

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 583
HOUSE BILL 985

AN ACT TO REMOVE THE REQUIREMENT THAT AN ABSENTEE BALLOT BE
NOTARIZED AND SUBSTITUTE A REQUIREMENT THAT IT BE
WITNESSED BY AT LEAST TWO PERSONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-231(a1) is repealed.

Sec. 2. G.S. 163-231(a) reads as rewritten:

"(a) Procedure for Voting Absentee Ballots. In the presence of ~~an officer authorized to administer oaths having an official seal~~ two other persons who are at least 18 years of age, the voter shall:

- (1) Mark his ballots, or cause them to be marked by ~~such officer~~ one of such persons in his presence according to his instruction;
- (2) Fold each ballot separately, or cause each of them to be folded in his presence;
- (3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in his presence;
- (4) Make ~~and subscribe the affidavit~~ the certificate printed on the container-return envelope according to the provisions of G.S. 163-229(b).

~~The officer administering the oath shall then complete the form on the container-return envelope and affix his seal, if any, in the place indicated. The persons in whose presence the ballot was marked shall sign the certificate as witnesses, and shall indicate their address.~~ When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the chairman of the county board of elections who issued the ballots.

~~In the case of voters who are members of the armed forces of the United States, as defined in G.S. 163-245, the signature of any commissioned officer or noncommissioned officer of the rank of sergeant in the army, petty officer in the navy, or equivalent rank in other branches of the armed forces, as a witness to the execution of any certificate required by this or any other section of this Article to be under oath shall have the force and effect of the jurat of an officer with a seal fully authorized to take and administer oaths in connection with absentee ballots.~~

~~In the case of registered voters who are residents of North Carolina but temporarily outside of the United States, the procedure of subsection (a1) of this section may be followed in lieu of the procedure of this subsection."~~

Sec. 3. G.S. 163-229(b)(2) reads as rewritten:

"(2) On the other side shall be printed the return address of the chairman of the county board of elections and the following ~~affidavit~~ certificate:

~~"Affidavit or Certificate of Absentee or Sick Voter~~

State of

County of

I,, do ~~solemnly swear~~ certify that I am a resident and registered voter in precinct, County, North Carolina; that on the day of an election,, 19 (check whichever of the following statements is correct.)

I will be absent from the county in which I reside.

Due to sickness or physical disability, or incarceration as a misdemeanor, I will be unable to travel to the voting place in the precinct in which I reside.

I further ~~swear~~ certify that I made application for absentee ballots, and that I marked the ballots enclosed herein, or that they were marked for me in my presence and according to my instructions. I understand it is a felony to falsely sign this certificate.

.....
(Signature of voter)

.....
Signature of Witness #1

.....
Signature of Witness #2

.....
Address of Witness #1

.....
Address of Witness #2

~~Sworn to and subscribed before me this day of, 19~~

.....
~~(Signature and seal of officer
administering oath)~~

~~My commission (if any) expires~~

.....
.....
(Title of officer)

~~If you are a resident of North Carolina who is residing temporarily outside the United States, you do not have to have this affidavit or certificate signed by an officer administering an oath. Instead, check the box below and sign the following certification.~~

~~I am a resident of North Carolina but residing temporarily outside the United States. I certify that I made application for absentee ballots, and that I marked the ballots enclosed herein. I understand it is a felony to falsely sign this certificate.~~

.....
(Signature of voter)"

Sec. 4. G.S. 163-227.2(c) reads as rewritten:

"(c) If the application is properly filled out, the chairman, member, supervisor of elections of the board, or employee of the board of elections, authorized by the board, shall enter the voter's name in the register of absentee ballot applications and ballots

issued; shall furnish the voter with the instruction sheets called for by G.S. 163-229(c); shall furnish the voter with the ballots to which the application for absentee ballots applies; and shall furnish the voter with a container-return envelope. The voter thereupon shall comply with the provisions of G.S. 163-231(a) except that he shall deliver the container-return envelope to the chairman, member, supervisor of elections of the board, or an employee of the board of elections, authorized by the board, immediately after making and subscribing the affidavit-certificate printed on the container-return envelope as provided in G.S. 163-229(b). All actions required by this subsection ~~(e)~~ shall be performed in the office of the board of elections. For the purposes of this section only, the chairman, member, supervisor of elections of the board, or full-time employee, authorized by the board, ~~is authorized to administer the oath required for the affidavit on the container-return envelope, in such case, no seal shall be required, but the chairman, member, supervisor of elections of the board, or full-time employee, authorized by the board,~~ shall sign the application and certificate as the witness and indicate the official title held by him or her, ~~and shall charge no fee of any voter for taking the acknowledgment required under this section.~~ Notwithstanding G.S. 163-231(a), in the case of this subsection, only one witness shall be required on the certificate."

