

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 88
PROPOSED COMMITTEE SUBSTITUTE S88-PCS35379-BK-50

Short Title: Various Elections Changes.

(Public)

Sponsors:

Referred to:

February 13, 2023

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COUNTY BOARDS TO CHALLENGE BALLOTS OF INELIGIBLE VOTERS DUE TO DEATH OR FELONY CONVICTION; TO REQUIRE THE DISCLOSURE OF THE USE OF ARTIFICIAL INTELLIGENCE IN ADVERTISEMENTS PORTRAYING MISLEADING OR FALSE CONTENT; TO REQUIRE SIGNATURE VERIFICATION FOR EXECUTED ABSENTEE BALLOTS BEFORE THE BALLOT IS ACCEPTED BY COUNTY BOARDS OF ELECTIONS, BEGINNING IN 2025; TO EXPAND THE PILOT PROGRAM FOR SIGNATURE VERIFICATION ON EXECUTED ABSENTEE BALLOTS THROUGH THE 2024 GENERAL ELECTION; AND TO DELAY THE EFFECTIVE DATE OF ALTERATIONS TO FORMS OF GOVERNMENT FOLLOWING ENACTMENT OF A LOCAL ACT.

The General Assembly of North Carolina enacts:

CHALLENGES TO CERTAIN BALLOTS CAST

SECTION 1. G.S. 163-182.5 is amended by adding a new subsection to read:

"(b1) Review of Ballots Cast. – Prior to 5:00 P.M. on the third business day before the canvass meeting, the county board of elections shall, in a uniform manner, review official records of the names of residents of the State who are deceased and who are serving felony sentences and compare those records to the records of voters who cast a ballot during early voting or cast an absentee ballot in the county. The county director of elections, or his or her designee, shall challenge the ballot, whether cast during early voting or by absentee ballot, of any voter identified through these records who was not eligible on the day of the election by reason of death or felony conviction. For the purpose of this subsection, "official records" are those provided for in G.S. 163-82.14(b) and (c). The challenges made pursuant to this subsection shall proceed under the applicable procedures governing challenges to absentee ballots under Article 8 of this Chapter."

USE OF ARTIFICIAL INTELLIGENCE IN POLITICAL ADS

SECTION 2.(a) G.S. 163-278.38Z is amended by adding a new subdivision to read:

"(4a) "Generative artificial intelligence" means a machine-based system that can, for a given set of human-defined objectives, emulate the structure and characteristics of input data in order to generate derived synthetic content, including audio, images, text, videos, and other digital content."

SECTION 2.(b) G.S. 163-278.39 reads as rewritten:

"§ 163-278.39. Basic disclosure requirements for all political advertisements.



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1 (a) Basic Requirements. – It shall be unlawful for any sponsor to sponsor an
2 advertisement in the print media or on radio or television that constitutes an expenditure,
3 independent expenditure, electioneering communication, or contribution required to be disclosed
4 under this Article unless all the following conditions are met:

- 5 (1) It bears the legend or includes the statement: "Paid for by ____ [Name of
6 candidate, candidate campaign committee, political party organization,
7 political action committee, referendum committee, individual, or other
8 sponsor]." In television advertisements, this disclosure shall be made by visual
9 legend.
- 10 (2) The name used in the labeling required in subdivision (1) of this subsection is
11 the name that appears on the statement of organization as required in
12 G.S. 163-278.7(b)(1) or G.S. 163-278.12(a).
- 13 (3) In a print media advertisement supporting or opposing the nomination or
14 election of one or more clearly identified candidates, the sponsor states
15 whether it is authorized by a candidate. The visual legend in the advertisement
16 shall state either "Authorized by [name of candidate], candidate for [name of
17 office]" or "Not authorized by a candidate." This subdivision does not apply
18 if the sponsor of the advertisement is the candidate the advertisement supports
19 or that candidate's campaign committee.
- 20 (4) In a print media advertisement that identifies a candidate the sponsor is
21 opposing, the sponsor discloses in the advertisement the name of the candidate
22 who is intended to benefit from the advertisement. This subdivision applies
23 only when the sponsor coordinates or consults about the advertisement or the
24 expenditure for it with the candidate who is intended to benefit.
- 25 (5) In any advertisement created in whole or in part with the use of generative
26 artificial intelligence, if the generated content appears to depict a real person
27 performing an action that did not actually occur, was created to injure a
28 candidate or deceive regarding a ballot issue, or provides false or misleading
29 information to a voter, the sponsor discloses the use of generative artificial
30 intelligence. The advertisement shall bear the legend or include the statement:
31 "The content in this advertisement has been edited or created in whole or in
32 part with the use of generative artificial intelligence (AI)." In television
33 advertisements, this disclosure shall be made by visual legend.

