

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 691
Apr 2, 2025
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10319-LUe-63D

Short Title: Voter Protection and Reliance Act. (Public)

Sponsors: Representative Rubin.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO PROTECT THE RIGHT OF A VOTER TO HAVE THE VOTER'S BALLOT
COUNTED AND TO PROMOTE ELECTION TIMELINESS AND INTEGRITY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 163 of the General Statutes is amended by adding a new
Article to read:

"Article 15B.

"Election Litigation Timeliness and Integrity of Cast Votes.

"§ 163-182.50. Title; purpose.

(a) This Article shall be known and may be cited as the "Voter Protection and Reliance
Act."

(b) The General Assembly finds that a voter relies on the election procedures that are in
place and established when the voter casts the voter's ballot. Belated changes to voting
procedures, after a voter has relied on those procedures while voting, violate the voter's
good-faith reliance and right to vote. To that end, the purpose of this Article is to ensure
challenges to the rules and practices governing elections are made well in advance of each
election by (i) prohibiting the discounting of ballots cast in compliance with the laws established
and understood at the time of an election and (ii) accelerating litigation filed shortly before a
pending election or after an election is held.

"§ 163-182.51. Right to vote under prevailing law and procedures.

(a) Every citizen of this State has the right to cast a ballot and have their vote counted
based on the laws and established election procedures in place on election day. No law or
interpretation of law that was not effective, or election procedure that was not established, on
election day shall operate to deny or abridge this right.

(b) No administrative body, court, or official may exclude a vote from canvass, fail to
certify an election, withhold a certificate of election, or fail to seat a prevailing candidate by
excluding votes based on a law, judicial ruling, or legal interpretation that was not in effect on
election day or an election procedure that was not established by election day.

(c) In any civil action filed in a State court, a protest before the State Board or a county
board of elections, or other proceeding, the adjudicator shall deem a law effective and an election
procedure established when either of the following applies:

(1) It is a constitutional provision adopted, statute enacted, or regulation codified
before election day and as it was administered in any directive or
administrative memorandum on election day.



(2) It is a directive, administrative memorandum, including a "numbered memo," procedure, or established pattern or practice of the State Board or a county board of elections that was in place on election day.

(d) In applying the provisions of this section, the adjudicator shall construe facts and draw inferences in favor of finding that the election procedure was established, based on voter reliance and the availability of legislative or judicial recourse before election day. If election procedures were allegedly in conflict on election day, the adjudicator shall construe those procedures in favor of the voter based on an understanding of the procedures as relied on by that voter.

(e) In the event there is a change in election procedure during the absentee or early voting period or during election day, the adjudicator shall apply the established election procedure in effect at the time a given ballot was cast, an application was made for a provisional ballot, or an absentee ballot was submitted by the voter.

(f) Nothing in this section shall be construed to prevent any eligible voter from challenging the unlawful denial of the voter's right to register to vote, cast a ballot, or have the voter's ballot counted in any election.

"§ 163-182.52. Expedited procedures for litigation within certain time frame of an election.

(a) This section applies to (i) any covered action filed within 90 days before the earliest date absentee ballots may be mailed for an election or (ii) a covered action filed post-election that seeks to challenge the outcome of an election. For purposes of this section, "covered action" means any civil action filed in a State court, as well as a protest at the State Board or a county board of elections level, challenging the general applicability, meaning, interpretation, validity, or understanding of any established election procedure, as described in G.S. 163-182.51(c).

(b) Jurisdiction. – All covered actions instituted under this section shall be filed in the Superior Court of Wake County unless the action pertains to an established election procedure solely of a single county board of elections.

(c) When Three-Judge Panel Applies. – When a single superior court judge determines that a covered action falls within Rule 42, under the Rules of Civil Procedure, the judge shall order a transfer under Rule 42 immediately and the Chief Justice shall appoint a three-judge panel within five days of the Superior Court ordering the transfer.

(d) Expedited Procedures. – Upon filing a covered action under this section, the plaintiff shall serve the State Board or other appropriate election authority within 24 hours and the court shall hold an initial scheduling conference within five days of the filing. The court may shorten normal response deadlines and move the case to the front of its docket. Any appeals shall be heard on an expedited schedule."

SECTION 2. G.S. 163-182.9(b) reads as rewritten:

"(b) **How Protest May Be Filed.** – The following principles shall apply to the filing of election protests with the county board of elections:

...

(5) No protest challenging a voter's registration shall be sustained to invalidate a cast ballot or prevent a voter from voting where the alleged error in an accepted registration is a technical or clerical error, such as an incomplete form, on which the voter detrimentally relied, unless the protester demonstrates that the voter was in fact ineligible to vote at the time of registration."

SECTION 3. This act is effective when it becomes law.