

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 747  
PROPOSED COMMITTEE SUBSTITUTE S747-PCS35291-BK-31

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 having served 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 (b) An individual registering and voting under subsection (a) of this section shall vote by  
35 provisional ballot unless one of the following applies:

36 (1) The address on the individual's photo identification required under  
37 G.S. 163-166.16 is the same as the address listed on a copy of a HAVA  
38 document.

39 (2) The individual's photo identification required under G.S. 163-166.16 lacks an  
40 address and the individual provides a document from the institution issuing  
41 the photo identification showing the name and address of the individual and a  
42 copy of a HAVA document showing the same name and address for that  
43 individual.

44 (c) A provisional ballot cast in accordance with this section shall be counted under one  
45 of the following circumstances only:

46 (1) Prior to the close of business on the business day before the canvass conducted  
47 by the county board of elections pursuant to G.S. 163-182.5, the individual  
48 returns to the county board of elections and presents a photo identification  
49 required under G.S. 163-166.16 and a copy of a HAVA document, and the  
50 address on both forms of identification is the same.

1           (2) Prior to the close of business on the business day before the canvass conducted  
 2           by the county board of elections pursuant to G.S. 163-182.5, the individual  
 3           returns to the county board of elections and presents a copy of two different  
 4           HAVA documents, and the name and address on both documents is the same.

5           (d) For purposes of this section, a "HAVA document" is any of the following that shows  
 6           the name and address of the voter:

7           (1) A current utility bill.

8           (2) A current bank statement.

9           (3) A current government check.

10          (4) A current paycheck.

11          (5) Another government document showing the name and address of the voter.

12          (6) A document from the institution issuing the photo identification showing the  
 13          name and address of the individual."

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

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

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

25          "**§ 163-89. Procedures for challenging absentee ballots.**

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

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

38          ...."

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

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

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

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

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

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

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

2   "**§ 163-166.01. Hours for voting.**

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

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

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

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

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

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

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

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

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

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

50       (b1) Report on Revisions to Elections Records After Certification. – The State Board shall  
51 submit an annual report on any revisions made to any voter's voter history records other than

1 routine updates following each election, including the rationale for and timing of the revisions,  
2 to the Joint Legislative Elections Oversight Committee and the Joint Legislative Oversight  
3 Committee on General Government."

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

5 **"§ 163-210. Governor to proclaim results; casting State's vote for President and**  
6 **Vice-President.**

7 Upon receipt of the certifications prepared by the State Board of Elections and delivered in  
8 accordance with G.S. 163-182.15, the Secretary of State, under seal of the office, shall notify the  
9 Governor of the names of the persons elected to the office of elector for President and  
10 Vice-President of the United States as stated in the abstracts of the State Board of Elections.  
11 Board. Thereupon, the Governor shall immediately issue a proclamation setting forth the names  
12 of the electors and instructing them to be present in the old Hall of the House of Representatives  
13 in the State Capitol in the City of Raleigh at noon on the first Monday after the second Wednesday  
14 in December next after their election, at which time the electors shall meet and vote on behalf of  
15 the State for President and Vice-President of the United States. The Governor shall cause this  
16 proclamation to be published in the daily newspapers published in the City of Raleigh. Notice  
17 may additionally be made on a radio or television station or both, but such notice shall be in  
18 addition to the newspaper and other required notice. The Secretary of State is responsible for  
19 making the actual arrangements for the meeting, preparing the agenda, and inviting guests.

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

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

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

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

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

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

50 (1) Chief judges and judges shall be allocated to each voting place in the same  
51 manner as allocated to each precinct in the county as provided in G.S. 163-41.

1           (2) Assistants shall be allocated to each voting place in the same manner as  
2           allocated to each precinct in the county as provided in G.S. 163-42.

3           (3) The provisions of G.S. 163-41.1 apply."

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

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

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

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

11          "**§ 163-229. Absentee ballots, applications on container-return envelopes, and instruction**  
12          **sheets.**

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

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

23           (1) The voter's certification of eligibility to vote the enclosed ballot and of having  
24 voted the enclosed ballot in accordance with this Part.

25           (2) A space for identification of the envelope with the voter and the voter's  
26 signature.

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

30           (4) A space for the name and address of any person who, as permitted under  
31 G.S. 163-226.3(a), assisted the voter if the voter is unable to complete and  
32 sign the certification and that individual's signature.

33           (5) A space for approval by the county board of elections.

34           (6) A space to allow reporting of a change of name as provided by  
35 G.S. 163-82.16.

