



HOUSE BILL 149: Disaster Recovery Act of 2024, Elections Modifications

2023-2024 General Assembly

Committee:		Date:	October 21, 2024
Introduced by:		Prepared by:	Erika Churchill, Jessica Sammons, Hillary Woodard, and William Brewer
Analysis of:	Part IX of S.L. 2024-51		Staff Attorneys

OVERVIEW: *In response to the disaster caused by Helene and its aftermath, Part IX of S.L. 2024-51 modifies certain election administration laws for the 2024 election only in certain impacted counties.*

CURRENT LAW, BILL ANALYSIS, and EFFECTIVE DATE:

Effective October 10, 2024, in the impacted Counties of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania, Watauga, Wilkes, and Yancey, Part IX of S.L. 2024-51 makes the following changes, applicable only for the November 2024 election:

Election Officials. – Permits any registered voter of the State to be appointed an election official.

Generally, chief judges, judges, assistants, ballot counters, and staff for early voting sites must be registered voters of the State and residents of the precinct or county in which they are appointed to serve. This Part allows the following in an impacted county:

- Any registered voter of the State who is otherwise eligible, regardless of precinct or county of residence, may serve as chief judges, judges, assistants, ballot counters, or staff to early voting sites.
- County boards of elections, by bipartisan majority vote, may appoint, designate, or reassign these positions as needed.
- State employees may serve in these positions without taking leave time.

Poll Observers – Permits any registered voter of the State to be appointed as an observer.

The chair of each political party in each county may appoint a certain number of registered voters to serve as observers at each voting place and early voting site during any election. To be appointed as an observer for a particular voting place within a county, the observer must be a resident of that county. This Part authorizes the chair of each political party in an impacted county to appoint any registered voter of the State to serve as observers.

Kara McCraw
Director



Legislative Analysis
Division
919-733-2578

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Early Voting Sites – Authorizes changes to the Plan for Implementation.

Each county board of elections, by unanimous vote, can authorize one or more sites within the county for early voting. Each site must be part of a Plan for Implementation that is approved both by the county board of elections and the State Board of Elections. For all sites approved for early voting under the Plan for Implementation, the county board of elections must comply with certain requirements regarding locations and days and hours of operation. The early voting period runs for 17 days; for the 2024 election, the early voting period runs from October 17, 2024, until November 2, 2024. Once a Plan for Implementation has been approved, the Plan for Implementation is not to be changed by the county board.

This Part authorizes a county board of elections of an impacted county, by bipartisan majority vote, to modify its Plan for Implementation if the county board of elections makes written findings in a resolution that the modifications are required as a result of the recent disaster and submits a copy of that resolution to the State Board of Elections. Modifications include substituting sites, removing sites that are unusable, adding or reducing days that any site is open during the early voting period, and extending or reducing hours that any site is open during the early voting period.

Election Day Polling Places – Authorizes changes in location.

General law provides that a county board of elections may adopt a resolution to temporarily transfer voters from one precinct to an adjacent precinct for voting. The resolution must be approved by the State Board of Elections. If a precinct is temporarily transferred, the polling place for that precinct must be within the precinct or on a lot or tract adjoining the precinct. If a county board of elections adopts a resolution transferring the precinct, the county board of elections must (i) publish notice at least 45 days before the next primary or election in a newspaper of general circulation, (ii) post a copy of the resolution on the courthouse door and at the county board of elections, and (iii) mail a copy of the resolution to the chair of every political party in the county. No later than 30 days before the next primary or election, the county board of elections must also provide notice to the affected voters.

This Part authorizes a county board of elections of an impacted county to modify Election Day polling places, by bipartisan majority vote, if the county board makes written findings in a resolution that the modifications are required due to the effects of the recent disaster and provides a copy to the State Board of Elections. Modifications may include:

- Transferring voters from one precinct to another within the county, even if the receiving precinct is not adjacent, if no adjacent precinct is available.
- Establishing out-of-precinct polling places, including to an adjacent precinct, with approval by the Executive Director of the State Board of Elections.
- Establishing more than one polling place within a precinct, even in a county adjacent to the precinct.
- Allowing the central transfer precinct to be used by any voter in the county on Election Day.

If any modifications to the polling place occur, the county board of elections, as soon as possible, must provide notice to affected voters of any modification by mail and by email address or phone number, if available. The county board of elections must also deliver the notice to all local media, the chairs of the county political parties, and post the notice the county board of elections' website as soon as possible.

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Absentee Ballots – Changes to request, voting, and return process.

