

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 954

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

(Public)

Sponsors: Senators Lucas; and Malone.

Referred to: Judiciary I.

March 24, 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 under this subsection, the person shall provide proof of identity and residence and shall complete a registration form which includes signing 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 methods that suffice and shall prescribe procedures for establishing proof of identity and residence.

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

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

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

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

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

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

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

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

26 "**§ 163-82.6. Acceptance of voter registration application forms.**

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

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

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

- 7 (1) If submitted by mail, must be postmarked at least 25 days before the
8 election, except that any mailed application on which the postmark is
9 missing or unclear is validly submitted if received in the mail not later
10 than 20 days before the election,
11 (2) If submitted in person, by facsimile transmission, or by transmission of
12 a scanned document, must be received by the county board of elections
13 by a time established by that board, but no earlier than 5:00 P.M., on
14 the twenty-fifth day before the election,
15 (3) If submitted through a delegatee who violates the duty set forth in
16 subsection (a) of this section, must be signed by the applicant and
17 given to the delegatee not later than 25 days before the election, except
18 as provided in subsection (d) of this section.

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

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

- 26 ~~(1) A member of the county board of elections;~~
27 ~~(2) The county director of elections; or~~
28 ~~(3) The chief judge or a judge of the precinct in which the person is
29 eligible to vote,~~

30 ~~and, if the application is approved, that person may vote the same day. The official in
31 subdivisions (1) through (3) of this subsection to whom the application is submitted
32 shall decide whether the applicant is eligible to vote. The applicant shall present to the
33 official written or documentary evidence that the applicant is the person he represents
34 himself to be. The official, if in doubt as to the right of the applicant to register, may
35 require other evidence satisfactory to that official as to the applicant's qualifications. If
36 the official determines that the person is eligible, the person shall be permitted to vote in
37 the election and the county board shall add the person's name to the list of registered
38 voters. If the official denies the application, the person shall be permitted to vote a
39 challenged ballot under the provisions of G.S. 163-88.1, and may appeal the denial to
40 the full county board of elections. The State Board of Elections shall promulgate rules
41 for the county boards of elections to follow in hearing appeals for denial of election day
42 applications to register. No person shall be permitted to register on the day of a second
43 primary unless he shall have become qualified to register and vote between the date of
44 the first primary and the date of the succeeding second primary.~~

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

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

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

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

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

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

21 **SECTION 5.** Sections 1, 2, and 3 of this act become effective January 1,
22 2006, and shall apply to all primaries and elections held on or after that date. The
23 remainder of this act becomes effective July 1, 2005.