

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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Short Title: SBOE Administrative Changes.

(Public)

Sponsors:

Referred to:

April 10, 2025

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS.
The General Assembly of North Carolina enacts:

**PART I. EXTEND TIME PERIOD FOR CURING DEFICIENCIES AND INITIAL
COUNTING OF BALLOTS TO THE FIFTH BUSINESS DAY AFTER THE ELECTION**

SECTION 1.1.(a) G.S. 163-82.4(f) reads as rewritten:

"(f) Correcting Registration Forms. – If the voter fails to complete any required item on the voter registration form but provides enough information on the form to enable the county board to identify and contact the voter, the voter shall be notified of the ~~omission and omission.~~ The voter shall be given the opportunity to complete the form and return it to the county board at least by 12:00 P.M. on the ~~third-fifth~~ business day after the election. If the voter corrects that omission within that time and is determined by the county board to be eligible to vote, the county board shall permit the voter to vote. If the information is not corrected by election day, the voter shall be allowed to vote a provisional official ballot. If the correct information is provided to the county board by at least 12:00 P.M. on the ~~third-fifth~~ business day after the election, the county board shall count any portion of the provisional official ballot that the voter is eligible to vote."

SECTION 1.1.(b) G.S. 163-166.11 reads as rewritten:

"§ 163-166.11. Provisional voting requirements.

(a) If an individual seeking to vote claims to be a registered voter in a jurisdiction as provided in G.S. 163-82.1 and though eligible to vote in the election does not appear on the official list of eligible registered voters in the voting place, that individual may cast a provisional official ballot as follows:

- (1) An election official at the voting place shall notify the individual that the individual may cast a provisional official ballot in that election.
- (2) The individual may cast a provisional official ballot at that voting place upon executing a written affirmation before an election official at the voting place, stating that the individual is a registered voter in the jurisdiction as provided in G.S. 163-82.1 in which the individual seeks to vote and is eligible to vote in that election.
- (3) A voter who has moved within the county more than 30 days before election day but has not reported the move to the county board of elections ~~of elections~~ shall not be required to vote a provisional official ballot at the early voting site, as long as the early voting site has available all the information necessary to determine whether a voter is registered to vote in the county and which ballot the voter



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is eligible to vote based on the voter's proper residence address. The voter with that kind of unreported move shall be allowed to vote the same kind of absentee ballot as other early voters as provided in G.S. 163-166.40.

(4) At the time the individual casts the provisional official ballot, the election officials shall provide the individual written information stating that anyone casting a provisional official ballot can ascertain whether and to what extent the ballot was counted and, if the ballot was not counted in whole or in part, the reason it was not counted. The State Board or the county board of elections shall establish a system for so informing a provisional voter, which shall be available to every provisional voter without charge and contain reasonable procedures to protect the security, confidentiality, and integrity of the voter's personal information and vote.

(5) The cast provisional official ballot and the written affirmation shall be secured by election officials at the voting place according to guidelines and procedures adopted by the State Board. At the close of the polls, election officials shall transmit the provisional official ballots cast at that voting place to the county board of elections for prompt verification according to guidelines and procedures adopted by the State Board. No later than 12:00 P.M. two days after the close of the polls, the county board of elections shall publish the number of provisional official ballots cast on election day, cast by early voting, cast by mail-in absentee ballots received as of election day, and cast by military and overseas absentee ballots cast under Article 21A of this Chapter and received as of election day.

(b) If a provisional official ballot cast under this section fails to contain the voter's signature on the affidavit to certify the voter's identity and eligibility to vote, the county board shall notify the voter of the lack of signature on the provisional official ballot no later than the close of business on the next business day following review of the ballot and shall provide the voter an opportunity to cure the lack of signature on the affidavit. The voter shall be notified by mail and by telephone or email, if the telephone number or email address was provided by the voter. The notification of voters regarding curing the lack of signature is an administrative task that may be performed by county board staff and is not required to be performed at a meeting of the county board. If the lack of signature on the affidavit is cured by at least 12:00 P.M. on the fifth business day after the election, the county board shall count any portion of the provisional official ballot that the voter is eligible to vote."

