



# HOUSE BILL 782: Elections Certainty Act.

2021-2022 General Assembly

---

<b>Committee:</b>	House Election Law and Campaign Finance Reform. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	May 5, 2021
<b>Introduced by:</b>	Reps. Mills, Kidwell, Moffitt, Zenger	<b>Prepared by:</b>	Erika Churchill and Sarah Pilon, Committee Co-counsel
<b>Analysis of:</b>	First Edition		

---

**OVERVIEW:** *House Bill 782 would do the following:*

- *Require completed applications for mail-in absentee ballots and marked ballots to be returned to the county board of elections by 5:00 P.M. on the day of the election, regardless of postmark, and make conforming changes.*
- *Change the "one-stop" voting period to the third Monday before an election until 3:00 P.M. on the last Saturday before an election.*

**CURRENT LAW:** Any qualified voter of the State may vote by absentee ballot in a statewide primary, general, or special election and any qualified voter of a county may vote by absentee ballot in any primary or election conducted by the county board of elections. Voting by absentee ballot may take one of three forms: mail-in absentee ballots, early "one-stop" voting, and military-overseas ballots.

**Mail-in absentee ballots:**

For the return of executed mail-in absentee ballots, the sealed container-return envelope with the completed application and marked absentee ballots must be sent to the county board by mail or commercial courier service or delivered in person. To be accepted and counted, mail-in absentee ballots must be received by the county board of elections by one of the following deadlines:

- By 5:00 P.M. on the day of the election.
- By 5:00 P.M. on the third day after the election, if postmarked on or before the day of the election.
- By the deadline set by federal law. G.S. 163-231(b).

For military-overseas ballots to be accepted and counted, the ballots must be received by the county board of elections by one of the following deadlines:

- By the close of the polls.
- By the end of business on the business day before canvass, if submitted for mailing, electronic transmission, or other authorized means of delivery by 12:01 A.M. on election day. G.S. 163-258.10, G.S. 163-258.12.

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

# House Bill 782

Page 2

The county board of elections may begin counting absentee ballots upon the adoption of a resolution at least two weeks prior to the election. The resolution may also provide for an additional meeting following election day and prior to the day of canvass to count mail-in absentee ballots postmarked and received by the county board by 5:00 P.M. on the third day after the election, or military-overseas ballots.

Challenges to a mail-in absentee ballots may be made pursuant to the following:

- For a mail-in absentee ballot received by the county board by 5:00 P.M. on the day of the election, the ballot may be challenged on the day of election, beginning no earlier than noon and ending no later than 5:00 P.M., or by the chief judge, at the time of the closing of the polls.
- For a mail-in absentee ballot postmarked on or before the day of the election and received by the county board by 5:00 P.M. on the third day after the election, a military-overseas voter ballot, or a ballot received as federal law may otherwise require, the ballot may be challenged no earlier than noon on the day following the election and no later than 5:00 P.M. on the next business day following the deadline for receipt of such ballots.

## **Early "one-stop" voting:**

A voter may vote in person during the early "one-stop" period between the third Thursday before an election up to 3:00 P.M. on the last Saturday before an election. G.S. 163-227.2.

## **BILL ANALYSIS:**

### **Mail-in absentee ballots:**

House Bill 782 would require all completed applications and marked absentee ballots be returned to the county board by 5:00 P.M. on the day of the election, regardless of postmark, unless federal law requires otherwise, in order to be counted. Military-overseas ballots would be required to be received by the county board no later than the close of the polls on the date of the election.

Ballots received after 5:00 P.M. on election day, if allowed under federal law, would be able to be challenged no later than 5:00 P.M. on the next business day following the deadline for receipt of such ballots.

### **Early "one-stop" voting:**

House Bill 782 would modify the period for early "one-stop" voting, making the early voting period from the third Monday before an election up to 3:00 P.M. on the last Saturday before an election.

**EFFECTIVE DATE:** Effective when it becomes law and applies to elections held on or after that date.