

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 747
Redistricting and Elections Committee Substitute Adopted 6/15/23

Short Title: Elections Law Changes.

(Public)

Sponsors:

Referred to:

June 5, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES REGARDING ELECTIONS LAW.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 163-22 is amended by adding two new subsections to read:

5 "(s) Notwithstanding any other provision of law, the State Board shall ensure voted
6 ballots, election results tapes, and executed ballot applications are retained and preserved for a
7 period of 22 months after the corresponding election or as otherwise specified in federal law,
8 whichever is greater.

9 (t) Nothing in this Chapter shall grant authority to the State Board to accept private
10 monetary donations, directly or indirectly, for conducting elections or employing individuals on
11 a temporary basis."

12 **SECTION 2.** G.S. 163-33 is amended by adding two new subdivisions to read:

13 "(17) Notwithstanding any other provision of law, to retain and preserve all voted
14 ballots, election results tapes, and executed ballot applications for a period of
15 22 months after the corresponding election or as otherwise specified in federal
16 law, whichever is greater.

17 (18) Nothing in this Chapter shall grant authority to county boards of elections to
18 accept private monetary donations, directly or indirectly, for conducting
19 elections or employing individuals on a temporary basis."

20 **SECTION 3.** G.S. 163-37 reads as rewritten:

21 **"§ 163-37. Duty of county board of commissioners.**

22 (a) The respective boards of county commissioners shall appropriate reasonable and
23 adequate funds necessary for the legal functions of the county board of elections, including
24 reasonable and just compensation of the director of elections.

25 (b) Nothing in this Chapter shall grant authority to county boards of commissioners to
26 accept private monetary donations, directly or indirectly, for conducting elections or employing
27 individuals on a temporary basis."

28 **SECTION 4.** G.S. 163-45(a) reads as rewritten:

29 "(a) The chair of each political party in the county shall have the right to designate two
30 observers to attend each voting place at each primary and election and such observers may, at the
31 option of the designating party chair, be relieved during the day of the primary or election after
32 having served no less than four hours and provided the list required by this section to be filed by each
33 chair contains the names of all persons authorized to represent such chair's political party. An
34 observer relieved after serving no less than the four hours provided in this subsection may serve
35 an additional four hours during the same primary or election day at any voting place in that same
36 county upon designation by the party chair. The chair of each political party in the county shall



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1 have the right to designate 10 additional at-large observers who are residents of that county who
2 may attend any voting place in that county. The chair of each political party in the State shall
3 have the right to designate up to 100 additional at-large observers who are residents of the State
4 who may attend any voting place in the State. The list submitted by the chair of the political party
5 may be amended between the one-stop period under G.S. 163-227.2, 163-227.5, and 163-227.6
6 and general election day to substitute one or all at-large observers for election day. Not more than
7 two observers from the same political party shall be permitted in the voting enclosure at any time,
8 except that in addition one of the at-large observers from each party may also be in the voting
9 enclosure. This right shall not extend to the chair of a political party during a primary unless that
10 party is participating in the primary. In any election in which an unaffiliated candidate is named
11 on the ballot, the candidate or the candidate's campaign manager shall have the right to appoint
12 two observers for each voting place consistent with the provisions specified herein. Persons
13 appointed as observers by the chair of a county political party must be registered voters of the
14 county for which appointed and must have good moral character. Persons appointed as observers
15 by the chair of a State political party must be registered voters of the State and must have good
16 moral character. No person who is a candidate on the ballot in a primary or election may serve
17 as an observer or runner in that primary or election. Observers shall take no oath of office."

18 **SECTION 5.** G.S. 163-47(a) reads as rewritten:

19 "(a) The chief judges and judges of election shall conduct the primaries and elections
20 within their respective precincts fairly and impartially, and they shall enforce peace and good
21 order in and about the place of registration and voting. ~~On the day of each primary and general
22 and special election, the precinct chief judge and judges shall remain at the voting place from the
23 time fixed by law for the commencement of their duties there until they have completed all those
24 duties, and they shall not separate nor shall any one of them leave the voting place except for
25 unavoidable necessity.~~The county boards of elections shall ensure that the position of chief judge
26 and judges of election shall be filled at the voting place for the duration of their duties on the day
27 of each primary and general and special election."

28 **SECTION 6.** Article 7A of Chapter 163 of the General Statutes is amended by
29 adding a new section to read:

30 **"§ 163-82.6B. Same-day registration; when provisional ballot required.**

31 (a) Notwithstanding any provision of law to the contrary, an individual who is qualified
32 to register to vote may register in person and then vote at a one-stop voting site in the individual's
33 county of residence during the period for one-stop voting provided under G.S. 163-227.2.

34 (b) An individual registering and voting under subsection (a) of this section shall vote by
35 provisional ballot unless one of the following applies:

36 (1) The address on the individual's photo identification required under
37 G.S. 163-166.16 is the same as the address listed on a copy of a HAVA
38 document.

39 (2) The individual's photo identification required under G.S. 163-166.16 lacks an
40 address and the individual provides a document from the institution issuing
41 the photo identification showing the name and address of the individual and a
42 copy of a HAVA document showing the same name and address for that
43 individual.

44 (c) A provisional ballot cast in accordance with this section shall be counted under one
45 of the following circumstances only:

46 (1) Prior to the close of business on the business day before the canvass conducted
47 by the county board of elections pursuant to G.S. 163-182.5, the individual
48 returns to the county board of elections and presents a photo identification
49 required under G.S. 163-166.16 and a copy of a HAVA document, and the
50 address on both forms of identification is the same.

1 (2) Prior to the close of business on the business day before the canvass conducted
 2 by the county board of elections pursuant to G.S. 163-182.5, the individual
 3 returns to the county board of elections and presents a copy of two different
 4 HAVA documents, and the name and address on both documents is the same.

5 (d) For purposes of this section, a "HAVA document" is any of the following that shows
 6 the name and address of the voter:

7 (1) A current utility bill.

8 (2) A current bank statement.

9 (3) A current government check.

10 (4) A current paycheck.

11 (5) Another government document showing the name and address of the voter.

12 (6) A document from the institution issuing the photo identification showing the
 13 name and address of the individual."

14 **SECTION 7.** G.S. 163-88.1(c) reads as rewritten:

15 "(c) The chairman of the county board of elections shall preserve ~~such-challenged~~ ballots
 16 in the sealed envelopes for a period of ~~six-22~~ months after the ~~election-corresponding election~~
 17 or as otherwise specified in federal law, whichever is greater. However, in the case of a contested
 18 election, either party to such action may request the court to order that the sealed envelopes
 19 containing challenged ballots be delivered to the board of elections by the chairman. If so
 20 ordered, the board of elections shall then convene and consider each challenged ballot and rule
 21 as to which ballots shall be counted. In such consideration, the board may take such further
 22 evidence as it deems necessary, and shall have the power of subpoena. If any ballots are ordered
 23 to be counted, they shall be added to the vote totals."

24 **SECTION 8.** G.S. 163-89 reads as rewritten:

25 "**§ 163-89. Procedures for challenging absentee ballots.**

26 (a) Time for Challenge. – The absentee ballot of any voter ~~may be challenged-received~~
 27 by the county board of elections by 7:30 p.m. on the day of any statewide primary or general
 28 election or county bond election may be challenged beginning no earlier than noon and ending
 29 no later than ~~5:00 P.M., or 7:30 p.m. on the day of the primary or election.~~ The absentee ballot
 30 of any voter received by the county board of elections may also be challenged by the chief judge
 31 at the time of closing of the polls as provided in G.S. 163-232 and G.S. 163-258.26(b). The
 32 absentee ballot of any voter received by the county board of elections pursuant to
 33 ~~G.S. 163-231(b)(ii) or (iii)-G.S. 163-231(b)(2)~~ may be challenged no earlier than noon on the day
 34 following the election and no later than 5:00 p.m. on the next business day following the deadline
 35 for receipt of such absentee ballots.

36 (b) Who May Challenge. – Any registered voter of the same ~~precinct-county~~ as the
 37 absentee voter may challenge that voter's absentee ballot.

38 "

39 **SECTION 9.** G.S. 163-90.2(c) reads as rewritten:

40 "(c) A decision by a county board of elections on any challenge made under the provisions
 41 of this Article shall be appealable to the Superior Court of the county in which the offices of that
 42 board are located within 10 days. If the appeal is made by the State Board, that appeal shall be to
 43 the Superior Court of the county in which the challenge originated. Only those persons against
 44 whom a challenge is sustained or persons who have made a challenge which is overruled shall
 45 have standing to file such appeal."

46 **SECTION 10.** G.S. 163-123(h) reads as rewritten:

47 "(h) ~~Municipal~~ Certain Elections Excluded. – This section does not apply to ~~municipal~~ the
 48 following elections:

49 (1) Municipal elections or special district elections conducted under Subchapter
 50 IX of this Chapter.

