BY THE NATIONAL CONFERENCE OF
4 COMMISSIONERS ON UNIFORM STATE LAW, WHILE RETAINING EXISTING
5 NORTH CAROLINA LAW MORE BENEFICIAL TO THOSE VOTERS.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Chapter 163 of the General Statutes is amended by adding a new
8 Article to read:

9 "Article 21A.

10 "Uniform Military and Overseas Voters Act.

11 "§ 163-258.1. Short title.

12 This Article may be cited as the Uniform Military and Overseas Voters Act.

13 "§ 163-258.2. Definitions.

14 As used in this Article:

15 (1) "Covered voter" means:

- 16 a. A uniformed-service voter or an overseas voter who is registered to
17 vote in this State;
18 b. A uniformed-service voter defined in subdivision (7) of this section
19 whose voting residence is in this State and who otherwise satisfies
20 this State's voter eligibility requirements;
21 c. An overseas voter who, before leaving the United States, was last
22 eligible to vote in this State and, except for a state residency
23 requirement, otherwise satisfies this State's voter eligibility
24 requirements;
25 d. An overseas voter who, before leaving the United States, would have
26 been last eligible to vote in this State had the voter then been of
27 voting age and, except for a state residency requirement, otherwise
28 satisfies this State's voter eligibility requirements; or
29 e. An overseas voter who was born outside the United States, is not
30 described in sub-subdivision c. or d. of this subdivision, and, except
31 for a State residency requirement, otherwise satisfies this State's
32 voter eligibility requirements, if:
33 1. The last place where a parent or legal guardian of the voter
34 was, or under this Article would have been, eligible to vote
35 before leaving the United States is within this State; and



- 1 2. The voter has not previously registered to vote in any other
2 state.
- 3 (2) "Dependent" means an individual recognized as a dependent by a uniformed
4 service.
- 5 (3) "Military-overseas ballot" means:
6 a. A federal write-in absentee ballot described in the Uniformed and
7 Overseas Citizens Absentee Voting Act, Section 103, 42 U.S.C. §
8 1973ff-2;
9 b. A ballot specifically prepared or distributed for use by a covered
10 voter in accordance with this Article; or
11 c. A ballot cast by a covered voter in accordance with this Article.
- 12 (4) "Overseas voter" means a United States citizen who is outside the United
13 States.
- 14 (5) "State" means a state of the United States, the District of Columbia, Puerto
15 Rico, the United States Virgin Islands, or any territory or insular possession
16 subject to the jurisdiction of the United States.
- 17 (6) "Uniformed service" means:
18 a. Active and reserve components of the Army, Navy, Air Force,
19 Marine Corps, and Coast Guard of the United States;
20 b. The Merchant Marine, the commissioned corps of the Public Health
21 Service, and the commissioned corps of the National Oceanic and
22 Atmospheric Administration of the United States; and
23 c. The National Guard and state militia units.
- 24 (7) "Uniformed-service voter" means an individual who is qualified to vote and
25 is:
26 a. A member of the active or reserve components of the Army, Navy,
27 Air Force, Marine Corps, or Coast Guard of the United States who is
28 on active duty;
29 b. A member of the Merchant Marine, the commissioned corps of the
30 Public Health Service, or the commissioned corps of the National
31 Oceanic and Atmospheric Administration of the United States;
32 c. A member of the National Guard or state militia unit who is on
33 activated status; or
34 d. A spouse or dependent of a member referred to in this subdivision.
- 35 (8) "United States," used in the territorial sense, means the several states, the
36 District of Columbia, Puerto Rico, the United States Virgin Islands, and any
37 territory or insular possession subject to the jurisdiction of the United States.

38 **§ 163-258.3. Elections covered.**

39 The voting procedures in this Article apply to:

- 40 (1) A primary, general, or special election for federal or State office;
41 (2) A State ballot measure; and
42 (3) A primary, general, special, or runoff election for local government office or
43 a local ballot measure if absentee balloting is allowed under Article 20 of
44 this Chapter.

