

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS45341-LU-143

Short Title: Elections Law Changes.

(Public)

Sponsors: Senators Hise, P. Newton, and Daniel (Primary Sponsors).

Referred to:

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
5 **PART I. ELECTION DAY INTEGRITY ACT**

6 **SECTION 1.1.(a)** G.S. 163-231(b) reads as rewritten:

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

10 (1) All ballots issued under the provisions of this Article and Article 21A of this
11 Chapter shall be transmitted by mail or by commercial courier service, at the
12 voter's expense, or delivered in person, or by the voter's near relative or
13 verifiable legal guardian and received by the county board not later than ~~5:00~~
14 ~~p.m.~~ 7:30 P.M. on the day of the statewide primary or general election or
15 county bond election. Ballots issued under the provisions of Article 21A of
16 this Chapter may also be electronically transmitted.

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 extended the closing time of
21 the polls for every poll in the county in accordance with G.S. 163-166.01. If
22 the State Board so extended the closing time of the polls, the ballots shall be
23 received by the closing time as extended by the State Board in order to be
24 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 **SECTION 1.1.(b)** G.S. 163-232.1(a) reads as rewritten:

35 "(a) The county board of elections shall prepare, or cause to be prepared, a list in at least
36 triplicate, of all absentee ballots issued under ~~Article 20 of this Chapter~~ this Article returned to



1 the county board of elections to be counted, which have been approved by the county board of
2 elections, have not been included on the certified list prepared pursuant to G.S. 163-232, ~~and~~
3 ~~which have been postmarked by the day of the statewide primary or general election or county~~
4 ~~bond election and have been~~ received by the county board of elections not later than ~~three days~~
5 ~~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~~
6 the statewide primary or general election or county bond election. The list shall be supplemented
7 with new information each business day following the day of the election until the deadline for
8 receipt of such absentee ballots. At the end of the list, the ~~chairman~~ chair shall execute the
9 following certificate under oath:

10 "State of North Carolina
11 County of ____

12 I, ____, ~~chairman~~ chair of the ____ County Board of Elections, do hereby certify that the
13 foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on
14 the ____ day of ____, which have been approved by the county board of elections ~~and which~~
15 ~~have been postmarked by the day of the statewide primary or general election or county bond~~
16 ~~election and have been~~ received by the county board of elections not later than ~~three days after~~
17 ~~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~~
18 statewide primary or general election or county bond election. I certify that the ~~chairman~~, chair,
19 member, officer, or employee of the board of elections has not delivered ballots for absentee
20 voting to any person other than the voter, by mail or by commercial courier service or in person,
21 except as provided by law, and have not mailed or delivered ballots when the request for the
22 ballot was received after the deadline provided by law.

23 This the ____ day of ____, ____

24 _____
25 (Signature of ~~chairman~~ chair of
26 county board of elections)

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

28 Witness my hand and official seal.

29 _____
30 (Signature of officer
31 administering oath)

32 _____
33 (Title of officer)""

34 **SECTION 1.1.(c)** G.S. 163-234 reads as rewritten:

35 **"§ 163-234. Counting absentee ballots by county board of elections.**

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

38 (1) Only those absentee ballots returned to the county board of elections no later than
39 5:00 p.m. on the day before election day in a properly executed
40 container-return envelope or absentee ballots received pursuant to
41 ~~G.S. 163-231(b)(2)b. or c. G.S. 163-231(b)(2)~~ shall be counted, ~~except to the~~
42 ~~extent federal law requires otherwise counted.~~

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

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

...
(9)

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

...
(11)

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

SECTION 1.1.(d) G.S. 163-89(a) reads as rewritten:

"(a) Time for Challenge. – The absentee ballot of any voter received by the county board of elections pursuant to G.S. 163-231(b)(1) may be challenged on the day of any statewide

1 primary or general election or county bond election beginning no earlier than noon and ending
2 no later than 5:00 P.M., or by the chief judge at the time of closing of the polls as provided in
3 G.S. 163-232 and G.S. 163-258.26(b). The absentee ballot of any voter received by the county
4 board of elections pursuant to ~~G.S. 163-231(b)(ii) or (iii)~~ G.S. 163-231(b)(2) may be challenged
5 no earlier than noon on the day following the election and no later than 5:00 p.m. on the next
6 business day following the deadline for receipt of such absentee ballots."

7 **SECTION 1.2.(a)** G.S. 163-227.10 is amended by adding a new subsection to read:

8 "(c) Each county board of elections and the State Board shall publish on its website and
9 on any materials sent to voters the date by which absentee ballots are available for voting."

10 **SECTION 1.2.(b)** G.S. 163-230.1 is amended by adding a new subsection to read:

11 "(a2) Publish Deadline for Written Request. – Each county board of elections and the State
12 Board shall publish on its website and on any materials sent to voters the date by which a
13 completed request form as described in subsection (a) of this section must be received by a county
14 board of elections."

