

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 747
PROPOSED COMMITTEE SUBSTITUTE S747-CSBK-30 [v.15]
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Short Title: Elections Law Changes.

(Public)

Sponsors:

Referred to:

June 5, 2023

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

31 (a) Notwithstanding any provision of law to the contrary, an individual who is qualified
32 to register to vote may register in person and then vote at a one-stop voting site in the individual's
33 county of residence during the period for one-stop voting provided under G.S. 163-227.2.
34 However, the individual shall vote by provisional ballot unless the address on the individual's
35 photo identification required under G.S. 163-166.16 is the same as the address listed on a copy
36 of a current utility bill, bank statement, government check, paycheck, or other government
37 document showing the name and address of the individual. That provisional ballot shall be
38 counted under one of the following circumstances only:

39 (1) Prior to the close of business on the day of the canvass conducted by the
40 county board of elections pursuant to G.S. 163-182.5, the individual returns
41 to the county board of elections and presents a photo identification required
42 under G.S. 163-166.16 and a copy of a current utility bill, bank statement,
43 government check, paycheck, or other government document showing the
44 name and address of the individual, and the address on both forms of
45 identification is the same.

46 (2) Prior to the close of business on the day of the canvass conducted by the
47 county board of elections pursuant to G.S. 163-182.5, the individual returns
48 to the county board of elections and presents a copy of any two of the
49 following, and the name and address on both documents is the same:

50 a. A current utility bill.

51 b. A current bank statement.

- 1 c. A current government check.
2 d. A current paycheck.
3 e. Another government document showing the name and address of the
4 voter."

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

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

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

16 **"§ 163-89. Procedures for challenging absentee ballots.**

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

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

29"

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

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

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

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

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

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

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

44 **"§ 163-166.01. Hours for voting.**

45 (a) In every election, the voting place shall be open at 6:30 ~~A.M.-a.m.~~ and shall be closed
46 at 7:30 ~~P.M.-p.m.~~ If the polls are delayed in opening for more than 15 minutes, or are interrupted
47 for more than 15 minutes after opening, the State Board of ~~Elections~~ may extend the closing time
48 by an equal number of minutes. As authorized by law, the State Board of ~~Elections~~ shall be
49 available either in person or by teleconference on the day of election to approve any such
50 extension. If any voter is in line to vote at the time the polls are closed, that voter shall be

1 permitted to vote. No voter shall be permitted to vote who arrives at the voting place after the
2 closing of the polls.

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

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

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

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

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

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

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

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

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

43 "(b1) Report on Revisions to Elections Records After Certification. – The State Board shall
44 submit an annual report on any revisions made to any voter's voter history records other than
45 routine updates following each election, including the rationale for and timing of the revisions,
46 to the Joint Legislative Elections Oversight Committee and the Joint Legislative Oversight
47 Committee on General Government."

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

49 **"§ 163-210. Governor to proclaim results; casting State's vote for President and**
50 **Vice-President.**

51 Upon receipt of the certifications prepared by the State Board of Elections and delivered in
accordance with G.S. 163-182.15, the Secretary of State, under seal of the office, shall notify the

1 Governor of the names of the persons elected to the office of elector for President and
2 Vice-President of the United States as stated in the abstracts of the State ~~Board of~~
3 ~~Elections Board~~. Thereupon, the Governor shall immediately issue a proclamation setting forth
4 the names of the electors and instructing them to be present in the old Hall of the House of
5 Representatives in the State Capitol in the City of Raleigh at noon on the first ~~Monday~~ Tuesday
6 after the second Wednesday in December next after their election, at which time the electors shall
7 meet and vote on behalf of the State for President and Vice-President of the United States. The
8 Governor shall cause this proclamation to be published in the daily newspapers published in the
9 City of Raleigh. Notice may additionally be made on a radio or television station or both, but
10 such notice shall be in addition to the newspaper and other required notice. The Secretary of State
11 is responsible for making the actual arrangements for the meeting, preparing the agenda, and
12 inviting guests.