Sec. 5. G.S. 163-248(c)(2) reads as rewritten:

"(2) On the other side shall be printed the return address of the chairman of the county board of elections and the following certificate:

'Certificate of Absentee Voter

I,, do hereby certify that I am a resident and qualified voter in precinct, County, North Carolina, and that I am [check whichever of the following statements is correct]

- Serving in the armed forces of the United States
- The spouse of a member of the armed forces of the United States residing outside the county of my spouse's residence
- A disabled war veteran in a United States government hospital
- A civilian attached to and serving outside the United States with the armed forces of the United States
- A member of the Peace Corps

I further certify that I am affiliated with the Party. [To be completed only if applicant seeks to vote in the primary of the political party to which he belongs.]

I further certify that the following is my official address:

.....
 [Unit (Co., Sq., Trp., Bn., etc.), Governmental Agency, or Office]

.....
 [Military Base, Station, Camp, Fort, Ship, Airfield, etc.]

.....
 [Street number, APO, or FPO number]

.....
 [City, postal zone, State, and zip code]

I further certify that I made application for absentee ballots and that I marked the ballots enclosed herein, or that they were marked for me in my presence and according to my instruction. I understand it is a felony to falsely sign this certificate.

Witness my hand in the presence of [~~Insert name and rank of witnessing officer~~ names and addresses of witnesses] this day of....., 19.....

.....
(Signature of voter)

~~Witness:~~

~~(Signature of witnessing officer):.....~~

~~Signature of witness #1.....~~

~~Address of witness #1~~

~~Signature of witness #2.....~~

~~Address of witness #2.....~~

~~Rank or title of witnessing officer:~~

~~Unit to which witnessing officer is assigned:~~

Note: This certificate ~~may~~must be witnessed by any ~~commissioned officer or any noncommissioned officer of the rank of sergeant in the Army, petty officer in the Navy, or equivalent rank in other branches of the armed forces of the United States~~ two persons who are 18 years of age or older, and must contain their signatures and addresses."

Sec. 6. G.S. 163-250(a) is rewritten to read:

"(a) Procedure for Voting Absentee Ballots. In the presence of ~~any commissioned officer or noncommissioned officer of the rank of sergeant in the army, petty officer in the navy, or equivalent rank in other branches of the armed forces of the United States~~ two persons who are at least 18 years of age, the voter shall:

- (1) Mark his ballots, or cause them to be marked by one of such persons in his presence according to his instructions.
- (2) Fold each ballot separately, or cause each of them to be folded in his presence.
- (3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in his presence.
- (4) Make and subscribe the certificate printed on the container-return envelope according to the provisions of G.S. 163-248(c).

~~The officer witnessing the voter's signature shall then complete the form on the container return envelope by signing his name in the appropriate place and entering his rank or title and the designation of the unit to which he is assigned. The persons in whose presence the ballots were marked shall sign the certificate as witnesses, and shall give their addresses."~~

Sec. 7. G.S. 163-275(16) is rewritten to read:

"(16) For any person falsely to make the certificate provided by G.S. 162-229(b)(2) or G.S. 163-250(a)."

Sec. 8. G.S. 163-226.3(a)(5) is repealed.

Sec. 9. G.S. 163-274 is amended by adding a new subdivision to read:

"(5a) For any person to be a witness under G.S. 163-231(a) or G.S. 163-250(a) in any primary or election in which the person is a candidate for nomination or election;".

Sec. 10. G.S. 163-226.3(a)(7) reads as rewritten:

"(7) Except as provided in subsections (1), (2), (3), and (4) of this section, G.S. 163-231(a), G.S. 163-250(a), and G.S. 163-227.2(e), for any voter to permit another person to assist him in marking his absentee ballot, to be in the voter's presence when a voter votes an absentee ballot, or to observe the voter mark his absentee ballot."

Sec. 11. This act shall become effective with respect to elections held on or after January 1, 1988.

In the General Assembly read three times and ratified this the 9th day of July, 1987.