51 (2) Nonpartisan board of education elections conducted under G.S. 115C-37."

1 **SECTION 11.** G.S. 163-166.01 reads as rewritten:

2 "**§ 163-166.01. Hours for voting.**

3 (a) In every election, the voting place shall be open at 6:30 ~~A.M.-a.m.~~ and shall be closed
4 at 7:30 ~~P.M.-p.m.~~ If the polls are delayed in opening for more than 15 minutes, or are interrupted
5 for more than 15 minutes after opening, the State Board of Elections may extend the closing time
6 by an equal number of minutes. As authorized by law, the State Board of Elections shall be
7 available either in person or by teleconference on the day of election to approve any such
8 extension. If any voter is in line to vote at the time the polls are closed, that voter shall be
9 permitted to vote. No voter shall be permitted to vote who arrives at the voting place after the
10 closing of the polls.

11 (b) If the statutory poll closing time of 7:30 p.m. on election day is extended by court
12 order in one or more counties, the poll closing time shall be extended on election day in all
13 counties by an equal amount of time.

14 (c) Any voter who votes after the statutory poll closing time of 7:30 ~~P.M.-p.m.~~ by virtue
15 of a federal or State court order or any other lawful order, including an order of a county board
16 of elections, shall be allowed to vote, under the provisions of that order, only by using a
17 provisional official ballot. Any special provisional official ballots cast under this section shall be
18 separated, counted, and held apart from other provisional ballots cast by other voters not under
19 the effect of the order extending the closing time of the voting place. If the court order has not
20 been reversed or stayed by the time of the county canvass, the total for that category of
21 provisional ballots shall be added to the official canvass."

22 **SECTION 12.** G.S. 163-166.8(b) reads as rewritten:

23 (b) A qualified voter seeking assistance in an election shall, upon arriving at the voting
24 place, request permission from the chief judge to have assistance, stating the reasons. If the chief
25 judge determines that such assistance is appropriate, the chief judge shall ask the voter to point
26 out and identify the person the voter desires to provide such assistance. If the identified person
27 meets the criteria in subsection (a) of this section, the chief judge shall request the person
28 indicated to render the assistance. The chief judge, one of the judges, or one of the assistants may
29 provide aid to the voter if so requested, if the election official is not prohibited by subdivision (a)
30 (2) of this section. Under no circumstances shall any precinct official be assigned to assist a voter
31 qualified for assistance, who was not specified by the voter. Precinct officials shall maintain a
32 log of any individual who is not a near relative of the voter who goes into the voter booth to
33 render assistance to a voter in marking that voter's ballot. The log shall include the printed name
34 and address of the individual assisting the voter in marking that voter's ballot and a space for that
35 individual's signature."

36 **SECTION 13.** G.S. 163-166.12(c) reads as rewritten:

37 (c) Notation of Identification Proof. – The county board of elections shall note the type
38 of identification proof submitted by the voter under the provisions of subsection (a) or (b) of this
39 section and may dispose of the tendered copy of identification proof as soon as the type of proof
40 is noted in the voter registration records section. The type of identification proof shall be listed
41 on the voter rolls that are available to the public."

42 **SECTION 14.** G.S. 163-182.4(a)(3) reads as rewritten:

43 (3) Offices of municipalities, unless the municipality has a valid board of
44 election municipalities. Where voters in more than one county cast ballots for
45 a municipal office, the State Board shall prepare a composite abstract upon
46 the completion of the canvass by the county boards and deliver that abstract
47 to all county boards responsible for canvassing votes for the contest, and each
48 of those county boards shall issue a certificate of nomination or election."

49 **SECTION 15.** G.S. 163-182.15 is amended by adding a new subsection to read:

50 (b1) Report on Revisions to Elections Records After Certification. – The State Board shall
51 submit an annual report on any revisions made to any voter's voter history records other than

1 routine updates following each election, including the rationale for and timing of the revisions,
2 to the Joint Legislative Elections Oversight Committee and the Joint Legislative Oversight
3 Committee on General Government."

4 **SECTION 16.(a)** G.S. 163-210 reads as rewritten:

5 "**§ 163-210. Governor to proclaim results; casting State's vote for President and**
6 **Vice-President.**

7 Upon receipt of the certifications prepared by the State Board of Elections and delivered in
8 accordance with G.S. 163-182.15, the Secretary of State, under seal of the office, shall notify the
9 Governor of the names of the persons elected to the office of elector for President and
10 Vice-President of the United States as stated in the abstracts of the State Board of Elections
11 Board. Thereupon, the Governor shall immediately issue a proclamation setting forth the names
12 of the electors and instructing them to be present in the old Hall of the House of Representatives
13 in the State Capitol in the City of Raleigh at noon on the first Monday after the second Wednesday
14 in December next after their election, at which time the electors shall meet and vote on behalf of
15 the State for President and Vice-President of the United States. The Governor shall cause this
16 proclamation to be published in the daily newspapers published in the City of Raleigh. Notice
17 may additionally be made on a radio or television station or both, but such notice shall be in
18 addition to the newspaper and other required notice. The Secretary of State is responsible for
19 making the actual arrangements for the meeting, preparing the agenda, and inviting guests.

20 Before the date fixed for the meeting of the electors, the Governor shall send by ~~registered~~
21 ~~mail~~ the most expeditious method available to the Archivist of the United States, either three
22 duplicate original certificates, or one original certificate and two authenticated copies of the
23 Certificates of Ascertainment, under the great seal of the State setting forth the names of the
24 persons chosen as presidential electors for this State and the number of votes cast for each. These
25 Certificates of Ascertainment shall contain a security feature for purposes of verifying their
26 authenticity and should be sent as soon as possible after the election, but must be received before
27 the Electoral College meeting. At the same time the Governor shall deliver to the electors six
28 duplicate originals of the same certificate, each bearing the great seal of the State. At any time
29 prior to receipt of the certificate of the Governor or within 48 hours thereafter, any person elected
30 to the office of elector may resign by submitting his resignation, written and duly verified, to the
31 Governor. Failure to so resign shall signify consent to serve and to cast his vote for the candidate
32 of the political party which nominated such elector.

33 In case of the absence, ineligibility or resignation of any elector chosen, or if the proper
34 number of electors shall for any cause be deficient, the first and second alternates, respectively,
35 who were nominated under G.S. 163-1(c), shall fill the first two vacancies. If the alternates are
36 absent, ineligible, resign, or were not chosen, or if there are more than two vacancies, then the
37 electors present at the required meeting shall forthwith elect from the citizens of the State a
38 sufficient number of persons to fill the deficiency, and the persons chosen shall be deemed
39 qualified electors to vote for President and Vice-President of the United States."

40 **SECTION 16.(b)** G.S. 163-213(d) reads as rewritten:

41 "(d) Proclamation Before Electors' Meeting Day Controls. – If the proclamation of any
42 Presidential Elector under G.S. 163-210 is made any time before ~~noon on~~ the day set for the
43 meeting of Presidential Electors by 3 U.S.C. § 7, then that proclamation shall control over an
44 appointment made by the General Assembly or the Governor. This section does not preclude
45 litigation otherwise provided by law to challenge the validity of the proclamation or the
46 procedures that resulted in that proclamation."

47 **SECTION 17.(a)** G.S. 163-227.6 is amended by adding a new subsection to read:

48 "(a1) At each one-stop voting site other than the county board of elections office, precinct
49 officials shall be allocated according to all of the following:

50 (1) Chief judges and judges shall be allocated to each voting place in the same
51 manner as allocated to each precinct in the county as provided in G.S. 163-41.

1 (2) Assistants shall be allocated to each voting place in the same manner as
2 allocated to each precinct in the county as provided in G.S. 163-42.

3 (3) The provisions of G.S. 163-41.1 apply."

4 **SECTION 17.(b)** This section becomes effective January 1, 2024, and applies to
5 elections held on or after that date.

6 **SECTION 18.** G.S. 163-227.10 is amended by adding a new subsection to read:

7 "(c) At least once per primary or election, each county board of elections and the State
8 Board shall publish on its website or in any mailing sent to voters the date by which absentee
9 ballots are available for voting."

10 **SECTION 19.** G.S. 163-229 reads as rewritten:

11 "**§ 163-229. Absentee ballots, applications on container-return envelopes, and instruction**
12 **sheets.**

13 (a) Absentee Ballot Form. – In accordance with the provisions of G.S. 163-230.1, persons
14 entitled to vote by absentee ballot shall be furnished with official ballots.

15 (b) Application on Container-Return Envelope. – In time for use not later than 60 days
16 before a statewide general election in an even-numbered year, and not later than 50 days before
17 a statewide primary, other general election or county bond election, the county board of elections
18 shall print a sufficient number of envelopes in which persons casting absentee ballots may
19 transmit their marked ballots to the county board of elections. However, in the case of municipal
20 elections, sufficient container-return envelopes shall be made available no later than 30 days
21 before an election. Each container-return envelope shall have printed on it an application which
22 shall be designed and prescribed by the State Board, providing for all of the following:

23 (1) The voter's certification of eligibility to vote the enclosed ballot and of having
24 voted the enclosed ballot in accordance with this Part.