45 **§ 163-258.4. Role of State Board of Elections.**

- 46 (a) The State Board of Elections is the State official responsible for implementing this
47 Article and the State's responsibilities under the Uniformed and Overseas Citizens Absentee
48 Voting Act, 42 U.S.C. § 1973ff, et seq.
- 49 (b) The State Board of Elections shall make available to covered voters information
50 regarding voter registration procedures for covered voters and procedures for casting
51 military-overseas ballots. The State Board of Elections may delegate the responsibility under

1 this subsection only to the State office designated in compliance with the Uniformed and
2 Overseas Citizens Absentee Voting Act, Section 102(b)(1), 42 U.S.C. § 1973ff-1(b)(1).

3 (c) The State Board of Elections shall establish an electronic transmission system
4 through which covered voters may apply for and receive voter registration materials,
5 military-overseas ballots, and other information under this Article.

6 (d) The State Board of Elections shall develop standardized absentee-voting materials,
7 including privacy and transmission envelopes and their electronic equivalents, authentication
8 materials, and voting instructions, to be used with the military-overseas ballot of a voter
9 authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall
10 do so in coordination with other states.

11 (e) The State Board of Elections shall prescribe the form and content of a declaration
12 for use by a covered voter to swear or affirm specific representations pertaining to the voter's
13 identity, eligibility to vote, status as a covered voter, and timely and proper completion of an
14 overseas-military ballot. The declaration must be based on the declaration prescribed to
15 accompany a federal write-in absentee ballot under the Uniformed and Overseas Citizens
16 Absentee Voting Act, Section 103, 42 U.S.C. § 1973ff-2, as modified to be consistent with this
17 Article. The State Board of Elections shall ensure that a form for the execution of the
18 declaration, including an indication of the date of execution of the declaration, is a prominent
19 part of all balloting materials for which the declaration is required.

20 **§ 163-258.5. Overseas voter's registration address.**

21 In registering to vote, an overseas voter who is eligible to vote in this State shall use and
22 must be assigned to the precinct of the address of the last place of residence of the voter in this
23 State, or, in the case of a voter described by G.S. 163-258.2(1)e, the address of the last place of
24 residence in this State of the parent or legal guardian of the voter. If that address is no longer a
25 recognized residential address, the voter must be assigned an address for voting purposes.

26 **§ 163-258.6. Methods of registering to vote.**

27 (a) In addition to any other approved method for registering to vote, a covered voter
28 may use a federal postcard application, as prescribed under the Uniformed and Overseas
29 Citizens Absentee Voting Act, Section 101(b)(2), 42 U.S.C. § 1973ff(b)(2), or the application's
30 electronic equivalent, to apply to register to vote.

31 (b) A covered voter may use the declaration accompanying the federal write-in absentee
32 ballot, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Section
33 103, 42 U.S.C. § 1973ff-2, to apply to register to vote simultaneously with the submission of
34 the federal write-in absentee ballot, if the declaration is received by the deadline to register to
35 vote provided by G.S. 163-82.6(c).

36 (c) The State Board of Elections shall ensure that the electronic transmission system
37 described in G.S. 163-258.4(c) is capable of accepting both a federal postcard application and
38 any other approved electronic registration application sent to the appropriate election official.
39 The voter may use the electronic transmission system or any other approved method to register
40 to vote.

41 **§ 163-258.7. Methods of applying for military-overseas ballot.**

42 (a) A covered voter who is registered to vote in this State may apply for a
43 military-overseas ballot using either the regular application provided by Article 20 of this
44 Chapter or the federal postcard application, as prescribed under the Uniformed and Overseas
45 Citizens Absentee Voting Act, Section 101(b)(2), 42 U.S.C. § 1973ff(b)(2), or the application's
46 electronic equivalent.

47 (b) A covered voter who is not registered to vote in this State may use the federal
48 postcard application or the application's electronic equivalent simultaneously to apply to
49 register to vote under G.S. 163-258.7 and to apply for a military-overseas ballot.

50 (c) The State Board of Elections shall ensure that the electronic transmission system
51 described in G.S. 163-258.4(c) is capable of accepting the submission of both a federal

1 postcard application and any other approved electronic military-overseas ballot application sent
2 to the appropriate election official. The voter may use the electronic transmission system or any
3 other approved method to apply for a military-overseas ballot.