SECTION 1.1.(c) G.S. 163-166.12(d) reads as rewritten:

"(d) Voting When Identification Numbers Do Not Match. – Regardless of whether an individual has registered by mail or by another method, if the individual has provided with the registration form a drivers license number or last four digits of a Social Security number but the computer validation of the number as required by G.S. 163-82.12 did not result in a match, and the number has not been otherwise validated by the county board, in the first election in which the individual votes that individual shall submit with the ballot the form of identification described in subsection (a) or subsection (b) of this section, depending upon whether the ballot is voted in person or absentee. If that identification is provided no later than 12:00 P.M. on the ~~third~~ fifth business day after the election and the county board does not determine that the individual is otherwise ineligible to vote a ballot, the failure of identification numbers to match shall not prevent that individual from registering to vote and having that individual's vote counted."

SECTION 1.1.(d) G.S. 163-166.16 reads as rewritten:

"§ 163-166.16. Requirement for photo identification to vote in person.

...

(c) Provisional Ballot Required Without Photo Identification. – If the registered voter cannot produce the identification as required in subsection (a) of this section, the registered voter may cast a provisional official ballot that is counted only if the registered voter brings an acceptable form of photograph identification listed in subsection (a) of this section to the county board no later than 12:00 P.M. on the ~~third~~ fifth business day after the election. The State Board shall provide the registered voter casting a provisional ballot due to failure to provide photo identification an information sheet on the deadline to return to the county board to present photo identification, and what forms of photo identification are acceptable, in order for the voter's provisional official ballot to be counted.

...

(e1) Cure Lack of Signature on Affidavit. – If any provisional official ballot cast under this section fails to contain the signature of the registered voter casting a ballot on the affidavit, the county board shall notify the voter of the lack of signature on the provisional official ballot no later than the close of business on the next business day following review of the provisional official ballot and shall provide the voter an opportunity to cure the lack of signature on the affidavit. The voter shall be notified by mail and by telephone or email, if the telephone number or email address was provided by the voter. The notification of voters regarding curing the lack of signature is an administrative task that may be performed by county board staff and is not required to be performed at a meeting of the county board. If the lack of signature on the affidavit is cured by at least 12:00 P.M. on the fifth business day after the election, the county board shall count any portion of the provisional official ballot that the voter is eligible to vote.

...."

SECTION 1.2.(a) G.S. 163-182.2(a)(4) is recodified as G.S. 163-182.2(a2).

SECTION 1.2.(b) G.S. 163-182.2(a)(6) is recodified as G.S. 163-182.2(a3).

SECTION 1.2.(c) G.S. 163-182.2, as amended by this section, reads as rewritten:

"§ 163-182.2. Initial counting of official ballots.

(a) The initial counting of official ballots cast at the precinct on election day ~~and under Part 5 of Article 14A of this Chapter~~ shall be conducted according to the following principles:

- (1) ~~Vote counting of ballots cast at the precinct on election day shall occur immediately after the polls close and shall be continuous until completed. If ballots cast under Part 5 of Article 14A of this Chapter are counted electronically, that count shall commence at the time the polls close. If ballots cast under Part 5 of Article 14A of this Chapter are paper ballots counted manually, that count shall commence at the same time as mail-in absentee ballots cast under Article 20 or Article 21A of this Chapter are counted.~~
- (2) ~~Vote counting at the precinct shall be conducted with the participation of precinct officials of all political parties then present. Vote counting at the county board of elections shall be conducted in the presence or under the supervision of board members of all political parties then present.~~
- (3) Any member of the public wishing to witness the vote count at ~~any level~~ shall be allowed to do so. No witness shall interfere with the orderly counting of the official ballots. Witnesses shall not participate in the ~~official~~ counting of official ballots.
- (4) Recodified.
- (5) Precinct officials shall provide a preliminary report of the vote counting ~~on election day~~ to the county board ~~of elections~~ as quickly as possible. The preliminary report shall be unofficial, has no binding effect upon the official county canvass to follow, and shall include the number of provisional ballots cast in that precinct.
- (6) Recodified.

