

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 851
Committee Substitute Favorable 7/21/05

Short Title: Same Day Reg. at One-Stop Sites.

(Public)

Sponsors:

Referred to:

March 22, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP EARLY VOTING SITES; AND TO APPROPRIATE FUNDS TO THE STATE BOARD OF ELECTIONS TO IMPLEMENT AND STUDY THE CHANGE.

The General Assembly of North Carolina enacts:

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

"§ 163-82.6A. In-person registration and voting at one-stop sites.

(a) Who May Register in Person. – An individual who is qualified to register to vote may register in person and then vote at a one-stop voting site in the individual's county of residence during the period for one-stop voting provided under G.S. 163-227.2.

(b) Readiness of One-Stop Sites. – The State Board of Elections and the county boards of elections shall provide to the maximum extent practical electronic access to an updated statewide voter registration database and the North Carolina drivers license database at each site where in-person registration and voting take place. The county board shall staff those sites with personnel capable of using the equipment to conduct in-person registration and voting with competence and integrity.

(c) Identification Requirement. – To register and vote under this section, the person shall provide proof of identity and residence and shall complete a registration form as prescribed in G.S. 163-82.4. On that form the person shall sign a statement, under penalty of perjury, that the person is a citizen of the United States and resides at the address given. The presentation of any of the following valid documents that show the name and address of the person shall suffice as proof of identity and residence: a North Carolina drivers license, photo identification from a government agency, or a copy of a utility bill, bank statement, paycheck, government check, or other government document. The State Board of Elections may designate additional documents or

1 methods that suffice and shall prescribe procedures for establishing proof of identity and
2 residence.

3 (d) How the In-Person Registrant Shall Vote. – An individual who registers
4 under this section shall vote a retrievable absentee ballot as provided in G.S. 163-227.2
5 if all of the following conditions are met:

6 (1) The individual presents as identification a currently valid North
7 Carolina drivers license.

8 (2) The address on the drivers license is the same address the individual
9 declares as residence address on the voter registration application.

10 (3) The one-stop site has accessible an online database of both drivers
11 license records for the county and voter registration records for the
12 county so that election officials can verify the voter registration
13 application immediately.

14 If the conditions in subdivisions (1), (2), and (3) in this subsection are not all met,
15 the voter shall vote by provisional ballot as provided in Article 14A of this Chapter.

16 (e) Requirement for Immediate Voting. – An individual who registers in person
17 under this section must vote immediately after registering. The county board of
18 elections shall ensure that the individual is informed of this requirement before
19 registering. If an individual who has registered under this section declines to vote
20 immediately, the registration shall be cancelled, but that individual may later register
21 and vote under this section in the same election.

22 (f) Verification of Registration; Counting of Ballot. – The county board of
23 elections shall proceed under G.S. 163-82.7 to verify the qualifications and address of
24 every individual who registers under this section. The individual's vote shall be counted,
25 unless the county board determines under G.S. 163-82.7(b) that the applicant is not
26 qualified to vote."

27 **SECTION 2.** G.S. 163-82.6 reads as rewritten:

28 "**§ 163-82.6. Acceptance of voter registration application forms.**

29 (a) How the Form May Be Submitted. – The county board of elections shall
30 accept any form described in G.S. 163-82.3 if the applicant submits the form by mail,
31 facsimile transmission, transmission of a scanned document, or in person. The applicant
32 may delegate the submission of the form to another person. Any person who
33 communicates to an applicant acceptance of that delegation shall deliver that form so
34 that it is received by the appropriate county board of elections in time to satisfy the
35 registration deadline in subdivision (1) or (2) of subsection (c) of this section for the
36 next election. It shall be a Class 2 misdemeanor for any person to communicate to the
37 applicant acceptance of that delegation and then fail to make a good faith effort to
38 deliver the form so that it is received by the county board of elections in time to satisfy
39 the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the
40 next election. It shall be an affirmative defense to a charge of failing to make a good
41 faith effort to deliver a delegated form by the registration deadline that the delegatee
42 informed the applicant that the form would not likely be delivered in time for the
43 applicant to vote in the next election. It shall be a Class 2 misdemeanor for any person

1 to sell or attempt to sell a completed voter registration form or to condition its delivery
2 upon payment.

