

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 668

Short Title: Restrict Mentally Incompetent From Voting. (Public)

Sponsors: Senators Cook, Rabin (Primary Sponsors); Newton and Randleman.

Referred to: Rules and Operations of the Senate.

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO DISQUALIFY
3 THOSE ADJUDICATED MENTALLY INCOMPETENT FROM VOTING.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Section 2 of Article 6 of the North Carolina Constitution is amended
6 by adding the following new subdivision:

7 "(4) Disqualification of mentally incompetent. – No person adjudicated
8 incompetent by a court of this State or another state shall be permitted to
9 vote unless an order is entered that the person is restored to competency."

10 **SECTION 2.** The amendment set out in Section 1 of this act shall be submitted to
11 the qualified voters of the State at a statewide election to be held at the general election on
12 November 4, 2014, which election shall be conducted under the laws then governing elections
13 in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of
14 the General Statutes. The question to be used in the voting systems and ballots shall be:

15 "[] FOR [] AGAINST

16 Constitutional amendment to disqualify persons adjudicated incompetent from
17 voting until that person is restored to competency."

18 **SECTION 3.** If a majority of votes cast on the question are in favor of the
19 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
20 amendment to the Secretary of State. The Secretary of State shall enroll the amendment so
21 certified among the permanent records of that office. The amendment set out in Section 1 of
22 this act shall become effective January 1, 2015.

23 **SECTION 4.** G.S. 163-55(a) reads as rewritten:

24 "(a) Residence Period for State Elections. – Every person born in the United States, and
25 every person who has been naturalized, and who shall have resided in the State of North
26 Carolina and in the precinct, ward, or other election district in which the person offers to vote
27 for 30 days next preceding an election, shall, if otherwise qualified as prescribed in this
28 Chapter, be qualified to vote in any election held in this State. Removal from one precinct,
29 ward, or other election district to another in this State shall not operate to deprive any person of
30 the right to vote in the precinct, ward, or other election district from which he has removed
31 until 30 days after the person's removal.

32 Except as otherwise provided in this Chapter, the following classes of persons shall not be
33 allowed to vote in this State:

- 34 (1) Persons under 18 years of age.
35 (2) Any person adjudged guilty of a felony against this State or the United
36 States, or adjudged guilty of a felony in another state that also would be a



1 felony if it had been committed in this State, unless that person shall be first
2 restored to the rights of citizenship in the manner prescribed by law.

3 (3) Any person adjudicated incompetent in this State or another state, unless an
4 order is entered adjudicating that the person is restored to competency."

5 **SECTION 5.** G.S. 163-82.1(c)(2) reads as rewritten:

6 "(2) The registrant becomes disqualified through death, conviction of a felony,
7 adjudication of incompetence, or removal out of the county; or"

8 **SECTION 6.** G.S. 163-82.6(e)(1) reads as rewritten:

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

13 **SECTION 7.** G.S. 163-82.14 is amended by adding a new subsection to read:

14 "(c1) Adjudication of Incompetence. – The State Board of Elections, on or before the 15th
15 day of each month, shall report to the county board of elections of the county the name, county
16 of residence, and residence address, if available, of each individual for whom an order
17 adjudicating the individual incompetent has been entered in the county in the preceding
18 calendar month. When a county board of elections receives the notice relating to a resident of
19 that county and that person is registered to vote in that county, the board shall, after giving 30
20 days' written notice to the voter at his or her registration address, and if the voter makes no
21 objection, remove the person's name from its registration records. If the voter notified the
22 county board of elections of his or her objection to the removal within 30 days of the notice, the
23 chair of the board of elections shall enter a challenge under G.S. 163-85(c)(5), and the notice
24 the county board received pursuant to this subsection shall be prima facie evidence for the
25 preliminary hearing that the registrant was adjudicated incompetent."

26 **SECTION 8.** G.S. 163-82.20(i) reads as rewritten:

27 "(i) Ineligible Applications Prohibited. – No person shall make application to register or
28 preregister to vote under this section if that person is ineligible on account of age, citizenship,
29 lack of residence for the period of time provided by law, or because of conviction of a
30 felony-felony or adjudication of incompetence."

31 **SECTION 9.** Article 7A of Chapter 163 of the General Statutes is amended by
32 adding a new section to read:

33 "**§ 163-82.20B. Voter registration upon adjudication of competence.**

34 The State Board of Elections and the Administrative Office of the Courts shall jointly
35 develop and implement educational programs and procedures for persons to apply to register to
36 vote at the time an order is entered that they are restored to competency. Those procedures shall
37 be designed to do both of the following:

38 (1) Inform the person that the restoration of competency removes the person's
39 disqualification from voting, but that in order to vote the person must
40 register to vote.

41 (2) Provide an opportunity to that person to register to vote.

42 At a minimum, the program shall include a written notice to the person whose competency
43 has been restored, informing that person that the person may now register to vote with a voter
44 registration form enclosed with the notice."

45 **SECTION 10.** G.S. 163-85(c) reads as rewritten:

46 "(c) Grounds for Challenge. – Such challenge may be made only for one or more of the
47 following reasons:

48 (1) That a person is not a resident of the State of North Carolina, or Carolina.

49 (2) That a person is not a resident of the county in which the person is
50 registered, provided that no such challenge may be made if the person

1 removed his residency and the period of removal has been less than 30 ~~days,~~
2 ~~or~~days.

3 (3) That a person is not a resident of the precinct in which the person is
4 registered, provided that no such challenge may be made if the person
5 removed his residency and the period of removal has been less than 30 ~~days,~~
6 ~~or~~days.

7 (4) That a person is not 18 years of age, or if the challenge is made within 60
8 days before a primary, that the person will not be 18 years of age by the next
9 general ~~election,~~ or election.

10 (5) That a person has been adjudged guilty of a felony and is ineligible to vote
11 under ~~G.S. 163-55(2), or~~ G.S. 163-55(a)(2).

12 (5a) That a person has been adjudicated incompetent and is ineligible to vote
13 under G.S. 163-55(a)(3).

14 (6), (7) Repealed by Session Laws 1985, c. 563, ss. 11.1, 11.2.

15 (7a) That a person is ~~dead,~~ or dead.

16 (8) That a person is not a citizen of the United ~~States,~~ or States.

17 (9) With respect to municipal registration only, that a person is not a resident of
18 the municipality in which the person is ~~registered,~~ or registered.

19 (10) That the person is not who he or she represents himself or herself to be."

20 **SECTION 11.** G.S. 163-258.27 reads as rewritten:

21 "**§ 163-258.27. Article inapplicable to persons after change of status; reregistration not**
22 **required.**

23 An individual who no longer qualifies as a covered voter under the provisions of this
24 Article shall not be entitled subsequently to vote by military-overseas ballot under this Article,
25 but if the covered voter was registered under the provisions of this Article that voter's
26 registration shall remain valid for the remainder of the calendar year that voter registered, and
27 that voter shall be entitled to vote in any primary or election for the remainder of the calendar
28 year without having to reregister. If requested by election officials, the voter shall present proof
29 of military status at the time of registration. This section does not entitle a person to vote in
30 North Carolina if that person has become disqualified because of change of permanent
31 residence to another ~~State or because~~ State, because of conviction of a felony, or because
32 of adjudication of incompetence."

33 **SECTION 12.** Sections 4 through 11 of this act become effective only if the
34 qualified voters approve the constitutional amendment set out in Section 1 of this act. If the
35 voters approve the constitutional amendment, Sections 4 through 11 of this act become
36 effective January 1, 2015.

37 **SECTION 13.** This act is effective when it becomes law.