36           (7) A prominent display of the unlawful acts under G.S. 163-226.3 and  
37 G.S. 163-275, except if there is not room on the envelope, the State Board  
38 may provide for that disclosure to be made on a separate piece of paper to be  
39 included along with the container-return envelope.

40           (8) An area to attach additional documentation necessary to comply with the  
41 identification requirements in accordance with State Board rules, as provided  
42 in G.S. 163-230.1.

43           (9) A bar code or other unique ~~identifier-identifier~~, affixed by the county board of  
44 elections, to allow both the county board of elections and the voter to track the  
45 ballot following return of the voted ballot to the county board of elections by  
46 the voter.

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

50          (c) Instruction Sheets. – In time for use not later than 60 days before a statewide general  
51 election in an even-numbered year, and not later than 50 days before a statewide ~~primary, other~~

1 primary or general election or county bond election, the county board of elections shall prepare  
2 and print a sufficient number of sheets of instructions on how voters are to prepare absentee  
3 ballots and return them to the county board of elections. elections, including the means by which  
4 the voter's marked absentee ballot must be returned to the county board of elections and the date  
5 and time that the ballot must be received by the county board of elections. However, in the case  
6 of municipal elections, instruction sheets shall be made available no later than 30 days before an  
7 election."

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

9 **"§ 163-230.1. Simultaneous issuance of absentee ballots with application.**

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

- 19 (1) The official ballots the voter is entitled to vote.
- 20 (2) A container-return envelope for the ballots, printed in accordance with  
21 G.S. 163-229.
- 22 (3) An instruction sheet.
- 23 (4) A clear statement of the requirement for a photocopy of identification  
24 described in G.S. 163-166.16(a) or an affidavit as described in  
25 G.S. 163-166.16(d)(1), (d)(2), or (d)(3) with the returned ballot.

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

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

- 32 (1) The date by which a completed request form as described in subsection (a) of  
33 this section must be received by a county board of elections.
- 34 (2) The means by which the voter's marked absentee ballot must be returned to  
35 the county board of elections and the date and time the ballot must be received  
36 by the county board of elections.

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

- 49 (1) The official ballots the voter is entitled to vote.
- 50 (2) A container-return envelope for the ballots, printed in accordance with  
51 G.S. 163-229.

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

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

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

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

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

49 (e) Approval of Applications. – At its next official meeting after return of the completed  
50 container-return envelope with the voter's ballots, the county board of elections shall determine  
51 whether the container-return envelope has been properly executed. If the board determines that



1 the container-return envelope has been properly executed, it shall approve the application and  
2 deposit the container-return envelope with other container-return envelopes for the envelope to  
3 be opened and the ballots counted at the same time as all other container-return envelopes and  
4 absentee ballots.

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

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

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

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

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

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

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

41 (f1) Each container-return envelope returned to the county board with application and  
42 voted ballots under this section shall be accompanied by a photocopy of identification described  
43 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).

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

- 48 (1) Acceptable photocopies of forms of readable identification, as described in  
49 G.S. 163-166.16(a).
- 50 (2) A process for a voter without acceptable photocopies of forms of readable  
51 identification under subdivision (1) of this subsection to complete an

1 alternative affidavit in accordance with G.S. 163-166.16(d)(1), (d)(2), or  
2 (d)(3) that includes inability to attach a physical copy of the voter's  
3 identification with the written request as a reasonable impediment to  
4 compliance with the identification requirement. If a reasonable impediment  
5 under this subdivision states inability to attach a physical copy of the voter's  
6 identification with the written request, the reasonable impediment shall  
7 include one of the following:

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

14 (h) Recodified as G.S. 163-226(f) by Session Laws 2019-239, s. 1.2(a), effective January  
15 1, 2020, and applicable to elections conducted on or after that date."

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

17 **"§ 163-231. Voting absentee ballots and transmitting them to the county board of elections.**

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

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

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

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

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

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

6 a. Mail or by commercial courier service, at the voter's expense, or  
7 delivered and received by the county board not later than 7:30 p.m. on  
8 the day of the statewide primary or general election or county bond  
9 election.

10 b. Delivered in person, or by the voter or the voter's near relative or  
11 verifiable legal guardian and received by guardian, to the county board  
12 not later than 5:00 p.m. 7:30 p.m. on the day of the statewide primary  
13 or general election or county bond election.

14 c. Ballots Electronically transmitted to the county board, if the ballot was  
15 issued under the provisions of Article 21A of this Chapter may also be  
16 electronically transmitted. Chapter.