25 (2) A space for identification of the envelope with the voter and the voter's
26 signature.

27 (3) A space for the identification of the two persons witnessing the casting of the
28 absentee ballot in accordance with G.S. 163-231, those persons' signatures,
29 those persons' printed names, and those persons' addresses.

30 (4) A space for the name and address of any person who, as permitted under
31 G.S. 163-226.3(a), assisted the voter if the voter is unable to complete and
32 sign the certification and that individual's signature.

33 (5) A space for approval by the county board of elections.

34 (6) A space to allow reporting of a change of name as provided by
35 G.S. 163-82.16.

36 (7) A prominent display of the unlawful acts under G.S. 163-226.3 and
37 G.S. 163-275, except if there is not room on the envelope, the State Board
38 may provide for that disclosure to be made on a separate piece of paper to be
39 included along with the container-return envelope.

40 (8) An area to attach additional documentation necessary to comply with the
41 identification requirements in accordance with State Board rules, as provided
42 in G.S. 163-230.1.

43 (9) A bar code or other unique ~~identifier-identifier~~, affixed by the county board of
44 elections, to allow both the county board of elections and the voter to track the
45 ballot following return of the voted ballot to the county board of elections by
46 the voter.

47 The container-return envelope shall be printed in accordance with the instructions of the State
48 Board, which shall prohibit the display of the voter's party affiliation on the outside of the
49 container-return envelope.

50 (c) Instruction Sheets. – In time for use not later than 60 days before a statewide general
51 election in an even-numbered year, and not later than 50 days before a statewide ~~primary, other~~

1 primary or general election or county bond election, the county board of elections shall prepare
2 and print a sufficient number of sheets of instructions on how voters are to prepare absentee
3 ballots and return them to the county board of ~~elections~~-elections, including the means by which
4 the voter's marked absentee ballot must be returned to the county board of elections and the date
5 and time that the ballot must be received by the county board of elections. However, in the case
6 of municipal elections, instruction sheets shall be made available no later than 30 days before an
7 election."

8 **SECTION 20.** G.S. 163-230.1 reads as rewritten:

9 **"§ 163-230.1. Simultaneous issuance of absentee ballots with application.**

10 (a) Written Request. – A qualified voter who is eligible to vote by absentee ballot under
11 G.S. 163-226, or that voter's near relative or verifiable legal guardian, shall complete a request
12 form for an absentee application and absentee ballots so that the county board of elections
13 receives that completed request form not later than 5:00 ~~P.M.~~-p.m. on the Tuesday before the
14 election. That completed written request form shall be in compliance with G.S. 163-230.2. The
15 county board of elections shall enter in the register of absentee requests, applications, and ballots
16 issued the information required in G.S. 163-228 as soon as each item of that information becomes
17 available. Upon receiving the completed request form, the county board of elections shall cause
18 to be mailed to that voter a single package that includes all of the following:

- 19 (1) The official ballots the voter is entitled to vote.
- 20 (2) A container-return envelope for the ballots, printed in accordance with
21 G.S. 163-229.
- 22 (3) An instruction sheet.
- 23 (4) A clear statement of the requirement for a photocopy of identification
24 described in G.S. 163-166.16(a) or an affidavit as described in
25 G.S. 163-166.16(d)(1), (d)(2), or (d)(3) with the returned ballot.

26 (a1) Mailing of Application and Ballots. – The ballots, envelope, and instructions shall be
27 mailed to the voter by the county board's chair, member, officer, or employee as determined by
28 the board and entered in the register as provided by this Article.

29 (a2) Publish Deadline for Written Request and Ballot. – At least once per primary or
30 election, each county board of elections and the State Board shall publish on its website or in any
31 mailing sent to voters the following information:

- 32 (1) The date by which a completed request form as described in subsection (a) of
33 this section must be received by a county board of elections.
- 34 (2) The means by which the voter's marked absentee ballot must be returned to
35 the county board of elections and the date and time the ballot must be received
36 by the county board of elections.

37 (b) Absence for Sickness or Physical Disability. – Notwithstanding the provisions of
38 subsection (a) of this section, if a voter expects to be unable to go to the voting place to vote in
39 person on election day because of that voter's sickness or other physical disability, that voter or
40 that voter's near relative or verifiable legal guardian may make the request for absentee ballots in
41 person to the board of elections of the county in which the voter is registered after 5:00 p.m. on
42 the Tuesday before the election but not later than 5:00 p.m. on the day before the election. The
43 county board of elections shall treat that completed request form in the same manner as a request
44 under subsection (a) of this section but may personally deliver the application and ballots to the
45 voter or that voter's near relative or verifiable legal guardian, and shall enter in the register of
46 absentee requests, applications, and ballots issued the information required in G.S. 163-228 as
47 soon as each item of that information becomes available. The county board of elections shall
48 personally deliver to the requester in a single package:

- 49 (1) The official ballots the voter is entitled to vote.
- 50 (2) A container-return envelope for the ballots, printed in accordance with
51 G.S. 163-229.

- 1 (3) An instruction sheet.
2 (4) A clear statement of the requirement for a photocopy of identification
3 described in G.S. 163-166.16(a) or an affidavit as described in
4 G.S. 163-166.16(d)(1), (d)(2), or (d)(3) with the returned application and
5 voted ballots.

6 (c) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When
7 the county board of elections receives a completed request form for applications and absentee
8 ballots from the voter, or the near relative or the verifiable legal guardian of that voter, the county
9 board shall promptly issue and transmit them to the voter in accordance with the following
10 instructions:

- 11 (1) On the top margin of each ballot the applicant is entitled to vote, the chair, a
12 member, officer, or employee of the board of elections shall write or type the
13 words "Absentee Ballot No. ____ " or an abbreviation approved by the State
14 Board and insert in the blank space the number assigned the applicant's
15 application in the register of absentee requests, applications, and ballots
16 issued. That person shall not write, type, or print any other matter upon the
17 ballots transmitted to the absentee voter. Alternatively, the board of elections
18 may cause to be barcoded on the ballot the voter's application number, if that
19 barcoding system is approved by the State Board.
- 20 (2) The chair, member, officer, or employee of the board of elections shall fold
21 and place the ballots (identified in accordance with the preceding instruction)
22 in a container-return envelope and write or type in the appropriate blanks
23 thereon, in accordance with the terms of G.S. 163-229(b), the absentee voter's
24 name, the absentee voter's application number, and the designation of the
25 precinct in which the voter is registered. If the ballot is barcoded under this
26 section, the envelope may be barcoded rather than having the actual number
27 appear. The person placing the ballots in the envelopes shall leave the
28 container-return envelope holding the ballots unsealed.
- 29 (3) The chair, member, officer, or employee of the board of elections shall then
30 place the unsealed container-return envelope holding the ballots together with
31 printed instructions for voting and returning the ballots, in an envelope
32 addressed to the voter at the post office address stated in the request, seal the
33 envelope, and mail it at the expense of the county board of elections: Provided,
34 that in case of a request received after 5:00 p.m. on the Tuesday before the
35 election under the provisions of subsection (b) of this section, in lieu of
36 transmitting the ballots to the voter in person or by mail, the chair, member,
37 officer, or employee of the board of elections may deliver the sealed envelope
38 containing the instruction sheet and the container-return envelope holding the
39 ballots to a near relative or verifiable legal guardian of the voter.

40 The county board of elections may receive completed written request forms for applications
41 at any time prior to the election but shall not mail applications and ballots to the voter or issue
42 applications and ballots in person earlier than 60 days prior to the statewide general election in
43 an even-numbered year, or earlier than 50 days prior to any other election, except as provided in
44 G.S. 163-227.2, 163-227.5, and 163-227.6. No election official shall issue applications for
45 absentee ballots except in compliance with this Article.

46 (d) Voter to Complete. – The application shall be completed and signed by the voter
47 personally, the ballots marked, the ballots sealed in the container-return envelope, and the
48 certificate completed as provided in G.S. 163-231.

49 (e) Approval of Applications. – At its next official meeting after return of the completed
50 container-return envelope with the voter's ballots, the county board of elections shall determine
51 whether the container-return envelope has been properly executed. If the board determines that

1 the container-return envelope has been properly executed, it shall approve the application and
2 deposit the container-return envelope with other container-return envelopes for the envelope to
3 be opened and the ballots counted at the same time as all other container-return envelopes and
4 absentee ballots.

5 If a container-return envelope contains a curable deficiency, the county board of elections
6 shall promptly notify the voter of the deficiency and the manner in which the voter may cure the
7 deficiency. Curable deficiencies are deficiencies that can be cured with supplemental
8 documentation or attestation provided by the voter, including when any of the following occurs:

9 (1) The voter did not sign the voter certification as required by
10 G.S. 163-231(a)(4).