3 (b) Signature. – The form shall be valid only if signed by the applicant. An
4 electronically captured image of the signature of a voter on an electronic voter
5 registration form offered by a State agency shall be considered a valid signature for all
6 purposes for which a signature on a paper voter registration form is used.

7 (c) Registration Deadlines for an Election. – In order to be valid for an election,
8 except as provided in G.S. 163-82.6A, the form:

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

13 (2) If submitted in person, by facsimile transmission, or by transmission of
14 a scanned document, must be received by the county board of elections
15 by a time established by that board, but no earlier than 5:00 P.M., on
16 the twenty-fifth day before the election,

17 (3) If submitted through a delegatee who violates the duty set forth in
18 subsection (a) of this section, must be signed by the applicant and
19 given to the delegatee not later than 25 days before the election, except
20 as provided in subsection (d) of this section.

21 (c1) If the application is submitted by facsimile transmission or transmission of a
22 scanned document, a permanent copy of the completed, signed form shall be delivered
23 to the county board no later than 20 days before the election.

24 (d) Instances When Person May Register and Vote on Election Day. After the
25 Standard Registration Deadline. – If a person has become qualified to register and vote
26 between the twenty fifth day before an election and election day, then that person may
27 apply to register and vote at a one-stop site as provided in G.S. 163-82.6A if the person
28 has become qualified before the end of the one-stop period provided in G.S. 163-227.2,
29 or may apply to register on election day by submitting an application form described in
30 G.S. 163 82.3(a) or (b) to:

31 (1) A member of the county board of elections;

32 (2) The county director of elections; or

33 (3) The chief judge or a judge of the precinct in which the person is
34 eligible to vote,

35 and, if the application is approved, that person may vote the same day. The official in
36 subdivisions (1) through (3) of this subsection to whom the application is submitted
37 shall decide whether the applicant is eligible to vote. The applicant shall present to the
38 official written or documentary evidence that the applicant is the person he represents
39 himself to be. The official, if in doubt as to the right of the applicant to register, may
40 require other evidence satisfactory to that official as to the applicant's qualifications. If
41 the official determines that the person is eligible, the person shall be permitted to vote in
42 the election and the county board shall add the person's name to the list of registered
43 voters. If the official denies the application, the person shall be permitted to vote a
44 challenged ballot under the provisions of G.S. 163 88.1, and may appeal the denial to

1 the full county board of elections. The State Board of Elections shall promulgate rules
2 for the county boards of elections to follow in hearing appeals for denial of election day
3 applications to register. No person shall be permitted to register on the day of a second
4 primary unless he shall have become qualified to register and vote between the date of
5 the first primary and the date of the succeeding second primary.

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

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

11 (2) Do not include persons who reach the age of 18 during that time
12 period, if those persons were eligible to register while 17 years old
13 during an earlier period."

14 **SECTION 3.** G.S. 163-227.2(a) reads as rewritten:

15 "(a) Any voter eligible to vote by absentee ballot under G.S. 163-226 may request
16 an application for absentee ballots, complete the application, and vote under the
17 provisions of this ~~section~~ section and of G.S. 163-82.6A, as applicable."

18 **SECTION 4.** The State Board of Elections shall provide counties with the
19 access to the databases described in G.S. 163-82.6A(b), monitor the implementation of
20 this act, analyze its use in the counties during 2006, and determine the feasibility and
21 timetable for expanding same-day registration and voting to all voting places on election
22 day. The State Board shall report its findings no later than March 1, 2007, to the Joint
23 Legislative Commission on Governmental Operations of the General Assembly. There
24 is appropriated from the General Fund to the State Board of Elections for the 2005-2006
25 fiscal year the sum of seventy-five thousand dollars (\$75,000) for this purpose.

26 **SECTION 5.** Sections 1, 2, and 3 of this act become effective January 1,
27 2006, and shall apply to all primaries and elections held on or after that date. The
28 remainder of this act is effective when it becomes law.