34 If an advertisement described in this section is jointly sponsored, the disclosure statement
35 shall name all the sponsors.

36 (b) Size Requirements. – In a print media advertisement covered by subsection (a) of this
37 section, the height of all disclosure statements required by that subsection shall constitute at least
38 five percent (5%) of the height of the printed space of the advertisement, provided that the type
39 shall in no event be less than 12 points in size. In an advertisement in a newspaper or a newspaper
40 insert, the total height of the disclosure statement need not constitute five percent of the printed
41 space of the advertisement if the type of the disclosure statement is at least 28 points in size. If a
42 single advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this
43 section applies only to one page, fold, or face. In a television advertisement covered by subsection
44 (a) of this section, the visual disclosure legend shall constitute four percent (4%) of vertical
45 picture height in size, and where the television advertisement that appears is paid for by a
46 candidate or candidate campaign committee, the visual disclosure legend shall appear
47 simultaneously with an easily identifiable photograph of the candidate for at least two seconds.
48 In a radio advertisement covered by subsection (a) of this section, the disclosure statement shall
49 last at least two seconds, provided the statement is spoken so that its contents may be easily
50 understood.

1 (c) Misrepresentation of Authorization. – Notwithstanding G.S. 163-278.27(a), any
2 candidate, candidate campaign committee, political party organization, political action
3 committee, referendum committee, individual, or other sponsor making an advertisement in the
4 print media or on radio or television bearing any legend required by subsection (a) of this section
5 that misrepresents the sponsorship or authorization of the advertisement or that fails to include
6 any required statement or bear a required legend is guilty of a Class 1 misdemeanor."

7 **SECTION 2.(c)** This section becomes effective July 1, 2024, and applies to offenses
8 committed on or after that date.

9 10 **SIGNATURE VERIFICATION FOR ABSENTEE BALLOTS**

11 **SECTION 3.(a)** G.S. 163-231 is amended by adding a new subsection to read:

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

15 **SECTION 3.(b)** This section becomes effective July 1, 2025, and applies to elections
16 held on or after that date.

17 **SECTION 4.** Section 48 of S.L. 2023-140 reads as rewritten:

18 "**SECTION 48.(a)** The State Board of Elections shall select 10 counties in the State in which
19 to conduct a pilot program during the primary and the general election held in 2024 for signature
20 verification on executed mail-in absentee ballots. In selecting the 10 counties for the pilot, the
21 State Board of Elections shall seek diversity of population size, regional location, and
22 demographic composition. The pilot program shall consist of county boards of elections using
23 signature verification software to check the signatures of voters noted on all executed mail-in
24 absentee ballots received by the county boards of elections in the 2024 ~~primary.~~ primary and
25 general election. The State Board of Elections shall select the signature verification software and
26 ensure that the software is available for all 10 counties to use in the 2024 ~~primary.~~ primary and
27 general election. The State Board shall assist the selected county boards of elections in
28 implementing the signature verification software, including assisting the selected county boards
29 of elections in any training needed on how the software is to be used for signature matching on
30 executed mail-in absentee ballots. For the 2024 primary, the selected county boards of elections
31 shall conduct the signature matching for all mail-in absentee ballots that were counted by the
32 county board during that primary. For the 2024 general election, the selected county boards of
33 elections shall conduct the signature matching for all mail-in absentee ballots as the applications
34 are approved by the county board.