(a1) The initial counting of official ballots cast under Part 5 of Article 14A of this Chapter shall be conducted according to the following principles:

- (1) Vote counting shall occur at the time and place stated in a resolution adopted by the county board at least two weeks prior to election day, provided that the time stated in the resolution is between 9:00 A.M. and 5:00 P.M. on election day. The county board shall not reveal the result of the count prior to the close of polls on election day.
- (2) Vote counting shall be conducted in the presence or under the supervision of county board members of all political parties then present.
- (3) Any member of the public wishing to witness the vote count shall be allowed to do so. No witness shall interfere with the orderly counting of the official ballots. Witnesses shall not participate in the counting of official ballots.
- (4) County boards may review for approval any provisional official ballots and may take preparatory steps for the count of such ballots at a meeting held by the county board prior to election day, pursuant to a resolution adopted by the county board at least two weeks in advance of the meeting, as long as the preparatory steps do not reveal the result of the count prior to the close of polls on election day.

(a2) If the county board finds that an individual voting a provisional official ballot (i) was registered in the county as provided in 163-82.1, (ii) voted in the proper precinct under G.S. 163-55 and G.S. 163-57, and (iii) was otherwise eligible to vote, the provisional official ballots shall be counted by the county board no later than ~~5:00 P.M. on the third-fifth~~ business day after the election. Except as provided in G.S. 163-82.15(e), if the county board finds that an individual voting a provisional official ballot (i) did not vote in the proper precinct under G.S. 163-55 and G.S. 163-57, (ii) is not registered in the county as provided in G.S. 163-82.1, or (iii) is otherwise not eligible to vote, the ballot shall not be counted. If a voter was properly registered to vote in the election by the county board, no mistake of an election official in giving the voter a ballot or in failing to comply with G.S. 163-82.15 or G.S. 163-166.11 shall serve to prevent the counting of the vote on any ballot item the voter was eligible by registration and qualified by residency to vote. When an individual has voted a provisional official ballot after completing an affidavit under G.S. 163-166.16(d), and the county board has determined that there are grounds to believe the affidavit is false within five business days after the election, the county board shall determine whether to count the provisional official ballot by the date of the county canvass.

(a3) In counties that use any certified mechanical or electronic voting system, subject to the sample counts under G.S. 163-182.1 and subdivision (2) of subsection (b) of this section, and of a hand-to-eye recount under G.S. 163-182.7 and G.S. 163-182.7A, ~~a county board of elections~~ shall rely in its canvass on the mechanical or electronic count of the vote rather than the full hand-to-eye count of the paper ballots or records. In the event of a material discrepancy between the electronic or mechanical count and a hand-to-eye count or recount, the hand-to-eye count or recount shall control, except where paper ballots or records have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count.

(a4) Any resolution required by this section shall be published once a week for two weeks prior to the election in a newspaper having general circulation in the county. Notice may be made on a radio or television station or both, in addition to the newspaper.

(b) The State Board shall promulgate rules for the initial counting of all official ballots. All election officials shall be governed by those rules. In promulgating those rules, the State Board shall adhere to the following guidelines:

- (1) For each voting system used, the rules shall specify the role of precinct officials and of the county board ~~of elections~~ in the initial counting of official ballots.