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

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

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

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

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

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

- 43 (1) Chief judges and judges shall be allocated to each voting place in the same
44 manner as allocated to each precinct in the county as provided in G.S. 163-41.
- 45 (2) Assistants shall be allocated to each voting place in the same manner as
46 allocated to each precinct in the county as provided in G.S. 163-42.
- 47 (3) The provisions of G.S. 163-41.1 apply."

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

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

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

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

5 "**§ 163-229. Absentee ballots, applications on container-return envelopes, and instruction**
6 **sheets.**

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

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

- 17 (1) The voter's certification of eligibility to vote the enclosed ballot and of having
18 voted the enclosed ballot in accordance with this Part.
- 19 (2) A space for identification of the envelope with the voter and the voter's
20 signature.
- 21 (3) A space for the identification of the two persons witnessing the casting of the
22 absentee ballot in accordance with G.S. 163-231, those persons' signatures,
23 those persons' printed names, and those persons' addresses.
- 24 (4) A space for the name and address of any person who, as permitted under
25 G.S. 163-226.3(a), assisted the voter if the voter is unable to complete and
26 sign the certification and that individual's signature.
- 27 (5) A space for approval by the county board of elections.
- 28 (6) A space to allow reporting of a change of name as provided by
29 G.S. 163-82.16.
- 30 (7) A prominent display of the unlawful acts under G.S. 163-226.3 and
31 G.S. 163-275, except if there is not room on the envelope, the State Board
32 may provide for that disclosure to be made on a separate piece of paper to be
33 included along with the container-return envelope.
- 34 (8) An area to attach additional documentation necessary to comply with the
35 identification requirements in accordance with State Board rules, as provided
36 in G.S. 163-230.1.
- 37 (9) A bar code or other unique ~~identifier~~-identifier, affixed by the county board of
38 elections, to allow both the county board of elections and the voter to track the
39 ballot following return of the voted ballot to the county board of elections by
40 the voter.

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

44 (c) Instruction Sheets. – In time for use not later than 60 days before a statewide general
45 election in an even-numbered year, and not later than 50 days before a statewide ~~primary, other~~
46 primary or general election or county bond election, the county board of elections shall prepare
47 and print a sufficient number of sheets of instructions on how voters are to prepare absentee
48 ballots and return them to the county board of ~~elections~~-elections, including the means by which
49 the voter's marked absentee ballot must be returned to the county board of elections and the date
50 and time that the ballot must be received by the county board of elections. However, in the case

1 of municipal elections, instruction sheets shall be made available no later than 30 days before an
2 election."

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

4 "**§ 163-230.1. Simultaneous issuance of absentee ballots with application.**

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

14 (1) The official ballots the voter is entitled to vote.

15 (2) A container-return envelope for the ballots, printed in accordance with
16 G.S. 163-229.

17 (3) An instruction sheet.

18 (4) A clear statement of the requirement for a photocopy of identification
19 described in G.S. 163-166.16(a) or an affidavit as described in
20 G.S. 163-166.16(d)(1), (d)(2), or (d)(3) with the returned ballot.

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

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

27 (1) The date by which a completed request form as described in subsection (a) of
28 this section must be received by a county board of elections.

29 (2) The means by which the voter's marked absentee ballot must be returned to
30 the county board of elections and the date and time the ballot must be received
31 by the county board of elections."

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

44 (1) The official ballots the voter is entitled to vote.

45 (2) A container-return envelope for the ballots, printed in accordance with
46 G.S. 163-229.

47 (3) An instruction sheet.

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

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

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

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

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

44 (e) Approval of Applications. – At its next official meeting after return of the completed
45 container-return envelope with the voter's ballots, the county board of elections shall determine
46 whether the container-return envelope has been properly executed. If the board determines that
47 the container-return envelope has been properly executed, it shall approve the application and
48 deposit the container-return envelope with other container-return envelopes for the envelope to
49 be opened and the ballots counted at the same time as all other container-return envelopes and
50 absentee ballots.