15 **SECTION 1.3.** Article 20 of Chapter 163 of the General Statutes is amended by
16 adding a new section to read:

17 "**§ 163-232.2. Ballot reporting.**

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

20 (1) The number of absentee ballots that have been spoiled due to the voter voting
21 in person at a one-stop voting site.

22 (2) The number of outstanding absentee ballots.

23 (b) From the day after the day of the election through the day after the receipt deadline
24 for absentee ballots, each county board of elections shall report the following to the State Board
25 by 5:00 P.M. each day:

26 (1) The number of absentee ballots that have been counted.

27 (2) The number of outstanding absentee ballots.

28 (3) The number of voted provisional ballots.

29 (c) The State Board shall publish each report received by a county board of elections
30 pursuant to this section on its website each day. Each list shall be made publicly available and
31 published in a readable and usable format."

32 **SECTION 1.4.** This Part is effective when it becomes law and applies to elections
33 held on or after that date.

34 **PART II. PROHIBIT PRIVATE MONEY IN ELECTIONS ADMINISTRATION**

35 **SECTION 2.1.** G.S. 163-22 is amended by adding a new subsection to read:

36 (s) Nothing in this Chapter shall grant authority to the State Board of Elections to accept
37 private monetary donations, directly or indirectly, for conducting elections or employing
38 individuals on a temporary basis."

39 **SECTION 2.2.** G.S. 163-33 is amended by adding a new subdivision to read:

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

43 **SECTION 2.3.** G.S. 163-37 reads as rewritten:

44 "**§ 163-37. Duty of county board of commissioners.**

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

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

1 **SECTION 2.4.** This Part is effective when it becomes law.

2
3 **PART III. REMOVE FOREIGN CITIZENS FROM VOTING ROLLS**

4 **SECTION 3.1.** G.S. 9-3 reads as rewritten:

5 **"§ 9-3. Qualifications of prospective jurors.**

6 All persons are qualified to serve as jurors and to be included on the master jury list who are
7 citizens of the ~~State~~ United States, residents of the State, and residents of the county, who have
8 not served as jurors during the preceding two years or who have not served a full term of service
9 as grand jurors during the preceding six years, who are 18 years of age or over, who are physically
10 and mentally competent, who can understand the English language, who have not been convicted
11 of a felony or pleaded guilty or nolo contendere to an indictment charging a felony (or if
12 convicted of a felony or having pleaded guilty or nolo contendere to an indictment charging a
13 felony have had their citizenship restored pursuant to law), and who have not been adjudged non
14 compos mentis. Persons not qualified under this section are subject to challenge for cause."

15 **SECTION 3.2.** G.S. 9-6 reads as rewritten:

16 **"§ 9-6. Jury service a public duty; excuses to be allowed in exceptional cases; procedure.**

17 ...

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

22 (b) Pursuant to the foregoing policy, each chief district court judge shall promulgate
23 procedures whereby the chief district court judge or any district court judge of the chief district
24 court judge's district court district designated by the chief district court judge, prior to the date
25 that a jury session (or sessions) of superior or district court convenes, shall receive, hear, and
26 pass on applications for excuses from jury duty. The procedures shall provide for the time and
27 place, publicly announced, at which applications for excuses will be heard, and prospective jurors
28 who have been summoned for service shall be so informed. The chief district court judge, after
29 consultation with and with the consent of the clerk of superior court, may delegate the authority
30 to receive, hear, and pass on applications for excuses from jury duty to the clerk of superior court.
31 The chief district judge may also assign the duty of passing on applications for excuses from jury
32 service to judicial support staff. In all cases concerning excuses, the clerk of superior court or
33 judicial support staff shall notify prospective jurors of the disposition of their excuses.

34 ...

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

38"

39 **SECTION 3.3.** G.S. 9-6.1 reads as rewritten:

40 **"§ 9-6.1. Requests to be excused.**

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

48 (b) Any person summoned as a juror who has a disability that could interfere with the
49 person's ability to serve as a juror and who wishes to be excused, deferred, or exempted may
50 make the request without appearing in person by filing a signed statement of the ground of the
51 request, including a brief explanation of the disability that interferes with the person's ability to

1 serve as a juror, with the chief district court judge of that district, or the district court ~~judge-judge,~~
 2 clerk of superior court, or judicial support staff ~~member-member,~~ if so designated by the chief
 3 district court judge pursuant to G.S. 9-6(b), at any time five business days before the date ~~upon~~
 4 ~~which~~ the person is summoned to appear. ~~Upon~~ At the request of the court, medical
 5 documentation of any disability may be submitted. Any privileged medical information or
 6 protected health information described in this section ~~shall be-is~~ confidential and ~~shall be-is~~
 7 exempt from the provisions of Chapter 132 of the General Statutes or any other provision
 8 requiring information and records held by State agencies to be made public or accessible to the
 9 public.