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

25 a. ~~Federal law so requires.~~

26 b. ~~The ballots issued under this Article are postmarked and that postmark~~  
27 ~~is dated on or before the day of the statewide primary or general~~  
28 ~~election or county bond election and are received by the county board~~  
29 ~~of elections not later than three days after the election by 5:00 p.m.~~

30 e. ~~The ballots issued under Article 21A of this Chapter are received by~~  
31 ~~the county board of elections not later than the end of business on the~~  
32 ~~business day before the canvass conducted by the county board of~~  
33 ~~elections held pursuant to G.S. 163-182.5.~~

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

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

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

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

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

48 **"§ 163-231.1. Require two-factor authentication process for absentee ballots cast by mail.**

49 The State Board shall establish and implement a two-factor authentication process for  
50 executed absentee ballots transmitted by mail to a county board of elections. A county board of

1 elections shall use the process established by this section before an executed absentee ballot is  
2 opened and counted by elections officials."

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

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

6 "**§ 163-232.1. Certified list of executed absentee ballots received on or after election day;**  
7 **publication of list.**

8 (a) The county board of elections shall prepare, or cause to be prepared, a list in at least  
9 triplicate, of all absentee ballots issued under ~~Article 20 of this Chapter~~ this Article returned to  
10 the county board of elections to be counted, which have been approved by the county board of  
11 elections, have not been included on the certified list prepared pursuant to G.S. 163-232, ~~and~~  
12 ~~which have been postmarked by the day of the statewide primary or general election or county~~  
13 ~~bond election and have been received by the county board of elections not later than three days~~  
14 ~~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~~  
15 the statewide primary or general election or county bond election. The list shall be supplemented  
16 with new information each business day following the day of the election until the deadline for  
17 receipt of such absentee ballots. At the end of the list, the ~~chairman~~ chair shall execute the  
18 following certificate under oath:

19 "State of North Carolina

20 County of \_\_\_\_\_

21 I, \_\_\_\_\_, ~~chairman~~ chair of the \_\_\_\_\_ County Board of Elections, do hereby certify that the  
22 foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on  
23 the \_\_\_\_\_ day of \_\_\_\_\_, which have been approved by the county board of elections ~~and which~~  
24 ~~have been postmarked by the day of the statewide primary or general election or county bond~~  
25 ~~election and have been received by the county board of elections not later than three days after~~  
26 ~~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~~  
27 statewide primary or general election or county bond election. I certify that the ~~chairman~~ chair,  
28 member, officer, or employee of the board of elections has not delivered ballots for absentee  
29 voting to any person other than the voter, by mail or by commercial courier service or in person,  
30 except as provided by law, and have not mailed or delivered ballots when the request for the  
31 ballot was received after the deadline provided by law.

32 This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

33 \_\_\_\_\_  
34 (Signature of ~~chairman~~ chair of  
35 county board of elections)

36 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

37 Witness my hand and official seal.

38 \_\_\_\_\_  
39 (Signature of officer  
40 administering oath)

41 \_\_\_\_\_  
42 (Title of officer)"

43 (b) The county board of elections shall prepare, or cause to be prepared, a list in at least  
44 triplicate, of all military-overseas ballots issued under Article 21A of this Chapter and returned  
45 to the county board of elections to be counted, which have been approved by the county board of  
46 elections, have not been included on the certified list prepared pursuant to G.S. 163-232, and  
47 which have been received by the county board of elections not later than ~~three days after the~~  
48 ~~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~~  
49 statewide primary or general election or county bond election. The list shall be supplemented  
50 with new information each business day following the day of the statewide primary or general

1 election or county bond election until the deadline for receipt of such absentee ballots. At the end  
 2 of the list, the chair shall execute the following certificate under oath:

3 "State of North Carolina  
 4 County of \_\_\_\_

5 I, \_\_\_\_, chair of the \_\_\_\_ County Board of Elections, do hereby certify that the foregoing is a list  
 6 of all executed military-overseas ballots to be voted in the election to be conducted on the \_\_\_\_  
 7 day of \_\_\_\_, \_\_\_\_, which have been approved by the county board of elections, and which have  
 8 been ~~postmarked by the day of the statewide primary or general election or county bond election~~  
 9 ~~and received by the county board of elections not later than three days after the election by 5:00~~  
 10 ~~p.m.-7:30 p.m., or the time provided in G.S. 163-231(b), on the day of the statewide primary or~~  
 11 general election or county bond election. I further certify that I have issued ballots to no other  
 12 persons than those listed herein and further that I have not delivered military-overseas ballots to  
 13 persons other than those listed herein; that this list constitutes the only precinct registration of  
 14 covered voters whose names have not heretofore been entered on the regular registration of the  
 15 appropriate precinct.