4 (d) A covered voter may use the declaration accompanying the federal write-in absentee
5 ballot, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Section
6 103, 42 U.S.C. § 1973ff-2, as an application for a military-overseas ballot simultaneously with
7 the submission of the federal write-in absentee ballot, if the declaration is received by the
8 appropriate election official by the deadline provided by G.S. 163-230.1(a).

9 (e) To receive the benefits of this Article, a covered voter must inform the appropriate
10 election official that the voter is a covered voter. Methods of informing the appropriate election
11 official that a voter is a covered voter include:

12 (1) The use of a federal postcard application or federal write-in absentee ballot;

13 (2) The use of an overseas address on an approved voter registration application
14 or ballot application; and

15 (3) The inclusion on an approved voter registration application or ballot
16 application of other information sufficient to identify the voter as a covered
17 voter.

18 (f) This Article does not preclude a covered voter from voting an absentee ballot under
19 Article 20 of this Chapter.

20 **§ 163-258.8. Timeliness and scope of application for military-overseas ballot.**

21 An application for a military-overseas ballot is timely if received by the deadline provided
22 by G.S. 163-230.1(a). An application for a military-overseas ballot for a primary election,
23 whether or not timely, is effective as an application for a military-overseas ballot for the
24 general election. An application for a military-overseas ballot for a primary is effective for the
25 second primary election.

26 **§ 163-258.9. Transmission of unvoted ballots.**

27 (a) Not later than 60 days before the statewide general election in even-numbered years
28 and not later than 50 days before any other election, the county board of elections shall transmit
29 a ballot and balloting materials to all covered voters who by that date submit a valid
30 military-overseas ballot application, except that for a second primary the transmission shall be
31 as soon as practicable. If additional offices are added to the ballot to fill a vacancy occurring
32 after the deadline provided by this subsection, those ballots shall be transmitted as soon as
33 practicable.

34 (b) A covered voter who requests that a ballot and balloting materials be sent to the
35 voter by electronic transmission may choose facsimile transmission or electronic mail delivery,
36 or, if offered by the voter's jurisdiction, Internet delivery. The election official in each
37 jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot
38 and balloting materials to the voter using the means of transmission chosen by the voter.

39 (c) If a ballot application from a covered voter arrives after the jurisdiction begins
40 transmitting ballots and balloting materials to voters, the official charged with distributing a
41 ballot and balloting materials shall transmit them to the voter not later than two business days
42 after the application arrives.

43 **§ 163-258.10. Timely casting of ballot.**

44 To be valid, a military-overseas ballot must be received by the appropriate county board of
45 elections no later than 5:00 P.M. on the third day after the election.

46 **§ 163-258.11. Federal write-in absentee ballot.**

47 A covered voter may use the federal write-in absentee ballot, in accordance with the
48 Uniformed and Overseas Citizens Absentee Voting Act, Section 103, 42 U.S.C. § 1973ff-2, to
49 vote for all offices and ballot measures in a covered election.

50 **§ 163-258.12. Receipt of voted ballot.**

1 (a) A valid military-overseas ballot cast in accordance with G.S. 163-258.10 must be
2 counted if it is delivered by the end of business on the business day before the latest deadline
3 for completing the county canvass or other local tabulation used to determine the final official
4 results to the address that the appropriate State or local election office has specified.

5 (b) If the ballot is timely received, it may not be rejected on the basis that it has a late
6 postmark, an unreadable postmark, or no postmark.

7 **"§ 163-258.13. Declaration.**

8 Each military-overseas ballot must include or be accompanied by a declaration signed by
9 the voter declaring that a material misstatement of fact in completing the document may be
10 grounds for a conviction of perjury under the laws of the United States or this State.

11 **"§ 163-258.14. Confirmation of receipt of application and voted ballot.**

12 The State Board of Elections, in coordination with local election officials, shall implement
13 an electronic free-access system by which a covered voter may determine by telephone,
14 electronic mail, or Internet whether:

15 (1) The voter's federal postcard application or other registration or
16 military-overseas ballot application has been received and accepted; and

17 (2) The voter's military-overseas ballot has been received and the current status
18 of the ballot.