Under general law, a voter, or a voter's near relative or verifiable legal guardian, may file a written request for an absentee ballot. The request must be received by the county board of elections no later than 5:00 P.M. on the Tuesday before the election. For the 2024 election, this date is October 29, 2024. Once a county board of elections receives a valid request, the county board of elections mails the voter the official ballot the voter is entitled to vote, a container-return envelope, an instruction sheet, and a clear statement of the requirement for a photocopy of identification or an affidavit. Voters can cure certain deficiencies with their executed absentee ballot, including failing to sign or signing in the wrong place and failing to include a photocopy of identification. If a container-return envelope contains a curable deficiency, the county board of elections must notify the voter of the curable deficiency and the method to cure the deficiency.

For the impacted counties only, this Part extends the deadline to request an absentee ballot to 5:00 P.M., Tuesday, November 4, 2024. It also authorizes the county board of elections to provide the voter, or voter's near relative or verifiable legal guardian, with the voter's absentee ballot envelope at the county board of elections office at the time that an absentee ballot is request is received in person at that office, once processed and verified. The county board of elections must process a spoil-and-reissue, or cure, of an absentee ballot at the county board of elections office. At the request of the voter, a voter's near relative or verifiable legal guardian, or anyone designated by the voter to assist the voter, may retrieve cure documentation as needed.

For requests, spoil-and-reissue, and cure, the county board of elections is required to maintain a log of any individual, other than a minor child in the care of the voter, who presents to submit an absentee ballot request on behalf of a voter. The log must include the printed name of the individual at the county board of elections office, the time the individual arrived at the county board of elections office, and the individual's signature. The log is confidential and not a public record until the opening of the voting place.

Effective October 10, 2024, for all counties in this State, Part IX of S.L. 2024-51 allows for additional methods of returning a marked absent ballot. Generally, an executed absentee ballot, other than for certain military and overseas voters, must either be returned via mail or commercial courier service, or delivered in person by a voter, or the voter's near relative or guardian, to the county board of elections that issued the absentee ballot.

This Part authorizes a voter, or the voter's near relative or verifiable legal guardian, to return the voted absentee ballot to any of the following:

- Any county board of elections in the State when that county board of elections is open.
- Any early voting site in the State when that site is open for voting.
- The State Board of Elections office when open.

For any voted absentee ballot properly returned to any county board of elections in the State, an early voting site, or the State Board of Elections, the State Board of Elections must establish a uniform process for which voted absentee ballots will be transmitted to the appropriate county board of elections. This process must include date-stamping the absentee ballot envelope and creating chain of custody documentation if a board of elections staff person transports the ballot. The voted absentee ballots must be delivered to the appropriate county board of elections by the day before canvass.

The county board of elections that receives any out-of-county voted absentee ballots must maintain a log that notes the date, time, individual delivering the out-of-county voted absentee ballot, and the impacted county where the voted absentee ballot will be sent. This log is not a public record until the opening of

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the voting place. In addition, each county must report to the State Board of Elections and on Election Night, the number of out-of-county voted absentee ballots received for each impacted county, daily. This report is a public record.

Multipartisan Teams – Additional duties.

Generally, a multipartisan team must consist of at least two registered voters in the county. Members of a multipartisan team can assist certain individuals with requesting mail-in absentee ballots, may serve as witnesses for mail-in absentee ballots, and may otherwise assist with mail-in absentee voting.

This Part authorizes multipartisan teams in the impacted counties to assist any eligible voter in requesting an absentee ballot and to serve as a witness to an absentee ballot or otherwise assist in the process of absentee voting. The county board of elections is required to adopt guidelines for the operation of a multipartisan team by bipartisan majority vote. In addition, the State Board of Elections must establish a uniform process for multipartisan teams to assist voters in voting absentee ballots and documenting the receipt and transmittal of the voted absentee ballot to the appropriate county board of elections.

Part IX of S.L. 2024-51 also provides that the provisions of the resolution adopted by the State Board of Elections on October 7, 2024, not inconsistent with S.L. 2024-51, remain in effect and the State Board of Elections is prohibited from exercising emergency powers inconsistent with this Part. In addition, the State Board of Elections must:

- Strive to educate all eligible voters impacted or displaced by the disaster regarding the options to cast a ballot, including by establishing a resource for voters to obtain questions to answers regarding how to cast a ballot for the 2024 election and distributing educational materials at certain locations and posting the information on the State Board of Elections' website.
- Report to the Joint Legislative Elections Oversight Committee as to efforts made to implement these provisions no later than April 15, 2025.

Section 6.1(a) of S.L. 2024-51 appropriated \$5 million to the State Board of Elections to carry out the purposes of Part IX of S.L. 2024-51.