35 "**SECTION 48.(b)** The State Board of Elections shall closely monitor the pilot program
36 established in this section. The selected county boards of elections shall report to the State Board
37 of Elections its findings on the use of the signature verification software during the 2024 ~~primary;~~
38 primary and general election, including all of the following:

- 39 (1) Whether the signature verification software was used for all returned mail-in
40 absentee ballots, and what the voter signature on the executed mail-in absentee
41 ballot was matched against.
- 42 (2) How many executed mail-in absentee ballots were counted by the county
43 board of elections in the 2024 ~~primary.~~ primary and general election.
- 44 (3) How many executed mail-in absentee ballots were flagged by the signature
45 ~~verification~~ verification software, and any information known on how close of
46 a match the signatures must be for the signature match software to not flag the
47 voter's signature.
- 48 (4) Information on how the signature matching software flagged an executed
49 mail-in absentee ballot with a signature that did not match the signature on
50 file for the voter, including any known information on the rate of error in the
51 software.

1 "SECTION 48.(c) In implementing the pilot program established in this section, no executed
2 mail-in absentee ballot shall be rejected by the county board of elections for failing any signature
3 verification. All executed mail-in absentee ballots that are otherwise eligible to be counted in
4 accordance with Chapter 163 of the General Statutes shall be counted.

5 "SECTION 48.(d) The State Board of Elections shall report its findings, along with any
6 recommendations, to the General Assembly on or before ~~May 1, 2024~~ January 29, 2025. The
7 report shall be delivered to the Joint Legislative Elections Oversight Committee and shall also
8 include the following:

- 9 (1) A compilation of the information reported from the selected county boards of
10 elections as required by subsection (b) of this section.
- 11 (2) The estimated cost to implement signature verification for mail-in absentee
12 ballots statewide.
- 13 (3) Any suggested law changes to fully implement signature verification
14 statewide for mail-in absentee ballots, including suggestions on a process for
15 how a voter can cure a deficiency related to signature verification of mail-in
16 absentee ballots.
- 17 (4) Any other information relevant to signature verification of mail-in absentee
18 ballots."

19 20 **LIMITS ON ALTERATIONS TO FORM OF GOVERNMENT**

21 **SECTION 5.(a)** Part 4 of Article 4 of Chapter 153A of the General Statutes is
22 amended by adding a new section to read:

23 **"§ 153A-65. Limit on authority under Part.**

24 Upon enactment of a local act altering any of the optional structures set forth in
25 G.S. 153A-58, the county affected by that local act may exercise its authority to alter the structure
26 of its board of commissioners in accordance with this Part only if the alteration is effective with
27 the election subsequent to the return of the next federal decennial census after the effective date
28 of the local act."

29 **SECTION 5.(b)** G.S. 153A-3 is amended by adding a new subsection to read:

30 "(e) This section shall not apply to any local act altering any of the optional structures set
31 forth in G.S. 153A-58."

32 **SECTION 5.(c)** Part 4 of Article 5 of Chapter 160A of the General Statutes is
33 amended by adding a new section to read:

34 **"§ 160A-112. Limit on authority under Part.**

35 Upon enactment of a local act altering any of the optional structures set forth in subdivisions
36 (4) through (8) of G.S. 160A-101, the city affected by that local act may exercise its authority to
37 alter its form of government in accordance with this Part only if the alteration is effective with
38 the election subsequent to the return of the next federal decennial census after the effective date
39 of the local act."

40 **SECTION 5.(d)** G.S. 160A-3 is amended by adding a new subsection to read:

41 "(e) This section shall not apply to any local act altering any of the optional structures set
42 forth in subdivisions (4) through (8) of G.S. 160A-101."

43 **SECTION 5.(e)** This section is effective when it becomes law and applies to local
44 acts enacted on or after that date.

45 46 **EFFECTIVE DATE**

47 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
48 law.