16 This the \_\_\_\_ day of \_\_\_\_, \_\_\_\_

17 \_\_\_\_\_  
 18 (Signature of chair of  
 19 county board of elections)

20 Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_, \_\_\_\_.

21 Witness my hand and official seal.

22 \_\_\_\_\_  
 23 (Signature of officer  
 24 administering oath)

25 \_\_\_\_\_  
 26 (Title of officer)"

27 ...."

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

30 **"§ 163-232.2. Ballot reporting.**

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

33 (1) The number of mail-in absentee ballots that have been spoiled due to the voter  
 34 voting in person at a one-stop voting site after requesting a mail-in absentee  
 35 ballot.

36 (2) The number of outstanding mail-in absentee ballots, including the total  
 37 number of mail-in absentee ballots sent to date and the total number of mail-in  
 38 absentee ballots received to date.

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

41 (1) The number of mail-in absentee ballots that have been counted.

42 (2) The number of outstanding mail-in absentee ballots, including the total  
 43 number of mail-in absentee ballots sent to date and the total number of mail-in  
 44 absentee ballots received to date.

45 (3) The number of provisional ballots cast.

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

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

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

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

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

6           "**§ 163-234. Counting absentee ballots by county board of elections.**

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

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

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

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

- 1 (3) Notwithstanding subdivision (2) of this section, a county board of elections  
2 may, at each meeting at which it approves absentee ballot applications  
3 pursuant to G.S. 163-230.1(e) and (f), remove those ballots from their  
4 envelopes and have them read by an optical scanning machine, without  
5 printing the totals on the scanner. The board shall complete the counting of  
6 these ballots at the times provided in subdivision (2) of this section. The State  
7 Board of Elections shall provide instructions to county boards of elections for  
8 executing this procedure, and the instructions shall be designed to ensure the  
9 accuracy of the count, the participation of board members of both parties, and  
10 the secrecy of the results before election day. This subdivision applies only in  
11 counties that use optical scan devices to count absentee ballots.
- 12 (4) The counting of absentee ballots shall not commence until a majority and at  
13 least one board member of each political party represented on the board is  
14 present and that fact is publicly declared and entered in the official minutes of  
15 the county board.
- 16 (5) The county board of elections may employ such assistants as deemed  
17 necessary to count the absentee ballots, but each board member present shall  
18 be responsible for and observe and supervise the opening and tallying of the  
19 ballots.
- 20 (6) As each ballot envelope is opened, the board shall cause to be entered into a  
21 pollbook designated "Pollbook of Absentee Voters" the name of the absentee  
22 voter, or if the pollbook is computer-generated, the board shall check off the  
23 name. Preserving secrecy, the ballots shall be placed in the appropriate ballot  
24 boxes, at least one of which shall be provided for each type of ballot. The  
25 "Pollbook of Absentee Voters" shall also contain the names of all persons who  
26 voted under G.S. 163-227.2, 163-227.5, and 163-227.6, but those names may  
27 be printed by computer for inclusion in the pollbook.
- 28 After all ballots have been placed in the boxes, the counting process shall  
29 begin.
- 30 If one-stop ballots under G.S. 163-227.2, 163-227.5, and 163-227.6 are  
31 counted electronically, that count shall commence at the time the polls close.  
32 If one-stop ballots are paper ballots counted manually, that count shall  
33 commence at the same time as other absentee ballots are counted.
- 34 If a challenge transmitted to the board on canvass day by a chief judge is  
35 sustained, the ballots challenged and sustained shall be withdrawn from the  
36 appropriate boxes, as provided in G.S. 163-89(e).
- 37 As soon as the absentee ballots have been counted and the names of the  
38 absentee voters entered in the pollbook as required in this subdivision, the  
39 board members and assistants employed to count the absentee ballots shall  
40 each sign the pollbook immediately beneath the last absentee voter's name  
41 entered in the pollbook. The county board of elections is responsible for the  
42 safekeeping of the pollbook of absentee voters.
- 43 (7) Upon completion of the counting process the board members shall cause the  
44 results of the tally to be entered on the absentee abstract prescribed by the  
45 State Board of Elections. The abstract shall be signed by the members of the  
46 board in attendance and the original mailed immediately to the State Board of  
47 Elections. The county board of elections may have a separate count on the  
48 abstract for one-stop absentee ballots under G.S. 163-227.2, 163-227.5, and  
49 163-227.6.
- 50 (8) One copy of the absentee abstract shall be retained by the county board of  
51 elections and the totals appearing on the absentee abstract shall be added to

1 the final totals of all votes cast in the county for each office as determined on  
2 the official canvass.