19 **"§ 163-258.15. Use of voter's electronic mail address.**

20 (a) The county board of elections shall request an electronic-mail address from each
21 covered voter who registers to vote after January 1, 2012. An electronic-mail address provided
22 by a covered voter is not a public record under Chapter 132 of the General Statutes. The
23 address may be used only for official communication with the voter about the voting process,
24 including transmitting military-overseas ballots and election materials if the voter has requested
25 electronic transmission, and verifying the voter's mailing address and physical location, as
26 needed. The request for an electronic-mail address must describe the purposes for which the
27 electronic-mail address may be used and include a statement that any other use or disclosure of
28 the electronic-mail address is prohibited.

29 (b) A covered voter who provides an electronic-mail address may request that the
30 voter's application for a military-overseas ballot be considered a standing request for electronic
31 delivery of a ballot for all elections held through December 31 of the year following the
32 calendar year of the date of the application or another shorter period the voter specifies
33 [including for any runoff elections that occur as a result of such elections]. An election official
34 shall provide a military-overseas ballot to a voter who makes a request for each election to
35 which the request is applicable. A covered voter entitled to receive a military-overseas ballot
36 for a primary election under this subsection is also entitled to receive a military-overseas ballot
37 for the general election.

38 **"§ 163-258.16. Publication of election notice.**

39 (a) Not later than 100 days before a regularly scheduled election to which this Article
40 applies, and as soon as practicable in the case of an election or vacancy election not regularly
41 scheduled, each county board of elections shall prepare an election notice for that jurisdiction,
42 to be used in conjunction with the federal write-in absentee ballot described in
43 G.S. 163-258.11. The election notice must contain a list of all of the ballot measures and
44 federal, State, and local offices that as of that date the official expects to be on the ballot on the
45 date of the election. The notice also must contain specific instructions for how a voter is to
46 indicate on the federal write-in absentee ballot the voter's choice for each office to be filled and
47 for each ballot measure to be contested.

48 (b) A covered voter may request a copy of an election notice. The official charged with
49 preparing the election notice shall send the notice to the voter by facsimile, electronic mail, or
50 regular mail, as the voter requests.

1 (c) As soon as ballot styles are printed, the county board of elections shall update the
2 notice with the certified candidates for each office and ballot measure questions and make the
3 updated notice publicly available.

4 (d) A county board of elections that maintains an Internet Web site shall make updated
5 versions of its election notices regularly available on the Web site.

6 **"§ 163-258.17. Prohibition of nonessential requirements.**

7 (a) If a voter's mistake or omission in the completion of a document under this Article
8 does not prevent determining whether a covered voter is eligible to vote, the mistake or
9 omission does not invalidate the document. Failure to satisfy a nonessential requirement, such
10 as using paper or envelopes of a specified size or weight, does not invalidate a document
11 submitted under this Article. In any write-in ballot authorized by this Article or in any vote for
12 a write-in candidate on a regular ballot, if the intention of the voter is discernable under this
13 State's uniform definition of what constitutes a vote, as required by the Help America Vote Act,
14 42 U.S.C. § 15481(a)(6), an abbreviation, misspelling, or other minor variation in the form of
15 the name of a candidate or a political party must be accepted as a valid vote.

16 (b) An authentication, other than the declaration specified in G.S. 163-278.13 or the
17 declaration on the federal postcard application and federal write-in absentee ballot, is not
18 required for execution of a document under this Article. The declaration and any information in
19 the declaration may be compared against information on file to ascertain the validity of the
20 document.

21 **"§ 163-258.18. Issuance of injunction of other equitable relief.**

22 A court may issue an injunction or grant other equitable relief appropriate to ensure
23 substantial compliance with, or enforce, this Article on application by:

24 (1) A covered voter alleging a grievance under this Article; or

25 (2) An election official in this State.

26 **"§ 163-258.19. Uniformity of application and construction.**

27 In applying and construing this uniform act, consideration must be given to the need to
28 promote uniformity of the law with respect to its subject matter among states that enact it.

