

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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HOUSE BILL 114

Short Title: Assistance to Voters in Family Care Homes. (Public)

Sponsors: Representative Setzer (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Elections.

February 17, 2011

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FOR LEGAL GUARDIANS TO GIVE ASSISTANCE TO VOTERS
LIVING IN FAMILY CARE HOMES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-166.8 reads as rewritten:

"§ 163-166.8. Assistance to voters.

(a) Any registered voter qualified to vote in the election shall be entitled to assistance with entering and exiting the voting booth and in preparing ballots in accordance with the following rules:

- (1) Any voter is entitled to assistance from the voter's spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild, as chosen by the voter.
- (2) A voter in any of the following four categories is entitled to assistance from a person of the voter's choice, other than the voter's employer or agent of that employer or an officer or agent of the voter's union:
 - a. A voter who, on account of physical disability, is unable to enter the voting booth without assistance.
 - b. A voter who, on account of physical disability, is unable to mark a ballot without assistance.
 - c. A voter who, on account of illiteracy, is unable to mark a ballot without assistance.
 - d. A voter who, on account of blindness, is unable to enter the voting booth or mark a ballot without assistance.

(b) A qualified voter seeking assistance in an election shall, upon arriving at the voting place, request permission from the chief judge to have assistance, stating the reasons. If the chief judge determines that such assistance is appropriate, the chief judge shall ask the voter to point out and identify the person the voter desires to provide such assistance. If the identified person meets the criteria in subsection (a) of this section, the chief judge shall request the person indicated to render the assistance. The chief judge, one of the judges, or one of the assistants may provide aid to the voter if so requested, if the election official is not prohibited by subdivision (a) (2) of this section. Under no circumstances shall any precinct official be assigned to assist a voter qualified for assistance, who was not specified by the voter.

(c) A person rendering assistance to a voter in an election shall be admitted to the voting booth with the voter being assisted. The State Board of Elections shall promulgate rules governing voter assistance, and those rules shall adhere to the following guidelines:



- 1 (1) The person rendering assistance shall not in any manner seek to persuade or
2 induce any voter to cast any vote in any particular way.
- 3 (2) The person rendering assistance shall not make or keep any memorandum of
4 anything which occurs within the voting booth.
- 5 (3) The person rendering assistance shall not, directly or indirectly, reveal to any
6 person how the assisted voter marked ballots, unless the person rendering
7 assistance is called upon to testify in a judicial proceeding for a violation of
8 the election laws.

9 (d) Any registered voter qualified to vote in the election who, on account of living in a
10 family care home as a person with disabilities as defined in G.S. 168-21, is entitled to
11 assistance only from the voter's legal guardian."

12 **SECTION 2.** G.S. 168-22 reads as rewritten:

13 **"§ 168-22. Family care home; zoning and other purposes.**

14 (a) A family care home shall be deemed a residential use of property for zoning
15 purposes and shall be a permissible use in all residential districts of all political subdivisions.
16 No political subdivision may require that a family care home, its owner, or operator obtain,
17 because of the use, a conditional use permit, special use permit, special exception or variance
18 from any such zoning ordinance or plan; provided, however, that a political subdivision may
19 prohibit a family care home from being located within a one-half mile radius of an existing
20 family care home.

21 (b) A family care home shall be deemed a residential use of property for the purposes of
22 determining charges or assessments imposed by political subdivisions or businesses for water,
23 sewer, power, telephone service, cable television, garbage and trash collection, repairs or
24 improvements to roads, streets, and sidewalks, and other services, utilities, and improvements.

25 (c) Personnel of a family care home shall comply with the requirements of
26 G.S. 163-166.8."

27 **SECTION 3.** This act is effective when it becomes law.