(2) For optical scan and direct record electronic voting systems, and for any other voting systems in which ballots are counted other than on paper by hand and eye, those rules shall provide for a sample hand-to-eye count of the paper ballots of a sampling of a statewide ballot item in every county. The presidential ballot item shall be the subject of the sampling in a presidential election. If there is no statewide ballot item, the State Board shall provide a process for selecting district or local ballot items to adequately sample the electorate. The State Board shall approve in an open meeting the procedure for random sampling for each election. The random sampling for any county shall be done publicly after the initial count of election returns for that county is publicly released or 24 hours after the polls close on election day, whichever is earlier. The sample chosen by the State Board shall be of one or more full precincts, full counts of mailed absentee ballots, and full counts of one or more early voting sites. The size of the sample of each category shall be chosen to produce a statistically significant result and shall be chosen after consultation with a statistician. The actual units shall be chosen at random. In the event of a material discrepancy between the electronic or mechanical count and a hand-to-eye count, the hand-to-eye count shall control, except where paper ballots have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count. If the discrepancy between the hand-to-eye count and the mechanical or electronic count is significant, a complete hand-to-eye count shall be conducted. The sample count need not be done on election night.

(3) The rules shall provide for accurate unofficial reporting of the results from the precinct to the county board of elections with reasonable speed on the night of the election.

(4) The rules shall provide for the prompt and secure transmission of official ballots from the voting place to the county ~~board of elections~~ board.

(c) The State Board shall direct the county boards of elections in the application of the principles and rules in individual circumstances."

SECTION 1.3. G.S. 163-230.1(e1) reads as rewritten:

"(e1) Curable Deficiencies. – If a container-return envelope contains a curable deficiency, the county board shall ~~promptly~~ notify the voter of the deficiency and the manner in which the voter may cure the deficiency. Curable deficiencies are deficiencies that can be cured with supplemental documentation or attestation provided by the voter, including when any of the following occurs:

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

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

(3) The voter failed to include with the container-return envelope a photocopy of identification described 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), as required by subsection (f1) of this section.

The identification of the two persons witnessing the casting of the absentee ballot in accordance with G.S. 163-231(a) is not a curable deficiency. Any container-return envelope with a curable deficiency that is transmitted to the county board shall be considered timely if cure documentation is received no later than 12:00 P.M. on the ~~third~~ fifth business day after the election. Cure documentation may be transmitted via email to the county board if the deficiency is one described in subdivision (3) of this subsection. The notification of voters regarding curable deficiencies is an administrative task that may be performed by county board staff and is not required to be performed at an absentee meeting as provided for in subsection (f) of this section.

The voter shall be notified of curable deficiencies no later than the close of business on the next business day following the county board's review of the ballot by mail, and by telephone or ~~email~~ email, if the telephone number or email address was provided by the voter on the request form for absentee ballots."

SECTION 1.4. G.S. 163-231 reads as rewritten:

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

...

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

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

- a. Mail or commercial courier service, at the voter's expense, and received by the county board not later than 7:30 P.M. on the day of the statewide primary or general election or county bond election.
- b. Delivered in person, by the voter or the voter's near relative or verifiable legal guardian, to the county board not later than 7:30 P.M. on the day of the statewide primary or general election or county bond election.
- c. Electronically transmitted to the county board, if the ballot was issued under the provisions of Article 21A of this Chapter.
- d. Submitted through the accessible absentee portal, if the ballot was issued to a visually impaired voter who requested an accessible ballot.

(2) If ballots are received later than the hour stated in subdivision (1) of this subsection, those ballots shall not be accepted unless required by federal law or the ballots are received in accordance with Article 21A of this Chapter or the State Board or court order extended the closing time of the polls for every poll in the county in accordance with G.S. 163-166.25. If the State Board or court order so extended the closing time of the polls, the ballots shall be received by the closing time as extended by the State Board or court order in order to be counted.

(c) Delivering Executed Absentee Ballots in Person. – For purposes of this section, "Delivered in person" ~~includes~~ shall mean the voter or the voter's near relative or verifiable legal guardian physically handing the voted-executed absentee ballot to an election official at the county board office or at an early voting site under Part 5 of Article 14A of this Chapter during any time that early voting site is open for voting, but does not include depositing the voted-executed absentee ballot in a drop box or other location designated for the return of voted-executed absentee ballots. The voted- If the executed absentee ballot is physically handed to an election official by an individual other than the voter, that individual shall complete an affidavit under penalty of perjury as to how that individual is eligible to return the voter's executed absentee ballot as the voter's near relative or verifiable legal guardian, as defined in G.S. 163-226.