11 (2) The voter signed the application in the wrong place on the application.

12 (3) The voter failed to include with the container-return envelope a photocopy of
13 identification described in G.S. 163-166.16(a) or an affidavit as described in
14 G.S. 163-166.16(d)(1), (d)(2), or (d)(3), as required by subsection (f1) of this
15 section.

16 Any container-return envelope with a curable deficiency that is transmitted to the county
17 board shall be considered timely if cure documentation is received no later than the end of
18 business on the business day before the canvass conducted by the county board of elections held
19 pursuant to G.S. 163-182.5. The notification of voters regarding curable deficiencies is an
20 administrative task that may be performed by county board staff and is not required to be
21 performed at an absentee meeting as provided for in subsection (f) of this section.

22 (f) Required Meeting of County Board of Elections. – During the period commencing on
23 the fifth Tuesday before an election, in which absentee ballots are authorized, the county board
24 of elections shall hold one or more public meetings each Tuesday at 5:00 p.m. for the purpose of
25 action on applications for absentee ballots. At these meetings, the county board of elections shall
26 pass upon applications for absentee ~~ballots~~-ballots, provided the county board does so in a way
27 that allows the public to observe the actual applications for absentee ballots.

28 If the county board of elections changes the time of holding its meetings or provides for
29 additional meetings in accordance with the terms of this subsection, notice of the change in hour
30 and notice of the schedule of additional meetings, if any, shall be published in a newspaper
31 circulated in the county at least 30 days prior to the election.

32 At the time the county board of elections makes its decision on an application for absentee
33 ballots, the board shall enter in the appropriate column in the register of absentee requests,
34 applications, and ballots issued opposite the name of the applicant a notation of whether the
35 applicant's application was "Approved" or "Disapproved".

36 The decision of the board on the validity of an application for absentee ballots shall be final
37 subject only to such review as may be necessary in the event of an election contest. The county
38 board of elections shall constitute the proper official body to pass upon the validity of all
39 applications for absentee ballots received in the county; this function shall not be performed by
40 the chair or any other member of the board individually.

41 (f1) Each container-return envelope returned to the county board with application and
42 voted ballots under this section shall be accompanied by a photocopy of identification described
43 in G.S. 163-166.16(a) or an affidavit as described in G.S. 163-166.16(d)(1), (d)(2), or (d)(3).

44 (g) Rules. – The State Board, by rule or by instruction to the county board of elections,
45 shall establish procedures to provide appropriate safeguards in the implementation of this section.
46 The State Board shall adopt rules to provide for the forms of identification that shall be included
47 with returned application and voted ballots. At a minimum, the rules shall include the following:

48 (1) Acceptable photocopies of forms of readable identification, as described in
49 G.S. 163-166.16(a).

50 (2) A process for a voter without acceptable photocopies of forms of readable
51 identification under subdivision (1) of this subsection to complete an

1 alternative affidavit in accordance with G.S. 163-166.16(d)(1), (d)(2), or
2 (d)(3) that includes inability to attach a physical copy of the voter's
3 identification with the written request as a reasonable impediment to
4 compliance with the identification requirement. If a reasonable impediment
5 under this subdivision states inability to attach a physical copy of the voter's
6 identification with the written request, the reasonable impediment shall
7 include one of the following:

- 8 a. The number of the voter's North Carolina drivers license issued under
9 Article 2 of Chapter 20 of the General Statutes, including a learner's
10 permit or a provisional license.
- 11 b. The number of the voter's special identification card for nonoperators
12 issued under G.S. 20-37.7.
- 13 c. The last four digits of the voter's social security number.

14 (h) Recodified as G.S. 163-226(f) by Session Laws 2019-239, s. 1.2(a), effective January
15 1, 2020, and applicable to elections conducted on or after that date."

16 **SECTION 21.(a)** G.S. 163-231 reads as rewritten:

17 **"§ 163-231. Voting absentee ballots and transmitting them to the county board of elections.**

18 (a) Procedure for Voting Absentee Ballots. – In the presence of two persons who are at
19 least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4) or G.S. 163-237(c),
20 the voter shall do all of the following:

- 21 (1) Mark the voter's ballots, or cause them to be marked by that person in the
22 voter's presence according to the voter's instruction.
- 23 (2) Fold each ballot separately, or cause each of them to be folded in the voter's
24 presence.
- 25 (3) Place the folded ballots in the container-return envelope and securely seal it,
26 or have this done in the voter's presence.
- 27 (4) Make the application printed on the container-return envelope according to
28 the provisions of G.S. 163-229(b) and make the certificate printed on the
29 container-return envelope according to the provisions of G.S. 163-229(b).
- 30 (5) Require those two persons in whose presence the voter marked that voter's
31 ballots to sign and print their names on the application and certificate as
32 witnesses and to indicate those persons' addresses. Failure to list a ZIP code
33 does not invalidate the application and certificate.
- 34 (6) Do one of the following:
 - 35 a. Have the application notarized. The notary public may be the person
36 in whose presence the voter marked that voter's ballot.
 - 37 b. Have the two persons in whose presence the voter marked that voter's
38 ballots to certify that the voter is the registered voter submitting the
39 marked ballots.

40 Alternatively to the prior paragraph of this subsection, any requirement for two witnesses
41 shall be satisfied if witnessed by one notary public, who shall comply with all the other
42 requirements of that paragraph. The notary shall affix a valid notarial seal to the envelope, and
43 include the word "Notary Public" below his or her signature.

44 The persons in whose presence the ballot is marked shall at all times respect the secrecy of
45 the ballot and the privacy of the absentee voter, unless the voter requests assistance and that
46 person is otherwise authorized by law to give assistance. When thus executed, the sealed
47 container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the
48 provisions of subsection (b) of this section to the county board of elections which issued the
49 ballots.

1 (b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed
2 container-return envelope in which executed absentee ballots have been placed shall be
3 transmitted to the county board of elections who issued those ballots as follows:

4 (1) All ballots issued under the provisions of this Article and Article 21A of this
5 Chapter shall be transmitted ~~by mail~~ by one of the following means:

6 a. Mail or by commercial courier service, at the voter's expense, ~~or~~
7 ~~delivered and received by the county board not later than 7:30 p.m. on~~
8 ~~the day of the statewide primary or general election or county bond~~
9 ~~election.~~

10 b. Delivered in person, ~~or~~ by the voter or the voter's near relative or
11 verifiable legal guardian and received by guardian, to the county board
12 not later than ~~5:00 p.m.~~ 7:30 p.m. on the day of the statewide primary
13 or general election or county bond election.

14 c. Ballots Electronically transmitted to the county board, if the ballot was
15 issued under the provisions of Article 21A of this Chapter may also be
16 electronically transmitted. ~~Chapter.~~

17 (2) If ballots are received later than the hour stated in subdivision (1) of this
18 subsection, those ballots shall not be accepted unless ~~one of the following~~
19 applies: federal law so requires or the ballots are received in accordance with
20 Article 21A of this Chapter or the State Board or court order extended the
21 closing time of the polls for every poll in the county in accordance with
22 G.S. 163-166.01. If the State Board or court order so extended the closing time
23 of the polls, the ballots shall be received by the closing time as extended by
24 the State Board or court order in order to be counted.

25 a. ~~Federal law so requires.~~

26 b. ~~The ballots issued under this Article are postmarked and that postmark~~
27 ~~is dated on or before the day of the statewide primary or general~~
28 ~~election or county bond election and are received by the county board~~
29 ~~of elections not later than three days after the election by 5:00 p.m.~~

30 e. ~~The ballots issued under Article 21A of this Chapter are received by~~
31 ~~the county board of elections not later than the end of business on the~~
32 ~~business day before the canvass conducted by the county board of~~
33 ~~elections held pursuant to G.S. 163-182.5.~~

34 (c) Delivering Executed Absentee Ballots in Person. – For purposes of this section,
35 "Delivered in person" includes delivering the ballot to an election official at a one-stop voting
36 site under G.S. 163-227.2, 163-227.5, and 163-227.6 during any time that site is open for voting.
37 The ballots shall be kept securely and delivered by election officials at that site to the county
38 board of elections office for processing."

39 **SECTION 21.(b)** G.S. 163-231, as amended by subsection (a) of this section, is
40 amended by adding a new subsection to read:

41 "(d) Signature Verification on Executed Absentee Ballots. – The State Board shall require
42 county boards of elections to use verification software to check the signatures of voters noted on
43 executed absentee ballots before those ballots are accepted by the county boards."

44 **SECTION 21.(c)** Subsection (b) of this section becomes effective July 1, 2024, and
45 applies to elections held on or after that date.

