

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 1294**

Short Title: Election Day Registration.

(Public)

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Sponsors: Representative Luebke.

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Referred to: Election Law and Campaign Finance Reform.

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April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW VOTER REGISTRATION ON ELECTION DAY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 163-82.6 reads as rewritten:

**"§ 163-82.6. Acceptance of application forms.**

(a) How the Form May Be Submitted. – The county board of elections shall accept any form described in G.S. 163-82.3 if the applicant submits the form by mail or in person. The applicant may delegate the submission of the form to another person. Any person who communicates to an applicant acceptance of that delegation shall deliver that form so that it is received by the appropriate county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be a Class 2 misdemeanor for any person to communicate to the applicant acceptance of that delegation and then fail to make a good faith effort to deliver the form so that it is received by the county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be an affirmative defense to a charge of failing to make a good faith effort to deliver a delegated form by the registration deadline that the delegatee informed the applicant that the form would not likely be delivered in time for the applicant to vote in the next election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a completed voter registration form or to condition its delivery upon payment.

(b) Signature. – The form shall be valid only if signed by the applicant.

(c) Registration Deadlines for an Election. – In order to be valid for an election, the form:

- (1) If submitted by mail, must be postmarked at least 25 days before the election, except that any mailed application on which the postmark is missing or unclear is validly submitted if received in the mail not later than 20 days before the election,

1 (2) If submitted in person, must be received by the county board of  
2 elections by 5:00 p.m. on the twenty-fifth day before the election,

3 (3) If submitted through a delegatee who violates the duty set forth in  
4 subsection (a) of this section, must be signed by the applicant and  
5 given to the delegatee not later than 25 days before the election,

6 except as provided in subsection (d) of this section.

7 ~~(d) Instances When Person May Register and Vote on Election Day. If a person  
8 has become qualified to register and vote between the twenty fifth day before an  
9 election and election day, then that person may apply to register on election day by  
10 submitting an application form described in G.S. 163-82.3(a) or (b) to:~~

11 ~~(1) A member of the county board of elections;~~

12 ~~(2) The county director of elections; or~~

13 ~~(3) The chief judge or a judge of the precinct in which the person is  
14 eligible to vote,~~

15 and, if the application is approved, that person may vote the same day. The official in  
16 subdivisions (1) through (3) of this subsection to whom the application is submitted  
17 shall decide whether the applicant is eligible to vote. The applicant shall present to the  
18 official written or documentary evidence that the applicant is the person he represents  
19 himself to be. The official, if in doubt as to the right of the applicant to register, may  
20 require other evidence satisfactory to that official as to the applicant's qualifications. If  
21 the official determines that the person is eligible, the person shall be permitted to vote in  
22 the election and the county board shall add the person's name to the list of registered  
23 voters. If the official denies the application, the person shall be permitted to vote a  
24 challenged ballot under the provisions of G.S. 163-88.1, and may appeal the denial to  
25 the full county board of elections. The State Board of Elections shall promulgate rules  
26 for the county boards of elections to follow in hearing appeals for denial of election day  
27 applications to register. No person shall be permitted to register on the day of a second  
28 primary unless he shall have become qualified to register and vote between the date of  
29 the first primary and the date of the succeeding second primary.

30 ~~(e) For purposes of subsection (d) of this section, persons who "become qualified  
31 to register and vote" during a time period:~~

32 ~~(1) Include those who during that time period are naturalized as citizens of  
33 the United States or who are restored to citizenship after a conviction  
34 of a felony; but~~

35 ~~(2) Do not include persons who reach the age of 18 during that time  
36 period, if those persons were eligible to register while 17 years old  
37 during an earlier period.~~

38 (f) Election Day Registration. – An individual who is eligible to vote may be  
39 registered on election day by a precinct official if the individual appears in person at the  
40 voting place for the precinct in which that individual resides, completes a registration  
41 form, makes an oath in the form prescribed by the State Board of Elections, and

1 provides proof of residence. An individual may provide proof of residence for the  
2 purposes of registering on election day by one of the following:

3 (1) Showing a North Carolina drivers license or identification card issued  
4 pursuant to G.S. 20-37.7.

5 (2) Showing any document approved by the State Board of Elections as  
6 proper identification.

7 (3) Having a voter who is registered to vote in the precinct sign an oath in  
8 the presence of the precinct official vouching that the voter personally  
9 knows that the individual is a resident of the precinct. A voter who has  
10 been vouched for may not sign a proof of residence oath vouching for  
11 any other individual on election day.

12 A county board of elections may require that the precinct chief judge initial each  
13 completed registration form."

14 **SECTION 2.** This act becomes effective January 1, 2002.