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

- 5 (1) The voter did not sign the voter certification as required by
6 G.S. 163-231(a)(4).
- 7 (2) The voter signed the application in the wrong place on the application.
- 8 (3) The voter failed to include with the container-return envelope a photocopy of
9 identification described in G.S. 163-166.16(a) or an affidavit as described in
10 G.S. 163-166.16(d)(1), (d)(2), or (d)(3), as required by subsection (f1) of this
11 section.

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

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

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

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

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

37 (f1) Each container-return envelope returned to the county board with application and
38 voted ballots under this section shall be accompanied by a photocopy of identification described
39 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).

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

- 44 (1) Acceptable photocopies of forms of readable identification, as described in
45 G.S. 163-166.16(a).
- 46 (2) A process for a voter without acceptable photocopies of forms of readable
47 identification under subdivision (1) of this subsection to complete an
48 alternative affidavit in accordance with G.S. 163-166.16(d)(1), (d)(2), or
49 (d)(3) that includes inability to attach a physical copy of the voter's
50 identification with the written request as a reasonable impediment to
51 compliance with the identification requirement. If a reasonable impediment

1 under this subdivision states inability to attach a physical copy of the voter's
2 identification with the written request, the reasonable impediment shall
3 include one of the following:

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

10 (h) Recodified as G.S. 163-226(f) by Session Laws 2019-239, s. 1.2(a), effective January
11 1, 2020, and applicable to elections conducted on or after that date."

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

13 **"§ 163-231. Voting absentee ballots and transmitting them to the county board of elections.**

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

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

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

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

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

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

- 1 a. ~~mail~~Mail or ~~by~~-commercial courier service, at the voter's expense, ~~or~~
2 ~~delivered~~and received by the county board not later than 7:30 p.m. on
3 ~~the day of the statewide primary or general election or county bond~~
4 ~~election.~~
- 5 b. ~~Delivered in person, or~~-by the voter or the voter's near relative or
6 verifiable legal ~~guardian and received by guardian,~~ to the county board
7 not later than ~~5:00 p.m.~~7:30 p.m. on the day of the statewide primary
8 or general election or county bond election.
- 9 c. ~~Ballots~~Electronically transmitted to the county board, if the ballot was
10 issued under the provisions of Article 21A of this ~~Chapter may also be~~
11 ~~electronically transmitted.~~Chapter.

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

- 20 a. ~~Federal law so requires.~~
- 21 b. ~~The ballots issued under this Article are postmarked and that postmark~~
22 ~~is dated on or before the day of the statewide primary or general~~
23 ~~election or county bond election and are received by the county board~~
24 ~~of elections not later than three days after the election by 5:00 p.m.~~
- 25 e. ~~The ballots issued under Article 21A of this Chapter are received by~~
26 ~~the county board of elections not later than the end of business on the~~
27 ~~business day before the canvass conducted by the county board of~~
28 ~~elections held pursuant to G.S. 163-182.5.~~

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

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

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

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

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

43 "**§ 163-231.1. Require two-factor authentication process for absentee ballots cast by mail.**

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

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

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

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

12 "State of North Carolina

13 County of ____

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

25 This the ____ day of ____, ____

26 _____
 27 (Signature of ~~chairman~~ chair of
 28 county board of elections)

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

30 Witness my hand and official seal.

31 _____
 32 (Signature of officer
 33 administering oath)

34 _____
 35 (Title of officer)"

36 (b) The county board of elections shall prepare, or cause to be prepared, a list in at least
 37 triplicate, of all military-overseas ballots issued under Article 21A of this Chapter and returned
 38 to the county board of elections to be counted, which have been approved by the county board of
 39 elections, have not been included on the certified list prepared pursuant to G.S. 163-232, and
 40 which have been received by the county board of elections not later than ~~three days after the~~
 41 ~~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~~
 42 statewide primary or general election or county bond election. The list shall be supplemented
 43 with new information each business day following the day of the statewide primary or general
 44 election or county bond election until the deadline for receipt of such absentee ballots. At the end
 45 of the list, the chair shall execute the following certificate under oath:

