

## CHAPTER 18 – ABSENTEE BALLOTS

### 08 NCAC 18 .0101 ABSENTEE BALLOT DELIVERY

(a) A qualified individual with a disability who, due to a disability, requires assistance mailing his or her return envelope containing an executed absentee ballot may direct that the sealed envelope be taken directly to the closest U.S. mail depository or mailbox by a person selected by the voter, so long as the individual is not disqualified from assisting the voter under G.S. 163A-1298(a)(4) or G.S. 163A-1317(c). For purposes of this Rule, "directly" means taken to the depository or mailbox without stopping or making any detour. For the purposes of this Rule, "closest" means the location the shortest distance away from the voter.

(b) Any individual who assists in the manner described in this Rule shall indicate that he or she assisted the voter by marking the space provided for assistors on the return envelope containing the executed absentee ballot.

(c) This Rule is adopted in accord with Title II of the Americans with Disabilities Act of 1990, which provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

*History Note:* Authority G.S. 163A-741; 163A-1308(g); 163A-1310(b)(1); 42 U.S.C. 12132; Nat'l Fed'n of the Blind v. Lamone, 813 F.3d 494 (4th Cir. 2016); Eff. September 1, 2018.

### 08 NCAC 18 .0102 IN-PERSON RETURN OF ABSENTEE BALLOTS

Any person who returns an absentee ballot in person to a county board of elections office shall, upon delivery, provide the following information in writing:

- (1) Name of voter;
- (2) Name of person delivering ballot;
- (3) Relationship to voter;
- (4) Phone number (if available) and current address of person delivering ballot;
- (5) Date and time of delivery of ballot; and
- (6) Signature or mark of person delivering ballot certifying that the information provided is true and correct and that the person is the voter or the voter's near relative as defined in G.S. 163A-1308(h) or verifiable legal guardian as defined in G.S. 163A-1295(e).

At the absentee meeting held pursuant to G.S. 163A-1308(e) and G.S. 163A-1315, the county board of elections may consider the delivery of a ballot in accordance with this Rule in conjunction with other evidence in determining whether the container-return envelope has been properly executed according to the requirements in G.S. 163A-1310. Failure to comply with this Rule shall not constitute evidence sufficient in and of itself to establish that the voter did not lawfully vote his or her ballot.

*History Note:* Authority G.S. 163A-741; 163A-1298(a)(5); 163A-1308(g); 163A-1310; Eff. December 1, 2018.