29 **"§ 163-258.20. Relation to Electronic Signatures in Global and National Commerce Act.**

30 This Article modifies, limits, and supersedes the federal Electronic Signatures in Global and
31 National Commerce Act, 15 U.S.C. § 7001, et seq., but does not modify, limit, or supersede
32 Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the
33 notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b)."

34 **SECTION 2.** Article 21 of Chapter 163 of the General Statutes is repealed, except
35 that G.S. 163-251, 253, 254, 255, 256, and 258 are recodified as G.S. 163-258.21 through
36 G.S. 163-258.26 respectively, and as such read as rewritten:

37 **"§ 163-258-21. Certified list of approved military and overseas absentee ballot**
38 **applications; record of ballots received; disposition of list; list constitutes**
39 **registration.**

40 (a) Preparation of List. – The chairman of the county board of elections shall prepare,
41 or cause to be prepared, a list in quadruplicate of all military and overseas absentee ballots
42 returned to the county board of elections under this Article to be counted which have been
43 approved by the county board of elections. At the end of the list the chairman shall execute the
44 following certificate under oath:

45 "State of North Carolina

46 County of _____

47 I, _____, Chairman of the _____ County
48 Board of Elections, do hereby certify that the foregoing is a list of all
49 executed military and overseas absentee ballots to be voted in the election to
50 be conducted on the _____ day of _____, _____, which
51 have been approved by the County Board of Elections. I further certify that I

1 have issued ballots to no other persons than those listed herein and further
 2 that I have not delivered military or overseas absentee ballots to persons
 3 other than those listed herein; that this list constitutes the only precinct
 4 registration of military and overseas absentee voters whose names have not
 5 heretofore been entered on the regular registration of the appropriate
 6 precinct.

7 This the _____ day of _____, _____.
 8

9 _____
 (Signature of Chairman of County
 Board of Elections)

10 Sworn to and subscribed before me this _____ day of _____,
 11 _____
 12

13 _____
 (Signature of Officer administering oath)

14 _____
 (Title of officer)"

15
 16
 17 (b) Distribution of List. – No earlier than 3:00 P.M. on the day before the election and
 18 no later than 10:00 A.M. on election day, the chairman shall cause one copy of the list of
 19 executed military absentee ballots, which may be a continuing countywide list or a separate list
 20 for each precinct, to be immediately deposited as first-class mail to the State Board of
 21 Elections. The chairman shall retain one copy in the board office for public inspection and he
 22 shall cause two copies of the appropriate precinct list to be delivered to the chief judge of each
 23 precinct in the county. The chief judge shall post one copy in the voting place and retain one
 24 copy until all challenges of absentee ballots have been heard by the county board of elections.
 25 Challenges shall be made as provided in G.S. 163-89.

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

32 (c) List Constitutes Registration. – The "List of Applicants for Military and Overseas
 33 Absentee Ballots to Whom Ballots Have Been Issued" prescribed by this section, when
 34 delivered to the chief judges of the various precincts, shall constitute the only precinct
 35 registration of the military and overseas absentee voters listed thereon whose names are not
 36 already entered in the registration records of the appropriate precinct. Chief judges shall not
 37 add the names of persons listed on the military absentee list to the regular registration books of
 38 their precincts.

39 (d) Counting Ballots, Hearing Challenges. – The county board of elections shall count
 40 military ballots as provided for civilian absentee ballots in G.S. 163-234, and shall hear
 41 challenges as provided in G.S. 163-89.

42 **"§ 163-258.22. Article inapplicable to persons after change of status; reregistration not**
 43 **required.**

44 Upon discharge from the armed forces of the United States or termination of any other
 45 status qualifying the voter to register and vote by absentee ballot under the provisions of this
 46 Article, the voter shall not be entitled subsequently to vote by ~~military absentee ballot,~~
 47 absentee ballot under this Article, but if the voter was registered under the provisions of this
 48 Article that voter's registration shall remain valid for the remainder of the calendar year that
 49 voter registered, and that voter shall be entitled to vote in any primary or election for the
 50 remainder of the calendar year without having to reregister. If requested by election officials,
 51 the voter shall present proof of military status at the time of registration. This section does not

1 entitle a person to vote in North Carolina if that person has become disqualified because of
2 change of permanent residence to another State or because of conviction of a felony.