10 (c) A person may request either a temporary or permanent exemption under this section,
 11 and the ~~judge-judge,~~ clerk of superior court, or judicial support staff member may accept or reject
 12 either in the exercise of discretion conferred by G.S. 9-6(b), including the substitution of a
 13 temporary exemption for a requested permanent exemption. In the case of supplemental jurors
 14 summoned under G.S. 9-11, notice may be given when summoned. In case the chief district court
 15 judge, or the ~~judge-judge,~~ clerk of superior court, or judicial support staff member designated by
 16 the chief district court judge pursuant to G.S. 9-6(b), rejects the request for exemption, the
 17 prospective juror shall be immediately notified by the judicial support staff member or the clerk
 18 of court by telephone, letter, or personally."

19 **SECTION 3.4.** Article 1 of Chapter 9 of the General Statutes is amended by adding
 20 a new section to read:

21 **"§ 9-6.2. Reports of excusals from jury duty based on disqualification.**

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

28 (b) If a person is disqualified from jury duty because the person is not a citizen of the
 29 United States, the clerk of superior court shall, on a quarterly basis, report this information
 30 electronically to the State Board of Elections. The electronic file shall include the person's name,
 31 address, date of birth, and other personal information from the master jury list, along with the
 32 reasons for the person's disqualification and the date of disqualification. The State Board of
 33 Elections shall use this information to conduct efforts to remove names from its list of registered
 34 voters in accordance with G.S. 163-82.14. The records retained by the State Board of Elections
 35 are public records under G.S. 132-1, notwithstanding the requirements of G.S. 20-43.4(c), except
 36 as prohibited by federal statute. The State Board of Elections shall retain the electronic records
 37 for four years and may destroy the records when they are no longer public records.

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

40 **SECTION 3.5.** G.S. 163-82.14 reads as rewritten:

41 **"§ 163-82.14. List maintenance.**

42 ...

43 (c1) Noncitizens. –

44 (1) Report of disqualification from jury duty from clerk of superior court. – As
 45 provided in G.S. 9-6.2, the clerk of superior court shall transmit quarterly to
 46 the State Board of Elections an electronic file for each person disqualified
 47 from jury duty on the basis the person is not a citizen of the United States.

48 (2) State Board of Elections review. – Within 30 days of receipt of the report
 49 transmitted as provided in subdivision (1) of this subsection, the State Board
 50 of Elections shall do each of the following:

- 1 a. Review the voter registration and citizenship status of each person
2 identified as provided in subdivision (1) of this subsection, including
3 matching of available information in State and federal databases.
4 b. Distribute to each county board of elections a report of the persons
5 identified as provided in subdivision (1) of this subsection who are
6 registered to vote in that county. The report shall include the
7 information in the electronic file provided by the clerk of superior
8 court under G.S. 9-6.2(a), the voter registration number of the person,
9 and the results of the State Board of Elections review of the person's
10 voter registration and citizenship status. The State Board of Elections
11 shall not include a person's name in the report if the State Board of
12 Elections review determines that the individual became a citizen of the
13 United States after the date of that person's jury disqualification, unless
14 the prospective juror voted prior to obtaining that person's United
15 States citizenship. In the event that the prospective juror voted prior to
16 becoming a United States citizen, the State Board of Elections shall
17 furnish the district attorney a copy of its investigation for prosecution
18 of the violation as provided in G.S. 163-278.
19 (3) County board of elections duty upon receiving report. – Within 30 days of
20 receipt by a county board of elections of a report pursuant to this subsection
21 relating to a person registered to vote in that county, the following shall occur:
22 a. The county board of elections shall give 30 days' written notice to the
23 voter by sending notice to the voter's residential address and, if
24 different from the voter's residential address, the voter's registration
25 address and mailing address. If the voter makes no objection, the
26 county board of elections shall remove the person's name from its
27 registration records and shall provide written notice of the removal to
28 the voter in the same manner as notice was previously provided under
29 this sub-subdivision. The county board of elections shall indicate
30 within the statewide computerized voter registration system any
31 individual removed from the voter registration records on the basis of
32 noncitizenship status.
33 b. If, within 30 days of the date on which notice was sent of the removal
34 of a voter's name from registration records pursuant to sub-subdivision
35 a. of this subdivision, the voter notifies the county board of elections
36 of the voter's objection to the removal, the chair of the county board
37 of elections shall enter a challenge under G.S. 163-85(c)(7), and the
38 notice provided to the county board of elections by the receipt of the
39 report from the State Board of Elections pursuant to this subdivision
40 shall be prima facie evidence in the preliminary hearing heard pursuant
41 to G.S. 163-85(d) that the person is not a citizen of the United States.
42 This presumption may be rebutted by evidence as presented by the
43 person of either (i) citizenship naturalization occurring after the
44 excusal from jury service due to disqualification or (ii) other federal
45 documentation of citizenship.
46 (4) The records retained pursuant to this subsection are public records under
47 G.S. 132-1, notwithstanding the requirements of G.S. 20-43.4(c), except as
48 prohibited by federal statute. The State Board of Elections and county board
49 of elections shall retain the electronic records for four years and may destroy
50 the records when the records are no longer public records.