46 **SECTION 22.(a)** Article 20 of Chapter 163 of the General Statutes is amended by
47 adding a new section to read:

48 **"§ 163-231.1. Require two-factor authentication process for absentee ballots cast by mail.**

49 The State Board shall establish and implement a two-factor authentication process for
50 executed absentee ballots transmitted by mail to a county board of elections. A county board of

1 elections shall use the process established by this section before an executed absentee ballot is
 2 opened and counted by elections officials."

3 **SECTION 22.(b)** This section becomes effective July 1, 2024, and applies to
 4 elections held on or after that date.

5 **SECTION 23.** G.S. 163-232.1 reads as rewritten:

6 "**§ 163-232.1. Certified list of executed absentee ballots received on or after election day;**
 7 **publication of list.**

8 (a) The county board of elections shall prepare, or cause to be prepared, a list in at least
 9 triplicate, of all absentee ballots issued under ~~Article 20 of this Chapter~~ this Article returned to
 10 the county board of elections to be counted, which have been approved by the county board of
 11 elections, have not been included on the certified list prepared pursuant to G.S. 163-232, ~~and~~
 12 ~~which have been postmarked by the day of the statewide primary or general election or county~~
 13 ~~bond election and have been received by the county board of elections not later than three days~~
 14 ~~after the election by 5:00 p.m. 7:30 p.m., or the time provided in G.S. 163-231(b), on the day of~~
 15 the statewide primary or general election or county bond election. The list shall be supplemented
 16 with new information each business day following the day of the election until the deadline for
 17 receipt of such absentee ballots. At the end of the list, the ~~chairman~~ chair shall execute the
 18 following certificate under oath:

19 "State of North Carolina

20 County of ____

21 I, ____, ~~chairman~~ chair of the ____ County Board of Elections, do hereby certify that the
 22 foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on
 23 the ____ day of ____, which have been approved by the county board of elections ~~and which~~
 24 ~~have been postmarked by the day of the statewide primary or general election or county bond~~
 25 ~~election and have been received by the county board of elections not later than three days after~~
 26 ~~the election by 5:00 p.m. 7:30 p.m., or the time provided in G.S. 163-231(b), on the day of the~~
 27 statewide primary or general election or county bond election. I certify that the ~~chairman~~ chair,
 28 member, officer, or employee of the board of elections has not delivered ballots for absentee
 29 voting to any person other than the voter, by mail or by commercial courier service or in person,
 30 except as provided by law, and have not mailed or delivered ballots when the request for the
 31 ballot was received after the deadline provided by law.

32 This the ____ day of ____, ____

33 _____
 34 (Signature of ~~chairman~~ chair of
 35 county board of elections)

36 Sworn to and subscribed before me this ____ day of ____, ____.

37 Witness my hand and official seal.

38 _____
 39 (Signature of officer
 40 administering oath)

41 _____
 42 (Title of officer)"

43 (b) The county board of elections shall prepare, or cause to be prepared, a list in at least
 44 triplicate, of all military-overseas ballots issued under Article 21A of this Chapter and returned
 45 to the county board of elections to be counted, which have been approved by the county board of
 46 elections, have not been included on the certified list prepared pursuant to G.S. 163-232, and
 47 which have been received by the county board of elections not later than ~~three days after the~~
 48 ~~election by 5:00 p.m. 7:30 p.m., or the time provided in G.S. 163-231(b), on the day of the~~
 49 statewide primary or general election or county bond election. The list shall be supplemented
 50 with new information each business day following the day of the statewide primary or general

1 election or county bond election until the deadline for receipt of such absentee ballots. At the end
 2 of the list, the chair shall execute the following certificate under oath:

3 "State of North Carolina
 4 County of ____

5 I, ____, chair of the ____ County Board of Elections, do hereby certify that the foregoing is a list
 6 of all executed military-overseas ballots to be voted in the election to be conducted on the ____
 7 day of ____, ____, which have been approved by the county board of elections, and which have
 8 ~~been postmarked by the day of the statewide primary or general election or county bond election~~
 9 ~~and received by the county board of elections not later than three days after the election by 5:00~~
 10 ~~p.m.-7:30 p.m., or the time provided in G.S. 163-231(b), on the day of the statewide primary or~~
 11 general election or county bond election. I further certify that I have issued ballots to no other
 12 persons than those listed herein and further that I have not delivered military-overseas ballots to
 13 persons other than those listed herein; that this list constitutes the only precinct registration of
 14 covered voters whose names have not heretofore been entered on the regular registration of the
 15 appropriate precinct.

16 This the ____ day of ____, ____

17 _____
 18 (Signature of chair of
 19 county board of elections)

20 Sworn to and subscribed before me this ____ day of ____, ____.

21 Witness my hand and official seal.

22 _____
 23 (Signature of officer
 24 administering oath)

25 _____
 26 (Title of officer)"
 27"

28 **SECTION 24.(a)** Article 20 of Chapter 163 of the General Statutes is amended by
 29 adding a new section to read:

30 **"§ 163-232.2. Ballot reporting.**

31 (a) Each county board of elections shall report the following to the State Board during
 32 each day of the one-stop early voting period:

33 (1) The number of mail-in absentee ballots that have been spoiled due to the voter
 34 voting in person at a one-stop voting site after requesting a mail-in absentee
 35 ballot.

36 (2) The number of outstanding mail-in absentee ballots, including the total
 37 number of mail-in absentee ballots sent to date and the total number of mail-in
 38 absentee ballots received to date.

39 (b) Each county board of elections shall report the following to the State Board on the
 40 day after the day of the election:

41 (1) The number of mail-in absentee ballots that have been counted.

42 (2) The number of outstanding mail-in absentee ballots, including the total
 43 number of mail-in absentee ballots sent to date and the total number of mail-in
 44 absentee ballots received to date.

45 (3) The number of provisional ballots cast.

46 (c) The reports required by this section shall be completed in the manner specified by the
 47 State Board. The State Board shall publish each report received by a county board of elections
 48 pursuant to this section on its website each day. Each list shall be made publicly available and
 49 published in a readable and usable format."

50 **SECTION 24.(b)** This section becomes effective January 1, 2024, and applies to
 51 elections held on or after that date.

1 **SECTION 25.** G.S. 163-233(c) reads as rewritten:

2 "(c) All applications for absentee ballots shall be retained by the county board of elections
3 for a period of ~~one year after which those applications may be destroyed.~~ 22 months after the
4 corresponding election or as otherwise specified in federal law, whichever is greater."

5 **SECTION 26.** G.S. 163-234 reads as rewritten:

6 "**§ 163-234. Counting absentee ballots by county board of elections.**

7 All absentee ballots returned to the county board of elections in the container-return
8 envelopes shall be retained by the county board of elections to be counted by the county board
9 of elections as follows:

10 (1) Only those absentee ballots returned to the county board of elections ~~no later~~
11 ~~than 5:00 p.m. on the day before election day~~ in a properly executed
12 container-return envelope ~~or absentee ballots and~~ received pursuant to
13 ~~G.S. 163-231(b)(2)b. or c. G.S. 163-231(b)~~ shall be counted, ~~except to the~~
14 ~~extent federal law requires otherwise.~~ Absentee ballots received prior
15 to election day shall be counted on election day. An absentee ballot returned
16 in an executed container-return envelope containing a deficiency listed in
17 G.S. 163-230.1(e) shall be counted if documentation curing the deficiency is
18 timely received by the county board of elections in accordance with the
19 requirements of G.S. 163-230.1(e).

20 (2) The county board of elections shall meet at 5:00 p.m. on election day in the
21 board office or other public location in the county courthouse for the purpose
22 of counting all absentee ballots except those which have been challenged
23 before 5:00 p.m. on election ~~day and day,~~ those received on election day, and
24 those received pursuant to G.S. 163-231(b)(2)b. or c. G.S. 163-231(b)(2). Any
25 elector of the county shall be permitted to attend the meeting and allowed to
26 observe the counting process, so long as the elector does not in any manner
27 interfere with the election officials in the discharge of their duties.

28 The county board of elections may begin counting absentee ballots issued
29 under Article 21A of this Chapter between the hours of 9:00 a.m. and 5:00
30 p.m. and may begin counting all absentee ballots between the hours of 2:00
31 p.m. and 5:00 p.m. upon the adoption of a resolution at least two weeks prior
32 to the election in which the hour and place of counting absentee ballots shall
33 be stated. The resolution also may provide for an additional meeting following
34 the day of the election and prior to the day of canvass to count absentee ballots
35 received ~~pursuant to G.S. 163-231(b)(2)b. or c. on election day~~ as provided in
36 subdivision (11) of this section. A copy of the resolution shall be published
37 once a week for two weeks prior to the election, in a newspaper having general
38 circulation in the county. Notice may additionally be made on a radio or
39 television station or both, but the notice shall be in addition to the newspaper
40 and other required notice. The count shall be continuous until completed and
41 the members shall not separate or leave the counting place except for
42 unavoidable necessity, except that if the count has been completed prior to the
43 time the polls close, it shall be suspended until that time pending receipt of
44 any additional ballots. Nothing in this section prohibits a county board of
45 elections from taking preparatory steps for the count earlier than the times
46 specified in this section, as long as the preparatory steps do not reveal to any
47 individual not engaged in the actual count election results before the times
48 specified in this subdivision for the count to begin. By way of illustration and
49 not limitation, a preparatory step for the count would be the entry of tally cards
50 from direct record electronic voting units into a computer for processing. The
51 board shall not announce the result of the count before 7:30 p.m.