3 **"§ 163-258.23. Registration and voting on primary or election day.**

4 Notwithstanding any other provisions of ~~Chapter 163 of the General Statutes, this Chapter,~~
5 an individual shall be permitted to register in person at any time the office of the board of
6 elections or the voting place is open, including the day of a primary or election if that
7 individual was absent on the day the registration records close for an election, but returns to
8 that individual's county of residence in North Carolina thereafter, and if the absence is due to
9 uniformed service as defined by G.S. 163-258.2. ~~an occupation or status of that individual~~
10 ~~listed below:~~

- 11 (1) ~~Individuals serving in the armed forces of the United States, including (but~~
12 ~~not limited to) the Army, the Navy, the Air Force, the Marine Corps, the~~
13 ~~Coast Guard, the Merchant Marine, the National Oceanic and Atmospheric~~
14 ~~Administration, the commissioned corps of the Public Health Service, and~~
15 ~~members of the National Guard and military reserve.~~
- 16 (2) ~~Spouses of individuals serving in the armed forces of the United States~~
17 ~~residing outside the counties of their spouses' voting residence.~~
- 18 (3) ~~Disabled war veterans in United States government hospitals.~~
- 19 (4) ~~Civilians attached to and serving outside the United States with the armed~~
20 ~~forces of the United States.~~
- 21 (5) ~~Members of the Peace Corps.~~

22 If an individual so absent on the day registration closes shall appear in person at the voting
23 place on election day and is otherwise eligible to vote, that individual shall be entitled to
24 register and vote at the voting place that day, regardless of whether the person's ~~occupation or~~
25 ~~status as outlined in subdivisions (1) through (5) of this section~~ uniformed service status has
26 changed since the close of registration.

27 **"§ 163-258.24. Absentee voting at office of board of elections.**

28 Notwithstanding any other provisions of ~~Chapter 163 of the General Statutes, this Chapter,~~
29 any person eligible to vote an absentee ballot pursuant to ~~G.S. 163-245~~ this Article shall be
30 permitted to vote an absentee ballot pursuant to G.S. 163-227.2 if the person has not already
31 voted an absentee ballot which has been returned to the board of elections, and if he will not be
32 in the county on the day of the primary or election.

33 In the event an absentee application or ballot has already been mailed to such person
34 applying to vote pursuant to G.S. 163-227.2, the board of elections shall void the application
35 and ballot unless the voted absentee ballot has been received by the board of elections. Such
36 person shall be eligible to vote pursuant to G.S. 163-227.2 no later than 5:00 P.M. on the day
37 next preceding the primary, second primary or election.

38 **"§ 163-258.25. Regulations of State Board of Elections.**

39 (a) The State Board of Elections shall adopt rules and regulations to carry out the intent
40 and purpose of ~~G.S. 163-254 and 163-255, 163-278.23 and G.S. 163-278.24~~ and to ensure that
41 a proper list of persons voting under said sections shall be maintained by the boards of
42 elections, and to ensure proper registration records, and such rules and regulations shall not be
43 subject to the provisions of Article 2A of Chapter 150B of the General Statutes.

44 (b) The State Board of Elections shall be the single office responsible for providing
45 information concerning voter registration and absentee voting procedures to be used by absent
46 uniformed services voters and overseas voters as to all elections and procedures relating to the
47 use of federal write-in absentee ballots. Unless otherwise required by law, the State Board of
48 Elections shall be responsible for maintaining contact and cooperation with the Federal Voting
49 Assistance Program, the United States Department of Defense, and other federal entities that
50 deal with military and overseas voting. The State Board of Elections shall, as needed, make

1 recommendations concerning military and overseas citizen voting to the General Assembly, the
2 Governor, and other State officials.

3 **"§ 163-258.26. Emergency powers.**

4 If an international, national, or local emergency or other situation arises that makes
5 substantial compliance with this Article or the Uniformed and Overseas Citizens Absentee
6 Voting Act impossible or unreasonable, the State Board of Elections may prescribe, by
7 emergency rule, such special procedures or requirements as may be necessary to facilitate
8 absentee voting by those absent uniformed services voters or overseas voters directly affected
9 who are eligible to vote in this State. The rule shall become effective when filed with the
10 Codifier of Rules."

