

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 921

Constitution and Election Laws Committee Substitute Adopted 5/10/93

Short Title: Faxing Military/Overseas Ballots.

(Public)

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Sponsors:

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Referred to:

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April 20, 1993

A BILL TO BE ENTITLED

AN ACT TO ALLOW FAXING OF ABSENTEE BALLOTS FROM MILITARY  
VOTERS AND PERSONS OUTSIDE THE UNITED STATES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-247(1) reads as rewritten:

"(1) Federal Postcard Application Form. – At any time prior to the statewide primary or general election in which he seeks to vote, the applicant may make and sign a written application to the County Board of Election[s] in County of Voter's Residence for absentee ballots on the postcard form specified in or promulgated by regulation under ~~42 U.S.C. 1973ee-14.~~ 42 U.S.C. § 1973ff."

Sec. 2. Article 21 of Chapter 163 of the General Statutes is amended by adding a new section to read:

**§ 163-257. Electronic facsimile absentee voting.**

(a) A Federal Postcard Application Form may be sent to a county board of elections under this Article by fax.

(a1) A ballot and the accompanying certificate of absentee voter under G.S. 163-248 and any necessary instructions may be sent to the voter by fax if the voter on the Federal Postcard Application Form indicates a number that the ballot, certificate, and any necessary instructions may be faxed to under the Federal Voting Assistance Program without toll charges being incurred by the county board of elections. The State Board of Elections shall provide by rule for materials that would have been printed on the container return envelope to instead be printed on a separate form to be faxed. The

1 State Board of Elections shall provide by rule procedures to ensure that the original of  
2 the ballot is destroyed by the county board of elections.

3 (b) A ballot under this Article may be returned to the appropriate county board of  
4 elections by fax if both sides of the container return envelope, with the voter's certificate  
5 properly executed, or the alternate certificate is sent by fax to the voter under subsection  
6 (a1) of this section, are also transmitted by fax.

7 (c) Any documents allowed to be faxed to a county board of elections may also  
8 be faxed to a federal officer under the Federal Voting Assistance Program for mailing or  
9 retransmitting to the county board of elections, but such document must be received by  
10 the county board of elections by the date required by law in order to be valid. The State  
11 Board of Elections shall prescribe by rule procedures for the ballot and certificate to be  
12 placed in envelopes after they are received, to be opened as other absentee ballots are  
13 when counted.

14 (d) As used in this section, a 'fax' is an electronic transmission of a facsimile.

15 (e) The State Board of Elections shall issue rules to implement this section."

16 Sec. 3. Chapter 163 of the General Statutes is amended by adding a new  
17 Article to read:

18 **"ARTICLE 21A.**

19 **"FAXING OF OVERSEAS ELECTION MATERIALS.**

20 **"§ 163-258. Electronic facsimile absentee voting.**

21 (a) A Federal Postcard Application Form may be sent by an overseas voter as  
22 defined by the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §  
23 1973ff et seq. to a county board of elections by fax.

24 (a1) A ballot and the accompanying certificate of absentee voter under G.S. 163-  
25 248 and any necessary instructions may be sent to an overseas voter as defined by the  
26 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff et seq. by  
27 fax if the voter on the Federal Postcard Application Form indicates a number that the  
28 ballot, any certificate required by the State Board of Elections, and any necessary  
29 instructions may be faxed to under the Federal Voting Assistance Program without toll  
30 charges being incurred by the county board of elections. The State Board of Elections  
31 shall provide by rule for materials that would have been printed on the container return  
32 envelope to instead be printed on a separate form to be faxed. The State Board of  
33 Elections shall provide by rule procedures to ensure that the original of the ballot is  
34 destroyed by the county board of elections.

35 (b) A ballot for federal office sent by an overseas voter as defined by the  
36 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff et seq. may  
37 be returned to the appropriate county board of elections by fax if any certification by the  
38 voter required by the State Board of Elections in its rules implementing the Uniformed  
39 and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff et seq. is also  
40 transmitted by fax.

41 (c) Any documents allowed to be sent by fax to a county board of elections may  
42 also be faxed to a federal officer under the Federal Voting Assistance Program for  
43 mailing or retransmitting to the county board of elections, but such document must be  
44 received by the county board of elections by the date required by law in order to be

1 valid. The State Board of Elections shall prescribe by rule procedures for the ballot and  
2 certificate to be placed in envelopes after they are received, to be opened as other  
3 absentee ballots are when counted.

4 (d) As used in this section, a 'fax' is an electronic transmission of a facsimile.

5 (e) This section only applies to persons not registered to vote in North Carolina,  
6 who are voting a ballot for federal office only as permitted by the Uniformed and  
7 Overseas Citizens Absentee Voting Act.

8 (f) The State Board of Elections shall issue rules to implement this section."

9 Sec. 4. This act becomes effective with respect to elections held on or after  
10 July 1, 1994.