46 "State of North Carolina

47 County of ____

48 I, ____, chair of the ____ County Board of Elections, do hereby certify that the foregoing is a list
 49 of all executed military-overseas ballots to be voted in the election to be conducted on the ____
 50 day of ____, ____, which have been approved by the county board of elections, and which have
 51 been ~~postmarked by the day of the statewide primary or general election or county bond election~~

1 and received by the county board of elections not later than ~~three days after the election~~ by 5:00
 2 ~~p.m.-7:30 p.m.~~, or the time provided in G.S. 163-231(b), on the day of the statewide primary or
 3 general election or county bond election. I further certify that I have issued ballots to no other
 4 persons than those listed herein and further that I have not delivered military-overseas ballots to
 5 persons other than those listed herein; that this list constitutes the only precinct registration of
 6 covered voters whose names have not heretofore been entered on the regular registration of the
 7 appropriate precinct.

8 This the ____ day of ____, ____

9 _____
 10 (Signature of chair of
 11 county board of elections)

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

13 Witness my hand and official seal.

14 _____
 15 (Signature of officer
 16 administering oath)

17 _____
 18 (Title of officer)"
 19"

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

22 "**§ 163-232.2. Ballot reporting.**

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

- 25 (1) The number of mail-in absentee ballots that have been spoiled due to the voter
 26 voting in person at a one-stop voting site after requesting a mail-in absentee
 27 ballot.
- 28 (2) The number of outstanding mail-in absentee ballots, including the total
 29 number of mail-in absentee ballots sent to date and the total number of mail-in
 30 absentee ballots received to date.

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

- 33 (1) The number of mail-in absentee ballots that have been counted.
- 34 (2) The number of outstanding mail-in absentee ballots, including the total
 35 number of mail-in absentee ballots sent to date and the total number of mail-in
 36 absentee ballots received to date.
- 37 (3) The number of provisional ballots cast.

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

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

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

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

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

49 "**§ 163-234. Counting absentee ballots by county board of elections.**

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

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

14 (2) The county board of elections shall meet at 5:00 p.m. on election day in the
15 board office or other public location in the county courthouse for the purpose
16 of counting all absentee ballots except those which have been challenged
17 before 5:00 p.m. on election ~~day and day~~, those received on election day, and
18 those received pursuant to ~~G.S. 163-231(b)(2)b. or c. G.S. 163-231(b)(2).~~ The
19 county board of elections shall not conclude the meeting until after 7:30 p.m.
20 to allow for challenges to absentee ballots to be received between 5:00 p.m.
21 and 7:30 p.m. on election day. Any elector of the county shall be permitted to
22 attend the meeting and allowed to observe the counting process, so long as the
23 elector does not in any manner interfere with the election officials in the
24 discharge of their duties.

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

49 (3) Notwithstanding subdivision (2) of this section, a county board of elections
50 may, at each meeting at which it approves absentee ballot applications
51 pursuant to G.S. 163-230.1(e) and (f), remove those ballots from their

1 envelopes and have them read by an optical scanning machine, without
2 printing the totals on the scanner. The board shall complete the counting of
3 these ballots at the times provided in subdivision (2) of this section. The State
4 Board of Elections shall provide instructions to county boards of elections for
5 executing this procedure, and the instructions shall be designed to ensure the
6 accuracy of the count, the participation of board members of both parties, and
7 the secrecy of the results before election day. This subdivision applies only in
8 counties that use optical scan devices to count absentee ballots.

9 (4) The counting of absentee ballots shall not commence until a majority and at
10 least one board member of each political party represented on the board is
11 present and that fact is publicly declared and entered in the official minutes of
12 the county board.

13 (5) The county board of elections may employ such assistants as deemed
14 necessary to count the absentee ballots, but each board member present shall
15 be responsible for and observe and supervise the opening and tallying of the
16 ballots.

17 (6) As each ballot envelope is opened, the board shall cause to be entered into a
18 pollbook designated "Pollbook of Absentee Voters" the name of the absentee
19 voter, or if the pollbook is computer-generated, the board shall check off the
20 name. Preserving secrecy, the ballots shall be placed in the appropriate ballot
21 boxes, at least one of which shall be provided for each type of ballot. The
22 "Pollbook of Absentee Voters" shall also contain the names of all persons who
23 voted under G.S. 163-227.2, 163-227.5, and 163-227.6, but those names may
24 be printed by computer for inclusion in the pollbook.