11 **SECTION 3.** G.S. 163-22(k) reads as rewritten:

12 "(k) Notwithstanding the provisions contained in Article 20 or Article ~~21~~ 21A of Chapter
13 163 the State Board of Elections shall be authorized, by resolution adopted prior to the printing
14 of the primary ballots, to reduce the time by which absentee ballots are required to be printed
15 and distributed for the primary election from 50 days to 45 days. This authority shall not be
16 authorized for absentee ballots to be voted in the general election, except if the law requires
17 ballots to be available for mailing 60 days before the general election, and they are not ready by
18 that date, the State Board of Elections shall allow the counties to mail them out as soon as they
19 are available."

20 **SECTION 4.** G.S. 163-231(b) reads as rewritten:

21 "(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed
22 container-return envelope in which executed absentee ballots have been placed shall be
23 transmitted to the county board of elections who issued them as follows: All ballots issued
24 under the provisions of Articles 20 and ~~21~~ 21A of this Chapter shall be transmitted by mail or
25 by commercial courier service, at the voter's expense, or delivered in person, or by the voter's
26 near relative or verifiable legal guardian not later than 5:00 p.m. on the day before the statewide
27 primary or general election or county bond election. If ballots are received later than that hour,
28 they shall not be accepted unless (i) federal law so requires, (ii) if ballots issued under Article
29 20 of this Chapter are postmarked by the day of the statewide primary or general election or
30 county bond election and are received by the county board of elections not later than three days
31 after the election by 5:00 p.m., or (iii) if ballots issued under Article ~~21~~ 21A of this Chapter are
32 received by the county board of elections not later than three days after the election by 5:00
33 p.m. Ballots issued under Article 20 of this Chapter not postmarked by the day of the election
34 shall not be accepted by the county board of elections."

35 **SECTION 5.** G.S. 163-232.1(b) reads as rewritten:

36 "(b) The county board of elections shall prepare, or cause to be prepared, a list in at least
37 triplicate, of all military and overseas absentee ballots issued under Article ~~21~~ 21A of this
38 Chapter and returned to the county board of elections to be counted, which have been approved
39 by the county board of elections, have not been included on the certified list prepared pursuant
40 to G.S. 163-232, and which have been received by the county board of elections not later than
41 three days after the election by 5:00 p.m. The list shall be supplemented with new information
42 each business day following the day of the election until the deadline for receipt of such
43 absentee ballots. At the end of the list, the chairman shall execute the following certificate
44 under oath:

45 "State of North Carolina

46 County of _____

47 I, _____, chairman of the _____ County Board of Elections, do hereby certify that
48 the foregoing is a list of all executed military absentee ballots to be voted in the election to be
49 conducted on the ____ day of _____, _____, which have been approved by the county
50 board of elections, and which have been postmarked by the day of the statewide primary or
51 general election or county bond election and received by the county board of elections not later

1 than three days after the election by 5:00 p.m. I further certify that I have issued ballots to no
2 other persons than those listed herein and further that I have not delivered military absentee
3 ballots to persons other than those listed herein; that this list constitutes the only precinct
4 registration of military absentee voters whose names have not heretofore been entered on the
5 regular registration of the appropriate precinct.

6 This the _____ day of _____, _____

7 _____
8 (Signature of chairman of
9 county board of elections)

10
11 Sworn to and subscribed before me this _____ day of _____, ____.

12 Witness my hand and official seal.

13 _____
14 (Signature of officer
15 administering oath)

16 _____
17 (Title of officer)"

18 **SECTION 6.** G.S. 163-239 reads as rewritten:

19 "**§ 163-239. Article ~~21-21A~~ relating to absentee voting by servicemen and certain civilians**
20 **military and overseas not applicable.**

21 Except as otherwise provided therein, Article ~~21-21A~~ of this Chapter, relating to absentee
22 registration and voting by servicemen and certain civilians, Chapter shall not apply to or
23 modify the provisions of this Article."

24 **SECTION 7.** This act becomes effective January 1, 2012.