

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 553

State Government, Local Government, and Personnel Committee Substitute Adopted
4/17/97

House Committee Substitute Favorable 8/5/97

Short Title: Legal Notices/One-Stop.

(Public)

Sponsors:

Referred to:

March 27, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE STATE SHALL PAY THE COST OF ANY
REQUIRED LEGAL ADVERTISING IT REQUIRES COUNTIES TO PLACE IN
CONNECTION WITH ANY REFERENDUM PLACED ON THE BALLOT BY
THE GENERAL ASSEMBLY; TO ALLOW A COUNTY BOARD OF ELECTIONS
TO CONDUCT ONE-STOP VOTING ON ITS ELECTION-DAY VOTING
EQUIPMENT AT THE COUNTY BOARD OF ELECTIONS OFFICE USING
CURRENT EXCUSE REQUIREMENTS UNDER A PLAN APPROVED BY THE
STATE BOARD OF ELECTIONS; AND TO ALLOW THE CATAWBA COUNTY
BOARD OF ELECTIONS TO USE PAPER BALLOTS IN SECOND PRIMARY
ELECTIONS WHERE VOTING SYSTEMS ARE USED IN THE FIRST PRIMARY
ELECTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-33(8) reads as rewritten:

"(8) To provide for the issuance of all notices, advertisements, and
publications concerning elections required by law. If the election is on a
State bond issue, an amendment to the Constitution, or approval of an

1 act submitted to the voters of the State, the State Board of Elections
2 shall reimburse the county boards of elections for their reasonable
3 additional costs in placing such notices, advertisements, and
4 publications. In addition, the county board of elections shall give notice
5 at least 20 days prior to the date on which the registration books or
6 records are closed that there will be a primary, general or special
7 election, the date on which it will be held, and the hours the voting
8 places will be open for voting in that election. The notice also shall
9 describe the nature and type of election, and the issues, if any, to be
10 submitted to the voters at that election. Notice shall be given by
11 advertisement at least once weekly during the 20-day period in a
12 newspaper having general circulation in the county and by posting a
13 copy of the notice at the courthouse door. Notice may additionally be
14 made on a radio or television station or both, but such notice shall be in
15 addition to the newspaper and other required notice. This subdivision
16 shall not apply in the case of bond elections called under the provisions
17 of Chapter 159."

18 Section 2. G.S. 163-227.2 reads as rewritten:

19 "**§ 163-227.2. Alternate procedures for requesting application for absentee ballot;**
20 **"one-stop" voting procedure in board office.**

21 (a) A person expecting to be absent from the county in which he is registered
22 during the entire period that the polls are open on the day of an election in which
23 absentee ballots are authorized or is eligible under G.S. 163-226(a)(2), 163-226(a)(3a), or
24 163-226(a)(4) may request an application for absentee ballots, complete the application,
25 receive the absentee ballots, vote and deliver them sealed in a container-return envelope
26 to the county board of elections in the county in which he is registered under the
27 provisions of this section.

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

37 (c) If the application is properly filled out, the chairman, member, director of
38 elections of the board, or employee of the board of elections, authorized by the board,
39 shall enter the voter's name in the register of absentee ballot applications and ballots
40 issued; shall furnish the voter with the instruction sheets called for by G.S. 163-229(c);
41 shall furnish the voter with the ballots to which the application for absentee ballots
42 applies; and shall furnish the voter with a container-return envelope. The voter thereupon
43 shall comply with the provisions of G.S. 163-231(a) except that he shall deliver the

1 container-return envelope to the chairman, member, director of elections of the board, or
2 an employee of the board of elections, authorized by the board, immediately after making
3 and subscribing the certificate printed on the container-return envelope as provided in
4 G.S. 163-229(b). All actions required by this subsection shall be performed in the office
5 of the board of elections. For the purposes of this section only, the chairman, member,
6 director of elections of the board, or full-time employee, authorized by the board shall
7 sign the application and certificate as the witness and indicate the official title held by
8 him or her. Notwithstanding G.S. 163-231(a), in the case of this subsection, only one
9 witness shall be required on the certificate.