- 1 (3) Notwithstanding subdivision (2) of this section, a county board of elections
2 may, at each meeting at which it approves absentee ballot applications
3 pursuant to G.S. 163-230.1(e) and (f), remove those ballots from their
4 envelopes and have them read by an optical scanning machine, without
5 printing the totals on the scanner. The board shall complete the counting of
6 these ballots at the times provided in subdivision (2) of this section. The State
7 Board of Elections shall provide instructions to county boards of elections for
8 executing this procedure, and the instructions shall be designed to ensure the
9 accuracy of the count, the participation of board members of both parties, and
10 the secrecy of the results before election day. This subdivision applies only in
11 counties that use optical scan devices to count absentee ballots.
- 12 (4) The counting of absentee ballots shall not commence until a majority and at
13 least one board member of each political party represented on the board is
14 present and that fact is publicly declared and entered in the official minutes of
15 the county board.
- 16 (5) The county board of elections may employ such assistants as deemed
17 necessary to count the absentee ballots, but each board member present shall
18 be responsible for and observe and supervise the opening and tallying of the
19 ballots.
- 20 (6) As each ballot envelope is opened, the board shall cause to be entered into a
21 pollbook designated "Pollbook of Absentee Voters" the name of the absentee
22 voter, or if the pollbook is computer-generated, the board shall check off the
23 name. Preserving secrecy, the ballots shall be placed in the appropriate ballot
24 boxes, at least one of which shall be provided for each type of ballot. The
25 "Pollbook of Absentee Voters" shall also contain the names of all persons who
26 voted under G.S. 163-227.2, 163-227.5, and 163-227.6, but those names may
27 be printed by computer for inclusion in the pollbook.
- 28 After all ballots have been placed in the boxes, the counting process shall
29 begin.
- 30 If one-stop ballots under G.S. 163-227.2, 163-227.5, and 163-227.6 are
31 counted electronically, that count shall commence at the time the polls close.
32 If one-stop ballots are paper ballots counted manually, that count shall
33 commence at the same time as other absentee ballots are counted.
- 34 If a challenge transmitted to the board on canvass day by a chief judge is
35 sustained, the ballots challenged and sustained shall be withdrawn from the
36 appropriate boxes, as provided in G.S. 163-89(e).
- 37 As soon as the absentee ballots have been counted and the names of the
38 absentee voters entered in the pollbook as required in this subdivision, the
39 board members and assistants employed to count the absentee ballots shall
40 each sign the pollbook immediately beneath the last absentee voter's name
41 entered in the pollbook. The county board of elections is responsible for the
42 safekeeping of the pollbook of absentee voters.
- 43 (7) Upon completion of the counting process the board members shall cause the
44 results of the tally to be entered on the absentee abstract prescribed by the
45 State Board of Elections. The abstract shall be signed by the members of the
46 board in attendance and the original mailed immediately to the State Board of
47 Elections. The county board of elections may have a separate count on the
48 abstract for one-stop absentee ballots under G.S. 163-227.2, 163-227.5, and
49 163-227.6.
- 50 (8) One copy of the absentee abstract shall be retained by the county board of
51 elections and the totals appearing on the absentee abstract shall be added to

1 the final totals of all votes cast in the county for each office as determined on
2 the official canvass.

3 (9) In the event a political party does not have a member of the county board of
4 elections present at the meeting to count absentee ballots due to illness or other
5 cause of the member, the counting shall not commence until the county party
6 ~~chairman-chair~~ of the absent member, or a member of the party's county
7 executive committee, is in attendance. The person shall act as an official
8 witness to the counting and shall sign the absentee ballot abstract as an
9 "observer".

10 (10) The county board of elections shall retain all container-return envelopes and
11 absentee ballots, in a safe place, for at least ~~four~~ 22 months, and longer if any
12 contest is pending concerning the validity of any ballot.

13 (11) The county board of elections shall meet after election day and prior to the
14 date of canvass to determine whether the container-return envelopes for
15 absentee ballots received on election day pursuant to ~~G.S. 163-231(b)(2)b. or~~
16 ~~e. G.S. 163-231(b)~~ have been properly executed. The county board of
17 elections shall comply with the requirements of G.S. 163-230.1 for approval
18 of applications. Any absentee ballots received pursuant to
19 ~~G.S. 163-231(b)(2)b. or e. G.S. 163-231(b)(2)~~ shall be counted by the county
20 board of elections on the day of canvass. The county board of elections may
21 also meet following the day of the election and prior to the day of canvass to
22 count absentee ballots received pursuant to ~~G.S. 163-231(b)(2)b. or e.~~
23 G.S. 163-231(b)(2) upon the adoption of a resolution pursuant to subdivision
24 (2) of this section. The county board of elections shall comply with all other
25 requirements of this section and G.S. 163-230.1 for the counting of these
26 absentee ballots."

27 **SECTION 27.(a)** G.S. 163-274(b) reads as rewritten:

28 "(b) Class 1 Misdemeanor. – Any person who shall, in connection with any primary or
29 election in this State, do any of the acts and things declared in this subsection to be unlawful shall
30 be guilty of a Class 1 misdemeanor. It shall be unlawful ~~for to do any of the following~~:

31 (1) For any person who has access to an official voted ballot or record to
32 knowingly disclose in violation of G.S. 163-165.1(e) how an individual has
33 voted that ballot.

34 (2) For any person to impersonate a chief judge, judge of election, or other
35 precinct official while in the discharge of duties in the registration of voters
36 or in conducting any primary or election.

37 (3) For any person other than the State Board or a county board of elections, or
38 any employee of the State Board or a county board of elections, to affix or
39 print a barcode on any absentee ballot request form."

40 **SECTION 27.(b)** This section becomes effective December 1, 2023, and applies to
41 offenses committed on or after that date.

42 **SECTION 28.(a)** G.S. 163-275 reads as rewritten:

43 **"§ 163-275. Certain acts declared felonies.**

44 (a) Any person who shall, in connection with any primary, general or special election
45 held in this State, do any of the acts or things declared in this section to be unlawful, shall be
46 guilty of a Class I felony. It shall be unlawful:

47 ...

48 (b) Any violations of this section shall be investigated by the State Bureau of
49 Investigation."

50 **SECTION 28.(b)** G.S. 163-22(d) reads as rewritten:

1 "(d) The State Board of Elections shall investigate when necessary or advisable, the
2 administration of election laws, frauds and irregularities in elections in any county and
3 municipality and special district, and shall report violations of the election laws to the Attorney
4 General or district attorney or prosecutor of the district State Bureau of Investigation for further
5 investigation and prosecution."

6 **SECTION 28.(c)** G.S. 143B-919 is amended by adding a new subsection to read:

7 "**(b2)** The State Bureau of Investigation shall be involved in any investigation involving the
8 commission or attempted commission of a crime under Chapter 163 of the General Statutes."

9 **SECTION 28.(d)** This section becomes effective December 1, 2023.

10 **SECTION 29.** G.S. 163-275(a)(5), as amended by this act, reads as rewritten:

11 "(5) For any person convicted of a crime which excludes the person from the right
12 of suffrage, to vote at in any primary or election ~~without having been restored~~
13 ~~to knowing~~ the right of citizenship has not been restored in due course and by
14 the method provided by law."

15 **SECTION 30.(a)** G.S. 9-3 reads as rewritten:

16 "**§ 9-3. Qualifications of prospective jurors.**

17 (a) ~~All persons are~~ A person is qualified to serve as jurors a juror and is to be included
18 on the master jury list who if the person meets all of the following:

19 (1) ~~are citizens of the State~~ Is a citizen of the United States.

20 (2) Is a resident of the State.

21 (3) ~~and residents~~ Is a resident of the county, county.

22 (4) ~~who have~~ Has not served as jurors a juror during the preceding two years
23 years.

24 (5) ~~or who have~~ Has not served a full term of service as a grand jurors juror during
25 the preceding six years, years.

26 (6) ~~who are~~ Is 18 years of age or over, over.

27 (7) ~~who are~~ Is physically and mentally competent, competent.

28 (8) ~~who can~~ Can understand the English language, language.

29 (9) ~~who have~~ Has not been convicted of a felony or pleaded guilty or nolo
30 contendere to an indictment charging a felony (or felony, or if convicted of a
31 felony or having pleaded plead guilty or nolo contendere to an indictment
32 charging a felony have felony, has had their that person's citizenship restored
33 pursuant to law), law.

34 (10) ~~and who have~~ Has not been adjudged non compos mentis.