1 (d) Change of Address. – A county board of elections shall conduct a systematic program
 2 to remove from its list of registered voters those who have moved out of the county, and to update
 3 the registration records of persons who have moved within the county. The county board shall
 4 remove a person from its list if the registrant:

5 (1) Gives confirmation in writing of a change of address for voting purposes out
 6 of the county. "Confirmation in writing" for purposes of this subdivision shall
 7 ~~include~~include any of the following:

8 a. A report to the county board from the Department of Transportation
 9 or from a voter registration agency listed in G.S.163-82.20 that the
 10 voter has reported a change of address for voting purposes outside the
 11 ~~county~~county.

12 b. A notice of cancellation received under ~~G.S. 163-82.9;~~
 13 ~~or~~G.S. 163-82.9.

14 ...

15 (2) Fails to respond to a confirmation mailing sent by the county board in
 16 accordance with this subdivision and does not vote or appear to vote in an
 17 election beginning on the date of the notice and ending on the day after the
 18 date of the second general election for the United States House of
 19 Representatives that occurs after the date of the notice. A county board sends
 20 a confirmation notice in accordance with this subdivision if the ~~notice~~notice
 21 meets each of the following criteria:

22 a. ~~Is~~The notice is a postage prepaid and preaddressed return card, sent
 23 by forwardable mail, on which the registrant may state current
 24 ~~address~~address.

25 b. ~~Contains~~The notice contains or is accompanied by a notice to the
 26 effect that if the registrant did not change residence but remained in
 27 the county, the registrant should return the card not later than the
 28 deadline for registration by mail in ~~G.S. 163-82.6(d)(1);~~
 29 ~~and~~G.S. 163-82.6(d)(1).

30 c. ~~Contains~~The notice contains or is accompanied by information as to
 31 how the registrant may continue to be eligible to vote if the registrant
 32 has moved outside the county.

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

36"

37 **SECTION 3.6.** The Administrative Office of the Courts shall amend the Rules of
 38 Recordkeeping to include procedures to implement the provisions of G.S. 9-6.2, as enacted by
 39 Section 3.4 of this act. Nothing in this act shall be construed to exempt records held by the
 40 Administrative Office of the Courts pursuant to Chapter 132 of the General Statutes, except as
 41 provided in G.S. 9-6.2, as enacted by this act.

42 **SECTION 3.7.** This Part becomes effective January 1, 2024.

43
 44 **PART IV. INSPECTABLE ABSENTEE BALLOT ENVELOPES**

45 **SECTION 4.1.** G.S. 163-230.1(f) reads as rewritten:

46 "(f) Required Meeting of County Board of Elections. – During the period commencing on
 47 the fifth Tuesday before an election, in which absentee ballots are authorized, the county board
 48 of elections shall hold one or more public meetings each Tuesday at 5:00 p.m. for the purpose of
 49 action on applications for absentee ballots. At these meetings, the county board of elections shall
 50 pass upon applications for absentee ~~ballots~~ballots and these ballots shall be subject to public
 51 inspection.

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

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

9 The decision of the board on the validity of an application for absentee ballots shall be final
10 subject only to such review as may be necessary in the event of an election contest. The county
11 board of elections shall constitute the proper official body to pass upon the validity of all
12 applications for absentee ballots received in the county; this function shall not be performed by
13 the chair or any other member of the board individually."
14

15 PART V. BAR CODING BY BOARDS OF ELECTIONS ONLY

16 **SECTION 5.1.** G.S. 163-229(b)(9) reads as rewritten:

17 "(9) A bar code or other unique ~~identifier~~-identifier, affixed by the county board of
18 elections, to allow both the county board of elections and the voter to track the
19 ballot following return of the voted ballot to the county board of elections by
20 the voter."

21 **SECTION 5.2.** G.S. 163-237 is amended by adding a new subsection to read:

22 "(f) Unlawfully Affixed or Printed Barcodes on Absentee Ballots. – Any person other than
23 the State Board or a county board of elections, or any employee of the State Board or a county
24 board of elections, who affixes or prints a barcode on an absentee ballot, an absentee
25 container-return envelope, or an absentee ballot request form shall be guilty of a Class 1
26 misdemeanor."
27

28 PART VI. RETENTION OF VOTING RECORDS/ARCHIVE OF PAST ELECTIONS 29 RESULTS

30 **SECTION 6.1.** G.S. 163-22 is amended by adding a new subsection to read:

31 "(s) Notwithstanding any other provision of law, the State Board of Elections shall ensure
32 election records are retained and preserved for a period of 22 months after an election or as
33 otherwise specified in federal law, whichever is greater."

