

08 NCAC 18 .0101 is adopted with changes as published in 31:23 NCR 2324 as follows:

08 NCAC 18 .0101 ABSENTEE BALLOT DELIVERY

(a) A qualified individual with a disability who, ~~if~~, due to a disability, ~~a voter~~ requires assistance mailing his or her return envelope containing an executed absentee ~~ballot~~, ballot may direct that the sealed envelope ~~may~~ be taken directly ~~and without delay~~ to the closest U.S. mail depository or mailbox by a person selected by the voter, so long as the individual is ~~also qualified to assist~~ not disqualified from assisting the voter under G.S. 163A-1298(a)(4) or G.S. 163A-1317(c). For the 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) Reliance on this Rule shall be limited to cases in which a voter is unable to place the ballot into the mail due to his or her disability.~~ 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: Authority G.S. ~~163-22~~163A-741; ~~163-230.1(e)~~163A-1308(g); ~~163-234(b)(1)~~163A-1310(b)(1); 42 U.S.C. § 12132; ~~Nat’l Federation~~Fed’n of the Blind v. Lamone, 813 F.3d 494 (4th Cir. 2016). Eff. September 1, 2018.