(c1) Custody of Executed Absentee Ballots Delivered to Early Voting Site. – Executed absentee ballots delivered to the an early voting site under Part 5 of Article 14A of this Chapter shall be kept securely and delivered by the election officials at that early voting site to the county board of elections office for processing.

(d) Counting of Executed Absentee Ballots. – Only those executed absentee ballots transmitted to a county board in accordance with this section shall be counted.

(e) State Board Rules. – The State Board shall adopt rules to implement this section, including a form affidavit for delivery in person of executed absentee ballots which shall be used by all county boards."

SECTION 1.5. G.S. 163-234 reads as rewritten:

"§ 163-234. Counting absentee ballots by county board.

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

...

(2) The county board shall meet ~~at 5:00 P.M. on election day~~ in the county board office or other public location in the county courthouse at the hour stated in a resolution adopted by the county board at least two weeks prior to the time the voting place opens in accordance with G.S. 163-166.25, provided that the time stated in the resolution is between 9:00 A.M. and 5:00 P.M., for the purpose of counting all absentee ballots except those which have been challenged before 5:00 P.M. 9:00 A.M. on election day and those received pursuant to G.S. 163-231(b)(2). Any elector of the county shall be permitted to attend the meeting and allowed to observe the counting process, so long as the elector does not in any manner interfere with the election officials in the discharge of their duties. ~~The count of these absentee ballots shall be continuous until completed, and the members shall not separate or leave the counting place except for unavoidable necessity.~~

~~The county board 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. 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. The county board may recess the meeting in accordance with G.S. 143-318.12(b)(1) prior to completing the count of absentee ballots but shall not adjourn the meeting until the count of the absentee ballots is complete. The State Board shall adopt rules as to how county boards reflect any recesses in the full and accurate minutes of the meeting such that a person not in attendance would have a reasonable understanding of what transpired before and after any recess, including the number of outstanding absentee ballots immediately before and after any recess.~~

(2a) Nothing in this section prohibits a county board 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 county board shall not announce the result of the count ~~before 7:30 P.M. prior to the close of polls on election day.~~

...

(11) The county board ~~shall~~ may meet after the day of the election and prior to the day of canvass to count absentee ballots received pursuant to

1 G.S. 163-231(b)(2) upon the adoption of a resolution pursuant to subdivision
2 (2) of this section. The county board shall comply with all other requirements
3 of this section and G.S. 163-230.1 for the counting of these absentee ballots.
4 (12) No later than ~~5:00 P.M. on the third~~ fifth business day after the election, the
5 county board shall announce the tally of all absentee ballots, except those
6 subject to a challenge or those cast in accordance with Article 21A of this
7 Chapter."

8 **SECTION 1.6.** G.S. 163-275 is amended by adding a new subdivision to read:

9 "(15) For any person to knowingly reveal the result of any count of ballots prior to
10 the close of polls on election day in accordance with G.S. 163-182.2 or
11 G.S. 163-234."

12 **SECTION 1.7.** Section 1.4 of this Part becomes effective January 1, 2027, and
13 applies to elections held on or after that date. Section 1.6 of this Part is effective when it becomes
14 law, and the State Board of Elections shall notify all county boards of elections and county boards
15 of elections staff of the provision and its applicability to offenses committed on or after that date.
16 The remainder of this Part is effective when it becomes law and applies to elections held on or
17 after that date.