34 **SECTION 6.2.** G.S. 163-33 is amended by adding a new subdivision to read:

35 "(17) Notwithstanding any other provision of law, to retain and preserve all
36 elections records for a period of 22 months after an election or as otherwise
37 specified in federal law, whichever is greater."

38 **SECTION 6.3.** G.S. 163-88.1(c) reads as rewritten:

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

48 **SECTION 6.4.** G.S. 163-166.12(c) reads as rewritten:

49 "(c) Notation of Identification Proof. – The county board of elections shall note the type
50 of identification proof submitted by the voter under the provisions of subsection (a) or (b) of this
51 section ~~and may dispose of the tendered copy of identification proof as soon as the type of proof~~

1 is noted in the voter registration records section. The type of identification proof shall be listed
2 on the voter rolls that are available to the public."

3 **SECTION 6.5.** G.S. 163-233(c) reads as rewritten:

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

7 **SECTION 6.6.** G.S. 163-234(10) reads as rewritten:

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

11 **PART VII. VOTER ASSISTANCE LOG**

12 **SECTION 7.1.** G.S. 163-166.8(b) reads as rewritten:

13 "(b) A qualified voter seeking assistance in an election shall, upon arriving at the voting
14 place, request permission from the chief judge to have assistance, stating the reasons. If the chief
15 judge determines that such assistance is appropriate, the chief judge shall ask the voter to point
16 out and identify the person the voter desires to provide such assistance. If the identified person
17 meets the criteria in subsection (a) of this section, the chief judge shall request the person
18 indicated to render the assistance. The chief judge, one of the judges, or one of the assistants may
19 provide aid to the voter if so requested, if the election official is not prohibited by subdivision (a)
20 (2) of this section. Under no circumstances shall any precinct official be assigned to assist a voter
21 qualified for assistance, who was not specified by the voter. Precinct officials shall maintain a
22 log of any person rendering assistance to a voter pursuant to this section. The log shall include
23 the printed name and address of any person rendering assistance to the voter and a space for that
24 individual's signature."

25 **PART VIII. REQUIRE PROVISIONAL BALLOT FOR SAME-DAY REGISTRATION**

26 **SECTION 8.1.** Article 7A of Chapter 163 of the General Statutes is amended by
27 adding a new section to read:

28 **"§ 163-82.6B. Provisional ballot required; same-day registration.**

29 Notwithstanding any provision of law to the contrary, an individual who is qualified to
30 register to vote may register in person and then vote at a one-stop voting site in the individual's
31 county of residence during the period for one-stop voting provided under G.S. 163-227.2.
32 However, the individual shall vote by provisional ballot and the ballot counted under one of the
33 following circumstances only:

- 34 (1) Upon verification of the individual's address in accordance with procedures
35 set forth in G.S. 163-82.7. Verifications conducted pursuant to this section
36 shall be done by first-class mail.
37 (2) Upon providing a copy of a current utility bill, bank statement, government
38 check, paycheck, or other government document showing the name and
39 address of the voter at the county board of elections where the voter resides
40 before the close of polls on election day."

41 **SECTION 8.2.** This Part is effective when it becomes law and applies to individuals
42 seeking same-day registration on or after that date.

43 **PART IX. REPORT/REVISIONS TO ELECTIONS RECORDS AFTER**

44 **CERTIFICATION**

45 **SECTION 9.1.** G.S. 163-182.15 is amended by adding a new subsection to read:

46 "(b1) Report on Revisions to Elections Records After Certification. – The State Board of
47 Elections shall submit an annual report on any revisions made to elections records after
48 certification of elections, including the rationale for and timing of the revisions, to the Joint
49 49
50 50
51 51

1 Legislative Elections Oversight Committee and the Joint Legislative Oversight Committee on
2 General Government."

3
4 **PART X. ALLOW ANY ELIGIBLE VOTER IN A COUNTY TO FILE A CHALLENGE**
5 **OF A VOTER'S ABSENTEE BALLOT**

6 **SECTION 10.1.** G.S. 163-89(b) reads as rewritten:

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

9
10 **PART XI. ABSENTEE BALLOTS/REQUIRE PRINTED NAMES FOR WITNESS**
11 **SIGNATURES**

12 **SECTION 11.1.** G.S. 163-229(b)(3) reads as rewritten:

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

16 **SECTION 11.2.** G.S. 163-231(a) reads as rewritten:

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

20 ...

21 (5) Require those two persons in whose presence the voter marked that voter's
22 ballots to sign and print their names on the application and certificate as
23 witnesses and to indicate those persons' addresses. Failure to list a ZIP code
24 does not invalidate the application and certificate.