35 (b) ~~Persons~~ A person not qualified under this section are is subject to challenge for cause."

36 **SECTION 30.(b)** G.S. 9-6 reads as rewritten:

37 "**§ 9-6. Jury service a public duty; excuses to be allowed in exceptional cases; procedure.**

38 ...

39 (a1) All applications for excuses from jury duty, including applications based on
40 disqualification under G.S. 9-3, shall be made on a form developed and furnished by the
41 Administrative Office of the Courts. Applications shall allow prospective jurors to specify the
42 reason for excusal based on disqualification, including lack of United States citizenship.

43 (b) Pursuant to the foregoing policy, each chief district court judge shall promulgate
44 procedures whereby the chief district court judge or any district court judge of the chief district
45 court judge's district court district designated by the chief district court judge, prior to the date
46 that a jury session (or sessions) of superior or district court convenes, shall receive, hear, and
47 pass on applications for excuses from jury duty. The procedures shall provide for the time and
48 place, publicly announced, at which applications for excuses will be heard, and prospective jurors
49 who have been summoned for service shall be so informed. The chief district court judge, after
50 consultation with and with the consent of the clerk of superior court, may delegate the authority
51 to receive, hear, and pass on applications for excuses from jury duty to the clerk of superior court.

1 The chief district judge may also assign the duty of passing on applications for excuses from jury
 2 service to judicial support staff. In all cases concerning excuses, the clerk of superior court or
 3 judicial support staff shall notify prospective jurors of the disposition of their excuses.

4 ...

5 (e) The judge shall inform the clerk of superior court of persons excused under this
 6 section, and the clerk of superior court shall keep a record of excuses separate from the master
 7 jury ~~list~~list in accordance with G.S. 9-6.2.

8"

9 **SECTION 30.(c)** G.S. 9-6.1 reads as rewritten:

10 "**§ 9-6.1. Requests to be excused.**

11 (a) Any person summoned as a juror who is a full-time student and who wishes to be
 12 excused pursuant to G.S. 9-6(b1) or who is 72 years or older and who wishes to be excused,
 13 deferred, or exempted, may make the request without appearing in person by filing a signed
 14 statement of the ~~ground of grounds~~ for the request with the chief district court judge of that
 15 district, or the district court judge-judge, clerk of superior court, or judicial support staff member
 16 member, if so designated by the chief district court judge pursuant to G.S. 9-6(b), at any time
 17 five business days before the date upon which the person is summoned to appear.

18 (b) Any person summoned as a juror who has a disability that could interfere with the
 19 person's ability to serve as a juror and who wishes to be excused, deferred, or exempted may
 20 make the request without appearing in person by filing a signed statement of the ground of the
 21 request, including a brief explanation of the disability that interferes with the person's ability to
 22 serve as a juror, with the chief district court judge of that district, or the district court judge-judge,
 23 clerk of superior court, or judicial support staff member-member, if so designated by the chief
 24 district court judge pursuant to G.S. 9-6(b), at any time five business days before the date upon
 25 which the person is summoned to appear. Upon-At the request of the court, medical
 26 documentation of any disability may be submitted. Any privileged medical information or
 27 protected health information described in this section shall be-is confidential and shall be-is
 28 exempt from the provisions of Chapter 132 of the General Statutes or any other provision
 29 requiring information and records held by State agencies to be made public or accessible to the
 30 public.

31 (c) A person may request either a temporary or permanent exemption under this section,
 32 and the judge-judge, clerk of superior court, or judicial support staff member may accept or reject
 33 either in the exercise of discretion conferred by G.S. 9-6(b), including the substitution of a
 34 temporary exemption for a requested permanent exemption. In the case of supplemental jurors
 35 summoned under G.S. 9-11, notice may be given when summoned. In case the chief district court
 36 judge, or the judge-judge, clerk of superior court, or judicial support staff member designated by
 37 the chief district court judge pursuant to G.S. 9-6(b), rejects the request for exemption, the
 38 prospective juror shall be immediately notified by the judicial support staff member or the clerk
 39 of court by telephone, letter, or personally."

40 **SECTION 30.(d)** Article 1 of Chapter 9 of the General Statutes is amended by
 41 adding a new section to read:

42 "**§ 9-6.2. Reports of excusals from jury duty based on disqualification.**

43 (a) The name and address provided by each person who requests to be excused from jury
 44 duty on the basis that the person is not qualified to serve as a juror, along with the reason for that
 45 request, shall be retained by the clerk of superior court for the remainder of the biennium as
 46 described in G.S. 9-2. The records retained by the clerk are not public records under G.S. 132-1.
 47 The clerk of superior court may destroy the records at the end of each biennium as described in
 48 G.S. 9-2.

49 (b) If a person is disqualified from jury duty because the person is not a citizen of the
 50 United States, the clerk of superior court shall, at least on a quarterly basis, communicate this
 51 information to the State Board of Elections, including the person's name, address, date of birth,

1 and other personal information from the master jury list, along with the reasons for the person's
2 disqualification and the date of disqualification. The State Board of Elections shall use this
3 information to conduct list maintenance efforts in accordance with G.S. 163-82.14. This
4 communication shall not be a public record.

5 (c) Nothing in this section should be construed to restrict the authority of a local board
6 of elections or the State Board of Elections to determine a person's eligibility to vote."

7 **SECTION 30.(e)** G.S. 163-82.14 reads as rewritten:

8 **"§ 163-82.14. List maintenance.**

9 (a) ~~Uniform Program.~~ Requirement for List Maintenance. – ~~The~~ In accordance with this
10 section, the State Board of Elections shall adopt a uniform program that makes a diligent effort
11 not less than twice each year; and county boards of elections shall maintain the list of eligible
12 voters in the State by providing for the following:

13 (1) ~~To remove~~ The removal of the names of ineligible voters from the official lists
14 of eligible voters, and voters.

15 (2) ~~To update~~ Updates to the addresses and other necessary data of persons who
16 remain on the official lists of eligible voters.

17 (a1) ~~That program~~ Methods of List Maintenance; Cross State Checks. – List maintenance
18 efforts under this section shall be nondiscriminatory and shall comply with the provisions of the
19 Voting Rights Act of 1965, as amended, and with the provisions of the National Voter
20 Registration Act. The State Board of Elections, Board, in addition to the methods set forth in this
21 section, may use other methods toward the ends set forth in subdivisions (1) and (2) of this
22 subsection, subsection (a) of this section, including address-updating services provided by the
23 Postal Service, Service and entering into data sharing agreements with other states to cross-check
24 information on voter registration and voting records. Any data sharing agreement shall require
25 the other state or states to comply with G.S. 163-82.10 and G.S. 163-82.10B. ~~Each county board~~
26 of elections shall conduct systematic efforts to remove names from its list of registered voters in
27 accordance with this section and with the program adopted by the State Board. The county boards
28 of elections shall complete their list maintenance mailing program by April 15 of every
29 odd-numbered year, unless the State Board of Elections approves a different date for the county.

30 (b) Death. – ~~The~~ In order to remove the names of deceased persons from the list of
31 eligible voters in this State, the following shall occur:

32 (1) At a minimum of once per week, the Department of Health and Human
33 Services shall furnish free of charge to the State Board of Elections ~~every~~
34 month, ~~Executive Director,~~ in a format prescribed by the State Board of
35 Elections, Board, the names of deceased persons who were residents of the
36 State. ~~The State Board of Elections~~ Upon receipt of the list from the
37 Department of Health and Human Services, the Executive Director shall
38 distribute ~~every month~~ to each county board of elections the names on that list
39 of deceased persons who were residents of that county. ~~The Department of~~
40 Health and Human Services shall base each list upon information supplied by
41 death certifications it received during the preceding month. Upon the receipt
42 of those names, each county board of elections shall remove from its voter
43 registration records any person the list shows to be ~~dead~~ ~~dead~~ each week.