25 After all ballots have been placed in the boxes, the counting process shall
26 begin.

27 If one-stop ballots under G.S. 163-227.2, 163-227.5, and 163-227.6 are
28 counted electronically, that count shall commence at the time the polls close.
29 If one-stop ballots are paper ballots counted manually, that count shall
30 commence at the same time as other absentee ballots are counted.

31 If a challenge transmitted to the board on canvass day by a chief judge is
32 sustained, the ballots challenged and sustained shall be withdrawn from the
33 appropriate boxes, as provided in G.S. 163-89(e).

34 As soon as the absentee ballots have been counted and the names of the
35 absentee voters entered in the pollbook as required in this subdivision, the
36 board members and assistants employed to count the absentee ballots shall
37 each sign the pollbook immediately beneath the last absentee voter's name
38 entered in the pollbook. The county board of elections is responsible for the
39 safekeeping of the pollbook of absentee voters.

40 (7) Upon completion of the counting process the board members shall cause the
41 results of the tally to be entered on the absentee abstract prescribed by the
42 State Board of Elections. The abstract shall be signed by the members of the
43 board in attendance and the original mailed immediately to the State Board of
44 Elections. The county board of elections may have a separate count on the
45 abstract for one-stop absentee ballots under G.S. 163-227.2, 163-227.5, and
46 163-227.6.

47 (8) One copy of the absentee abstract shall be retained by the county board of
48 elections and the totals appearing on the absentee abstract shall be added to
49 the final totals of all votes cast in the county for each office as determined on
50 the official canvass.

- 1 (9) In the event a political party does not have a member of the county board of
 2 elections present at the meeting to count absentee ballots due to illness or other
 3 cause of the member, the counting shall not commence until the county party
 4 ~~chairman~~ chair of the absent member, or a member of the party's county
 5 executive committee, is in attendance. The person shall act as an official
 6 witness to the counting and shall sign the absentee ballot abstract as an
 7 "observer".
- 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 (11) The county board of elections shall meet after election day and prior to the
 12 date of canvass to determine whether the container-return envelopes for
 13 absentee ballots received on election day pursuant to ~~G.S. 163-231(b)(2)b. or~~
 14 ~~e. G.S. 163-231(b)~~ have been properly executed. The county board of
 15 elections shall comply with the requirements of G.S. 163-230.1 for approval
 16 of applications. Any absentee ballots received pursuant to
 17 ~~G.S. 163-231(b)(2)b. or e. G.S. 163-231(b)(2)~~ shall be counted by the county
 18 board of elections on the day of canvass. The county board of elections may
 19 also meet following the day of the election and prior to the day of canvass to
 20 count absentee ballots received pursuant to ~~G.S. 163-231(b)(2)b. or e.~~
 21 G.S. 163-231(b)(2) upon the adoption of a resolution pursuant to subdivision
 22 (2) of this section. The county board of elections shall comply with all other
 23 requirements of this section and G.S. 163-230.1 for the counting of these
 24 absentee ballots."

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

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

- 29 (1) For any person who has access to an official voted ballot or record to
 30 knowingly disclose in violation of G.S. 163-165.1(e) how an individual has
 31 voted that ballot.
- 32 (2) For any person to impersonate a chief judge, judge of election, or other
 33 precinct official while in the discharge of duties in the registration of voters
 34 or in conducting any primary or election.
- 35 (3) For any person other than the State Board or a county board of elections, or
 36 any employee of the State Board or a county board of elections, to affix or
 37 print a barcode on any absentee ballot request form."

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

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

41 "**§ 163-275. Certain acts declared felonies.**

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

45 ...

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

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

49 "(d) The State Board ~~of Elections~~ shall investigate when necessary or advisable, the
 50 administration of election laws, frauds and irregularities in elections in any county and
 51 municipality and special district, and shall report violations of the election laws to the ~~Attorney~~

1 ~~General or district attorney or prosecutor of the district~~ State Bureau of Investigation for further
2 investigation and prosecution."