25"

26
27 **PART XII. REQUIRE SIGNATURE VERIFICATION SOFTWARE FOR ABSENTEE**
28 **BALLOTS**

29 **SECTION 12.1.** G.S. 163-231 is amended by adding a new subsection to read:

30 "(d) The State Board of Elections shall require county boards of elections to use
31 verification software to check the signatures of voters noted on executed absentee ballots before
32 those ballots are accepted by the county boards."

33
34 **PART XIII. ENSURE PRECINCT OFFICIALS ONE-STOP VOTING PLACES ARE**
35 **ALLOCATED THE SAME AS THOSE SERVING ON ELECTION DAY**

36 **SECTION 13.1.** G.S. 163-227.6(a) reads as rewritten:

37 "(a) Notwithstanding any other provision of G.S. 163-227.2, 163-227.5, and this section,
38 a county board of elections by unanimous vote of all its members may provide for one or more
39 sites in that county for absentee ballots to be applied for and cast under these sections. Every
40 individual staffing any of those sites shall be a member or full-time employee of the county board
41 of elections or an employee of the county board of elections whom the board has given training
42 equivalent to that given a full-time employee. Precinct officials serving at one-stop voting places
43 shall be allocated in the same manner as those allocated at voting places on election day. Those
44 sites must be approved by the State Board as part of a Plan for Implementation approved by both
45 the county board of elections and by the State Board which shall also provide adequate security
46 of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan
47 for Implementation shall include a provision for the presence of political party observers at each
48 one-stop site equivalent to the provisions in G.S. 163-45 for party observers at voting places on
49 election day. A county board of elections may propose in its Plan not to offer one-stop voting at
50 the county board of elections office; the State Board may approve that proposal in a Plan only if
51 the Plan includes at least one site reasonably proximate to the county board of elections office

1 and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the
2 county's electorate. If a county board of elections has considered a proposed Plan or Plans for
3 Implementation and has been unable to reach unanimity in favor of a Plan, a member or members
4 of that county board of elections may petition the State Board to adopt a plan for it. If petitioned,
5 the State Board may also receive and consider alternative petitions from another member or
6 members of that county board. The State Board may adopt a Plan for that county. The State
7 Board, in that plan, shall take into consideration whether the Plan disproportionately favors any
8 party, racial or ethnic group, or candidate."
9

10 **PART XIV. CHALLENGE APPEALS OF STATE BOARD OF ELECTIONS HEARD IN** 11 **COUNTY WHERE CHALLENGE ORIGINATED**

12 **SECTION 14.1.** G.S. 163-90.2(c) reads as rewritten:

13 "(c) A decision by a county board of elections on any challenge made under the provisions
14 of this Article shall be appealable to the Superior Court of the county in which the offices of that
15 board are located within 10 days. If the appeal is made by the State Board of Elections, that
16 appeal shall be to the Superior Court of the county in which the challenge originated. Only those
17 persons against whom a challenge is sustained or persons who have made a challenge which is
18 overruled shall have standing to file such appeal."
19

20 **PART XV. IMPERSONATING AN ELECTIONS OFFICIAL/CLASS 1** 21 **MISDEMEANOR**

22 **SECTION 15.1.** G.S. 163-274(b) reads as rewritten:

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

- 26 (1) For any person who has access to an official voted ballot or record to
27 knowingly disclose in violation of G.S. 163-165.1(e) how an individual has
28 voted that ballot.
29 (2) For any person to impersonate a chief judge, judge of election, or other
30 election officer while in the discharge of duties in the registration of voters or
31 in conducting any primary or election."

32 **SECTION 15.2.** This Part becomes effective December 1, 2023, and applies to
33 offenses committed on or after that date.
34

35 **PART XVI. EXTENSION BY JUDICIAL ORDER/CLOSING OF POLLS**

36 **SECTION 16.1.** G.S. 163-166.01 reads as rewritten:

37 **"§ 163-166.01. Hours for voting.**

38 (a) In every election, the voting place shall be open at 6:30 A.M. and shall be closed at
39 7:30 P.M. If the polls are delayed in opening for more than 15 minutes, or are interrupted for
40 more than 15 minutes after opening, the State Board of Elections may extend the closing time by
41 an equal number of minutes. As authorized by law, the State Board of Elections shall be available
42 either in person or by teleconference on the day of election to approve any such extension. If any
43 voter is in line to vote at the time the polls are closed, that voter shall be permitted to vote. No
44 voter shall be permitted to vote who arrives at the voting place after the closing of the polls.

45 (b) If the statutory poll closing time of 7:30 P.M. on election day is extended by court
46 order in one county, the poll closing time shall be extended on election day in all counties by an
47 equal amount of time.