18 **PART II. CLOSING OF EQUIPMENT FOLLOWING EARLY VOTING**

19 **SECTION 2.(a)** G.S. 163-166.40 is amended by adding a new subsection to read:

20 "(j) At the conclusion of the early voting period provided for in subsection (b) of this
21 section, each county board shall comply with all of the following:

22 (1) All voting equipment used during the early voting period is rendered unable
23 to receive additional votes associated with the early voting period.

24 (2) All voting equipment used during the early voting period is maintained so that
25 the tally of the initial counting of early voting ballots is conducted in
26 accordance with G.S. 163-182.2(a1).

27 (3) The storage of any paper ballots cast during the early voting period are
28 preserved in a locked and secured space, access to which is controlled and the
29 chain of custody is limited and maintained, prior to the initial counting of early
30 voting ballots in accordance with G.S. 163-182.2(a1), which storage shall be
31 separate and apart from the storage of any electronic record of the votes cast
32 during the early voting period in accordance with subdivision (4) of this
33 subsection.

34 (4) Any electronic record of votes cast during the early voting period shall be
35 secured and preserved in a locked and secured space, access to which is
36 controlled and the chain of custody is limited and maintained, prior to the
37 initial counting of early voting ballots in accordance with G.S. 163-182.2(a1).
38 The electronic record of votes cast during the early voting period may be
39 detached from the voting equipment for purposes of storage under this
40 subdivision."

41 **SECTION 2.(b)** This section is effective when it becomes law and applies to
42 elections held on or after that date.
43

44 **PART III. BALLOT CHALLENGES FOR DECEASED VOTERS**

45 **SECTION 3.(a)** G.S. 163-90.2(a) reads as rewritten:

46 "(a) When any challenge is sustained for any cause listed under G.S. 163-85(c), the county
47 board shall cancel or correct the voter registration of the voter. The county board shall maintain
48 such record for at least six months and during the pendency of any appeal. The challenged ballot
49 shall be counted for any ballot items for which the challenged voter is eligible to vote, as if it
50 were a provisional official ballot under the provisions of G.S. 163-166.11(4). For any challenge
51

1 sustained for death of the voter under G.S. 163-85(c)(6), the challenged ballot shall not be
2 counted if the voter died between the time the challenged ballot was cast and 11:59 P.M. on the
3 day before the election."

4 **SECTION 3.(b)** This section is effective when it becomes law and applies to ballots
5 cast on or after that date.

6
7 **PART IV. VENUE FOR JUDICIAL REVIEW OF DECISIONS OF THE STATE BOARD**
8 **OF ELECTIONS**

9 **SECTION 4.(a)** G.S. 163-22(*l*) reads as rewritten:

10 "*l*) Notwithstanding any other provision of law, in order to obtain judicial review of any
11 decision of the State Board rendered in the performance of its duties or in the exercise of its
12 powers under this Chapter, the person seeking review must file a petition in either the Superior
13 Court of Wake County or the Superior Court of the county in which the person seeking
14 review resides."

15 **SECTION 4.(b)** This section is effective when it becomes law and applies to actions
16 filed on or after that date.

17
18 **PART V. APPLY TEMPORARY MORATORIUM ON THE EXPIRATION OF**
19 **CERTAIN CLASS C DRIVERS LICENSES TO PHOTO IDENTIFICATION**
20 **PRESENTED FOR VOTING**

21 **SECTION 5.(a)** During the time period that a Class C drivers license expiration date
22 is extended in accordance with Section 18 of S.L. 2025-47, that Class C drivers license shall be
23 deemed valid and unexpired for the purposes of G.S. 163-166.16.

24 **SECTION 5.(b)** This section is effective when it becomes law and shall expire
25 December 31, 2027.

26
27 **PART VI. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

28 **SECTION 6.1.** If any provision of this act or its application to any person, group of
29 persons, or circumstances is held invalid, the invalidity does not affect other provisions or
30 applications of this act that can be given effect without the invalid provisions or application and,
31 to this end, the provisions of this act are severable.

32 **SECTION 6.2.** Except as otherwise provided, this act is effective when it becomes
33 law.