44 (2) ~~Each county board of elections shall also remove from its voter registration~~
45 records a person identified as deceased by ~~Upon receipt of a signed statement~~
46 of a near relative or personal representative of the estate of ~~the~~ a deceased
47 voter. ~~voter~~ indicating that the person has deceased, a county board of
48 elections shall remove the person identified as deceased from its voter
49 registration records within one week of receipt of the signed statement. The
50 county board ~~need not~~ ~~does not need to~~ send any notice to the address of the

- 1 ~~person so removed,~~ person before removing the person from its voter
2 registration records.
- 3 (c) Conviction of a Felony. – In order to remove the names of ineligible individuals from
4 the list of eligible voters in this State, the following shall occur:
- 5 (1) ~~Report of Conviction Within the State. – The State Board of Elections, on or~~
6 ~~before the fifteenth day of every month, At a minimum of once per week, the~~
7 Executive Director shall report to the county board of elections of that county
8 the name, county of residence, and residence address if available, of each
9 individual compile a list of individuals against whom a final judgment of
10 conviction of a felony within this State has been entered in that county in the
11 preceding calendar month entered. The Executive Director shall report to each
12 appropriate county board of elections the names of individuals from that
13 county appearing on such list each week.
- 14 (2) ~~Report of Federal Conviction. – The~~ At a minimum of once per week, the
15 Executive Director of the State Board of Elections, upon receipt of shall
16 compile a list of individuals against whom a federal conviction has been
17 reported, based on a notice of conviction sent by a United States Attorney
18 pursuant to section 8(g) of the National Voter Registration Act, Act. The
19 Executive Director shall notify the report to each appropriate county boards
20 of elections of the conviction names of individuals from that county appearing
21 on such list each week.
- 22 (3) ~~County Board's Duty Upon Receiving Report of Conviction. –~~ When a county
23 board of elections receives a notice pursuant to subdivision (1) or (2) of this
24 subsection relating to a resident of that county and that person is registered to
25 vote in that county, the county board of elections shall, after giving 30 days'
26 written notice to the voter at his registration address, the address associated
27 with that voter registration, and if the voter makes no objection, remove the
28 person's name from its registration records. If the voter notifies the county
29 board of elections of his objection to the removal within 30 days of the notice,
30 the chairman chair of the county board of elections shall enter a challenge
31 under G.S. 163-85(c)(5), and the notice the county board of elections received
32 pursuant to this subsection shall be prima facie evidence for the preliminary
33 hearing that the registrant was convicted of a felony.
- 34 (c1) Noncitizens. –
- 35 (1) Within 30 days of receipt of the communication in accordance with
36 G.S. 9-6.2, the State Board shall do each of the following:
- 37 a. Review the voter registration and citizenship status of each person
38 identified, including matching of available information in State and
39 federal databases.
- 40 b. Distribute to each county board of elections a report of the persons
41 identified who are registered to vote in that county. The report shall
42 include the information provided by the clerk of superior court under
43 G.S. 9-6.2, the voter registration number of the person, and the results
44 of the State Board review of the person's voter registration and
45 citizenship status. The State Board shall not include a person's name
46 in the report if the State Board review determines that the individual
47 became a citizen of the United States after the date of that person's jury
48 disqualification.
- 49 c. In the event that the prospective juror voted prior to becoming a United
50 States citizen, the State Board shall furnish the State Bureau of

- 1 Investigation and the district attorney a copy of its investigation for
2 prosecution of the violation as provided in G.S. 163-278.
- 3 (2) Within 30 days of receipt by a county board of elections of a report pursuant
4 to this subsection relating to a person registered to vote in that county, the
5 following shall occur:
- 6 a. The county board of elections shall give 30 days' written notice to the
7 voter by sending notice to the voter's residential address and, if
8 different from the voter's residential address, the voter's registration
9 address and mailing address. If the voter makes no objection, the
10 county board of elections shall remove the person's name from its
11 registration records and shall provide written notice of the removal to
12 the voter in the same manner as notice was previously provided under
13 this sub-subdivision. The county board of elections shall indicate
14 within the statewide computerized voter registration system any
15 individual removed from the voter registration records on the basis of
16 noncitizenship status.
- 17 b. If, within 30 days of the date on which notice was sent of the removal
18 of a voter's name from registration records pursuant to sub-subdivision
19 a. of this subdivision, the voter notifies the county board of elections
20 of the voter's objection to the removal, the chair of the county board
21 of elections shall enter a challenge under G.S. 163-85(c)(7), and the
22 notice provided to the county board of elections by the receipt of the
23 report from the State Board pursuant to this subdivision shall be prima
24 facie evidence in the preliminary hearing heard pursuant to
25 G.S. 163-85(d) that the person is not a citizen of the United States.
26 This presumption may be rebutted by evidence as presented by the
27 person of any of the following: (i) birth certificate, (ii) citizenship
28 naturalization occurring after the excusal from jury service due to
29 disqualification, or (iii) other federal documentation of citizenship.
- 30 (3) Except as provided by State and federal law, the records retained pursuant to
31 this subsection are public records under G.S. 132-1, notwithstanding the
32 requirements of G.S. 20-43.4(c). The State Board and county board of
33 elections shall retain the electronic records for four years and may destroy the
34 records thereafter.
- 35 (d) ~~Change of Address. – A county board of elections shall conduct a systematic program~~
36 ~~In order to remove from its list of registered voters those the names of individuals who have~~
37 ~~moved out of the county, and to update the registration records of persons who have moved~~
38 ~~within the county. The county board shall remove a person from its list if the registrant:~~
39 ~~the~~
40 ~~following shall occur:~~
- 41 (1) ~~Gives~~ At a minimum of once per week, a county board of elections shall
42 remove from its voter registration records the names of individuals who give
43 confirmation in writing of a change of address for voting purposes out of the
44 county. "Confirmation in writing" for purposes of this subdivision shall
45 ~~include:~~ include any of the following:
- 46 a. A report to the county board from the Department of Transportation
47 or from a voter registration agency listed in G.S. 163-82.20 that the
48 voter has reported a change of address for voting purposes outside the
49 county;county.
- 50 b. A notice of cancellation received under G.S. 163-82.9;
 ~~or~~ G.S. 163-82.9.

1 c. A notice of cancellation received from an election jurisdiction outside
2 the State.

3 (2) ~~Fails~~ Following each congressional election, the county board of elections
4 shall send to each registered voter who has not voted or confirmed the voter's
5 address by another means a confirmation mailing. The county board of
6 elections shall remove from its voter registration records the names of
7 individuals who fail to respond to a ~~the~~ confirmation mailing sent by the
8 county board in accordance with this subdivision and ~~does who do~~ not vote or
9 appear to vote in an election beginning on the date of the notice and ending
10 on the day after the date of the second general election for the United States
11 House of Representatives that occurs after the date of the notice. A county
12 board of elections sends a confirmation notice in accordance with this
13 subdivision if the ~~notice:~~ notice complies with all of the following:

- 14 a. Is a postage prepaid and preaddressed return card, sent by forwardable
15 mail, on which the registrant may state current ~~address;~~ address.
16 b. Contains or is accompanied by a notice to the effect that if the
17 registrant did not change residence but remained in the county, the
18 registrant should return the card not later than the deadline for
19 registration by mail in ~~G.S. 163-82.6(d)(1); and~~ G.S. 163-82.6(d)(1).
20 c. Contains or is accompanied by information as to how the registrant
21 may continue to be eligible to vote if the registrant has moved outside
22 the county.

23 ~~A county board shall send a confirmation mailing in accordance with this~~
24 ~~subdivision to every registrant after every congressional election if the county~~
25 ~~board has not confirmed the registrant's address by another means.~~

26 (3) Any ~~registrant~~ registered voter who is removed from the list of registered
27 voters pursuant to this subsection shall be reinstated if the voter appears to
28 vote and gives oral or written affirmation that the voter has not moved out of
29 the county but has maintained residence continuously within the county. That
30 person shall be allowed to vote as provided in G.S. 163-82.15(f).

31 (e) Cooperation on List Maintenance Efforts. – The State Board ~~of Elections~~ has the
32 authority to perform list maintenance under this section with the same authority as a county
33 board.

34 (f) Annual Report on List Maintenance Efforts. – County board of elections shall submit
35 to the State Board ~~of Elections~~ an annual report, on or before September 1 of each year, of its list
36 maintenance under this section. The State Board ~~of Elections~~ shall compile annual reports
37 received from the county board of elections and submit the reports to the Joint Legislative
38 Elections Oversight Committee on or before October 1 of each year."

39 **SECTION 30.(f)** This section becomes effective July 1, 2024.

40 **SECTION 31.** In any notice given to a voter prior to an election regarding the
41 requirement to show photo identification to vote in person, whether by mail or posted on a
42 website, the State Board of Elections and a county board of elections shall clearly and initially
43 state in the notice the following: "Voters will now be asked to present a valid photo identification
44 when voting in person. If you do not have a valid photo ID card, you may obtain one from your
45 county board of elections prior to the election, through the end of the early voting period. If you
46 do not have a valid photo ID card on election day, you may still vote and have your vote counted
47 by signing an affidavit of reasonable impediment as to why you have not presented a valid photo
48 ID."

49 **SECTION 32.** The Department of Information Technology shall study and report to
50 the General Assembly, on or before December 1, 2023, as to the feasibility of replacing the
51 statewide voter registration system, including the timetable for replacement and the possibility

1 of establishing periodic communications, up to and including daily, between the State Board of
2 Elections and the Department of Health and Human Services, Division of Vital Records; the
3 Division of Motor Vehicles, Division of Prisons of the Department of Adult Corrections, and the
4 Administrative Office of the Courts for the purposes of list maintenance and voter registration.
5 The report shall be delivered to the Joint Legislative Commission on Governmental Operations.

6 **SECTION 33.** Except as otherwise provided, this act is effective when it becomes
7 law and applies to elections held on or after that date.