48 (c) Any voter who votes after the statutory poll closing time of 7:30 P.M. by virtue of a
49 federal or State court order or any other lawful order, including an order of a county board of
50 elections, shall be allowed to vote, under the provisions of that order, only by using a provisional
51 official ballot. Any special provisional official ballots cast under this section shall be separated,

1 counted, and held apart from other provisional ballots cast by other voters not under the effect of
2 the order extending the closing time of the voting place. If the court order has not been reversed
3 or stayed by the time of the county canvass, the total for that category of provisional ballots shall
4 be added to the official canvass."
5

6 **PART XVII. REQUIRE SBI INVESTIGATION/ELECTION-RELATED FELONY**
7 **OFFENSES**

8 **SECTION 17.1.** G.S. 163-275 reads as rewritten:

9 "**§ 163-275. Certain acts declared felonies.**

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

13 ...

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

16 **SECTION 17.2.** G.S. 143B-919 is amended by adding a new subsection to read:

17 "(b2) The State Bureau of Investigation shall investigate and prepare evidence for the
18 commission or attempted commission of crimes under G.S. 163-275."

19 **SECTION 17.3.** This Part becomes effective August 1, 2023, and applies to
20 violations occurring on or after that date.

21
22 **PART XVIII. POLL OBSERVERS/SHIFT SERVICE AND RELIEF**

23 **SECTION 18.1.** G.S. 163-45(a) reads as rewritten:

24 "(a) The chair of each political party in the county shall have the right to designate two
25 observers to attend each voting place at each primary and election and such observers may, at the
26 option of the designating party chair, be relieved during the day of the primary or election after
27 serving no less than four hours and provided the list required by this section to be filed by each
28 chair contains the names of all persons authorized to represent such chair's political party. An
29 observer relieved after serving no less than the four hours provided in this subsection may serve
30 an additional four hours during the same primary or election day at any voting place in that same
31 county upon designation by the party chair. The chair of each political party in the county shall
32 have the right to designate 10 additional at-large observers who are residents of that county who
33 may attend any voting place in that county. The chair of each political party in the State shall
34 have the right to designate up to 100 additional at-large observers who are residents of the State
35 who may attend any voting place in the State. The list submitted by the chair of the political party
36 may be amended between the one-stop period under G.S. 163-227.2, 163-227.5, and 163-227.6
37 and general election day to substitute one or all at-large observers for election day. Not more than
38 two observers from the same political party shall be permitted in the voting enclosure at any time,
39 except that in addition one of the at-large observers from each party may also be in the voting
40 enclosure. This right shall not extend to the chair of a political party during a primary unless that
41 party is participating in the primary. In any election in which an unaffiliated candidate is named
42 on the ballot, the candidate or the candidate's campaign manager shall have the right to appoint
43 two observers for each voting place consistent with the provisions specified herein. Persons
44 appointed as observers by the chair of a county political party must be registered voters of the
45 county for which appointed and must have good moral character. Persons appointed as observers
46 by the chair of a State political party must be registered voters of the State and must have good
47 moral character. No person who is a candidate on the ballot in a primary or election may serve
48 as an observer or runner in that primary or election. Observers shall take no oath of office."
49

50 **PART XIX. PRECINCT ELECTION OFFICIALS/REVISE SERVICE DUTIES ON DAY**
51 **OF PRIMARY, GENERAL, OR SPECIAL ELECTION**

1 **SECTION 19.1.** G.S. 163-47(a) reads as rewritten:

2 "(a) The chief judges and judges of election shall conduct the primaries and elections
3 within their respective precincts fairly and impartially, and they shall enforce peace and good
4 order in and about the place of registration and voting. ~~On the day of each primary and general
5 and special election, the precinct chief judge and judges shall remain at the voting place from the
6 time fixed by law for the commencement of their duties there until they have completed all those
7 duties, and they shall not separate nor shall any one of them leave the voting place except for
8 unavoidable necessity.~~"

9
10 **PART XX. REQUIRE TWO-FACTOR AUTHENTICATION PROCESS/MAIL-IN
11 ABSENTEE BALLOTS**

12 **SECTION 20.1.** Article 20 of Chapter 163 of the General Statutes is amended by
13 adding a new section to read:

14 **"§ 163-231.1. Require two-factor authentication process for absentee ballots cast by mail.**

15 The State Board of Elections shall establish and implement a two-factor authentication
16 process for executed absentee ballots transmitted by mail to a county board of elections. A county
17 board of elections shall use the process established by this section before an executed absentee
18 ballot is opened and counted by elections officials."

19
20 **PART XXI. REQUIRE KNOWING VIOLATION/VOTING WITHOUT RIGHTS OF
21 CITIZENSHIP RESTORED**

22 **SECTION 21.1.** G.S. 163-275(5) reads as rewritten:

23 "(5) For any person convicted of a crime which excludes the person from the right
24 of suffrage, to knowingly vote at any primary or election without having been
25 restored to the right of citizenship in due course and by the method provided
26 by law."