10 (d) Only the chairman, member or director of elections of the board shall keep the
11 voter's application for absentee ballots and the sealed container-return envelope in a safe
12 place, separate and apart from other applications and container-return envelopes. At the
13 first meeting of the board pursuant to G.S. 163-230(2) held after receipt of the application
14 and envelope, the chairman shall comply with the requirements of G.S. 163-230(1) and
15 G.S. 163-230(2)b. and c. If the voter's application for absentee ballots is approved by the
16 board at that meeting, the application form and container-return envelope, with the ballots
17 enclosed, shall be handled in the same manner and under the same provisions of law as
18 applications and container-return envelopes received by the board under other provisions
19 of this Article. If the voter's application for absentee ballots is disapproved by the board,
20 the board shall so notify the voter stating the reason for disapproval by first-class mail
21 addressed to the voter at his residence address or at the address shown in the application
22 for absentee ballots; and the board chairman shall retain the container-return envelope in
23 its unopened condition until the day of the primary or election to which it relates and on
24 that day he shall destroy the container-return envelope and the ballots therein, without,
25 however, revealing the manner in which the voter marked the ballots.

26 (e) The voter shall vote his absentee ballot in a voting booth and the county board
27 of elections shall provide a voting booth for that purpose, provided however, that the
28 county board of elections may in the alternative provide a private room for the voter
29 adjacent to the office of the board, in which case the voter shall vote his absentee ballot in
30 that room. The voting booth shall be in the office of the county board of elections. If the
31 voter needs assistance in getting to and from the voting booth and in preparing and
32 marking his ballots or if he is a blind voter, only a member of the county board of
33 elections, the director of elections, an employee of the board of elections authorized by
34 the board, a near relative of the voter as defined in G.S. 163-227(c)(4), or the voter's legal
35 guardian shall be entitled to assist the voter.

36 (e1) If a county uses a voting system with retrievable ballots, that county's board of
37 elections may by resolution elect to conduct one-stop absentee voting according to the
38 provisions of this subsection. In a county in which the board has opted to do so, a one-
39 stop voter shall cast the ballot and then shall deposit the ballot in the ballot box or voting
40 system in the same manner as if such box or system was in use in a precinct on election
41 day. At the end of each business day, or at any time when there will be no employee or
42 officer of the board of elections on the premises, the ballot box or system shall be secured
43 in accordance with a plan approved by the State Board of Elections, which shall include

1 that no additional ballots have been placed in the box or system. Any county board
2 desiring to conduct one-stop voting according to this subsection shall submit a plan for
3 doing so to the State Board of Elections. The State Board shall adopt standards for
4 conducting one-stop voting under this subsection and shall approve any county plan that
5 adheres to its standards. The county board shall adhere to its State Board-approved plan.
6 The plan shall provide that each one-stop ballot shall have a ballot number on it in
7 accordance with G.S. 163-230(3)a., or shall have an equivalent identifier to allow for
8 retrievability. The standards shall address retrievability in one-stop voting on direct
9 record electronic equipment where no paper ballot is used.

10 (f) Notwithstanding the exception specified in G.S. 163-36, counties which
11 operate a modified full-time office shall remain open five days each week during regular
12 business hours consistent with daily hours presently observed by the county board of
13 elections, commencing with the date prescribed in G.S. 163-227.2(b) and continuing until
14 5:00 P.M. on the Friday prior to that election or primary. The boards of county
15 commissioners shall provide necessary funds for the additional operation of the office
16 during such time."

17 Section 3. (a) Article 14 of Chapter 163 of the General Statutes is amended by
18 adding a new section to read:

19 "**§ 163-162.2. Use of paper ballots in a second primary where voting systems are**
20 **used in the first primary.**

21 In counties in which voting systems are used in some or all precincts in a primary
22 election, the county board of elections shall have authority to furnish in a second primary
23 election paper ballots of each kind to precincts that used voting systems in the first
24 primary election."

25 (b) This section applies only to Catawba County.

26 Section 4. This act is effective when it becomes law.