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

4 "(b2) The State Bureau of Investigation shall be involved in any investigation involving the
5 commission or attempted commission of a crime under Chapter 163 of the General Statues."

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

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

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

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

13 **"§ 9-3. Qualifications of prospective jurors.**

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

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

17 (2) Is a resident of the State.

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

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

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

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

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

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

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

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

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

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

34 **"§ 9-6. Jury service a public duty; excuses to be allowed in exceptional cases; procedure.**

35 ...

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

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

1 ...
2 (e) The judge shall inform the clerk of superior court of persons excused under this
3 section, and the clerk of superior court shall keep a record of excuses separate from the master
4 jury list. list in accordance with G.S. 9-6.2.

5"

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

7 **"§ 9-6.1. Requests to be excused.**

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

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

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

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

39 **"§ 9-6.2. Reports of excusals from jury duty based on disqualification.**

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

46 (b) If a person is disqualified from jury duty because the person is not a citizen of the
47 United States, the clerk of superior court shall, at least on a quarterly basis, communicate this
48 information to the State Board of Elections, including the person's name, address, date of birth,
49 and other personal information from the master jury list, along with the reasons for the person's
50 disqualification and the date of disqualification. The State Board of Elections shall use this

1 information to conduct list maintenance efforts in accordance with G.S. 163-82.14. This
 2 communication shall not be a public record.

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

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

6 **"§ 163-82.14. List maintenance.**

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

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

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

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

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

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

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

- 1 (c) Conviction of a Felony. – In order to remove the names of ineligible individuals from
2 the list of eligible voters in this State, the following shall occur:
- 3 (1) ~~Report of Conviction Within the State. — The State Board of Elections, on or~~
4 ~~before the fifteenth day of every month, At a minimum of once per week, the~~
5 Executive Director shall report to the county board of elections of that county
6 the name, county of residence, and residence address if available, of each
7 individual compile a list of individuals against whom a final judgment of
8 conviction of a felony within this State has been entered in that county in the
9 preceding calendar month entered. The Executive Director shall report to each
10 appropriate county board of elections the names of individuals from that
11 county appearing on such list each week.
- 12 (2) ~~Report of Federal Conviction. — The~~ At a minimum of once per week, the
13 Executive Director of the State Board of Elections, upon receipt of shall
14 compile a list of individuals against whom a federal conviction has been
15 reported, based on a notice of conviction sent by a United States Attorney
16 pursuant to section 8(g) of the National Voter Registration Act, Act. The
17 Executive Director shall notify the report to each appropriate county boards
18 of elections of the conviction names of individuals from that county appearing
19 on such list each week.
- 20 (3) ~~County Board's Duty Upon Receiving Report of Conviction. —~~ When a county
21 board of elections receives a notice pursuant to subdivision (1) or (2) of this
22 subsection relating to a resident of that county and that person is registered to
23 vote in that county, the county board of elections shall, after giving 30 days'
24 written notice to the voter at his registration address, the address associated
25 with that voter registration, and if the voter makes no objection, remove the
26 person's name from its registration records. If the voter notifies the county
27 board of elections of his objection to the removal within 30 days of the notice,
28 the chairman chair of the county board of elections shall enter a challenge
29 under G.S. 163-85(c)(5), and the notice the county board of elections received
30 pursuant to this subsection shall be prima facie evidence for the preliminary
31 hearing that the registrant was convicted of a felony.
- 32 (c1) Noncitizens. —
- 33 (1) Within 30 days of receipt of the communication in accordance with
34 G.S. 9-6.2, the State Board shall do each of the following:
- 35 a. Review the voter registration and citizenship status of each person
36 identified, including matching of available information in State and
37 federal databases.
- 38 b. Distribute to each county board of elections a report of the persons
39 identified who are registered to vote in that county. The report shall
40 include the information provided by the clerk of superior court under
41 G.S. 9-6.2, the voter registration number of the person, and the results
42 of the State Board review of the person's voter registration and
43 citizenship status. The State Board shall not include a person's name
44 in the report if the State Board of Elections review determines that the
45 individual became a citizen of the United States after the date of that
46 person's jury disqualification.
- 47 c. In the event that the prospective juror voted prior to becoming a United
48 States citizen, the State Board shall furnish the State Bureau of
49 Investigation and the district attorney a copy of its investigation for
50 prosecution of the violation as provided in G.S. 163-278.