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

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

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

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

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

31 (1) For any person who has access to an official voted ballot or record to  
32 knowingly disclose in violation of G.S. 163-165.1(e) how an individual has  
33 voted that ballot.

34 (2) For any person to impersonate a chief judge, judge of election, or other  
35 precinct official while in the discharge of duties in the registration of voters  
36 or in conducting any primary or election.

37 (3) For any person other than the State Board or a county board of elections, or  
38 any employee of the State Board or a county board of elections, to affix or  
39 print a barcode on any absentee ballot request form."

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

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

43 "**§ 163-275. Certain acts declared felonies.**

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

47 ...

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

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



"(d) The State Board of Elections shall investigate when necessary or advisable, the administration of election laws, frauds and irregularities in elections in any county and municipality and special district, and shall report violations of the election laws to the Attorney General or district attorney or prosecutor of the district State Bureau of Investigation for further investigation and prosecution."

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

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

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

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

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

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

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

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

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

(2) Is a resident of the State.

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

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

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

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

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

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

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

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

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

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

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

...

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

(b) Pursuant to the foregoing policy, each chief district court judge shall promulgate procedures whereby the chief district court judge or any district court judge of the chief district court judge's district court district designated by the chief district court judge, prior to the date that a jury session (or sessions) of superior or district court convenes, shall receive, hear, and pass on applications for excuses from jury duty. The procedures shall provide for the time and place, publicly announced, at which applications for excuses will be heard, and prospective jurors who have been summoned for service shall be so informed. The chief district court judge, after consultation with and with the consent of the clerk of superior court, may delegate the authority to receive, hear, and pass on applications for excuses from jury duty to the clerk of superior court.

1 The chief district judge may also assign the duty of passing on applications for excuses from jury  
 2 service to judicial support staff. In all cases concerning excuses, the clerk of superior court or  
 3 judicial support staff shall notify prospective jurors of the disposition of their excuses.

4 ...

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

8 ...."

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

10 "**§ 9-6.1. Requests to be excused.**

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

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

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

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

42 "**§ 9-6.2. Reports of excusals from jury duty based on disqualification.**

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

49 (b) If a person is disqualified from jury duty because the person is not a citizen of the  
 50 United States, the clerk of superior court shall, at least on a quarterly basis, communicate this  
 51 information to the State Board of Elections, including the person's name, address, date of birth,

1 and other personal information from the master jury list, along with the reasons for the person's  
 2 disqualification and the date of disqualification. The State Board of Elections shall use this  
 3 information to conduct list maintenance efforts in accordance with G.S. 163-82.14. This  
 4 communication shall not be a public record.

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

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

8 "**§ 163-82.14. List maintenance.**

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

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

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

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

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

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

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

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

Investigation and the district attorney a copy of its investigation for prosecution of the violation as provided in G.S. 163-278.

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

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

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

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

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

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

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

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

1 c. A notice of cancellation received from an election jurisdiction outside  
2 the State.

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

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

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

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

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

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

39 **SECTION 30.(f)** This section becomes effective July 1, 2024.

40 **SECTION 31.** In any notice given to a voter prior to an election regarding the  
41 requirement to show photo identification to vote in person, whether by mail or posted on a  
42 website, the State Board of Elections and a county board of elections shall clearly and initially  
43 state in the notice the following: "Voters will now be asked to present a valid photo identification  
44 when voting in person. If you do not have a valid photo ID card, you may obtain one from your  
45 county board of elections prior to the election, through the end of the early voting period. If you  
46 do not have a valid photo ID card on election day, you may still vote and have your vote counted  
47 by signing an affidavit of reasonable impediment as to why you have not presented a valid photo  
48 ID."

49 **SECTION 32.** The Department of Information Technology shall study and report to  
50 the General Assembly, on or before December 1, 2023, as to the feasibility of replacing the  
51 statewide voter registration system, including the timetable for replacement and the possibility

1 of establishing periodic communications, up to and including daily, between the State Board of  
2 Elections and the Department of Health and Human Services, Division of Vital Records; the  
3 Division of Motor Vehicles, Division of Prisons of the Department of Adult Corrections, and the  
4 Administrative Office of the Courts for the purposes of list maintenance and voter registration.  
5 The report shall be delivered to the Joint Legislative Commission on Governmental Operations.

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