27 **SECTION 21.2.** This Part is effective when it becomes law and applies to violations
28 occurring on or after that date.

29
30 **PART XXII. STATE BOARD OF ELECTIONS RECOMMENDED REVISIONS**

31 **SECTION 22.1.** Clarify Write-In Vote Counting/Special District and School Board
32 Elections. – G.S. 163-123(h) reads as rewritten:

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

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

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

38 **SECTION 22.2.** County Board Certification of Cross-County Municipal Contests. –
39 G.S. 163-182.4(a)(3) reads as rewritten:

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

47 **SECTION 22.3.(a)** Cure Process for Absentee-By-Mail Ballots. – G.S. 163-230.1(e)
48 reads as rewritten:

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 occur:

- 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 board
 17 shall be considered timely if cure documentation is received in accordance with the requirements
 18 of G.S. 163-231(b). The notification of voters regarding curable deficiencies is an administrative
 19 task that may be performed by county board staff and is not required to be performed at an
 20 absentee meeting as provided for in subsection (f) of this section."

21 **SECTION 22.3.(b)** G.S. 163-234(1) reads as rewritten:

- 22 "(1) Only those absentee ballots returned to the county board of elections no later
 23 than 5:00 p.m. on the day before election day in a properly executed
 24 container-return envelope or absentee ballots received pursuant to
 25 ~~G.S. 163-231(b)(2)b. or c.~~ G.S. 163-231(b)(2) shall be counted, except to the
 26 extent federal law requires otherwise. An absentee ballot returned in an
 27 executed container-return envelope containing a deficiency listed in
 28 G.S. 163-230.1(e) shall be counted if documentation curing the deficiency is
 29 timely received by the county board of elections in accordance with the
 30 requirements of G.S. 163-231(b)."

31 **SECTION 22.4.(a)** Amendments to Electoral College Provisions. – G.S. 163-210
 32 reads as rewritten:

33 **"§ 163-210. Governor to proclaim results; casting State's vote for President and**
 34 **Vice-President.**

35 Upon receipt of the certifications prepared by the State Board of Elections and delivered in
 36 accordance with G.S. 163-182.15, the Secretary of State, under seal of the office, shall notify the
 37 Governor of the names of the persons elected to the office of elector for President and
 38 Vice-President of the United States as stated in the abstracts of the State Board of Elections.
 39 Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the
 40 electors and instructing them to be present in the old Hall of the House of Representatives in the
 41 State Capitol in the City of Raleigh at noon on the first ~~Monday~~ Tuesday after the second
 42 Wednesday in December next after their election, at which time the electors shall meet and vote
 43 on behalf of the State for President and Vice-President of the United States. The Governor shall
 44 cause this proclamation to be published in the daily newspapers published in the City of Raleigh.
 45 Notice may additionally be made on a radio or television station or both, but such notice shall be
 46 in addition to the newspaper and other required notice. The Secretary of State is responsible for
 47 making the actual arrangements for the meeting, preparing the agenda, and inviting guests.

48 Before the date fixed for the meeting of the electors, the Governor shall send by ~~registered~~
 49 ~~mail~~ the most expeditious method available to the Archivist of the United States, either three
 50 duplicate original certificates, or one original certificate and two authenticated copies of the
 51 Certificates of Ascertainment, under the great seal of the State setting forth the names of the

1 persons chosen as presidential electors for this State and the number of votes cast for each. These
2 Certificates of Ascertainment shall contain a security feature for purposes of verifying their
3 authenticity and should be sent as soon as possible after the election, but must be received before
4 the Electoral College meeting. At the same time the Governor shall deliver to the electors six
5 duplicate originals of the same certificate, each bearing the great seal of the State. At any time
6 prior to receipt of the certificate of the Governor or within 48 hours thereafter, any person elected
7 to the office of elector may resign by submitting his resignation, written and duly verified, to the
8 Governor. Failure to so resign shall signify consent to serve and to cast his vote for the candidate
9 of the political party which nominated such elector.

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

17 **SECTION 22.4.(b)** G.S. 163-213(d) reads as rewritten:

18 "(d) Proclamation Before Electors' Meeting Day Controls. – If the proclamation of any
19 Presidential Elector under G.S. 163-210 is made any time before ~~noon on~~ the day set for the
20 meeting of Presidential Electors by 3 U.S.C. § 7, then that proclamation shall control over an
21 appointment made by the General Assembly or the Governor. This section does not preclude
22 litigation otherwise provided by law to challenge the validity of the proclamation or the
23 procedures that resulted in that proclamation."
24

25 **PART XXIII. EFFECTIVE DATE**

26 **SECTION 23.1.** Except as otherwise provided, this act is effective when it becomes
27 law and applies to elections held on or after that date.