1 (2) Within 30 days of receipt by a county board of elections of a report pursuant
2 to this subsection relating to a person registered to vote in that county, the
3 following shall occur:

4 a. The county board of elections shall give 30 days' written notice to the
5 voter by sending notice to the voter's residential address and, if
6 different from the voter's residential address, the voter's registration
7 address and mailing address. If the voter makes no objection, the
8 county board of elections shall remove the person's name from its
9 registration records and shall provide written notice of the removal to
10 the voter in the same manner as notice was previously provided under
11 this sub-subdivision. The county board of elections shall indicate
12 within the statewide computerized voter registration system any
13 individual removed from the voter registration records on the basis of
14 noncitizenship status.

15 b. If, within 30 days of the date on which notice was sent of the removal
16 of a voter's name from registration records pursuant to sub-subdivision
17 a. of this subdivision, the voter notifies the county board of elections
18 of the voter's objection to the removal, the chair of the county board
19 of elections shall enter a challenge under G.S. 163-85(c)(7), and the
20 notice provided to the county board of elections by the receipt of the
21 report from the State Board pursuant to this subdivision shall be prima
22 facie evidence in the preliminary hearing heard pursuant to
23 G.S. 163-85(d) that the person is not a citizen of the United States.
24 This presumption may be rebutted by evidence as presented by the
25 person of any of the following: (i) birth certificate, (ii) citizenship
26 naturalization occurring after the excusal from jury service due to
27 disqualification, or (iii) other federal documentation of citizenship.

28 (3) The records retained pursuant to this subsection are public records under
29 G.S. 132-1, notwithstanding the requirements of G.S. 20-43.4(c), except as
30 prohibited by State and federal statute. The State Board and county board of
31 elections shall retain the electronic records for four years and may destroy the
32 records thereafter.

33 (d) ~~Change of Address. – A county board of elections shall conduct a systematic program~~
34 ~~In order to remove from its list of registered voters those the names of individuals who have~~
35 ~~moved out of the county, and to update the registration records of persons who have moved~~
36 ~~within the county. The county board shall remove a person from its list if the registrant:~~
37 ~~the following shall occur:~~

38 (1) ~~Gives~~ At a minimum of once per week, a county board of elections shall
39 remove from its voter registration records the names of individuals who give
40 confirmation in writing of a change of address for voting purposes out of the
41 county. "Confirmation in writing" for purposes of this subdivision shall
42 ~~include:~~ include any of the following:

43 a. A report to the county board from the Department of Transportation
44 or from a voter registration agency listed in G.S. 163-82.20 that the
45 voter has reported a change of address for voting purposes outside the
46 ~~county;~~ county.

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

49 c. A notice of cancellation received from an election jurisdiction outside
50 the State.

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

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

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

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

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

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

SECTION 30.(f) This section becomes effective April 1, 2024.

SECTION 31. In any notice given to a voter prior to an election regarding the requirement to show photo identification to vote in person, whether by mail or posted on a website, the State Board of Elections and a county board of elections shall clearly and initially state in the notice that the voter must show photo identification in order to cast a ballot and the means by which a voter without photo identification can obtain a photo identification.

SECTION 32. The Department of Information Technology shall study and report to the General Assembly, on or before December 1, 2023, as to the feasibility of replacing the statewide voter registration system, including the timetable for replacement and the possibility of establishing periodic communications, up to and including daily, between the State Board of Elections and the Department of Health and Human Services, Division of Vital Records; the Department of Motor Vehicles, Division of Prisons of the Department of Adult Corrections, and the Administrative Office of the Courts for the purposes of list maintenance and voter registration. The report shall be delivered to the Joint Legislative Commission on Governmental Operations.

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